

SPECIAL MEETING**AGENDA****January 7, 2013**

Pledge of Allegiance to the Flag
Set Agenda for January 14, 2013 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 William Clayton, Larry Pritchett, Elizabeth Dickerson, Eric Hebert, Frank Isganitis, City Manager Smith, and City Attorney Beal.

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

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

Set Agenda for January 14, 2013 Regular Meeting: The Council went into informal session to set the agenda for the January 14, 2013 Regular Meeting. There were no communications considered at this meeting.

With the agenda set, 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 7:42 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

REGULAR MEETING**AGENDA****January 14, 2013**

1. Roll Call
2. Public Forum (5 min. limit each speaker)
3. Meeting Notice
4. Reading of the Record
5. Pledge of Allegiance to the Flag
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 – Park Street Grille
 - b. Liquor & Entertainment Licenses – Suzuki's Sushi
 - c. Liquor & Amusement Device Licenses – Pizza Hut
8. Resolves:
 - # 1 Re-Appointments – Boards, Commissions & Committees
 - # 2 Authorizing Transfer of Reserve Funds – Pump Station Repairs
 - # 3 Appointment to COMPS Commission
 - # 4 Accepting Donations – Library
9. Ordinances in Final Reading and Public Hearing: None

Mayor Clayton
City Manager
Mayor Clayton
City Council

Public Hearing – MDOT Sidewalk Grant – Recreation Department

10. Ordinances in First Reading:
 - # 1 Chapter 17, Article IV Stopping, Standing & Parking
 - # 2 Chapter 17, Section 17-907 Parking in Fire Lanes
 - # 3 Chapter 12, Article VII Disorderly Properties
 - # 4 Amendment to Purchase & Sales Agreement – S. Hale

Councilor Isganitis
Councilor Hebert
Mayor Clayton
Mayor Clayton

11. Orders: None

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 William Clayton, Larry Pritchett, Elizabeth Dickerson, Eric Hebert, Frank Isganitis, City Manager Smith, City Attorney Beal.

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

- Richard Procopio, 193 Broadway, spoke on behalf of the Pope Memorial Humane Society, discussing a program that the Humane Society will be undertaking in the City in an attempt to control the feral cat population. He said that the Humane Society has received a grant to institute a trap/neuter/return program for feral cats, and asked for the assistance of the general public to identify feral cat colonies, assist in the trapping, and monitor the colonies afterwards.

- Elieen Murray, 45 Crescent Street, said that, in the wake of the school shooting in Connecticut, she contacted the Mayor concerning a resolution from the Council in support of gun control at the national level, but did not know if the Council would be considering such a resolution.

Councilor Dickerson said that she mentioned the resolution at the agenda-setting meeting last week, but was not sure exact what Ms. Murray wanted. She said that she would be happy to work with Ms. Murray to draft such a resolution for future Council consideration.

Regular Meeting, Public Forum continued:

January 14, 2013

Hearing no other speakers, the public forum was closed.

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

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

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

Reports:

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

- The new Community Development Director, John Holden, was introduced to the Council. The City Manager said that which Mr. Holden's official first day of work was today, began work immediately upon being offered the position by familiarizing himself with the local community and the issues with which he will be working.

- The flashing work on the roof of the Recreation Center is moving more slowly than originally anticipated, but should be completed within the next few weeks. Also, the work in the game room is progressing and should be completed in a few weeks as well. The City Manager also said that Matthew Hedrich from Gartley & Dorsky is in attendance to present the preliminary plan for the Recreation Center sidewalk project that is scheduled for a public hearing later in this meeting.

- The finance department is working with the City's auditors to complete work on the FY 2012 Annual Audit. The audit is on track to be completed in a timely fashion.

- Work on the Capital Improvement Plan and the debt service analysis is continuing in preparation for the upcoming review of the FY 2014 City Budget.

- A draft report on the restoration of the Civil War cannons has been received by the City. The final draft should be ready for Council consideration next month, at which time decisions will need to be made on the appropriate restoration and placement of the cannons.

- The City has met with MDOT concerning the paving of Main Street and Union Street, both being the responsibility of the State. MDOT has tentatively scheduled the paving of these streets to take place between May 1 and July 1 of 2013. Work will be conducted as night so as to minimize the impact to Main Street businesses. Also, MDOT initially planned to use a 5/8 inch surface coat, but the City convinced them to use a 3/4 inch coat which should have a life of 10 years. He added that the City will be doing sidewalk repair work on Union Street at the same time, and will involve the public in the planning process to develop a work plan that will meet all needs.

- The Maine DEP has found that no pollution exists in the area being concerned for a new Public Works garage near the Solid Waste Facility. He reminded that Council that a report indicated that there may be buried paint at the site being considered for a new Public Works garage, but testing of the area found no such contamination.

On a related note, the City Manager said that the City continues to work with Gartley & Dorsky to develop a plan for construction of a Public Work Garage at that site while balancing the needs of both the Public Works Department and the Solid Waste Facility.

- Work continues on Camden Street re-visioning, Harbor Trail design and implementation, and Harbor Park re-design.

Councilor Dickerson asked the City Manager how many feet of sidewalk was being considered for the Recreation Center Sidewalk project.

The City Manager said that a public hearing will be held later in this meeting with Andrew Hedrich from Gartley & Dorsky will be able to answer those kinds of questions.

Councilor Pritchett asked the City Manager to comment on Governor LePage's budget proposal.

The City Manager said that if the Governor's proposals are adopted without change, it would have a serious impact on the City's tax rate. As proposed, there would be a \$1.1 million dollar shift in taxes onto the property owners of the City, which would constitute a 10% increase in property taxes for the City, without consideration of any school or county increases. He said that would equate to a property tax increase of \$215 for a person owning a home valued at \$150,000. If the City wanted to cut \$1.1 million dollars from its budget, it would take the elimination of at least five City departments, such as Assessing, Legal, Fish Pier, Library and Recreation. He said that is not cutting "fat", that is cutting "lean muscle".

Community Development Director John Holden addressed the Council, saying that he was excited to begin working with the various groups in the City to move the City forward and build upon Rockland's resources and look for improvement opportunities through business development.

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

c. Other Official's Report: Councilor Dickerson said now that she is both a City Councilor and State Representative, she is attempting to balance the two and best serve her constituents. She said that she is posting information on her website to keep her constituents updated on the goings on in the City and at the State level.

Councilor Pritchett said that the Governor's proposal to suspend municipal revenue sharing is troubling because that is money that is generated in the City through sale tax collection and should belong to the City. He also said that the City has no other way to replace that revenue except by raising the property tax rate.

Regular Meeting, Reports continued:

January 14, 2013

d. Mayor's Report: The Mayor reported on the following issues:

- With the recent warm weather, Mayor Clayton reminded the public that ice on area lakes and streams is not safe and people should be cautious if venturing out on them.

- The charity event Help Heat Homes will be held at the Rockland Elks Club on January 25, 2013 to raise funds for home heating fuel assistance. He said that 100% of the funds raised will go to Penquist Community Action Program to assist people in Knox County with purchasing heating fuel.

- Mayor Clayton then read a letter from St. Peter's Episcopal Church announcing the "Share the Love Community Auction" scheduled for February 17, 2013 at 4:00 p.m. at the Church (11 White Street). The funds raised will be used to support are non-profit organizations.

- The Mayor reported that he had been interviewed for the MPBN program "Maine Things Considered", and said that it was an opportunity to promote the City.

- A meeting between school official and public official will be held on Wednesday, January 31, 2013 to discuss safety and security in area schools. He said that he and the City Manager would be attending this meeting.

Licenses and Permits:

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

A public hearing was opened. Hearing no speakers for or against any of the applications, the public hearing was closed. Councilor Pritchett moved to grant the licenses applications for Park Street Grille and Suzuki's Sushi (noting that the application for Pizza Hut had yet not been certified by the Fire Department). Vote: 5 for.
Councilor Hebert moved to postpone the application for Pizza Hut until the February 11, 2013 Regular Meeting. Vote: 5 for.

The application for Pizza Hut was postponed until the February 11, 2013 Regular Meeting.

Resolves:

- # 1 Re-Appointments – Boards, Commissions & Committees

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

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

Harbor Management Commission:

Melissa Maker, 130 Thomaston Street (2015)
Richard Whitman, 29 State Street (2015)
Howard Edwards, Jr., 146 Rankin Street (2015)

Recreation Advisory Committee:

Alfred Widdecombe, 6 Lake View Terrace (2015)

Sponsor: Mayor Clayton
Originator: Mayor Clayton

Councilor Isganitis moved passage.

Vote: 5 for.

- # 2 Authorizing Transfer of Reserve Funds – Pump Station Repairs

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to transfer up to \$90,000 from the Wastewater CIP Repair and Replacement Reserve Fund (#20010-07006) to the Wastewater CIP operating account (#20010-07005) to fund repair and replacement of electrical control equipment at the Park Street and Glenwood Avenue pump stations.

Sponsor: City Manager
Originator: Water Pollution Control Director

Councilor Pritchett moved passage and said that these repairs and improvements to these particular pump stations are necessary to avoid possible failures in the future that could have catastrophic environmental impacts were they to occur.

Vote: 5 for.

- # 3 Appointment – COMPS Commission

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Mayor's appointment of Eileen Wilkerson, 38 Gay Street, to the Comprehensive Planning Commission to fill a vacancy on the Commission is hereby confirmed. Ms Wilkerson shall serve until that term expires in 2014.

Regular Meeting, Resolve #3 continued:

January 14, 2013

Sponsor: Mayor Clayton
Originator: Mayor Clayton

Councilor Dickerson moved passage.

Councilor Pritchett thanked Ms. Wilkerson and all members of City boards for their willingness to serve, adding that the work these boards do is very important to the City. Vote: 5 for.

4 Accepting Donations – Library

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City gratefully accepts the following donation to the Rockland Public Library and deposited in the Library Donation Revenue Account #10062-03147:

- \$1,000.00 from Elizabeth F. Johnson, Owls Head, Maine, to be used for the purchase of books (Acct. #10062-06020).
- \$500.00 from Alice Kinney, Rockland, Maine.

AND, be it further Resolved that a letter of thanks be sent to each donor in recognition of their generous donations.

Sponsor: City Council
Originator: Library Director

Councilor Hebert moved passage and thanked to donors for their generosity.

Vote: 5 for.

Ordinances in Final Reading and Public Hearing: None.

Public Hearing – MDOT Grant, Recreation Center Sidewalk Project

A public hearing was opened on the proposed sidewalk project at the Recreation Center with Andrew Hedrich from Gartley & Dorsky present the preliminary plan for the sidewalk to the Council. The plan called for a sidewalk running along the northerly side of Limerock Street from its intersection with White Street to its intersection with Union Street, as well as extending approximately 100 feet northerly along the easterly side of White Street. Funds for this project would be provided through a \$60,000 grant from the Maine Department of Transportation.

Councilor Hebert asked if new granite curbing would be installed with this sidewalk.

Mr. Hedrich said that they would re-use as much of the existing granite curbing as possible, and added that granite curbing is being used instead of asphalt curbing because of its durability and it is in keeping with the existing curbing in the area. He also said the cost fits with the budget for the project.

Councilor Hebert also said he would prefer to see a grass esplanade between the road and the sidewalk along Limerock Street adjacent to the playground.

Mr. Hedrich said that there could be additional maintenance costs associated with a grass esplanade, which is one reason why it was not being recommended in this plan.

Councilor Pritchett agreed with Councilor Hebert, saying that he would prefer to see the sidewalk set back from the street, in which case the esplanade would be advisable. He also said that the goal of this project is to provide safe pedestrian traffic from Limerock Street to the Library, however, this project does not address how to get to the Library from the end of this sidewalk. He also said that the crosswalk at High Street should be moved further east to line up with this sidewalk. He also suggested that simulated unit pavers be used for the crosswalks to mirror the crosswalk recently installed on Main Street to tie the two areas together.

The City Manager said that Limerock Street is scheduled for re-paving and the City can look into the simulated pavers for the crosswalks at that time. However, he said that construction of a sidewalk from the end of this project to the Library is not part of this project and would have to be paid for by the City. He also noted that White Street may not be wide enough to construct a sidewalk past the church to the Library and continue to have two-way traffic on the street. He also said that the City has the authority to move the crosswalk from the intersection of Union Street and Limerock Street to the stairs in front of the Recreation Center if the Council wishes to do so.

Councilor Dickerson agreed that moving the crosswalk was a good idea, but did not like the idea of changing White Street to one-way, saying that is just created more vehicular traffic. She then asked if a sidewalk on White Street was being proposed as part of this project.

Mr. Hedrich said that the sidewalk included in this project only extends to the existing parking spaces on the easterly side of White Street. He noted that there is a sidewalk across the street from this area by the Knox Center for Long Term Care. He also said that the plan as presented is what MDOT says they would accept for this project and that they have funding to complete. Any major changes would have to be paid for by the City.

Councilor Hebert said that overall this was a much needed project that would make a huge difference in pedestrian safety in this area, and was grateful that the State was providing the funding for this project. However, he disagreed with the City Manager on moving the crosswalk from Union Street to the steps in front of the Recreation Center. He said that would create a hazardous situation for pedestrians with traffic turning right from Union Street onto Limerock Street. He said keeping pedestrians on the sidewalk all the way to Union Street for crossing at the light was the safer option.

Councilor Isganitis said that he lives near the Recreation Center and walks in that area every day. He said that he agrees with Councilor Hebert with regard to the crosswalk, but was indifferent about the grass esplanade. He did agree with moving the crosswalk at High Street to line up with the sidewalk to keep pedestrians on the sidewalk as much as possible. He also said that the City should look into extending the sidewalk on White Street all the way to the Library. He said that the current situation on White Street is hazardous to pedestrians.

Councilor Pritchett said that this is a public hearing to get input from the public on the plans for this sidewalk. He said to say "this is what the State will accept" is not the answer. He said if changes to the plan are necessary, they need to be made.

Councilor Hebert asked what the next steps in the process would be.

Regular Meeting, Public Hearing continued:

January 14, 2013

Mr. Hedrich said that the plan would be re-submitted to MDOT for review and finalization, which would probably be a 2-3 month process. However, he said that construction funding would not be available until 2014.

Councilor Hebert asked how the ideas mentioned would get incorporated into the plan.

The City Manager said that some very good suggestions have been made and will be incorporated into the plan. The plan will then be submitted to MDOT for review, and if the changes are not accepted, the plan will be brought back to the Council for further discussion. He said he believed that MDOT would accept the changes, but emphasized that MDOT does hold the purse strings for this project.

Councilor Pritchett said if the sidewalk on White Street to the Library is not part of this project, the City should consider installing that sidewalk in conjunction with this project.

The City Manager thanked Mr. Hedrich for the work he has done on this project.

Mr. Hedrich said that he will make the revisions to the plan and will outline who is responsible for which parts of the plan.

Hearing no other speakers, the public hearing was closed.

At this time, Mayor Clayton declared a 5 minute recess.

The meeting was reconvened.

Ordinances in First Reading:

1 Chapter 17, Article IV Stopping, Standing & Parking – Parking Violations, Booting, and Towing

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 17, Traffic And Vehicles, ARTICLE IV, Stopping, Standing and Parking, BE AMENDED AS FOLLOWS:

ARTICLE IV Stopping, Standing and Parking

Sec. 17-401 Stopping, Standing or Parking Prohibited in Specific Places

No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

1. Sidewalk. On a sidewalk;
2. Driveway. In front of a public or private driveway or alleyway;
3. Intersection. Within an intersection;
4. Crosswalk. On a crosswalk;
5. Intersection Curb. Within ten (10) feet of the near corner of the curbs at an intersection;
6. Stop Sign. Within fifteen (15) feet upon the approach to any stop sign located at the side of a roadway;
7. Fire Station. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of the entrance (when properly sign-posted);
8. Street Excavation. Along side or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
9. Parked Vehicles. On the roadway side of any vehicle stopped or parked at the edge or curb of street;
10. Bridge. Upon any bridge;
11. Where Prohibited by Sign. At any place where official signs or curb painting so prohibit, or during times or for such periods as to be in violation of the restriction stated on such signs. No person shall move a vehicle not lawfully under his control into any prohibited area or away from a curb such a distance as is unlawful.

Sec. 17-402 Parking Prohibited At All Times On Certain Streets and Parking Lots

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets or parts of streets described in Section 17-801. When signs are erected in a municipal parking lot giving notice thereof, no person shall park a vehicle at any time upon that portion of the municipal parking lot where parking is prohibited.

Sec. 17-403 Violations of Parking Ordinance

~~1. Overtime Parking and Shuffling, or Relocating Vehicles,~~ or Removing Chalk to Avoid Penalties. When signs are erected in each block giving notice thereof, no person shall park a vehicle upon any of the streets or parts of the streets described in Section 17-802 for a longer period than so specified in that Section. No person shall relocate or move a vehicle in order to avoid a violation of the parking time limit. The following action shall be considered prima facie evidence of such prohibited conduct when observed by a law, or parking enforcement officer: when a person removes or obscures chalk marks placed by an officer, or moves or relocates a vehicle which has been parked less than the posted time limit from a time limited parking space and then returns to the same parking space or moves to a parking space within 500 feet of that same parking space, as measured along the street, within five minutes of the time that the initial parking space was vacated. Such shuffling or relocating shall constitute overtime parking for the purposes of this section. Overtime parking is a violation of this Article, and shall be subject to the fines set forth in this Section. Each two hours of overtime parking shall constitute a separate offense.

[Subsections 17-403(2) through (9) moved to become new Section 17-420, and revised.]

Sec. 17-404 Parking Prohibited in Hazardous or Congested Places

1. Areas Marked. The Police Chief, with the approval of the City Manager, is hereby authorized to determine and designate by proper signs and/or curb markings, places not exceeding one hundred (100) feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay in traffic.

2. Prohibition. When official signs are erected and/or curbs marked at hazardous or congested places as authorized herein, no person shall stop, stand, or park a vehicle in any such designated place.

3. Enforcement Procedure. When a vehicle is stopped, standing or parked in such a hazardous or congested place which is posted and/or curbs marked to restrict such stopping, standing, or parking, the officer finding such vehicle shall take its registration number and any other information which may identify the owner, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the City, for the registered owner to answer to the charge against him. The citation shall bear the time, date, place and officer's name or badge number. A stub containing the same information, along with the registration number of the offending vehicle, shall be retained by the Police Department, and it shall be prima facie evidence that the registered owner of the vehicle was the violator.

4. Removal. When the vehicle violating Section 17-404(2) is causing extremely hazardous conditions, it may be removed at the direction of any police officer at the owner's expense.

Sec. 17-405 Parking Not To Obstruct Traffic

No person shall stop, stand, park or leave his vehicle on any street in such manner or under such conditions so as to obstruct the free passage of other vehicles in either direction unless specifically permitted by a police officer, or so as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.

Sec. 17-406 Parking In Alleys

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

Pedestrian traffic only shall be permitted forthwith in the alley running Easterly between No. 241 and No. 245 Main Street.

Sec. 17-407 Combination Bus Stop - Taxicab Stands

1. Establishment. The City Council by order shall designate spaces as bus stops and taxicab stands on such public streets in such places and in such number as it shall determine to be of the greatest benefit and convenience to the public. The Police Chief shall cause such spaces to be designated by appropriate signs or curb markings or both.

2. Use. The driver of a bus or a taxicab is hereby authorized to park the same in their designated spaces without restrictions as to time.

3. Bus Drivers. The driver of a bus shall not stand or park the same upon any street in any business district at any place other than at such a space, when same has been officially designated and appropriately marked, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.

4. Taxicab Drivers. No designated bus stop shall be used for a taxicab stand except that the driver may stop in such designated bus stop while actually engaged in admitting or discharging passengers; or transporting their luggage. The driver of a taxicab shall yield the space immediately to a bus about to be driven into such space.

5. Other Persons. No person shall stop, stand or park a vehicle other than a bus or a taxicab in any such space when same has been officially designated and appropriately marked.

Sec. 17-408 Standing Or Parking Close To Curb

No person shall stand or park a vehicle on any street other than parallel with the edge of the roadway and with the right-hand wheels of the vehicle within twelve (12) inches of the curb or edge of the roadway, except as follows:

1. Angle-Parking. Upon such streets or parts thereof which have been officially signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of roadway indicated by such signs or markings.

2. Backing to Curb. When specifically authorized by a police officer, any person may back a vehicle to the curb for the purpose of loading or unloading merchandise or materials for a period not in excess of thirty (30) minutes. No person shall so back a vehicle to a curb unless specifically so authorized by a police officer, and no person shall in any event back a vehicle onto any curb or sidewalk in this City.

Sec. 17-~~409~~408.1 Parking In Wrong Direction

On all streets or parts of streets in the City of Rockland, no person shall stand or park a vehicle headed in the direction opposite that of lawful traffic movement.

Sec. 17-~~410~~409 Assemblage; Places Of

The Police Chief is authorized to place temporary or permanent traffic-control signs in front of the entrance to places of assemblage or any building in which entertainments, plays, shows, exhibitions and the like are given, either regularly or otherwise, and for such period as the Police Chief in his discretion may deem wise under the circumstances.

Sec. 17-~~411~~410 Large Vehicles

No owner, driver, or person in charge of any vehicle which has a carrying capacity or more than three thousand (3,000) pounds, or which including load is more than eighteen (18) feet in length, or which including load is more than eight (8) feet in width, or which including load is more than twelve (12) feet six (6) inches in height, shall permit the same to stand upon any public street in the City for a longer period than one (1) hour at any time.

Sec. 17-~~41241~~ Lights On Parked Vehicles

As provided by the Revised Statutes of Maine, whenever a vehicle is lawfully parked in a place and under conditions where there is sufficient artificial light to make such vehicle clearly visible from a distance of not less than one hundred (100) feet in each direction, no lights need be displayed upon such parked vehicle; otherwise lights must be displayed during the period from one-half hour before sunset to one-half hour before sunrise. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

Sec. 17-~~41342~~ Owner's Liability

Whenever any police officer shall find any vehicle which has been illegally parked and such police officer is unable to determine the person who is responsible for such parking, the owner of the vehicle shall upon request of the Police Department furnish to it the name of the driver of the vehicle responsible for such illegal parking. Failure upon the part of any owner to do so shall make him liable to the general penalty under this Chapter.

Sec. 17-~~41443~~ Schools

The Police Chief is hereby authorized to cause temporary or permanent signs to be erected, indicating no parking adjacent to any school property, when such parking would, in his opinion, interfere with traffic or create a hazardous situation. When official signs are erected indicating no parking adjacent to any school property, no person shall park a vehicle in any such designated place.

Sec. 17-~~41544~~ Snow Removal

No vehicle shall be parked within the maintained limits of any street, municipal parking lot, public way or sidewalk between the hours of 2:00 a.m. and 6:00 a.m. during the months of January, February, March, and December, and no vehicle shall be parked at any other time on any public street, municipal parking lot, or public way so as to interfere with or hinder the removal of snow from the street, municipal parking lot, or public way by the City, plowing or loading or hauling. The Chief of Police may cause any vehicle so parked on any street, municipal parking lot, or public way, so as to interfere with or hinder the removal of snow by the City by plowing or loading or hauling, to be removed from the street, municipal parking lot, or public way and placed in a suitable parking space off the street at the expense of the owner of such vehicle and without the City being liable for any damage that may be caused by such removal, according to the provisions of Section 17-~~421418~~.

For the purpose of facilitating the removal of snow, the Director of Public Works or Police Chief may cause to be placed properly marked signs along any street or streets, municipal parking lot, or public way as he shall, from time to time, deem necessary. It shall be unlawful for the operator of any vehicle to enter upon, stop, or park within the spaces indicated by such signs.

Sec. 17-~~416415~~ Parking In Fire Lanes and Within Five (5) Feet of a Fire Hydrant Prohibited

~~1.(a)~~ No person shall park or permit to stand, a motor vehicle in a fire lane established in accordance with ~~this~~ Article ~~IX~~, except when actually picking up or discharging passengers or actively engaged in loading or unloading a motor vehicle.

~~2.(b)~~ No person shall park or permit to stand a motor vehicle within five (5) feet of a fire hydrant.

~~(c) Whenever any vehicle shall be found parked in violation of the regulations as established above, any police officer may attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of the regulations.~~

Cross Reference: Ch. 17, Art. IX, Sec. 17-907. ▲

[Subsection 17-415(c) moved to Subsection 17-420(3).]

Sec. 17-~~417416~~ Unlawful Parking

No person shall park a vehicle upon any roadway for the principal purpose of: (1) advertising; (2) displaying such vehicle for sale; or (3) washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

Sec. 17-~~418417~~ Public Utility Vehicles

Vehicles operated by the City of Rockland or by public utility companies, used for installation, repair and maintenance purposes, may be exempted by the Police Chief upon notice to the City Clerk in each case temporarily for the period while actually at work at a definite location, from any of the requirements of Article 4 hereof, provided that during such exemption period, work will be conducted with all reasonable dispatch, and that such precautions as the Police Chief may require in the interest of public safety shall be taken. The Police Chief is authorized to place temporary signs prohibiting parking in such places at the scene of work as in his discretion he deems necessary to facilitate traffic and the work in progress. Subject to the necessary exceptions provided by this Section, Article IV of this Chapter shall nevertheless be observed insofar as practicable. Upon receipt of such notice, the City Clerk shall notify the Police Chief, the Fire Chief, and the Director of Public Works of such operations.

Sec. 17-419418 DisabilityHandicapped Parking

When a motor vehicle is found parked, standing or stopped, including for loading and unloading, in a marked ~~disabilityhandicapped~~ parking space, and the motor vehicle does not bear a special registration plate or placard issued under 29-A M.R.S.A § 521§-252 or 252-C, or a similar plate issued by another State, ~~its~~ shall be cited for violation of this Article. Fines and waiver fees for violation of the ~~disabilityhandicapped~~ parking section shall be as set forth in Section 17-42003(e) and ~~paragraph 5. In the event of a successful appeal of a Notice of Illegal Parking for a violation of this section, on the basis of the violator's possession but failure to display a lawful, current disability parking registration plate or placard, such violator nonetheless shall be charged a Failure to Display penalty set forth in Subsection 17-420(4) herein.~~

Sec. 17-420 17-403 Violations of Parking Ordinance

~~12. Other Parking Violations; Fines.~~ Violations of the restrictions on parking set forth in Sections 17-401, 17-402, and 17-404 through 17-416 and 17-418 are violations of this Article, and shall be subject to the fines set forth in this Section. ~~The continuation of a violation for an additional period in violation of the applicable restriction shall constitute a separate offense.~~

~~3. Handicapped Parking.~~ Violations of the restrictions on parking set forth in Section 17-418 are violations of this Article, and shall be subject to the fines set forth in this Section.

~~2. Administration,~~

~~Aa. Overtime Parking.~~ Any person violating the ~~overtime~~ parking provisions of this Article ~~and/or the registered owner of the vehicle~~ may be subject to ~~summons~~, Court appearance, and a minimum fine, ~~of fifty dollars (\$50) for each violation. The maximum fine for each violation shall be one hundred dollars (\$100). Each two hours of over time parking shall constitute a separate offense.~~ The officer finding a vehicle stopped, standing, or parked in violation of ~~paragraph one (1) of this Article~~ shall take its registration number and other information which will identify the owner, and shall conspicuously affix to such vehicle a Notice of Illegal Parking, on a form provided by the City. The Notice shall bear the time, place and ~~the~~ officer's name or badge number. A stub ~~or duplicate~~ containing the same information, along with the registration number of the vehicle, shall be prima facie evidence that the registered owner of the vehicle was the violator.

~~b. Other Parking Violations.~~ Any person violating the restrictions set forth in Sections 17-401, 17-402, and 17-404 through 17-416 may be subject to Court appearance and a minimum fine of fifty dollars (\$50) for each violation. ~~The maximum fine for each violation of the foregoing sections is one hundred dollars (\$100), except that the fine for violation of 17-415, Parking in Firelanes, or within five feet of a fire hydrant, shall be one hundred dollars (\$100). The officer finding a vehicle stopped, standing, or parked in violation of Sections 17-401, 17-402, and 17-404 through 17-416 shall take its registration number and other information which may identify the owner, and shall conspicuously affix to such vehicle a Notice of Illegal Parking, on a form provided by the City. The Notice shall bear the time, date, place and officer's name or badge number. A stub containing the same information, along with the registration number of the offending vehicle, shall be retained by the Police Department. The parking of a vehicle in violation of this subparagraph shall be prima facie evidence that the registered owner of the vehicle was the violator.~~

[Former Subsection 17-403(4)(c) moved to new Subsection 17-420(3)(b).]

~~B5. Waiver Fees.~~ Any person who violates the parking ordinance in this Article may ~~pay~~, in lieu of ~~the applicable fine or such~~ penalty, ~~pay~~ a waiver fee ~~in~~of the amount(s) and ~~within~~ the ~~period(s) times proscribed~~ as set forth in the schedule in paragraph (46) of this section. Such payment shall in no event be construed to be a fine or penalty, but on the other hand shall be construed to be an amount which the offender may voluntarily contribute toward the cost of administering ~~the~~ parking laws. All monies collected under this paragraph shall be payable to the City of Rockland.

~~34. Fines.~~

~~Aa. Overtime Parking.~~ Any person violating the overtime parking provision of this Article may be subject to Court appearance and a minimum fine of fifty dollars (\$50) for each violation. The maximum fine for each violation shall be one hundred dollars (\$100.) Each two hours of over time parking shall constitute a separate offense. ~~The officer finding a vehicle stopped, standing or parked in violation of paragraph one (1) of this section shall take its registration number and other information which will identify the owner, and shall conspicuously affix to such vehicle a Notice of Illegal Parking, on a form provided by the City. The Notice shall bear the time, place and officer's name or badge number. A stub containing the same information, along with the registration number of the vehicle, shall be prima facie evidence that the registered owner of the vehicle was the violator.~~

~~B. Fire Lane and Fire Hydrant Violations.~~ ~~The~~ owner or operator ~~in violation of Section 17-416~~ shall pay to the City a sum not less than ninety dollars (\$90) nor greater than one hundred dollars (\$100), payments of which shall be due within thirty (30) business days of the issuance of the notice of said violation. ~~The registered owner of said motor vehicle shall be presumed to be the operator of such vehicle.~~ Any motor vehicle found parked or standing in a fire lane that has been established in accordance with this Article, or within five (5) feet of a fire hydrant, in addition to the foregoing, may be towed upon the direction of a police officer, to any public or private parking facility and all expenses of such towing, and any subsequent storage shall be borne by the registered owner or operator of such vehicle.

~~Ce. DisabilityHandicapped Parking.~~ Whenever a motor vehicle is found parked in violation of Section 17-419418 of this Article, it shall be cited for a fine of not less than ~~two~~one hundred dollars (\$2400).

~~46. Schedule of Fines and Waiver Fees:~~

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Sec.	Parking Violation	Fines Pursuant Sec. 17- 420(1)403(4)		Initial Waiver Fee if Paid w/in 30 Days of Violation	Waiver Fee after 30 day Initial Waiver Fee but before Summons Issued
		Min.	Max.		
17-401	Stopping, Standing or Parking Prohibited in Specific Places	\$50	\$100	\$20	\$40
17-402	Parking Prohibited At All Times on Certain Streets or Lots	\$50	\$100	\$20	\$40
17-403	Overtime Parking (NOTE: Each 2 hrs. of over time parking constitutes a separate offense)	\$50	\$100	\$10	\$20
17-404	Parking Prohibited in Hazardous or Congested Places	\$50	\$100	\$20	\$40
17-405	Parking Not to Obstruct Traffic	\$50	\$100	\$20	\$40
17-406	Parking in Alleys	\$50	\$100	\$20	\$40
17-407	Combination Bus Stop – Taxicab Stands	\$50	\$100	\$10	\$20
17-408	Standing or Parking Close to Curb	\$50	\$100	\$20	\$40
17-409 17-410	Parking in Wrong Direction Assemblage; Places of	\$50	\$100	\$20	\$40
17-411 17-414	Large Vehicles	\$50	\$100	\$10	\$20
17-412 17-414	Lights on a Parked Vehicle	\$50	\$100	\$10	\$20
17-413 17-412	Owner’s Liability	\$50	\$100		
17-414 17-413	Schools	\$50	\$100	\$10	\$20
17-415 17-414	Snow Removal (2 AM to 6 AM, Dec. through March)	\$50	\$100	\$10	\$20
17-416 17-415	Parking in Fire Lanes and within 5 feet of fire hydrant	\$100	\$100	\$90	\$90
17-417 17-416	Unlawful Parking	\$50	\$100	\$20	\$40
17-418 17-418	Disability Handicapped Parking Failure to Display	\$200		\$200 \$10	\$200 \$20

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57. Disabling Mechanical Devices; Towing.

A. Disabling or Towing of Vehicle Authorized. In addition to the enforcement of parking regulations through fines imposed by the District Court, the City may employ a disabling mechanical device, commonly known as a “boot”, ~~and/or tow the vehicle, to be used on vehicles~~ in accordance with the following provisions:

B.a. Prior Notice. ~~The Police Chief or his designee shall, by certified mail, return receipt requested, notify the registered owner of one or more~~ If a motor vehicle, or motor vehicles to which belong to the same registered owner, has or have received three or more Notices of Illegal Parking tickets in violation of Sections 17-401 through 17-415, 17-417, or 17-418, or one or more Notices of Illegal Parking in violation of Sections 17-416 or 17-419 have been affixed, any of the provisions of this Chapter, all of which Notices all are at least 30-days past due, on or after the effective date of this section, a Such written notice shall be sent by certified mail, return receipt requested, to the registered owner of such vehicle, or vehicles, warning that, in the event any fine, penalty, waiver fee, or other charge for a violation of this Chapter remains unpaid or otherwise unresolved after thirty (30) days following the date of such written notice, any further or additional a fifth violation of the parking regulations of this Chapter may result in the application of a disabling mechanical device on or the towing of one of the owner’s vehicles. The parking of a vehicle in violation of the parking regulations of this Chapter shall be considered prima facie evidence that the registered owner of the vehicle was the violator in each instance.

C.b. Placement, Appeal, Removal of Disabling Mechanical Device.

(1) If a motor vehicle so disabled remains at the same location for twenty four hours, the vehicle may be towed and impounded under the provisions of Section 17-~~421~~419 of this Article. All expenses incurred as a result of such towing and impoundment shall be the responsibility of the registered owner of the vehicle.

(2)e- Before the disabling mechanical device is removed from a vehicle, all outstanding parking fines and/or ticket-waiver fees must be paid along with a twenty-five dollar (\$25) “boot” disengagement fee, which fee and shall be increased by twenty-five dollar (\$25) increments for each subsequent disabling mechanical device removal.

(3)d- The decision to place a disabling mechanical device on a vehicle may be appealed to the Chief of Police or his designated representative, using the procedures established for appeals of parking tickets in general by the Rockland Police Department.

(4)e- The City shall not be responsible for any damages that may occur as a result of the placement application or removal of the disabling mechanical device to any vehicle.

~~(5)F.~~ The removal of the disabling device by a violator, after that device has been placed upon a vehicle by a police officer, shall result in a penalty of two hundred and fifty dollars (\$250), together with reimbursement to the City of Rockland for any expense or cost incurred by the city arising from the loss or damage to the disabling device as a consequence of such removal.

D8. Towing and Impounding.

~~a. If a motor vehicle has received three tickets in violation of this Chapter, each of which tickets were issued after the effective date of this Section and which remain unpaid for more than thirty (30) days, and none of which tickets are currently under appeal as permitted under paragraph (9) of this Section, the Chief of Police may release the name of the registered owner of the vehicle to one or more local newspapers, the City's webmaster, and/or the City's Cable Access Television Channel for publication of notice that the motor vehicle may be towed and impounded if the vehicle receives a fifth violation of this Chapter while the three tickets remain unpaid.~~

~~(1)b. If a vehicle receives a fifth violation of this Chapter, and none of the parking ticket waiver fees have been paid, and none of the tickets are being appealed under the provisions of paragraph (9) below, the vehicle may be towed and impounded at the direction of the City.~~ The towing and impounding of a vehicle shall be under the procedures set forth in Section ~~17-42147-419~~ of this Chapter.

~~(2)e. A vehicle towed and impounded under the provisions of this paragraph shall not be released unless and until the registered owner of the vehicle provides proof of ownership of the impounded vehicle, and has paid all outstanding parking fines, ticket-waiver fees, and other parking penalties, subject to the appeals process set forth in paragraph (69) of this Section. All towing and storage charges shall also be the responsibility of the registered owner of the vehicle, subject to the appeals process set forth in Section 17-42147-419 of this Chapter, and shall be paid prior to the release of the vehicle.~~

69. Appeals. A registered owner of a motor vehicle that has been issued a ticket under this Chapter may request that the issuance of the ticket be rescinded by appealing the issuance of said ticket. An appeal shall be made by delivering to the Rockland Police Department, within seven business days of the issuance of the ticket, a written appeal on a form to be provided by the Police Department. Delivery of the appeal shall be accomplished by hand delivery to the Police Department or by deposit in the United States mail, postage prepaid, properly addressed to the Deputy Chief of Police and post marked within seven business days of the date of issuance of the ticket. The Deputy Chief of Police, or his designee, shall render a written decision granting or denying the appeal within ten business days of the submission of the appeal. Written notice of the decision shall be sent by regular mail to the registered owner of the motor vehicle, a record of which shall be maintained at the Police Department. In the event of a successful appeal of a Notice of Illegal Parking for a violation of Section 17-419, Disability Parking, on the basis of failure to display a lawful disability parking registration plate or placard, such violator nonetheless shall be charged a Failure to Display penalty set forth in Subsection 17-420(4) herein.

7. Failure to Pay Court-Ordered Fine. In the event any person subject to a court order to pay a fine or other penalty for a violation of this Chapter fails to pay such fine or other penalty within the time such payment is required, the Police Chief or any officer may, without notice to such adjudicated violator, place a disabling mechanical device and/or tow one or more motor vehicle(s) of such adjudicated violator, pursuant to Subsection 17-420(5).

Sec. 17-~~42149~~ Vehicle Towingaway Procedure

1. Applicability. The procedures herein set forth shall be utilized in all cases where a vehicle is towed from any public street, municipal parking lot, public way, or public property, or from any private property at the request or direction, of the City.

2. Notice to Owner Required. Except as otherwise provided herein, nNotice shall be sent to the registered owner of a vehicle towed by regular mail, postage prepaid, during the next business day following the tow.

The notice shall state the following:

- A. The registration number and a brief description of the vehicle;
- B. The name and address of the person or company performing the tow;
- C. The location of the vehicle;
- D. The ordinance, statute or regulations violation which led to the tow;
- E. The towing fee and any accruing storage charges;
- F. That a hearing as provided herein is available if the owner feels that the tow was unauthorized or otherwise improper.

Written notice is not required when the vehicle was towed as a result of the detention of its driver, or when the driver or owner has otherwise been in contact with the City or with dispatch regarding the disposition of the vehicle.

3. In the event the Police Chief or his designee reasonably concludes that Shoulda vehicle that has been towed at the request or direction of the City, and that vehicle turns out to have been stolen from itsthe registered owner, the owner shall be notified by mail as set forth in paragraph 2 of this section. The registered owner of the stolen vehicle shall be responsible for all towing and storage charges which accrue until the owner is able to recover the vehicle from impoundment.

4. Hearing Provided. A person whose vehicle has been towed at the request or direction of the City may request that a hearing be held to determine the validity of the tow. The hearing will be held by the City Manager or his representative within seventy-two (72) hours of a request for a hearing.

The petitioner shall be given notice of the time and location of the hearing and shall be allowed to present any evidence, testimony or documentation in support of his or her position and shall have the right to question any witnesses appearing in opposition to his or her position. The hearing shall be conducted as informally as possible consistent with due process.

The City Manager or his designated representative shall consider any relevant evidence or testimony and may uphold the validity of the tow-away. If the tow is not upheld, the City shall pay the full cost of the tow and any accrued storage charges assessed by the tow operator up to and including the day upon which the hearing is held.

5. Appeal. Any person aggrieved by a decision of the City Manager or his designated representative may appeal to the City Council in writing within ten (10) days of receipt of that decision in writing. The Council may uphold or reverse the City Manager's, or his representative's decision. If the decision is reversed, the City shall pay the full towing fee and any accrued storage charges up to and including the day upon which the hearing before the City Manager, or his representative, was held.

[Re-Number Remaining Sections of Article IV.]

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

2. Custom House Parking Lot	*	*	*
	A. All spaces in the public parking lot with the exception of up to 30 spaces which may be made available for permit parking under the provisions set forth in Sec. 17- 422 420 of this Chapter.		
	*	*	*

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Sponsor: Councilor Isganitis
Originator: Police Chief

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

Councilor Dickerson moved passage and asked why written notice of towing was not required when an individual is detained. The City Attorney said that an individual who is detained by the Police is told at the time of detention that the vehicle will be towed so further written notice is not necessary.

Councilor Dickerson then asked where vehicles are taken when towed.

The City Manager said that under some scenarios, the vehicle is brought to the impoundment yard at City Hall, and under others it is held at a private facility.

Councilor Dickerson said that she has been told by some constituents that it is sometimes hard to find out where their vehicle is being held.

The City Manager said that he will clarify the procedures with the Police Department and send a memo to the Council, but said that anyone who's vehicle has been towed only needs to call the Police Department to find out where the vehicle is being kept.

Vote: 5 for.

A public hearing was set for February 11, 2013 at 7:00 p.m.

2 Chapter 17, Section 17-907 Parking in Fire Lanes

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 17, Traffic and Vehicles, ARTICLE IX, Establishment of Fire Lanes, SECTION 17-907, Parking Prohibited, BE AMENDED AS FOLLOWS:

Sec. 17-907 Parking Prohibited

~~(a) No person shall park or permit to stand, a motor vehicle in any fire lane established in accordance with this article, except when actually picking up or discharging passengers or actively engaged in loading or unloading a motor vehicle. Violations of this section are subject to the provisions for violations of the parking ordinance set forth in Article IV, Sections 17-420.~~

~~— (b) Whenever any vehicle shall be found parked in violation of the regulations as established above, any police officer may attach a notice to the owner or operator thereof that such vehicle has been parked in violation of the regulations. Such owner or operator shall pay to the City a sum not less than twenty-five dollars (\$25) nor greater than one hundred dollars (\$100), payment of which shall be due within five (5) business days of the issuance of the notice of said violation. The registered owner of said motor vehicle shall be presumed to be the operator of such vehicle. Any motor vehicle found parked or standing in a fire lane that has been established in accordance with this article, in addition to the foregoing, may be towed upon the direction of a police officer, to any public or private parking facility and all expenses of such towing, and any subsequent storage shall be borne by the registered owner or operator of such vehicle.~~

Cross Reference: Ch. 17, Art. IV, Sec. 17-416.

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Sponsor: Councilor Hebert
Originator: Police Chief

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

Councilor Hebert moved passage.

Vote: 5 for.

A public hearing was set for February 11, 2013 at 7:00 p.m.

3 Chapter 12, Article VII Disorderly Properties

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 12, Miscellaneous Offenses, ARTICLE VII, Disorderly Houses, BE AMENDED AS FOLLOWS:

ARTICLE VII Disorderly PropertiesHouses**Sec. 12-701 Purpose; Findings.**

The purpose of this Disorderly Property Ordinance is to protect the health, safety, and welfare of the residents of the City of Rockland by reducing the recurrence of disorderly conduct in dwellings that disturbs the peace and tranquility of others. The City has a substantial and compelling interest in protecting neighborhoods affected by conduct that unlawfully disturbs the peace and/or constitutes a nuisance, because such conduct adversely affects the health, safety, and welfare of citizens, and diminishes the quality of life in neighborhoods where it occurs. Such disorderly conduct, and its impact, should be abated. This Disorderly Property Ordinance is required because other prohibitions and penalties under state law and the City's code of ordinances have not adequately eliminated or controlled chronic, disorderly or nuisance activity in the City. The enactment of this ordinance and its occasional amendment is intended to alleviate the deleterious impact of chronic, unlawful or nuisance activity in dwelling places and neighborhoods by authorizing early and constructive intervention by the City's Police Department.

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Sec. 12-702 Definitions.

"Disorderly conduct" is any conduct that ~~which~~ would have a tendency to disturb unreasonably the community, the neighborhood or an ordinary individual in the vicinity of said building, including, but not limited to: loud music; boisterous parties; sounds emanating from within the structure which are annoying outside the building; loud noise or fights within the building or in its vicinity involving tenants of the building or their invitees (excluding incidents involving domestic violence); tenants or invitees of tenants being intoxicated on public ways in the vicinity of the building; the arrest and conviction of tenants or their invitees for activities which constitute either a crime or civil infraction under either state or local law; other similar activities in the building or outside the building itself; or other conduct proscribed pursuant to 17-A M.R.S. § 501-A.

A "disorderly ~~property~~house" is any ~~property on where there is located a building that houses one or more dwelling units, or any bed and breakfast establishment, hotel, motel, lodging or rooming house or other structure that provides residential accommodations, at which property the police have found to have occurred, on~~visited five (5) or more ~~occasion~~times in any ~~thirty (30) sixty (60) day period, or ten (10) or more occasion~~times in the ~~preceding~~past year, ~~that in response to situations which are created by the owner, a tenants, or a tenants' co-habitees, guests or invitees, or other occupants have engaged in disorderly conduct and which would have a tendency to disturb unreasonably the community, the neighborhood or an ordinary individual in the vicinity of said building, including, but not limited to: loud music; boisterous parties; sounds emanating from within the structure which are annoying outside the building; loud noise or fights within the building or in its vicinity involving tenants of the building or their invitees (excluding incidents involving domestic violence); tenants or invitees of tenants being intoxicated on public ways in the vicinity of the building; the arrest and conviction of tenants or their invitees for activities which constitute either a crime or civil infraction under either state or local law; other similar activities in the building or outside the building itself.~~

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Sec. 12-~~703~~701 Disorderly PropertiesHouses Prohibited.

1.(a) No person ~~who has engaged in conduct that, in whole or in part, resulted in the Police Chief's designation of a property as a disorderly property shall continue to occupy as owner-occupant, or shall be allowed another~~by the owner to occupy, ~~such any dwelling, dwelling unit, rooming house, or rooming unit (hereinafter jointly and severally "building") which is a disorderly propertyhouse as defined herein.~~

[Moved to Sec. 12-702, Definitions: (b) — ~~A "disorderly house" is any building which the police have visited five (5) three (3) or more times in any thirty (30) sixty (60) day period or ten (10) or more times in the past year in response to situations which are created by the owner, tenants, or tenants' co-habitees, guests or invitees and which would have a tendency to disturb unreasonably the community, the neighborhood or an ordinary individual in the vicinity of said building, including, but not limited to: loud music; boisterous parties; sounds emanating from within the structure which are annoying outside the building; loud noise or fights within the building or in its vicinity involving tenants of the building or their invitees (excluding incidents involving domestic violence); tenants or invitees of tenants being intoxicated on public ways in the vicinity of the building; the arrest and conviction of tenants or their invitees for activities which constitute either a crime or civil infraction under either state or local law; other similar activities in the building or outside the building itself.]~~

[Moved to Sec. 12-704: (c) — ~~The situation to which each police visit pertains shall be documented by the police department.]~~

2.(d) The Police Chief shall have sole discretion in determining whether conduct is disorderly for the purposes of this ordinance, and whether a building constitutes a disorderly property event has occurred.

Sec. 12-~~704~~702 Administration; Notice, of Disorderly House

1.(e) The Police Department ~~situation to which each police visit pertains shall be documented and monitor the recurrence of disorderly conduct at residential buildings in the City, by the police department.~~

2.a) Whenever ~~a building has been visited by the police there have been three (3) or more occurrences of disorderly conduct at a residential property times, but less than five (5) times in any thirty (30) sixty (60) day period, or ten (10) or more occurrences of disorderly conduct~~times in the ~~preceding~~past year, in relation to incidents involving a disorderly house, the police department, or any other agent designated by the ~~Ceity~~ Mmanager (hereinafter referred to as the "~~Ceity~~") may notify ~~an~~the owner of ~~such property of the circumstances of~~involving the said ~~disorderly conduct, and the identity(ies) of its perpetrators, if known~~ visits. The city shall notify under this paragraph (a) an owner whose building is listed on a monthly police hot spots report with three (3) or more police visits as described above, and such notice shall be deemed sufficient for all legal purposes.

3.b) Whenever ~~the Police Chief has declared a building has been identified as to be a disorderly propertyhouse, by the ~~Ceity, it shall cause an owner of the property to be~~written notified, in writing, ~~ea~~tion of ~~such declaration and of the events~~~~

which form the basis for that designation ~~to be given to the owner. Such notice shall be sufficient for all legal purposes.~~ The notice shall require the owner to meet with representatives of the ~~Ceity,~~ (including the ~~Ppolice Chief~~department or ~~his~~their designee(s)) within five (5) business days from the date of the written notification to identify ways in which the problems which have been identified will be eliminated.

~~4. The notice(s) authorized or required herein shall be effective and deemed delivered upon the date such notice(s) are either (A) placed in the U.S. Mail as registered mail, return receipt requested, or (B) served in hand by a Rockland police officer or other person authorized to effect service of process, in conformance with the procedures for personal service set forth in Maine Rule of Civil Procedure 4(d). Service of notice on one owner shall be deemed to constitute notice to all owners.~~

~~5. At the time of the disorderly property said-meeting required under Subsection 12-704(3), the owner shall be obligated to provide to the city the following documentation:~~

- ~~1. A copy of the names of all tenants or other persons authorized to reside or presently residing in the building(s) on the property and the units they occupy;~~
- ~~2. Copies of all leases with tenants residing in the building(s) on the property; and~~
- ~~3. Contracts with any property manager or other person responsible for the orderly operation of the property building;~~

In addition, the owner will agree to take effective measures to address the disorderly ~~property~~house, which measures shall be memorialized in a written agreement at the conclusion of the meeting with the City and shall be implemented within one (1) week of said meeting unless another date is agreed upon. Failure to enter into such an agreement at the conclusion of the meeting will be deemed a violation of this code, and the City may file a complaint in the district court seeking all compensatory and equitable relief permitted by law.

If the same ~~property building~~ should be classified as a disorderly ~~property~~house on a subsequent occasion, then the city is under no obligation to meet with the owner but may post the building(s) on the property or any units therein prohibiting occupancy, and/or proceed directly with a complaint to the district court seeking all compensatory and equitable relief permitted by law.

~~Sec. 12-705703~~ Enforcement

If the owner (a) refuses to agree to take effective measures to address the disorderly ~~property~~house, (b) takes ineffective measures to address the disorderly ~~property~~house as determined by the City, (c) fails to implement the agreement reached with the City to address the disorderly ~~property~~house, or (d) if, in the discretion of the city, the disorderly ~~property~~house requires immediate posting, the City may post the building against occupancy, and/or may file a legal action against the owner seeking any and all damages and remedies to which it is entitled pursuant to state and local laws. The first violation of this ordinance will result in a \$100 fine being imposed against the owner. The second and all subsequent violations will result in a maximum fine of \$500.

~~Sec. 12-706704~~ Cost of service for responses to disorderly ~~properties~~houses

~~1.a)~~ Whenever the police department is required to respond to a situation at a disorderly ~~property~~house, which constitutes the sixth (6th) or greater response in any ~~thirty (30)one-hundred eighty (180)~~ day period, the owner of the disorderly ~~property~~house shall pay the cost of service for each such response as follows: for each such response for service the owner shall pay ~~fifty dollars (\$50.00) seventy-five (\$75.00) dollars~~ which shall be in addition to any penalty to which the owner may be subject. Charges which become payable hereunder shall be treated as liens on the property in question.

~~2.b)~~ Failure to pay the cost of service within thirty (30) days after demand therefor shall subject the owner to a fine not less than ~~fifty dollars (\$50.00)seventy-five (\$75.00) dollars~~ nor more than five hundred dollars (\$500.00) for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

Sponsor: Mayor Clayton
Originator: Police Chief

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

Councilor Pritchett moved passage and noted that the City Attorney has re-written this amendment to address concerns expressed by the Council at the agenda-setting meeting.

Councilor Hebert said that this version of the amendment is much better than the original draft, and thanked the City Attorney for the work he did on it.

Vote: 5 for.

A public hearing was set for February 11, 2013 at 7:00 p.m.

4 Authorizing Purchase and Sales Agreement Amendment – 242 Old County Road

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

THAT the purchase and sales agreement between the City of Rockland and Stephen C. Hale for the purchase of 242 Old County Road (Tax Map #80-A-5), adopted by the City Council pursuant to Ordinance Amendment #16-11, effective 06/08/11, is hereby amended as follows:

FIRST AMENDMENT TO PURCHASE & SALE AGREEMENT

The CITY OF ROCKLAND, MAINE, a municipal corporation duly organized and existing under the laws of the

Regular Meeting, Ordinance Amendment #4 continued:

January 14, 2013

State of Maine ("Seller") and **STEPHEN C. HALE**, an individual residing at 242 Old County Road in Rockland, and formerly of 130 Thomaston Street in Rockland ("Buyer") hereby amend that certain Purchase And Sale Agreement For Municipal Lien-Acquired Property – namely, real property located at 242 Old County Road in Rockland, Maine (Tax Map 80-A-5) – by and between Seller and Buyer and dated April 13, 2011 (the "P & S"), as follows:

* * *

6. ACCEPTANCE; CLOSING DATE: . . . The Closing Date shall be no later than April 1, 2014, ~~the thirty first day following approval in Second Reading, or on another date thereafter upon mutual agreement of the parties.~~

* * *

25. OTHER CONDITIONS: Buyer to lease the Premises for no more than three ~~two~~ years, and pay the purchase price within three ~~two~~ years. Until closing, Buyer shall pay Seller rent in the amount of \$400.00/month on or before the first day of each month for the period up to and concluding on March 31, 2013, and in the amount of \$500.00/month on or before the first day of each month commencing April 1, 2013.; Buyer shall be responsible for repairs necessary to render the property habitable, and for yard maintenance and snow removal; shall pay all utilities; and shall pay the City a payment in lieu of tax that would have been assessed on April 1, 2010, at the rate of \$1,223/year during the period of Buyer's rental of the property, pro-rated to commence upon the Buyer's tenancy or June 1, 2011, whichever first occurs. Of such rent payments to the City, \$300/month shall be credited to the purchase price at closing. Buyer shall secure and maintain property and liability insurance coverages for the property, and shall name the City of Rockland a certificate holder of the same.

* * *

Terms and conditions in the P & S, or subparts thereof, not amended in this First Amendment shall remain in full force and effect and binding upon the Parties.

Sponsor: Mayor Clayton
Originator: City Manager

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

Councilor Dickerson moved passage.

Councilor Isganitis asked if payments in lieu of taxes were included in this agreement.

The City Attorney said that such payments were included, but Mr. Hale was currently behind in those payments.

Councilor Hebert asked if that situation would be addressed prior to final reading.

The City Manager said that the intent is for Mr. Hale to be current on all payments before signing the amended agreement.

Councilor Isganitis moved to amend Ordinance Amendment #4 by adding the following language to require that all payments be current before signing the agreement.

The City Manager said that it may be more advisable for such an amendment to be more vague to allow for an amortized payment schedule to bring Mr. Hale current within a period of time. He said that Mr. Hale has done a significant amount of work to bring this property back up to code standards. He also said that he already has the authority to negotiate with Mr. Hale on a payment schedule.

Councilor Isganitis withdrew his motion to amend Ordinance Amendment #4.

Councilor Pritchett agreed that Mr. Hale has done a tremendous amount of work on this property. He also noted that this amendment is in First Reading, and that the City Manager can report any problems that may arise prior to Final Reading.

The City Manager thanked the City Attorney and other staff members for the work that has been done on this matter.

Vote: 5 for.

A public hearing was set for February 11, 2013 at 7:00 p.m.

Orders: None.

Adjournment: 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 8:48 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

February 4, 2013

Pledge of Allegiance to the Flag
Set Agenda for February 11, 2013 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 William Clayton, Larry Pritchett, Elizabeth Dickerson, Eric Hebert, Frank Isganitis, City Manager Smith, and City Attorney Beal.

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

Prior to opening the Public Forum, Mayor Clayton presented a Certificate of Recognition to Oceanside High School basketball player Kennadi Grover for being the first Mariner to reach 1,000 points.

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

- Steven Carroll, 526 Old County Road, expressed frustration with city leaders not listening to the taxpayers. He said

Special Meeting, Public Forum continued:

February 4, 2013

that the taxpayer can no longer absorb ever-rising costs, and called upon the Councilor to tell each department to submit a budget 20% lower than last year.

- George Terrien, 222 Broadway, spoke concerning the City value statements and Camden Street redevelopment objectives being proposed by the Economic Development Advisory Committee, asking the City Council to adopt the statements and objectives.

- Eileen Murray, 45 Crescent Street, asked the City Council to place a resolution in support of a review of gun control legislation on the agenda for the February 11, 2013 Regular Meeting.

Hearing no others speakers, the public forum was closed.

Set Agenda for February 11, 2013 Regular Meeting: The Council went into informal session to set the agenda for the February 11, 2013 Regular Meeting.

With the agenda set, 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

REGULAR MEETING

AGENDA

February 11, 2013

1. Roll Call
2. Public Forum (5 min. limit each speaker)
3. Meeting Notice
4. Reading of the Record
5. Pledge of Allegiance to the Flag
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 & Amusement Device Licenses – Pizza Hut (Postponed)
 - b. Liquor License – 3 Crows Restaurant
 - c. Liquor License – Rustica Cucina Italiana Restaurant
 - d. Liquor License – Home Kitchen Cafe
 - e. Liquor License – Roselyn Thai Fine Cuisine
 - f. Liquor License – China Coast Restaurant
 - g. Liquor License – Clan MacLaren
8. Resolves:

# 5 Accepting Donation – Library	City Council
# 6 Support for Street Light Legislation	City Council
# 7 Re-Appointment to Coast Guard City Committee	Mayor Clayton
# 8 Adopting City Value Statements	City Manager
# 9 Establishing Camden St. Re-Development Objectives	City Manager
#10 Appointment to Maine Service Center Coalition	Mayor Clayton
#11 Support for Review of Gun Control Legislation	Councilor Dickerson
#12 Accepting Donation – Recreation Department	City Council
9. Ordinances in Final Reading and Public Hearing:

#21 Bond Ordinance – Pen Bay Acres Drainage (Postponed)	Councilor Hebert
# 1 Chapter 17, Article IV Parking Violations – Booting & Towing	Councilor Isganitis
# 2 Chapter 17, Section 17-907 Fire Lanes	Councilor Hebert
# 3 Chapter 12, Article VII Disorderly Properties	Mayor Clayton
# 4 Amending Purchase & Sales Agreement – 242 Old County Rd.	Mayor Clayton
10. Ordinances in First Reading:

# 5 Chapter 11, Section 11-113 Wine & Malt Liquor At Farmers Mkt	Councilor Dickerson
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11. Orders:

# 1 Authorizing Parking Ticket Amnesty Program	City Manager
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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 William Clayton, Larry Pritchett, Elizabeth Dickerson, Eric Hebert, Frank Isganitis and City Attorney Beal. Finance Director Tom Luttrell filled in for City Manager James Smith who was excused from attending this meeting due to illness.

Prior to beginning the Public Forum, Mayor Clayton presented a plaque to the City Clerk in recognition of his 25 years of service to the City.

Regular Meeting continued:

February 11, 2013

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

- Eileen Murray, 45 Crescent Street, thanked the Council for considering a resolution in support of a review of gun control legislation (Resolve #11, this agenda), and urged the Council to adopt the resolution.

- Steven Carroll, 526 Old County Road, thanked the Mayor for the email response to his comments from last week's meeting, and said that he appreciates the opportunity to meet with the City Manager and the City Council to discuss the 2014 municipal budget. However, he also said that there has been little effort over the years by managers and councils to try to limit spending, and frustration keeps building with elected officials who do not seem to understand the current economic situation. He said that the Council needs to cut \$2 million dollars out of the FY 2014 budget without cutting services and without increasing taxes. He said that the taxpayers of this city simply cannot afford another increase. He then called on all taxpayers to join him in instituting a budget cap should this Council fail to make the necessary cuts.

- Patti Luchetti, Ingrahams Lane, spoke in support of the gun control resolution, urging the Council to adopt the resolution.

Hearing no other speakers, the public forum was closed.

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

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

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

Reports:

a. City Manager's Report: Acting City Manager Luttrell reported that the Public Works Department had put in over 40 hours in the past few days on snow removal efforts, and commended the department for the excellent work that it did in dealing with Winter Storm Nemo.

Councilor Pritchett added that with many storm drains clogged with snow that Public Works has not yet had the chance to clear, there is a significant amount of water in places. He advised the public to use caution in these areas.

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

c. Other Official's Report:

- Councilor Dickerson reported that the Governor's proposal to eliminate municipal revenue sharing is troublesome and would create a million dollar hole in the City's budget. However, she said is opposed to this proposal and that this is not the final word on the subject. She also that most of her colleagues in the Legislature agree with her position, and that the Legislature is working very hard to come up with better solutions.

- Councilor Isganitis thanked the City Manager, City staff, and other organizations for their support of the Pies on Parade event that took place a couple of weeks ago. He said that the event raised more than \$15,000 that will be used to feed families in Knox County.

- Councilor Pritchett thanked the Historic Inns of Rockland for putting on the Pie on Parade event, and commented on how nice it was to see more than 500 people milling about Rockland's downtown on a weekend in January.

d. Mayor's Report: Mayor Clayton on the following issues:

- Snow removal from Winter Storm Nemo is continuing and the Mayor asked the public for their cooperation and patience as those efforts continue.

- A school safety meeting will be held at City Hall on February 26, 2013 at 6:00 p.m. The public is invited to attend this meeting and offer suggestions on this issue.

- The Mayor commended the Historic Inns of Rockland for the Pies on Parade event. He also commended the National Toboggan Championships in Camden for the positive effect it has on local businesses.

- St. Peter's Episcopal Church "Share the Love Community Auction" will be held on February 17, 2013 beginning at 5:00 p.m. More than \$15,000 worth of items have been donated for the auction with proceeds going to support several area charities.

- The Rockland District Nursing Association is looking for donations of handmade gift shawls for its Eliza Steele Mercy March. Anyone interested can contact Peta VanVuuren at RDNA.

- The Knox County Homeless Coalition has announced that it will be re-opening the Hospitality House homeless shelter. Councilor Dickerson added that anyone who would like to serve as a volunteer on the shelter's board can contact Ann Beebe-Center.

Licenses and Permits:

- a. Liquor & Amusement Device Licenses – Pizza Hut (Postponed)
- b. Liquor License – 3 Crows Restaurant
- c. Liquor License – Rustica Cucina Italiana Restaurant
- d. Liquor License – Home Kitchen Cafe
- e. Liquor License – Roselyn Thai Fine Cuisine
- f. Liquor License – China Coast Restaurant
- g. Liquor License – Clan MacLaren

Regular Meeting, Licenses and Permits continued:

February 11, 2013

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

Councilor Hebert moved to grant all of the licenses.

Vote: 5 for.

Resolves:

#5 Accepting Donation – Library

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City gratefully accepts the donation of \$100 from Judy and Al Kennemer, Delray Beach, FL to the Rockland Public Library and deposited in the Library Donation Revenue Account #10062-03147 in memory of Lila Magie to be used to purchase books in her honor (Acct. #10062-06020).

AND, be it further Resolved that a letter of thanks be sent to Mr. & Mrs. Kennemer in recognition of their generous donation.

Sponsor: City Council
Originator: Library Director

Councilor Isganitis moved passage.

Vote: 5 for.

#6 Support for “An Act To Lower Costs to Municipalities and Reduce Energy Consumption Through Increased Competition In The Municipal Street Lighting Market”

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Whereas, the City of Rockland currently leases from the area electrical power Transmission & Delivery Utility, Central Maine Power, approximately 705 street lights on utility poles throughout the City at an annual cost of over \$110,000 per year to Rockland’s taxpayers; and

Whereas, the vast majority of the City’s street lights are attached to power transmission and delivery poles located within state or municipal rights of way along roads and streets; and

Whereas, state law requires power Transmission & Delivery Utilities to share space on these utility poles with other utilities such as companies providing cable TV or phone service; and

Whereas, there is no comparable statutory or regulatory framework in Maine that provides for municipal ownership of street lighting systems located on power transmission and delivery poles, Maine’s municipalities, thus, have no option to provide street lights on these utility poles other than through long term leases with the electrical power Transmission and Delivery Utility; and

Whereas, states across the country, including at least five states in the North East, have encouraged competition in the Municipal Street Lighting market by providing frameworks for municipal ownership of street lighting systems on transmission and delivery poles as an option in addition to leasing from the transmission and delivery utility; and

Whereas, follow up studies have found that municipalities’ total costs for street lighting systems declined by 30% to 40% after options for town and city ownership became available; and

Whereas, Rockland’s Energy Committee unanimously endorsed the concepts in “An Act To Lower Costs to Municipalities and Reduce Energy Consumption Through Increased Competition In The Municipal Street Light Market” which provides a framework for both municipal leasing and municipal ownership of street light systems on power transmission and delivery poles.

NOW, THEREFORE, Be it hereby resolved that the City Council supports & urges the 126th Legislature to adopt the type of statutory changes embodied in this legislation, and designates the City Manager and the Chair of the City’s Energy Committee, to communicate Council’s support to this bill’s sponsors, other legislators, the Utilities Committee, and other municipal officials.

Sponsor: City Council
Originator: Energy Committee

Councilor Pritchett moved passage and said that Maine Municipal Association’s Legislative Policy Committee also supports this legislation.

Vote: 5 for.

#7 Re-Appointment to Coast Guard City Advisory Committee

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the re-appointment by the Mayor of the Nancy Jeffers, 15 Tea Street, to the Coast Guard City Committee is hereby confirmed. Mrs. Jeffers shall serve until that term expires in 2015.

Sponsor: Mayor Clayton
Originator: Mayor Clayton

Councilor Hebert moved passage.

Councilor Pritchett said that Mrs. Jeffers has served the City in several capacities, and thanked her for her willingness to

Regular Meeting, Resolve #7 continued:

February 11, 2013

continue to serve.

Councilor Hebert expressed appreciation to all who serve on the various City boards and committees. He then asked the Mayor for an update on the meeting that the Mayor plans to hold with the boards and committees.

The Mayor said that the meeting would be held sometime in March, although the exact date has yet to be set. He also said that the meeting will be held at the Recreation Center.

Councilor Dickerson asked if the meeting would be shown live on television.

Mayor Clayton said that it would not be shown live, but would be taped and shown at a later date.

Councilor Dickerson said that she would prefer that the meeting be shown live if that was possible.

Mayor Clayton said that matter could be discussed later.

Vote: 5 for.

#8 Adopting City Value Statements

WHEREAS, The Economic Development Advisory Committee held two dedicated public workshops to gain public input in the development of value statements for the City of Rockland; and

WHEREAS, Members of the public have regularly attended these workshops, and participated in the development of these value statements; and

WHEREAS, The members of the Economic Development Advisory Committee voted unanimously on January 31, 2013 to recommend forwarding these proposed Value Statements to the City Council for formal adoption.

NOW, THEREFORE BE IT HEREBY RESOLVED, that the Rockland City Council hereby formally adopts the following Value Statements for the City of Rockland:

- We value access to the harbor for our recreational, industrial, economic and cultural identity; and
- We recognize the benefit of serving as a strong and diverse economic and cultural center for the region; and
- We celebrate the vitality, historic character and diverse neighborhoods integrated into the downtown; and
- We embrace the hometown qualities of life that contribute to our comfort and safety including city-wide neighborliness, small town feel, feeling connected and part of the community and knowing our neighbors; and
- We appreciate the availability of comprehensive goods and services including commercial, retail, recreational, educational, religious and cultural; and
- We recognize the strong heritage and legacy of public service and volunteerism; and
- We treasure the beauty and natural resources immediately available for all including year round beauty that we provide, protect, and enhance; and
- We benefit from our demographic, economic, social and cultural diversity; and
- We desire enhanced walkability, bicycling, and transit in order to promote personal health, safety, enjoyment and convenience.

Sponsor: City Manager
Originator: EDAC

Councilor Hebert moved passage and said that the list seems to be straightforward, but crafting such language takes a lot of work. He said that these values have been in the forefront of the work that the Comprehensive Planning Commission has been doing for a long time, but it is nice to have them all written in one document. Vote: 5 for.

#9 Establishing Camden Street Re-Development Objectives

WHEREAS, The overall objective of the Camden Street initiative is to uphold the community's stated values while:

- Changing the perception of the area.
- Beautifying the area.
- Creating economic opportunities for redevelopment.
- Planning for the long term.
- Evaluating economic viability and feasibility for redevelopment.
- Enhancing the gateways to downtown and the City of Rockland.
- Enhancing real estate values to support the city services provided.
- Diluting highway focus without diminishing capacity by building a civilized street that enriches the experience of all users of the corridor, including pedestrians, vehicles, bicycles and transit.
- Reinforce mixed use including residential, commercial and recreational uses.
- Enhance all networks including wildlife, storm water, transit, and pedestrian linkages, etc.
- Planning for future generations.
- Increasing opportunities for the city, the property owners and the residents.
- Providing incentives to make things happen.
- Funding implementation by proposing phasing as well as funding sources and mechanisms, including public, private, and public-private partnerships.

NOW, THEREFORE BE IT RESOLVED, that the Rockland City Council hereby formally adopts these Objectives for the Economic Development Advisory Committee and their work on the redevelopment of Camden Street.

Sponsor: City Manager
Originator: EDAC

Regular Meeting, Resolve #9 continued:

February 11, 2013

Councilor Dickerson moved passage and thanked the Economic Development Advisory Committee for creating this document. She said that work has been done on a bicycle path plan in the Streetscape project, and those ideas have been integrated into these re-development objective with the mixed transportation uses on the same road. She also said that she appreciated the fact that the objectives take into account the welfare of animals in the area as well. She said this is a very thoughtful document.

Councilor Hebert said that Rockland is land poor, and that economic growth will come from re-development of existing facilities. He also said that one of the things he likes about both Resolve #'s 8 and 9 are that they are generic, and that they can be applied to other areas of the City as well.

Councilor Isganitis said that Resolve #8 represents a social contract, coming together with what we believe, while Resolve #9 is the implementation strategy, attempting to alleviate the shortcomings in past planning. He said that these two do not need to be adversarial.

Councilor Pritchett added that the two can function to provide infrastructure to spur development and support residential neighborhoods. He said that the Economic Development Advisory Committee did a great job in creating both of these Resolves.
Vote: 5 for.

#10 Appointment to Maine Service Center Coalition

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT City Manager James Smith is hereby appointed as the City's representative to the Maine Service Center Coalition for 2013 and is therefore authorized to vote at the MSCC business meetings.

AND, be it further Resolved that City Attorney Kevin Beal is hereby appointed as the City's Alternate Representative.

Sponsor: Mayor Clayton
Originator: Mayor Clayton

Councilor Hebert moved passage.

Vote: 5 for.

#11 Support for Review of Gun Control Legislation

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT, in light of the recent shootings in Newtown, CT, Aurora, CO, Oakland, CA, Oak Creek, WI and other mass shootings in 2012, the Rockland City Council resolves to support the review of gun control legislation and related issues at both the State and Federal levels to address gun violence in the United States.

AND, be it further resolved that this Resolution of Support be forwarded to the City's State and Federal Legislative Delegations to be added to the public record of these important debates.

Sponsor: Councilor Dickerson
Originator: Councilor Dickerson

Councilor Hebert moved passage.

Councilor Dickerson said that this proposal came from a citizen asking the Council to put forth this resolution in support of a review of gun control legislation. She said that even though the Council has no jurisdiction over what happens at the State or Federal levels, but can lend the community's support for whatever for such a review may take at those levels.

Councilor Hebert said that the Council is asked from time to time to weigh in on larger social issues, and sometimes the Council does and sometimes it does not. He said in this instance, the wording of the resolve is such that it sends the right message. He said it does not support one side or the other; it just calls for a review.

Councilor Isganitis said that while he generally agrees with Councilor Hebert, he was concerned that the resolve represents the sentiment of the community when the Council has only heard from two members of the public on this issue. He said he was not comfortable moving forward with this resolve even though he generally agreed with it in principal.

Councilor Pritchett said that he appreciated Councilor Dickerson's willingness to bring forward proposals by members of the public in the form requested. However, he said that he has some reservations about this particular proposal. He said that he sees three main components to this issue; gun ownership, mental health and school safety, and felt that this resolution should target all three. Because it does not, Councilor Pritchett said that he was inclined to vote against this proposal.

Councilor Dickerson said that these issues were discussed last week by the Council, and the resolve was not drafted in that manner because it was outside of the Council's purview. She said this resolve only supports review of legislation.

Councilor Hebert agreed with Councilor Pritchett that this issue is more complex than just gun control, however, absent any other proposal, it was not inappropriate for the Council to add the community's voice to the debate that is currently taking place. He said this resolve does not come down on either side of the issues.

Vote: 2 for, 3 opposed.
(Pritchett, Clayton, Isganitis)
Motion Defeated.

#12 Accepting Donation – Recreation Center

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City of Rockland gratefully accepts the donation from David Woodbury of Camden, Maine, of exercise equipment to the Recreation Department.

AND, be it further resolved that a letter of thanks be sent to Mr. Woodbury in recognition of his generous donation.

Sponsor: City Council
Originator: City Council

Regular Meeting, Resolve #12 continued:

February 11, 2013

Councilor Pritchett moved passage.

Vote: 5 for.

Ordinances in Final Reading and Public Hearing:

#21 Bond Ordinance – Pen Bay Acres Drainage Improvements (Postponed)

(See page 156 for text)

It was noted that this Ordinance has received a public hearing and motion for passage in final reading at the October 10, 2012 Regular Meeting.

At this time, Mayor Clayton asked Councilor Hebert to take the Chair, then asked the Council for permission to abstain from voting on this measure because part of the project includes work adjacent to his home. Without objection from the Council, Mayor Clayton was allowed to abstain from voting on this measure.

Councilor Pritchett then moved to amend Ordinance Amendment #21 as follows:

“Section 1. Subject to Section 2 hereof, an amount not to exceed \$50,000 is hereby appropriated to finance Pen Bay Acres Drainage Improvements ~~(the “Project”)~~, including the installation of in ground storm water lines and catch basins in the northwest corner of Pen Bay Acres, limited stream bank stabilization work where needed to manage storm water flows, and assessment of post project peak flow condition plus and such other ancillary and related costs with respect thereto, ~~plus including~~ an amount not to exceed 2% to pay the cost of issuance for any bonds or notes issued with respect thereto.”

Councilor Pritchett said that when this subdivision was built some 40+ years ago, there were no provisions made for adequately handling storm water run off, and that run off is creating a problem that needs to be abated and managed without moving the problem further down stream. He said this project should alleviate the problem, and thanked everyone involved for their patience as this project has gone through this process.

Vote on amendment: 4 for, 1 abstention (Clayton).

Councilor Dickerson said that she does not know the history of this particular development, but knows that there have been problems with developments throughout the City over the years. However, she said that the City has gotten much better in recent years in making sure developments conform to the appropriate standards and code to ensure such problems don't happen again. She said that the City has a responsibility to the taxpayers to address these kinds of problems to help City residents and protect City assets.

Councilor Isganitis said he appreciated hearing from the residents of this area, and said that the storm water problems in this area are self-evident. He echoed Councilor Pritchett's sentiments, and said for years developers have used private roads as a way to get around building roads to City standards.

Councilor Pritchett said that the City is trying to manage the storm water so that it does not undercut public infrastructure. He said it was incumbent upon the City to step forward and address this issue.

The City Attorney observed that the amendment offered by Councilor Pritchett and adopted by the Council adds the cost of issuance to the total amount that the City is allowed to borrow under this ordinance, rather than the cost of issuance being above the allowable borrowing. He asked if Councilor Pritchett intended to limit the total amount the City could borrow under this ordinance in that manner.

Councilor Pritchett said that it was not his intent to limit the amount of funds available to complete this project.

Councilor Dickerson moved to amend Ordinance Amendment #21 as follows: in Section 1, delete “including” and replace it with “plus” in the last sentence of that section.

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

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

The Ordinance will become effective March 13, 2013.

Councilor Hebert returned the Chair to Mayor Clayton.

1 Chapter 17, Article IV Stopping, Standing and Parking – Towing and Booting

(See pages 212 to 218 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 Isganitis moved passage.

Councilor Dickerson asked, with regards to Disability Parking and Failure to Display, what the difference was in the waiver fees.

The City Attorney said that the fine for failure to display a disability parking placard is \$20 with a waiver fee of \$10. He added that the fine for violation of disability parking is \$200 as set by the State, with no waiver fee.

Vote: 5 for.

The amendment will become effective March 13, 2013.

2 Chapter 17, Section 17-907 Parking in Firelanes

(See page 218 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: 5 for.

The amendment will become effective March 13, 2013.

3 Chapter 12, Article VII Disorderly Properties

(See pages 219-220 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 Pritchett moved passage and asked how, in multi-unit buildings, complaints from the same unit were differentiated from complains from multiple units.

The City Attorney said that the wording of the ordinance specifies complaints from a property. He said it is in the discretion of the police chief to determine if a property is a disorderly property.

Councilor Hebert asked if there was a way to differentiate between the property owner and a tenant at the property so that any

Regular Meeting, Ordinance Amendment #3 continued:

February 11, 2013

enforcement action is taken against the person actually creating the disturbance.

The City Attorney said that the person actually causing the disturbance would be charged under existing disorderly conduct laws. He said the purpose of this ordinance is to bring the property owner into the situation.

Councilor Hebert asked if the Ordinance would require the eviction of a tenant found to be the cause of the disorderly property designation.

The City Attorney said that eviction could be part of the plan of correction, but was an action that would have to be taken by the owner of the property.

Councilor Hebert noted that the laws are tenant-friendly, and asked if this ordinance may be holding property owners to a standard that they cannot meet.

The City Attorney said that might be the case if the ordinance were strictly enforced, however, there is sufficient flexibility so as not to create such a hardship for a property owner.

Councilor Hebert then asked if hotels and motels are included in this ordinance and if they are treated differently than residential properties.

The City Attorney said that the focus of this ordinance is on residential properties and not transient lodging facilities, but the ordinance could be construed to apply to such transient lodging facilities.

Councilor Hebert asked if it might be advisable to amend the ordinance to exempt such larger commercial structures.

Councilor Isganitis, owner of a Bed and Breakfast establishment in the City, said that it is rare that an incident requires calling the Police. He said usually such incidents are handled in-house. He suggested defining tenancy by length of stay may be the solution.

Councilor Dickerson question the need to list all of the persons staying at a hotel or motel if an incident occurs, as it seems would be required by this ordinance.

The City Attorney said getting the names of all those residing at the property is part of the existing enforcement mechanism, and is designed for multi-family residential properties rather than hotels or motels.

At this time Mayor Clayton asked Councilor Pritchett to take the Chair so that he could comment on this matter.

Mayor Clayton agreed with Councilor Isganitis that calling the police for an incident at a hotel or bed and breakfast establishment is rare, as those events are usually handled in-house. He said that the police are called only in the most extreme of cases.

The City Attorney noted that the ordinance requires the collection of names of those who "reside" at the property and is not intended to include short-term guests.

Councilor Hebert said that he would support this ordinance amendment. He said that it is generally well written and gets a better handle on an elusive situation. He also said that bringing the owners of the properties into the situation may help resolve those issues. He said that the intent of this ordinance is to help with enforcement.

Vote: 5 for.

The amendment will become effective March 13, 2013.

4 Authorizing Amendment to Purchase and Sales Agreement – 242 Old County Road (S. Hale)

(See pages 220-221 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 Isganitis moved passage.

Councilor Hebert moved to amend Ordinance Amendment #4 by replacing the existing language with the following:

FIRST AMENDMENT TO PURCHASE & SALE AGREEMENT

The **CITY OF ROCKLAND, MAINE**, a municipal corporation duly organized and existing under the laws of the State of Maine ("Seller") and **STEPHEN C. HALE**, an individual residing at 242 Old County Road in Rockland, and formerly of 130 Thomaston Street in Rockland ("Buyer") hereby amend that certain Purchase And Sale Agreement For Municipal Lien-Acquired Property – namely, real property located at 242 Old County Road in Rockland, Maine (Tax Map 80-A-5) – by and between Seller and Buyer and dated April 13, 2011 (the "P & S"), as follows:

6. ACCEPTANCE; CLOSING DATE: . . . The Closing Date shall be ~~no later than March 31 April 1, 2014, the thirty first day following approval in Second Reading, or on another date thereafter upon mutual agreement of the parties.~~

25. OTHER CONDITIONS: Buyer to lease the Premises for no more than ~~three two~~ years, and pay the purchase price ~~no later than March 31, 2014 within three two years.~~ Until closing, Buyer shall pay Seller rent in the amount of \$400.00/month on or before the first day of each month for the period up to and concluding on March 31, 2013, and in the amount of ~~\$600.00~~~~\$500.00~~/month on or before the first day of each month commencing April 1, 2013.; Buyer shall be responsible for repairs necessary to render the property habitable, and for yard maintenance and snow removal; shall pay all utilities; and shall pay the City a payment in lieu of tax ~~that would have been assessed on April 1, 2010,~~ at the rate of \$1,223/year ~~during the period of Buyer's rental of the property,~~ pro-rated to ~~Buyer to cover the period between the Closing Date and the completion of the then-current fiscal year~~ ~~commence upon the Buyer's tenancy or June 1, 2011, whichever first occurs.~~ ~~If the Closing Date is between April 1, 2013, and June 30, 2013, Buyer shall make a further payment in lieu of tax for Fiscal Year 2014, in the amount of the tax that would have been assessed had Buyer owned the property on April 1, 2013.~~ Of ~~Buyer's~~ such rent payments to the City for periods prior to the Closing Date, \$300/month shall be credited to the purchase price at closing. Buyer shall secure and maintain property and liability insurance coverages for the property, and shall name the City of Rockland a certificate holder of the same.

Terms and conditions in the P & S, or subparts thereof, not amended in this First Amendment shall remain in full force and effect and binding upon the Parties.

Vote on amendment: 5 for.

Councilor Pritchett said that the questions concerning the taxes have been resolved and this agreement will make the City whole by the end of its term.

Vote as amended: 5 for.

The amendment will become effective March 13, 2013.

Regular Meeting continued:

February 11, 2013

Ordinances in First Reading:

5 Chapter 11, Section 11-113 Alcohol Sales at Farmers Market

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 11, Licenses, Permits and Franchises, ARTICLE I, General Provisions, SECTION 11-113, State Applications, BE AMENDED AS FOLLOWS:

Sec. 11-113 State Applications

All license or permit applications to the State of Maine which require the consent of the Municipal Officers of the City of Rockland, and which require public notice and hearing, must be approved by the City Council. The City Clerk is hereby authorized to execute such consents on behalf of the City Council after such approval. Applications for licenses to sell wine or malt liquor at farmers markets in Rockland pursuant to 28-A M.R.S. § 1366(4) shall also require the approval of the City Council, following public notice and hearing. Applications for State of Maine Off-Premises Catering Permits for providing alcohol for special events that do not require public notice or hearing, may be approved and executed by the City Clerk pursuant to Title 28-A §1076(7)(D), provided that the applicant holds a current State of Maine Liquor License, as specified by Title 28-A §1052, or is a qualified licensed catering service as defined in Title 28-A, §2(15)(P), unless such special event is to take place on property owned by the City of Rockland, in which case approval must be by the City Council.

Sponsor: Councilor Dickerson
Originator: Harbormaster

Councilor Dickerson moved passage.

Councilor Pritchett said that this measure will allow for locally brewed beer and wine to be sold at the Farmers Market, but not for consumption on the premises. Vote: 5 for.

A public hearing was set for March 11, 2013 at 7:00 p.m.

Orders:

1 Authorizing Parking Ticket Amnesty Program

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Rockland Police Department is hereby authorized to institute a one-time 30-day Parking Ticket Amnesty Program, beginning March 13, 2013, that will enable those persons with outstanding parking tickets to pay the original parking ticket waiver fee as listed on the ticket, thereby avoiding the doubling of the waiver fee. The purpose of this program is to encourage people with outstanding parking tickets to pay the waiver fees before the City begins aggressive enforcement and administration of the parking regulations, which shall include "booting", towing and impounding, and court summons under the provisions of Chapter 17, Article IV of the Rockland Code.

Sponsor: City Manager
Originator: Police Chief

Councilor Dickerson moved passage.

Councilor Hebert said that a similar program in 2005 was quite successful in collection of past due parking tickets. He said this is useful to do from time to time. Vote: 5 for.

At this time, Councilor Dickerson renewed her request that the meeting being considered by the Mayor with the City's boards, commission and committees at the Recreation Center for sometime in March be televised live.

Councilor Pritchett said he did not feel it was necessary for the meeting to be shown live as long as it was recorded and shown at a later date.

Councilor Hebert said that it is always his preference for Council meetings to be shown live when the Council is transacting business. However, he said he agreed with Councilor Pritchett that as long as the meeting is recorded and shown later, there is no need for it to be broadcast live.

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 8:48 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

March 4, 2013

Pledge of Allegiance to the Flag
Resolve #13 Appointments to Zoning Board of Appeals
Set Agenda for March 11, 2013 Regular Meeting
Executive Session pursuant to 1 M.R.S. §405(6)(F) – Haines Fund Request

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

Without objection from the Council, the Pledge of Allegiance to the Flag was taken out of order, and all present joined in the Pledge of Allegiance to the Flag.

Special Meeting continued:

March 4, 2013

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

- Lynn Archer, owner of the Brass Compass Cafe at 305 Main Street, spoke concerning her request to use a 12 foot strip of City-owned property in Winslow-Holbrook Memorial Park adjacent to her building to be used for outdoor seating and food service for the summer season. She said it would be her tenth year doing this should the Council approve her request, and that she hoped this would not become the contentious issue that it became last year. She also said that she was aware that the City is in the planning stages for improvements to the park, and that she would be willing to vacate the area should the City get to the point where the improvements were to be done. She said that they can work together to co-exist in this space.

- Gaye Best, representing her mother Roberta Best (half-sister to Albert Holbrook, one of the WWI veterans for whom the park is dedicated), spoke in opposition to the use of this memorial park for any commercial purpose. She said that the park should remain open to the public for all to enjoy. She also said that there are ideas being considered for other uses in this park during the summer, such as memorial displays, music, etc. She said that 12 feet would take up nearly half of the park, and that this is a wonderful space that should be enjoyed by everyone.

Hearing no other speakers, the public forum was closed.

Resolve #13 Appointments to the Zoning Board of Appeals

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT, the Mayor's appointments of Brad Carter, 139 Rankin Street, and Carol Maines, 186 North Main Street, to the Zoning Board of Appeals to fill vacancies on that Board, are hereby confirmed. Both shall serve until their terms expire in 2015.

Sponsor: Mayor Clayton
Originator: Mayor Clayton

Councilor Isganitis moved passage.

Vote: 5 for.

Set Agenda for the March 11, 2013 Regular Meeting: The Council went into informal session to set the agenda for the March 11, 2013 Regular Meeting. The following communications were considered and addressed by the Council:

- a. Letter from Larry Goldman – Resignation from Comprehensive Planning Commission. Mr. Goldman requested that his resignation be rescinded.
- b. Letter regarding Cynthia Powell – withdrawal from Economic Development Advisory Committee. The Council accepted Ms. Powell's withdrawal from the committee.
- c. Letter from Lynn Archer, Brass Compass Cafe – Use of City Property. Councilor Dickerson placed an order on the March 11, 2013 Regular Meeting agenda to authorize a license agreement between the City and Ms. Archer for use a portion of Winslow-Holbrook Memorial Park adjacent to her business for outdoor seating and food service for the 2013 summer season.

Executive Session pursuant to 1 M.R.S. §405(6)(F) – Haines Fund Request: Councilor Pritchett moved to enter into an Executive Session pursuant to 1 M.R.S. §405(6)(F), which allows the Council to discuss information contained in records when access by the general public is prohibited by statute, to hear a Haines Fund request.

Vote: 5 for.

The Council entered Executive Session at 8:07 p.m.

The Council came out of Executive Session and, with no further action being taken, adjourned without objection on a motion from Councilor Hebert at 8:40 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

REGULAR MEETING

AGENDA

March 11, 2013

1. Roll Call
2. Public Forum (5 min. limit each speaker)
3. Meeting Notice
4. Reading of the Record
5. Pledge of Allegiance to the Flag
6. Reports:
 - a. City Manager's Report
 - b. City Attorney's Report
 - c. Other Official's Report
 - d. Mayor's Report
7. Licenses and Permits:
 - a. Liquor and Entertainment Licenses – The New Landings Restaurant
 - b. Liquor and Entertainment Licenses – Trakside Station Restaurant
 - c. Liquor and Entertainment Licenses – Sandbaggers Cafe
 - d. Lodging House License – Ripples Inn at the Harbor
 - e. Liquor License – Primo Restaurant
8. Resolves:
 - #14 Appointment to Rockland Main Street Board of Directors
 - #15 Preservation of Revenues Used to Off-Set Property Tax Burden
 - #16 Supporting School Safety

Mayor Clayton
City Council
Mayor Clayton

Regular Meeting, Agenda continued:

March 11, 2013

- | | |
|---|---------------------|
| #17 Authorizing Funding for Preservation of Civil War Artifacts | City Council |
| #18 Authorizing Expenditure of Reserve Funds – Asbestos Abate. | City Manager |
| #19 Authorizing Use of TIF Funds – Pole Removal | Councilor Pritchett |
| 9. Ordinances in Final Reading and Public Hearing: | |
| # 5 Chapter 11, Section 11-113 Alcohol Sales at Farmers Markets | Councilor Dickerson |
| 10. Ordinances in First Reading: | |
| # 6 Chapter 2, Section 2-212 Rules of Procedure – Order of Business | Mayor Clayton |
| # 7 Chapter 19, Section 19-304 TB 1 & TB 2 Zone Regulations | Councilor Isganitis |
| 11. Orders: | |
| # 2 Authorizing License Agreement – Brass Compass Tables | Councilor Dickerson |
| 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 William Clayton, Larry Pritchett, Eric Hebert, Frank Isganitis, City Manager Smith, and City Attorney Beal. Councilor Elizabeth Dickerson arrived at 7:04 p.m.

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

- James Mrazek, 184 Lake View Drive, spoke on behalf of Winslow-Holbrook-Merritt American Legion Post #1 in opposition to the use of a portion of Winslow-Holbrook Memorial Park by the Brass Compass Cafe for outdoor seating and dining. He said that this park is dedicated in honor of two men from Rockland who gave their lives in World War I and should not be used for commercial purposes. He also said if the City decides to allow this activity, a portion of the proceeds should be given to the American Legion for its charitable activities.

- Mike Phillips, Commander of American Legion Post #1, also spoke in opposition to the use of Winslow-Holbrook Memorial Park by the Brass Compass, saying that the rental of public property by a single business should not be allowed. He also said that it was absurd to compare what the Brass Compass does in this park to events such as the Lobster Festival, Blues Festival and the Boats, Homes and Harbors Show, with the positive impact that they have on the community. He also presented a letter to the Council signed by members of the American Legion in opposition to this use.

- Henry Chapman, a resident of Washington and member of American Legion Post #1, said that other businesses are not allowed to place tables on City property and to allow this one business to do so is unfair to the others.

- Steve Roberts, 11 Acadia Drive, said that he was a relatively new resident of Rockland who has frequented the Brass Compass on several occasions. He also said that he served in the Air Force, but was not a member of American Legion Post #1. He said that parks everywhere are used for commercial purposes, and did not see why this was such a controversial issue. He said that all concerned need to set aside personalities and work toward a solution that is best for all.

- Gaye Best, representing her mother Roberta Best (half-sister of Albert Holbrook, one of the soldiers to whom the park is dedicate), gave a brief history of the square and the park, and spoke in opposition to the park being used for commercial gain. She said that the area being used by the Brass Compass has expanded to the point where visitors believe the entire park is nothing more than a courtyard for the restaurant. She said that this park is important as it is the only one dedicated to soldiers who were killed in combat. She also said that she has groups that would like to sponsor various events in the park over the summer, but will not commit to anything until this controversy is settled. She also said allowing the Brass Compass to use 12 feet of the park would pretty much preclude any other groups from using it, as it would take up nearly half the park. She said that her solution to this situation would be to consider the area adjacent to the Brass Compass a sidewalk, and allow the Brass Compass to use 6 feet for the placement of table, just as other businesses along Main Street are allowed to do in front of their businesses.

- Leslie Spires, 13 South Street, and owner of the Myrtle Street Tavern (12 Myrtle Street), spoke in opposition to the Brass Compass using City property, saying that public property should not be used for private gain. She also noted that the Brass Compass has outdoor seating on the other side of the building from the Park.

- Ann Morris, 60 Lake Avenue, spoke concerning the preservation of the two Civil War cannons, saying that she was concerned that the proposal to use all of the funds from the Civil War Artifact reserve account for the restoration and display of these cannons would leave nothing for the care of the remaining Civil War collection. She said that the City has one of the finest Civil War memorabilia collections in the State, and has been included in the State of Maine Civil War Trail as one of the exhibition sites for 2013. She also said that this is an important year, being the 150th anniversary of the battle at Gettysburg. She said that she has spoken with two local companies that would like to have the opportunity to help with the restoration of the cannons. She said that she believed that the restoration and display of the cannons could be accomplished for around \$5,000 rather than the \$19,000 being proposed by the City Manager. She asked that action on this order be delayed so that estimates could be gathered from the local companies.

- Rodney Lynch, 123 Summer Street, spoke concerning the use of TIF funds to assist in the removal of duplicative utility poles on Main Street between North Main Street and Warren Street. He said that the Tillson Avenue TIF funds could only be used within the defined TIF district, and some of the poles earmarked for removal lie outside of that district and therefore TIF funds cannot be used for the removal of those poles.

- Lynn Archer, owner of the Brass Compass Cafe at 305 Main Street, spoke in support of the City allowing her to use City property adjacent to her restaurant for outdoor seating and service. She said that it has been getting harder and harder for her to make this request given the controversy it seems to produce, and that she in no way means any disrespect to veterans or anyone else who may use the park. She said that she continues to make this request each year because of the

encouragement she continues to receive from the public that enjoy the outdoor seating. She also said that the money made by her wait staff over the summer allows them to make it tough lean times of the winter, and allows her to keep them employed year round. She said that she believes that the Brass Compass has brought notice to this park and that she has worked over the year to bring notoriety to the community and bring people to town. She also said that he harbor no ill-will toward anyone, regardless of their position on this matter.

Hearing no other speakers, the public forum was closed.

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

Reading of the Record: Reading of the Record was waived, and the Record of prior meetings that have been submitted to the Council is hereby approved, without objection from the Council. Anyone wishing to review the Record may do so at the City Clerk's office at Rockland City Hall during regular business hours.

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

Reports:

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

- Work in continuing at the staff level on the proposed FY 2014 municipal budget.
- A contract has been selected to perform a topographical conditions study of Main Street in advance of the MDOT project scheduled for the Spring of 2013 to identify needs. Also, the assessment should help with the street light upgrade project in the future.
- Mark St. Germaine has been contracted to perform a review of the proposed location for a new public works garage on the property at the Solid Waste Disposal Facility to ensure that there is sufficient space for the needs of both facilities.
- The City has contracted with Dewan and Associates for landscape architectural services to be included in the Camden Street re-visioning process.
- Mario Ibaldo has announced plans to re-open the former Lincoln Street Center for Arts and Educations as a private, for-profit arts and education facility, meaning that the property will be placed on the tax rolls as of April 1, 2013. These plans will be going to the Planning Board for review in April.
- The Manager said that he will be attending the Legislative Appropriations Committee public hearing on the proposed cuts to Municipal Revenue Sharing, and urged anyone interested to either attend the hearing to give testimony or give written testimony to be included in the record. He said that this issue is of paramount importance to the City and needs to be watched closely. He also said that he has met with area managers on this issue and that they will be sending a letter to the committee as well.

b. City Attorney's Report: The City Attorney said that, other than matters already communicated to the Council, he had noting further to report.

c. Other Official's Report: Councilor Dickerson said that the Legislature's Appropriations Committee will be holding the public hearing on the municipal side of the proposed revenue sharing cuts on March 13, 2013 at 1:00 p.m. in Augusta, and encouraged anyone concerned with this issue to attend and to testify. She also said that local area legislators will be holding an informational forum on the proposed State budget in City Council Chambers on March 14, 2013 at 6:30 p.m., and will hold another such forum at the Courthouse on March 18, 2013 at 6:30 p.m.

- Councilor Pritchett said that the City's Street Light Lease expires in November, and that the Energy Committee has been working on alternatives that could save the City up to \$55,000 on its operating budget by the use of more efficient fixtures.

d. Mayor's Report: Mayor Clayton reported that he would be meeting with a reporter from a Canadian television station to talk about local government issues. He also reported on the following charitable events:

- RDNA will be holding fundraising activities in April, including the annual Youth Fast. He encouraged anyone interested to contract Peta VanVuuren, Executive Director of RDNA, for more information.
- St. Peter's Episcopal Church held its annual auction and raised more than \$10,000 for local charities. He said that St. Peter's wishes to thank the City for its support of this event.
- The Mayor said that he was still waiting to hear from the State on the Beach Clean-up program and said more information will be forthcoming.

Finally, the Mayor reported that he has introduced an ordinance amendment that would change the order of business at Regular City Council meeting so that the Pledge of Allegiance to the Flag would be taken immediately after the roll call at the beginning of the meeting.

Licenses and Permits:

- a. Liquor and Entertainment Licenses – The New Landings Restaurant
- b. Liquor and Entertainment Licenses – Trakside Station Restaurant
- c. Liquor and Entertainment Licenses – Sandbaggers Cafe
- d. Lodging House License – Ripples Inn at the Harbor
- e. Liquor License – Primo Restaurant

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

Councilor Hebert moved to grant all of the above licenses.

Vote: 5 for.

At this time, Councilor Dickerson moved to take Order #2, Authorizing License Agreement with the Brass Compass Cafe, out of order. Without objection from the Council, it was so ordered.

Regular Meeting continued:

March 11, 2013

Order #2 Authorizing License Agreement – Brass Compass Tables

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is authorized to sign a limited use license agreement with the owner of the Brass Compass Cafe to place public tables in a portion of Winslow-Holbrook Memorial Park and to provide food and beverage service to those tables for the 2013 Summer Season (May 15, 2013 through October 31, 2013) under the terms and conditions specified in the license agreement substantially in the form attached hereto.

Sponsor: Councilor Dickerson
Originator: Councilor Dickerson

Councilor Dickerson moved passage.

Councilor Isganitis said that he would like to make a few amendments to the license agreement and asked what the proper procedures would be to do that.

After some discussion of the proper procedure, it was determined that the Council was acting on granting the City Manager authority to enter into the agreement, rather than the license agreement itself. Therefore, any provisions that the Council would like to see in the agreement would need to be added to Order #2 itself.

Councilor Isganitis moved to amend Order #2 as follows:

Add to the end, after "...attached hereto..." "...with the following provisions: 1. The area to be licensed shall be ten (10) feet from the building."

Councilor Isganitis said that it has been mentioned more than once that the area being requested by the Brass Compass, "would take up half of the park". He said he did some measurements that determined the area to be used by the Brass Compass should this order be passed was only approximately 22% of the park rather than 50%. He also said that other uses of this park can co-exist with this use.

Councilor Pritchett said that a number of his family members have served in past wars, and that he did not feel that this use of the park was disrespectful to anyone. He did say that he would like to see the City move forward with its plans to improve and complete this park, but will support this Order.

Councilor Dickerson said that she was concerned that Ms. Archer had not been consulted on the proposed amendment and said that she did not want to do anything that the business owner had not agreed to.

Vote on amendment: 4 for, 1 opposed.
(Dickerson)

Councilor Isganitis then moved to further amend Order #2 as follows:

Add: "2. That the license fee be set at \$1,500."

Councilor Isganitis said that it would be reasonable to increase the fee based on the fact that the space allocated to the Brass Compass is being expanded from what was allocated last year.

Councilor Hebert asked if Councilor Isganitis used any particular formula in calculating this rate.

Councilor Isganitis said that he did not use a particular formula. He also said, in response to those who call for the use of this property to be placed out to bid, that this license agreement only works with the abutting property owner, and is a benefit for that location. He said use of this location by a business not contiguous would simply not work because once you set up sufficient equipment to offer the table service, there would be no room for the tables.

Councilor Pritchett said that he agreed with the increase in the fee, but for a different reason. He said that last year, the agreement was not issued until June. He said this year, the term of the license will be longer, and the space to be allocated is larger, thus the fee should be increased to reflect that additional time and space.

Vote on amendment: 4 for, 1 opposed.
(Dickerson)

Councilor Isganitis then moved to further amend Order #2 as follows:

Add: "3. That the Licensee may, during normal hours of operation, restrict the use of the License Premises or Licensee's tables and chairs therein to patrons of the Licensee's business(es)."

Councilor Isganitis said that this agreement is substantially different from the Ordinance that allows Main Street business owners to place tables on the sidewalk in front of their business for \$25 per table. He said that the Brass Compass need to have staff on hand to cover these tables and it would be a burden on those workers if the tables are available to the general public rather than paying customers. He said that the Brass Compass closes at 2:00 p.m. so there is ample opportunity for the general public to use the park.

The City Attorney cautioned the Council that the line between a license agreement and a lease is not clear, and a lease would require an ordinance amendment and public hearing before adoption. He said the non-exclusivity of this license agreement has been held to make the distinction between the two.

Councilor Dickerson noted that last year the City purchased granite tables and benches, and asked where they were.

The City Manager said that the tables and benches are in storage.

Councilor Dickerson asked if the plan was to place these tables and benches in this park.

The City Manager said that there have been discussions along that line, but no final decision has been made.

Councilor Pritchett said that he has reservations about this amendment. He said that he agreed with the City Attorney that this was a non-exclusive license rather than a lease. He said that this is City property and that he did not believe there would be a burden on the business if the tables were available to the general public.

Councilor Hebert echoed Councilor Pritchett's sentiments and said that the spirit with which permission was granted for use of this property has always included the ability for the general public to use these tables, which in turn helps make the entire park available to the public. He said he understood Councilor Isganitis' rationale for this amendment, but disagreed.

Councilor Isganitis asked what the mechanism was for granting permission for exclusive use of Harbor Park for the Lobster Festival, Blues Festival, and the Boats, Homes and Harbors Show.

The City Attorney said that those festivals apply to and receive permits from the Harbor Management Commission which has been charged by the Council, by Ordinance, to act on those matters.

Vote on amendment: 2 for, 3 opposed.
(Dickerson, Pritchett, Hebert)
Motion Defeated.

Councilor Dickerson said that she would support Order #2, as amended, saying that the uses of this park can co-exist and it was time to set personalities aside and do what was best for all concerned. She said it would have been nice if recognition of this park had come from a more positive place, but the word is out there and people have come to see this park. She also said that the majority of the people she spoke with on this issue supported having dining in the park.

Councilor Hebert said that it escapes him as to why the arrangement to allow tables in the park seems to grow into a controversy. He agreed that multiple uses of this park can co-exist, and that the dedication of the park in memory of these two soldiers did not come with strings attached. He said this park is at a busy intersection in the middle of the City, and outdoor dining in this park lends a vibrant atmosphere to the downtown. He said that the unfair advantage that the Brass Compass received from these tables came from the ridiculously low price that was being charged for the space in the past, but issue was addressed last year with the increase in the fee. He said that the tables in the park are good for the Brass Compass and lend a vibrancy to the park and to the downtown that is good for the City.

Vote as amended: 5 for.

The License Agreement, incorporating the amendments made to Order #2, reads as follows:

LICENSE AGREEMENT
(As Amended 03/11/13)

THIS LICENSE AGREEMENT by and between the City of Rockland, Maine, a municipal corporation situated in the County of Knox and State of Maine (the "City" or "Licensor") and Lynn W. Archer, d/b/a The Brass Compass Cafe, of 305 Main Street, Rockland, Maine (the "Licensee"), is effective May 15, 2013, if duly executed by each party.

WHEREAS, Licensee operates a restaurant at 305 Main Street (Tax Map 1-H-9) (the "Brass Compass"), immediately adjacent to the northerly boundary of Rockland's Winslow-Holbrook Memorial Park (Tax Map 1-H-7) (the "Park"); and

WHEREAS, Licensee seeks to place and serve food at tables in the Park,

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

1. Grant of License. The City of Rockland grants to Licensee a non-exclusive license, between May 15, 2013, and October 31, 2013, temporarily to place tables and chairs for public and customer seating, and – from and by the Brass Compass – to serve food and refreshments at the same within the License Premises as hereinafter defined;

2. License Premises. The License Premises shall be the area of the Park that (A) falls within, and does not exceed, **ten (10)** linear feet measured southerly from and at right angles to the southerly foundation of the Brass Compass building; (B) lies easterly of the east side of the City's street light control panel in the Park; and (C) excludes the areas in the Park (1) between the north side of the control panel and the Brass Compass building, (2) between the south side of said control panel and Park Drive, and (3) between the west side of said control panel and Main Street (the "License Premises")

3. Fee. Licensee shall, prior to placing any table or chair in the Park, pay to the City a total fee of **\$1,500.00** (the "Fee") for the permissions granted under this License; provided, however, that in the event the City suspends or terminates this License Agreement pursuant to subparagraph 8(A), the fee shall be pro-rated to exclude the period in which this License is suspended, and the excess payment, if any, shall be refunded to Licensee no later than November 30, 2013;

4. Conditions. Such license and use of the Park shall be subject to and limited by the following conditions:

- A. Licensee shall not place or allow any third party to place or move Licensee's tables or chairs or other property at or to any location outside the License Premises. Licensee has the sole obligation and burden of assuring that her patrons and property remain within the Licenses Premises;
- B. Licensee shall neither conduct nor permit any food preparation; nor place or allow any greeting stand, bussing station, or storage facility; nor play, show, or operate any audio or visual device; nor use or store any cooling, refrigeration, or other equipment or devices, in the License Premises;
- C. Licensee may not serve and shall prohibit the consumption of alcoholic beverages in or around the License Premises;
- D. Licensee shall keep the License Premises, and tables and chairs placed therein, in a clean, neat, and orderly condition at all times;
- E. Licensee may not affix or attach any table, chair, or other item to the ground in the License Premises in any manner, nor cordon off or establish any barrier to the public's access to or use of such tables and chairs in the License Premises;
- F. Licensee may not place, and shall remove if placed by any third party, any commercial logos, promotional materials, or other advertising for Licensee's or any other business or enterprise (other than the existing awning attached to the Brass Compass building) within or over the License Premises or the Park;

- G. Licensee shall permit and welcome members of the public to use, within the License Premises, any or all of the tables and/or chairs placed by or for the Licensee within the License Premises. Licensee may in no way, explicitly or by implication, restrict the use of the License Premises or Licensee's tables and chairs therein to patrons of the Licensee's business(es). Notwithstanding the foregoing, Licensee may exclude from the License Premises any unruly, intoxicated, or disruptive persons, consistent with Licensee's policies or practices for removing such persons from the interior of Licensee's restaurant;
- H. Licensee shall be responsible for the repair of any damage that occurs within the License Premises during the term of this License Agreement;
- I. Licensee shall secure and maintain property insurance for the License Premises, and liability insurance covering occurrences within the License Premises in amounts not less than \$1,000,000/occurrence and \$3,000,000/ aggregate, and shall cause the City to be named therein as an additional insured. Licensee shall cause an original certificate of such insurance to be submitted to the City prior to Licensee's use of the License Premises. Licensee shall keep current such liability insurance coverage throughout the term of this License Agreement;
- J. Nothing herein is intended nor shall be deemed to grant to Licensee or any other party any property or other right, title, or interest in the real and personal property subsumed within the License Premises. Nor does the grant of the permissions set forth in the License Agreement establish any precedent for or subsequent right to the renewal of such license and/or permissions in the future;
- K. Licensee shall not make or permit any construction, reconstruction, demolition, or other activity affecting the condition of the License Premises. Any improvements to or in the License Premises by, on behalf of, or with the permission of the Licensee shall become the property of the City, without cost and free and clear of any lien or other encumbrance or claim;

5. Term. Except upon the occurrence of an Event of Default, the Term of this License Agreement shall be from May 15, 2013, to October 31, 2013;

6. Costs; Maintenance. Licensee shall be fully and solely responsible for the costs of the permanent or temporary improvement(s) and amenities authorized in this License Agreement, and the City shall have no responsibility or liability therefor. Licensee shall maintain the License Premises, and Licensee's property therein, in a safe and presentable condition throughout the Term of this License Agreement, to the satisfaction of the Code Enforcement Officer, and shall bear the full expense thereof;

7. Indemnification; Hold Harmless. Licensee hereby agrees and undertakes to indemnify Licensor, and shall protect and hold Licensor harmless from and against any and all liabilities, losses, claims, demands, judgments, costs, and expenses (including reasonable attorney's fees) of any nature arising from any event, act, or omission within the term of this Agreement in connection with any claim, loss, or damage arising from or connected with the permissions granted to Licensee herein, and/or from Licensee's acts or omissions in or relating to her use of the License Premises. Nothing herein shall be deemed a waiver of any limitation of liability or immunity afforded to the City by the doctrine of sovereign immunity, the Maine Tort Claims Act, and/or other applicable law or doctrine;

8. Termination. The City may terminate this License Agreement prior to the expiration of the Term as follows:

- A. if (1) the City Council shall have adopted a plan for the rehabilitation or improvement of the Park and/or the surrounding City sidewalk(s), and (2) work is to commence to implement such plan within the effective period of this License, which work – in the sole discretion of the City Manager – requires the suspension or termination of this License and the removal of the tables and chairs, Licensee shall cease her use of the Park for seating and service, and shall remove the tables and chairs from the Park until informed by the City that such use may resume; or
- B. without notice, if the City Manager, in consultation with the Code Enforcement Officer or other City staff member of competent jurisdiction, finds that Licensee is in violation of any condition, term, obligation, or requirement of this License Agreement or other applicable law, regulation, or rule ("cause"). Cause shall include, but not be limited to, Licensee's service of alcohol or allowance of the consumption of alcohol within the License Premises at any time during Licensee's business hours or while Licensee or any employee or other agent of Licensee shall be present at 305 Main Street. In the event of the termination of this License Agreement by the City Manager for cause, no part of the Fee shall be refunded to Licensee, notwithstanding anything to the contrary herein.

In the event of such suspension or termination prior to the expiration of the Term of this License Agreement, the permissions granted herein to the Licensee shall cease upon the effective date of such termination; Licensee shall, with or without order or other notice to that effect, and at Licensee's sole expense, remove or cause to be removed all of Licensee's property from the License Premises; and Licensee shall immediately cease any use of such License Premises;

Regular Meeting, Order #2 continued:

March 11, 2013

9. Miscellaneous.

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

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

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

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

At this time, Councilor Dickerson moved to take Resolve #17, Preservation of Civil War Artifacts, out of order. Without objection from the Council, it was so ordered.

Resolve #17 Preservation of Civil War Artifacts

WHEREAS, the city has received a treatment proposal for the conservation and preservation of two 8 inch civil war siege howitzers; and

WHEREAS, the Civil War Artifacts reserve account balance is \$19,000; and

NOW THEREFORE BE IT RESOLVED, the Rockland City Council authorizes the expenditure of up to \$19,000 from the Civil War Artifacts reserve account (70000-01624) for the restoration and preservation of the two 8 inch siege howitzers and their associated hardware.

Sponsor: City Council
Originator: City Manager

Councilor Dickerson moved to postpone Resolve #17 until the April 8, 2013 Regular Meeting to get more information on the restoration of the cannons as was suggested by Ms. Morris during the Public Forum.

Councilor Hebert said that he was willing to support postponing this item for a month even though there is a significant Civil War anniversary this year. He also said that he was concerned that this proposal would deplete the Civil War Artifact fund without completely covering the restoration of the cannons, and would leave nothing for maintenance of the remaining Civil War artifacts. He said the current proposal is probably the "gold standards", and while he did not want to see the restoration done cheaply, he thought it be able to get the restoration done well for less. He also said that it has been mentioned that donations could be sought to help pay for the restoration. He felt that delaying this measure for a short time to gather more information would be advisable.

Councilor Pritchett said that displaying the cannons on simple concrete bases would not identify them as being from the Civil War era, but displaying them on horse-drawn carriages as they were originally used would. He also said such a display would bring focus to the memorial in Chapman Park as the City's Civil War Memorial. He also said that the City needs to find out who is willing to partner with them to get the restoration of these cannons done, what the most effective means of restoration would be, and who wants to be involved in raising funds to accomplish this.

At this time, Mayor Clayton asked Councilor Pritchett to take the Chair so that he could speak on this issue.

Mayor Clayton said that he has been trying to get as much support as possible for this restoration project. He said that he did not want to see this project delayed since he would like to see the cannons back on display before the Gettysburg anniversary. He said that he will be meeting with the Historical Society to discuss this matter on March 14th.

The City Manager said that if this Resolve is postponed, it is unlikely that Mr. Taggart would be able to complete the restoration work within the timeframe to get the cannons displayed before the Gettysburg anniversary. He also said that the two local companies mentioned during the public forum are not experts in this type of restoration. He said he envisioned the work that Mr. Taggart would do on the cannons would only need to be done once, not every two or three years. He said Mr. Taggart was contacted because of his expertise in this area.

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

Resolve #17 was postponed until the April 8, 2013 Regular Meeting.

Councilor Pritchett returned the Chair to Mayor Clayton.

Councilor Pritchett then moved to take Ordinance Amendment #5, Sale of Alcohol at Farmers Market, out of order. Without objection from the Council, it was so ordered.

Ordinance Amendment #5 Chapter 11, Section 11-113 – Alcohol Sales at Farmers Market

(See page 229 for text)

A public hearing was opened with Jean Johnson from Breakwater Vineyards in Owls Head, speaking in favor of this amendment, saying that they were one of three local farms that have applied to sell their wine at the farmers market.

Hearing no other speakers, the public hearing was closed.

Councilor Dickerson moved passage.

Vote: 5 for.

The amendment will become effective April 10, 2013.

The order of the agenda was then resumed.

Regular Meeting continued:

March 11, 2013

Resolves:

#14 Appointments to Rockland Main Street Board of Directors

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT, Councilor Larry Pritchett and City Manager James Smith (or his designee) are hereby appointed as the City's representatives to the Rockland Main Street Board of Directors.

Sponsor: Mayor Clayton
Originator: Mayor Clayton

Councilor Isganitis moved passage.

Vote: 5 for.

#15 Preservation of Revenues Used to Offset the Property Tax Burden

WHEREAS, Governor LePage has proposed a State budget which would have a significant and negative impact on local municipal services and local property taxes; and

WHEREAS, This State budget proposal calls for redirecting a portion of sales and income tax revenues, collected under the Revenue Sharing Program, away from municipalities and redirecting them to the State of Maine to balance the State budget; and

WHEREAS, This State budget proposal also calls for redirecting commercial vehicle excise tax revenues away from municipalities and redirecting them to the State of Maine to balance the State Budget; and

WHEREAS, This State budget proposal dramatically curtails the Homestead and Circuit Breaker programs, both programs designed to keep local residential property taxes low; and

WHEREAS, This State budget proposal calls for the elimination of the BETR program that reimburses municipalities for some lost personal property taxes; and

WHEREAS, This proposed State budget is now before the Legislature for consideration;

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

THAT the Rockland City Council strongly opposes each of these recommendations and encourages our local delegation to also oppose any of these measures either in full, or in part; and

THAT the Rockland City Council requests our local delegation to support the preservation and full restoration of each of these programs.

Sponsor: City Council
Originator: City Manager

Councilor Pritchett moved passage and moved to amend Resolve #15 by adding the following paragraph at the end:

“THAT the City Manager, with the assistance of the City Attorney and City Clerk, is directed to convey Council’s strong opposition to members of the Legislature’s Appropriations & Financial Affairs Committee and to work with other municipal and community leaders to support the preservation and restoration of these programs.”

Councilor Dickerson said that there is a process at the State House where this Resolve could be read into the Record. She asked that a copy be sent to her and she would see to it that the Resolve was added to the Record.

Vote on amendment: 5 for.

Councilor Hebert said that this may be the single most important piece of legislation that the Council will act on this evening, and was disappointed that the Council Chambers were now empty. He said the Governor’s proposed budget is a disingenuous way to balance the State budget, and was nothing more than a cost shift onto the backs of the property tax payers. He said that the proposed State budget does nothing to address the problems at the State level. He also said that it was ironic that Governor LePage railed against these kinds of State funding cuts when he was the Mayor of Waterville. He said the State proposal has grave implications for the City’s budget. He said that claiming that these cuts are being proposed to reduce taxes is selling the citizens short. He said he agreed completely with this Resolve.

Councilor Pritchett said part of the challenge is that municipalities are forced to rely so heavily on the property tax to raise revenues, and that ever increasing taxes create barriers to growth and development which further restrict a municipality’s ability to raise funds to operate.

Vote as amended: 5 for.

#16 Support for School Safety

WHEREAS, following the Newtown, Connecticut massacre of elementary school children and education professionals, RSU 13 and area municipal officials have worked together to identify opportunities to improve school safety in our communities; and

WHEREAS, The citizens of Rockland, along with local officials, met on February 26, 2013, to discuss issues and concerns with school safety; and

WHEREAS, these conversations have identified specific areas of focus to improve school safety, including:

- * increase law enforcement appearances at schools,

Regular Meeting, Resolve #16 continued:

March 11, 2013

- * hire dedicated Safety Resource Officers for schools,
- * reduce or eliminate multiple access points to schools,
- * provide individual locks for all classrooms,
- * train substitute teachers in school safety,
- * enhance safety training for all school personnel,
- * install video surveillance systems,
- * install guard stations and/or metal detection systems at entrances,
- * enhance safety for children who walk to school, especially in areas where walker traffic is concentrated,
- * upgrade systems for monitoring visitors to schools,
- * assure uniformity of school safety procedures throughout the district,
- * support parent / children conversations about school safety,
- * balance school requirements with keeping parents informed and accommodating parental access and control,
- * conduct lock-down drills, and
- * upgrade and fund early dismissal protocols and systems;

and

WHEREAS, The City Council has received a letter signed by multiple residents, asking for greater support for school safety from local and state officials;

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

THAT, the Rockland City Council expresses its support for continuing the effort of improving school safety; and

THAT, the Rockland City Council requests our local delegation to pledge their support in ensuring that the State of Maine works to provide adequate resources for improving the safety of our schools and the children we send to them; and

THAT, the City Clerk is directed to forward this resolve, along with a letter requesting commitment and support for school safety initiatives, to our state delegation.

Sponsor: Mayor Clayton
Originator: Mayor Clayton

Councilor Dickerson moved passage.

Councilor Hebert applauded the efforts to look at school safety and that he was not opposed to this resolve, however, it was a sad commentary on society that this discussion needs to be held at all. He said that it was too bad that this kind of thing takes resources away that should go toward education, because without education, society will crumble. He said that at some point education needs to be made the priority.

Councilor Pritchett moved to amend Resolve #16 by adding the following phrase to the last sentence: “...the State Education Commissioner, and State Legislature’s Education Committee.”

Vote on amendment: 5 for.

Councilor Isganitis said this Resolve is the culmination of the community coming together to discuss the issue, and that he will support this Resolve.

Councilor Dickerson said that the meeting held gave the community the opportunity to ask questions and gather information. She said that as an educator, it was good to hear the input from those who are not in the educational environment. She also said that there are many bills before the Legislature concerning this subject. She said this resolve has nothing to do with gun control, does not issue mandates, rather just suggestions on how schools could be made safer.

Councilor Pritchett said that the City facilitated this meeting because so many from around Knox County come to the City to go to school, and commended the Mayor for spearheading this effort. He also said that there needs to be a safe environment for education to take place. This discussion is a sobering reality of where we are as a society.

Vote as amended: 5 for.

#18 Authorizing Expenditure of Reserve Funds – MacDougal Building Asbestos Abatement

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to expend up to \$21,000 from the City Land Sales Reserve Account (#70000-01724) to cover the expense of the asbestos abatement work, tank removal and other miscellaneous associated costs at the former MacDougal School building on Broadway.

Sponsor: City Manager
Originator: City Manager

Councilor Isganitis moved passage.

Councilor Dickerson said that because she was philosophically opposed to where the money comes from in the Land Sales Reserve Account (sale of lien-acquire property), she will be voting against this Resolve. Vote: 4 for, 1 opposed.

(Dickerson)

#19 Authorizing Expenditure of TIF Funds – Utility Pole Removal

WHEREAS, MDOT is scheduled to complete road improvement work in Rockland during the spring of 2013; and

WHEREAS, the Public Works Department will be re-setting granite curbing and making improvements to certain sidewalks along this proposed road improvement area; and

WHEREAS, The City has identified that certain utility poles are duplicative, unnecessary and create barriers for use and access to certain sidewalks;

NOW, THEREFORE BE IT HEREBY RESOLVED BY THE CITY COUNCIL THAT, the City Manager is authorized to expend up to \$30,000 of Tillson Redevelopment Tax Increment Financing District funds from Fiscal Year 2013, account

(10000-01899), to aid in the facilitation and removal of utility poles located on the Northwest side of Main Street from North Main Street to Warren Street.

Sponsor: Councilor Pritchett
Originator: City Manager

Councilor Pritchett moved passage and said that there are poles on both sides of the street in this area, and using TIF funds for the removal of the duplicative poles is an appropriate use of TIF funds. He said if these poles are not removed now, the City may be stuck with them for another 10 or more years.

Councilor Hebert, referencing comments made during the public forum, asked if TIF funds could be used for this project if the poles lie outside of the actual TIF District.

The City Manager asked that the Rules be suspended to allow Community Development Director John Holden to respond to that question. Without objection from the Council, Mayor Clayton suspended the Rules.

Mr. Holden said that State statutes regarding TIF's allow funds to be expended outside of the actual TIF District, however, he said that he would have to check the actual TIF documents creating this specific district would allow expenditures outside of the district boundaries. He did say, however, that no funds would be expended on anything if that expenditure is not allowed.

The City Manager said that the TIF District extends to Cottage Street, and four of the poles that are the primary obstacle, are within the district, so there is no question that TIF funds could be used for the removal of those specific poles.

Councilor Hebert said that he was loathe to spend money to coerce a utility company to remove poles that are in the sidewalk. He asked if the City has any authority to require the removal of these poles.

The City Attorney said that the City has less authority to require the removal of the poles once they have been installed. He said that a pole location permit is required for installation of new poles.

Councilor Hebert then asked if MDOT has any authority to require the poles to be removed.

The City Manager said that depending on the nature of the project, MDOT does have the authority to require poles to be relocated or removed if they hinder the project. In this instance, the project is just a resurfacing project and the poles do not hinder the project. Therefore, MDOT is not inclined to require the removal of the poles. He said that it is the City that wants the poles removed and working with the utility company in this manner is the best way to accomplish that goal.

Councilor Pritchett said that the sticking point is the need to extend and put the fiber optic cable underground, which is an expensive proposition.

Councilor Isganitis commended staff for its efforts to shift from reaction to pro-action to get this done with the upcoming project. He said that he was confident that the City Manager and City Attorney will get the job done for as little money as possible.

Councilor Dickerson asked if DECD has been consulted about expending funds outside of the TIF District.

Mr. Holden said that he has not consulted DECD on this specific issue.

Councilor Dickerson said that she would not support this Resolve without such consultation.

The City Manager reiterated that four of the poles are within the district.

Councilor Pritchett added that the majority of the funds would be expended in the area of the Main Street and North Main Street intersection to extend and bury the fiber optic cable. Once that is accomplished, it is a relatively simple matter of removing the other poles.

Councilor Hebert said that he hates seeing utility poles in the middle of sidewalks, but also hates to spend money needlessly. However, he said that he will support this Resolve.

The Council went back into Regular Session with Mayor Clayton asking Councilor Pritchett to take the Chair so that he could speak on this issue.

Mayor Clayton moved to amend Resolve #19 as follows: "...expend up to \$30,000 or 50% of associated costs, whichever is less, of Tillson Redevelopment Tax Increment Financing District..."

Mayor Clayton said that he did not want to spend money either, but something needs to be done with this situation. He also said that he does not want to see the City bear the brunt of the costs, but is willing to share the cost with the utility.

Vote on amendment: 5 for.

Councilor Dickerson suggested that the City look into establishing a policy that would give City utilities precedence over private utilities.

Vote as amended: 4 for, 1 opposed.

(Dickerson)

Ordinances in First Reading:

#6 Chapter 2, Section 2-212 Rules of Procedure – Order of Business

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 2, Administration, SECTION 2-212 Rules of Procedure, (26) Order of Business, BE AMENDED AS FOLLOWS:

Sec. 2-212 Rules of Procedure

26. Order of Business. At every regular meeting of the City Council, the order of business shall be as follows:

1. Roll Call by the City Clerk.
2. ~~Pledge of Allegiance to the Flag.~~
3. Public forum of not more than thirty (30) minutes for Rockland citizens to address the Council, pursuant to Charter Section 210(a)(1), followed by an additional public comment period to allow other members of the public to address the Council.
4. Meeting notice to determine that the meeting has been given proper notice.
5. Reading of the Record by the City Clerk, not previously read and approved, of all preceding meetings.
5. ~~Pledge of Allegiance to the Flag.~~
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.
8. Resolves

Regular Meeting, Ordinance Amendment #6 continued:

March 11, 2013

- 9. Ordinances in Final Reading and Public Hearing
- 10. Ordinances in First Reading
- 11. Orders
- 12. Adjournment.

Sponsor: Mayor Clayton
Originator: Mayor Clayton

Councilor Isganitis moved passage.

Vote: 5 for.

A public hearing was set for April 8, 2013 at 7:00 p.m.

#7 Chapter 19, Section 19-302 & 19-304 TB Zone Regulations

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTION 19-302, Words and Phrases Defined, and SECTION 19-304, Zone Regulations, SUBSECTIONS 19-304(6), Transitional Business 1 Zone and 19-304(7), Transitional Business 2 Zone, BE AMENDED AS FOLLOWS:

Sec. 19-302 Words and Phrases Defined

ADD:

Mixed Use. The co-existence in one building or structure of a residential use and one or more non-residential uses.

Sec. 19-304(6) TRANSITIONAL BUSINESS 1 ZONE “TB1”

Purpose: The purpose of the Transitional Business 1 Zone is to offer the opportunity for non-residential uses while protecting adjoining residential neighborhoods and zones. Consequently, the permitted and conditional uses and the development standards for these zones are intended to should encourage small-scale operations and uses that are compatible with residential uses. This zone should be used as a buffer between residential areas and adjoining commercial or industrial uses.

* * *

B. Conditional Uses

NONE

The following conditional uses are permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II). In granting, denying, and/or imposing conditions, the Planning Board shall follow the process and apply the standards set forth in Chapter 16, Sections 16-201 through 16-206 for site plan review, and shall include a review of the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; signage, and lighting; compatibility with existing uses; availability of necessary public services; compliance with applicable requirements of all City Ordinances, including the Performance Standards of Section 19-316.

TRANSITIONAL BUSINESS 1 ZONE “TB1” CONDITIONAL USES

(1)	<u>Change of use of an existing structure from an exclusively residential use to a Mixed Use, on an existing lot of record as of March 11, 2013, which lot does not meet the dimensional standards for Mixed Use.</u>
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D. Standards

TRANSITIONAL BUSINESS 1 ZONE “TB1” STANDARDS	
Minimum Lot Size – Non-Residential and Mixed Use ¹	10,000 square sewered; 20,000 square feet non-sewered
Minimum Lot Size – Residential Use	5,000 square feet sewered; 20,000 square feet non-sewered
Required Lot Area for each Additional Dwelling Unit	5,000 square feet for sewered lots; 10,000 square feet for non-sewered lots
Minimum First Floor Area Per Building	600 square feet
Minimum Continuous Street Frontage along one street	80 feet (Excludes Cul-de-sacs) ^{2*}
Minimum Setbacks ^{3**}	
Front	20 feet
Side	15 feet
Rear	20 feet (Excludes Corner Lots, see definition)
Side and rear setbacks for nonresidential or mixed use abutting a residential zone or use	30 feet
Minimum Rear Setback for an Accessory Structure over 700 square feet or portion thereof over 700 square feet)	20 feet
Minimum Rear Setback – Exception (For no more than 2 accessory structures with a combined area of up to 700 square feet and a maximum height of 18	5 feet

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TRANSITIONAL BUSINESS 1 ZONE "TB1" STANDARDS	
feet)	
Maximum Building Coverage	40%
Maximum Lot Coverage	60%
Maximum Building Height (not to exceed)	35 feet and 2½ stories
Minimum Distance Between Curb Cuts	50 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

Notes:

¹ Except as provided in B. Conditional Uses (above).

² See Subdivision Review in Chapter 16 for Cul-de-sac frontage standards.

³ In the case of an infill lot, the minimum front setback may be less than 20 feet if the front setback matches one or the other of the existing adjacent front setbacks of abutting lots.

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7. TRANSITIONAL BUSINESS 2 ZONE "TB2"

Purpose: The purpose of the Transitional Business 2 Zone is to offer the opportunity for non-residential uses while protecting the adjoining residential neighborhoods and zones. Consequently, the permitted and conditional uses and the development standards for these zones are intended to encourage small-scale operations and uses which are compatible with residential uses. This zone should be used as a buffer between residential areas and adjoining commercial or industrial zones. Retail (except incidental sales) is not allowed in order to minimize additional traffic congestion and improve traffic safety, to protect the viability of Downtown, and to protect adjacent residential neighborhoods.

* * *

B. Conditional Uses

The following conditional uses are-is permissible permitted with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II): In granting, denying, and/or imposing conditions, the Planning Board shall follow the process and apply the standards set forth in Chapter 16, Sections 16-201 through 16-206 for site plan review, and shall include a review of the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; signage, and lighting; compatibility with existing uses; availability of necessary public services; compliance with applicable requirements of all City Ordinances, including the Performance Standards of Section 19-316.

TRANSITIONAL BUSINESS 2 ZONE "TB2" CONDITIONAL USES	
(1)	Existing automobile dealerships (including outdoor sales and display).
(2)	<u>Change of use of an existing structure from an exclusively residential use to a Mixed Use, on an existing lot of record as of March 11, 2013, which lot does not meet the dimensional standards for Mixed Use.</u>

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D. Standards

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

TRANSITIONAL BUSINESS 2 ZONE "TB2" STANDARDS	
Minimum Lot Size – Non-Residential and Mixed Use ¹	10,000 square feet sewered; 20,000 square feet non-sewered
Minimum Lot Size – Residential Use	5,000 square feet sewered; 20,000 square feet non-sewered
Required Lot Area for each Additional Dwelling Unit	5,000 square feet for sewered lots; 10,000 square feet for non-sewered lots
Minimum First Floor Area Per Building	600 square feet
Minimum Continuous Street Frontage along one street	80 feet (Excludes Cul-de-sacs) ²
Minimum Setbacks ³	
Front	30 feet
Side	15 feet
Rear	20 feet (Excludes Corner Lots, see definition)
Side and rear setbacks for nonresidential or mixed use abutting a residential zone or use	20 feet
Minimum Rear Setback – Exception (For no more than 2 accessory structures with a combined area of up to 700 square feet and a maximum height of 18 feet)	5 feet

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TRANSITIONAL BUSINESS 2 ZONE "TB2" STANDARDS	
Maximum Building Coverage	40%
Maximum Lot Coverage	60%
Maximum Building Height	35 feet and 2½ stories
Minimum Distance Between Curb Cuts	150 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

Notes:

¹Except as provided in B. Conditional Uses (above).

²See Subdivision Review in Chapter 16 for Cul-de-sac frontage standards.

³** In the case of an infill lot, the minimum front setback may be less than 30 feet if the front setback matches one or the other of the existing adjacent front setbacks of abutting lots.

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Sponsor: Councilor Isganitis
Originator: Code Enforcement Officer

Councilor Isganitis moved passage and urged support of this amendment. He said that this amendment will provide for adaptive re-use of existing structures in the TB zones while helping to keep the character of the neighborhoods. Councilor Pritchett said that he would support this amendment in first reading, adding that it clarifies the ordinance and that he agrees with its intent.

Vote: 4 for, 1 opposed.
(Dickerson)

A public hearing was set for April 8, 2013 at 7:00 p.m.

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 9:45 p.m.

A TRUE COPY. ATTESTED: _____ City Clerk

SPECIAL MEETING AGENDA April 1, 2013

Set Agenda for April 8, 2013 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 William Clayton, Larry Pritchett, Eric Hebert, Frank Isganitis, City Manager Smith, and City Attorney Beal. Councilor Elizabeth Dickerson arrived at 6:36 p.m.

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

- Rockland's Poet Laureate Carol Bachofner reported to the Council on the state of poetry in the City and the activities she has undertaken over the past year as Poet Laureate to promote poetry in the City. She also reported on the activities scheduled for April as poetry month in the City.

Hearing no other speakers, the public forum was closed.

Set Agenda for April 8, 2013 Regular Meeting: The Council went into informal session to set the agenda for the April 8, 2013 Regular Meeting. There was no communications considered at this meeting.

With the agenda set, 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 8:30 p.m.

A TRUE COPY. ATTESTED: _____ City Clerk

REGULAR MEETING AGENDA April 8, 2013

1. Roll Call
2. Public Forum (5 min. limit each speaker)
3. Meeting Notice
4. Reading of the Record
5. Pledge of Allegiance to the Flag
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:

Regular Meeting, Agenda continued:

April 8, 2013

- a. Liquor License – Wayne Steeves, d/b/a Rockland Cafe
 - b. Liquor and Entertainment Licenses – K& K Enterprises, LLC, d/b/a The Chowder House
 - c. Liquor and Entertainment Licenses – The Pearl Restaurant
 - d. Liquor License – Lobsterman’s Restaurant
 - e. Liquor License – L&H Burgers
 - f. Municipal Approval for Liquor Sales – Farmers Market
8. Resolves:
- #17 Authorizing Funding - Civil War Artifacts (Postponed) City Council
 - #20 Accepting Donations – Rockland Public Library City Council
 - #21 Accepting Donation - Fire & EMS Department City Council
 - #22 Commendation – James Jillson City Council
 - #23 Commendation – Laurie Smith City Council
 - #24 Appointment to MCEDD Board of Directors Mayor Clayton
 - #25 Accepting Design – Main Street Parks City Manager
 - #26 Accepting Forfeited Assets (W. Rankin) City Manager
 - #27 Appointment to COMPS Commission – A. Morris Mayor Clayton
9. Ordinances in Final Reading and Public Hearing:
- # 6 Chapter 2, Section 2-212 Rules of Procedure – Order of Business Mayor Clayton
 - # 7 Chapter 19, Section 19-304 TB 1 & TB 2 Zone Regulations Councilor Isganitis
10. Ordinances in First Reading:
- # 8 Chapter 19, Sections 19-302, 19-304(5) – RR Zone Regulations Councilor Isganitis
 - # 9 Amending Zoning Map – Residential B and Rural Residential Councilor Isganitis
 - #10 Chapter 13, Art. IV - Municipal Use of Pesticides and Herbicides Councilor Dickerson
 - #11 Chapter 19, Section 19-309 and Section 19-202 - Special Classes Councilor Pritchett
11. Orders:
- # 3 Authorizing MDOT Over Limit Permit - Route 1 Paving Project Councilor Hebert
 - # 4 Authorizing Street Closure & Fee Waiver – Memorial Day Parade Councilor Isganitis
 - # 5 Authorizing Street Closure - Blues Festival Club Crawl Mayor Clayton
 - # 6 Authorizing Street Closure - Lobster Festival Parade Councilor Pritchett
 - # 7 Authorizing Main Street Banner - Lobster Boat Race Mayor Clayton
 - # 8 Authorizing Bids - Sale of Tax-Acquired Property (67 Warren St) City Manager
 - # 9 Authorizing Grant Application and Acceptance – Recycling Bins City Manager
 - #10 Authorizing Street Closure – Farnsworth Summer Gala Councilor Pritchett

Executive Session pursuant to 1 M.R.S. § 405(6)(A) – City Manager Annual Evaluation

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 William Clayton, Larry Pritchett, Eric Hebert, Frank Isganitis, City Manager Smith, and City Attorney Beal. Councilor Elizabeth Dickerson arrived at 7:05 p.m.

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

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

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

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

At this time, without objection from the Council, Resolve #'s 22 and 23, Commendations for James Jillson and Laurie Smith (respectively), were taken out of order.

Resolve #22 Commendation for Officer James Jillson

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT James Jillson is hereby commended and congratulated for 33 years of dedicated service to the City of Rockland with the Rockland Police Department on the occasion of his retirement.

AND, be it further Resolved that a Plaque and Certificate of Commendation be presented to Officer Jillson as a token of the City’s appreciation for his service and the City Council wishes him well in his retirement.

Sponsor: City Council
Originator: City Council

Councilor Hebert moved passage and said that he could not remember a time when Officer Jillson was not a member of the Police Department. He said that Officer Jillson personifies everything that is good in a police officer, and that he has been a great asset to the City. He thanked Officer Jillson for his service to the City and wished him well in his retirement.

Regular Meeting, Resolve #22 continued:

April 8, 2013

Councilor Pritchett noted that his wife, in her work with at-risk children, worked many times with Officer Jillson, who was always looked for the most constructive paths to help with those children.

Councilor Dickerson and Isganitis also thanked Officer Jillson for his service to the City. Vote: 5 for.

Mayor Clayton presented a Plaque and Certificate of Commendation to Officer Jillson as a token of the City's appreciation for his service.

Resolve #23 Commendation for Laurie Smith

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT Laurie Smith is hereby commended and congratulated for 20 years of dedicated service to the City of Rockland with the Finance Department.

AND, be it further Resolve that a Plaque and Certificate of Commendation be presented to Mrs. Smith as a token of the City's appreciation for her service.

Sponsor: City Council
Originator: City Council

Councilor Isganitis moved passage.

Councilor Dickerson thanked Mrs. Smith for her service to the City and said having so many employees who have worked for the City for a number of years speaks well of the employees. She said that it is like a family where everyone gets to know everyone else.

Councilor Hebert echoed Councilor Dickerson's sentiments and added that it was a nice practice for the Council to recognize long-time employees. He said it was great that so many of the City's employees show such dedication to the City, and thanked Mrs. Smith for her service to the City.

Councilor Isganitis added his thanks for her service as well.

Vote: 5 for.

Mayor Clayton presented Mrs. Smith with a Plaque and Certificate of Commendation as a token of the City appreciation for her service to the City.

The order of the agenda was then resumed.

Reports:

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

- Staff continues to work on preparation of the FY 2014 Municipal Budget.
- The MDOT Route 1 paving project will consist of a 7/8" overlay, with proper shaping to address drainage issues, that will cover Main Street from Park Street to Warren Street, and Union Street from Rankin Street to Park Street. The work will be conducted at night Sundays through Thursdays 8:00 p.m. to 6:00 a.m. The City will be resetting and replacing the granite curbing in these areas in conjunction with this project.
- The condition survey of Main Street has been completed.
- A meeting was held with MDOT and Senator Edward Mazurek, chairman of the Transportation Committee, to discuss transportation issues related to the City of Rockland. He said that the City should be in a good position to compete for state and federal grant funds.
- The workshops on the re-visioning for Camden Street have been completed and the project is now moving into the conceptual design phase.
- Staff continues to monitor the revenue sharing situation with the State. Additional hearings are being held April 12th in Augusta, and the Manager indicated that he would be attending those hearings.

Councilor Dickerson asked what affect the re-paving of Main Street will have on the new in-laid brick crosswalks.

The City Manager said that the crosswalks will not be affected by the re-paving of Main Street. He said that MDOT will be grinding the existing pavement and replacing it to the same height. He said that nothing will be removed or paved over.

Councilor Hebert asked if the re-paving project would address drainage issues in certain areas.

The City Manager said that the streets will be re-shaped as part of this project to address drainage issues.

Councilor Hebert then asked if Main Street would remain open during this project.

The City Manager said that it is a priority to keep Main Street open during this project, however, parking bans will be necessary to facilitate the project. The bans will be scheduled so as to minimize the disruption to downtown residents and businesses to the greatest extent possible.

Councilor Hebert then asked if a starting date for the project has been set.

The City Manager said that the project will not begin any sooner than May 5th, and will be completed no later than June 28th.

Councilor Hebert then asked when Limerock Street would be re-paved.

The City Manager said that will be done in the same timeframe as the Route 1 project in hopes that the City will be able to get a better price on the asphalt.

Councilor Pritchett said that the Route 1 project will be much more discrete than previous projects on Main Street since the work will be done at night to minimize the impact on Main Street. He also said that Main Street will be done first.

Councilor Dickerson asked if there has been any progress with the group looking into issue concerning Old County Road.

The City Manager said that the group has submitted a draft proposal to address those issues for his review and comments. He said once that is done, the proposal will be forwarded to MDOT for planning and possible funding sources.

Councilor Hebert asked if the utility poles on the north end of Main Street will be removed along with the Route 1 project.

The City Manager said that he is still communicating with MDOT on this issue in hopes that they can be persuaded to include removal of the poles as part of this project for safety reasons. He also said communications continue with Fairpoint on this issue as well.

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

Regular Meeting, Reports continued:

April 8, 2013

c. Other Official's Report: Councilor Dickerson reported that hearings continue on the revenue sharing issue at the State level, along with other budgetary issues. She said that it was not too late for citizens to submit written testimony on any of the budget issues.

d. Mayor's Report: Mayor Clayton reported that the open forum for City Boards, Commissions and Committees will be held at the Recreation Center on Tuesday, April 16, 2013 from 6:00 p.m. to 8:00 p.m. for the public to gather information on what the City's Boards, Commissions and Committees do, and hopefully will spur some to fill the many vacancies that exist. The Beach Clean-up Day will be May 25, 2013, partnering with the Main Fisheries Council. The Mayor said they are looking for approximately 100 volunteers to participate in this event. Anyone interested can contact him directly or contact City Hall.

The Mayor said that he attended the MDOT meeting at which the details of the Route 1 Paving Project were discussed, and was impressed with the way the MDOT representative, Shawn Smith, listened to the concerns expressed by the public to make the project go as smoothly as possible.

Mayor Clayton then reminded the Council that an Executive Session would be held at the end of this meeting for the Council to discuss the upcoming annual evaluation of the City Manager. He said the Council will be supplied with the evaluation form that will be used for the review and will have a chance to discuss it. He said at the May 6, 2013 agenda-setting meeting, the Council will hold another executive session to complete the form, and at the May 13, 2013 Regular Meeting will another executive session with the Manager to review the evaluation.

Licenses and Permits:

- a. Liquor License – Wayne Steeves, d/b/a Rockland Cafe
- b. Liquor and Entertainment Licenses – K& K Enterprises, LLC, d/b/a The Chowder House
- c. Liquor and Entertainment Licenses – The Pearl Restaurant
- d. Liquor License – Lobsterman's Restaurant
- e. Liquor License – L&H Burgers
- f. Municipal Approval for Liquor Sales – Farmers Market

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

Councilor Hebert moved to postpone the application for L&H Burgers to the May 13, 2013 Regular Meeting.

Vote: 5 for.

The license application for L&H Burgers was postpone until the May 13, 2013 Regular Meeting.

Councilor Hebert then moved to grant the remaining licenses.

Vote: 5 for.

Resolves:

#17 Authorizing Preservation of City War Artifacts – Cannons (Postponed)

(See page 236 for text)

It was noted that this Resolve has been given a motion for passage at the March 11, 2013 Regular Meeting.

Councilor Pritchett moved to amend Resolve #17 to read as follows:

“WHEREAS, the city has received ~~a treatment~~ proposals for the conservation and preservation of two 8 inch civil war siege howitzers ~~as well as proposals for the construction of new display bases for these two howitzers~~; and

WHEREAS, the Civil War Artifacts reserve account balance is \$19,000; and

NOW THEREFORE BE IT RESOLVED, the Rockland City Council authorizes the expenditure of up to ~~\$19,000~~ \$6,400 from the Civil War Artifacts reserve account (70000-01624) for the restoration and preservation of the two 8 inch siege howitzers and their associated hardware ~~as well as the construction of new metal display bases.~~”

Councilor Pritchett said this proposal arose from the discussion last month, and allows for the restoration and conservation of the cannons as well as new bases on which to display them.

Councilor Hebert noted that this amount in this amendment did not seem to match any of the proposals received by the City.

Councilor Pritchett said that the proposal for Lyman Morse for construction of the metal bases came to \$4,650, but he felt it appropriate to include additional funding to make sure the work gets done if they run into any problems.

Councilor Isganitis agreed, and added that the \$6,400 was for the construction of the display bases only because a local company (that wishes to remain anonymous) has offered to do the actual restoration work at no cost to the City.

Councilor Dickerson thanked Ann Morris for bring these proposals forward.

Vote on amendment: 5 for.

Vote as amended: 5 for.

At this time, Councilor Dickerson moved to suspend the Rules to re-open the Public Forum to allow for comments from the public. Without objection from the Council, the Rules were suspended.

- Gregory Knight, from Mid-Knight Auto on Old County Road, spoke concerning the proposed RR Zone Regulations and re-zoning along Old County Road. He expressed concern about the 200 foot development setback limit along Old County Road and said that his business uses much more of their land than 200 feet. He also said that he did not understand why this zoning was being proposed, and what the goal of this zoning is. He noted that it seems to be the beginning of what has been called “smart growth” as part of the UN’s “Agenda 21”, which some believe is large-scale zoning changes that will usurp individual property rights from property owners.

- Ryan Post, 18 Shaw Avenue, spoke concerning “geo-engineering”, a clandestine process whereby chemical are released into the Earth’s atmosphere to try and counteract the effects of global warming. He said that a serious dialogue needs to be held on this issue because of the catastrophic effects it could have on the Earth’s climate.

Regular Meeting, Public Forum continued:

April 8, 2013

Councilor Dickerson thanked Mr. Post for sharing this information, and said that geo-engineering or so-called “cloud seeding” is an important issue that needs to be discussed.

The Council then went back into Regular Session and continued with Resolves.

#20 Accepting Donations – Rockland Public Library

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City gratefully accepts the following donations of to the Rockland Public Library:

Rockland Historical Society, \$2,000 to be used to help offset operational costs; and
Estate of Elizabeth Tyrell, \$7,753.53 to be used for those purposes deemed appropriate by the City Manager in addition to such other funding sources which may exist.

AND, be it further Resolved that a letter of thanks be sent to each donor in recognition of their generous donations.

Sponsor: City Council
Originator: Library Director

Councilor Hebert moved passage and moved to amend Resolve #20 by changing “City Manager” to “City Council”. He said that the Will of Elizabeth Tyrell states that the decision on how the funds are used is to be made by the “governing body”, which is the City Council.

Councilor Isganitis said that the Will states that the decision shall be made by the “governing body of the facility”. He said that the day to day operations fall under the purview of the City Manager, and there was no need for the Council to be involved in operational decisions.

Councilor Pritchett said that the intent of this bequest is that the funds not be used for operational expenses. He asked how such funds are tracked.

The City Manager said that when donations are received by the City, the funds should be placed in a dedicated revenue account and expended from a dedicated expenditure account to show the funds coming in and what they are expended on. As for these funds, a reserve account is already set up for these funds, so Council approval will be necessary to expend any of the funds.

Councilor Hebert agreed that the City Manager has administrative supervision over the Library, but governance of the Library is up to the Council.

Vote on amendment: 4 for, 1 opposed.

(Isganitis)

Vote as amended: 5 for.

#21 Accepting Donation – Rockland Fire & EMS

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City gratefully accepts the donation of \$250.00 from the family of George and Mary Ellis, to the Rockland Fire Department and Emergency Medical Service in memory of George and Mary Ellis.

AND, be it further Resolved that a letter of thanks be sent to the family of George and Mary Ellis in recognition of their generous donation.

Sponsor: City Council
Originator: Fire Chief

Councilor Hebert moved passage.

Vote: 5 for.

#24 Appointment to MCEDD Board of Directors

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT, the Community Development Director is hereby appointed to the Mid-Coast Economic Development District Board of Directors.

Sponsor: Mayor Clayton
Originator: City Manager

Councilor Pritchett moved passage.

Vote: 5 for.

#25 Accepting Plans for Main Street Parks

WHEREAS, City staff has worked with landscape architects, the Parks Commission, and Rockland Main Street Design Committee members to develop conceptual designs; and

WHEREAS, these conceptual designs have been approved by the Parks Commission and Main Street Design Committees; and

WHEREAS, the City of Rockland has received construction estimates for both parks; and,

WHEREAS, the 2010 Downtown Grant identified the Ferry Terminal park as a component of the Main Street work required to fulfill the grant obligations; and

WHEREAS, the Winslow-Holbrook Square is qualified to receive funding under this grant program; and

Regular Meeting, Resolve #25 continued:

April 8, 2013

WHEREAS, the 2010 Downtown Grant account has a remaining balance of \$102,112

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT, The City Manager is authorized to expend up to the remainder of funds from the 2010 Downtown Grant on these two projects;

AND, BE IT FURTHER RESOLVED THAT, the City Manager is authorized to solicit bids for the proposed improvements and to proceed with the work necessary for the implementation of these improvements;

Sponsor: City Manager
Originator: Recreation Department

Councilor Pritchett moved passage.

Councilor Dickerson noted that the plan for the park at the north end of Main Street (Ferry Terminal) calls for the inclusion of stairs at the back of the park. She asked how this would not comply with ADA requirements.

The City Manager said that the stairs would not be ADA compliant, and that the hill at the back of this park is such that it would not be possible to build a ramp that would be ADA compliant either. However, he said this would not preclude the City from using the grant funds for this park. He said that the stairs would be used to link the park to the proposed route of the Harbor Trail at some point in the future. Disable persons could be directed to an alternate route to access the park from the Main Street sidewalk.

Councilor Dickerson said that the City should not be spending money to create a park that will not be accessible to all citizens.

Councilor Isganitis noted that there are already other parks in the City that do not meet ADA requirements, such as Sandy Beach Park. He also noted that the Harbor Trail is not a sidewalk, and that alternate routes can be designed for disabled persons to follow.

The City Manager said that the park would be accessible from the Main Street sidewalk. He said that the back of the park abuts a fairly steep hill. The stairs are proposed to connect this park to the Harbor Trail once it is constructed in this area. Disabled persons will be directed to an alternate route to follow the Harbor Trail from areas that will not be fully accessible.

Councilor Pritchett said this matter has already been address by the Wastewater Treatment Plant where disabled persons are directed to an alternate route to continue following the Harbor Trail. He also said this was appropriate to meet the requirements of the grant.

Councilor Hebert said that the list of everything to be done in these parks exceeds the existing funds, so various elements will have to be chosen for inclusion in the project. He said it is possible that the stairs will not even be done at this point. Also, he said that the Harbor Trail does not even exist in this area. The stairs would be included so as to be available if and when the Harbor Trail is constructed in this area. He also said that these funds need to be expended to complete the 2010 Downtown Grant.

Councilor Pritchett said that it is often the practice to bid out more than there are funds available to try and get as many elements of a project done as possible. He said additional items would be removed from the project if they cannot be afforded at this time.

Vote: 4 for, 1 opposed.
(Dickerson)

#26 Accepting Forfeited Assets – W. Rankin

BE IT HEREBY RESOLVED 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 Defendant *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 case:

- \$4,384.00 U. S. Currency, State of Maine v. William Rankin, Superior Court Docket # CR-13-54.

Sponsor: City Manager
Originator: Police Department

Councilor Pritchett moved passage.

Vote: 5 for.

#27 Appointment to Comprehensive Planning Commission – A. Morris

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the appointment by the Mayor of Ann Morris, 60 Lake Avenue, to the Comprehensive Planning Commission to fill a vacancy on that commission is hereby confirmed. Ms. Morris shall serve until that term expires in 2014.

Sponsor: Mayor Clayton
Originator: Mayor Clayton

Councilor Isganitis moved passage.

Vote: 5 for.

At this time, Mayor Clayton asked Councilor Pritchett to take the Chair so that he could make a motion. Mayor Clayton moved to add Resolve #28, Nomination to Knox County Budget Committee, to the agenda.

Vote: 5 for.

Resolve #28 Nomination to Knox County Budget Committee – S. Carroll

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT Stephen Carroll, 526 Old County Road, is hereby nominated to serve as a representative of the City of

Regular Meeting, Resolve #28 continued:

April 8, 2013

Rockland on the Knox County Budget Committee.

Sponsor: Mayor Clayton
Originator: Mayor Clayton

Councilor Hebert moved passage.

Councilor Dickerson said that she was pleased that Mr. Carroll has come forward to serve on this very important committee, and noted that there is still another vacancy on the committee that needs to be filled. She also said that she served on this committee and found it a rewarding experience.

Mayor Clayton echoed Councilor Dickerson's sentiments and said that anyone interested in serving on this committee, or any other City committee, to contact him or the City Clerk. He also said that serving on a committee is one of the easiest ways for citizens to get involved in the community and to make a difference.

Councilor Hebert agreed with Mayor Clayton, and noted that Mr. Carroll has expressed an interest in budgetary matters and will be a fine addition to this committee. Vote: 5 for.

Councilor Pritchett returned the Chair to Mayor Clayton.

Ordinances in Final Reading and Public Hearing:

6 Chapter 2, Section 2-212 Rules of Procedure – Pledge of Allegiance

(See page 239-240 for text)

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

Councilor Pritchett moved passage.

Vote: 5 for.

The amendment will become effective May 8, 2013.

7 Chapter 19, Section 19-304 TB 1 & 2 Zone Regulations

(See pages 240-242 for text)

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

Councilor Hebert moved passage.

Councilor Pritchett said that this amendment only applies to existing structures in the TB 1 and TB 2 zones. He added that the purpose of this amendment is to make it more likely that existing structures will be re-developed.

Councilor Isganitis added that under the current zoning, properties that did not meet the minimum lot requirements would need to be combined and the structure removed before they could be used for a different purpose. This amendment would allow for the adaptive re-use of existing structures.

Councilor Dickerson asked if this amendment was targeted for a specific area.

The City Manager said that the amendment applies to all TB 1 and TB 2 zones in the City, however, the genesis of the amendment came from a situation on Union Street between Rankin Street and the Library. He said this amendment was not introduced to address a particular issue, rather it is a smart move to facilitate the reuse of structures in these zones.

Councilor Dickerson said this amendment would change the zone to allow for commercial uses in a residential zone on the west side of Union Street. She said this area traditionally has served as a buffer for the residential areas to the west of Union Street. She said she was concerned about allowing commercial uses in this residential area.

The City Manager said that there are already commercial activities going on in this area, and that this amendment does not allow for strictly commercial activities; rather a mixed use of residential and commercial uses in the same structure. He said the buffer mentioned by Councilor Dickerson would still exist.

The City Attorney added that the only non-residential uses that would be allowed in this area are those already allowed in the TB 1 and TB 2 zones.

Councilor Pritchett said that this amendment does not change the zone boundaries, and added that commercial activities can already take place in these zones.

Councilor Dickerson countered that the amendment will increase the density of commercial activities in a structure thereby increasing the impact to the adjacent residential areas.

Councilor Isganitis said that the Council needs to stop thinking about zoning in a linear relationship and creating buffers between uses. He said that with the existing regulations in the TB 1 and TB 2 zones, you cannot redevelop existing structures if the lot does not meet the area requirements. He said this would require the consolidation of non-conforming lots and demolition of existing structures, which would be much more impactful to the adjacent neighborhoods. He said this amendment will allow for adaptive redevelopment of the existing structures on the existing lots thereby maintaining the current character of the neighborhoods.

Councilor Hebert said that this is a complicated issue, and that he understands Councilor Dickerson's concerns. He said it is possible that this amendment could increase commercial uses in the area that she mentioned. However, he said that the zones are not being changed or redefined; rather the amendment will allow the possible re-use of existing properties.

Vote: 4 for, 1 opposed.

(Dickerson)

The amendment will become effective May 8, 2013.

Ordinances in First Reading:

8 Chapter 19, Section 19-304 Rural Residential Zone Regulations

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTION 19-302, Words And Phrases Defined, and SECTION 19-304, Zone Regulations, Subsection 5, Rural Residential 1 Zone, BE AMENDED AS FOLLOWS:

Sec. 19-302 Words And Phrases Defined

Agriculture. The cultivation of land, raising of crops, feeding, breeding, and raising of livestock, and other uses traditionally associated with farming.

* * *

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Farm Stand/Agricultural Market: A facility used for retail marketing of agricultural output of local farms. In addition such use shall permit retail sales of articles of home and farm manufactured products such as jams and jellies, maple products, cheese, cider, herbs/spices, baked goods, wreathes and flower arrangements as well as soaps, candles, pottery and similar products.

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Home Occupation Level 2 shall have very low impacts. Occupations might include the offices of a single physician, realtor, insurance broker, accountant, artist, beautician, lawyer, or other professional, a single-pupil instructor. There may be one (1) on-site employee or full time equivalent from outside of the immediate family-in-residence. . . .

* * *

Riding Stable. A facility and contiguous land under common ownership used for the art or practice of horsemanship.

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Schools, small. Any educational institution including primary and secondary schools, colleges and universities, both public and private, both profit and non-profit, specialized trades, arts, technical, or vocational; not to exceed more than 10 students onsite at any given time.

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Veterinarian. A person trained and authorized to practice veterinary medicine and surgery; a doctor of veterinary medicine.

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Veterinary Clinic. A place for the provision of medical care to animals.

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5. RURAL RESIDENTIAL 1 ZONE "RR1"

Purpose: The purpose of the Rural Residential 1-Zone is to permit agriculture, animal husbandry, low-density residences, and other appropriate uses in the City's rural areas; to protect sensitive natural resources; and to preserve the rural character nature of this area. ~~Since this area is largely non-sewered, nor is sewer extension likely in the near future, the area should allow residential uses and limited commercial activities, including only limited merchandizing. The area is presently mixed residential with some commercial. Outdoor storage and motor vehicle repair should be allowed with screening. Only uses consistent with these purposes are permitted, and large lots should be retained to maintain the rural character of the area.~~

A. Permitted Uses

In ~~thea~~ Rural Residential 1-Zone, "RR1" no building or land shall be used, and no building shall hereafter be erected or structurally altered, except as provided herein, unless otherwise ~~authorized~~provided for in this Article.

<u>RURAL RESIDENTIAL ZONE "RR1" PERMITTED USES</u>	
(1)	<u>Agriculture</u>
(2)	<u>Single- And Two-Family Dwellings, and Single Mobile Homes Residential uses, single, 2 family and multifamily</u>
(3)	Accessory Apartments
(4)	Home Occupations, all levels
(5)	<u>Agriculture, including but not limited to: cattle, sheep, goats, swine, fowl, or horses kept for commercial or personal purposes</u>
(6)	Bed and Breakfast Establishments
(7)	<u>Churches</u>
(8)	<u>Flag Lots</u>
(9)	<u>Funeral homes</u>
(10)	<u>Monument and stone works</u>
(11)	Nurseries, greenhouses and landscaping businesses
(12)	<u>Office buildings</u>
(13)	<u>Personal Services</u>
(14)	<u>Public utilities</u>
(15)	<u>Schools and Day care centers</u> ["Schools, Small" Become A Conditional Use]
(16)	<u>Service clubs and fraternal or veterans' organizations</u>
(17)	<u>Small engine repair</u>
(18)	<u>Social Service building, existing on 5/14/97, may be expanded up to 2,000 square feet in area</u>
(19)	<u>Studios, Tradesmen's offices, Shops, and showrooms</u> [Tradesmen's offices, shops and showrooms]

RURAL RESIDENTIAL ZONE “RR1” PERMITTED USES	
	Become Conditional Uses]
(19)	Veterinarians and Veterinary Clinics [Become Conditional Uses]
(9)	Campgrounds that limit their accommodations to tents, and don't accept recreational vehicles, trailers, etc.
(1020)	Accessory uses

B. 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 ~~used~~involved. In granting, denying, and/or imposing conditions, the Planning Board shall undertake a review, applying the process and standards outlined in Chapter 16, Sections 16-201 through 16-206 for site plan review and shall take into consideration the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; signage, and lighting; compatibility with existing uses; availability of necessary public services; compliance with applicable requirements of all City Ordinances, including the Performance Standards of Section 19-316.

RURAL RESIDENTIAL ZONE “RR1” CONDITIONAL USES	
Automobile Body Shops, Automobile Repair and Farm Equipment businesses must not keep outdoors, or on a regular basis, any more than 12 vehicles or pieces of machinery awaiting repair, undergoing repair, or awaiting pick up after repair. These vehicles must be screened as required by Section 19-316.H & I. This number may be increased to 20 vehicles if the site plan which is presented shows that the additional vehicles, machinery or equipment will not be visible from other properties. [See “Standards,” Below]	
(1)	Automobile Body Shop, new or expanded [See Below]
(2)	Automobile Sales, Small-Scale Used, new or expanded. [See Below] The Planning Board may allow the number of vehicles displayed on any lot in a RR1 zone to be increased up to a maximum of 30 vehicles according to the following: <ul style="list-style-type: none"> —(i) 1 additional vehicle can be displayed for each 10,000 square feet of undeveloped lot size which exceeds the minimum required lot size in this zone; and —(ii) 1 additional vehicle can be displayed for each 10 feet of street frontage (on a public street) exceeding the minimum required frontage in this zone.
(3)	Automobile Repair businesses, new or expanded [See Below]
(14)	Commercial outdoor recreational uses
(5)	Farm Equipment sales, new or expanded [See Below]
(6)	Schools
(2)	Cemeteries
(3)	Veterinarians and Veterinary Clinics
(4)	Riding Stables
(56)	Schools, small
(6)	Farm Stands/Agricultural Markets on parcels with frontage on Old County Road

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RURAL RESIDENTIAL ZONE “RR” CONDITIONAL USES within 200 feet of Old County Road, on Lots With Frontage on Old County Road, and Between the Thomaston Town Line on the South and the Achorn Cemetery Property on the North:	
(15)	Farm Equipment sales, new or expanded
(24)	Automobile Body Shop, new or expanded
(32)	Automobile Sales, Small-Scale Used, new or expanded. The Planning Board may allow the number of vehicles displayed on any lot in a RR+ zone to be increased up to a maximum of 30 vehicles according to the following: <ul style="list-style-type: none"> (i) 1 additional vehicle can be displayed for each 10,000 square feet of undeveloped lot size which exceeds the minimum required lot size in this zone; and (ii) 1 additional vehicle can be displayed for each 10 feet of street frontage (on a public street) exceeding the minimum required frontage in this zone.
(43)	Automobile Repair businesses, new or expanded
(5)	Personal Services
(6)	Professional Services
(7)	Public Utilities
(8)	Offices

RURAL RESIDENTIAL ZONE “RR” CONDITIONAL USES within 200 feet of Old County Road, on Lots With Frontage on Old County Road, and Between the Thomaston Town Line on the South and the Achorn Cemetery Property on the North:

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(9)	Tradesmen offices, shops and showrooms
(10)	Daycare Homes

C. Prohibited Uses

RURAL RESIDENTIAL ZONE “RR1” PROHIBITED USES	
(1)	Any use which is obnoxious, annoying, unsightly, detrimental, injurious or dangerous to the health, comfort, or property of individuals, or of the public, by reason of odor, fumes, vapor, dust, smoke, gas, noise, or vibration
(2)	Ammonia, bleaching powder, or chlorine manufacturing or refining, hydrochloric, nitric, picric, sulfuric, or sulfurous acid manufacture
(3)	Asphalt manufacture, heating, mixing, or refining, creosote manufacture
(4)	Blast furnace; melting or ore reduction or smelting; hot rolling mill
(5)	Cement, gypsum, or plaster of Paris manufacture or rock crushing
(6)	Dextrin, glucose, or starch manufacture
(7)	Drive-up windows and drive-throughs
(8)	Dye, or match manufacture
(9)	Explosives or fireworks manufacture, or storage in excess of five hundred (500) pounds
(10)	Fat, grease, lard, or tallow manufacture, refining, or rendering
(11)	Fish rendering
(12)	Incineration, reduction, or dumping of dead animals, garbage, offal, or refuse
(13)	Linoleum or oilcloth manufacture, production or refining of petroleum or other inflammable liquids
(14)	Rubber manufacture, or treatment involving offensive odor
(15)	Slaughtering, or operation of stock yards
(16)	Tanning or curing of raw hides or skins
(17)	Tar distillation or manufacture, turpentine or varnish manufacture
(18)	Any process similar in character to any of the uses specified above or those uses which have been declared a nuisance in any court record
(2)	Commercial-scale wind turbines.
(3)	Other uses not listed as permitted or conditional uses.

D. Standards

(1) The standards of Section 19-316 shall be observed.

RURAL RESIDENTIAL ZONE “RR1” STANDARDS		
	SEWERED USE	NON SEWERED USE
Minimum Lot Size	20,000 sq. ft. (if sewered)	two acres (if non-sewered)
Required Lot Area for each Additional Dwelling Unit	20,000 square feet (if sewered)	N/A 43,560 square feet
Minimum First Floor Area Per Primary Structure/Building	400-600 square feet	
Minimum Continuous Street Frontage along one street	200 feet (Excludes Cul-de-sacs)*	
Minimum Setbacks**	<u>Parcels Fronting On Old County Road:</u>	<u>Elsewhere:</u>
Front	25-35 feet	50 feet
Side (Principal Structure)	25 feet	25 feet
Rear	20 feet (excludes corner lots, see definition)	30 feet (excludes corner lots, see definition)
Minimum Rear Setback – Exception (For no more than 2 accessory structures with a combined area of up to 700 square feet and a maximum height of 18 feet)	10 feet	
Side and rear setbacks for commercial or mixed uses abutting a residential zone or use	40 feet	

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<u>RURAL RESIDENTIAL ZONE “RR1” STANDARDS</u>	
Minimum Side Setback (Accessory Structures)	10 feet
Maximum Building Coverage	20% (includes principal and accessory buildings)
Maximum Lot Coverage	30% (includes impervious surfaces)
Maximum Building Height	35 feet and 2½ stories, <u>except barns, silos, sheds, other structures used for agricultural purposes, or non-commercial wind power generation towers accessory to on-site residential use</u>
Minimum Distance Between Curb Cuts	200 feet along a public way or 100 feet along an internal private road, but at least one allowed per lot. 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>Subdivisions</u>	<u>No subdivisions are permitted unless they meet the standards and requirements for Clustered Housing or Conservation Subdivisions</u>
<u>Commercial Outdoor Vehicle Storage and Lighting</u>	Automobile Body Shops, Automobile Repair and Farm Equipment businesses must not keep outdoors, or on a regular basis, any more than 12 vehicles or pieces of machinery awaiting repair, undergoing repair, or awaiting pick up after repair. These vehicles must be screened as required by Section 19-316.H & I. <u>Such businesses shall limit after-hours exterior lighting to the minimum lighting needed for security purposes.</u>

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Notes:

*See Subdivision Review in Chapter 16 for Cul-de-sac frontage standards.

** For purposes of setback calculations, Principal and Accessory Structures include attached porches, decks and any other attached structures excluding steps only if the steps do not exceed 25 square feet in size. Ramps for handicapped access are exempted from setback calculations.

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 he had been on the Comprehensive Planning Commission for five years and served the last three as chairman, and had worked extensively on this proposal. He apologized to Mr. Knight for not receiving notification of the many public hearings that the Commission held on this issue to get input from the area landowners. He said that the Commission was not aware that the Knights used more than 200 feet of their property, and that is an issue that will need to be addressed. He also said that he had never heard of Agenda 21 until a member of the public spoke out it at a City Council meeting about a year ago, and that Agenda 21 played no part in the development of this proposal. In fact, he said this proposal does just the opposite of what opponents to Agenda 21 say that it intends, by protecting larger lots and encouraging agricultural uses rather than other development of that land.

Councilor Dickerson said under the current zoning, the minimum lot size for an unsewered lot would be increased to 2 acres, meaning that a person would only be able to subdivide that property if it was larger than 4 acres. She also questioned why riding stables were considered a conditional use requiring Planning Board approval when equestrian activities are included in the State definition of “agriculture”, as are farm stands and agricultural markets. She said that she did not see the necessity for these kinds of obviously rural activities going to the Planning Board. She said that she was in favor of protecting what has been called the “last frontier” in Rockland, but this proposal contains provisions that are unfortunate. Therefore, Councilor Dickerson moved to amend Ordinance Amendment #8 by deleting “Riding Stables” as a conditional use.

Councilor Hebert asked if “Riding Stables” is to be deleted as a conditional use, do it then need to be added as an allowed use. Councilor Dickerson said that it could be added to the list of allowed uses, but felt that the activity is already allowed as part of the definition of “Agriculture” in State statutes.

Councilor Isganitis said that the Commission looked at activities such as a riding stable as a business that would bring more traffic to the area thereby creating more or an impact to the area, which is why it was allowed as a conditional use. He said it would be alright to add “Equestrian Activities” as an allowed use, but would prefer that “Riding Stables” remain a conditional use.

Councilor Dickerson said if this amendment is passed as proposed, it would be in direct conflict with Title 7.

The City Attorney said that municipalities have exclusive control over zoning, and the State’s definition has not been incorporated in this Ordinance.

Councilor Pritchett asked if Riding Stables is deleted as a conditional use, would it be permitted.

The City Attorney said that “Riding Stables” are not included in the definition of “Agriculture”, therefore it would not be a permitted use under that definition.

Councilor Hebert said that he was not going to support Councilor Dickerson’s amendment for one reason. He said he could see the Council sitting here for hours wordsmith this proposal. He said that he would rather postpone action on this matter and have a workshop with the Comprehensive Planning Commission to iron out all of these issues, rather than trying to amend it in this fashion.

Vote on amendment: 1 for, 4 opposed.
(Pritchett, Clayton, Hebert, Isganitis)
Motion to amend defeated.

Councilor Hebert said that he was the Chair of the Comprehensive Planning Commission when the Comprehensive Plan update was adopted. He said at that time, the Rural Residential Zone was limited to a short stretch of Old County Road and seen as a “silly zone” because of the odd mix of uses in that area. He said that the Commission challenged future Councils to re-think how Old County Road should be re-zoned. He said there was a unique mix of uses in this area from residential

Regular Meeting, Ordinance Amendment #8 continued:

April 8, 2013

through commercial, but not really agricultural until you go to the west of Old County Road. He said at that time, the Commission was not looking to re-zone the properties west of Old County Road toward the Bog. In the more developed areas of the City, the use patterns were already developed prior to any zoning being instituted, and when zoning was over-laid it created many non-conforming lots and uses. He said that the 2002 update to the Comprehensive Plan calls for zoning that creates less non-conformance. He also said that elements of Gateway 1 have been adopted to help address land use issues along congested corridors, and he suggested that Old County Road is becoming such a corridor and the Council needs to be mindful of traffic patterns and impacts when considering zoning proposals. He suggested that a different look be taken at Old County Road, and that the Rural Residential Zone may not be the appropriate zone for that corridor. He said that he was not totally opposed to some of the standards in this proposal being applied to properties to the west of Old County Road, and to apply the standards that make the most sense for Old County Road be applied to Old County Road. He said that a workshop to open such a dialogue would be helpful in this instance. With the City approaching its annual budget season which is going to consume a considerable amount of the Council's time, Councilor Hebert moved to postpone Ordinance Amendment #8 until the July 8, 2013 Regular Meeting, and called for at least one workshop between the Council and the Comprehensive Planning Commission to discuss this proposal.

Councilor Pritchett noted that there are only minor differences in the zoning that is applied to the Old County Road area and to the zoning that is applied to the North End area where he resides. He said those two areas are completely different in character and should not have similar zoning regulations. He said that the zoning should be more straight forward in the open areas of the City where agricultural uses make sense. He agreed that a workshop would be helpful.

Vote: 5 for.

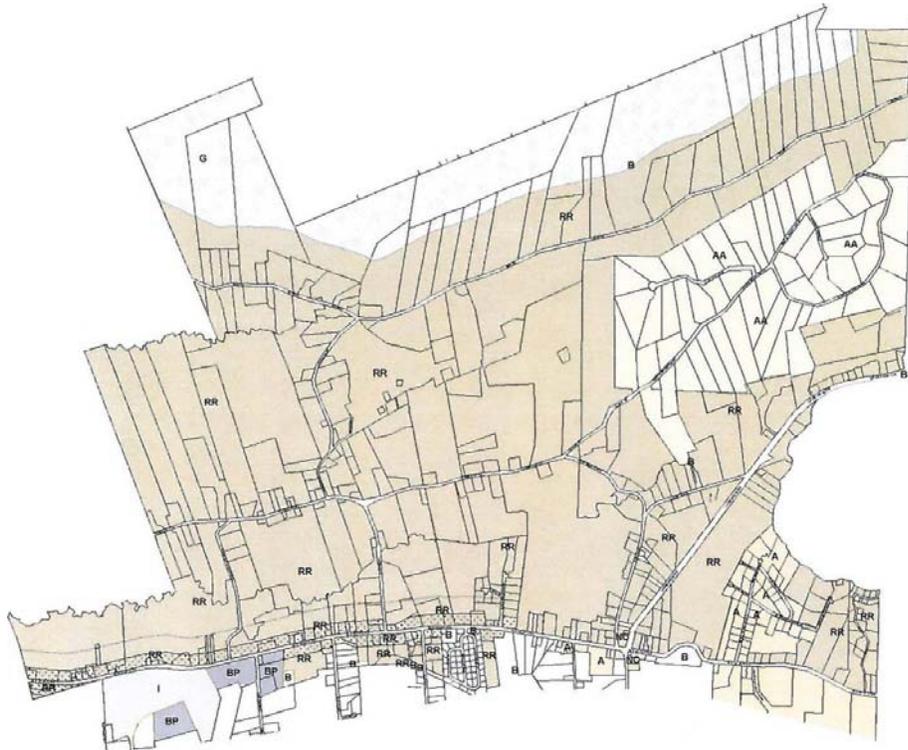
Ordinance Amendment #8 was postponed until the July 8, 2013 Regular Meeting.

9 Authorizing Zoning Map Amendment

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

THAT the Zoning Map of the City of Rockland be amended as shown on the enclosed excerpt, in the vicinity of Old County Road on the southeast, the Thomaston town line on the southwest, Bog Road on the northwest, and the Rockport town line on the northeast. The Rural Residential, Residential A, and Residential B zones thus amended shall encompass the areas defined by the parcels of land included therein.

Sponsor: Councilor Isganitis
Originator: Comprehensive Planning Commission



Councilor Hebert moved to postpone Ordinance Amendment #9 until the July 8, 2013 Regular Meeting.

Vote: 5 for.

Ordinance Amendment #9 was postponed until the July 8, 2013 Regular Meeting.

At this time, Mayor Clayton declared a 5 minute recess (9:20 p.m.)

The meeting was reconvened at 9:25 p.m.

#10 Chapter 13, Article IV Use of Pesticides and Herbicides on City Property

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 13, Parks and Trees, BE AMENDED AS FOLLOWS:

ADD:

ARTICLE IV Pesticide / Herbicide Usage on City-Owned Lands

Sec. 13-401 Purpose

The purpose of this chapter is to safeguard the health and welfare of the residents of the City of Rockland and to conserve and protect the City's ground water, estuarine, marine and other natural resources, while ensuring preservation and enhancement of City-owned lands.

Sec. 13-402 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Natural, organic land care: An extension of the principles and practices of organic agriculture to the care of turf and landscape.

Pesticide: Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant; and any nitrogen stabilizer. It does not include multicellular biological controls such as mites, nematodes, parasitic wasps, snails or other biological agents not regulated as pesticides by the U.S. Environmental Protection Agency ("USEPA"). Herbicides, fungicides, insecticides and rodenticides are considered pesticides.

Sludge: As defined in 38 M.R.S. § 1303-C (28-A), as amended from time to time.

City-Owned Land: All land owned or leased by the City of Rockland and/or managed by or on behalf of the City, including outdoor grounds such as municipal facilities and lawns, parks, playing fields, cemeteries, the City Forest, and conservation and open space.

Pest: Any undesirable insect, plant, fungi, bacteria, virus or micro-organism.

Sec. 13-403 Permitted and Prohibited Uses of Pesticides / Herbicides.

The following provisions shall be applicable to all turf and landscape for outdoor pest management activities on City-owned land.

A. Permitted Uses:

- (1) Use or application of natural, organic land care protocols;
- (2) All control products and soil amendments, including fertilizer and compost, used under the terms of this article shall be in keeping with, but not limited to, products that can be used on Maine Organic Farmers and Gardeners Association Certified Farms, and/or products permitted by the Organic Materials Review Institute or the USDA National Organic Program; and
- (3) Use or application of sludge or sludge-derived products to the extent permitted by the Maine Hazardous Waste, Septage and Solid Waste Management Act (38 M.R.S. §§ 1301, *et seq.*), the Protection of Natural Resources Act (38 M.R.S. §§ 480-A, *et seq.*), or the Site Location of Development Act (38 M.R.S. §§ 481, *et seq.*), and any rules related thereto, as amended from time to time.

B. Prohibited Uses:

- (1) Use or application of chemical pesticides, other than pesticides classified by the USEPA as exempt materials under 40 CFR 152.25, and those products permitted by the Organic Materials Review Institute; and
- (2) Use or application of sludge or sludge-derived products not listed as permitted above.

Sec. 13-404 Exemptions

The following processes are exempt:

1. Drinking water and wastewater treatment;
2. Indoor pesticide use;
3. Contained baits or traps for rodent control;
4. Use of pesticides classified by USEPA as exempt materials under 40 C.F.R. 152.25;
5. Pesticides permitted by the Organic Materials Review Institute;
6. Management of City-owned land not used or used infrequently by the public (roadway medians, for example);
7. Pesticide applications by owners or tenants of residential properties on landscaped areas within municipal rights-of-way;
8. Pesticide applications on City-owned land to control vermin or other infestations, which applications are, in the discretion of the City Manager, reasonably necessary to prevent the spread of such infestations or to protect the public health;

Regular Meeting, Ordinance Amendment #10 continued:

April 8, 2013

9. Control of poisonous or rapidly invasive plant species injurious to human health or the environment, using the least toxic product in accordance with USEPA protocols under 40 C.F.R. 152.5, the Maine Code of Regulations, Titles 7 and 22: "Use of Pesticides," and the *Best Management Practices for the Application of Turf Pesticides and Fertilizers* of the Maine Board of Pesticide Control.

Sec. 13-405 Emergency waiver

If the City Manager, applying the criteria set forth below, finds that there exists an emergency situation, the Code Enforcement Officer may, upon written request, grant a thirty (30) day temporary waiver authorizing of non-exempt pesticide(s). The waiver may be extended, but in no event shall the total waiver period exceed six (6) months. Waiver approval shall be subject to the use of the least toxic material available to address the given emergency. The presence of weeds or common fungal diseases in the usual course of turf maintenance shall not constitute an emergency.

The waiver determination shall be based on the following criteria:

A. The pest situation presents:

- (1) An immediate threat to human health or environmental quality; or
(2) An immediate threat of substantial property damage or loss; and

B. Viable alternatives consistent with this article do not exist.

Sec. 13-406 Enforcement and permits

Except with respect to the conduct of City of Rockland employees, this Article shall be enforced by the Code Enforcement Officer, in accordance with the provisions governing the enforcement of the property maintenance code set forth in Chapter 4. The City Manager shall be responsible for assuring compliance by City of Rockland employees with the provisions of this Article.

Sec. 13-407 Conflict and invalidity

If a conflict or inconsistency is found between this Article and other sections of the City Charter or Code of Ordinances, the terms of the stricter provision(s) shall prevail. The invalidity of a provision of this Article shall not invalidate any other provision of this article.

State Law Ref.: 30-A M.R.S. § 3001; 22 M.R.S. § 1471-U; 38 M.R.S. § 1310-U.

Sponsor: Councilor Dickerson
Originator: Councilor Dickerson

Councilor Dickerson moved passage and thanked the City Manager and City Attorney for bringing this amendment forward, and that it suits the intent that she had when she brought this subject to the Council. The only question she had was on paragraph (7) of Section 13-404, Exemptions "Pesticide applications by owners or tenants of residential properties on landscaped areas within municipal rights-of-way". She asked if staff had any thoughts on whether this exemption should be removed from the amendment.

The City Manager said that the intent of this amendment is to create a policy for the use of pesticides and herbicides on City property that the entire Council could support.

Councilor Dickerson asked if there was a simple way to amend this proposal so that property owners would be aware of the policy if they were spraying in the City's right of way.

The City Manager said that he could not think of a simple way to make property owners aware of the policy, other than posting something on the City's website or at the Recreation Center.

Councilor Isganitis said that this policy is intended to control the use of pesticides and herbicides on City property, and since rights of way are not necessarily municipally owned land to begin with, paragraph (7) may not be necessary as it would not apply to privately owned land.

Councilor Hebert thanked Councilor Dickerson for bringing this matter to the Council, but said it felt like chasing a problem that does not exist, since the City does not currently use pesticides or herbicides. However, he said that it is probably a good idea to have a policy in place just in case a situation arises where the City needs to use these products. He also said that it is impractical to prohibit private property owners from spraying in rights of way that are not always clearly defined. He said this ordinance is clear that the regulations apply to use of these products by the city on city property. He urged the Council to support this amendment as written.

Councilor Pritchett agreed with Councilor Hebert, saying that the amendment was pretty well written. He said it can always be tweaked in second reading if necessary.

Councilor Dickerson said that the City should try and think of ways to work with private property owners to educate them on the use of pesticides, and hoped that would be something that the City can look into for the future.

Councilor Isganitis urged support for this amendment as written, and also thanked Councilor Dickerson for being proactive in this matter.

Vote: 5 for.

A public hearing was set for May 13, 2013 at 7:00 p.m.

#11 Chapter 19, Sections 19-304 and 19-202 Special Classes

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTION 19-309, Exceptions and Exemptions, and SECTION 19-202, Powers and Duties; Conduct of Appeals, BE AMENDED AS FOLLOWS:

Sec. 19-309 Exceptions and Exemptions

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTION 19-309, Exceptions and Exemptions, and SECTION 19-202, Powers and Duties; Conduct of Appeals, BE AMENDED AS FOLLOWS:

Sec. 19-309 Exceptions and Exemptions

1. Special Classes. No building may be erected, ~~or altered, or used,~~ and no ~~building or~~ land may be used ~~in any zone~~ for any of the following purposes ~~in any zone,~~ except that the ~~Planning Zoning Board of Appeals~~ may ~~so~~ permit ~~such use, except in their any zone except~~ Residential A and AA zones if the Board ~~— following the procedures and applying the standards for site plan review set forth in Chapter 16, Article II, including a public hearing —~~ ~~also finds~~ ~~states~~ that such use is not detrimental or injurious to the neighborhood, ~~that there will be provided fencing and screening adequate to provide visual and auditory barriers from other properties and public rights of way,~~ and that the applicant has demonstrated compliance with ~~all other applicable City ordinances. All owners of property located with 300 feet of the lot lines of the subject parcel shall be notified of the Special Class application, in writing and at least seven days prior to the public hearing, and shall be provided an opportunity to be heard at such hearing. —after considering the same factors and imposing any necessary conditions authorized under Section 19-304(3)(B) of this Article:~~

- A. Aviation field;
- B. Cemetery;
- C. Correction or penal institution;
- D. Municipal use (not otherwise provided for);
- E. Public utility use (other than as provided by Section 19-304(3)(B)). ~~A public utility sited in accordance with Section 19-304.1.B(7) may be allowed as a conditional use in the Residential A Zone;~~
- F. Sanitarium (tubercular or mental);
- ~~G. Stable, public; saddle horses for hire;~~
- ~~H. Tourist cabins (Zone E not permissible);~~
- ~~G. Transformer stations;~~
- ~~J. Automobile outside display or sales lot;~~
- ~~K. Any other use not otherwise provided for (excluding uses prohibited under Section 19-304(8)(B));~~
- ~~H. Wind power generation equipment;~~
- I. Temporary Buildings that house a use incidental to and reasonably required by an occupant of residential property on the same parcel for a non-commercial purpose (other than the storage or repair of a recreational or fishing vessel, or fishing equipment). Such temporary buildings shall be removed within one (1) year at the owner's expense, unless the permit therefor shall have been extended by the Board for not more than one year. Applications for temporary building permits must be accompanied by a bond, bill of sale, or other instrument acceptable to the City Manager to guaranty the removal and disposal of the building.

2. Public Service Corporations. A building or land used or to be used by a public service corporation may be exempted in part or whole from the provisions of this Article, ~~provided that upon petition, by~~ the Public Utilities Commission, ~~upon petition and~~ after due notice and a public hearing, ~~if the Commission finds and judges~~ such exemption to be reasonably necessary for the convenience or welfare of the public, as provided by the Revised Statutes of Maine.

~~3. Temporary Building. Nothing in this Article shall prevent the issuance of a permit for the erection and use of a non-conforming temporary building incidental to and reasonably required for the development of a neighborhood, provided that the Zoning Board of Appeals shall rule that it is not seriously injurious or detrimental to such neighborhood, after considering the same factors and imposing any necessary conditions authorized under Section 19-304(3)(B) of this Article; such permit to be issued for a term of not more than one (1) year, with option to renew for one (1) year only, and only upon application accompanied by a bond and bill of sale to the City effective in case the building is not removed prior to the expiration of the permit, or other guarantee satisfactory to the City Manager.~~

* * *

Sec. 19-202 Powers and Duties; Conduct of Appeals

* * *

- C. Administration. To make the following determinations and grant the following permits:
 - ~~(1) Determine precise zone boundary lines to the extent authorized by Section 19-301(4); 19-303.3.~~
 - ~~(2) Adjust yard requirements for group housing to provide equivalent amount of open space as provided by Section 19-304.3.D(8).~~
 - ~~(3) Prescribe conditions for certain uses in a Zone E as authorized by Section 19-304.8.A.~~
 - ~~(4) Grant a permit for special classes as provided by Section 19-309.1.~~
 - ~~(5) Grant a permit for a temporary building as provided by Section 19-309.3.~~

Sponsor: Councilor Pritchett
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 Pritchett moved passage and moved to amend Ordinance Amendment #11 by replacing the first paragraph with the follows:

"1. Special Classes. No building may be erected, altered, or used, and no land may be used, for any of the following special use classes; provided, however, that the Planning Board, applying the procedures and standards set forth in Chapter 16, Article II, may approve such use in any zone other than the Residential A or AA zones, upon application, notice, and public hearing, and upon a determination that the use will not be detrimental or injurious to the neighborhood, and that there will be provided

Regular Meeting, Ordinance Amendment #11 continued:

April 8, 2013

fencing and screening adequate to provide visual and auditory barriers from other properties and public rights of way, and that the applicant has demonstrated compliance with all other applicable City ordinances. All owners of property located with 300 feet of the lot lines of the subject parcel shall be notified of the Special Class application, in writing and at least seven days prior to the public hearing, and shall be provided an opportunity to be heard at such hearing.”

Councilor Pritchett said that this amendment simply re-directs the review responsibility from the Zoning Board of Appeals to the Planning Board.

Vote on amendment: 5 for.

Vote as amended: 5 for.

A public hearing was set for May 13, 2013 at 7:00 p.m.

Orders:

3 Authorizing Over-Limit Permit – MDOT Paving Project

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City of Rockland agrees to issue an Overlimit Permit to the MDOT contractor to transport construction equipment that exceed legal weight limits over municipal roads for the Main Street/Union Street repaving project, and that the City Council sign an agreement stating the same.

Sponsor: Councilor Hebert
Originator: MDOT

Councilor Hebert moved passage.

Vote: 5 for.

4 Authorizing Temporary Street Closure and Fee Waiver – Memorial Day Parade

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the organizers of the annual Memorial Day Parade are hereby authorized to close Main Street from Water Street to North Main Street, on Monday, May 27, 2013 beginning at 10:30 a.m. to hold the annual Memorial Day Parade. The organizers shall co-ordinate activities with the Rockland Police, Fire and Public Works Departments for any necessary traffic control and/or public safety measure. Any fees associated with this activity are hereby waived.

Sponsor: Councilor Isganitis
Originator: Gary Henry

Councilor Isganitis moved passage.

Vote: 5 for.

5 Authorizing Temporary Street Closure – Blues Festival Club Crawl

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the organizers of the North Atlantic Blues Festival are hereby authorized to close Main Street, from Park Street to Talbot Avenue, from 8:30 p.m. on July 13, 2013 to 1:00 a.m. on July 14, 2013, to hold the annual "Club Crawl" in conjunction with the North Atlantic Blues Festival. Establishments offering live entertainment in conjunction with the "Club Crawl" shall be limited to those within the area stated above. The organizers shall be responsible for setting up for and cleaning up after this event, shall coordinate with the Rockland Police and Fire Departments for any necessary traffic control and/or public safety measures, and shall provide proof of liability insurance to the City prior to holding the event.

Sponsor: Mayor Clayton
Originator: Paul Benjamin

Councilor Pritchett moved passage.

Vote: 5 for.

6 Authorizing Temporary Street Closure – Lobster Festival Parade

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Rockland Festival Corporation is hereby authorized to close Main Street on Saturday, August 3, 2013 to hold the Annual Maine Lobster Festival Parade, and on Sunday, August 4, 2013 for the Children's One Mile Fun Run. The Festival Corporation shall be responsible for setting up for and cleaning up after these events, coordinating with the Rockland Fire and Police Departments for any necessary public safety and/or traffic control measures, and shall provide proof of liability insurance to the City prior to holding these events.

Sponsor: Councilor Pritchett
Originator: Rockland Festival

Councilor Pritchett moved passage.

Vote: 5 for.

7 Authorizing Placement of Banner – Lobster Boat Races

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Rockland Lobster Boat Race Committee is hereby authorized to hang a banner across Main Street near the intersection with Limerock Street from June 3, 2013 through June 17, 2013 to promote the Lobster Boat Races schedule for

Regular Meeting, Order #7 continued:

April 8, 2013

June 16, 2013. Any costs associated with the hanging of this banner shall be borne by the Rockland Lobster Boat Race Committee.

Sponsor: Mayor Clayton
Originator: Rockland Lobster Boat Race Com.

Councilor Hebert moved passage.

Vote: 5 for.

8 Authorizing Bids – Sale of City Property (67 Warren 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 67 Warren Street and identified as Tax Map #25-A-17-1. The City 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
Sponsor: City Manager

Councilor Pritchett moved passage and then moved to postpone Order #8 until the May 13, 2013 Regular Meeting, saying that there were some issues that needed to be straightened out before action is taken on this property.

Councilor Hebert asked if there were any legal complications to delaying this action.

The City Attorney said that there would be no complications as a result of delaying action on this matter. He also said that he is hopeful of receiving a request from the previous owner for reconveyance of the property.

At this time, Mayor Clayton asked Councilor Pritchett to take the Chair so that he could speak to this issue.

Mayor Clayton said that he will not support postponement of this Order. He said he has seen this property and spoken with the neighbors, and this is a bad situation for the neighborhood that needs to be addressed as soon as possible. He also said that the structure is not habitable.

Vote: 3 for, 2 opposed.
(Clayton, Isganitis)

Order #8 was postponed until the May 13, 2013 Regular Meeting.

Councilor Pritchett returned the Chair to Mayor Clayton.

9 Authorizing Grant Application and Acceptance – Recycling Bins

WHEREAS, the Keep America Beautiful group is awarding grants for beverage recycling bins; and

WHEREAS, City Staff has identified a need for such recycling receptacles in our parks and open spaces; and

NOW, THEREFORE, BE IT HEREBY ORDERED THAT, The City Manager is authorized to apply for and accept award for beverage recycling bins from Keep America Beautiful;

Sponsor: City Manager
Originator: Transfer Facility

Councilor Pritchett moved passage.

Councilor Hebert said this was a good idea and asked how it would be implemented.

The City Manager said that the bins would be placed in the City's parks near the existing trash receptacles. He further explained that the returnables would be collected along with the trash as part of the Public Works Department's trash collection schedule. The funds realized from the returnables will be placed into a reserve account and the Council will determine how the funds are used.

Councilor Hebert asked if any of the bins would be placed on Main Street.

The City Manager said that he did not envision bins being placed along Main Street, only in the City parks.

Councilor Pritchett said that he was impressed with the trash collection done by the Recreation Department over the summer. He also suggested that the Parks Commission Reserve Account may be an appropriate place to deposit these funds.

The City Manager said that the Public Works Department collects the trash City-wide, with the Recreation Department covering Fridays and Saturdays during the summer.

Councilor Hebert said that he has long wondered why the City did not have recycling bins along with the trash bins, and that this was long overdue. He said that he would like to see more of these bins so that there would be one with each trash bin.

Councilor Isganitis said the City has an active citizen initiative of sorting and recycling beverage containers from the trash bins.

Councilor Dickerson also said this was a good idea, and added that for years people have been asking for these kinds of bins. She said this will make it easier for the public to recycle.

Vote: 5 for.

#10 Authorizing Temporary Street Closure – Farnsworth Museum Summer Gala

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Farnsworth Art Museum is hereby authorized to close Museum Street on Friday, July 12, 2013 to hold its annual Summer Gala substantially in conformance with the attached Special Events Application and any additional requirements deemed advisable by City staff. The Farnsworth Art Museum shall be responsible for setting up for and cleaning up after this event, shall coordinate with the Rockland Police and Fire Departments for any necessary traffic control and/or public safety measures, and shall provide proof of liability insurance to the City prior to holding the event. The serving or consumption of alcohol on Museum Street is prohibited.

Sponsor: Councilor Pritchett
Originator: Farnsworth Art Museum

Regular Meeting, Order #10 continued:

April 8, 2013

Councilor Pritchett moved passage and said these Orders authorizing various events signals that the summer season is approaching, and these are key events to the vitality of the community. Vote: 5 for.

Executive Session: Councilor Pritchett moved to convene an Executive Session pursuant to Title 1, M.R.S. Section 405(6)(A), which allows the Council to discuss personnel matters, so that the Council can begin discussions of the annual evaluation of the City Manager. The motion was seconded by Councilor Hebert. Vote: 5 for.

The Council entered Executive Session at 10:05 p.m.

The Council came out of Executive Session and, with no further action being taken, adjourned without objection at 10:36 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

May 6, 2013

Set Agenda for May 13, 2013 Regular Meeting
Executive Session pursuant to 1 M.R.S. § 405(6)(A) – Personnel Evaluation

The meeting was called to order by the Mayor at 6:30 p.m. with the following members answering the roll call: Mayor William Clayton, Larry Pritchett, Eric Hebert, Frank Isganitis, City Manager Smith, and City Attorney Beal. Councilor Elizabeth Dickerson was excused from this meeting due to illness.

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

- Valerie Hooper and Linda Athearn spoke concerning dog owners neglecting to clean up after their pets in violation of the City's ordinance to do so. Ms. Hooper said that she has written letters to the editor and articles to the local newspapers on this subject, and wished to thank all who have responded so positively. She also encouraged all dog owners to clean up after their pets.

Hearing no other speakers, the public forum was closed.

Set Agenda for May 13, 2013 Regular Meeting: The Council went into informal session to set the agenda for the May 13, 2013 Regular Meeting. The following communications were discussed and dispensed with:

- a. Letter from Glenn Billington – Resignation from the Recreation Advisory Committee. The letter resignation was accepted and the City Manager was directed to send a letter of thanks to Mr. Billington for her service to the City.
- b. Letter from Kirk Folk – Resignation from the Comprehensive Planning Commission and the Ad Hoc Harbor Trail Committee. The resignations were accepted and the City Manager was directed to send a letter of thanks to Mr. Folk for his service to the City.
- c. Letter from Lynn Loffman – Request for reconveyance of 14 State Street. This matter will be discussed at a later date.
- d. Letter on behalf of Barbara Vinal – Request for reconveyance of 59 Broadway. This matter will be discussed at a later date.
- e. Letter from Robert Liberty – Request to purchase City-owned property. All sales of City-owned property must be done by competitive bid. The Council directed that an order authorizing such bids be added to the May 9, 2013 Regular Meeting agenda.
- f. Letter from Valerie Hooper and Linda Athearn – Dog Waste. This matter was addressed by the authors during the Public Forum.
- g. Letter from Kristin Cronkite – Support for the appointment of John Grondin to the Parks Commission. The letter was accepted and placed on file.

Executive Session pursuant to 1 M.R.S. § 405(6)(A) – Personnel Evaluation: Because of the absence of Councilor Dickerson, the Executive Session was postponed until May 9, 2013, without objection from the Council.

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

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 8:16 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

May 9, 2013

Presentation of Proposed FY 2014 Municipal Budget
Executive Session pursuant to 1 M.R.S. § 405(6)(C) – Property Disposition
Executive Session pursuant to 1 M.R.S. § 405(6)(A) – Personnel Evaluation

The meeting was called to order by the Mayor at 6:30 p.m. with the following members answering the roll call: Mayor William Clayton, Larry Pritchett, Frank Isganitis, City Manager Smith, and City Attorney Beal. Councilor Elizabeth Dickerson was excused from attending this meeting due to illness, and Councilor Eric Hebert arrived at 6:34 p.m.

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

Special Meeting continued:

May 9, 2013

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

Presentation of Proposed FY 2014 Municipal Budget: City Manager Smith presented the proposed FY 2014 Municipal Budget to the City Council and gave the following budget address:

I am pleased to submit for your consideration the City of Rockland municipal budget for fiscal year 2014. This budget looked carefully at our service levels and our ability to provide services both now and into the future.

We have looked closely at all revenue sources to ensure that those consuming the services are paying their fair share, and that we are not needlessly going to property tax payers to support demands for services that are originating from outside the community. Unfortunately, the economic pressures we have been experiencing in recent years continue as property values decline and our operating costs continue to climb with pressure from inflation. However, this budget proposes a gross municipal expenditure of \$10,647,576. That is just a \$3,498 increase in our gross municipal expenditures and a zero percent increase in the City's MIL rate.

Our increased demand for revenues was driven primarily from debt service costs as we realized the debt incurred in FY '12 and with the approval of a sewer bond and a bond for improvements to the Recreation Building. Both were important and much needed projects; however, they came at a price.

Other good news is that this budget represents a reduction in our dependence on the Undesignated Fund Balance of \$139,601 from the previous year. This means that we are anticipating a modest growth of the undesignated fund balance. This helps the City move forward with its goal of increasing its undesignated fund balance and thereby reducing our dependency on tax anticipation notes. Although I have to state, we still have a long way to go in order to obtain this worthy goal.

Once again, management is committed to wrestling with debt dependency and we have been developing a detailed schedule to identify current and future capital replacement costs. Unfortunately, I am not at a point of confidence that I believe we have a firm grasp on these needs. However, we have scrutinized our vehicle replacement strategy, and based upon preliminary findings of four key criteria, we have determined that it is prudent to delay the expenditure or funding of these replacements until we are able to better analyze our assets and produce a need based assessment. With the development and adoption of a comprehensive capital improvement and replacement plan, we will be able to come to future Councils with legitimate and justifiable requests to ensure we are adequately keeping pace with these costs. However, management recognizes this is a stopgap measure and does not completely resolve the issue of funding capital replacements or address our long-term needs. However, we are confident that this short-term move will allow us to better position the City by ensuring that we are organized and that we have an actionable plan that Council can support and adopt during the course of the coming year.

Along with stabilizing our tax rate, right-sizing services, and positioning ourselves to control debt costs, we have also analyzed the Downtown Tax Incremental Finance Plan, as adopted by Council on January 14, 2008. We have begun the necessary work of pulling projects, concepts, and ideas into a single plan in order to complete both a needs assessment and a cost assessment. These plans will allow us to identify potential costs necessary to complete these works and align both TIF funding as well as other funding sources to meet these needs. This budget recognizes and incorporates the anticipated TIF revenues identified in the adopted 2008 Downtown TIF District Plan.

As promised last year, we have begun the process of becoming project driven and we are focusing our resources to ensure we are improving and supporting the infrastructure needs of the community. We have internally reorganized staff to be sure we have a focused plan on our sewer and storm water collection system. We have already placed the necessary equipment into the hands of our employees in order to ensure we are properly inspecting and cleaning these collection systems.

However, we must also recognize that without any clear direction from Augusta on the future of Revenue Sharing and other funds traditionally dedicated for municipalities, we have based this budget on last year's figures. If Augusta breaks its historical commitments to the City of Rockland, we will be forced to implement curtailments, supplemental appropriations, or a combination of the two in order to re-balance this budget.

Very Truly Yours;

James L. Smith
City Manager

Executive Session pursuant to 1 M.R.S. § 405(6)(C) – Property Disposition; and Executive Session pursuant to 1 M.R.S. § 405(6)(A) – Personnel Evaluation: Councilor Pritchett moved to enter into an Executive Session pursuant to 1 M.R.S. § 405(6)(C), which allows for the discussion of the disposition of City-owned property, and pursuant to 1 M.R.S. § 405(6)(A), which allows for the discussion of personnel matter for the second phase of the annual evaluation of the City Manager.
Vote: 4 for.

The Council entered Executive Session at 6:46 p.m.

The Council came out of Executive Session and, with no action being taken, adjourned without objection from the Council at 9:04 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

REGULAR MEETING

AGENDA

May 13, 2013

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 License – L&H Burgers (Postponed)
 - b. Liquor & Entertainment Licenses – Archers on the Pier
 - c. Liquor License – Brass Compass Cafe
 - d. Liquor License – Conte's 1894
 - e. Liquor License – Sunfire Mexican Grill
 - f. Liquor & Entertainment Licenses – Rock Harbor Restaurant
 - g. Liquor & Entertainment Licenses – Cafe Miranda
 - h. Liquor, Entertainment, Lodging House & Amusement Device – Navigator Motor Inn
 - i. Liquor & Entertainment Licenses – Rock City Cafe
 - j. Liquor & Entertainment Licenses – Myrtle Street Tavern
 - k. Liquor License – Roselyn Seafood
 8. Resolves:

#29 Accepting Donations – Library	City Council
#30 Accepting Donation – Recreation Department	City Council
#31 Commendation – P. Baillargeon	City Council
#32 Appointments to Boards, Commissions and Committees	Mayor Clayton
#33 Accepting Donation – Recreation Center (Memorial Bench)	City Council
#34 Commendation – Nancy O'Brien	City Council
#35 Accepting Donation – Fire Department	City Council
 9. Ordinances in Final Reading and Public Hearing:

#10 Chapter 13, Article IV Pesticides & Herbicides	Councilor Dickerson
#11 Chapter 19, Section 19-202 & 19-309 Special Classes	Councilor Pritchett
 10. Ordinances in First Reading:

#12 Chapter 18, Article I Utility Facilities – Location Permit	Councilor Hebert
#13 Chapter 15, Section 15-115 Sidewalk Encumbrance Permit	Councilor Pritchett
#14 Authorizing Quit Claim Deed – 14 State Street	Mayor Clayton
#15 Authorizing Quit Claim Deed – 59 Broadway	Mayor Clayton
 11. Orders:

# 8 Authorizing Bids – Sale of 67 Warren St. (Postponed)	City Manager
#11 Authorizing Tax Abatement – Assessment Error	City Manager
#12 Authorizing Bids – Sale of 9 Pine Street	City Manager
#13 Authorizing Bids – Sale of a portion of 1-H-7	Councilor Hebert
- Executive Session pursuant to 1 M.R.S. § 405(6)(A) – Personnel Evaluation

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 William Clayton, Larry Pritchett, Elizabeth Dickerson, Eric Hebert, Frank Isganitis, and City Manager Smith. City Attorney Kevin Beal 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:

- Bob Gerber, from Ransom & Consulting in Portland, gave the Council an update on the Flood Plain mapping that is taking place in the Mid-Coast area for coastal flooding risk. He warned the Council to expect a one to two foot rise in the flood levels, which may cause flood insurance premiums to dramatically increase. He said this could also affect property values thereby effecting the City's assessments creating a negative fiscal impact. He said that the City needs to keep an eye on this process and take advantage of the municipal appeal process if the City believes that the levels are not accurate.

- Lynn Archer, owner of the Brass Compass Cafe at 305 Main Street, spoke concerning a proposal to sell a portion of the Winslow Holbrook Memorial Park to Robert Liberty for his commercial use. She noted that Mr. Liberty has used this property for his commercial use for many years without restriction or payment to the City while she was required to pay a substantial amount of money for the 8 feet that she uses and abide by six pages of regulations. She also noted that she was not allowed to serve alcohol on the property that she pays for, while Mr. Liberty used the property for service of alcohol and was under no restrictions of any kind. She said in fairness, if the City intends to sell this property to Mr. Liberty, she would like the same consideration for purchase of the property abutting her business. She also said she would put a bid in on the property being proposed for sale.

Regular Meeting, Public Forum continued:

May 13, 2013

Hearing no other speakers, the public forum was closed.

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

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

At this time, Councilor Pritchett moved to take Resolve #30, Accepting Donation for the Recreation Department, out of order. Without objection from the Council, it was so ordered.

RESOLVE #30 Acceptance of Donation to the Rockland Recreation Department

WHEREAS, the Beta Sigma Phi Sorority has donated \$160.00 to the Rockland Recreation Department to cover the costs of two children's participation in the Summer Day Camp Program;

NOW, THEREFORE, BE IT RESOLVED THAT, the City gratefully accepts the donation; and

THAT a letter of thanks be sent to the Beta Sigma Phi Sorority in recognition of their generous donation; and

THAT, the funds be receipted into the FY 2014 Recreation Revenue Account (#10063-03144) and be expended from the Recreation Program expenditure account (#63-05014).

Sponsor: City Council
Originator: Recreation Director

Councilor Hebert moved passage and thanked the sorority for its generous donation. He also said that the Summer Day Camp Program is a wonderful program and was pleased that this donation would allow two children to participate that would not otherwise have been able.

Vote: 5 for.

Brenda Harrington and Dorothy Liberty from the Beta Sigma Phi Sorority presented a check for \$160 to Recreation Director Rene Dorr.

At this time, Councilor Pritchett moved to take Resolve #34, Commendation for Nancy O'Brien, out of order. Without objection from the Council, it was so ordered.

RESOLVE #34 Commendation – Nancy O'Brien

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT Nancy O'Brien, of Fiore LLC, is hereby commended and congratulated for winning the 2013 Woman-Owned Small Business Award from the United States Small Business Administration.

AND, be it further Resolve that a Certificate of Commendation be presented to Ms O'Brien in recognition for this outstanding accomplishment.

Sponsor: City Council
Originator: City Council

Councilor Isganitis moved passage and congratulated Ms. O'Brien and wished her continued success in the future.

Councilor Hebert echoed Councilor Isganitis' sentiments.

Councilor Pritchett said that they should be commended for the efforts they have put in to promote foot traffic to their business on Main Street during all of the recent construction that was taking place. He said that they in no small part helped with the revitalization of the north end of Main Street, and proved all the critic of their opening their business in Rockland wrong.

Councilor Dickerson too congratulated Ms. O'Brien.

Mayor Clayton asked Councilor Pritchett to take the Chair so that he could speak on this issue.

Mayor Clayton echoed the comments of his fellow Councilors and added that Fiore has become a valuable asset to the economic vitality of Main Street. He thanked Fiore on behalf of the City.

Vote: 5 for.

Mayor Clayton then presented a Certificate of Commendation to Ms. O'Brien.

Councilor Pritchett then returned the Chair to Mayor Clayton.

The order of the agenda was then resumed.

Reports:

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

- City staff has been busy over the past few weeks preparing the proposed FY 2014 Municipal Budget that was presented to the City Council on May 9th.

- MDOT has awarded the bid for the Route 1 paving project to Lane Construction. A meeting will be held on Wednesday to finalize the work schedule. Once the schedule is set, it will be posted on the City's website and the information will be distributed as widely as possible. The message that the City wants to get out is that during this paving project, Main Street will remain open for business. The work will be conducted exclusively at night, Sundays through Thursdays so as minimize the impact to Main Street businesses as much as possible. In conjunction with this project, the Public Works Department has begun re-setting curbs in the project area.

- Discussions are ongoing with MDOT on needed repairs and improvements to Old County Road in an attempt to get that road on the funding list for future work.

- The restoration work on the Civil War cannons is progressing, and the cannons should be able to be placed at Chapman Park before Memorial Day.

Regular Meeting, City Manager's Report continued:

May 13, 2013

- The newly created sewer and storm water inspection crew was able to save a family of ducklings from a storm drain on Camden Street. The Manager said this was not the vision he had in mind when this crew was established, but was pleased that they were able to rescue the ducklings.
- Work continues with the Economic Development Advisory Committee on the Camden Street re-visioning, and it is not too late for interest parties to get involved.
- The annual leaf pick up program by the Public Works Department has ended for this year.

Councilor Pritchett said that having the MDOT paving project done at night will mitigate some of the impact it will have on downtown, and asked that any changes in the work schedule be communicated to the downtown businesses.

Councilor Hebert said that when the raised crosswalk was installed, there were some issues with the incorrect slope of the approach to the sidewalk. He said some improvements were made at the time of installation, but wondered if additional improvements would be made during this project, as the approach is still not as it should be.

The City Manager said that they may never get the approach the correct slope, but they may be able to improve upon it some in association with this project.

b. City Attorney's Report: The City Attorney was excused from attending this meeting.

c. Other Official's Report: Councilor Pritchett updated the Council on the status of the bill "To Lower Costs to Municipalities and Reduce Energy Consumption Through Increased Competition In The Municipal Street Lighting Market" that the Council passed a resolve of support on earlier this year. He said the bill received support from the Legislature's Utilities Committee and was hopeful that it would receive support in the full Legislature. He said if this bill is passed, there is the potential for the City to save 40% to 80% of its current street lighting costs.

Councilor Dickerson then updated the Council on the status of a bill that she has sponsored to return excess proceeds from the sale of lien-acquired property to the previous owner. She said that they have reached a compromise on the bill that may allow it to move forward, and that it is receiving wide bi-partisan support. She said that the bill as now constituted would allow municipalities to choose to adopt an ordinance that would allow for excess proceeds for such sales to be returned to the previous owner, rather than making it a requirement.

d. Mayor's Report: Mayor Clayton reported that a new program will begin at the Library where he will be holding "Children's Reading Time with the Mayor". He said he is also going to hold a question and answer session with the children after the book is read.

The Beach Cleanup will be taking place on May 25th and will begin at City Hall at 8:00 a.m. He said that 35-40 people have volunteered to participate in the event, and he would like to see that number jump to about 100. He thanked the sponsors for the event and urged anyone interested in participating to contact him directly.

Licenses and Permits:

- a. Liquor License – L&H Burgers (Postponed)
- b. Liquor & Entertainment Licenses – Archers on the Pier
- c. Liquor License – Brass Compass Cafe
- d. Liquor License – Conte's 1894
- e. Liquor License – Sunfire Mexican Grill
- f. Liquor & Entertainment Licenses – Rock Harbor Restaurant
- g. Liquor & Entertainment Licenses – Cafe Miranda
- h. Liquor, Entertainment, Lodging House & Amusement Device – Navigator Motor Inn
- i. Liquor & Entertainment Licenses – Rock City Cafe
- j. Liquor & Entertainment Licenses – Myrtle Street Tavern
- k. Liquor License – Roselyn Seafood

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

Councilor Hebert moved to grant the licenses for the following establishments: L&H Burgers, Archer's on the Pier, Brass Compass Cafe, Conte's 1894, Sunfire Mexican Grill, Rock Harbor Restaurant, Rock City Cafe, Myrtle Street Tavern, and Roselyn Seafood.

Vote: 5 for.

Councilor Hebert then moved to postpone the license application for Cafe Miranda until the June 3, 2013 Agenda-Setting Meeting.

Vote: 5 for.

The application was postponed until the June 3, 2013 Agenda-Setting Meeting.

Councilor Hebert then moved to postpone the license application for the Navigator Motor Inn until the June 10, 2013 Regular Meeting.

Vote: 5 for.

The application was postponed until the June 10, 2013 Regular Meeting.

Resolves:

#29 Accepting Donations – Rockland Public Library

WHEREAS, the Friends of the Rockland Public Library has generously provided 74 children's books and 11 children's DVD's valued at \$976.06; and

WHEREAS, Olga Hamilton of Goose Creek, South Carolina, has generously donated \$100 to the Rockland Public Library in memory of her late husband Stephen K. Hamilton;

NOW, THEREFORE, BE IT RESOLVED THAT, the City gratefully accepts these donations, and

BE IT FURTHER RESOLVED THAT letters of thanks be sent to each donor in recognition of their generous donations; and

Regular Meeting, Resolve #29 continued:

May 13, 2013

BE IT FURTHER RESOLVED THAT, the funds for these donations be receipted into account 10062-03147 (Revenue Donations), and the same expended from account 10062-07003 (Restricted Donation Expenditures).

Sponsor: City Council
Originator: Library Director

Councilor Pritchett moved passage.

Vote: 5 for.

#31 Commendation – P. Baillargeon

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT Paul Baillargeon is hereby commended and congratulated for 11 years of dedicated service to the City of Rockland with the Rockland Water Pollution Control Department on the occasion of his retirement.

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

Sponsor: City Council
Originator: City Council

Councilor Hebert moved passage.

Mayor Clayton said that Mr. Baillargeon could not be in attendance at this meeting, therefore the certificate and plaque will be presented to him at a later date.

Vote: 5 for.

#32 Appointments to Board, Commissions and Committees

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

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

Board of Assessment Review:

Leslie Spiers, 13 South Street (2015)

Planning Board:

Abbie Knicklebein, Alternate, 183 Broadway (2015)

Personnel Board:

Ricky W. Brewster, Alternate, 20 Franklin Street (2014)

Zoning Board of Appeals:

Leslie Spiers, 13 South Street (2015)

Parks Commission:

Alison Weaver, 14 Lisle Street (2015)

John Grondin, 1 Rankin Street (2013)

Coast Guard City Advisory Committee:

Brandy Perkins, 2 City Place (2015)

Cynthia Powell, 114 Broadway (2014)

Parking Advisory Committee:

Leslie Spiers, 13 South Street (2015)

Public Works Advisory Committee:

Stephen Harris, 76 Limerock Street (2015)

Carol Harris, 76 Limerock Street (2013)

Recreation Advisory Committee:

Timothy Matero, 9 Claremont Street (2015)

Adam Ackor, 486 Old County Road (2014)

Claire Weinberg, 616 Old County Road (2014)

Leslie Spiers, 13 South Street (2013)

Ad Hoc Harbor Trail Committee:

David Wylie, 26 Masonic Street (No Term)

Sponsor: Mayor Clayton
Originator: Mayor Clayton

Councilor Isganitis moved passage.

Councilor Hebert thanked all of those who have volunteered to serve on these boards, and commended the Mayor for holding the open house from which many of these appointees have come.

Vote: 5 for.

Regular Meeting, Resolves continued:

May 13, 2013

#33 Accepting Donation – Recreation Department (Bench)

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City of Rockland gratefully accepted the donation to the Recreation Department from Linda Bodnar of \$1,000 to be used for the acquisition of a memorial bench to be placed at Mildred Merrill Park in memory of Kay G. Warren, and that a letter of thanks be sent to Ms. Bodnar in recognition of her generous donations.

AND be it further Resolved that the funds shall be deposited in the Recreation Department Miscellaneous Revenue Account (#63-03250) and expended from the Recreation Department Park Maintenance Account (#63-05037) for the above-stated purpose.

Sponsor: City Council
Originator: City Council

Councilor Pritchett moved passage.

Vote: 5 for.

#35 Accepting Donation – Fire Department

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT, the City gratefully accepts the donation of \$50.00 from Ann and Loren Herrick to the Rockland Fire Department; and

THAT a letter of thanks be sent to the Herricks in recognition of their generous donation; and

THAT, the funds be receipted into the Fire Department Miscellaneous Revenue Account (#10032-03218).

Sponsor: City Manager
Originator: Fire Chief

Councilor Pritchett moved passage.

Vote: 5 for.

Ordinances in Final Reading and Public Hearing:

#10 Chapter 13, Article IV Pesticides and Herbicides – Use on City Property

(See pages 254-255 for text)

Reading of the amendment was waived without objection from the Council.

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

Councilor Dickerson moved passage and thanked the Council for its support of her proposal. She said that she has gotten good feedback from the public on this proposal, and that she will be posting a list of resources on her website for anyone interested in getting more information about the use of pesticides and herbicides on their own property.

Vote: 5 for.

The amendment will become effective June 12, 2013.

#11 Chapter 19, Sections 19-202 and 19-309 Special Classes of Uses

(See pages 255-257 for text and amendments)

Reading of the amendment was waived, without objection from the Council.

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

Councilor Pritchett moved passage and asked that the Rules be suspended to allow Code Enforcement Officer John Root to speak on this issue. Without objection from the Council, the Rules were suspended.

Code Enforcement Officer John Root went over the proposed amendments to this proposal recommended by the Comprehensive Planning Commission and the reasoning behind the recommended changes. However, Mr. Root said that the Assistant Code Officer, David Kalloch, has pointed out, and rightly so, that some of the Special Classes that are proposed by the Comprehensive Planning Commission to be deleted are included in the new RR zone regulations that have yet to be adopted. He said that Mr. Kalloch is suggesting that they be left in this ordinance until the new RR zone regulations are adopted.

The Council went back into Regular Session with Councilor Pritchett making the following motion to amend Ordinance Amendment #11:

Amend the first paragraph to read as follows:

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

Vote on amendment: 5 for.

Councilor Pritchett then moved to further amend Ordinance Amendment #11 as follows:

In Sec. 19-309, paragraph 1. Special Classes: delete “A. Aviation fields”; “C. Correctional or penal institutions”; “F. Sanitariums”, and add back in “G. Stables, public; saddle horses for hire”.

Councilor Hebert said that he did not agree with adding "Stables" back into this amendment. Councilor Isganitis explained that this would only be temporary as "Stables" are an allowed use in the RR zone which has yet to be adopted. Once the RR zone is adopted, "Stables" can be eliminated from this section. Councilor Dickerson said she would be happy to support removing "Stables" from this section once the RR zone regulations are adopted, but did not want to see the use prohibited until that time. Vote on amendment: 5 for. Councilor Pritchett then moved to further amend Ordinance Amendment #11 as follows:

Delete: ~~2. Public Service Corporations. A building or land used or to be used by a public service corporation may be exempted in part or whole from the provisions of this Article, provided that upon petition, by the Public Utilities Commission, upon petition and after due notice and a public hearing, if the Commission finds and judges such exemption to be reasonably necessary for the convenience or welfare of the public, as provided by the Revised Statutes of Maine.~~

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

(NOTE: With the above amendments adopted, the sections are appropriate re-numbered/re-lettered).

The Ordinance will become effective June 12, 2013.

Ordinances in First Reading:

#12 Chapter 18, Article I Utility Facilities; Location Permit

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 18, Utilities, ARTICLE I, Conduits, Pipes, Poles and Wires of Utility Companies, BE AMENDED AS FOLLOWS:

**CHAPTER 18
Utilities**

ARTICLE I Utility Facilities; Location Permits ~~Conduits, Pipes, Poles and Wires of Utility Companies~~

Sec. 18-101 Purpose

~~The purpose of this ordinance is to protect the public health, safety, and welfare by assuring the proper placement of utility facilities in public ways and on City property, in such manner as to improve and avoid the impairment of, vehicular and pedestrian access to and passage over and along streets and sidewalks or the use of City property, and as otherwise required or deemed appropriate in the best interests of public safety and travel.~~

Sec. 18-102 Definitions

~~**Utility Facility.** "Utility Facility" means:~~

~~A. If under the surface of the public way, any pipe, cable, or conduit; and~~

~~B. If on or over the surface of the public way, any pole, guy, hydrant, cable, wire, or any other plant or equipment located or proposed to be located on or over the surface of the public way.~~

~~**State Law Ref.:** 35-A M.R.S. § 2502(3).~~

Sec. 18-103 101 Conduit Districts

~~Conduit Districts. The City Manager is authorized to effect agreements with public utility companies using the streets of the City relative to conduit districts, subject to the approval of the City Council; thereafter no person shall set any additional electric power, telegraph or telephone poles within the conduit districts thus established, subject to such reasonable exceptions as may be contained in such agreements. Such agreements shall provide, free of cost to the City, one duct in each conduit excavation for the use of the City.~~

Sec. 18-104 102 Location Permits and Requirements ~~Poles and Aboveground Wires~~

1. Permit Required. No person, firm or corporation shall place, maintain, or change the location of or cause to be placed, maintained or the location changed, of any utility facility ~~pole under, on, or above in any public right-of-way, including of the streets and sidewalks, or property of public grounds in the City for the purpose of supporting any line of wires for telegraphic or telephonic purposes, or for the purpose of conducting currents of electricity for the transmission of light, heat or motive power, radio or television signals, or attach such wires to any public building,~~ without first applying in writing for and obtaining a permit ~~therefor~~ from the City ~~Council~~. ~~No such permit shall be required (A) when, pursuant to Title 35-A, Maine Revised Statutes, Section 2502 or other Maine statute the City is not the primary licensing authority, or (B) for any facility installed by or on behalf of the City, or serving any building or facility of the City. The location of underground utility facilities may be permitted in the street opening permit issued pursuant to Article IV of this chapter, so long as such permission is not inconsistent with any applicable provision of this Article.~~

2. Permit Terms. The terms of the permit, which shall be included in the application and agreed to therein by the applicant over his signature, shall include:

A. One Gain Reserved for Municipal Use. Agreement that one gain on each pole, below the electric power company's wires and above the telephone company's lines or cables shall be reserved on all new and reconstructed pole plant for municipal purposes free of cost to the City;

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B. No Permanent Rights. Agreement that no permanent rights shall be obtained in the streets or public grounds by reason of such erection or other action for which permit is requested, or by reason of continuous use of streets, or for any other reason;

C. Subject to Removal. Agreement that such ~~utility facilities poles and wires~~ shall be subject to change of location or removal when deemed necessary for the public interests by the City Council;

D. Fire Fighting. Agreement that in case of fire, if necessary, such poles and wires may be cut or removed by order of the Fire Chief without claim upon the City therefor;

E. Height; Finish. Agreement that all ~~such~~ poles and other facilities, as applicable, shall be of such height, and be finished and painted in such manner as the City ~~Council~~ may prescribe;

F. Compliance With Ordinance. Agreement and assent to all of the applicable provisions of this Chapter;

G. Indemnification. Agreement to indemnify and save harmless the City of Rockland against all liability, judgments, costs and expenses which may in any manner accrue against the City because of any negligence or alleged negligence in the performance of the work for which the permit is granted, or because of any negligence or alleged negligence in connection with the maintenance and use of such poles and wires, or in consequence of the granting of this permission;

H. Compliance With Conditions of Permit. Agreement that the applicant will in all things comply strictly with all the conditions of the permit.

I. ~~Location Proximity to Sidewalks~~. Agreement that utility ~~facilities poles~~ will be placed only at the specific locations identified in the permit. Utility poles shall be placed at the outer edge of the right-of-way except where such placement is precluded by existing principal structures or underground utilities, in which instances the poles shall be placed next to but outside the street and any paved or unpaved shoulder if such location is not otherwise prohibited hereunder. between the edge of the sidewalk and the property line where sidewalks presently exist. When sidewalks are substantially repaired, or reconstructed, when any curb shall be replaced or realigned, and when any new sidewalks presently are constructed, utility poles and other facilities within the sidewalk area shall ~~will~~ be relocated placed, at the utility's expense, to between the proposed edge of the sidewalk and the property line upon thirty (30) days' notice by the City of Rockland of the proposed sidewalk installation. In no event shall any utility pole or other facility be placed, replaced, or remain, in any sidewalk in such a manner as to reduce the useable sidewalk width below the minimum appropriate width for passage by the disabled and others pursuant to the Americans with Disabilities Act.

~~J3~~. Poles; Identification. All poles placed or maintained by any public utility company shall be designated, by stencil, with the name of the company owning the same.

~~K4~~. Poles; Maintenance and Replacement. Whenever from any cause any of the poles get out of an upright position, so that they become unsightly and disfigure any street, alley, lane or court, the owner thereof shall right the same as soon as possible, and shall keep the same at all times in good appearance. Whenever the utility shall install a replacement pole, such utility shall (1) size and equip the pole as to accommodate all existing and proposed above-ground utilities located in or above the street in the vicinity of the replacement pole; (2) locate the pole outside the area of the street and sidewalk; (3) immediately remove the replaced pole; and (4) fully restore the condition of the street, sidewalk, or soil, as may be applicable, at the location of the replaced pole, to the satisfaction of the Public Works Director.

~~5~~. ~~Fire Alarm Boxes; Keys~~. ~~No person, except the Fire Chief and his assistants or the City Electrician, shall have a release key to the fire alarm boxes of the City, and no person except the above named and the Police Chief and members of the police force of the City shall have a key to the outer door of the fire alarm boxes. All persons violating the provisions of this subsection shall be subject to a penalty of not exceeding fifty dollars (\$50) for each offense, to be recovered by complaint to the use of the City.~~

~~56~~. City Wires; No interference. All persons and corporations are prohibited from affixing or attaching any wire or cable to any pole in the gain or space provided and maintained for the wire of ~~the fire alarm system or the~~ police signal and communication lines of and/or other uses by the City, which, in the judgment of the City Electrician may interfere in any manner with the City's wire operations.

State Law Reference: 35-A M.R.S. §§ 2301-2309, 2509-2515.

~~6~~. Administration. The City Clerk may not issue a location permit for any utility facility until the City Manager shall have reviewed and indicated his assent to the same, listing any additional conditions that, in the best interests of the City and to assure unobstructed vehicular and pedestrian travel, may be reasonably required. The City Council shall, in conformance with 35-A M.R.S. § 2503, hear and rule upon any objection to a location permit application and, upon the applicant's written application therefor within 30 days, of any appeal by an applicant of the denial, or conditional grant, of a location permit. The City Manager shall order the removal of utility facilities installed in any street, sidewalk, or public place without a permit.

ARTICLE II General

Sec. 18-201 Agreement To Ordinance Provisions

The erection by any person or corporation of any wire, pole or other fixture for the purposes aforesaid in the City of Rockland, or the installation of any new underground structure or facility, after the passage of this Chapter, shall be held to be an agreement, on the part of such person or corporation, to all of the requirements, rules, conditions and provisions contained in this Chapter.

Sec. 18-202 Information

All public utilities operating in the City shall file with the City Manager whenever so requested by him, details of their underground structures within the public street or alleys and likewise file copies of their general layout maps insofar as public streets, alleys and other public property are affected, including information as to location of poles, number of wires thereon, and such other information as the City Manager may deem necessary and require to comply with the requirements of any ordinance.

Sec. 18-203 Liability

Every person or corporation erecting, maintaining or using any such poles or wires shall, in case of loss or damage, indemnify and save harmless the City of Rockland its officers, agents and servants from and against all claims and demands for injuries to persons or property, occasioned or alleged to be occasioned by the existence or use of such poles, wires, or the transmission of electric currents by means thereof; and the City, its officers, agents and servants, exercising the rights and powers given to them by any ordinance, shall not be held liable by such person or corporation on account thereof, by reason of any injury or damage caused thereby.

State Law Reference: 14 M.R.S. §§ 8101 *et seq.*

Sec. 18-204 No Bond Requirement

No recognized public utility company shall be required by the City to furnish a bond or insurance in connection with any of its operations in the City.

State Law Reference: 14 M.R.S. § 871.

Sec. 18-205 No Permanent Rights

No permanent rights shall be obtained in the streets or any public grounds by reason of erection of any poles, placing of any wires or poles, or by reason of continuous use of streets, or for any other reason.

Sec. 18-206 Ordinances

All public utility companies operating in the City shall be subject to the provisions of all ordinances of the City, with regard to all portions of their operations carried on in the public streets.

Sec. 18-207 Shut Off Electric Current

The Fire Chief in case of fire, if in his opinion necessary, and the City Electrician, whenever in his opinion the public safety so requires, shall have authority to direct any person or corporation using or operating any wires strung anywhere in the City for purposes of carrying electric current, to shut off the electric current from such wires as he knows or believes are dangerous to life or property for such a period of time as he may deem necessary. Any such person or corporation who shall refuse to shut off such current in accordance with such order shall be liable to a penalty of fifty dollars (\$50) for each and every hour during which such order shall be disregarded. It shall be the duty of all power companies to post a rule in their power houses and elsewhere as they may deem necessary to insure instruction of their employees of this Section and their compliance therewith.

Sec. 18-208 Penalty

Any person violating the provisions of this Chapter, except as otherwise provided, shall be subject to a fine or penalty of not exceeding ~~five hundred twenty~~ dollars (~~\$50020~~) for each offense, to be recovered by complaint before the ~~Maine Sixth~~ District Court, for the use of the City.

Sponsor: Councilor Hebert
Originator: Councilor Hebert

Councilor Hebert moved passage.

Vote: 5 for.

A public hearing was set for June 10, 2013 at 7:00 p.m.

#13 Chapter 15, Section 15-115 Encumbrances in Streets, and Permits Therefor

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 15, Streets, ARTICLE I, Use of Streets, SECTIONS 15-115, Encumbrance By Building Materials, and 15-116, Encumbrances By Failure to Remove Immediately Things Placed on Streets or Sidewalks, BE AMENDED AS FOLLOWS:

Sec. 15-115 Encumbrances; ~~Permits; By Building Materials~~

No person shall occupy any ~~part of any~~ street, sidewalk, or public place in the City of Rockland for the purpose of ~~operating or parking any vehicle, or placing or storing any construction materials, equipment, or any other object wood, lumber, bricks or any other material~~ intended to be used in erecting or repairing any building on any land abutting on any of the streets or public places within the City, ~~except, for a period longer than one work day without first obtaining and complying with the provisions of in accordance with the terms of a building permit previously obtained therefor from the Code Enforcement Office, upon filing of a written application on a form provided by said Office, unless otherwise provided in this Chapter, Chapter 17, or by Order of the City Council. No permit shall be required for the temporary deposit of construction materials or contained debris on a sidewalk or the shoulder of any street or way for immediate conveyance from or to that location. The City Council may establish a graduated fee for such permit, reflecting the duration and impact of the use thus permitted, and any authorization thereunder by the Building Inspector. Such permit or authorization thereunder may set forth conditions that, in the sole discretion of the Code Enforcement Officer, are reasonably required to minimize public inconvenience and protect the public health, safety and welfare, including, without limitation:~~

1. ~~Purpose(s):~~

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2. Duration and termination;
3. Maximum area that may be encumbered;
4. Securing or removing certain vehicles, equipment, and materials;
5. The requirement that the erection of staging, ladders, or other means for conducting or accessing construction or repairs, and/or for the protection of the public, shall be in compliance with the applicable sections of the Maine Uniform Building and Energy Code;
6. Upon consultation with the Police Chief, provisions for the safe and efficient passage of vehicles and pedestrians, including traffic and safety controls, barriers, and lights when needed;
7. Upon consultation with the Fire Chief or his designee, provisions for accommodating emergency response vehicles and personnel, and for fire prevention and suppression;
8. Signage, including notification of on-going business activities and events access to which is impeded by the permitted activities;
9. Temporary storage, containment, and removal of construction and demolition debris and rubbish; and
10. Provisions for minimizing and containing noise, dust, particulates, and other deleterious impacts of the permitted activities.

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~~shall allot such part of the street or other public place as the Building Inspector may deem necessary and sufficient for the purpose, and so as to leave convenient room for vehicles and pedestrians to pass therein; and the part so allotted may be used for placing all materials for any such building or other purposes, and for receiving the rubbish arising therefrom; and all the rubbish arising therefrom or thereby shall be fully and entirely removed and carried away at the expense of the person so building or repairing and so occupying the street or other public place, in such time as shall be limited and expressed in such building permit or authorization thereunder. Such building permit or authorization thereunder may contain such reasonable conditions and limitations with regard to the erection and maintenance of barricades, warning signs and lights, and such other precautions as the Building Inspector may deem necessary. Whenever such temporary use of any portion of a street, sidewalk, or other public place is made necessary by construction or repairs for which the Code Enforcement Office has issued a building permit, the permissions and conditions authorized in this section may be set forth in such building permit, upon the payment of the additional, applicable fee, if any. Upon receipt of a permit for temporary use of a street, sidewalk, or other public place shall, prior to beginning work, provide the City with evidence of liability insurance that lists the City as an additional insured and in an amount not less than the maximum damages liability for municipalities set forth in the Maine Tort Claims Act. Nothing in this Article shall be construed as prohibiting the necessary use of the streets by any vehicles operated by the City or by any public utility; such public utility corporation shall however conform, so far as practicable, to the regulations contained herein or conditions imposed by order of the Code Enforcement Officer.~~

Sec. 15-116 Encumbrances; By Failure to Remove Immediately Things Placed on Streets or Sidewalks

[Reserved.]

~~— No person shall place or keep, or cause to be placed or kept, any box, barrel, bale of goods, wood, coal, merchandise, wares, goods or any other article or articles, on any street or sidewalk, except for immediate conveyance across the same; provided, that this Section does not apply when a building permit has been issued to such person by the City Clerk for a building operation at that place and time, and such encumbrance is so permitted thereby; and also provided that nothing in this Article shall be construed as prohibiting the necessary use of the streets by any vehicles operated by the City or by any public utility; such public utility corporation shall however conform, so far as practicable, to the regulations contained herein.~~

Sponsor: Councilor Pritchett
Originator: Code Enforcement Officer

Reading of the amendment was waived, without objection from the Council.
Councilor Pritchett moved passage.
Councilor Isganitis thanked staff for bringing this matter forward.
Councilor Dickerson noted that there is already an ordinance in the Code that prohibits parking on curbs.
Vote: 5 for.

A public hearing was set for June 10, 2013 at 7:00 p.m.

#14 Authorizing Quit Claim Deed – Reconveyance of 14 State Street (Lofman)

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 Lynne D. Lofman for property located at 14 State Street, as shown on Rockland Tax Map #19-F-17, under the terms, conditions and provisions of the Reconveyance Agreement incorporated herein by reference. If Ms. Lofman fails to sign the Reconveyance Agreement and comply with its requirements by July 31, 2013, the City Manager is authorized to solicit bids for the sale of said property.

Sponsor: Mayor Clayton
Originator: City Manager

Councilor Isganitis moved passage.
A public hearing was set for June 10, 2013 at 7:00 p.m.
Vote: 5 for.

Regular Meeting, Ordinances in First Reading continued:

May 13, 2013

#15 Authorizing Quit Claim Deed – Reconveyance of 59 Broadway (Vinal)

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 Barbara Vinal for property located at 59 Broadway, as shown on Rockland Tax Map #48-D-6, under the terms, conditions and provisions of the Reconveyance Agreement incorporated herein by reference. If Ms. Vinal fails to sign the Reconveyance Agreement and comply with its requirements by July 31, 2013, the City Manager is authorized to solicit bids for the sale of said property.

Sponsor: Mayor Clayton
Originator: City Manager

Councilor Pritchett moved passage.

Vote: 5 for.

A public hearing was set for June 10, 2013 at 7:00 p.m.

Orders:

8 Authorizing Bids – Sale of City Property (67 Warren Street) (Postponed)

(See page 258 for text)

It was noted that this Order had been given a motion for passage at the April 8, 2013 Regular Meeting.

Councilor Dickerson asked why this lot does not show up on Vision Appraisals as a lot.

The City Manager said when it was discovered that this lot was the result of an illegal subdivision, the identification as an individual lot was removed from Vision.

Vote: 5 for.

#11 Authorizing Tax Abatement – Correction of Assessment Error

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to abate taxes totaling \$288.44 for FY 2011 (\$141.96) and FY 2012 (\$146.48) on property located at 59 Acadia Drive (Tax Map #71-D-3), owned by Justin and Meredith Bari, to correct an assessment error.

Sponsor: City Manager
Originator: City Assessor

Councilor Hebert moved passage.

Vote: 5 for.

#12 Authorizing Bids – Sale of City Property (9 Pine 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 9 Pine Street and identified as Tax Map #25-B-5. The City 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
Sponsor: City Manager

Councilor Hebert moved passage.

Vote: 5 for.

#13 Authorizing Bids – Sale of City Property (Portion of 1-H-7)

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 portion of a City-owned parcel of land located at 301 Park Street and identified as Tax Map #1-H-7; that portion being a strip approximately 4 feet wide at the easterly boundary of said parcel consisting of approximately 221 square feet. The City reserves the right to accept and/or reject any or all bids.

Sponsor: Councilor Hebert
Sponsor: City Manager

Councilor Hebert moved passage.

Councilor Pritchett said that he has reservations about this proposal. He said that while he understands the reasons for the request from Mr. Liberty, the City made a good-faith effort to correct this situation once by selling a 10-foot strip of land to Mr. Liberty in 2008. He said that there was no compelling reason given to convey this property. He said that he will not support this proposal.

Councilor Isganitis said that he does not want to give up title to this property, but thought that some sort of long-term lease arrangement with both abutters may be a viable solution.

Councilor Dickerson that the Council should not try to amend this Order at this meeting, rather vote this Order down and look at the matter more closely. She said that she did not think bids should be solicited at this time as that process could get complicated. She said that the Council should explore Councilor Isganitis' idea.

Councilor Pritchett said that he was not opposed to accommodate all parties by other means, and agreed that the Council should not try to amend this Order to reflect those other means.

Councilor Hebert said that he supported this Order. He said that the 2008 sale was done without a survey, and everyone involved thought that the land being sold was to the existing curbing. He said that how there is a survey showing where the actual line is, it makes sense to correct it to where everyone believed the line was in the first place.

Regular Meeting, Order #13 continued:

May 13, 2013

Councilor Dickerson said that there are a number of parties with interest in this park, and the City should be looking to maximize that real estate. She said that they should take a step back and look at this matter more closely.

Mayor Clayton asked the City Manager to go over the bid procedure.

The City Manager said if this Order is approved, bids for sale of the 4-foot wide strip of land would be solicited. Once the bids were received, the matter would be brought back to the Council for a decision on to whom a quit claim deed will be issued, which must go through the ordinance process.

Councilor Pritchett said that there are really only two parties who could legitimately use the property.

The City Manager said that was true, but one party may be hard pressed to argue the highest and best use of the property, which is one of the parameters that the Council uses when decision to whom to issue the quit claim deed.

Vote: 2 for, 3 opposed.
(Dickerson, Pritchett, Isganitis)
Motion Defeated.

Executive Session pursuant to 1 M.R.S. § 405(6)(A) – Personnel Evaluation: Councilor Pritchett moved to enter into an Executive Session pursuant to 1 M.R.S. § 405(6)(C), which allows for the discussion of personnel matter for the final phase of the annual evaluation of the City Manager. Vote: 5 for.

The Council entered Executive Session at 8:50 p.m.

The Council came out of Executive Session and, with no further action being taken, adjourned without objection from the Council at 10:37 p.m.

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ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

May 15, 2013

Ordinance Amendment #16 Authorizing Quit Claim Deed – 328 Limerock Street
Budget Work Session

The meeting was called to order by the Mayor at 6:30 p.m. with the following members answering the roll call: Mayor William Clayton, Eric Hebert, City Manager Smith, and City Attorney Beal.

Councilors Elizabeth Dickerson, Larry Pritchett and Frank Isganitis were excused from attending the meeting.

Because there was not a quorum, Mayor Clayton recessed this meeting until May 20, 2013 at 6:30 p.m.

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ATTESTED: _____ City Clerk

RECONVENE SPECIAL MEETING

AGENDA

May 20, 2013

Ordinance Amendment #16 Authorizing Quit Claim Deed – 328 Limerock Street
Budget Work Session

The meeting was reconvened by the Mayor at 6:30 p.m. with the following members answering the roll call: Mayor William Clayton, Larry Pritchett, Eric Hebert, Frank Isganitis, City Manager Smith, and City Attorney Beal.

Councilor Elizabeth Dickerson arrived at 6:34 p.m.

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

Ordinance Amendment #16 Authorizing Quit Claim Deed – Sale of 328 Limerock Street

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

THAT the City Manager is hereby authorized to issue a municipal quit claim deed to Kenneth Richard Guthrie, of Rockland, Maine, for the sale to Kenneth Richard Guthrie of a City-owned parcel of land and the building(s) thereon located at 328 Limerock Street, Rockland, Maine (Tax Map #66-B-8) for \$17,500; said sale being subject to the execution and compliance with terms and conditions set forth in a purchase and sale agreement incorporated herein by reference.

Sponsor: Mayor Clayton
Originator: City Manager

Councilor Hebert moved passage and asked if there were any issues that may complicate the sale of this property.

The City Manager said that there were none and that staff is recommending sale of the property.

Vote: 5 for.

A public hearing was set for June 10, 2013 at 7:00 p.m.

Budget Work Session: The Council then went into informal session to begin its review of the proposed FY 2014 Municipal Budget. During the work session, the Rules were suspended, without objection from the Council, to allow Stephen Carroll to address the Council.

Mr. Carroll said that the Council should be talking about reducing the budget rather than simply holding the line, and commented that more people should be attending these meetings to express their concerns about how high their taxes are.

The Council then continued with its review of the proposed budget.

The meeting was recessed by the Mayor at 8:35 p.m. until May 22, 2013 at 6:30 p.m. at which time the Council's review of the proposed budget would be continued.

A TRUE COPY.

ATTESTED: _____ City Clerk