

REGULAR MEETING**AGENDA****July 8, 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, Entertainment & Motion Picture Licenses – The Stand Theatre
 - b. Liquor License – Bricks Restaurant
 - c. Lodging House License – Old Granite Inn
 - d. Liquor & Entertainment Licenses – American Legion Post #1
 - e. Municipal Approval of Liquor Sales on Vessels – American Cruise Lines
8. Resolves:

#43 Accepting Donations – Library	City Council
#44 Authorizing Expenditure of TIF Funds – Restrooms	City Manager
#45 Appointment to EDAC (S. Roberts)	Mayor Clayton
9. Ordinances in Final Reading and Public Hearing:

#17 Ch. 2, Sec. 2-1307 Disabled Pkng on Private Off-Street Areas	Councilor Isganitis
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10. Ordinances in First Reading:

# 8 Ch. 19, Secs. 19-302 & 19-304 RR Zone Regs (Postponed)	Councilor Isganitis
# 9 Zoning Map Amendment – RR Zone (Postponed)	Councilor Isganitis
#18 Authorizing Quit Claim Deed – Sale of 9 Pine Street	Councilor Pritchett
#19 Authorizing Quit Claim Deed – Sale of 67 Warren Street	Councilor Isganitis
11. Orders:

#23 Authorizing Outdoor Service of Alcohol – Navigator Restaurant	Councilor Hebert
#24 Setting Times for Polls – 08/13/13 RSU #13 Budget Ref Election	City Clerk
#25 Approval of Plan – Public Restrooms	City Council
12. Adjournment.

The meeting was called to order by the Mayor at 7:00 p.m. with the following members answering the roll call: Mayor 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.

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

- Beverly Cowan, 157 Talbot Avenue, spoke concerning the proposed re-zoning of a large portion of the City to Rural Residential, equating it to the so-called "Agenda 21" and an attempt to take away property rights from individual property owners. She asked if the Council was certain that it wanted to be a part of this.

- Loraine Francis, Executive Director of Rockland Main Street, Inc., spoke in support of the construction of public restrooms on the property of the Water Pollution Control Facility on Tillson Avenue. She said that Rockland Main Street's Design Committee and the downtown merchants also support the construction of public restrooms at this location.

- Johanna Strassberg, owner of the Grasshopper Shop on Main Street, also spoke in support of the construction of public restrooms at the above stated location. She said people would get very angry when the asked where a restroom was and were directed to either the ferry terminal at the north end of Main Street or the Chamber of Commerce/Lighthouse Museum at the south end of Main Street. To try and alleviate this problem, she has she has paid to have a portable toilet placed behind her store and directed the public to use that. She said having a centrally located facility will have a positive impact on tourism, and is long overdue.

- Pat O'Brien, co-owner of Fiore on Main Street, also spoke in support of the public restrooms, saying that Rockland has become a major tourist destination and such a facility is sorely needed. He also commented that something needs to be done about bicycles on the sidewalks before someone get hurt.

- Orion Boshes, 65 Warren Street, spoke concerning the sale of 67 Warren Street, saying that he was an abutter to that property and also one of the bidders for that property. He gave a brief history of the problems that this property has created for him and the neighborhood, and said that he hoped to purchase the property to eliminate those problems and to protect his property. He also said he planned to improve the property and possibly use it as a workshop for his woodworking business.

Hearing no other speakers, the public forum was closed.

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

Regular Meeting continued:

July 8, 2013

Reading of the Record: Reading of the Record was waived, and the Record of previous meetings deeded 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.

Reports:

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

- MDOT has for the most part finished its paving work on Main Street to Rankin Street, with just a few repairs remaining. Work by the water company on Camden Street has delayed completion of paving in that area. MDOT will finish that paving once the water company has completed its work. Also, sewer work on Union Street has delayed completion of the paving on that street as well. The Manager said that they are waiting to see if the trench settles any prior to putting the finish coat on the street. He said that paving will be completed when MDOT comes back to finish the paving on Camden Street after the Water Company has finished its work. Also crosswalk painting will be coordinated with the completion of the paving projects.

- The Public Works Department will be working on re-constructing sidewalks in the areas where they have re-set the curbing.

- Cleaning up the public areas in preparation of the upcoming summer events is underway.

- Community Development is working on ways to encourage future development for both new and existing businesses. He said the department not focusing on one sector, but rather looking for diversity in future development.

- The City received one bid for construction of Ferry Terminal Park (so-called) and the bid will awarded this week to Farley and Sons, and the work will be completed by the end of the month with no disruption to Main Street traffic.

- The Manager said that he will be looking to schedule a meeting with the Parks Commission and other interested parties to discuss the placement of Mr. Sawyer's sculpture that was discussed by the Council at last week's meeting.

Councilor Dickerson asked the City Manager if the painting of the crosswalks was being done in phases.

The City Manager said that the crosswalks at the Park and Main Street intersection are nearly complete, but had to be stopped because of rain. He said the plan is to proceed in a linear fashion until the crosswalks are complete. However, in the areas where work is still being done, the crosswalks will not be done until the work is finished.

Councilor Dickerson then asked the City Manager about the manhole covers on Union Street and why they are not level with the road surface.

The City Manager explained that this is the area where sewer work was conducted and that the finish coat of pavement has not yet been laid in the area to which Councilor Dickerson is referring. He said they will be level once the finish coat is applied.

Councilor Hebert asked if MDOT was going to be doing any additional paving work other than the areas on Union Street and Camden Street.

The City Manager said that there is some work to be done on butt joints that should be completed within the next few days.

Councilor Hebert then asked about the possibility of relocating utility poles that are in the middle of the sidewalk in the School Street to Elm Street area as part of the sidewalk work currently taking place.

The City Manager said that unfortunately there just is not enough room to move the poles significantly to alleviate the problem. He added that the plan is to put a crosswalk in at that location and direct pedestrians to the sidewalk on the other side of Union Street and discontinue the sidewalk where the poles are located.

Councilor Hebert then asked when the finish coat of pavement would be laid on Limerock Street.

The City Manager said that the City has contracted with Lane Construction to do the paving on Limerock Street, Claremont Street and Talbot Avenue when Lane Construction returns to complete the MDOT paving.

Councilor Dickerson asked if the Parks Commission would be meeting anytime soon.

The City Manager said that he has been in contact with Recreation Director Rene Dorr and the Chair of the Parks Commission to try and schedule a meeting for July 17th. He said the intent to get the Commission back on track as there are several projects that need the Commission's attention.

Councilor Hebert said that it was his understanding that there is an ordinance that prohibits the riding of bicycles on the sidewalks. He asked that enforcement efforts be reviewed.

Councilor Dickerson said that she has seen the Police Department interacting with bicyclers on the sidewalks, and that there is signage placed informing the public of the prohibition of bicycles on sidewalks.

Councilor Pritchett commented on the delay in paving on Union Street where sewer work had been conducted saying that it was a good idea to wait to see if there was any settlement of the trench before laying the finish coat of pavement.

b. City Attorney's Report: The City Attorney reported on the following issues:

- There is an ordinance prohibition on bicycles being ridden on sidewalks, and that there has been prosecutions for violations of that ordinance. He also said that the Police Department periodically conducts special details to step up enforcement of this prohibition.

Councilor Dickerson asked if enforcement action is taken against minors.

The City Attorney said that the Code does not specify such, but noted that the enforcement actions that he was aware of were against adults.

c. Other Official's Report: Councilor Pritchett thanked all those involved with putting on the annual Summer Solstice Celebration, noting that many have commented that this year's celebration was the best yet. He also noted that the First Friday Art Walk held on July 5th resulted in all time retail sales record for that night. He thanked the gallery owners and all involved with this event.

Councilor Dickerson said now that the Legislative Session has ended, it is time to see what the effects will be of the actions that the Legislature has taken. She also said that over the next few days the Legislature will be considering over-riding a number of vetos. She also said that she was able to get a bill passed that added post traumatic stress disorder (PTSD) to the Medical Marijuana Law that was asked for by a number of veterans.

d. Mayor's Report: Mayor Clayton reported that he intends to join with other citizens to hand out pamphlets informing

Regular Meeting, Mayor's Report continued:

July 8, 2013

the public for the local regulations regarding dogs in the City.

The Mayor also reported that a window in the Children's section of the Library had been broken over the weekend. He said this incident pointed out to him just how infrequently things like this happen in the City.

Councilor Dickerson said that volunteers have been putting shopping bags in the dispensers for bags use to pick up dog waste. She suggested that the City look into stocking those dispensers with the bags that are designed to fit in them.

Councilor Hebert reminded the public that a meeting will be held on Wednesday, July 10, 2013 at 6:30 p.m. for a workshop on the proposed Rural Residential Zone for the Old County Road area. He also said that a meeting will be held on Monday, July 15, 2013 at 6:30 p.m. for a workshop on the FY 2014 Municipal Budget.

At this time, Councilor Isganitis moved to take Resolve #44 out of Order. Without objection from the Council, it was so ordered.

Resolve #44 Authorizing Transfer of Tillson Avenue TIF Funds – Public Restroom

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to transfer \$35,000 from the Tillson Avenue TIF Account to the Thorndike Parking Area Improvement Project to serve as the City's match to the Community For Maine's Future (CFMF) Bond award, subject to final design and location approval by the City Council.

Sponsor: City Manager
Originator: City Manager

Councilor Isganitis moved passage and said this facility was long overdue and sorely needed. He commended all involved in bringing this proposal to fruition.

Councilor Pritchett clarified that this \$35,000 was in addition to the \$115,000 previously authorized by the Council for this project.

Councilor Hebert agreed that this project was long overdue, and said that it was nice to have restrooms at either end of Main Street, but having such a facility centrally located makes sense. He also thanked Ms. Strassberg from the Grasshopper Shop for providing the portable toilets for many years.

Vote: 5 for.

Councilor Isganitis then moved to take Order #25 out of Order. Without objection from the Council, it was so ordered.

Order #25 Approving Plan for Public Restrooms at 40 Tillson Avenue

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized and directed to cause the construction of public restrooms at 40 Tillson Avenue, adjacent to the Thorndike Parking Lot entrance, substantially in conformance with plans of 2A Architects, LLC, dated June 16, 2013, for which funding has been previously authorized by the City Council in Resolves Nos. 18-12 and 44-13.

Sponsor: City Manager
Originator: City Manager

Councilor Isganitis moved passage and, again, said this project is long overdue.

Councilor Pritchett said that designing this kind of facility is often difficult, but this plan seems to meet the economic and aesthetic preferences.

Vote: 5 for.

The order of the agenda was then resumed.

Licenses and Permits:

- a. Liquor, Entertainment & Motion Picture Licenses – The Stand Theatre
- b. Liquor License – Bricks Restaurant
- c. Lodging House License – Old Granite Inn
- d. Liquor & Entertainment Licenses – American Legion Post #1
- e. Municipal Approval of Liquor Sales on Vessels – American Cruise Lines

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:

#43 Accepting Donations – Rockland Public Library

WHEREAS, the Friends of the Rockland Public Library has generously provided 69 books for youth valued at \$838.65, and

WHEREAS, the Library received a donation of \$30.00 from Joan Durant, Sanford, Maine, to be used to purchase books in memory of Gracie Hersom.

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

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

Regular Meeting, Resolve #43 continued:

July 8, 2013

THAT, the funds from these donations be receipted into the Revenue Donations Account (#10062-03147), and the same expended from the Restricted Donation Expenditures Account (#10062-07003).

Sponsor: City Council
Originator: Library Director

Councilor Pritchett moved passage.

Vote: 5 for.

#45 Appointment to Economic Development Advisory Committee – S. Roberts

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the appointment by the Mayor of Steven Roberts, 11 Acadia Drive, to the Economic Development Advisory Committee to fill a vacancy on that Committee is hereby confirmed. Mr. Roberts shall serve until that term expire in 2013.

Sponsor: Mayor Clayton
Originator: Mayor Clayton

Councilor Hebert moved passage.

Councilor Pritchett thanked Mr. Roberts for stepping forward and agreeing to serve on this committee.

Vote: 5 for.

Ordinances in Final Reading and Public Hearing:

#17 Chapter 2, Section 2-1307 Disabled Parking on Private Off-Street Areas
(See page 281 for text)

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

Councilor Isganitis moved passage and said this amendment simply brings this section into compliance with other section of the Code. He also said that the wording required on signage was not amended to change “Handicapped” to “Disabled” so that the large number of signs that already exist do not have to be changed.

Vote: 5 for.

The amendment will become effective August 7, 2013.

Ordinances in First Reading:

8 Chapter 19, Sections 19-302 and 19-304 Words & Phrases Defined; Rural Residential Zone Regulations
(See pages 248 – 252 for text)

It was noted that this amendment had been postponed until this meeting, and that the amendment had been given a motion for passage at the April 8, 2013 Regular Meeting.

Councilor Pritchett moved to postpone Ordinance Amendment #8 until the August 12, 2013 Regular Meeting.

Mayor Clayton said that a workshop on this proposal has been set for Wednesday, July 10, 2013 at 6:30 p.m.

Councilor Pritchett said this proposal is meant to address land use issue west of Old County Road. He said that most of that area is zoned Residential B, but that zone is meant for more dense, in-town areas, not the rural areas west of Old County Road. He said that it will protect the rural nature of the area as well as the uses that have historically taken place there.

Councilor Dickerson said that this proposal scares the living daylights out of her. She said this proposal takes uses that should be allowed in a rural area and makes the conditional uses. She said that she will not support the motion to postpone and she will not support this proposal.

Councilor Hebert said that he will support the motion to postpone so that the Council can hear from the public and the COMPS Commission to give this proposal a more thorough vetting.

Vote: 4 for, 1 opposed.
(Dickerson)

Ordinance Amendment #8 was postponed until the August 12, 2013 Regular Meeting.

9 Zoning Map Amendment – Rural Residential Zone
(See page 253 for text)

It was noted that this amendment had been tabled until this meeting, and that it had received a motion for passage at the April 8, 2013 Regular Meeting.

Councilor Pritchett moved to postpone Ordinance Amendment #9 until the August 12, 2013 Regular Meeting. He said that he appreciates all the work that the COMPS Commission and staff has done on this proposal, and the workshop on Wednesday will afford the Council a chance to delve into the particulars of this proposal.

Vote: 4 for, 1 opposed.
(Dickerson)

The amendment was postponed until the August 12, 2013 Regular Meeting.

#18 Authorizing Quit Claim Deed – 9 Pine Street

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

THAT the City Manager is hereby authorized to issue a municipal quit claim deed to Mid-Coast Habitat for Humanity, Inc. for the sale to Mid-Coast Habitat for Humanity, Inc. of a City-owned parcel of land and the building(s) thereon located at 9 Pine Street, Rockland, Maine (Tax Map #25-B-5) for \$15,000; 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: Councilor Pritchett
Originator: City Manager

Councilor Hebert moved passage.

Vote: 5 for.

A public hearing was set for August 12, 2013 at 7:00 p.m.

Regular Meeting, Ordinance Amendment #19 continued:

July 8, 2013

#19 Authorizing Quit Claim Deed – 67 Warren Street

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

THAT the City Manager is hereby authorized to issue a municipal quit claim deed to _____, for the sale to _____ of a City-owned parcel of land and the building(s) thereon located at 67 Warren Street, Rockland, Maine (Tax Map #25-A-17-1) for \$_____; 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: Councilor Isganitis
Originator: City Manager

Councilor Pritchett moved passage and moved to amend Ordinance Amendment #19 by filling the blanks as follows: “Orion Boshes”, “Orion Boshes” and “\$3,000”.

Councilor Isganitis said that the goal of this proposal is to re-unify this lot with an abutting lot. He said he wanted to make sure that quit claim deed is being issues to the property individuals for that reunification to occur. He said if the deed to the abutting lot has other names on it, he asked if the quit claim deed should include those names as well.

The City Attorney said that would not be a hurdle for this transaction. He said that reunification with an abutting lot was a condition of sale, but reconciling the names on the deed is not necessary for the quit claim.

Councilor Isganitis said the lots would not be able to be reunified if the names on the deed for one are not also on the deed for the other without some sort of additional transaction.

The City Attorney said that Mr. Boshes was the bidder on this property, therefor the transfer of the property can only be to him.

Councilor Dickerson said that it is not up to the City what mechanism is used to reunify the lots, but asked what the remedy would be if the lots were not reunified after the transfer.

The City Attorney said that any additional transaction necessary to unify the lots could be conducted at the same time as the closing on this lot with Mr. Boshes.

Councilor Isganitis said that if the City Attorney is comfortable with the process he would not hold it up, he just wanted to make sure that the goal of this proposal is accomplished.

Councilor Pritchett said that the reunification of these properties was made a condition of sale, but thanked Councilor Isganitis for bringing up this point. He said this could be solved at the staff level.

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

A public hearing was set for August 12, 2013 at 7:00 p.m.

Orders:

#23 Authorizing Outdoor Service of Alcohol – Navigator Restaurant

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Navigator Restaurant, located at 520 Main Street, is hereby authorized to serve alcoholic beverages in a roped-off area adjacent to the parking lot at 520 Main Street substantially in compliance with the application submitted herewith and incorporated herein by reference. Access to this area shall be restricted from other public areas and shall be monitored at all times by an employee of the Navigator Restaurant to ensure compliance with all applicable State laws and local Ordinances.

Sponsor: Councilor Hebert
Originator: Navigator Restaurant, Inc.

Councilor Isganitis moved passage and asked if the question about the impact this proposal would have on parking has been answered.

It was noted that the Code Enforcement Officer determined that parking was not significantly impacted and has signed off on this proposal.

Councilor Isganitis then expressed concern about the methodology of cordoning off the area. He said he was not comfortable with the use of such a movable barrier and questioned how the City know if the barriers were moved either by patrons or staff of the establishment.

The City Attorney said that the City has no separate regulations regarding liquor service, and that it is licensed and enforced by the State.

Councilor Isganitis said that he cannot move forward with this proposal without further information.

The City Manager said that they do not have the answers that Councilor Isganitis is seeking, but noted that staff has signed off on this proposal and is comfortable that the method of enclosing the area is sufficient. He said that they will be able to keep an eye on the area and react should there be any violations.

Councilor Pritchett said that he shares similar concerns. He said these kinds of requests are coming to the Council more often than in the past. If the area is part of the structure, such as a deck, it is clearly defined. However, with these requests, Councilor Isganitis asks a fair question. He said he would like to know what kind of regulatory authority the City has in these instances.

Councilor Hebert said that he did not have the answers either, but the intent is to clearly segregate and cordon off the area. He also said that staff has not expressed concern over the method of that segregation.

Councilor Dickerson said that she could relate to Councilor Isganitis’ concerns, and said that the City needs to keep an eye on this matter.

Vote: 4 for, 1 opposed.
(Isganitis)

#24 Setting Times for Polls – 08/13/13 RSU #13 Budget Validation Referendum Election

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

Regular Meeting, Order #24 continued:

July 8, 2013

THAT a Special Municipal Referendum Election shall be held on August 13, 2013 for the voters of the City of Rockland to cast their votes on the RSU #13 Budget Validation Referendum Question.

AND, it is further ordered that the polls at the Rockland Recreation Center/Community Building, 61 Limerock Street, Rockland, Maine, shall be opened at 8:00 a.m. and closed at 8:00 p.m. on August 13, 2013 for said Election.

Sponsor: City Clerk
Originator: City Clerk

Councilor Dickerson moved passage.

Councilor Pritchett said that the District Budget Meeting will be held July 24, 2013 at 6:30 p.m. He said if people wish to make changes to the RSU #13 budget, that is the meeting they should attend and propose whatever amendments to the budget they think are warranted.

Vote: 5 for.

With no further business to come before the City Council, the meeting was adjourned without objection from the Council, at 8:29 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

July 10, 2013

Workshop – Rural Residential Zoning Proposal

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.

Public Forum: During the public forum, the following persons spoke in opposition to the proposed Rural Residential Zoning amendments: Beverly Cowan, Dale Hayward, Michael Lane, Peter Proeller, William Pearce, Greg Knight, George Knight, Chuck Crafford, Wayne Crandall, and Ted Cowan.

The following persons spoke in support of the Rural Residential Zoning amendments: Steven Roberts and Richard Whitman. Hearing no other speakers, the public forum was closed.

Workshop – Rural Residential Zoning Amendments: The Council went into informal session for a workshop with representatives from the Comprehensive Planning Commission on the proposed Rural Residential Zoning amendments.

With the workshop complete, and with no further business to come before the City Council, the meeting was adjourned without objection from the Council at 9:11 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

July 15, 2013

Report from City Manager – Revenue Shortfall FY 2014 Budget Resolve #46 Use of Undesignated Fund Balance

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.

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

- Steve Carroll, 326 Old County Road, commended the City Manager for taking the appropriate action to reduce the budget to cover the revenue shortfall rather than increasing taxes to cover it. He said that cutting positions is never easy, but in this case was a necessary step.

- Chris Whytock, 387 Old County Road, said he has been a member of the Rockland Fire Department for 14 years as well as a taxpayer, which gives him a unique perspective on this matter. He applauded the City Manager and City Council for taking the necessary steps to curtail spending in these tough economic times, but hoped that the cuts would be made in the right places. He said the public safety departments of the City are already thin, and did not want to see the quality of the service provided by those departments adversely affected.

- Cindy, Wandell, secretary for the Public Works Department, said that she knows her position is one of the ones that the City Manager intends to cut as part of his plan to address the revenue shortfall, and she felt that she has the right to fight for her job. She said that the Public Works Secretary enables the people that should be on the streets working to do just that. She also said without the secretary, the City would lose the personal touch she provides to those who call the department with complaints or looking for assistance.

Hearing no other speakers, the public forum was closed.

Special Meeting continued:

July 15, 2013

Report from City Manager – Revenue Shortfall FY 2014 Budget: Pursuant to Charter Section 509(c), the City Manager reported to the Council that there would be a revenue shortfall in the FY 2014 Municipal Budget as a result of the loss of revenue sharing funds from the State of Maine. To address this shortfall, the City Manager said he is proposing the following action: four positions are to be eliminated; one patrol office in the Police Department, one EMT position in the Fire Department, one Library Tech position at the Public Library, and the Secretary at the Public Works Department. In addition, two positions at City Hall would have the hours reduced from full-time to part-time; the Assistant to the City Manager and General Assistance Administrator. These cuts will result in the savings of approximately \$275,000, and are prudent not only to meet the current revenue shortfall, but to address anticipated future losses of revenue sharing funds as well. However, there are associated separation costs that will need to be paid, and the City Manager said Resolve #46 would authorize the spending of up to \$150,000 from Undesignated Fund Balance to cover these costs.

Councilor Dickerson asked how calls to the Public Works Department would be handled.

The City Manager said it is planned to have either or both of the Public Works Director and Foreman maintain set office hours at times when they would need to be doing paperwork anyway to cover the office. Additional support could be provided by City Hall staff.

Councilor Dickerson asked if the call volume would create an additional burden on City Hall staff.

The City Manager said that there would be an advantage to having the calls come to City Hall. He said even though the Director does a good job keeping administration updated on what is going on, it will be helpful to administration in knowing what is going on.

Councilor Dickerson then asked if the Patrol Officer position was currently filled.

The City Manager said that the Patrol Officer position is not filled and would be eliminated.

Councilor Dickerson then asked what the effect would be of the reduction in hours for the General Assistance Administrator.

The City Manager said that this change would not effect the hours that the General Assistance Office is currently open. He said that the Administrator had been taking on other duties, but those duties would be put on hold as a cost-cutting measure. He said that the HR duties that the Administrator was doing will have to be picked up by himself and his secretary.

Resolve #46 Authorizing Use of Undesignated Fund Balance

WHEREAS, the adoption of the State Budget resulted in the City of Rockland anticipating an additional loss of \$280,000 in Municipal Revenue Sharing funds; and

WHEREAS, pursuant to City Charter Section 509 (c), the City Manager has reported to the City Council that there will be a revenue shortfall, and has proposed a plan of action to address the structural imbalance.

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

THAT the City Council accepts the proposed action by the City Manager to address this revenue shortfall; and

THAT the City Manager is hereby authorized to expend up to \$150,000 from the Undesignated Fund Balance Account to address unanticipated costs associated with the restructuring of the City's Civil Service, such as unemployment, payment of accumulated benefits, and transitional costs associated with providing adequate notice and time for employees to transition out of the City's Civil Service.

Sponsor: City Manager
Originator: City Manager

Councilor Pritchett moved passage.

Councilor Hebert said that he was not happy to be here, and that this was not the optimal situation. He said you can play the blame-game all you want but at the end of the day the City has a revenue shortfall that needs to be addressed. He said that this is not a one-year gap that needs to be filled, rather it is an ongoing situation that requires the City to look at how its departments are structured. He said that he is not happy with the reduction in staff, and has said repeated that he believes that the City has appropriate size staff to deliver the services required by the public. He commended the City Manager for bringing forward a proposal that maintains a reasonable level of services without raising taxes, but noted that services are going to be effected by these cuts. He said that he was angry that the State has put the City in this situation, and added that the problem is exacerbated by the City being a service center community. He said service center communities are required to provide more services that its base population would require, but receive no additional funding assistance from the State. And when the State takes away what funding it does provide, the impact is much greater, and it is not sustainable. He said that he will probably support this proposal, but he is not happy.

Councilor Dickerson said that she was not happy to be in this situation either, and that this is a very somber moment. She said it is difficult to balance how to deal with this shortfall when you are talking about people's lives. She said this is not a good situation to be in. However, she said that that Legislature was able to restore a significant portion of the City's revenue sharing funds. She said that the original proposal by the Governor would have cut \$719,000 in revenue sharing funds, and couples with other cuts, the City stood to lose \$1.1 million. She said the Legislature was able to get that down to \$280,000. She said it would have been nice to restore all of the funding, but compromises had to be reached to come to a budget that could be supported by both sides. She said that revenue sharing is not going to go away, but it does keep getting raided.

Councilor Isganitis said that the Council should not be congratulated for this proposal. He said that the City really has no other options to deal with this situation. He said that the State has broken its contract with the City, and the City has no other recourse. He said it is troubling to look into the eyes of those employees who are losing their jobs because the Legislature used the City's money to restore entitlement programs. He said that he appreciates the graciousness with which those employees are handling this situation, and that he hoped this would only be temporary. However, he said the City doesn't have a choice.

Councilor Pritchett said that he did not want any City employee to view this action as in any way being an indictment of current or past performance, and commended the City Manager for bringing this proposal forward. He said that he concurred with the comments already made by his fellow Councilors, and added that the last three Legislatures have raided municipal revenue sharing in an attempt to balance the State's budget. He said that the City's Undesignated Fund Balance is down to 4.7% when MMA recommends a Fund Balance of 10-12%, so it would not be appropriate for the City to decisions that

Special Meeting, Resolve #46 continued:

July 15, 2013

would only be a one-time fix. He said that there needed to be structural changes to plan for the loss of more funds in the future.

Councilor Dickerson said that the entitlement programs that were restored by this Legislature were the elderly and low income drug program and well as other Medicaid programs; programs that are sorely needed.

Councilor Pritchett wanted to clarify that the funds being authorized by this Resolve are not being used to fill the revenue shortfall, rather they are being used to cover one-time costs associated with the lay-offs being proposed by the City Manager.

Vote: 5 for.

With no further business to come before the City Council, Councilor Hebert moved to adjourn. Without objection from the Council, the meeting was adjourned at 7:09 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

August 5, 2013

Resolve #47 Opposing RSU #13 Budget
Order #26 Reducing Tillson TIF District Captured Assessed Value for FY2014
Set Agenda for August 12, 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.

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

- Carol Bachofner, Rockland Representative to the RSU #13 Board of Directors, spoke in opposition to Resolve #47, saying that the additional funds received by the District from the State are intended to benefit the students, not the taxpayers, and that it was inappropriate for the Council to attempt to influence the election. She said that the voters will make the decision.

- Tom Molloy, 77 Pleasant Street, spoke in support of resolve #47, saying that the taxpayers of Rockland will pay the lion's share of the increase if the proposed RSU #13 budget is adopted. He said that the residents of St. George were successful in adding this money back into the budget, even though St. George has voted to withdraw from the District, as well as the fact that the taxes in St. George will still be reduced even if the higher budget is adopted. He also said that the City has been required to pay a disproportionate share of school costs ever since RSU #13 was created because of the funding formula that was created at that time. He urged passage of Resolve #47.

- Steve Carroll, 326 Old County Road, urged voters to go to the polls on August 13th and vote down the proposed RSU #13 budget, saying that taxes will increase if this budget is adopted as proposed. He said that the town of St. George is getting out of the district and the City of Rockland will be paying for it. He also commended the Council for its diligence in holding the line on taxes, but encouraged the Council to be looking for ways to increase revenues and reduce spending for next year's budget. He suggested that the City take advantage of its natural resources and maximize the income potential of the Harbor.

- Richard McKusic, 19 Crescent Street, commended to Council for making the difficult decisions necessary to hold the line on taxes. He also said that it gave him a sense of security to see the Council working well together.

- Glenn Billington, 29 Admontem Avenue, thanked the Council for its past support for Rockland Main Street, Inc., and encouraged the Council to continue that support. He also thanked all of the volunteers who help put on the events that Rockland Main Street sponsors throughout the year, and thanked the citizens for attending those events.

- Johanna Strasburg, owner of the Grasshopper Shop at 400 Main Street, also spoke in support of Rockland Main Street, Inc., saying that it has been a major contributor to the revitalization of Downtown Rockland.

- Loraine Francis, Executive Director of Rockland Main Street, Inc., thanked the Council for its support of Rockland Main Street, Inc., and enumerated some of the things that they have done over the past five years to promote the City and to build community. She asked the Council to continue its support of Rockland Main Street, Inc.

Hearing no other speakers, the public forum was closed.

Resolve #47 Opposing RSU #13 Budget Scheduled for District Wide Vote on August 13th

RESOLVE: Opposing RSU 13 Budget Scheduled For District Wide Vote On August 13th

WHEREAS, this Council recognizes that it is essential for RSU 13 to provide a relevant and engaging educational environment for students in the school system; and

WHEREAS, this Council further recognizes that affordable, quality education contributes to the vibrancy, quality of life, and the potential for future economic development in Rockland; and

WHEREAS, the RSU 13 School Board and Administration brought forward a school budget option that would have meet

Special Meeting, Resolve #47 continued:

August 5, 2013

these objectives without increasing the costs to taxpayers; and

WHEREAS, vocal town officials from St. George along with St George Residents and some others added \$383,000 back into the school budget at the district budget meeting knowing these added costs would be paid for by Rockland and other communities, while St George's costs would go down; and

WHEREAS, the cost of education for Rockland property taxpayers has increased in 18 of the last 20 years; and

WHEREAS, the cost of education for Rockland property taxpayers has increased by more than 244% over this same period of time; and

WHEREAS, it is critical that RSU 13 provide a quality education at a cost that does not discourage future investments in homes and businesses, and does not place an unreasonable burden on working families, retired citizens on fixed income, or other Rockland residents; and

WHEREAS, the City Manager and the City Council worked to pass a City budget that would not raise taxes even in the face of losing \$280,000 in locally collected sales tax revenue; and

WHEREAS, rejection by voters on August 13 of the proposed RSU 13 budget would give the RSU 13 Board and Administration an opportunity to bring before voters an FY 2014 school budget that provides for quality education without raising local property taxes;

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

THAT the City Council strongly opposes the RSU 13 budget as proposed and directs the City Manager to take all steps necessary to help insure that the citizens of Rockland are aware of this special school budget referendum and the negative impacts the proposed school budget would have on the property taxes in the City of Rockland.

Sponsor: Councilor Pritchett

Originator: Councilor Pritchett

Councilor Pritchett moved passage and said that RSU #13 is charged with providing a quality education, but needs to do so at reasonable costs. He said that the taxpayers of the City have seen substantial rise in taxes for education over the years, increasing by some 244% over the past 20 years. He also said that the original budget proposal from RSU #13 would have resulted in no increase in taxes, but additional spending was included at the district-wide budget meeting that will result in a substantial increase in taxes to the City.

Councilor Dickerson said that the problem began in January with a budget crisis at the State level when the Chief Executive proposed elimination of \$25 million in education funding in a supplemental budget proposal. She said that the legislature was able to pare that cut down to \$12.5 million, which resulted in a cut of approximately \$300,000 for RSU #13, and educators begin losing their jobs. She said that teachers are on the front lines and are the reason many children make it to graduation. She then said that as a result of the State budget adopted in June, the \$300,000 that was cut was restored, and that money was intended for the children, not for tax relief. She said that the loss of 10 teaching position in RSU #13 would have a significant negative impact on the children, and the impact to Rockland taxpayers would only be a 1.64% increase in their taxes if this budget is approved as proposed. She also said that the cost of education has risen significantly over the past 20 years as well with many innovations such as free public education for all. She also said that other costs this year have risen as well, with increases to health insurance costs and the requirement that districts now pay a portion of retirement costs. She said that investment in education has a return of 14 to 1. She said that it is up to the voters to decide if this budget is acceptable and that the Council should not try to interfere with that process.

Councilor Isganitis said that the original RSU #13 budget proposal was voted down in June, and after the state budget was passed an additional \$383,000 in aid to education was received by the district. He said that adding expenditures to this budget will result in the City paying an additional \$122,000. He asked that the Rules be suspended to allow Finance Director Tom Luttrell to help clarify this issue. Without objection from the Council, the Rules were suspended.

Mr. Luttrell said that State Aid to Education is received by the District as revenue and would reduce the overall tax burden unless additional expenditures are added to the budget. In this case, additional expenditures were added to the budget and because of the formula used to distribute costs throughout the district, the City will end up paying a higher percentage of the additional costs.

Councilor Isganitis asked if the district could use the additional State Aid to reduce the tax burden.

Mr. Luttrell said that the administration originally proposed to do just that, but the additional expenditures were added by the voters from the floor at the district-wide budget meeting.

The Council went back into Special Session with Councilor Hebert saying that he has been on the Council long enough to hear the frustration over what school boards do, and added that the City Council has no control over the school budget. However, he said that he disagrees with the assertion that the Council should not voice its opinion on what the school board has done. He did agree that it was important to provide a quality education, and that they have to invest in the children. He said the public needs to stop looking at education as an expense and look at it as an economic development tool; without which there will be no economic growth. However, he said that he was inclined to support this Resolve to send a message to the school board that it needs to look for more innovating and efficient ways to provide that education. He said that he realizes that school district have many challenges, but has not seen any creative solutions to provide education more efficiently. He said that he was not excited about the loss of teaching position, but noted that the Council recently accepted a plan that eliminated positions with the City. He said that the City is looking at a mil rate that is close to 20, and that is just too high. He said that the school board needs to be cognizant of the fact that the City does not have the economic growth to support such increases. He said that he was sympathetic to the challenges faced by the school board, but they need to hold the line on taxes as much as possible.

Councilor Dickerson countered that the more efficient delivery of education would be easier in facilities that were more efficient. She said without investment in maintaining the infrastructure of the district it is not possible to provide the innovative, quality education that the Councilor is looking for. She also said that the Council may not be familiar enough

Special Meeting, Resolve #47 continued:

August 5, 2013

with the difficulties faced by RSU #13 to be commenting on these matters in a public forum such as this. She said it is a sad commentary on the lack of concern for the well-being of the students.

Councilor Pritchett said that under all scenarios, the RSU #13 budget is going up over last year, the question is by how much. He said there are a lot of people doing a lot of good work in this district, but the spending in RSU #13 is in the top 15% State wide. He said that the district needs to look at restructuring to provide quality education. He said that school funding cannot be a blank check. He also said that the district is contributing to a structural deficit by using reserve funds in the operational budget that will only result in a bigger hole next year.

Councilor Hebert said that the Council is not telling the district where cuts need to be made. He said it is up to the administration to determine if the cuts should be made in teaching positions or not.

Councilor Isganitis said that the Council is not saying that it does not support education, and that everyone has a stake in education funding whether you have children in the district or not. He said that there has to be other involvement to help tackle the challenges that the district has.

Mayor Clayton asked Councilor Hebert to take the Chair so that he could speak on this issue.

Mayor Clayton said that the Council worked very hard in the City's budget to keep the municipal tax rate for increasing, and he thanked the Councilors for their decorum throughout the process. He said that he disagreed with the assertion that the Council should stick to City business and not get involved in school matters. He said that there is no "us" or "them" in this situation as we are all in this together. He also said he disagrees with the assertion that the money is being taken away from the children. He said it is the taxpayers' money and that the Council has a responsibility to look out for the citizens of Rockland. He said that he has seen first hand children at school that don't have the best clothes, enough food, have to walk to school alone, etc. He said these are children of taxpayers who are struggling to keep their heads above water. He said that the money that was added back into the budget was not for heat or food or other infrastructure improvement, it was to retain positions. He said that the City Council sat at a meeting and looked into the faces of employees as it voted to eliminate their positions, which nobody likes to do but was a necessity given the current economic times. He said that the school board was elected to do the same. He said that it is now up to the voters of Rockland to go to the polls and let their voices be heard. Finally, he added that saying the Council has no right to interfere in school matters is like saying an educator has not right to vote in this forum; an assertion to which he wholeheartedly disagrees.

Vote: 4 for, 1 opposed.

(Dickerson)

Order #26 Reducing Downtown Tillson Redevelopment District Tax Increment Financing District Captured Assessed Value for FY 2014

WHEREAS, the FY '14 budget estimated the captured value of the Tillson Redevelopment Tax Increment Finance (the "Downtown TIF") district based upon the anticipated revenues projected in the adopted 2008 Downtown TIF development program; and

WHEREAS, the City Assessor has now completed the FY '14 assessment work, necessary for committing taxes; and

WHEREAS, the value of the Downtown TIF district has exceeded the adopted program's projected values; and

WHEREAS, this realized increase in valuation would require the City to also increase its share of the MIL rate by an additional 11.3 cents in order to fund the TIF program at 100% of the assessed value; and

WHEREAS, an increase in the MIL rate would be unfavorable for property owners at this time; and

WHEREAS, the City Council may take action to decrease the percentage of the Downtown Tillson TIF District's captured assessed value in order to prevent an increase in the tax rate.

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

THAT, for FY '14 the Downtown Development District captured assessed value percentage is hereby reduced in order to limit the captured value to the adopted program's estimated FY '14 amount of \$193,652; and

THAT the City Manager, or his designee, is authorized to take the necessary steps to ensure the Downtown TIF plan realizes the estimated FY '14 funding amount, while ensuring the City's share of the MIL rate is preserved, as proposed in the adopted FY '14 budget.

Sponsor: City Manager
Originator: City Manager

Councilor Pritchett moved passage.

Councilor Isganitis commended the City Manager for identifying this and taking action to prevent an unnecessary increase in the mil rate.

Councilor Pritchett agreed with Councilor Isganitis, adding this was a quirky accounting issues and also commended the City Manager for identifying the issue before the tax bills went out.

Vote: 5 for.

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

The meeting was reconvened with the Council going into informal session to set the agenda for the August 12, 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 8:23 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

REGULAR MEETING**AGENDA****August 12, 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

Public Hearing – Appeal of Taxi Driver License Denial

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 – Time Out Pub
- b. Lodging House Permit – Brunswick Rooms

8. Resolves:

- #48 Appointments – Planning Board & Parks Commission
- #49 Authorizing Expenditure of TIF Funds – Rockland Main Street
- #50 Accepting Donation of Moorings – Harbor Dept.
- #51 Accepting Donation – Library
- #52 Authorizing Salary Adjustments – Manager, Attorney & Clerk

Mayor Clayton
City Council
City Manager
City Manager
City Council

9. Ordinances in Final Reading and Public Hearing:

- #18 Authorizing Sale of City Property – 9 Pine Street
- #19 Authorizing Sale of City Property – 67 Warren Street

Councilor Pritchett
Councilor Isganitis

10. Ordinances in First Reading:

- # 8 Ch. 19, Sec. 19-304 Rural Residential Zone Regs (Postponed)
- # 9 Zoning Map Amendment – Rural Residential Zone (Postponed)
- #20 Chapter 11, Article III Building Permits
- #21 Chapter 17, Section 17-801 Parking Prohibition – Cottage St.
- #22 Ch. 8, Sec. 8-708 GA – Maximum Levels of Assistance

Councilor Isganitis
Councilor Isganitis
Councilor Isganitis
Mayor Clayton
Councilor Dickerson

11. Orders:

- #27 Authorizing Placement of Banner – Rock Coast Rollers

Mayor Clayton

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, and City Attorney Beal.

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

At this time, the Council observed a moment of silence in memory of victims of a tragic automobile accident in Port Clyde over the weekend.

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

- Steve Carroll, 326 Old County Road, spoke concerning the proposed RR Zone for the area west of Old County Road, saying that an expected amendment to the proposed RR Zone would take his property out of the zone thereby prohibiting him from opening the farm stand that he had hoped to operate at his property. He said that the area of Old County Road in which he lives has historically been a commercial area, with a convenience store/gas station directly across Lake Avenue from his property at the current time, and other commercial entities in the area in the past. He said Old County Road has been a unique blend of homes and businesses, and the Council should enact zoning that promotes that diversity, not restrict it.

Hearing no other speakers, the public forum was closed.

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

Reading of the Record: Reading of the Record was waived, and the Record of previous meeting 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.

Hearing – Appeal of Taxi Driver License Denial

A hearing was opened on the appeal of Michael A. Frank (the “appellant”) from the denial of his July 5, 2013 application for a Taxi Driver License in the City of Rockland, pursuant to Rockland Code Chapter 11, Section 11-104. It was noted that the appellant was not present for this hearing.

The City Attorney gave a brief summary of the exhibits being presented to the Council for its consideration in this matter, including, but no limited to, the appellant’s original application for a Taxi Driver License, the denial from Police Chief Bruce Boucher, the Bureau of Motor Vehicles Driver Query for Michael A. Frank, an attested copy of the Violations Bureau Report for Michael A. Frank, and the request for an appeal from Michael A. Frank.

Regular Meeting, Appeal Hearing continued:

August 12, 2013

Deputy Police Chief Wallace Tower presented the City's case in this matter. Deputy Chief Tower was sworn by the City Attorney that the evidence that he would present would be the truth, the whole truth and nothing but the truth.

Deputy Chief Tower explained that pursuant to standard operation procedure, a license check was performed when Mr. Frank applied for a Taxi Driver License. The license check found that Mr. Frank was convicted of operating after suspension of his Maine Driver's License on February 13, 2012. Rockland Code Chapter 11, Section 11-509 prohibits the issuance of a Taxi Driver License to anyone convicted of such a violation within three years of the date of application for the Taxi Driver License, therefore, the application was denied.

Councilor Dickerson moved as follows: On the basis of the record and the arguments presented by the City (the appellant having received prior, written notice but having failed to appear at the hearing), the Rockland City Council concluded that Michael A. Frank was ineligible for a taxicab driver's license under Rockland Code Chapter 11, Section 11-509, which prohibits granting a taxicab driver's license to a person who has been convicted of driving after suspension within the three years preceding his application.

Councilor Hebert said that the matter seems pretty clear cut, and that the facts speak for themselves.

Councilor Dickerson said that there is evidence that the decision not to grant the license created a hardship for the applicant, however, the reason for such provisions is to protect the safety of the public. She said that the licensing provisions must be applied evenly.

Councilor Pritchett said that the appeal was not for a hardship, it was to determine if the denial of the application was done correctly according to the Ordinance. He said that the Council cannot waive an ordinance requirement.

Vote: 5 for.

The July 10, 2013 denial of Mr. Frank's application is therefore affirmed.

Reports:

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

- Work continues on Route 1, hopefully the paving will be completed tonight. The Water Company has finished its work for now, but is looking to upgrade other lines in the future. The Manager said that he will work with the Water Company to ensure that any future work does not disrupt traffic flow.

- The Public Works Department is now repairing sidewalks that were disrupted during the paving project.

- The City's summer festival season has concluded and by all indications was very successful. From the City's perspective there were no major issues.

- Work has begun on the ferry terminal park, which will include three sculpture display pads.

- The Waldo Avenue waste water pump station failed, but the problem has been corrected. However, it now needs to be determined why it failed.

- The Chair of the RSU #13 Board has asked last week that the Police display sign be set up to give notice of the Referendum Election being held tomorrow (08/13/13) on the RSU #13 budget. The sign was placed on Main Street and seems to be working well to inform the public about this important vote.

- The implementation of the staff reduction has begun with the commensurate adjustments to services.

- The City has received complaint from Fish Pier users of about vessels being docked at the pier for more than the allowed 30 minutes. He said that more aggressive enforcement of that restriction is underway.

b. City Attorney's Report: The City Attorney said that other than items already reported to the Council, he had nothing further to add.

c. Other Official's Report: Councilor Isganitis reported that the Rockland Breakwater has moved into the top 100 ranking in an online survey of the "8th Wonder of the World" on the Virtualtourist.com website. He urged people to go to the website and vote for the Rockland Breakwater.

d. Mayor's Report: Mayor Clayton recognized Shawn Levasseur, noting that he has agreed to serve on the Knox County Budget Committee as a representative of the City of Rockland. He said that Mr. Levasseur's nomination to that post will be acted upon by the Council at a Special Meeting to be held on August 26, 2013.

Mayor Clayton then thanked the Police Department, Fire Department and Emergency Medical Service for its efforts in covering the recent festivals. He reported that there were no major incidents.

Mayor Clayton then urged citizens to get out and vote tomorrow (08/13/13) at the Recreation Center from 8:00 a.m. to 8:00 p.m. on the RSU #13 budget.

Mayor Clayton then reported that the Council will be holding the following Special Meetings:

- 08/19/13 Special Meeting to discuss Tax Increment Financing Districts with Community Development Director John Holden.

- 08/26/13 Special Meeting for a presentation on the proposed new Public Works Facility with engineers from Gartley and Dorsky.

Licenses and Permits:

a. Liquor and Entertainment Licenses – Time Out Pub

b. Lodging House License – Brunswick Rooms

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

Councilor Hebert moved to grant the licenses for the Time Out Pub.

Vote: 5 for.

Councilor Hebert then moved to grant the license for the Brunswick Rooms for a period of three month beginning on September 9, 2013.

Vote: 5 for.

The Lodging House License for the Brunswick Rooms will be review once again by the Council on December 9, 2013.

Regular Meeting, Resolve #48 continued:

August 12, 2013

Resolves:

#48 Appointments to Planning Board and Park Commission

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

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

Planning Board

Michael McNeil, 67 Waldo Avenue, who shall serve until October 1, 2013 at which time his resignation shall become effective.

Parks Commission

Terry Pinto, 195 Broadway (2014)

Sponsor: Mayor Clayton
Originator: Mayor Clayton

Councilor Pritchett moved passage.

Vote: 5 for.

#49 Authorizing Expenditure of Funds – Tillson Area TIF Funds

RESOLVE Authorizing Expenditure of Funds – Tillson Area TIF Funds

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized expend \$30,000 from the FY 2014 Tillson Avenue TIF District funds to support Rockland Main Street Inc. in its efforts to protect and enhance the economic vitality of Downtown Rockland.

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

Councilor Isganitis moved passage.

Councilor Hebert said that he was happy to support this Resolve. He said initially when Rockland Main Street, inc. was proposed, he did not see the benefit of this group to the City. However, over the past five years, he said this organization has been a great asset to the City by leveraging grant monies that the City would not have otherwise been eligible for. He said he has received nothing but positive feedback about this group.

Councilor Pritchett echoed Councilor Hebert's comments, and added that the City is down to just two organizations that it supports financially, Rockland District Nursing and Rockland Main Street. He said both of these organizations provide direct benefits to the City, and Rockland Main Street has been instrumental in maintaining the viability of Main Street.

Vote: 5 for.

#50 Accepting Donation – Harbor and Waterfront Department

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City of Rockland gratefully accepts the donation from Richard Russell of Falmouth, Maine of three moorings to the Rockland Harbor and Waterfront Department, as follows:

Two 4,000 lb mooring valued at \$800 each;
One 13,000 lb mooring valued at \$2,200.

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

Sponsor: City Manager
Originator: Harbor Master

Councilor Hebert moved passage.

Vote: 5 for.

#51 Accepting Donation – Rockland Public Library

WHEREAS, the Friends of the Rockland Public Library has generously provided 99 books for youth valued at \$ 1037.51.

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

THAT, the City gratefully accepts this donation and directs that a letter of thanks be sent to the Friends of the Rockland Public Library in recognition of its generous donation; and

THAT, the funds for this donation be receipted into the Library Revenue Donations Account (#10062-03147), and the same expended from the Library Restricted Donation Expenditures Account (#10062-07003).

Sponsor: City Manager
Originator: Library Director

Regular Meeting, Resolve #51 continued:

August 12, 2013

Councilor Pritchett moved passage and said that as part of his work on the Energy Committee, he has spent a number of hours in the Library and has witnessed the volunteers from the Friends group there every step of the way assisting in the operation of the Library.

Councilor Hebert echoed Councilor Pritchett's comments and added that they should pause briefly and recognize all that this group does to assist the Library. He said he could not see the Library operating at the level it does without these volunteers.

Vote: 5 for.

#52 Authorizing Salary Adjustments – Manager, Attorney and Clerk

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to make the following salary adjustments for the City Manager, City Attorney and the City Clerk, retroactive to July 1, 2013.

City Manager Full-Time Payroll:	\$2,460
City Attorney Full-Time Payroll:	\$2,254
City Clerk Full-Time Payroll:	\$1,543

Sponsor: City Council
Originator: City Council

Councilor Hebert moved passage, and said that this action has been questioned by some, but is commensurate with the adjustments given to all other City employees. He said these are the three employees that the Council is directly responsible for setting salaries and there is no reason why these three should be penalized. He said this was the standards cost of living adjustment given to other employees.

Vote: 4 for, 1 opposed.

(Dickerson)

Ordinances in Final Reading and Public Hearing:

#18 Authorizing Quit Claim Deed – 9 Pine Street

(See page 4 for text)

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

Councilor Pritchett moved passage and said that the City received a letter from Habitat for Humanity asking the Council to waive the requirement to a payment in lieu of taxes be made by the winning bidder for this property. He said this Council has moved away from granting fee waivers, as such waivers pass costs along to the taxpayers, therefore he was not inclined to waive this fee.

Vote: 5 for.

The Ordinance will become effective September 11, 2013.

#19 Authorizing Quit Claim Deed – 67 Warren Street

(See pages 4 & 5 for text)

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

Councilor Isganitis moved passage.

Councilor Pritchett thanked Mr. Boshes for bidding on this property and wished him well with his plans for the property.

Vote: 5 for.

The Ordinance will become effective September 11, 2013.

Ordinances in First Reading:

#8 Chapter 19, Sections 19-302 and 19-304 Rural Residential Zone Regulations (Postponed)

(See Book #39, pages 248-252 for text)

It was noted that this amendment had been postponed until this meeting, and that it had received a motion for passage in first reading at the April 8, 2013 meeting.

Councilor Dickerson said that since there are new members on the Comprehensive Planning Commission that did not work on the creation of this amendment, it makes sense to postpone this amendment so that they have a chance to review it before the Council takes action.

The City Manager noted that this amendment is still in first reading, and that it is customary for such amendments to be sent to the Comprehensive Planning Commission for review and recommendations between first and second reading.

Councilor Dickerson said that it was her understanding that a rather substantial amendment to this proposal is going to be offered and would like the Commission to have an opportunity to work on that amendment before it is presented to the Council. Therefore, Councilor Dickerson moved to postpone Ordinance Amendment #8 until the September 9, 2013 Regular Meeting.

Councilor Isganitis said that the Chair of the Comprehensive Planning Commission has been consulted with on the amendment to this measure, so the Commission has been involved in the process.

Councilor Pritchett said he was not willing to support postponing this item again without clear direction. He said this is the third time this issue has been before the Council without the Council providing direction. He said he agreed that there are questions to be answered, but the Council needs to act on this matter to show what direction it would like the matter to move.

Councilor Dickerson said that there is a difference between consulting the Commission Chair and involving the Commission in a review of the issue.

Vote: 1 for, 4 opposed.

(Pritchett, Clayton, Hebert, Isganitis)

Motion to Postpone defeated.

Councilor Isganitis moved to amend Ordinance Amendment #8 by replacing the existing language with the following:

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

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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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Sec. 19-304 Zone Regulations

* * *

5-A. RURAL RESIDENTIAL 1 ZONE "RR1"

[Note: the RR1 regulations, and map, will remain unchanged.]

* * *

5-B. RURAL RESIDENTIAL 2 ZONE "RR2"

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A. Purpose:

The purpose of the Rural Residential 2 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 of this area. Only uses and development standards that are consistent with these purposes are permitted, in order to maintain the rural character of the area for current and future residents.

B. Permitted Uses

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In the Rural Residential 2 Zone, no building or land shall be used, and no building shall hereafter be erected or structurally altered, except as provided herein, unless otherwise authorized in this Article.

RURAL RESIDENTIAL 2 ZONE "RR2" PERMITTED USES	
(1)	<u>Agriculture</u>
(2)	<u>Single- And Two-Family Dwellings, including Mobile Homes</u>
(3)	<u>Accessory Apartments</u>
(4)	<u>Home Occupations, Levels 1 and 2</u>
(5)	<u>Bed and Breakfast Establishments</u>
(6)	<u>Nurseries, greenhouses and landscaping businesses</u>
(7)	<u>Campgrounds</u>
(8)	<u>Veterinarians and Veterinary Clinics</u>
(9)	<u>Riding Stables</u>
(10)	<u>Farm Stands / Agricultural Markets</u>
(11)	<u>Accessory uses</u>

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C. 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. 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 2 ZONE “RR2” CONDITIONAL USES

(1)	<u>Commercial outdoor motorized recreational uses</u>
(2)	<u>Cemeteries</u>
(3)	<u>Home Occupations, Level 3</u>
(4)	<u>Direct or magnetic drive wind turbines with a rated generation capacity of less than 110 kw where the electricity produced is to be utilized at the owner’s permitted home, farm, or business, or to offset the electricity consumed at the owner’s permitted home, business, or farm.</u>

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D. Prohibited Uses

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RURAL RESIDENTIAL 2 ZONE “RR2” PROHIBITED USES

(1)	<u>Drive-up windows and drive-throughs</u>
(2)	<u>Wind turbines with 110 kw or greater generation capacity</u>
(3)	<u>Flag Lots</u>
(4)	<u>Other uses not listed as permitted or conditional uses, or subsequently authorized by contract or conditional zoning.</u>

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D. Standards

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

(2) RURAL RESIDENTIAL 2 ZONE “RR2” STANDARDS

<u>Minimum Lot Size</u>	<u>Two acres</u>
<u>Minimum First Floor Area Per Primary Structure</u>	<u>400 square feet</u>
<u>Minimum Continuous Street Frontage along one street</u>	<u>200 feet</u>
<u>Minimum Setbacks</u>	
<u>Front</u>	<u>25 Feet</u>
<u>Side (Principal Structure)</u>	<u>25 Feet</u>
<u>Rear</u>	<u>20 Feet (excludes corner lots, see definition)</u>
<u>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)</u>	<u>10 feet</u>
<u>Side and rear setbacks for commercial or mixed uses abutting a residential zone or use</u>	<u>40 feet</u>
<u>Minimum Side Setback (Accessory Structures)</u>	<u>10 feet</u>
<u>Maximum Building Coverage by Primary Structures</u>	<u>20% (includes principal and accessory buildings)</u>
<u>Maximum Lot Coverage</u>	<u>40% (includes impervious surfaces)</u>
<u>Maximum Building Height</u>	<u>35 feet and 2½ stories, except barns, silos, sheds, other structures used for agricultural purposes, and wind power generation towers accessory to on-site use</u>
<u>Minimum Distance Between Curb Cuts</u>	<u>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</u>

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(2) RURAL RESIDENTIAL 2 ZONE “RR2” STANDARDS

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Notes:

* 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.

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Councilor Pritchett thanked Councilor Isganitis for bringing this amendment forward and said that it addresses many of the concerns expressed by residents and businesses along Old County Road and Route 17 at the workshop held last month. He said this was much cleaner than the original proposal, and added that he would not be opposed to considering amendments to address Mr. Carroll’s concerns as well. He also said that he would be interested to hear what the Comprehensive Planning Commission and Planning Board have to say about this proposal.

Councilor Hebert said that he liked this proposal better than the original, but was not sure he will ultimately support this proposal either. He said that he would support it in first reading so that the Comprehensive Planning Commission could weigh in on it. That being said, Councilor Hebert added that he still has several concerns about this proposal and would like the Comprehensive Planning Commission to look at minimum lot size, as he believes that the listed minimum lot size is too large. He said he does not like to create non-conformity and would like the Commission to analyze what properties would be so affected by this proposal. He also said that while he does not see as much negative impact from this proposal as the original, he said he also didn’t see a lot of advantage or urgency in making these changes. He said that he would like to see more time taken to look at this more closely. He also added that this proposal does nothing to address the original Rural Residential Zone, which needs to be looked at as well.

Councilor Pritchett said that the only change made to Councilor Isganitis’ original amendment was to the wind power generation provisions. He said he proposed changes in the language to clarify that wind power generation would be restricted to small units under 110kws used onsite for electrical needs of the property.

Councilor Dickerson asked for clarification on what version of Councilor Isganitis’ proposed amendment the Council was considering.

After some discussion of the correct version of the amendment being considered, Councilor Dickerson said that Old County Road is turning into a “cow path” and should be the focus of the Council’s concerns rather than getting bogged down with what’s happening on West Meadow Road. She said that she believed this area should be left alone and the residents allowed to do as they wished with their properties. She said that the focus of the City needs to be on what’s happening along Old County Road and how to protect that region.

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

Councilor Hebert said that he still has concerns about this proposal and would like the uses allowed in the Residential B Zone that may fit in this area reviewed, as well as a review of minimum lot size. He also said he agreed that there needs to be focus on Old County Road. He said this is a diverse stretch, and the City needs to find a balance between residential and commercial uses. However, he said that the zoning that is currently in place in this area is not a usefully zone and therefore is willing to support this proposal in first reading.

Councilor Pritchett agreed that Old County Road needs to be looked at as well, but noted that this proposal does not pull away from looking at Old County Road. He said it is the job of the Council to give direction to the Comprehensive Planning Commission for its review of this matter. He said this matter has been delayed long enough.

Councilor Isganitis said that doing nothing with respect to this area serves no one. He said that the Council directed the Comprehensive Planning Commission to look at the area west of Old County Road, and the citizen volunteers on this Commission did just that. He said that the Residential Zone B is meant for smaller, in-town lots and is not a good fit for the larger lots west of Old County Road. He said this proposal provides for appropriately-scaled residential development and agricultural uses while preventing dense residential development and sprawl. He said it will be a catalyst for proactive development and trigger economic investment in the area.

Councilor Dickerson said that she doesn’t like this proposal because she believes that there is already dense residential development in the area. She said that the natural progression of development along West Meadow Road will be regulated by the natural features of the area. She said having a two-acre minimum lot size will create suburbia with high-priced lots. She said that smaller, clustered lots create more tax revenue than single large lots. She said that the residents of West Meadow Road are happy with the way things are and do not want to see it changed.

Councilor Pritchett asked the City Attorney if agricultural uses would need Planning Board approval under this proposal.

The City Attorney said that agricultural uses are an allowed use in this zone, as are farm stands accessory to an agricultural use.

Councilor Pritchett then asked if agricultural uses are allowed in the existing Residential B Zone.

The City Attorney said that agricultural uses are a conditional use in the Residential B Zone requiring Planning Board approval, however, farm stands and riding stables are not allowed in the Residential B Zone. He said this proposal would eliminate those restrictions for this area.

Councilor Hebert agreed that doing nothing was not an option, but said that the real concern is for properties west of West Meadow Road. He said that the topography of the land between Old County Road and West Meadow Road will naturally restrict development. He said concern would be for subdivisions on larger lots west of West Meadow. He said that the lot area requirements for un-sewered lots will restrict the size of those kinds of developments and help preserve the rural nature of the area. He said that the Residential B Zone does not provide sufficient safeguards for this area, but still has concerns about the proposed Rural Residential 2 Zone.

Vote as amended: 4 for, 1 opposed.
(Dickerson)

A public hearing was set for September 9, 2013 at 7:00 p.m.

#9 Zoning Map Amendment – Rural Residential Zone (Postponed)
(See Book 39, page 253 for text)

It was noted that this amendment was postponed until this meeting prior to a motion for passage being made.

Councilor Isganitis moved passage and moved to amend Ordinance Amendment #9 by replacing the existing amendment with the following:

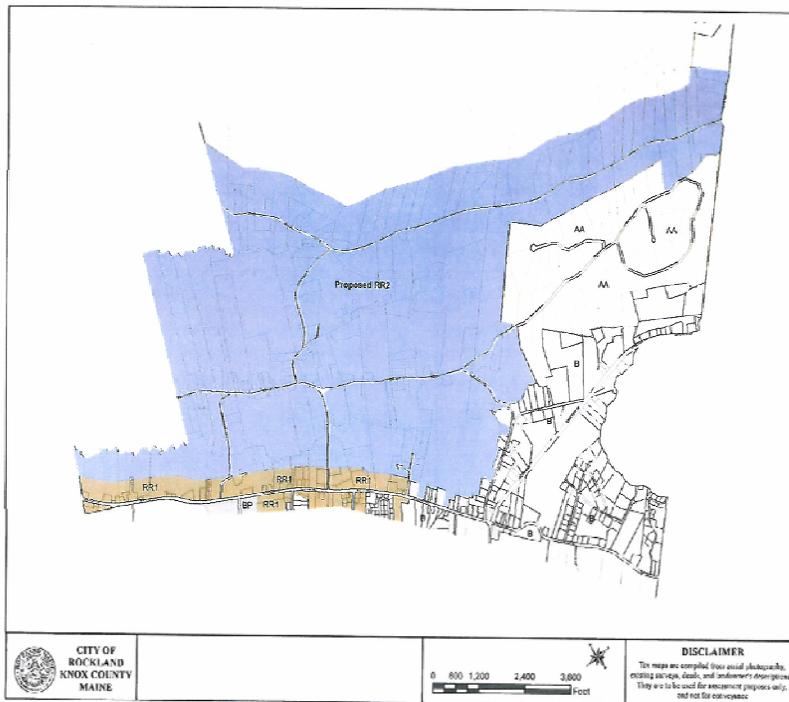
Regular Meeting, Ordinance Amendment #9 continued:

August 12, 2013

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, Rural Residential 2 Zone map, in the vicinity of Old County Road on the southeast, the Thomaston town line on the south west, Bog Road on the northwest, and Lake Avenue on the northeast. The Rural Residential 2 Zone shall encompass the areas defined by the parcels of land included therein.

Sponsor: Councilor Isganitis
Originator: Councilor Isganitis



Councilor Isganitis said that this revised map coincides with the amendments made to Ordinance Amendment #8 above. Councilor Pritchett noted that there are two spots along Lake Avenue where the new RR2 zone abuts the street, and asked what the other properties along that street were excluded from the proposed RR2 zone. Councilor Isganitis explained that those two points are the access roads to Achorn Cemetery. The other parcels along Lake Avenue are residential properties that are being proposed to be left in the existing Residential Zone B.

Vote on amendment: 4 for, 1 opposed.

(Dickerson)

Vote as amended: 4 for, 1 opposed.

(Dickerson)

A public hearing was set for September 9, 2013 at 7:00 p.m.

#20 Chapter 11, Article III Building Permits

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 11, Licenses, Permits and Franchises, ARTICLE III, Permits – When Required, SECTION 11-301, Building, BE AMENDED AS FOLLOWS:**Sec. 11-301 Building**

1. Permit. ~~Applications for~~ The permit(s) required by Chapter 4 of the Code for building, enlarging, demolishing, or altering a building shall be ~~submitted~~ applied for to, and ~~processed~~ issued in writing by the Code Enforcement Officer, who shall issue ~~the~~ same only if satisfied that the proposed ~~operation~~ complies with all applicable State laws and City ordinances, ~~including particularly,~~ but not limited to, the Maine Uniform Building and Energy Code ("MUBEC"), and the City of Rockland Fire Prevention and Life Safety Codes, and ~~the Zoning Ordinance of the City~~. The Code Enforcement Officer shall collect and account for the required fee or fees, and promptly furnish a copy of all such permits to the City Assessor ~~promptly~~. ~~No permit shall be issued under this section until notice has been given as provided in the Revised Statutes of Maine to any utility whose service may be interrupted or property interfered with.~~ No permit for the demolition of any historic building or structure listed on, or situated within a district listed on, the U.S. Department of the Interior's National Register of Historic Places shall be issued by the Code Enforcement Officer without prior approval by vote of the Rockland City Council.

~~2. In addition to paying the regular permit fee required for buildings as set forth in this Chapter, those applicants applying for building permits where the proposed building is partly or completely within the drainage area of Rockland Harbor north of Maverick Street as shown on a map from a 1978 Time and Tide study entitled "Rockland Shore Erosion – Critical Area Measure – Final Report", a copy of which map is incorporated in this section by reference, shall contribute toward the~~

Meeting, Ordinance Amendment #20 continued:

August 12, 2013

~~reimbursement of the City for a new Landslide Hazard Study including maps, addressing the conditions in this area, commissioned in 1997 by the City Council in the wake of several landslides.~~

~~———— The additional fee for any project affected by this subsection shall be based upon the square footage of the footprint of the building or buildings. The fee for Commercial and Industrial buildings shall be set at \$3.17 per square foot. Buildings including 3 or more residential dwelling units are included in the definition of Commercial buildings. The fee for all other residential buildings shall be \$1.35 per square foot of building footprint. This fee shall be part of the fee schedule for building permit applications only so long as any part of the cost of the Landslide Hazard Study remains unreimbursed. The fee requirement set forth in this subsection applies to all new buildings constructed after the effective date of this amendment, and to new additions to existing buildings if the footprint of the existing building is enlarged by the addition. Commercial, residential and industrial buildings and accessory buildings thereto are included in the definition of buildings as used in this subsection, but attached or freestanding decks, platforms or similar structures are not.~~

~~———— Beginning on the effective date of this amendment, and only for commercial buildings, or commercial accessory buildings, that are temporary in nature, this requirement shall be applied only one time, which shall be at the initial application for the subject building permit. For purposes of this section, "temporary" buildings shall mean those buildings or accessory buildings that are constructed or otherwise erected for a period of not more than six (6) months time, and thereafter immediately disassembled and completely removed from the site where the building, or accessory building, was originally constructed or otherwise erected.~~

~~———— This requirement was imposed based on evidence presented to the City Council that the area of the City described in the Time and Tide study is either prone to landslides or drains to land prone to landslides. The City has been urged for more than twenty years to commission a study that will look at the affected area as a whole and suggest ways that the instability, and the danger this poses to life and property, can be minimized. Since preliminary studies indicate that new construction may have an impact on the hydrogeological characteristics of this area, the Council finds that applicants for new building permits for properties within the area should bear the burden of paying for the study. The differential between fees for commercial and industrial buildings and fees for residential buildings is based upon the observation that development of commercial and industrial sites typically includes much more impervious surface as an adjunct to the project than a residential building does.~~

Sponsor: Councilor Isganitis
Originator: City Attorney

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

Councilor Hebert moved passage.

Councilor Pritchett noted that there is a provision in this Article that requires the City Council to approve demolition permits for historic properties, and asked if that provision exists elsewhere in the Code.

The City Attorney said that the provision does not appear anywhere else in the Code. Vote: 5 for.

A public hearing was set for September 9, 2013 at 7:00 p.m.

#21 Chapter 17, Section 17-801 Parking Prohibitions – Cottage Street

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

Sec. 17-801 Schedule I. Parking Prohibition

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

Street	Area Affected
8. Cottage	A. South side between Main Street and North Main Street. B. <u>North side, beginning at the intersection of Main Street and extending westerly a distance of 100 feet.</u>

Sponsor: Mayor Clayton
Originator: Police Department

Councilor Isganitis moved passage.

Vote: 5 for

A public hearing was set for September 9, 2013 at 7:00 p.m.

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

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

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

Overall Maximum Levels of Assistance.

Number in Household	Monthly
1	\$524 \$698
2	\$693 \$709
3	\$791 \$865
4	\$1074 \$1110
5	\$1236 \$1259

*Add \$68.00 a month for each additional person

Regular Meeting, Ordinance Amendment #22 continued:

August 12, 2013

Maximum Levels of Assistance for Specific Basic Necessities

B) Housing.

The maximum amounts allowed for housing are:

Number of Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0	\$128	\$552	\$144 \$150	\$619 \$647
1	\$128	\$552	\$144 \$150	\$619 \$643
2	\$150	\$645	\$175 \$186	\$752 \$798
3	\$197	\$846	\$228 \$240	\$979 \$1032
4	\$209	\$899	\$252	\$1083

Sponsor: Councilor Dickerson
 Originator: General Assistance Administrator

Councilor Hebert moved passage.
 A public hearing was set for September 9, 2013 at 7:00 p.m.

Vote: 5 for.

Orders:

#27 Authorizing Placement of Banner – Rock Coast Rollers

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT Rock Coast Rollers are hereby authorized to hang a banner across Main Street near the intersection with Limerock Street from August 13, 2013 through August 18, 2013 to promote its upcoming bout. Any costs associated with the placement and/or removal of this banner shall be borne by Rock Coast Rollers.

Sponsor: Mayor Clayton
 Originator: Rock Coast Rollers

Councilor Pritchett moved passage, and said that this team brings a lot to the community.
 Councilor Hebert said that if anyone has not seen a Roller Derby bout, they should do so as they are very entertaining.
 Vote: 5 for.

With no further business to come before the City Council, the meeting was adjourned without objection from the Council at 8:47 p.m.

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ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

August 19, 2013

Workshop – Tax Increment Financing (TIF) Districts

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.

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

- Maggie Trout, 77 Broadway, said that she was attending this meeting in hopes of learning more about the workings of Tax Increment Financing Districts. She also said that she objected to the use of \$30,000 in Tillson District TIF Funds to support Rockland Main Street and didn't feel it was an efficient use of such funds.

Ms. Trout then commented on the proposal to display art in public areas in the City, and suggested that the City look into creating a Public Art Board, much as she had in 2009, to establish a policy and review placement of such art. She presented the Council with copies of the policy from Phoenix, Arizona as a model for the City to follow.

- Rodney Lynch, 123 Summer Street, said that he would like an update on the amount of funds in the TIF accounts, and to see those funds used to complete the sidewalk and crosswalk improvements in the downtown area. He said that the Council should also look into TIF Bonding as a way to do more improvements, with funds from the TIF District being used to pay the debt service on any such bonding. He also said he would like to see the Council establish a maintenance account with TIF proceeds to take care of the improvements once they are completed.

Hearing no other speakers, the public forum was closed.

Workshop – Tax Increment Financing (TIF) Districts: The Council went into informal session for a workshop on Tax Increment Financing Districts with Community Development Director John Holden.

Special Meeting continued:

August 19, 2013

With the above workshop complete, and with no further business to come before the City Council, Councilor Hebert moved to adjourn. Without objection from the Council, the meeting was adjourned at 8:00 p.m.

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ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

August 26, 2013

Presentation – Proposed Public Works Garage and Salt and Sand Shed
 Resolve #35 Nomination for Appointment to Knox County Budget Committee – S. Levasseur
 Ordinance Amendment #23 Bond Ordinance – Public Works Garage
 Ordinance Amendment #24 Bond Ordinance – Salt and Sand Shed
 Order #28 Declaration of Official Intent – Bond Ordinance (PW Garage)
 Order #29 Declaration of Official Intent – Bond Ordinance (Salt and Sand Shed)

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 6:35 p.m.

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

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

- Steve Carroll, 326 Old County Road, spoke in opposition to the proposed Public Works Garage, saying that the voters have already voted this proposal down twice, and wondered why it is being brought back for a third time. He said that the Council could have said it would keep spending down, and has held the line on expenses by laying off employees, so it was confusing why this proposal would be coming back at this time.

Hearing no other speakers, the public forum was closed.

At this time, Councilor Pritchett moved to take Resolve #35 out of order. Without objection from the Council, it was so ordered.

Resolve #35 Nomination for Appointment to Knox County Budget Committee – S. Levasseur

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT Shawn Levasseur, 342 Park Street, is hereby nominated to serve as a representative of the City of Rockland on the Knox County Budget Committee.

Sponsor: Mayor Clayton
 Originator: Mayor Clayton

Councilor Hebert moved passage.

Councilor Pritchett thanked Mr. Levasseur from stepping forward to serve on this very important committee.

Vote: 5 for.

The order of the agenda was then resumed, and the Council went into informal session for a presentation by Will Gartley, of Gartley and Dorsky, of the proposed Public Works Garage and Salt and Sand Shed. Participating in the presentation and discussion of this proposals along with Mr. Gartley were Public Works Director Greg Blackwell, Architect John Hansen, and Engineer Matthew Albert.

Ordinance Amendment #23 Bond Ordinance – Public Works Garage

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

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

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

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

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

Sponsor: City Council
 Originator: City Manager

Special Meeting, Ordinance Amendment #23 continued:

August 26, 2013

Councilor Hebert moved passage and asked what the timing was to get the question on the ballot. Councilor Hebert was informed that the deadline for placing any item on the ballot was the 45th day before Election Day (September 23rd).

Councilor Pritchett moved to postpone Ordinance Amendment #23 until the January 13, 2014 Regular Meeting. He said a number of questions still remain about this proposal and this would give sufficient time to get those questions answered. He said that the question could then be presented to the voters in June or November of 2014. However, he said that the Council should move forward with the Salt and Sand Shed.

Councilor Hebert said that he did not necessarily disagree with Councilor Pritchett, but would prefer that the two proposals not be separated. He said there are potential savings in work that is common to both proposals if they are done at the same time. He said he was not willing to give up those savings at this time.

Councilor Isganitis agreed with Councilor Hebert, and added that space at this proposed site has been dedicated for both facilities, and that the Council should either postpone both or move forward with both.

Councilor Dickerson said that the City loses up to 40% of its road salt and sand to the elements by not having the materials under cover. She also said even if both proposals are approved by the voters, there is no guarantee that the same contractor would be awarded the bid and there would be the same construction schedule, so there may not be the savings that Councilor Hebert is talking about.

Councilor Hebert agreed that there were two separate pieces, but would rather see them presented to the voters together. He said he would support postponing the proposals to it right and get the information out to the public without feeling as though the matter is being rushed. He said the proposals could be sent to the voters in June or November of next year.

The City Manager said that even if the salt and sand shed was approved in November, it would be a 2-3 month process to get the project moving, so it would not get constructed for this season anyway. He suggested that the Council submit its questions and that a second workshop be held later in the year with an eye toward a June 2014 referendum vote on the issues.

Vote: 4 for, 1 opposed.
(Clayton)

Ordinance Amendment #23 was postponed until the January 13, 2014 Regular Meeting.

Ordinance Amendment #24 Bond Ordinance – Salt and Sand Shed

BOND ORDINANCE AUTHORIZING ISSUANCE OF THE CITY'S BONDS OR NOTES IN AN AMOUNT NOT TO EXCEED \$ _____ TO FINANCE THE CONSTRUCTION OF A SALT AND SAND SHED, PLUS AN AMOUNT NOT TO EXCEED 2% TO PAY THE COST OF ISSUANCE OF ANY BONDS OR NOTES WITH RESPECT THERETO.

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

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

Section 2. For purposes of financing the foregoing appropriation contained in Section 1, the City is hereby authorized to issue its general obligation bonds and notes in anticipation thereof in a principal amount not exceeding \$586,000.

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

Sponsor: City Council
Originator: City Manager

Councilor Dickerson moved passage.

Councilor Pritchett asked that the Rules be suspended so that he could ask Mr. Gartley a question. Without objection from the Council, the Rules were suspended.

Councilor Pritchett asked Mr. Gartley what the savings would be if both facilities were constructed at the same time.

Mr. Gartley said that it is difficult to determine an actual figure because of the earthwork that would be necessary to do either facility at that site. He said that there is some commonality, but access to the site needs to be constructed regardless of which facility is constructed, so there may not be a great deal of savings.

The City Manager added that earthwork costs need to be included in both proposal in case one project is approved without the other.

Councilor Dickerson asked why the proposals were being offered separately.

The City Manager said that it was up to the Council to decide if they are to be offered as separate proposals or as a single proposal.

Councilor Pritchett asked if any other towns have done similar proposals as separate measures.

The City Manager said that the City of South Portland recently did a similar project as separate measures.

Councilor Hebert moved to postpone Ordinance Amendment #24 until the January 13, 2014 Regular Meeting. He said he preferred to keep the two proposals together.

Councilor Pritchett said that the last this proposal came to the Council, it was not possible to separate the garage project from the salt and sand shed project because the proposed location of the project was the current location of the Public Works Garage. He said that the new site adjacent to the Transfer Station offers the option of separating the two issues and constructing the facilities at different times. He also said that he has heard from members of the public asking why the two were not being offered as separate measures. He continued, saying that there are no questions remaining on the salt and sand shed project, so there is no reason to delay that project.

Special Meeting, Ordinance Amendment #24 continued:

August 26, 2013

Councilor Hebert said that he would agree with Councilor Pritchett if the project would be completed this construction season, but it would not. He said that there is no practical advantage of doing this project now, and that there are savings to be realized if the two projects are done together.

Councilor Isganitis supported moving forward with this project now, saying it was less of a sticker shock to the public by not having both projects on the same ballot.

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 would support Councilor Hebert's motion to postpone, saying that he wanted the two proposals to be presented to the voters together. He also said that there will be a new Council in place in November and he did not want to see these proposals get pushed aside. He said that the Public Works Department needs a new facility, and he did not want to see the salt and sand shed constructed at the new location and the Council later say that they did not like that location for the new public works garage. He said he wanted to see these proposals go out to the voters as a single project.

Councilor Dickerson said that it does make sense on some level to keep the two proposals together, but on other levels the people understand that a salt and sand shed is needed to prevent loss of product each year. The need for a new public works garage is a harder sell, and this would give the City the opportunity to ease into that proposal.

Vote on Motion to Postpone: 2 for, 3 opposed.
(Dickerson, Pritchett, Isganitis)
Motion to Postpone Defeated.

Councilor Isganitis moved to amend Ordinance Amendment #24 by filling the blanks with "\$586,000".

Vote on amendment: 4 for, 1 opposed.
(Clayton)
Vote as amended: 3 for, 2 opposed.
(Hebert, Clayton)

A public hearing was set for September 9, 2013 at 7:00 p.m.

Order #28 Adopting Declaration of Official Intent – Bond Ordinance (Public Works Garage)

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

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

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

NOW, THEREFORE, it is hereby

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

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

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

Sponsor: City Council
Originator: City Council

DECLARATION OF OFFICIAL INTENT
TREASURY REGULATION § 1.150-2

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

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

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

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

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

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

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

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

Special Meeting, Order #28 continued:

August 26, 2013

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

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

Councilor Hebert moved passage and then moved to postpone Order #28 until the January 13, 2014 Regular Meeting.
Vote: 5 for.

Order #29 Adopting Declaration of Official Intent – Bond Ordinance (Salt and Sand Shed)

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

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

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

NOW, THEREFORE, it is hereby

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

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

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

Sponsor: City Council
Originator: City Council

DECLARATION OF OFFICIAL INTENT
TREASURY REGULATION § 1.150-2

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

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

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

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

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

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

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

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

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

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

Councilor Isganitis moved passage and moved to amend Order #29 by filling the blanks with "\$586,000".

Vote on amendment: 3 for, 2 opposed.

(Clayton, Hebert)

Vote as amended: 3 for, 2 opposed.

(Clayton, Hebert)

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 8:45 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING**AGENDA****September 3, 2013**

Set Agenda for September 9, 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, 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:

- Maggie Trout, 77 Broadway, spoke concerning the proposed RR2 Zone Regulations, saying that the COMPS Commission's recommendation that the term "Mobile Homes" be removed from the proposed regulations should not be adopted. She said that even though "Mobiles Homes" are included in the definition of "Manufactured Homes" and are allowed under State Statutes, it would appear that they are not allowed in this zone if the term it removed.

Hearing no other speakers, the public forum was closed.

Set Agenda for the September 9, 2013 Regular Meeting: The Council went into informal session to set the agenda for the September 9, 2013 Regular Meeting. The following communication was considered: Letter from Steve Carroll – Contract Zone for 326 Old County Road (Farm Stand). The Council directed staff to work with Mr. Carroll to draft a Contract Zone and present it to the Council at the October 16, 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 8:00 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

REGULAR MEETING**AGENDA****September 9, 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 & Entertainment Licenses – Waterworks Restaurant
 - b. Liquor & Entertainment Licenses – Fog Bar & Cafe
 - c. Lodging House License – Trade Winds Motor Inn
 - d. License to Operate a Taxi Company – Joe's Taxi (8 Taxicabs)
8. Resolves:

#54 Accepting Donations – Library	City Manager
#55 Authorizing Expenditure & Executing CFMF Grant	City Manager
#56 Accepting Donation – Fire Department	City Manager
9. Ordinances in Final Reading and Public Hearing:

# 8 Chapter 19, Sections 19-302 & 19-304 Rural Residential 2 Zone	Councilor Isganitis
# 9 Zoning Map Amendment – Rural Residential 2 Zone	Councilor Isganitis
#20 Chapter 11, Section 11-301 Building Permits	Councilor Isganitis
#21 Chapter 17, Section 17-801 Parking Prohibition – Cottage St.	Mayor Clayton
#22 Chapter 8, Section 8-708 GA Max. Levels of Assistance	Councilor Dickerson
#24 Bond Ordinance – Salt & Sand Shed	City Council
10. Ordinances in First Reading: None
11. Orders:

#30 Accepting Grant Funds – Maine EMS	City Manager
#31 Calling Election & Placing Question on the Ballot	City Council
#32 Accepting CDBG Funds – Home Repair Network	City Manager

Executive Session Pursuant To Title 1 MRSA Section 405 Paragraph 6(C): City Council to convene in Executive Session to discuss with the City Manager, in his role as Economic Development Director, a possible business warehouse expansion proposal that could potentially include both a new TIF district with related credit enhancement agreement and City owned land. Title 1 MRSA Section 405 Paragraph 6(C) allows matters pertaining to land ownership as well as Economic

Regular Meeting Agenda continued:

September 9, 2013

Development to be discussed by Council in Executive Session, so long as no formal actions are taken in the Executive Session, when premature disclosure of the information would prejudice the competitive or bargaining position of the City.

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, Frank Isganitis, City Manager Smith, and City Attorney Beal. Councilor Eric Hebert 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:

- Maggie Trout, 77 Broadway, spoke concerning the proposed RR2 Zone Regulations and Zoning Map Amendment (Ordinance Amendment #'s 8 & 9, this agenda), saying that the Council's responsibility in zoning, as outlined in Chapter 19, Section 19-104, "...the City Council may, in such measure as is deemed reasonably necessary in the interest of health, safety, or the general welfare, regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence or other purpose..." She said that it has not been demonstrated that the proposed RR2 Zone is "reasonably necessary", and requested that it be postponed, for a minimum, of one week to allow additional input from the public on any changes that may be made to these proposals.

Hearing no other speakers, the public forum was closed.

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

Reading of the Record: Reading of the Record was waived, and the Record of previous Council meeting 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.

Reports:

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

- Maine Water Company continues its work on Camden Street with twenty-one lateral connections being made during this project. Friday, the Water Company's contractor was forced to close travel lanes for a period because of the complexity of the work that was being done, however, the contractor has indicated that will not happen again. Also, the contractor has indicated that the majority of the remaining work will be done overnight thereby minimizing impact.

- Staff has done a walk-thru of Ferry Terminal Park (so-called) to establish a punch list. There are a few small items to be addressed, and staff will ensure that this project is completed to the City's satisfaction. Also, the plastic tubing in the park is only temporary to provide irrigation for the newly planted grass.

- The cause of the sewer leak at the Waldo Avenue pump station has been identified, and the problem has been corrected.

- Residents along with waterfront have been contacted by the engineers doing the FEMA Mapping project to get input on the transects of the Harbor.

- A brief ceremony will be held at the Fire Station on Wednesday at 9:00 a.m. to commemorate the 12th anniversary of the 9/11 attacks. All are invited to attend.

Mayor Clayton asked what happened on Camden Street that caused the Water Company's contractor to close the travel lanes. The City Manager said he did not have the specifics on that matter, but understood it was just the complexity of the work that was being done that required the closing of the travel lane. He said that he has been assured that it will not happen again.

Councilor Pritchett asked if there were 21 lateral connections remaining to be done in this area. The City Manager said he believed that it was 21 connections total for the project.

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

c. Other Official's Report: None.

d. Mayor's Report: Mayor Clayton reminded the public that schools are now open and cautioned all to keep an eye out for the children.

Licenses and Permits:

- a. Liquor & Entertainment Licenses – Waterworks Restaurant
- b. Liquor & Entertainment Licenses – Fog Bar & Cafe
- c. Lodging House License – Trade Winds Motor Inn
- d. License to Operate a Taxi Company – Joe's Taxi (8 Taxicabs)

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

Councilor Pritchett moved to grant all of the licenses.

Vote: 4 for.

Regular Meeting, Ordinance Amendment #8 continued:

September 9, 2013

At this time, Councilor Pritchett moved to take Ordinance Amendment #8, Rural Residential 2 Zone Regulations, out of order. Without objection from the Council, it was so ordered.

Ordinance Amendment #8 Chapter 19, Sections 19-302 & 19-304 Rural Residential 2 Zone Regulations
(See pages 14-17 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 with Maggie Trout, 77 Broadway, bemoaning the lack of public participation in the public hearing. She said that there were too many unanswered questions about this proposal and that it should not be passed. She said that she was not convinced that the public understands why this measure is being proposed, and made mention of some connection to Gateway 1. She asked the Council to consider postponing this measure for at least a week to get more input from the public.

Hearing no other speakers, the public hearing was closed.

Councilor Pritchett moved passage and said that the practice of the City is to send zoning issues to the Comprehensive Planning (COMPS) Commission between first and second reading, which was done in this instance. He said that COMPS has recommended 5 changes be made to this proposal, and he intended to propose those changes as separate amendments to Ordinance Amendment #8.

Councilor Pritchett moved to amend Ordinance Amendment #8 as follows: At Sec. 19-302 Words and Phrases Defined: delete "~~Farm Stand~~" from the definition "Farm Stand/Agricultural Market"; and add the following definition:

"Farm Stand: A temporary or permanent structure used for the display and sale of agricultural related products where at least 85% of the products offered for sale were either produced on the property on which the farm stand is located or on land in the Rural Residential 2 Zone farmed by the owner of the farm stand."

And, delete "~~Agricultural Market~~" from the permitted uses in Section 19-304.5-B(B); and add "Agricultural Market" to the conditional uses requiring Planning Board approval in Section 19-304.5-B(C).

Councilor Pritchett said that this issue came up every time the Council discussed this measure. He said the intent of his amendment is that the sale of products produced by the owner of the farm stand need not be approved by the Planning Board, where a retail agricultural market would need Planning Board approval.

Councilor Dickerson asked if there were any applications before the Code Office for such farm stands in the West Meadow Area. The City Manager indicated that there were not.

Vote on amendment: 3 for, 1 opposed.
(Dickerson)

Councilor Pritchett then moved to further amend Ordinance Amendment #8 as follows: At Section 19-304.5-B(B) Permitted Uses, delete "...~~including Mobile Homes~~".

Councilor Pritchett said that all manufactured homes that meeting current building code standards are allowed in a zone that allows single and two family dwellings under State Statute, therefore listing it here is redundant. He also said that Section 19-305 of the Code controls the placement of mobile homes within the City.

Vote on amendment: 3 for, 1 opposed.
(Dickerson)

Councilor Pritchett then moved to further amend Ordinance Amendment #8 as follows: At Section 19-304.5-B(B) Permitted Uses, delete "...~~(7) Campgrounds~~", and renumber the section accordingly; and add to Section 19-304.5-B(C) Conditional Uses requiring Planning Board approval "...~~(2) Campgrounds~~" and renumber the section accordingly.

Vote on amendment: 4 for.

Councilor Pritchett then moved to further amend Ordinance Amendment #8 as follows: At Section 19-304.5-B(C) Conditional Uses requiring Planning Board approval, delete "...~~Commercial outdoor motorized recreational uses~~".

Vote on amendment: 4 for.

Councilor Pritchett then moved to further amend Ordinance Amendment #8 as follows: At Section 19-304.5-B(C) Standards, amend Minimum Lot Size to read "Two acres, or legally existing lots less than two acres on record as of the effective date of this ordinance amendment".

Councilor Pritchett said this amendment would allow non-conforming lots to continue to be used for their current use without limitation.

Vote on amendment: 3 for, 1 opposed.
(Dickerson)

Councilor Dickerson said that she has spent most of the last 25 years acting against various land use issues that she felt were unfair to the property owners. She said that zoning is a modern construct brought about by the advent of cars and roads and the development of stores and malls and such. She said that probably most of the people in the affected area would agree with most of the provisions of this zone, but the problem is that none of what this zone contemplates taking place in this area is actually taking place. She said that the green space in this area is already protected by natural topography and other regulations. While she agreed that the Residential B Zone is probably not a good fit for this area, there have been no significant problems because of it. She said that the biggest area of concern about this proposed zone was the two acre minimum lot size. She said that the City is taking away people's property rights by making the minimum lot size so large that people would not be able to do with their properties what they had planned when they purchased it, such as dividing the property and giving a portion to a child, etc. She said that it was not appropriate for the City to consider such changes in this area without looking at the area and talking to the people who live there.

Councilor Pritchett said that he has visited the area several times and spoken with a number of residents about this proposal. He also said that the Council has listened to the concerns of the public and staff has come back with a proposal to address most of those concerns. He said that the Residential B Zone is meant for small in-town lots and does not fit in the rural areas west of Old County Road. He said that while this proposal may need some tweaking, it is much more preferable for this area

that the Residential B Zone. He added that there are still clear provisions in the Code to address subdivisions if people in this area wish to pursue that option.

Councilor Isganitis said that the area onto which this zone is proposed to be placed is also proposed to change to reduce the area affected. He also echoed Councilor Pritchett's comments. He said that in 2011 the Council charged the COMPS Commission with reviewing the zoning in the Old County Road/West Meadow Road area. He said that the Commission looked at what was happening in other communities as a result of a lack of clarity in zoning regulations and worked to create a clear vision of what should be allowed in this area. He said this is a perfect time to consider such zoning in this area, as there are not outside pressures to influence the City's actions. He said that there have been six public hearings held on this proposal to get input from the public, and that input has been incorporated into what is now before the Council. As for subdivisions in the area, Councilor Isganitis said that the natural geography and topography of the area will naturally restrict how certain properties can be developed, as well as the lot size requirements imposed by the Code on sewer versus unsewered lots. He also questioned Councilor Dickerson's assertion that peoples' property rights were being taken away, and asked if there was any evidence to support this assertion, and stated that the evidence he has seen suggested just the opposite. At this time, Mayor Clayton declared a 5-minute recess.

The meeting was re-convened with Councilor Isganitis withdrawing his question to Councilor Dickerson. He then said that this proposal will impact approximately 300 property owners and 1500 acres. He said this is an important proposal that no one has taken lightly.

Councilor Dickerson said that she actually likes much of this proposal, and that it is a noble attempt to encourage agriculture in the area. However, she said that in practical application, it doesn't really fit. She said she believes that it is a good idea to look at this area, but does not feel that this is the right action to take. She said that the two acre minimum lot size will adversely impact a lot of property owners, as their properties are more valuable if they are able to subdivide. She also said that the City is asking people to use more resources to maintain larger lots. She said this proposal needs more work.

Councilor Pritchett said that on balance this is a positive, forward-looking proposal that protects the rural nature of this area and encourages agriculture. He said that time will tell if anyone uses it for that purpose. He also said that two acre minimum lot sizes are not unusual for this region.

Vote as amended: 3 for, 1 opposed.
(Dickerson)

The amendment will become effective October 9, 2013.

Ordinance Amendment #8, as amended now reads as follows:

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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Farm Stand. A temporary or permanent structure used for the display and sale of agricultural related products where at least 85% of the products offered for sale were either produced on the property on which the farm stand is located or on land in the Rural Residential 2 Zone farmed by the owner of the farm stand.

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

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.

Sec. 19-304 Zone Regulations

5-A. RURAL RESIDENTIAL 1 ZONE "RR1"

[Note: the RR1 regulations, and map, will remain unchanged.]

5-B. RURAL RESIDENTIAL 2 ZONE "RR2"

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A. Purpose:

The purpose of the Rural Residential 2 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 of this area. Only uses and development standards that are consistent with these purposes are permitted, in order to maintain the rural character of the area for current and future residents.

B. Permitted Uses

In the Rural Residential 2 Zone, no building or land shall be used, and no building shall hereafter be erected or structurally altered, except as provided herein, unless otherwise authorized in this Article.

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<u>RURAL RESIDENTIAL 2 ZONE "RR2" PERMITTED USES</u>	
<u>(1)</u>	<u>Agriculture</u>
<u>(2)</u>	<u>Single- And Two-Family Dwellings, including Mobile Homes</u>
<u>(3)</u>	<u>Accessory Apartments</u>
<u>(4)</u>	<u>Home Occupations, Levels 1 and 2</u>
<u>(5)</u>	<u>Bed and Breakfast Establishments</u>
<u>(6)</u>	<u>Nurseries, greenhouses and landscaping businesses</u>
<u>(7)</u>	<u>Campgrounds</u>
<u>(8)(7)</u>	<u>Veterinarians and Veterinary Clinics</u>
<u>(9)(8)</u>	<u>Riding Stables</u>
<u>(10)(9)</u>	<u>Farm Stands / Agricultural Markets</u>
<u>(11)(10)</u>	<u>Accessory uses</u>

C. 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. 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.

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<u>RURAL RESIDENTIAL 2 ZONE "RR2" CONDITIONAL USES</u>	
<u>(1)</u>	<u>Commercial outdoor motorized recreational uses Agricultural Markets</u>
<u>(2)</u>	<u>Campgrounds</u>
<u>(2)(3)</u>	<u>Cemeteries</u>
<u>(3)(4)</u>	<u>Home Occupations, Level 3</u>
<u>(4)(5)</u>	<u>Direct or magnetic drive wind turbines with a rated generation capacity of less than 110 kw where the electricity produced is to be utilized at the owner's permitted home, farm, or business, or to offset the electricity consumed at the owner's permitted home, business, or farm.</u>

D. Prohibited Uses

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<u>RURAL RESIDENTIAL 2 ZONE "RR2" PROHIBITED USES</u>	
<u>(1)</u>	<u>Drive-up windows and drive-throughs</u>
<u>(2)</u>	<u>Wind turbines with 110 kw or greater generation capacity</u>
<u>(3)</u>	<u>Flag Lots</u>
<u>(4)</u>	<u>Other uses not listed as permitted or conditional uses, or subsequently authorized by contract or conditional zoning.</u>

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E. Standards

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

<u>(2) RURAL RESIDENTIAL 2 ZONE "RR2" STANDARDS</u>	
<u>Minimum Lot Size</u>	<u>Two acres, or legally existing lots less than two acres on record as of the effective date of this ordinance amendment</u>

(2) RURAL RESIDENTIAL 2 ZONE "RR2" STANDARDS	
<u>Minimum First Floor Area Per Primary Structure</u>	<u>400 square feet</u>
<u>Minimum Continuous Street Frontage along one street</u>	<u>200 feet</u>
<u>Minimum Setbacks</u> <u> Front</u> <u> Side (Principal Structure)</u> <u> Rear</u>	<u>25 Feet</u> <u>25 Feet</u> <u>20 Feet (excludes corner lots, see definition)</u>
<u>Minimum Rear Setback – Exception</u> (For no more than 2 accessory structures with a combined area of up to 700 square feet and a maximum height of 18 feet)	<u>10 feet</u>
<u>Side and rear setbacks for commercial or mixed uses abutting a residential zone or use</u>	<u>40 feet</u>
<u>Minimum Side Setback (Accessory Structures)</u>	<u>10 feet</u>
<u>Maximum Building Coverage by Primary Structures</u>	<u>20% (includes principal and accessory buildings)</u>
<u>Maximum Lot Coverage</u>	<u>40% (includes impervious surfaces)</u>
<u>Maximum Building Height</u>	<u>35 feet and 2½ stories, except barns, silos, sheds, other structures used for agricultural purposes, and wind power generation towers accessory to on-site use</u>
<u>Minimum Distance Between Curb Cuts</u>	<u>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>

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Notes:

* 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.

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At this time, Councilor Isganitis moved to take Ordinance Amendment #9, Authorizing Zoning Map Amendment, out of order. Without objection from the Council, it was so ordered.

Ordinance Amendment #9 Authorizing Zoning Map Amendment – Rural Residential Zone

(See pages 17 & 18 for text)

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

Councilor Isganitis moved passage.

Vote: 3 for, 1 opposed.
(Dickerson)

The amendment will become effective October 9, 2013.

The order of the agenda was then resumed.

Resolves:

#54 Accepting Donation – Library

WHEREAS, the Friends of the Rockland Public Library has generously provided 108 books for youth valued at \$1,065.80; and

WHEREAS, the Friends of the Rockland Public Library (via a Camden Conference Grant to the Friends) has generously provided 7 books for adults valued at \$155.98.

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

THAT the City gratefully accepts these donations and directs that a letter of thanks be sent to the Friends of the Rockland Public Library in recognition of its generous donations; and

THAT the funds for these donations be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003).

Sponsor: City Manager
Originator: Library Director

Councilor Pritchett moved passage.

Vote: 4 for.

#55 Authorizing Expenditure and Executing CFMF Grant

WHEREAS, on June 13, 2011, the City Council approved Order #25 to apply for a grant through the Community For Maine’s Future program for certain improvements in and around the Thorndike Parking Area; and

Regular Meeting, Resolve #55 continued:

September 9, 2013

WHEREAS, on March 12, 2012, the City Council approved Resolve #16 to accept CFMF funds in the amount of \$200,000 for improvements to the Thorndike Parking Area; and

WHEREAS, the funds for CFMF have been officially released by the State as of August 1, 2012; and

WHEREAS, the City Council has now reviewed the plans for improvements to the Thorndike Parking Area.

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

THAT the City Council approves the plans for improvements to the Thorndike Parking Area; and

THAT the City Manager is hereby authorized to expend and execute any such instruments to implement plans for improvements to the Thorndike Parking Area in accordance with CFMF requirements.

Sponsor: City Manager
Originator: City Manager

Councilor Pritchett moved passage.

Vote: 4 for.

#56 Accepting Donation – Fire Department

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City gratefully accepts the donation from Farley and Sons of landscaping work around the 911 Memorial at the Public Safety Building, 118 Park Street.

AND, be it further Resolved that a letter of thanks be sent to Farley and Sons in recognition of their generous donation.

Sponsor: City Manager
Originator: Fire Chief

Councilor Isganitis moved passage and reminded everyone that a brief ceremony will be held on Wednesday, September 11, 2013 at 9:00 a.m. commemorating the events of that day in 2001.

The City Manager said that Chief Jordan was unable to attend this meeting, but wanted to pass his thanks along to Farley and Sons for their contribution to the memorial.

Vote: 4 for.

Ordinances in Final Reading and Public Hearing:

#20 Chapter 11, Section 11-301 Building Permits

(See pages 18 & 19 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 Pritchett said that if new information is presented on a proposal he is content to consider a motion to postpone. However, in this instances postponement is not warranted. He said that this proposal is simply a housekeeping measure and has no effect on current practices.

Vote: 3 for 1 opposed.
(Dickerson)

The amendment will become effective October 9, 2013.

#21 Chapter 17, Section 17-801 Parking Prohibition – Cottage Street

(See page 19 for text)

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

Councilor Pritchett moved passage.

Vote: 4 for.

The amendment will become effective October 9, 2013.

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

(See pages 19 & 20 for text)

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

Councilor Isganitis moved passage.

Vote: 4 for.

The amendment will become effective October 9, 2013.

#24 Bond Ordinance – Salt and Sand Shed

(See page 22 for text)

A public hearing was opened with Carol Harris, 76 Limerock Street, speaking in favor of the proposal. She said that she has 14 years of experience in the public works field and such a facility is the right thing to do to protect the adjacent wetlands and to keep from losing so much of the salt and sand each year to the weather. She also said that there is a great need for a new public works garage as well.

Steven Harris, 76 Limerock Street, also spoke in favor of this proposal, saying that he has 25 years of experience in the public works field and agreed that this facility is necessary. He also said that he hoped the proposal for a new public works garage would move forward as well.

Steve Carroll, 326 Old County Road, said while he agrees that the salt and sand shed is necessary to protect the product, and that the public works garage is needed, he questioned the amount of money being requested for the salt and sand shed. He said he did not believe it would cost more than \$500,000 to build such a shed, noting that research on the internet using the

Regular Meeting, Ordinance Amendment #24:

September 9, 2013

stated dimensions of the facility shows such a building could be constructed for less than \$300,000. He said that he was not questioning the need, just the price tag, and suggested that the Council revisit the costs.

Maggie Trout, 77 Broadway, said that she too believed that the salt and sand shed and the public works garage were needed, but also believed that there are alternative proposals that would meet the needs at a lower cost. She asked that the Council pursue such alternatives.

Hearing no other speakers, the public hearing was closed.

Councilor Isganitis moved passage.

Councilor Pritchett said that of the two proposals, this was the one that was most ready to move forward, with the majority of the questions being answered. He said that nearly 40% of the salt and sand is being lost each year because it is stored outdoor, and spreading of the product during storms is hindered because of frozen clumps. He also said that a structure may be able to be constructed for \$300,000, but there are costs associated with development of the area for the building, such as earthwork, concrete and access to the area, which is why the cost is higher than just constructing the building.

Councilor Isganitis said that this is just a step in the process to get the question on the ballot in November so the people can vote on the proposal.

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 initially voted against this proposal because he wanted to see the public works garage and the salt and sand shed sent to the voters together. However, he agreed that this facility is needed and said that he would vote for this proposal.

Vote: 4 for.

The Ordinance will become effective upon approval by the voters on November 5, 2013.

Councilor Pritchett returned the Chair to Mayor Clayton.

Ordinances in First Reading: None

Orders:

#30 Accepting Grant Funds – Maine EMS

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to accept a grant from Maine EMS to reimburse the City for 2/3 of the cost of replacing two computers, with operating software and monitors, for the Fire and EMS Department. The estimated amount of the grant is \$999.00.

Sponsor: City Manager

Originator: Fire Chief

Councilor Pritchett moved passage.

Vote: 4 for.

#31 Calling Election and Placing Referendum Question on the Ballot – November 5, 2013 Municipal Election

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the annual Municipal Election shall be held on November 5, 2013 in conjunction with a State Referendum Election, for the voters of the City to cast their ballots for the following officers:

City Council (2 seats, 3-year terms)
 RSU #13 Board of Directors (2 seats, 3-year terms)
 Rockland Port District Board of Trustees (2 seats, 5-year terms)
 Election Warden (1 seat, 1-year term)
 Ward Clerk (1 seat, 1-year term)

AND, it is further Ordered that the polls at the Rockland Recreation Center/Community Building shall be opened at 8:00 a.m. and closed at 8:00 p.m. on Election Day;

AND, it is further Ordered that pursuant to Charter Section 513(2), and after due notice and hearing being held on September 9, 2013 on such Bond Ordinance, the City Clerk is hereby authorized and directed to place the following referendum question before the electorate of the City of Rockland at the Regular Municipal Election to be held November 5, 2013:

Bond Ordinance

Shall the Ordinance entitled “Bond Ordinance Authorizing Issuance of the City’s Bond or Notes in an Amount not to Exceed \$586,000 to Finance the Construction of a Salt and Sand Shed, Plus an Amount not to Exceed 2% to Pay the Cost of Issuance of any Bonds or Notes With Respect Thereto” be adopted?

Sponsor: City Council

Originator: City Council

Councilor Isganitis moved passage.

Councilor Pritchett said everyone should mark November 5th on their calendars and get out to vote. He also said that absentee ballots will be available at the City Clerk’s office approximately 30 days prior to Election Day.

Vote: 4 for.

#32 Accepting CDBG Grant Funds – Home Repair Network

Regular Meeting, Order #32 continued:

September 9, 2013

THAT, WHEREAS, the City of Rockland has served as the lead community for the 2003 through 2012 Home Repair Network Programs; and

WHEREAS, 2013 Home Repair Network Program funds in the amount of \$1,700,000 will be distributed through a set aside of CDBG funds provided to the City of Rockland as the lead community; and

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

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

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

(1) is authorized to accept on behalf of the City a grant from the Maine Department of Economic and Community Development to be used for the purpose and in the manner stated in the State of Maine's 2013 CDBG Program Statement as pertains to the Home Repair Network; and

(2) is authorized and directed, upon the acceptance of said funds, to carry out the duties and responsibilities for implementing said program consistent with the City Charter and the laws and regulations governing the planning and implementation of community development programs in the State of Maine.

Sponsor: City Manager
Originator: Community Development Director

Councilor Pritchett moved passage.

Vote: 4 for.

Executive Session: Councilor Pritchett moved that the City Council convene in Executive Session to discuss with the City Manager, in his role as Economic Development Director, a possible business warehouse expansion proposal that could potentially include both a new TIF district with related credit enhancement agreement and City owned land. Title 1 MRSA Section 405 Paragraph 6(C) allows matters pertaining to land ownership as well as Economic Development to be discussed by Council in Executive Session, so long as no formal actions are taken in the Executive Session, when premature disclosure of the information would prejudice the competitive or bargaining position of the City. Vote: 3 for, 1 opposed.
(Dickerson)

The Council entered Executive Session at 8:45 p.m.

The Council came out of Executive Session and, with no further action being taken, adjourned without objection from the Council at 9:35 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

September 23, 2013

Order #33 Amendment to Fisher TIF District & Development Program
Order #34 Amendment to Tillson TIF District & Development Program
Order #35 Authorizing Temporary Street Closure – Farnsworth Museum

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.

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

- Maggie Trout, 77 Broadway, spoke in opposition to the proposed amendments to the TIF Districts and Development Programs, saying that no financial documentation has been provided for any of the proposed amendments and the Council should not take action without knowing the fiscal impact of these amendments. She said sheltering increases in assessed values for 30 years will have an adverse effect on school funding and on the tax rate for the rest of the City. She also said that the Council should not take action on these proposals at the same meeting as the public hearing. She said that Council should postpone action so that it can consider public input.

Hearing no other speakers, the public forum was closed.

At this time, Councilor Pritchett moved to take Order #35, authorizing a temporary street closure for the Farnsworth Museum, out of order. Without objection from the Council, it was so ordered.

Order #35 Authorizing Temporary Street Closure – Farnsworth Museum

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Farnsworth Museum is hereby authorized to close a portion of Winter Street, from Main Street to the

Special Meeting, Order #35 continued:

September 23, 2013

Winter Street Parking Lot, from 12:00 noon to 12:00 a.m. on Saturday, October 26, 2013 to hold its "Collective Bash" event. The Farnsworth Museum shall be responsible for setting up for and cleaning up after this event, shall coordinate with the Police and Fire Departments for any necessary traffic control and/or public safety measure, and shall provide proof of liability insurance to the City prior to holding the event. No alcohol may be served on public property during this event. Any costs incurred by the City shall be borne entirely by the Farnsworth Museum.

Sponsor: City Manager
Originator: Farnsworth Museum

Councilor Hebert moved passage.

Vote: 5 for.

The order of the agenda was then resumed.

Order #33 Amendments to Fisher TIF District and Development Program

WHEREAS, the Fisher Engineering Plant Expansion Tax Increment Financing District and Development Program was established by City Council on October 5, 2009; and

WHEREAS, the Fisher Engineering Plant Expansion Tax Increment Financing District is commonly referred to as the "Fisher TIF"; and

WHEREAS, the Fisher TIF and the Development Program was approved by the Maine Department of Economic and Community Development; and

WHEREAS, changes in State Statute have expanded the list of eligibilities; and

WHEREAS, staff strongly encourage policy that provides flexibility in options; and

WHEREAS, the City is not making any changes to the associated Credit Enhancement Agreement with Fisher Engineering (Douglas Dynamics LLC); and

WHEREAS, the proposed amendments would allow the City Council to consider, debate and move eligible projects forward based upon the merits of the project; and

WHEREAS, A notice of a public hearing was advertised on September 12, 2013 in the Courier Gazette, a newspaper of general circulation in the City of Rockland; and

WHEREAS, a public hearing was held on September 23, 2013 for the purpose of discussing potential amendments to the Fisher TIF and Development Program; and

WHEREAS, the City Council now desires to make the following amendments to the Fisher TIF and Development Program.

NOW THEREFORE IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF ROCKLAND, MAINE that the Fisher Engineering Plant Expansion Tax Increment Financing District dated October 5, 2009 is hereby amended by substitution with the plan dated September 23, 2013 attached hereto and incorporated herein by reference; and

IT IS FURTHER ORDERED, that the City Manager, or his designee, are hereby authorized to make such revisions to the Development Program, as may be necessary from time to time for compliance by the Maine Department of Economic and Community Development, without making any substantive changes in the intent of the Development Program.

Sponsor: City Manager
Originator: City Manager

Introduction

The City of Rockland passed an approved City of Rockland and Douglas Dynamics, LLC, Fisher Engineering Plant Expansion Tax Increment Financing District and Development Program on October 5, 2009, incorporated as Attachment A.

This Amendment to the Fisher Engineering Plant Expansion Tax Increment Financing District and Development Program is prompted so that the City may update and add additional projects that may be funded from the City's municipal TIF revenues. The Amendment also adds a portion of land (8 acres) to the District that is City owned and may, if permissible, be developed as part of this District.

This Amendment also includes actual figures of TIF Revenues generated and expended by the City and updated projections on future TIF Revenues (Attachment B).

This Amendment shall result in:

1. The replacement of Table 1 from the original Development Program with the Table 1 presented herein.
2. The replacement of the TIF revenue projections presented herein.
3. The inclusion of a portion of a Map #62B, Lot#100 (8 acres) of City owned land in the Rockland Industrial Park. As City owned land, this inclusion has no impact or change to the OAV of the District.

All other aspects, including the Credit Enhancement Agreement with Douglas Dynamics, LLC (Fisher Engineering) shall not be amended and stay in place as per the original TIF and CEA.

Special Meeting, Order #33 continued:

September 23, 2013

Amendments

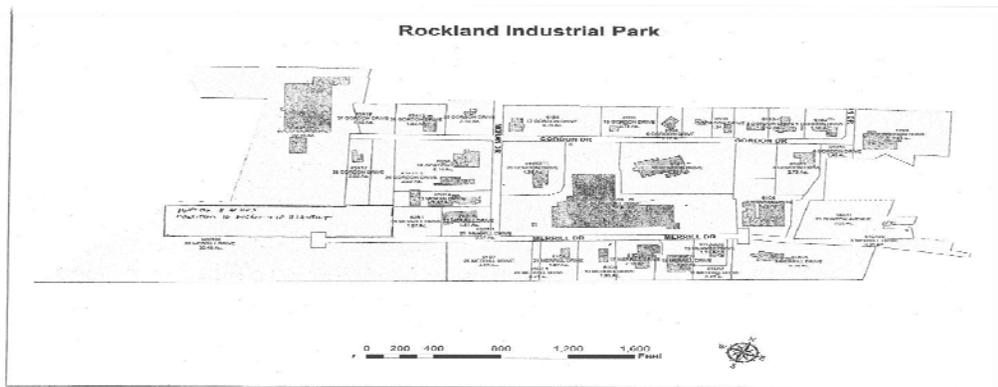
The following Table 1 shall replace the Table 1 in the original Fisher Engineering Plant Expansion Tax Increment Financing District and Development Program.

Revised (amended) Table 1. Municipal Projects

Ref #	Project	Eligibility under Title 30-A	Estimated Cost
Municipal Investments Within TIF District			
1	<u>Costs associated with the financing, real property assembly, construction of land, improvements, public ways, access, and buildings, including the demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures and fixtures; site preparation and finishing work; and fees and expenses that are eligible to be included in the capital cost of such improvements, including, but not limited to, licensing and permitting expenses and planning, engineering, architectural, testing, legal and accounting expenses for the development of city owned property that may be placed into commercial use within the Industrial Park (Map# 62B, Lot#100), or portion thereof as subdivided and recorded as part of this District, as amended.</u>	§5225(1)(A)(1-4)	\$26,500
2	<u>Administrative costs, including, but not limited to, reasonable charges for the time spent by municipal employees in connection with the implementation of this and any associated Omnibus Development Program(s)</u>	§5225(1)(A)(5)	\$5,000
3	<u>Organizational costs relating to the establishment or amendment of this District, including, but not limited to, the costs of conducting environmental impact and other studies and the costs of informing the public about the creation of this District and Development Program, as well as the implementation of project plans developed to implement this Development Program;</u>	§5225(1)(A)(7)	\$2,000
Municipal Investments Outside District but directly related or made necessary by establishment or operations in the District			
4	<u>A portion of the costs reasonably related to the construction, alteration or expansion of any facilities not located within the District that are required due to improvements or activities within the district, including, but not limited to, sewage treatment plants, water treatment plants or other environmental protection devices; storm or sanitary sewer lines; water lines; electrical lines; improvements to the City's Fire Station that provides services to this District, and amenities or improvements on streets. Costs shall be pro-rated in a reasonable manner and submitted to DECD as attachment to this Program.</u>	§5225(1)(B)(1) §5225(1)(B)(1)	\$10,500
5	<u>Costs of public safety improvements to the City's fire equipment made necessary by the establishment of the district, including pro-rated portion of additional equipment to support expanded use of the District.</u>	§5225(1)(B)(2)	\$10,000
Municipal wide costs related to economic development, environmental improvements, fisheries and wildlife or marine resources projects, recreational trails or employment training			
6	<u>Costs of funding the City's economic development program, including but not limited to the evaluation and marketing of developable commercial and industrial and building as a place for business to support existing business expansion and attraction of new business.</u>	§5225(1)(C)(1)	\$126,000
7	<u>Costs to capitalize a revolving loan fund or grant program to support small and medium sized business expansion and attraction. Grants shall be limited to projects that are allowable under §5225(1)(A)</u>	§5225(1)(C)(3)	\$45,000
8	<u>Costs of services and equipment to provide skills development and training, including scholarships to in-state educational institutions or to online learning entities when in-state options are not available, for jobs created or retained in the municipality. These costs must be designated as training funds in the development program</u>	§5225(1)(C)(4)	\$14,000

9	Costs associated with improvements to the City's Harbor Trail, a trail of significant potential to promote economic development as well as new recreational trails that may as well have significant potential to promote economic development. These costs include but not limited to planning, design, construction, maintenance, grooming and improvements. Funds may also support Harbor Trail bridge over Lermond Cove or other bridges that are part of the Harbor Trail or other trail corridors, used all or in part for all-terrain vehicles, snowmobiles, hiking, bicycling, cross-country skiing or other related multiple uses	§5225(1)(C)(6)	\$41,000
10	Matching funds to generate additional sources of funding	§5230	\$75,189
			\$355,189

The following update TIF Revenues and projections shall replace those reference in Exhibit C of the Fisher Engineering Plant Expansion Tax Increment Financing District and Development Program



A public hearing was opened with Maggie Trout, 77 Broadway, saying that should the amendments to the Fisher TIF District and Development Program be adopted, emphasis should be placed on infrastructure improvements for any developments conducted under this program, such as sidewalks, road construction, and protection of the adjacent residential neighborhoods. Hearing no other speakers, the public hearing was closed.

At this time, without objection from the Council, Mayor Clayton suspended the Rules to allow for an informal discussion and review of this proposal by the City Council with Community Development Director John Holden.

With the Council's review and discussion completed, the Council went back into Special Session with Councilor Pritchett making a motion for passage of Order #33, and then a motion to postpone Order #33 until the October 16, 2013 Regular Meeting. He said this postponement would afford staff sufficient time to compile the suggested changes to this proposal that resulted from the Council's review and have them ready for Council action at the October 16th meeting.

Vote: 5 for.

Order #33 was postponed until the October 16, 2013 Regular Meeting.

Order #34 Amendments to Tillson Redevelopment TIF and Development Program

WHEREAS, the Tillson Redevelopment Tax Increment Financing District and Development Program was established by City Council on February 27, 2008; and

WHEREAS, the Tillson Redevelopment Tax Increment Financing District and the Development Program was approved by the Maine Department of Economic and Community Development; and

WHEREAS, changes in State Statute have expanded the list of eligibilities; and

WHEREAS, staff strongly encourage policy that provides flexibility in options; and

WHEREAS, the proposed amendments would allow the City Council to consider, debate and move eligible projects forward based upon the merits of the project; and

WHEREAS, a notice of a public hearing was advertised on September 12, 2013 in the Courier Gazette, a newspaper of general circulation in the City of Rockland; and

WHEREAS, a public hearing was held on September 23, 2013 for the purpose of discussing potential amendments to the Tillson Redevelopment Tax Increment Financing District and Development Program; and

WHEREAS, the City Council now desires to make the following amendments to the Development Program.

Special Meeting, Order #34 continued:

September 23, 2013

NOW THEREFORE IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF ROCKLAND, MAINE, that the Tillson Redevelopment Tax Increment Finance District dated February 27, 2008 is hereby renamed the Downtown Municipal Tax Increment Financing District and Downtown Omnibus Development Program and amended by substitution with the plan dated September 23, 2013 attached hereto and incorporated herein by reference; and

IT IS FURTHER ORDERED, that the City Manager, or his designee, are hereby authorized to make such revisions to the Development Program, as may be necessary from time to time for compliance by the Maine Department of Economic and Community Development, without making any substantive changes in the intent of the Development Program.

Sponsor: City Manager
 Originator: City Manager

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LIST OF ACRONYMS USED

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

INTRODUCTION

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

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

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

Special Meeting, Order #34 continued:

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This Amendment is organized around the headings and outline currently required by DECD. The original Development Program is incorporated herein by reference (Attachment A). This Amendment (document) shall be the Restated Downtown Municipal Tax Increment Financing District and Downtown Omnibus Development Program. Although Restated, this Amendment includes underlined text to clearly state changes to the previous Development Program.

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

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

For clarity, within this Amendment, we refer to the District and Development Program as the Downtown District and Development Program. However, the District and Development Program (as well as the City's "Downtown" includes much of the City's waterfront and so-called Tillson Avenue area). See Map 1. The Downtown TIF and Development Program uses as guidance the Downtown Improvement Plan as approved by Council by Resolve #37, May 9, 2011 (Attachment B).

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

In order for the continued redevelopment of the Downtown, the Tillson Avenue "District," and Waterfront (all included as part of this Amendment and this Development Program), this Amendment will continue to encourage and capture future investments that occur within the District to provide funding for necessary infrastructure. This Amendment continues to make use of new taxable value captured in the Downtown District. In addition this Amendment allows for newly created other TIF Districts to fund projects in the Downtown District, so long as 100% of the new taxes generated within the Downtown District are captured during that tax year.

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

The amended District encompasses approximately 89.1 acres.

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

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

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

I. THE DEVELOPMENT PROGRAM

A. Statement of Means and Objectives

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

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

Creation of the proposed TIF district will encourage and enable a number of properties to be redeveloped, stimulate new businesses and employment opportunities, and establish a funding program for the development of new or improved infrastructure in Rockland's Downtown. These investments will benefit residents, businesses, consumers, and visitors alike. The project will also advance the City's economic goals, as well as the State of Maine's goals of providing new employment opportunities, broadening the tax base, and improving the State and local economy.

B. Brief Description of Financial Plan.

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A 30 year TIF Revenue projection is included in Attachment C. This Attachment includes actual TIF revenues and expenditures from the date of the inception of the District and original Development Program. Estimates of assessed values from the District's inception to 2013 are used to establish an average annual increase in assessed value in the District of one and a half percent (1.5%). The projections are conservative estimates to demonstrate the new value, and thusly new TIF revenues generated annually, without any single significant investment. Actual TIF revenues are dependent upon actual new values, annual municipal mil rates and the percentage of captured value each year. City projects will be financed using TIF revenues, state and federal economic development incentives, and the issuance of general obligation bonds, if and when appropriate.

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

C. Description of Public Facilities to be financed from Municipal TIF Revenues The Downtown Improvement Plan (Attachment 13) or any revised or amended Downtown Improvement Plan will continue to be a guide for selecting projects for this TIF Program. The City of Rockland anticipates using the TIF revenues for a variety of public infrastructure projects both within and outside of the designated District. **Table 1**, below, provides a list of municipal projects anticipated to be funded with the TIF revenues generated within the District boundaries. TIF revenues may also be used as match to generate additional sources of funding, and to fund economic development efforts that support downtown revitalization. Should the City issue general obligation bonds or incur other debt for any of these projects, TIF revenues may be used toward the financing or interest costs associated with these projects, subject to rules defined in this amended Development Programs (see page 7). In that event, the City will notify the Maine Department of Economic and Community Development.

TABLE 1: Municipal Development Program Projects

Ref #	Project	Eligibility under Title 30-A	Estimated Cost
Tier 1: Costs within the District			
<u>1</u>	<u>Development of parking facilities, including land acquisition, and professional consultants, architects, legal advisors, etc. as needed.</u>	<u>§5225(1)(A)(1),(3),(4)</u>	<u>[to be completed]</u>
<u>2</u>	<u>Improvements and construction or renovation of sidewalks and lighting infrastructure with priority, but not limited to, Winter Street and Tillson Avenues and the associated Tillson Avenue Overlay Zone.</u>	<u>§5225(1)(A)(1)</u>	<u>[to be completed]</u>
<u>3</u>	<u>Directional and other signage to direct vehicular and foot traffic around the Downtown District.</u>	<u>§5225(1)(A)(1)</u>	<u>[to be completed]</u>
<u>4</u>	<u>Roadway/Intersection Improvements, including but not limited to, traffic routes for Tillson Avenue and Winter and Commercial Streets, streetscape and pedestrian improvements to Park Drive, street tree planting and landscaping</u>	<u>§5225(1)(A)(1)</u>	<u>[to be completed]</u>
<u>5</u>	<u>Surface Parking Lot Improvements, including but not limited to, parking lot improvements to Winter Street, parking lot improvements to Commercial Street., improvements at Public Pier (new multi-use plaza and parking area), parking and landscaping improvements behind Main Street buildings</u>	<u>§5225(1)(A)(1)</u>	<u>[to be completed]</u>
<u>6</u>	<u>Harbor Trail improvements, including but not limited to the evaluation and extension of the Harbor Trail over Lindsey Brook (via pedestrian bridge), onto the Ferry Terminal parcel, connecting with Main Street, Treatment Plant park/trail and parking improvements; access to Maritime Traditions schooner berthing, Secure access — easements, acquisition.</u>	<u>§5225(1)(A)(1) §5225(1)(A)(3) §5225(1)(A)(4)</u>	<u>[to be completed]</u>
<u>7</u>	<u>Harbor Park Improvements, including but not limited to improvements to waterfront boardwalk, central area for festivals, and proposed area for amphitheater.*</u>	<u>§5225(1)(A)(1) §5225(1)(A)(4)</u>	<u>[to be completed]</u>
<u>8</u>	<u>Public access ways and improvements to public ways into and through Main Street properties.</u>	<u>§5225(1)(A)(1) See footnote 5</u>	<u>[to be completed]</u>

Ref #	Project	Eligibility under Title 30-A	Estimated Cost
9	<u>Streetscaping and general landscaping improvements along public ways including, but not limited to plantings, trash receptacles, benches, etc.</u>	<u>§5225(1)(A)(11)</u>	<u>[to be completed]</u>
10	<u>Administrative costs, including, but not limited to, reasonable charges for the time spent by municipal employees in the implementation of this Omnibus Development Program.</u>	<u>§5225(1)(A)(5)</u>	<u>[to be completed]</u>
11	<u>Costs for continued infrastructure improvements including but not limited to water, sewer, and telecommunications. This may include costs associated with installation and service of WiFi service, as an example.</u>	<u>§5225(1)(A)(1)-(2),(4)-(5)</u>	<u>[to be completed]</u>
12	<u>Public safety equipment, such as but not limited to, emergency vehicles, fire safety equipment, rescue equipment, etc., to be used in the District or prorated on a 50% basis for use outside the District.</u>	<u>§5225(1)(A)</u>	<u>[to be completed]</u>
13	<u>Purchase and replace public works equipment (50% cost prorate for District use).</u>	<u>§5225(1)(A)(1)(a-d)</u>	<u>[to be completed]</u>
14	<u>Professional service costs for market study for business expansion and attraction of lodging, service or other business permitted by zoning codes in the District.</u>	<u>§5225(1)(A)(4)</u>	<u>[to be completed]</u>
Outside District but directly related or made necessary by establishment or operations in the District			
15	<u>Costs to fund Signs or other amenities on the Street that have direct impact on the operations in the District, notably but not exclusively, signs to direct vehicular or pedestrian traffic safely into and out of the Downtown.</u>	<u>§5225(1)(B)(1)</u>	<u>[to be completed]</u>
16	<u>Costs of funding public facilities and improvements located in this Downtown designated TIF District in order to mitigate adverse impacts of any future TIF District upon the commercial activity in the Downtown District. In the event any future District has adverse economic impacts on this Downtown District, revenues from said District may be used within the Downtown District. In that case, any funds from said District will require the City to commit the entire tax increment (100% CAV) from the Downtown District to its Development Program.</u>	<u>§5225(1)(13)(3)(a)(b)</u>	<u>[to be completed]</u>
17	<u>That portion of the costs reasonably related to the construction, alteration or expansion of wastewater, stormwater discharge facilities not located within the District that are required due to improvements or activities within the district</u>	<u>§5225(1)(B)(1)</u>	<u>[to be completed]</u>
18	<u>Costs to fund improvements to Harbor facilities, including, but not limited to, moorings or other infrastructure to allow boater access to the Downtown from the Harbor (as a means of "parking" boats). These costs shall be reasonable to the direct impact on operations (as a means to generate and provide for customer traffic) in the District.</u>	<u>§5225(1)(B)(1)</u>	<u>[to be completed]</u>
19	<u>That portion of the costs reasonably related to the construction, alteration or expansion of fire stations not located within the district that are required due to improvements or activities within the district</u>	<u>§5225(1)(B)(1)</u>	<u>[to be completed]</u>
City wide costs related to economic development, environmental improvements, fisheries and wildlife or marine resources projects, recreational trails or employment training			

20	<u>As part of the City's economic development program to encourage redevelopment and the District as a place of business, studies (including but not limited to) demand for parking, the evaluation of traffic flow and the redesign of routes, economic development feasibility studies, etc. as needed</u>	§5225(1)(C)(1)	[to be completed]
21	<u>TIF funds may be uses as match to generate additional sources of funding</u>	§5230	[to be completed]
22	<u>Establish of a permanent economic development revolving loan fund that may include investments and grants to support Downtown Business. Any grand funds must support commercial business and may only be for costs allowable under §5225(1)(A) including, but not limited to, building Improvements, facades, upper floor redevelopment, creating connections through structures, installation of common elevator(s).</u>	§5225(1)(C)(3)	[to be completed]
23	<u>As part of the City's economic development program, establishment and support of Downtown Manager, specifically with Rockland Main Street Inc. This may include staff time for operations and projects, Events/festival support and promotion/marketing.</u>	§5225(1)(C)(1) §5225(1)(C)(3)	[to be completed]
Ref #	Project	Eligibility under Title 30-A	Estimated Cost
24	<u>Costs to support the continued improvements, development and use of a public fish pier for the support of the lobster or commercial fish industry as a meaningful part of the City's economic development</u>	§5225(1)(C)	[to be completed]
25	<u>Costs relating to planning, design, construction, Maintenance grooming and improvements to the Harbor Trail or other new or existing recreational trails with significant potential to promote economic development, including bridges that are part of the trail corridor, used all or in part for all-terrain vehicles, snowmobiles, hiking, bicycling, cross-country skiing or other related multiple uses</u>	§5225(1)(C)(6)	[to be completed]
26	<u>Costs of services and equipment to provide skills development and training, including scholarships to in-state educational institutions or to online learning entities when in-state options are not available, for jobs created or retained in the City.</u>	§5225(1)(C)(4)	[to be completed]
27	<u>Costs to fund economic development efforts that support downtown/waterfront revitalization, including, but not limited to, the planning and implementation of TIF projects herein as well as events or marketing projects developed by the City or community organizations to market the City as a business or arts location</u>	§5225(1)(C)(1)	[to be completed]
28	<u>As part of the City's economic development program fees or membership dues to regional or other economic development organizations or the Chamber of Commerce</u>	§5225(1)(C)(1)	[to be completed]
Costs of facilities used by City or State Government specifically within the Downtown Designated District			
29	<u>Costs of constructing or improving facilities or buildings leased by the City government that are located in the Downtown TIF District.</u>	§5225(1)(D)	[to be completed]

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

D. Uses of Private Property.

Creation of a TIF District is a proven method for encouraging investment in the community.

In order to continue its efforts to develop the Downtown, it is imperative to leverage investments that occur within the TIF District to provide for other Downtown development.

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The purpose of this TIF District and Development Program is to provide funds for the City to implement the municipal investment priorities identified in the Downtown Development Plan. TIF funds will be used, together with any federal and state grant money, to finance public infrastructure improvements that will make the area more attractive for private investment.

E. Plans for Relocation of Displaced Persons.

No displacements are anticipated as a result of this Program.

F. Proposed Regulations and Facilities to Improve Transportation.

Any improvements considered in the TIF District found to be critical to the enhancement of the downtown will be made in accordance with the standards for vehicular traffic of the Maine Department of Transportation. Any such improvements would be intended to accommodate all necessary vehicular traffic related to the project and provide capacity for development and growth in the future.

G. Environmental Controls.

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

H. Plan of Operation upon Completion.

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

I. Calculations of Tax Shifts.

The "Tax Shift Methodology" uses local property tax valuation as a basis for calculations to estimate any shifts to the municipal share of county taxes, revenue sharing, and education costs. The following is the process used to derive these tax shifts.

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

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

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

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

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

Step 3: $Current Factor = \frac{1.X}{Adjusted Factor}$

Step 4: $1.X - 1.0 = .X$

Step 5: $.X (Total Municipal Revenue Sharing Amount) = Revenue Sharing Shift$

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

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

J. Duration of the Program.

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

K. Physical Description of the District.

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

The original assessed value of taxable real and personal property within the district boundaries is \$62,998,000 as of March 31, 2007 and not amended.

II. FINANCIAL PLAN

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

A. Estimates of Development Costs

The City is using a conservative estimates of development costs. The projections outlined in Attachment C estimate a 1.5% increase above the OAV each year with no new significant investments. Using this methodology, additional value within the District over the 30 years totals approximately \$29,859,798.

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

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

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

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

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

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

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

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

C. Estimates of Captured Assessed Value of the District.

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

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

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

As part of this Omnibus Downtown Development Program and on a case-by-case basis the City, through its City Council, may allocate a portion of TIF revenues generated on a parcel of land within the District under a CEA with the Developer or land owner of that project. To the extent the Board does subsequently negotiate and execute an agreement with a Developer, the City expects that such future CEAs approved by the City will allocate between 0% and 100% of the tax increment generated by the project to the Developer for a term not to exceed the life of this Development Program and District. The actual percentage shall be negotiated on each case at the Council's discretion and may be subject to any City TIF Policy or other requirements.

E. Impact of TIF on all Taxing Jurisdictions.

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

F. Statistical Data

A Statutory Requirements and Thresholds Worksheet is attached as Attachment E to verify that (1) at least 25% of the real property within the proposed District is either a blighted area in need of rehabilitation, redevelopment or conservation work, or is suitable for commercial or arts district uses; (2) the total area of a single development district does not exceed 2% of the

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total acreage of the municipality and the total area of all development districts does not exceed 5% of the total acreage of the municipality; and (3) the original assessed value of the proposed District plus the original assessed value of all existing TIF districts within the municipality does not exceed 5% of the total value of taxable property within the municipality as of April 1, 2012.

G. Financial Data

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

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

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

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

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

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

III. RECORD OF MUNICIPAL APPROVALS

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

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

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

A public hearing was opened with Maggie Trout, 77 Broadway, speaking in opposition to the Downtown TIF and Development Program, saying that the City should not supplant the needs of the rest of the community to benefit one area of the City. She also said this will have a significant negative impact on school funding over the life of this TIF District. Hearing no other speakers, the public hearing was closed.

At this time, without objection from the Council, Mayor Clayton suspended the Rules to allow for an informal discussion and review of this proposal by the City Council with Community Development Director John Holden.

With the Council's review and discussion completed, the Council went back into Special Session with Councilor Hebert making a motion for passage of Order #33, and then a motion to postpone Order #34 until the November 13, 2013 Regular Meeting. Vote: 5 for.

Order #34 was postponed until the November 13, 2013 Regular Meeting.

With no further business to come before the Council, Councilor Hebert moved to adjourn. Without objection from the Council, the meeting was adjourned at 9:15 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING**AGENDA****October 7, 2013**

Resolve #57 Authorizing Transfer of Funds – Pen Bay Acres Drainage Project
 Order #36 Reconveyance Deadline Extension – 59 Broadway
 Discussion: Conditional Re-Zoning – 526 Old County Road (Farm Market)
 Discussion: Demolition Debris Disposal – Solid Waste Disposal Facility
 Set Agenda for the October 16, 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.

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

- Dale Hayward, 162 North Main Street, spoke concerning the number of tax-exempt properties in the City, citing examples of Goodwill Industries, Island Institute, the Rockland Festival Corporation, and the Farnsworth Museum as owning large chunks of high-value properties and paying nothing in real estate taxes. He said that the average taxpayer pays more in taxes to support municipal services to these entities.

Hearing no other speakers, the public forum was closed.

Resolve #57 Authorizing Transfer of Funds – Pen Bay Acres Drainage Project**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

THAT the City Manager is hereby authorized to transfer \$45,000 from Undesignated Fund Balance to the Pen Bay Acres Drainage Account (#40000-0349) to provide additional funding for the project.

Sponsor: City Manager
 Originator: City Manager

Councilor Pritchett moved passage.

Mayor Clayton said that because this project was being done in the neighborhood in which he lives, he will be recusing himself from voting on this matter.

Councilor Pritchett then moved to suspend the Rules to have an informal discussion on this issue with engineer Andrew Hedrich of Gartley and Dorsky. Without objection from the Council, it was so ordered.

Mr. Hedrich gave the Council an update on the status of the project and reasons for the additional funds needed to complete the project. He said that unit costs have dramatically increased since the estimates for this project were made two and a half years ago, and some necessary design changes because of utilities in the roadways were the main causes of the increase in the cost of this project.

With the informal discussion completed, the Council went back into Special Session for a vote on Councilor Pritchett's motion for passage.

Vote: 4 for, 1 abstention.
 (Clayton)

Order #36 Reconveyance Deadline Extension – 59 Broadway**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

THAT the City Manager is hereby authorized to transfer \$45,000 from Undesignated Fund Balance to the Pen Bay Acres Drainage Account (#40000-0349) to provide additional funding for the project.

Sponsor: City Manager
 Originator: City Manager

Councilor Hebert moved passage and asked why this extension was needed.

The City Attorney said that the former owner is in a nursing home and is being represented by an attorney who has been trying to sell the property. He said there is a purchase and sales agreement on the property, but the sale is contingent upon reconveyance by the City. He said that the sale will provide sufficient proceed to pay what is owed to the City for taxes as well as provide Mrs. Vinal with some funds for other necessities.

Vote: 5 for.

Discussion: Conditional Re-Zoning – 526 Old County Road (Farm Market)

The Council went into informal session for a discussion with property owner Steve Carroll of a proposed conditional re-zoning of his property to allow for the operation of a farm market at that location. Mr. Carroll described the scope of his proposal and the Council discussed various provisions of the proposed conditional re-zoning amendment, but when the amount of the required Conditional Zoning application fee was discussed (\$750), Mr. Carroll withdrew his application.

Discussion: Demolition Debris Disposal – Solid Waste Disposal Facility

The Council then held an informal discussion about the provision in the Solid Waste Disposal Fee Schedule that allows residents to dispose of ½ pickup truck load of demolition debris per day at no charge. Members of Council indicated that they have received complaints from residents about the current allowance, and asked staff to come up with alternate provisions to address the residents' concerns.

Set Agenda for the October 16, 2013 Regular Meeting

The Council then set the agenda for the October 16, 2013 Regular Meeting.

Special Meeting continued:

October 7, 2013

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 9:37 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

REGULAR MEETING

AGENDA

October 16, 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. License to Operate a Taxi Company – Schooner Bay Limo & Taxi (18 cabs)
8. Resolves:

#58 Accepting Donation – Coastal Opportunities (PILOT)	City Council
#59 Accepting Donations – Rockland Public Library	City Manager
#60 Appointments – Rec & COMPS	Mayor Clayton
#61 Accepting Donation – Fire Department	City Council
9. Ordinances in Final Reading and Public Hearing: None
10. Ordinances in First Reading:

#25 Chapter 11, Section 11-215 2 nd Hand Merchants - Code Cert	Councilor Hebert
Regular Meeting, Agenda continued:	October 16, 2013
#26 Chapter 13, Section 13-103 Parks Com, Public Art Displays	Councilor Dickerson
11. Orders:

#33 Amendments to Fisher TIF Dist & Devel Program (Postponed)	City Manager
#37 Authorizing Inter-Agency Co-op Agreement – Public Safety	City Manager
#38 Authorizing Grant App & Acceptance – Safety Grant	City Manager
#39 Adopting Public Art Display Policy	Councilor Hebert
#40 Authorizing Grant Application – SHIP Grant	City Manager
#41 Accepting Grant Funds – Wellness Grant	City Manager
12. Adjournment.

The meeting was called to order by the Mayor at 7:00 p.m. with the following members answering the roll call: Mayor William Clayton, Larry Pritchett, Elizabeth Dickerson, Eric Hebert, Frank Isganitis, City Manager Smith, City Attorney Beal.

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

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

- William Pearce, 39 Mountain View Drive Extension, spoke on behalf of the Parks Commission on the proposal to have the Commission act as the deciding agency for public art displays (Ordinance Amendment #26, this agenda). Mr. Pearce said that the Commission does not feel that it has the expertise to analyze what constitutes "Art" and out like the term "Art" in this Ordinance and in the proposed policy changes to something like "structure". He also said that the Commission would like input on the creation of the application for such displays.

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, without objection from the Council, and the records of prior meetings of the Council previously transmitted to the Council were deemed accepted. Anyone wishing to review the Record may do so at the City Clerk's Office at Rockland City Hall during regular business hours.

Reports:

- a. City Manager's Report: The City Manager reported on the following issues:
 - The road work at the intersection of Old County Road and Maverick Street is expected to continue for another two

Regular Meeting, City Manager's Report continued:

October 16, 2013

weeks, as the project was slowed when ledge was encountered.

- The condition in which Camden Street has been left by the contractor doing the work for the Water Company is still unsatisfactory, and the public works department has been asked to inspect the area and report on the quality of the work. He said that the condition of the street will be finished to appropriate standards.

- The replacement of a water main on Rankin Street should be completed by the end of the week.

- The replacement of a water main on Park Street should also be completed by the end of the week.

- The official opening of Ferry Terminal Park will be held at 4:00 p.m. on October 24, 2013.

- The City Manager said that it may be frustrating trying to get around with all the construction that is taking place in the city, but said this is a sign of progress and will allow the City to continue to grow in the future.

- The Pen Bay Acres Drainage project bid has been awarded to Ferraiolo Construction and work will begin next week.

- The City received 9 bids for the Public Restroom Project, whoever they are higher than anticipated. Therefore, the City Manager asked the Council to consider adding a Resolve to this agenda to appropriate the necessary additional funds so that this project can move forward.

Councilor Dickerson said that she has been receiving complaints from constituents about the traffic control measure being taken at the Old County Road/Maverick Street intersection. She asked if there was anything that the City could do to improve the flagging that is taking place for this project.

The City Manager said that he will address the issue with the water company, as it is their project.

Councilor Pritchett added that there seems to be no clear direction on how to navigate through the area. He also said that City staff is working on an update to the City's Street Opening Ordinance that should give the City more authority in regulating such projects.

b. City Attorney's Report: The City Attorney reminded the Council that a proposed replacement for Order #33 (Fisher TIF) was included in the Council's packet which addresses the concerns expressed by the Council at the September 23rd meeting, and also clarifies the Order making it easier to follow.

c. Other Official's Report: None.

d. Mayor's Report: Mayor Clayton confirmed that staff is working on an update to the City's Street Opening Ordinance that will help protect the City's infrastructure. He also reported that he had the opportunity to attend a welcoming ceremony on the Regent cruise ship *Seven Seas Navigator* on its maiden visit to Rockland. He said he toured the ship and had an opportunity to meet with the passengers.

Mayor Clayton then reminded the public that Halloween is coming in a couple of weeks and warned citizens to keep an eye out for children.

Licenses and Permits:

a. License to Operate a Taxi Company – Schooner Bay Limo & Taxi (19 taxicabs).

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

Councilor Hebert moved to grant the license.

Vote: 5 for.

At this time, Councilor Pritchett moved to take Resolve #60, Appointments to the Recreation Advisory Committee and Comprehensive Planning Commission, out of order. Without objection from the Council, it was so ordered.

Resolve #60 Appointments – Recreation & COMPS

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

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

- Audra Caler-Bell, 14 Pine Street, to the Comprehensive Planning Commission (2015)
- Christopher Brown, 279 Broadway, to the Recreation Advisory Committee (2013)

Sponsor: Mayor Clayton

Originator: Mayor Clayton

Councilor Pritchett moved passage.

Councilor Hebert thanked the appointees for agreeing to serve on these committees.

Mayor Clayton asked Councilor Hebert to take the Chair so that he could address this Resolve.

Mayor Clayton moved to amend Resolve #60 as follows:

Add: "Carol K. Harris, 76 Limerock Street, to the Personnel Board (2014)".

Vote on amendment: 5 for.

Vote as amended: 5 for.

Councilor Hebert returned the Chair to Mayor Clayton.

Regular Meeting, Resolve #60 continued:

October 16, 2013

At this time, Councilor Pritchett moved to take Ordinance Amendment #26, Curating Public Art by Parks Commission, out of order. Without objection from the Council, it was so ordered.

Ordinance Amendment #26 Chapter 13, Section 13-103 Parking Commission; Public Art

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 13, Parks And Trees, ARTICLE I, Parks, SECTION 13-103, Parks Commission, BE AMENDED AS FOLLOWS:

Sec. 13-103 Parks Commission

A. Formation; Procedure. A Parks Commission is hereby established for the purpose of assisting the City with the acquisition, creation, improvement, care, and maintenance of City parks, gardens, forests, and public shade trees. The Parks Commission shall consist of five (5) members to be appointed by the City Council for staggered terms of three (3) years. The Commission shall elect a Chairman, a Secretary, and a Tree Warden from its membership annually, and adopt its own rules of procedure.

B. Duties. The Commission may invite other Rockland residents to participate in meetings and to help with the Commission's work who shall not be members and may not vote. The Commission shall advise the City Council in matters of policy and planning for parks, gardens, forests, and public shade trees; advise the City Manager regarding the care, maintenance, and improvements of parks, gardens, forests, and public shade trees; and maintain close cooperation with the Planning Board, the Harbor Management Commission, the Oyster River Bog Association, and the Recreation, Public Works, and Harbor & Waterfront Departments.

C. Public Art. The Commission shall review, grant, grant with conditions, or deny art in City parks, where locations for public art have been designated by the establishment of art display pads constructed for the purposes of displaying public art. The Commission shall apply the criteria established by Order of the City Council when determining eligibility. Applications to display art in a public place shall be made in writing on a form prepared and provided by the City Clerk. The Commission shall act upon applications within sixty days of the date of the completed application. Appeals from decisions of the Commission regarding the public display of art shall be filed with the City Clerk within thirty days of the Commission's written decision, and shall be heard and decided by the City Council. The City Council may, by Order, establish a fee for the public display of Art.

State Law Ref.: 30-A M.R.S. § 3264.

Sponsor: Councilor Dickerson
Originator: City Manager Smith

Councilor Pritchett moved passage and moved to postpone Ordinance Amendment #26 until the December 9, 2013 Regular Meeting. Councilor Pritchett said that staff has brought forward a reasonable proposal and a good starting point, but feels that a broader public discussion about this matter needs to take place. He also said that there is sufficient time to hash out this proposal and have something in place for the spring.

Councilor Dickerson said that the Parks Commission does not want to be involved in determining what is and is not considered "art", but indicated that they would like to be involved in the creation of the application form. She also said that this proposal could be creating a sticky wicket, and that it would be preferable to create a group from within the art community to assist the Parks Commission in making its determination.

Councilor Hebert said that he had no objection to postponing this amendment as there is not urgency to get something in place. He said that he did not have the same concerns about this proposal and would hate for the Council to over-think it. He asked Councilor Pritchett what he was looking for, to give staff some direction in what additional information he would like. Councilor Pritchett said his assumption was that the Parks Commission would work with a number of entities to make its decisions in these cases, and that the Commission can by its own volition incorporate input from whomever it chooses. However, he said it may be helpful to create a framework to facilitate that input.

Councilor Isganitis said that everyone on Council has heard from people on this matter, and it seems that the word "Art" is what is scaring people. He said that the City should focus on "display" rather than "art", and it does not need to reinvent the wheel. He said the City should look to other communities that already have such guidelines in place.

The City Manager said that there is a policy distinction here. He said the idea here is not to determine what is "art", rather what is appropriate for public display. He also said that staff has been reaching out to the art community for its input on this matter. He said that space has been made available for local artists to display their work, and it is a policy choice on how the City wants to proceed.

Councilor Pritchett said the current proposal gives authority to the Parks Commission to determine the placement of art in the City. He said that he would like see the City Council make the decision on certain pieces, such as it did with Mr. Sawyer's piece at Sandy Beach. He said that he understood that this amendment, as well as Order #39 (Art Display Policy) are intended for the art display pads that have been installed in the two Main Street parks, but feels that both need to be clarified.

Councilor Dickerson said that input from the community is needed to tell the Council what the community wants. She also said that the art community needs to be involved in the decision-making process. Vote: 5 for.

Ordinance Amendment #26 was postponed until the December 9, 2013 Regular Meeting.

At this time, Councilor Pritchett moved to take Order #39, Adopting Criteria for the Review and Placement of Public Art, out of order. Without objection from the Council, it was so ordered.

Order #39 Adopting Criteria for the Review and Placement of Public Art

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT, pursuant to Rockland Code, Ch. 13, Art. I, Sec. 13-103(C), the Parks Commission shall apply the following procedures and criteria when reviewing artwork proposed for display in a public park or on other City property in the City of Rockland.

Regular Meeting, Order #39 continued:

October 16, 2013

Procedure:

1. The Parks Commission, in consultation with the City Manager, shall prepare an application form to be utilized by persons or entities, including the City of Rockland, that propose to display artwork in a public park or on other City property ("Public Art"). Such form shall elicit the name and contact information of the owner and, if applicable, gallery owner / broker, of the Public Art; the location and term proposed for its display; a statement of placement, maintenance, and other conditions / limitations proposed by the Applicant; other pertinent information; and acknowledgement by the Applicant that the display of Public Art in Rockland shall be at the Applicant and/or owner's risk;
2. No person may display Public Art until granted approval therefor by the Parks Commission, and if not in conformance with any conditions imposed therefor;
3. Applications shall be submitted to the City Manager, who shall inform the Parks Commission Chair. The Parks Commission shall meet to review and act upon such application within 60 days of the date of the application. The Parks Commission shall provide prior, written notice to the Applicant of the date and time of the hearing for the application; shall provide the Applicant and owner an opportunity to be heard; shall conduct a public hearing on such application; shall – applying the Review Criteria set forth in this Order – grant, grant with conditions, or deny such application; and shall issue, under the Chair's signature, a written decision consistent with the decision and vote of the Parks Commission;
4. The approval of an application to display Public Art shall be conditioned upon the availability of private or authorized public resources to install, maintain, and remove the Public Art, and upon the availability and maintenance of property and general liability insurance coverages for the Public Art;
5. The Public Art must be available and shall be displayed for a fixed term of no fewer than three months and no more than 12 months;
7. The public art shall not be available for sale and removal during such term;
8. The Parks Commission's decision on an application for the display of Public Art may be appealed by the Applicant or City Manager to the City Council, by submitting written notice of such appeal with the City Clerk within ten business days of the date of written notice of the Commission's decision; and
9. Until the effective date of Ordinance Amendment #13-26, authorizing the Parks Commission to review applications for the display of Public Art, and in the event, once so authorized, that the Parks Commission fails to act upon any such application within 60 days thereof, the City Manager is authorized to review and grant, grant with conditions, or deny such application, without notice or public hearing.

Review Criteria:

- A. The Public Art is of a size, durable material, quality, and condition suitable for display at the proposed location;
- B. The subject matter of the Public Art is not political in nature, and is appropriate for viewing by the general public;
- C. The Public Art contains no commercial advertising, logos, slogans, or mascots other than mascots of public schools located within the City; and
- D. The subject matter of the Public Art is suitable for and not incompatible with the purpose, nature, and other amenities of the public park or City property where it is proposed to be displayed, and shall not unreasonably be susceptible to damage, theft, or vandalism at such location.

Sponsor: Councilor Hebert
Originator: City Manager

Reading of the Order was waived, without objection from the Council, and the Order was paraphrased by the City Attorney. Councilor Pritchett moved passage and then moved to postpone Order #39 until the December 9, 2013 Regular Meeting. Councilor Hebert said that he was more in agreement with postponing this measure, as he has more concerns about this Order than the Ordinance Amendment.

Councilor Pritchett said that the Council knows nothing about this subject and needs input from those who do. He asked that the City reach out to the museums and gallery owners, as well as other towns that have such policies in place, to lend their expertise in this area. He said he was so lacking in this area that he doesn't even know the proper questions to ask. He added that Order #39 is a good framework from which to begin this discussion.

Councilor Dickerson said that she has no prior experience in curating art, and would be interested to hear from experts in this area.

Councilor Hebert said that this is the sort of proposal that begs for a workshop. He suggested that staff sit down with the Parks Commission and other interested parties and bring something back to the Council, or the Council could hold a workshop of its own.

Councilor Isganitis said that a workshop would be a good idea. He also said that the State has a policy for the public display of art, and suggested staff take a look at that as well.

Vote: 5 for.

Order #39 was postponed until the December 9, 2013 Regular Meeting.

The order of the agenda was then resumed.

Resolves:

#58 Accepting Donation – Coastal Opportunities

Regular Meeting, Resolve #58 continued:

October 16, 2013

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

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

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

Sponsor: City Council
Originator: City Council

Councilor Isganitis moved passage.

Councilor Hebert said that it was noteworthy to mention that in years past the Council has supported this organization, but this year that support was cut from the Budget. However, Coastal Opportunities still made this donation despite that loss in funding from the City.
Vote: 5 for.

#59 Accepting Donations – Library

WHEREAS, Chester F. Blake, Jr., of Camden, Maine, donated the book *Empress of Fashion, A Life of Diana Vreeland*, valued at approximately \$35.00, in memory of Lila Magie; and

WHEREAS, Roger Woodbury, of Morrill, Maine, donated his self-published book *The Mists of Adriana*, valued at approximately \$15.00; and

WHEREAS, the estate of Elizabeth C. Bartlett, of Bath, Maine, donated \$29,593.80, to be deposited in the E. Bartlett Library Reserve Account (#10000-01761); and

WHEREAS, the Friends of the Rockland Public Library donated \$322.03 for 29 titles for the Children's Collection.

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

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

THAT the funds for the remaining donations be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003).

Sponsor: City Manager
Originator: Library Director

Councilor Hebert moved passage and asked if a new reserve account was set up for the Bartlett donation.

The City Manager said that a new reserve account was established for the Bartlett donation, and that the Council would need to approve any spending from that account. He also said that there were no restrictions on what those funds could be used for.

Councilor Pritchett clarified that the other donations being accepted are also being authorized to be expended as well, with the exception of the Bartlett donation.
Vote: 5 for.

#61 Accepting Donation – Fire & EMS Department

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City hereby gratefully accepts the donation by Walmart of \$1,000 to the Rockland Fire Department; and

BE IT FURTHER RESOLVED that a letter of thanks be sent to Walmart in recognition of its generous donation.

Sponsor: City Council
Originator: City Council

Councilor Hebert moved passage and noted that other acceptance of donations indicated where the money is being receipted and expended. He asked if the City Manager had that information for this donation.

The City Manager said that he did not have that information readily at hand.

Councilor Hebert moved to postpone Resolve #61 until the November 13, 2013 Regular Meeting to get that information.

Vote: 5 for.

Resolve #61 was postponed until the November 13, 2013 Regular Meeting.

At this time, Councilor Hebert moved to add Resolve #62, Re-Allocating TIF Funds for the Public Restroom Project, to the agenda.
Vote: 5 for.

Resolve #62 Re-Allocating TIF Funds – Public Restroom Project

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to re-allocate the unexpended \$30,000 of the Tillson Redevelopment District TIF Funds (Acct. #10000-01899), originally allocated by Resolve #19-13 on March 11, 2013 for relocation of utility poles on Main Street, to the Public Restroom Project (CFMF Acct. #60283-08003).

Regular Meeting, Resolve #59 continued:

October 16, 2013

Sponsor: City Manager
Originator: City Manager

Councilor Isganitis moved passage and said that the pole relocation for which these funds were originally allocated did not occur, so this is a re-allocation of those funds, not an additional expenditure.

The City Manager said that the Council originally allocated these funds to provide a City match for the utility companies to relocate some utility poles on the northern end of Main Street. Unfortunately, the City was not able to reach any sort of agreement with the utility companies for such relocation; therefore the funds were never expended. He said this action will release those funds for use on the public restroom project.

Councilor Pritchett said that a solution for the downtown restroom problem has been sought for a long time, and this project is now ready to move forward. He said that the increase in the cost of this project from the original projections is reasonable and supports moving forward with this project.

The City Manager said if this Resolve is approved, construction on this project will begin soon.

Vote: 5 for.

Ordinances in First Reading:

#25 Chapter 11, Section 11-215 Second Hand Merchant; Pawn Broker Licenses – Code Certification

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 11, Licenses, Permits and Franchises, SECTION 11-215 Second Hand Merchant, Pawn Brokers, BE AMENDED AS FOLLOWS:

Sec. 11-215 Second-Hand Merchants; Pawnbrokers

No person shall engage principally in the business or occupation of dealing in second-hand or used personal property, or in the business of a pawnbroker, without first obtaining a license therefor. No such licenses shall be granted except upon certification of the Police Chief, Code Enforcement Officer (Building Inspector), Plumbing Inspector and the Fire Chief. No licensee shall purchase or receive any article (a) from any person under the age of seventeen (17) years, without the written consent of parent or guardian, or (b) from any person known or suspected to be a thief or a receiver of stolen property. Every licensee shall keep a record of all persons with whom he does business and of all property coming into his possession together with a record of the disposition of each article, which record shall be kept available for examination by any City official.

State Law Reference: 30-A M.R.S. §§ 3901, 3961-3965.

Sponsor: Councilor Hebert
Originator: Code Enforcement Officer

Councilor Hebert moved passage.

Councilor Pritchett asked what the functional impact would be of this amendment.

The City Attorney said that it was add the Code Officer's review and certification of Second Hand Merchant and Pawn Broker License applications to those of the Fire Inspector and Police Chief, consistent with the review and certification of other City licenses.

Vote: 5 for.

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

Orders:

#33 Amendment to the Fisher Engineering Plant Expansion Tax Increment Financing District and Development Program (Postponed)

(See pages 33-36 for text)

It was noted that this Order had been postponed until this meeting, and that the order had been given a public hearing and a motion for passage at the September 23, 2013 Special Meeting.

Councilor Pritchett moved to amend Order #33 to read as follows:

WHEREAS, the Fisher Engineering Plant Expansion Tax Increment Financing District and Development Program was established by City Council on October 5, 2009; and

WHEREAS, the Fisher Engineering Plant Expansion Tax Increment Financing District is commonly referred to as the "Fisher TIF"; and

WHEREAS, the Fisher TIF and the Development Program was approved by the Maine Department of Economic and Community Development; and

WHEREAS, changes in State Statute have expanded the list of authorized project costs ~~eligibilities~~; and

WHEREAS, staff strongly encourage policy that provides flexibility in options; and

WHEREAS, the City is not making any changes to the associated Credit Enhancement Agreement with Fisher Engineering (Douglas Dynamics LLC); and

WHEREAS, the proposed amendments would allow the City Council to consider, debate and move eligible projects forward based upon the merits of the project; and

WHEREAS, A notice of a public hearing was advertised on September 12, 2013, in the Courier Gazette, a newspaper of general circulation in the City of Rockland; and

WHEREAS, a public hearing was held on September 23, 2013, for the purpose of discussing potential amendments to the Fisher TIF and Development Program; and

Regular Meeting, Order #33 continued:

October 16, 2013

WHEREAS, the City Council held a public Workshop following the September 23, 2013, public hearing to further discuss and amend the Development Program; and

WHEREAS, the City Council now desires to make the following amendments to the Fisher TIF and Development Program;

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF ROCKLAND, MAINE that the Fisher Engineering Plant Expansion Tax Increment Financing District dated October 5, 2009, is hereby amended as follows:

1. Replace Table 1 – Municipal TIF Investment Plan at page 6 in Section 5 - Development Program with the attached, amended Table 1 – Municipal TIF Investment Plan (revised 10/16/13);
2. Replace Exhibit B – Proposed District Map with the attached, amended District Map;
3. Replace Exhibit C – 10 Year Projections with the attached, amended 6 Year Projections;

by substitution with the plan dated September 23, 2013 attached hereto and incorporated herein by reference;

and

THAT IT IS FURTHER ORDERED, that the City Manager, or designee, is are hereby authorized to make such clerical revisions to the Development Program as may be necessary from time to time for compliance with regulations or requirements of ~~by~~ the Maine Department of Economic and Community Development, without making any substantive changes to in the intent of the Development Program.

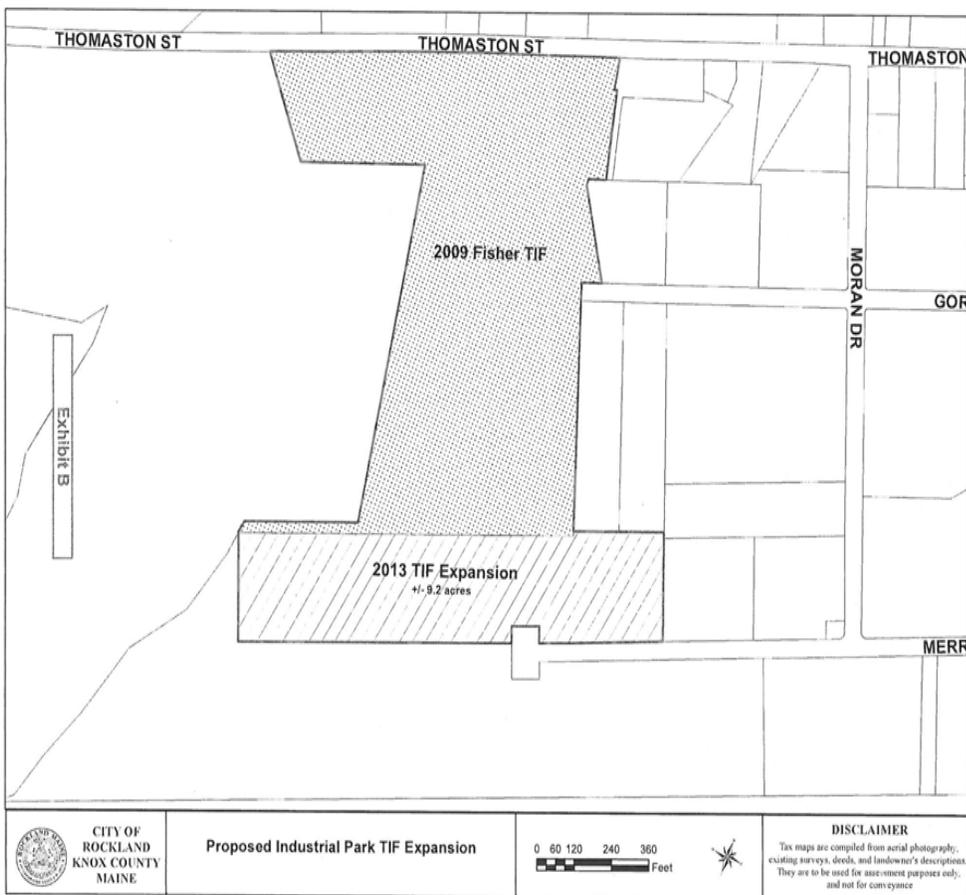
Sponsor: City Manager
Originator: City Manager

Table 1 – Municipal TIF Investment Plan (revised 10/16/13)

Ref #	Project	Eligibility under Title 30-A	Estimated Cost
Municipal Investments Within TIF District			
1	Costs associated with the financing, real property assembly, construction of land, improvements, public ways, access, and buildings, including the demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures and fixtures; site preparation and finishing work; and fees and expenses that are eligible to be included in the capital cost of such improvements, including, but not limited to, licensing and permitting expenses and planning, engineering, architectural, testing, legal and accounting expenses for the development of city owned property that may be placed into commercial use within the Industrial Park (Map# 62B, Lot#100), or portion thereof as subdivided and recorded as part of this District, as amended.	§5225(1)(A)(1)-(4)	\$26,500
2	Administrative costs, including, but not limited to, reasonable charges for the time spent by municipal employees in connection with the implementation of this and any associated Omnibus Development Program(s)	§5225(1)(A)(5)	\$5,000
3	Organizational costs relating to the establishment or amendment of this District, including, but not limited to, the costs of conducting environmental impact and other studies and the costs of informing the public about the creation of this District and Development Program	§5225(1)(A)(7)	\$2,000
Municipal Investments Outside District but directly related or made necessary by establishment or operations in the District			
4	A portion of the costs reasonably related to the construction, alteration or expansion of any facilities not located within the District that are required due to improvements or activities within the district, including, but not limited to, sewage treatment plants, water treatment plants or other environmental protection devices; storm or sanitary sewer lines; water lines; electrical lines; improvements to <u>public safety facilities</u> that provide services to this District, and amenities or improvements on streets. Costs shall be pro-rated in a reasonable manner and submitted to DECD as attachment to this Program.	§5225(1)(B)(1)	\$10,500
5	Costs of public safety improvements to the City's fire equipment made necessary by the establishment of the district, including pro-rated portion of additional equipment to support expanded use of the District.	§5225(1)(B)(2)	\$10,000

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Municipal wide costs related to economic development, environmental improvements, fisheries and wildlife or marine resources projects, recreational trails or employment training			
6	Costs of funding the City's economic development program, including but not limited to the evaluation and marketing of developable commercial and industrial and building as a place for business to support existing business expansion and attraction of new business.	§5225(1)(C)(1)	\$126,000
7	Costs to capitalize a revolving loan fund or grant program to support small and medium sized business expansion and attraction. Grants shall be limited to projects that are allowable under §5225(1)(A)	§5225(1)(C)(3)	\$45,000
8	Costs of services and equipment to provide skills development and training, including scholarships to in-state educational institutions or to online learning entities when in-state options are not available, for jobs created or retained in the City. These costs must be designated as training funds in the development program	§5225(1)(C)(4)	\$14,000
9	Costs associated with improvements to the City's Harbor Trail, a trail of significant potential to promote economic development as well as new recreational trails that may as well have significant potential to promote economic development. These costs include but not limited to planning, design, right-of-way acquisition, construction, maintenance, grooming and improvements. Funds may also support Harbor Trail bridge over Lermond Cove or other bridges that are part of the Harbor Trail or other trail corridors, used all or in part for all-terrain vehicles, snowmobiles, hiking, bicycling, cross-country skiing or other related multiple uses	§5225(1)(C)(6)	\$41,000
10	Matching funds to generate additional sources of funding	§5230	\$75,189
			\$355,189



**CITY OF ROCKLAND FISHER ENGINEERING TAX INCREMENT FINANCING DISTRICT
REVISED FOUR YEAR ACTUALS, SIX YEAR PROJECTIONS
(100% CAPTURE)**

1	A	B	C	D	E	TIF		H	COMMUNITY			COMPANY	
						F	G		I	J	K	L	M
2	TIF YR.	TAX YEAR	Projected Annual Increased Assessed Value	Projected Mil Rate	Gross New Taxes	Capture %	Total TIOF Revenues	General Fund (Actual)	TIF %	TIF Revenues	Total TIF Revenues Expended (Actual)	TIF %	TIF Revenues
4	base 2009-2010												
5	1	2010-2011	\$2,716,600	\$18.20	\$49,442	100%	\$49,442	\$0	25.0%	\$12,361	\$0	75.0%	\$37,082
6	2	2011-2012	\$2,716,600	\$18.78	\$51,017	100%	\$51,017	\$0	25.0%	\$12,754	\$0	75.0%	\$38,263
7	3	2012-2013	\$2,716,600	\$19.42	\$52,756	100%	\$52,756	\$0	40.0%	\$21,102	\$2,917	60.0%	\$31,654
8	4	2013-2014	\$2,716,600	\$19.52	\$53,028	100%	\$53,028	\$0	40.0%	\$21,211	\$0	60.0%	\$31,817
9	5	2014-2015	\$2,716,600	\$19.52	\$53,028	100%	\$53,028	\$0	40.0%	\$21,211	\$0	60.0%	\$31,817
10	6	2015-2016	\$2,716,600	\$19.52	\$53,028	100%	\$53,028	\$0	60.0%	\$31,817	\$0	40.0%	\$21,211
11	7	2016-2017	\$2,716,600	\$19.52	\$53,028	100%	\$53,028	\$0	60.0%	\$31,817	\$0	40.0%	\$21,211
12	8	2017-2018	\$2,716,600	\$19.52	\$53,028	100%	\$53,028	\$0	60.0%	\$31,817	\$0	40.0%	\$21,211
13	9	2018-2019	\$2,716,600	\$19.52	\$53,028	100%	\$53,028	\$0	75.0%	\$39,771	\$0	25.0%	\$13,257
14	10	2019-2020	\$2,716,600	\$19.52	\$53,028	100%	\$53,028	\$0	75.0%	\$39,771	\$0	25.0%	\$13,257
15	Cumulative				\$224,411		\$224,411	\$0		\$283,632	\$2,917		\$260,719
16	Avg. Annual		\$2,716,600		\$52,441		\$52,441	\$0		\$26,363	\$729		\$26,078
17	Notes:												
18	10 Year Projection; Years 1-4 actual; Years 5-10 projected												
19	Mil Rate - Years 1-4 actual; \$19.52/\$1000 for Years 5-10 held constant												
20	No RE Appreciation												

EXHIBIT C

**CITY OF ROCKLAND FISHER ENGINEERING TAX INCREMENT FINANCING DISTRICT
TAX SHIFT CALCULATIONS
REVISED FOUR YEAR ACTUALS, SIX YEAR PROJECTIONS
(100% CAPTURE)**

1	A	B	C		D		E		F
2	TIF YR.	TAX YEAR	State Education Shift	Revenue Sharing Shift	County Tax Shift	Estimated Shelter Benefit of Captured Value (100%) on State Subsidies and County Taxes			Total Tax Shift Benefit
4	1	2010-2011							
5	2	2011-2012							
6	3	2012-2013	\$21,352	\$2,400	\$2,258				\$26,011
7	4	2013-2014	\$21,352	\$2,400	\$2,279				\$26,032
8	5	2014-2015	\$21,352	\$2,400	\$2,301				\$26,053
9	6	2015-2016	\$21,352	\$2,400	\$2,322				\$26,074
10	7	2016-2017	\$21,352	\$2,400	\$2,344				\$26,096
11	8	2017-2018	\$21,352	\$2,400	\$2,366				\$26,118
12	9	2018-2019	\$21,352	\$2,400	\$2,388				\$26,140
13	10	2019-2020	\$21,352	\$2,400	\$2,410				\$26,162
14	11	2020-2021	\$21,352	\$2,400	\$2,432				\$26,185
15	12	2021-2022	\$21,352	\$2,400	\$2,455				\$26,207
16	Cumulative		\$213,525	\$23,998	\$23,555				\$261,079
17	Avg. Annual		\$21,352	\$2,400	\$2,356				\$13,054

Vote on amendment: 5 for.

Councilor Pritchett said that the change to the map added 9 acres, but the question he had about whether this lot was developable have not been answered.

The City Manager said that there was a study done in the past on that question, but he has not been able to confirm the information with the Community Development Director as yet because he has been out of town for an extended period.

Councilor Pritchett said that he would like clarification on what information lead to the inclusion of this parcel to the TIF District.

Councilor Isganitis said that this subject came up when he was on the Economic Development Advisory Committee, and it was dismissed as being wetlands and therefore not developable in its entirety. However, it has been discovered that assumption was not entirely correct and there may be a portion of this parcel that is developable.

The City Manager said he has heard the same thing, but has not yet been able to confirm that assumption. However, he said that the issue is worthy of further investigation to determine exactly what portion, if any, is developable. He said that he has not yet been able to locate that report, but views this as a starting point to continue that investigation.

Councilor Pritchett said that he was hesitant to support this amendment without having that information in hand. He said that he was not opposed to revisiting this question once the report is located, and was considering a motion to postpone this order until the November 4th Agenda-Setting Meeting.

The City Manager said that the Community Development Director has been in contact with DECD and DEP on this matter.

Councilor Pritchett moved to postpone Order #33 until the November 4, 2013 Agenda-Setting Meeting so that the requested information could be provided to the Council before voting on this proposal.

Councilor Hebert said that he would not support postponing this proposal. He said even though there was nothing too pressing in this proposal, nothing in this proposal was set in stone either, and nothing requiring the Council to do anything. He said adding the nine acres as proposed does no harm, even if none of those nine acres turns out to be developable. He said any future discussions would come back to the Council, so he was fine moving forward with this proposal.

Councilor Pritchett said that he understood that nothing in this proposal binds the Council to spend any money, but this document would give staff direction in what to focus on, and having the information he requested would help in determining whether staff should spend time focused on that particular part of this plan.

Councilor Isganitis agreed with Councilor Hebert and added that the report being mentioned was not parcel-specific, rather it was an inventory of developable commercial property in the City.

Vote: 2 for, 3 opposed.
(Dickerson, Hebert, Isganitis)
Motion to Postpone Defeated.

Councilor Isganitis said by including the additional nine acres it allows for small allocations for further studies if the Council feels it is warranted. He said he was comfortable moving forward with this document as amended.

Councilor Pritchett moved to amend Order #33 by deleting paragraph 8 from Table 1 as follows:

Regular Meeting, Order #33 continued:

October 16, 2013

8	Costs of services and equipment to provide skills development and training, including scholarships to in-state educational institutions or to online learning entities when in-state options are not available, for jobs created or retained in the City. These costs must be designated as training funds in the development program	§5225(1)(C)(4)	\$14,000
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Councilor Dickerson said that she would not support this amendment as this is a good point to include in the plan. She said she supported anything that would help create jobs in the City. She also said that this does not require the City to expend any funds, but gives the City the option to consider such a proposal in the future should the opportunity arise.

Councilor Hebert said that this particular item generated a lot of conversation, but is an option only. He said no funds can be allocated or expended without Council approval, and the money does not go directly to the private employer. He said objections to this item are more about the policy that would be created on how such funds would be expended if such a program is established. He said it is easy to get caught up in the language, but said he would rather the Council have the option to consider it in the future.

Councilor Pritchett said he sees the value in discussing such items, but is more concerned about direction to staff on what to focus on. He said adding items to the plan causes fragmentation of effort on the part of staff. He said he would rather see staff focus on the really important issues with regard to this TIF.

Councilor Dickerson said that she understood Councilor Pritchett point, but that allocation of TIF funds is controlled by DECD, and if a particular project is not included in the plan, TIF funds cannot be expended on those projects. It is better to have any many possible projects included in the plan as are allowed by DECD so that the Council does not have to keep revising the plan as needs arise.

Councilor Hebert said that he agrees with Councilor Pritchett's observations about fragmentation, but said he likes to know what the City's options are. He said it may be better to prioritize the possible projects in the plan to focus staff attention rather than excluding any. As for this particular proposed amendment, he said for this particular TIF, it seems to have merit and should remain part of the plan.

Councilor Isganitis said that he agreed with both Councilors Dickerson and Hebert. He said he understands Councilor Pritchett's concerns, but likes the flexibility of having options. He said he believed a follow up policy statement on priorities should address those concerns.

Vote: 2 for, 3 opposed.
(Dickerson, Hebert, Isganitis)
Motion to Amend Defeated.

Councilor Pritchett said that he appreciated Councilor Dickerson's comments, and that is one way that communities approach TIF Districts, however, he did not agree with that approach.

Vote: 4 for, 1 opposed.
(Pritchett)

#37 Authorizing Inter-Agency Cooperation Agreement – Public Safety Information

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to enter into an inter-agency cooperation agreement for the sharing of public safety information among Knox County towns.

Sponsor: City Manager
Originator: City Manager

Councilor Pritchett moved passage and said that this agreement is identical to the previous agreement entered into by the City three years ago.

Vote: 5 for.

#38 Authorizing Grant Application and Acceptance – Safety Grant

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to apply for a Maine Municipal Association Safety Enhancement Grant for the purchase of air ride seats for the bulldozer and compactor at the City's Solid Waste Facility to replace the existing mechanical seats to help prevent operator injury.

AND, it is further Ordered that the City Manager is hereby authorized to accept such grant, should it be awarded to the City, and to execute any instruments to effectuate such acceptance.

Sponsor: City Manager
Originator: Solid Waste Facility Director

Councilor Hebert moved passage.

Vote: 5 for.

#40 Authorizing Application and Expenditure of Funds – Small Harbor Planning Grant

WHEREAS, the City of Rockland owns and maintains a public boat ramp at Snow Marine Park; and

WHEREAS, improvements to this boat ramp are necessary to secure its long term use; and

WHEREAS, the Small Harbor Planning Grant provides funding for engineering and other necessary planning documents for ramp improvements; and

WHEREAS, the City will provide matching funds in an amount not to exceed \$2,000.00; and

Regular Meeting, Order #40 continued:

October 16, 2013

NOW THEREFORE IT IS HEREBY ORDERED: the Rockland City Council approves the application and acceptance of funds for site and engineering plans for the improvement to the boat ramp at Snow Marine Park; and

IT IS FURTHER ORDERED THAT the City Manager, or designee, is hereby authorized to expend and execute any such instruments for the development of plans for improvements to the public boat ramp at Snow Marine Park.

Sponsor: City Manager
Originator: City Manager

Councilor Dickerson moved passage.

Vote: 5 for.

#41 Accepting Grant Funds – Wellness Grant

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to accept a Wellness Program Grant from the Maine Municipal Employees Health Trust in the amount of \$1,520. The funds may only be used on health promotion programs.

Sponsor: City Manager
Originator: City Manager

Councilor Hebert moved passage.

The City Manager explained that these funds would be used to pay for the costs of the City-wide Safety Training Day held on October 4, 2013. He said this is an annual grant that must be used for safety and wellness programs.

Vote: 5 for.

With no further business to come before the City Council, the meeting was adjourned, without objection from the Council, at 8:35 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

November 4, 2013

Discussion with Community Development Director – Economic Development Thoughts and Considerations
Set Agenda for November 13, 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, Elizabeth Dickerson, Eric Hebert, Frank Isganitis, City Manager Smith, and City Attorney Beal.

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

- Dean Felton, representing the Marine Corps Reserves, spoke concerning the Corps annual “Toys for Tots” campaign, asking for the support of the community. He also informed the Council of a “Toys for Tots” event to be held at the Landings Restaurant on December 8, 2013 and invited all to attend.

- Sandra Schramm, 16 Broad Street, spoke concerning reports that the City held an illegal executive session to discuss moving City Hall to sell the current City Hall property to a developer, and Councilor Pritchett’s denial of such discussions taking place. She also questioned the Council’s motives in having this discussion about economic development matters the night before the election.

- George Terrien, 222 Broadway, spoke concerning the role of the Economic Development Advisory Committee in the recent discussions regarding TIF Districts in the City (Fisher and the Downtown TIF’s). He said that the Committee was not given notice of these discussions and were not included in the process. He asked that the Council give the Committee direction if its role is to be changed.

- Rodney Lynch, 123 Summer Street, announced that a new business has taken up residence in the ground floor of the Masonic Temple on Main Street.

Mr. Lynch also commented that grass, weed and litter seem to be taking over the sidewalks in many locations, and this is something that needs to be addressed.

Mr. Lynch also commented that the relocation of City Hall he been brought up numerous times over the years, and a downtown location would not be advisable because of the lack of parking, costly renovations to an existing building, and the fact that the current City Hall is in good condition and meets the needs of the City.

- Maggie Trout, 77 Broadway, said that there seems to be a panicked push in the City to build on every square inch of available land in response to the development across the line in Thomaston. She said things need to slow down and be looked at more closely before rushing forward. She also said that the City should engage the expertise of its Boards and Commissions to give guidance to the Council on such matters.

- Steve Carroll, 326 Old County Road, spoke concerning the effect commercial development may have on Old County Road, and the direction in which the City wants to see Old County Road move. He said the discussion scheduled for this meeting has been billed as a starting point for discussion of economic development opportunities, but he hoped that the City has been working on this issue all along. He also said that the City’s Comprehensive Plan anticipates commercial

Special Meeting, Public Forum continued:

November 4, 2013

development along Old County Road, but said that the Council should re-evaluate the zoning in the area and adjust it to better reflect current conditions and look toward future commercial development.

- Lewis Metcalf, 211 Thomaston Street, said that moving City Hall to the downtown area make no sense because of a lack of parking. He also said that of the people he has spoken with on this issue, no one supports such a move.

Hearing no other speakers, the public forum was closed.

Discussion with Community Development Director – Economic Development Thoughts and Considerations: The Council went into informal session for a discussion of Economic Development issues with Community Development Director John Holden, focusing on the west side of the City. The main theme of the discussion was possible development pressures in this area of the City resulting from the extensive commercial development just across the town line in Thomaston (the new Walmart Supercenter being the main impetus for the discussion).

Set Agenda for the November 13, 2013 Regular Meeting: The Council then set the agenda for the November 13, 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 9:17 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

ELECTION RESULTS STATE REFERENDUM/MUNICIPAL November 5, 2013

STATE OF MAINE REFERENDUM ELECTION

Question #1 – Army National Guard (\$14,000,000)

YES	589
NO	568
Blanks	34

Question #2 – University Improvements (\$15,500,000)

YES	695
NO	469
Blanks	27

Question #3 – Transportation Bond (\$100,000,000)

YES	879
NO	294
Blanks	18

Question #4 – Maine Maritime Academy (\$4,500,000)

YES	618
NO	546
Blanks	27

Question #5 – Community College (\$15,500,000)

YES	747
NO	425
Blanks	19

CITY OF ROCKLAND ANNUAL MUNICIPAL ELECTION

For City Council (2 seats)

MacLellan-Ruf, Louise	748
Pritchett, Larry R.	780
Perry, Harold G.	489
Blanks	373

For RSU #13 Board (2 seats)

Robishaw, Donald P. Jr.	612
Pearce, William M.	513
Robert, Steven R.	587
Blanks	678

For Rockland Port District (2 seats)

Edwards, Howard Jr.	796
McNichol, Daniel M.	727
Blanks	867

Election Results continued:

November 5, 2013

For Warden (1 seat)

Blanks 1195

For Ward Clerk (1 seat)

Blanks 1195

Bond Question – Salt & Sand Shed (\$586,000)

YES 573

NO 528

Blanks 94

1,195 Voters (243 Absentee) out of 4,861 Registered Voters: 24.6% Turnout.

A TRUE COPY.

ATTESTED: _____ City Clerk

REGULAR MEETING**AGENDA****November 13, 2013**

6:30 p.m. Executive Session pursuant to 1 M.R.S. §405(6)(F) – Hardship Tax Abatement Hearing

7:00 p.m. Regular Meeting

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: None
8. Resolves:

#61 Accepting Donation – Fire & EMS Department (Postponed)	City Council
#63 Accepting Donations – Library	City Manager
#64 Accepting Donation of Art – Library	City Manager
#65 Accepting Library Sign – RPLEA/Friends	City Council
9. Ordinances in Final Reading and Public Hearing:

#25 Ch. 11, Sec. 11-215 2 nd Hand/Pawn Licenses – Code Certification	Councilor Hebert
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10. Ordinances in First Reading: None
11. Orders:

#34 Amendments to Downtown (Tillson) TIF Dist & Dev Plan (Postponed)	City Manager
#42 Authorizing Street Closure – Festival of Lights	City Council
#43 Authorizing Placement of Sign – Library	City Manager
#44 Accepting Grant Funds – Police Department	City Manager
#45 Authorizing Grant Application – Recreational Trail Program	City Manager
#46 Authorizing Grant Application – Land and Water Conservation Fund	City Manager
12. Adjournment.

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.

Mayor Clayton announced that the public forum would be held at 7:00 p.m. after the Executive Session.

Executive Session pursuant to 1 M.R.S. §405(6)(F) – Hardship Tax Abatement Hearing: Councilor Pritchett moved to enter an Executive Session pursuant to 1 M.R.S. §405(6)(F) that allows discussion of information contained in records when access by the general public is prohibited for a hardship tax abatement hearing. Vote: 5 for.

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

The Council recessed the Executive Session at 7:05 p.m. and began the Regular 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:

- Allison Lakin, 77 Broadway, spoke concerning a proposal to install a sewer line to service one lot in the area. She noted that the other properties in the area have functioning septic systems, and presented a petition signed by area residents

Regular Meeting, Public Forum continued:

November 13, 2013

opposing the installation and calling for the area from Pleasant Street to Merrill Drive be placed into a resources protection district.

- Steve Carroll, 326 Old County Road, thanked the Mayor for his service to the City over the past three year, and urged the new Council to follow his lead in keeping proceeding calm and civil.

- Tom Molloy, 77 Pleasant Street, also thanked Mayor Clayton for his service to the City, noting that the Council worked well under his leadership.

- Valerie Hooper, 181 North Main Street, spoke concerning her efforts to spread the word that it is the law for dog owners to clean up after their pets when on public property. She said that she has heard some people saying that it is not necessary to clean up after their pets now that the summer season is over and the parks are open to dogs again. She said she wanted it known that was incorrect and it is still the law to clean up after your pet. She also said she would like to see enforcement of this law stepped up by the police department. She said that there are potential health risks associated with dog waste and urged all dog owners to clean up after their pet. She thanked the Mayor for his guidance and support of her efforts. She also said that most people have been supportive of her efforts as well, but some have been less than receptive.

- Nicholas Ruf, 51 Pacific Street, said that he has been approached by Ms. Hooper and her colleague in a most aggressive manner. He said that it was not fair to questions someone's motives unless they witness a violation, at which time they could inform the person of the regulations in a non-confrontational manner and if they don't comply, contact the Police. He said the manner in which these people are conducting themselves is out of line.

- Maggie Trout, 77 Broadway, thanked the Mayor for his service to the City. She then said that she was one of the people who signed the petition in opposition to the installation of a sewer line near her property on Broadway, and in support of classifying the area between Pleasant Street and Merrill Drive a Resource Protection District. She then commented on the dissemination of information in the City, lamenting the fact that the Council receives more detailed information than City Department Heads or the public, and questioning how the public can monitor City business without having all the facts. She also expressed concern that City departments track their own financial activities and only report to the Finance Department, rather than the Finance Department overseeing all financial activity. Ms. Trout then spoke in opposition to use of Fund from the Downtown TIF as the match for a grant to construct a boardwalk at the public landing (See Order #46). She said that those funds should be used for infrastructure improvements or for the recently approved Salt and Sand Shed.

- Rodney Lynch, 123 Summer Street, thanked the Mayor for his service to the City, saying that the Mayor has always been very contentious to the public whether he agreed with their position or not. He said that he hoped the Mayor would return to public services in the near future.

- Loraine Francis, Executive Director of Rockland Main Street, Inc., read a letter from the Rockland Main Street Board of Directors thanking Mayor Clayton for his service to the City and his support for the activities of Rockland Main Street.

Hearing no other speakers, the public forum was closed.

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

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

At this time, Mayor Clayton presented Certificate of Recognition to the North Atlantic Blues Festival, Rockland Festival Corporation for the Lobster Festival, and Maine Boats, Homes and Harbors for the Boat, Homes and Harbors Show, in recognition of successful 2013 events that helped promote the City nation-wide and annually helps the local economy.

Reports:

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

- The trenches on Camden Street from the recent water company project are still unacceptable and the water company has been contacted to take steps necessary to smooth out the trenches. Other water company projects in the City are being monitored closely to ensure that the same thing does not happen in these other locations.
- The opening ceremony at the Ferry Terminal Park (so-called) that took place on October 24th was well attended, and the City Manager wished to thank all who participated in bringing this project to completion.
- The Pen Bay Acres Drainage project has begun and is expected to be completed in a couple of weeks.
- The foundation for the new public restroom on Tillson Avenue has been poured with actual construction of the restrooms scheduled for the spring. The restrooms are expected to be completed and available to the public in time for the next summer season.
- The Public Works Department has started putting up wreaths as part of the City's Holiday decorations.
- The Library is taking donations for the Area Interfaith Outreach Food Pantry, and citizens are encouraged to drop off a donation.

Councilor Pritchett asked if the City Manager could address the issue of the proposed sewer line on Broadway that was mentioned during the public forum.

The City Manager said that an individual property owner has expressed interest in hooking to the public sewer, but there is no sewer main in the street at that location. The nearest hook up would be on Holmes Street. He said that no permits have been issued, and that he needs to discuss this issue with the Water Pollution Control Director before any decisions are made.

Councilor Pritchett said that he was skeptical about private sewer lines being run in public rights-of way, and asked if this line would be privately installed.

Regular Meeting, City Manager's Report continued:

November 13, 2013

The City Manager said that the City would like to avoid cross-country sewer lines, and would prefer that the line be laid in the public way and the City retain ownership of the line. He also said that the other residents of the area would be given the opportunity to hook into that public line if they choose to do so.

Councilor Isganitis added that the advantage of having the City install the line is that it would guarantee that the line is built to City standards.

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

Councilor Dickerson asked the City Attorney about any statutory requirements for residents to hook to public sewer lines. The City Attorney said that the City does not require residents with properly operating septic systems to hook to the public sewer.

Councilor Dickerson then asked who had the responsibility for enforcement the dog waste ordinance.

The City Attorney said that enforcement responsibility lies with the Police Department.

Councilor Dickerson added that while it is legal for citizens to point out a violation, enforcement needs to be done by the Police Department.

c. Other Official's Report: Councilor Hebert thanked Mayor Clayton for his service to the City, not only as Mayor for the past year, but as a member of the Council for the past three years. He presented Mayor Clayton with a Plaque in recognition of his service on the Council from 2010 to 2013, and a Plaque in recognition of his service as Mayor for 2012-13. Also, a cobblestone from Main Street was presented to Mayor Clayton as a token of the City's appreciation for his service. Councilor Pritchett said that, to his knowledge, Mayor Clayton is the youngest person to serve the City in that capacity since the position was established in the early 1970's.

d. Mayor's Report: Mayor Clayton took this opportunity to thank the Council for working well together over the past year to address the needs of the City. He also thanked the City Manager, City Attorney and City Clerk for their assistance to him and the Council over the last year. He thanked City Department Heads and Staff for the work that they do on a daily basis, saying that they are the ones on the front lines that make things work. He then thanked the citizens of Rockland for their support and input on the issues that come before the Council, and encouraged the citizens to continue to contact Council members with their concerns. He said if the public does not contact the Council with their concerns, they will not be able to address them. Lastly, he urged the Council to continue working together to meet the needs of the City, and said that he was not going far and would remain involved in City business.

Licenses and Permits: None.

Resolves:

#61 Accepting Donation – Fire & EMS Department (Postponed)

(See page 50 for text)

It was noted that this Resolve received a motion for passage at the October 16, 2013 Regular Meeting.

Councilor Pritchett moved to amend Resolve #61 as follows: add to the first paragraph "...and the funds to be deposited into the Thermal Imaging Camera Reserve (#10000-01644)..."

Vote on amendment: 5 for.

Vote as amended: 5 for.

#63 Accepting Donations – Rockland Public Library

WHEREAS, David Huckabee, Friendship, Maine, donated the book *Balance of Trade*, valued at \$25.00 to be added to the Library's collection; and

WHEREAS, the Friends of the Rockland Public Library donated \$390.20 for 32 books for youth; and

WHEREAS, Kim Olsen, Owls Head, Maine, donated 24 like-new stuffed animals and 100 books to be used in the Library's Children's Room.

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

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

THAT the funds for these donations be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003).

Sponsor: City Manager

Originator: Library Director

Councilor Hebert moved passage and said this is the third month in a row where the Council has accepted donations for the Library, which speaks of how highly regarded the Library is in the community and how heavily it is used.

Vote: 5 for.

#64 Accepting Donation of Art – Rockland Public Library

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City of Rockland gratefully accepts the donation from the Kohler Foundation, Inc., of four pieces of art from the Bernard Langlais Collection, and hereby authorizes the City Manager to sign the agreement, in substantial compliance as

Regular Meeting, Resolve #64 continued:

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attached, to effectuate acceptance of said donation.

AND, be it further Resolved that a letter of thanks be sent to the Kohler Foundation in recognition of its generous donation.

Sponsor: City Manager
Originator: Library Director

Councilor Pritchett moved passage and asked if a value needs to be assigned for tax purposes. The City Manager said that he did not believe that was necessary, and noted that the donor did not request it.

Vote: 5 for.

#65 Accepting Donation of a Sign – Rockland Public Library

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City of Rockland gratefully accepts the donation from the Rockland Public Library Endowment Association and the Friends of the Rockland Public Library of a sign for the Rockland Public Library, in substantial compliance with the rendering and description attached hereto.

AND, be it further Resolved that a letter of thanks be sent to the Rockland Public Library Endowment Association and the Friends of the Rockland Public Library in recognition of their generous donation.

Sponsor: City Council
Originator: RPLEA & Friends

Councilor Isganitis moved passage.

Vote: 5 for.

Ordinances in Final Reading and Public Hearing:

#25 Chapter 11, Section 11-215 Second Hand Merchant; Pawn Broker – Code Office Certification
(See page 50 for text)

A public hearing was opened with Maggie Trout, 77 Broadway, asking when the Ordinance says “No person shall engage principally in the business or occupation of dealing in second-hand...” what is the definition of “principally”.

The City Attorney said that there is no listed definition of “principally” in this Ordinance, but normal usage of the term would indicate “mainly” or “a majority”.

Hearing no other speakers, the public hearing was closed.

Councilor Hebert moved passage.

Councilor Pritchett clarified that the only change being made to this Ordinance was to require certification of the application by the Code Enforcement Officer before a Second Hand Merchant or Pawn Broker License may be issued. He said all other language is what currently exists in the Ordinance.

Vote: 5 for.

The amendment will become effective December 13, 2013.

Orders:

#34 Amendment and Restatement of Tillson Redevelopment Tax Increment Financing District and Development Plan
(Postponed)

(See pages 36 to 44 for text)

It was noted that this Order was postponed after a public hearing was held at the September 23, 2013 Special Meeting, and that this Order received a motion for passage at that same meeting.

Councilor Isganitis moved to postpone Order #34 until the December 9, 2013 Regular Meeting for the Economic Development Advisory Committee to confirm that the original intent of the TIF District and Development Plan remains intact.

Councilor Pritchett said that he agreed with Councilor Isganitis’ motion to postpone Order #34 for the purpose stated, but said that there may be an amendment to this Order. He wondered if it would be better to consider the proposed amendment by substitution before the motion to postpone.

Councilor Isganitis said Councilor Pritchett’s suggested make sense and therefore withdrew his motion to postpone Order #34.

Councilor Pritchett moved to amend Order #34 by replacing the existing text with the following:

WHEREAS, the Tillson Redevelopment Tax Increment Financing District and Development Program was established by City Council on February 27, 2008; and

WHEREAS, the Tillson Redevelopment Tax Increment Financing District and the Development Program was approved by the Maine Department of Economic and Community Development; and

WHEREAS, changes in State Statute have expanded the list of eligibilities; and

WHEREAS, staff strongly encourage policy that provides flexibility in options; and

WHEREAS, the proposed amendments would allow the City Council to consider, debate and move eligible projects forward based upon the merits of the project; and

WHEREAS, a notice of a public hearing was advertised on September 12, 2013 in the Courier Gazette, a newspaper of general circulation in the City of Rockland; and

Regular Meeting, Order #34 continued:

November 13, 2013

WHEREAS, a public hearing was held on September 23, 2013 for the purpose of discussing potential amendments to the Tillson Redevelopment Tax Increment Financing District and Development Program; and

WHEREAS, the City Council now desires to make the following amendments to the Development Program.

NOW THEREFORE IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF ROCKLAND, MAINE, that the ~~Tillson Redevelopment Tax Increment Finance District dated February 27, 2008 is hereby renamed the Downtown Municipal Tax Increment Financing District and Downtown Omnibus Development Program and amended by substitution with the plan dated September 23, 2013 attached hereto and incorporated herein by reference; and~~

The Tillson Redevelopment Tax Increment Finance District dated February 27, 2008 is

1. hereby renamed the Downtown Municipal Tax Increment Financing District and Downtown Omnibus Development Program and;
2. It's Development Program is amended by substitution with the plan dated November 13, 2013 attached hereto and incorporated herein by reference and;
3. that Exhibits A, B, C, D of the Tillson Redevelopment Tax Increment Finance District dated February 27, 2008 shall be incorporated as part of this Amendment (incorporated as part of Attachment A of this Amendment).

IT IS FURTHER ORDERED, that the City Manager, or his designee, are hereby authorized to make such revisions to the Development Program, as may be necessary from time to time for compliance by the Maine Department of Economic and Community Development, without making any substantive changes in the intent of the Development Program.

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LIST OF ACRONYMS USED

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

EXHIBITS

- A. Estimates of Captured Assessed Values and Projected Revenues of the Proposed TIF District
- B. Site Map of the TIF District
- C. Location Map of the TIF District Relative to the City Boundaries
- D. Assessor's Certificate of Original Assessed Value

Regular Meeting, Order #34 continued:

November 13, 2013

- E. Public Hearing Notice
- F. Minutes of Public Hearing
- G. Municipal Tax Increment Financing Resolution
- H. Attesting of Municipal Office

INTRODUCTION

~~In 1996, the City of Rockland retained the services of Kent Associates Planning and Design, working with the Economic Development Advisory Committee and City staff, to prepare the "Downtown Revitalization Plan". The Downtown Revitalization Plan was updated in 2005 and, recognizing that the entire area serves as the community center for the city, was expanded to include the "Tillson District & Waterfront Redevelopment Plan". As a means of continuing with the recommendations outlined in these plans, the City proposes the creation of a Municipal Development and Downtown and Waterfront Tax Increment Financing District, referred to in this proposal as the "Tillson Redevelopment Tax Increment Financing (TIF) District". The District encompasses approximately 89.11 acres. This area represents the central business district, including a mixture of commercial and mixed-used buildings. The waterfront area is a combination of both public and private buildings, a working waterfront, and open spaces.~~

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

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

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

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

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

As a matter of record and stated in the original Development Program, this Amendment continues to ~~The proposed Tillson Redevelopment TIF District will support community development objectives by:~~

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

~~Tax increment financing is a proven method of strengthening ties between businesses, the community, and the broader regional economic base. In order to redevelop the downtown and waterfront, it is imperative to leverage investments that occur within the TIF District to provide incentive for other downtown and waterfront development.~~

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

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

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

The amended District encompasses approximately 89.1 acres.

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

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

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

I. The Development Program

A. Statement of Means and Objectives

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

TIF revenues will be made available for projects outlined in **Table 1**. ~~that are general in nature and others that are site or use specific.~~ The City is proposing to capture 100% of the “new” assessed value in real estate property within the District over the “original” assessed value for a 30 year period. However, as part of this Development Program, the City, by vote of its City Council, may capture any value less than 100% on any year of the Program. The City’s intent is to capture the value of new taxes projected at the outset of the TIF. The projections in Attachment C represent 100% capture every year for 30 years based on the values projected at the outset of the TIF.

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

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

B. Brief Description of Financial Plan

The City is using the original projections and have estimated the additional five years based on those projections. Refer to the original projections as in Attachment A. TIF Revenue projection for years 25-30 are included in Attachment C. Attachment C also includes actual TIF revenues and expenditures from the date of the inception of the District and original Development Program. All projections are estimates. ~~A twenty five (25) year investment schedule is provided as Exhibit A.~~ In summary, infrastructure related redevelopment efforts are estimated to cost approximately \$11 million. TIF revenues will also be used to support economic development efforts within the district. These investments are estimated to support and attract more than \$48 million in new private investment in the City. City projects will be financed using TIF revenues, state and federal economic development incentives, and the issuance of general obligation bonds, when and if appropriate.

As proposed, ~~TIF District and Development Program~~ will run from April 2008 through March 2033, provided the TIF district is approved prior to March 31, 2008.

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

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

The Downtown Improvement Plan (Attachment B) or any revised or amended Downtown Improvement Plan Revitalization Plan Update and the Tillson District & Waterfront Redevelopment Plan will continue to be a guide for selecting projects for this TIF Program. ~~In addition, Rockland will undertake a Master Plan planning process to identify, preliminarily engineer, and prioritize authorized project costs from the Public Facilities Program, for the purpose of guiding the implementation of this Development Program and achieving the redevelopment goals of the TIF District.~~ ~~The City of Rockland anticipates using the TIF revenues for a variety of public infrastructure projects both within and outside of the designated District.~~ **Table 1**, below, provides a list of municipal projects anticipated to be funded with the TIF revenues generated within the District boundaries. TIF revenues may also be used as match to generate additional sources of funding, and to fund economic development efforts that support downtown revitalization. Should the City issue general obligation bonds or incur other debt for any of these projects, TIF revenues may be used toward the financing or interest costs associated with these projects, subject to rules defined in this amended Development Programs (see page 7). In that event, the City will notify the Maine Department of Economic and Community Development.

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

The projects outlined in Table 1 are allowable projects. Funds may be expended only on those projects in Table 1. However, some projects listed may not necessarily be funded, depending on municipal priorities over the term of the TIF. Any, none, or all projects may be executed each year during the term of the TIF, following all required local review and budgetary approval processes. The funding of any such project in any year is, of course, limited to the funds within the Town’s

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Municipal Development Program sub-account.

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

TABLE 1: Municipal Development Program Projects

Ref #	Project	Eligibility under Title 30-A	Estimated Cost
Tier 1: Costs within the District			
<u>1</u>	<u>Development of parking facilities, including land acquisition, and professional consultants, architects, legal advisors, etc. as needed.</u>	<u>§5225(1)(A)(1),(3),(4)</u>	\$2,000,000
<u>2</u>	<u>Improvements and construction or renovation of sidewalks and lighting infrastructure with priority, but not limited to, Winter Street and Tillson Avenues and the associated Tillson Avenue Overlay Zone.</u>	§5225(1)(A)(1)	\$1,500,000
<u>3</u>	<u>Directional and other signage to direct vehicular and foot traffic around the Downtown District.</u>	§5225(1)(A)(1)	\$50,000
<u>4</u>	<u>Roadway/Intersection Improvements, including but not limited to, traffic routes for Tillson Avenue and Winter and Commercial Streets, streetscape and pedestrian improvements to Park Drive, street tree planting and landscaping</u>	<u>§5225(1)(A)(1)</u>	\$250,000
<u>5</u>	<u>Surface Parking Lot Improvements, including but not limited to, parking lot improvements to Winter Street, parking lot improvements to Commercial Street., improvements at Public Pier (new multi-use plaza and parking area), parking and landscaping improvements behind Main Street buildings</u>	<u>§5225(1)(A)(1)</u>	\$250,000
<u>6</u>	<u>Harbor Trail improvements, including but not limited to the evaluation and extension of the Harbor Trail over Lindsey Brook (via pedestrian bridge), onto the Ferry Terminal parcel, connecting with Main Street, Treatment Plant park/trail and parking improvements; access to Maritime Traditions schooner berthing, Secure access – easements, acquisition.</u>	<u>§5225(1)(A)(1)</u> <u>§5225(1)(A)(3)</u> <u>§5225(1)(A)(4)</u>	\$100,000
<u>7</u>	<u>Harbor Park Improvements, including but not limited to improvements to waterfront boardwalk, central area for festivals, and proposed area for amphitheater.*</u>	<u>§5225(1)(A)(1)</u> <u>§5225(1)(A)(4)</u>	\$2,500,000
<u>8</u>	<u>Public access ways and improvements to public ways into and through Main Street properties.</u>	<u>§5225(1)(A)(1)</u> <u>See footnote 5</u>	\$150,000
<u>9</u>	<u>Streetscaping and general landscaping improvements along public ways including, but not limited to plantings, trash receptacles, benches, etc.</u>	<u>§5225(1)(A)(1)</u>	\$300,000
<u>10</u>	<u>Administrative costs, including, but not limited to, reasonable charges for the time spent by municipal employees in connection with the implementation of this and any associated Omnibus Development Program(s)</u>	<u>§5225(1)(A)(5)</u>	\$150,000
<u>11</u>	<u>Costs for continued infrastructure improvements including but not limited to water, sewer, and telecommunications. This may include costs associated with installation and service of WiFi service, as an example.</u>	<u>§5225(1)(A)(1)-(2),(4)-(5)</u>	\$500,000
<u>12</u>	<u>Costs of public safety improvements to the City's public safety equipment or facilities made necessary by the establishment and Amendment of the district. Any such improvements require justified pro-ration to be attached to the Development Program.</u>	<u>§5225(1)(A)</u>	\$250,000

Ref #	Project	Eligibility under Title 30-A	Estimated Cost
13	<u>Costs of specialized or other public works equipment or facilities made necessary by the establishment and Amendment of the district. Any such costs, unless used exclusively within the District (i.e., specialized equipment) require justified pro-ration to be attached to the Development Program</u>	§5225(1)(A)(1)(a-d)	\$250,000
14	<u>Professional service costs for market study for business expansion and attraction business permitted by zoning codes in the District.</u>	§5225(1)(A)(4)	\$1
15	<u>Costs to support the continued improvements, development and use of a public fish pier for the support of the lobster or commercial fish industry as a meaningful part of the City's economic development</u>	§5225(1)(C)	\$500,000
Outside District but directly related or made necessary by establishment or operations in the District			
16	<u>Costs to fund Signs or other amenities on the Street that have direct impact on the operations in the District, notably but not exclusively, signs to direct vehicular or pedestrian traffic safely into and out of the Downtown.</u>	§5225(1)(B)(1)	\$100,000
17	<u>Costs of funding public facilities and improvements located in this Downtown designated TIF District in order to mitigate adverse impacts of any future TIF District upon the commercial activity in the Downtown district. In the event any future District has adverse economic impacts on this Downtown District, revenues from said District may be used within the Downtown District. In that case, any funds from said District will require the Town to commit the entire tax increment (100% CAV) from the Downtown District to its Development Program.</u>	§5225(1)(B)(3) (a)(b)	\$500,000
18	<u>That portion of the costs reasonably related to the construction, alteration or expansion of wastewater, stormwater discharge facilities not located within the District that are required due to improvements or activities within the district</u>	§5225(1)(B)(1)	\$500,000
19	<u>Costs to fund improvements to Harbor facilities, including, but not limited to, moorings or other infrastructure to allow boater access to the Downtown from the Harbor (as a means of "parking" boats, i.e., docks, slips, moorings, etc). These costs shall be reasonable to the direct impact on operations (as a means to generate and provide for customer traffic) in the District.</u>	§5225(1)(B)(1)	\$500,000
20	<u>That portion of the costs reasonably related to the construction, alteration or expansion of public safety facilities not located within the district that are required due to improvements or activities within the district</u>	§5225(1)(B)(1)	\$250,000
City wide costs related to economic development, environmental improvements, fisheries and wildlife or marine resources projects, recreational trails or employment training			
21	<u>As part of the City's economic development program to encourage redevelopment and the District as a place of business, studies (including but not limited to) demand for parking, the evaluation of traffic flow and the redesign of routes, economic development feasibility studies, etc. as needed</u>	§5225(1)(C)(1)	\$1
22	<u>TIF funds may be used as match to generate additional sources of funding</u>	§5230	\$100,000
23	<u>Establish of a permanent economic development revolving loan fund that may include investments and grants to support Downtown Business. Any grant funds must support commercial business and may only be for costs allowable under §5225(1)(A) including, but not limited to, building Improvements, facades, upper floor redevelopment, creating connections through structures, installation of common elevator(s).</u>	§5225(1)(C)(3)	\$250,000
24	<u>As part of the City's economic development program, establishment and support of a Downtown Manager. This may include but is not limited to financial support of Rockland Main Street Inc. to fund staff, operations or projects, events, festivals and other promotion and marketing of Downtown as a place for business and arts.</u>	§5225(1)(C)(1) §5225(1)(C)(3)	\$900,000

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

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

The City of Rockland anticipates using the TIF revenues for a variety of public infrastructure projects within and outside the designated District, to include, but not be limited to, building improvements and rehabilitation; the evaluation of traffic flow and the redesign of routes, as needed; the evaluation, redesign, and development of parking facilities; the renovation and upgrade of sidewalks to enhance pedestrian safety; and the improvement of streetscapes and signage.

Table 1 below provides a list of projects anticipated to be funded with the TIF revenues generated within the district boundaries. TIF revenues may also be used as match to generate additional sources of funding, and to fund economic development efforts that support downtown/waterfront revitalization. Should the City issue general obligation bonds or incur other debt for any of these projects, TIF revenues may be used toward the financing/interest costs associated with these projects.

**TABLE 1
Public Facilities Program**

I. TILLSON DISTRICT & WATERFRONT REDEVELOPMENT

A. Roadway/Intersection Improvements

Strategies

1. Evaluate and traffic routes for Tillson Avenue and Winter and Commercial Streets.
2. Streetscape and pedestrian improvements to Park Drive.
3. Street tree planting and landscaping.

B. Surface Parking Lot Improvements

Strategies

1. Parking lot improvements to Winter Street.
2. Parking lot improvements to Commercial Street.
3. Improvements at Public Pier (new multi-use plaza and parking area).
4. Parking and landscaping improvements behind Main Street buildings.

C. Harbor Trail

Strategies

1. Evaluate the extension of the Harbor Trail over Lindsey Brook (via pedestrian bridge), onto the Ferry Terminal parcel, connecting with Main Street.
2. Treatment Plant park/trail and parking improvements; access to Maritime Traditions schooner berthing.
3. Secure access — easements, acquisition.

D. Harbor Park Improvements

Strategies

1. Improvements to waterfront park/festival area.
2. Redesign park and parking at Harbor Park.
3. Evaluate amphitheater feasibility.

II. MAIN STREET IMPROVEMENTS

A. Building Improvements, Facades & Upper Floor Re-Use

Strategies

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1. Expand façade improvements program for Downtown buildings.
2. Consider buildings at the northern end of Main Street (between Summer and Limerock Streets) as priority candidates for upper floor rehabilitation and façade improvements.
3. Conduct an upper floors engineering assessment of key Downtown buildings, including cost estimates for building renovations.
4. Connect the structures in the Singhi/Huston Tuttle Block together.
5. Elevator (common).

B. Ferry Terminal & North End of Main Street

Strategies

1. Explore options to increase parking at the Ferry Terminal.
2. Redesign intersection of North Main and Main Streets.
3. Develop a park along Main Street at the Ferry Terminal site.

C. Gateways and Downtown Signage

Strategies

1. Set a design standard for Downtown gateway and signage.
2. Establish Downtown gateway at both ends of Main Street.
3. Develop and implement traffic calming measures at gateways.
4. Install, update or replace informational/directional signage to be consistent in design and materials with the gateway signage.

D. Main Street Improvements

Strategies

1. Improvements to blighted and unsafe sidewalks along Main Street (as identified in the sidewalk assessment), particularly north of Limerock Street; provide wider sidewalks wherever possible.
2. Implement traffic calming measures.
3. Streetscape and pedestrian improvements.
4. Signage/landscaping improvements.

III. DOWNTOWN DEVELOPMENT INITIATIVES

A. Master Plan

Strategies

1. Hire consultant to assist with development of Master Plan, including public participation in developing plan.
2. Finalize details of development plan.
3. Detailed cost estimate for individual elements of Master Plan.
4. Set priorities for using TIF revenues.

B. Economic Development

Strategies

1. Establishment and support of Downtown Manager.
2. Staff time for operations and projects.
3. Events/festival support and promotion/marketing.
4. Revolving loan fund.

C. Parking Structure

Strategies

1. Improved public parking lot or new public parking structure.
2. Property acquisition.

D. General Infrastructure and Administration

Strategies

1. Infrastructure investment (water/sewer/telecommunications).
2. Cost of increased public service.
3. TIF Administration

D. Uses of Private Property

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

E. Plans for Relocation of Displaced Persons

No displacements are anticipated as a result of this Program.

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F. Proposed Regulations and Facilities to Improve Transportation

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

G. Environmental Controls

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

H. Plan of Operation Upon Completion

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

I. Calculations of Tax Shifts

~~A table summarizing the impact of tax increment financing on all taxing jurisdictions within the District is included in Section II – Financial Plan.~~

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

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

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

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

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

$$\text{Step 3: } \text{Current Factor} = 1.X$$

$$\frac{\text{Adjusted Factor}}{\text{Adjusted Factor}}$$

$$\text{Step 4: } 1.X - 1.0 = .X$$

$$\text{Step 5: } .X (\text{Total Municipal Revenue Sharing Amount}) = \text{Revenue Sharing Shift}$$

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

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

J. Duration of the Program

~~The Tillson Redevelopment Tax Increment Financing District shall be for a term of twenty-fivethirty (25) years commencing in the City's fiscal year FY 2008-2009 and terminating in FY 2033.~~

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

K. Physical Description of the District

The TIF district will encompass approximately 89.14 acres of the area in the downtown and waterfront area of Rockland, Maine. The downtown area represents the central business district of the community, while the waterfront area is a combination of both public and private buildings, a working waterfront, and open public spaces, and is integral to the vitality of the City's central core core downtown area of Rockland, Maine, encompassing both public and private buildings and open public spaces, and is integral to the vitality of the City's overall economic development. This amendment does not change the designation of the District and reference to the original TIF District are incorporated herein (Attachment A) and maps therein.

The original assessed value of taxable real and personal property within the district boundaries is \$62,998,000 as of March 31, 2007 and not amended.

~~1. A tax map delineating the properties in the proposed tax increment financing district is attached as Exhibit~~

B.

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~~2.—A municipal map showing the site location of the proposed tax increment financing district relative to the municipal boundaries is attached as Exhibit C.~~

~~3.— The original assessed value of taxable real and personal property within the district boundaries is \$62,998,000 as of March 31, 2007 and not amended. Refer to Attachment A Exhibit B, C, and D for original maps and the assessor's certificate.~~

~~A certification by the City of Rockland's Assessor, Dennis Reed, that the original assessed value established represents the taxable real estate and personal property within the district's physical description, as delineated on the attached tax map, is attached as Exhibit D.~~

Table 2
TIF District Acreage

1.—Total Acreage of the City of Rockland	7,680
2.—Total Acreage of Proposed Development District	89.11
3.—Percentage of Total Acreage in Proposed District to the total acreage of City of Rockland [Downtown TIF exempt from 2% limitation]	1.2%
4.—a. Total Acreage of all Existing and Proposed Municipal TIF Districts within the City of Rockland	89.11
b. Total acreage of all TIF Districts within the City of Rockland less exempt	0
5.—a. Percentage of Total Acreage in all Existing and Proposed TIF Districts within the City of Rockland to the total acreage of the city of Rockland (4a divided by 1)	1.2%
b. Percentage of total acreage of all existing and proposed TIF Districts within the City of Rockland to the total acreage of the City of Rockland less exempt (4b divided by 1) [DT TIF Exempt from 5% limitation]	0.0%
6.—Total Acreage of all Real Property in the Proposed TIF District that are:	
a.—Blighted	
b.—In Need of Rehabilitation, Redevelopment or Conservation	15%
c.—Suitable for Commercial Uses	75%

II. Financial Plan

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

A. Estimates of Development Costs

~~Total development costs are estimated at \$11 million. These investments are estimates to support and attract more than \$48 million in new investment.~~

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

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

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

The Development Program requires establishment of a Development Program Fund pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5227 (3)(A) (Supp. 2005). Over the ~~twenty-five~~ thirty (25 30) year TIF term, the Development Program provides for up to one hundred percent (100%) of the incremental tax revenues retained from the increase in assessed real property value within the TIF District to be captured by the City within this Development Program Fund, to the extent that the then current assessed value exceeds the Original Assessed Value (OAV).

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

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

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

Regular Meeting, Order #34 continued:

November 13, 2013

City Cost Sub Account to finance such costs directly.

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

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

C. Estimates of Captured Assessed Value of the District

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

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

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

As part of this Omnibus Downtown Development Program and on a case-by-case basis the City, through its City Council, may allocate a portion of TIF revenues generated on a parcel of land within the District under a CEA with the Developer or land owner of that project. To the extent the Council does subsequently negotiate and execute an agreement with a Developer, the City expects that such future CEAs approved by the City will allocate a percentage of the tax increment generated by the project allowable under the City's TIF Policy to the Developer for a term not to exceed the life of this Development Program and District. The actual percentage shall be negotiated on each case at the sole discretion of Council and subject to any then current City TIF Policy (Attachment E) or other requirements.

E. Impact of TIF on all Taxing Jurisdictions

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

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

Table 3
Potential Tax Shifts

TAX SHIFT CALCULATIONS		
Tax Shift Item	Average Annual Amount	Total Undiscounted Amount
Aid to Education	\$175,551	\$4,739,879
County Tax	\$52,998	\$1,430,941
State/Municipal Revenue Sharing	\$22,059	\$595,595
TOTAL ALL TAX SHIFTS	\$250,608	\$6,766,415

F. Financial Statistical Data

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

G. Financial Data

Table 4
Original Assessed Value Comparison

A.	Total value of taxable property in the City of Rockland as of April 1, 2007:	\$756,294,300
B.	Original assessed value of proposed TIF district as of March 31, 2007:	\$62,998,000
C.	Original assessed value of all existing and proposed TIF districts in the City of Rockland:	\$62,998,000
	Original assessed value of all existing TIF districts:	\$ 0.00
D.	Percentage of original assessed value of proposed district to	

	total taxable value (i.e. B divided by A expressed as a percentage) [Downtown TIF exempt from valuation limitation]:	8.3%
E.	Percentage of original assessed value of all existing and proposed commercial TIF districts (i.e. C total divided by A expressed as a percentage):	8.3%
E.1	Percentage of original assessed value of all commercial TIF districts less exempt (i.e. C.1 divided by A expressed as a percentage): [Downtown TIF exempt from 5% valuation limitation]	0
E.2	Aggregate current principal amount of municipal indebtedness financed by the proceeds from existing tax increment financing districts within Knox County does not exceed \$50,000,000:	TRUE

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

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

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

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

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

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

III. Record of Municipal Approvals

Pursuant to Maine Statute, the City of Rockland is required to hold a public hearing before submitting an application to the State of Maine Department of Economic and Community Development for the designation of the Municipal Development and Tax Increment Financing District and for approval of the Omnibus Development Program for said District. The City Council of the City of Rockland held a public hearing for these purposes on ~~February 27, 2008 at 7:00 p.m.~~ September 23, 2013 at 6:30 PM at Rockland City Hall, 270 Pleasant Street, Rockland, Maine.

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

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

**City of Rockland
Downtown-Waterfront
Tillson Redevelopment Tax Increment District Financing
Projections**

Tax Year (4/1-3/31)	Estimated Annual Investment	Projected Cumulative Investment	Projected Annual Assessed Value		Annual Assessed Value Retained		Mill Rate	Gross New Taxes
			Real Property	Total	%	\$ Amount		
base 2006-2008	\$ 3,610,739	\$ 3,610,739						
1 2008-2009	\$ 847,089	\$ 4,457,828	\$3,610,739	\$3,610,739	100.0%	\$3,610,739	17.50	\$63,187
2 2009-2010	\$ 1,050,185	\$ 5,508,014	\$4,457,828	\$4,457,828	100.0%	\$4,457,828	17.50	\$78,011
3 2010-2011	\$ 878,394	\$ 6,386,408	\$5,508,014	\$5,508,014	100.0%	\$5,508,014	17.50	\$96,390
4 2011-2012	\$ 2,202,019	\$ 8,588,426	\$6,386,408	\$6,386,408	100.0%	\$6,386,408	17.50	\$111,762
5 2012-2013	\$ 2,477,404	\$ 11,065,830	\$8,588,426	\$8,588,426	100.0%	\$8,588,426	17.50	\$150,297
6 2013-2014	\$ 1,239,132	\$ 12,304,962	\$11,065,830	\$11,065,830	100.0%	\$11,065,830	17.50	\$193,652
7 2014-2015	\$ 3,770,502	\$ 16,075,464	\$12,304,962	\$12,304,962	100.0%	\$12,304,962	17.50	\$215,336
8 2015-2016	\$ 1,052,757	\$ 17,128,221	\$16,075,464	\$16,075,464	100.0%	\$16,075,464	17.50	\$281,320
9 2016-2017	\$ 7,281,111	\$ 24,409,332	\$17,128,221	\$17,128,221	100.0%	\$17,128,221	17.50	\$299,743
10 2017-2018	\$ 1,190,266	\$ 25,599,598	\$24,409,332	\$24,409,332	100.0%	\$24,409,332	17.50	\$427,163
11 2018-2019	\$ 3,067,891	\$ 28,667,488	\$25,599,598	\$25,599,598	100.0%	\$25,599,598	17.50	\$447,992
12 2019-2020	\$ 1,260,526	\$ 29,928,014	\$28,667,488	\$28,667,488	100.0%	\$28,667,488	17.50	\$501,681
13 2020-2021	\$ 1,281,324	\$ 31,209,338	\$29,928,014	\$29,928,014	100.0%	\$29,928,014	17.50	\$523,740
14 2021-2022	\$ 1,302,466	\$ 32,511,804	\$31,209,338	\$31,209,338	100.0%	\$31,209,338	17.50	\$546,163
15 2022-2023	\$ 1,323,957	\$ 33,835,761	\$32,511,804	\$32,511,804	100.0%	\$32,511,804	17.50	\$568,956
16 2023-2024	\$ 1,345,802	\$ 35,181,563	\$33,835,761	\$33,835,761	100.0%	\$33,835,761	17.50	\$592,125
17 2024-2025	\$ 1,368,008	\$ 36,549,571	\$35,181,563	\$35,181,563	100.0%	\$35,181,563	17.50	\$615,677
18 2025-2026	\$ 1,390,580	\$ 37,940,151	\$36,549,571	\$36,549,571	100.0%	\$36,549,571	17.50	\$639,617
19 2026-2027	\$ 1,413,524	\$ 39,353,675	\$37,940,151	\$37,940,151	100.0%	\$37,940,151	17.50	\$663,952
20 2027-2028	\$ 1,436,848	\$ 40,790,523	\$39,353,675	\$39,353,675	100.0%	\$39,353,675	17.50	\$688,689
21 2028-2029	\$ 1,460,556	\$ 42,251,079	\$40,790,523	\$40,790,523	100.0%	\$40,790,523	17.50	\$713,834
22 2029-2030	\$ 1,484,655	\$ 43,735,733	\$39,353,675	\$39,353,675	100.0%	\$39,353,675	17.50	\$688,689
23 2030-2031	\$ 1,509,152	\$ 45,244,885	\$39,353,675	\$39,353,675	100.0%	\$39,353,675	17.50	\$688,689
24 2031-2032	\$ 1,534,053	\$ 46,778,938	\$39,353,675	\$39,353,675	100.0%	\$39,353,675	17.50	\$688,689
25 2032-2033	\$ 1,559,364	\$ 48,338,302	\$39,353,675	\$39,353,675	100.0%	\$39,353,675	17.50	\$688,689
26 2033-2034								
27 2034-2035								
Cumulative	\$48,338,302							\$11,174,043
Avg. Annual	\$ 1,859,165		\$ 25,540,696	\$ 25,540,696		\$ 25,540,696		\$ 446,962

ASSUMPTIONS

Years in projection	25
Mill Rate (per thousand)	\$17.50 Constant
Original Assessed Valuation	62,998,000 (Taxable Value as of March 31, 2007)
Real Property assessed at 100% value constant	
Years 26 and 27 relevant only to shelter restrictions	

**City of Rockland
Downtown-Waterfront
Tillson Redevelopment Tax Increment District Financing
Projections**

Tax Year (4/1-3/31)	Total TIF Revenues	City Money		
		General Fund	City TIF %	Total City Revenues
base 2006-2008		\$0	100.0%	\$63,187
1 2008-2009	\$63,187	\$0	100.0%	\$63,187
2 2009-2010	\$78,011	\$0	100.0%	\$78,011
3 2010-2011	\$96,390	\$0	100.0%	\$96,390
4 2011-2012	\$111,762	\$0	100.0%	\$111,762
5 2012-2013	\$150,297	\$0	100.0%	\$150,297
6 2013-2014	\$193,652	\$0	100.0%	\$193,652
7 2014-2015	\$215,336	\$0	100.0%	\$215,336
8 2015-2016	\$281,320	\$0	100.0%	\$281,320
9 2016-2017	\$299,743	\$0	100.0%	\$299,743
10 2017-2018	\$427,163	\$0	100.0%	\$427,163
11 2018-2019	\$447,992	\$0	100.0%	\$447,992
12 2019-2020	\$501,681	\$0	100.0%	\$501,681
13 2020-2021	\$523,740	\$0	100.0%	\$523,740
14 2021-2022	\$546,163	\$0	100.0%	\$546,163
15 2022-2023	\$568,956	\$0	100.0%	\$568,956
16 2023-2024	\$592,125	\$0	100.0%	\$592,125
17 2024-2025	\$615,677	\$0	100.0%	\$615,677
18 2025-2026	\$639,617	\$0	100.0%	\$639,617
19 2026-2027	\$663,952	\$0	100.0%	\$663,952
20 2027-2028	\$688,689	\$0	100.0%	\$688,689
21 2028-2029	\$713,834	\$0	100.0%	\$713,834
22 2029-2030	\$688,689	\$0	100.0%	\$688,689
23 2030-2031	\$688,689	\$0	100.0%	\$688,689
24 2031-2032	\$688,689	\$0	100.0%	\$688,689
25 2032-2033	\$688,689	\$0	100.0%	\$688,689
26 2033-2034				
27 2034-2035				
Cumulative	\$11,174,043	\$0		\$11,174,043
Avg. Annual	\$ 446,962	\$0		\$ 446,962

**City of Rockland
Downtown-Waterfront
Tilson Redevelopment Tax Increment District Financing
Projections**

EXHIBIT A.

Tax Year (41-351)	Projected Tax Shelter			
	EPS Education Shelter	Revenue Sharing Shelter	County Tax Shelter	Total Tax Shelter
base 2006-2008				
1 2008-2009	\$0	\$0	\$0	\$0
2 2009-2010	\$0	\$0	\$0	\$0
3 2010-2011	\$26,864	\$3,502	\$3,053	\$33,419
4 2011-2012	\$33,166	\$4,319	\$3,999	\$41,484
5 2012-2013	\$40,980	\$5,329	\$5,241	\$51,550
6 2013-2014	\$47,515	\$6,171	\$6,448	\$60,133
7 2014-2015	\$63,898	\$8,273	\$9,197	\$81,368
8 2015-2016	\$82,330	\$10,623	\$12,569	\$105,522
9 2016-2017	\$91,549	\$11,792	\$14,828	\$118,169
10 2017-2018	\$119,601	\$15,325	\$20,542	\$155,469
11 2018-2019	\$127,434	\$16,305	\$23,221	\$166,960
12 2019-2020	\$181,605	\$23,007	\$35,074	\$239,686
13 2020-2021	\$190,461	\$24,089	\$38,024	\$253,574
14 2021-2022	\$213,286	\$26,864	\$46,348	\$286,499
15 2022-2023	\$222,664	\$27,998	\$51,331	\$301,994
16 2023-2024	\$232,197	\$29,146	\$56,787	\$318,131
17 2024-2025	\$241,888	\$30,309	\$62,758	\$334,955
18 2025-2026	\$251,738	\$31,487	\$69,288	\$352,514
19 2026-2027	\$261,751	\$32,681	\$76,429	\$370,860
20 2027-2028	\$271,929	\$33,899	\$84,233	\$390,051
21 2028-2029	\$282,275	\$35,113	\$92,758	\$410,146
22 2029-2030	\$292,791	\$36,353	\$102,068	\$431,212
23 2030-2031	\$292,791	\$37,608	\$112,232	\$442,631
24 2031-2032	\$292,791	\$36,353	\$114,916	\$444,060
25 2032-2033	\$292,791	\$36,353	\$121,934	\$451,078
26 2033-2034	\$292,791	\$36,353	\$129,381	\$458,525
27 2034-2035	\$292,791	\$36,353	\$137,282	\$466,426
Cumulative	\$4,739,879	\$595,595	\$1,430,941	\$6,766,415
Avg. Annual	175,551	22,059	52,998	250,608

Councilor Dickerson suggested that both versions of this document be sent to the Economic Development Advisory Committee for review and recommendations, thinking that there may be something from the original document that is not included in the revised document that the Committee might believe should be included.

Councilor Isganitis disagreed, saying that the Council should be clear on what it wants the committee to review.

Councilor Dickerson said that the committee should still be given both versions so that they can see exactly what the Council did.

Councilor Pritchett agreed with Councilor Dickerson and said that the Committee should be given the entire record for its review.

Vote on amendment: 5 for.

Councilor Isganitis moved to postpone Order #34, as amended, until the December 9, 2013 Regular Meeting for the Economic Development Advisory Committee to confirm that the original intent of the TIF remains intact.

Councilor Pritchett said that he will support Councilor Isganitis' motion to postpone, because it is important for the Economic Development Advisory Committee to weigh in on this matter. He said if the Committee needs more time to review this proposal, the Council can consider another postponement in December.

Vote: 5 for.

Order #34, as amended, was postponed until the December 9, 2013 Regular Meeting.

Regular Meeting, Orders continued:

November 13, 2013

#42 Authorizing Use of City Property – 2013 Holiday Season

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT Rockland Main Street, Inc. is hereby authorized to utilize City properties and rights of way to mark the beginning of the 2013 Holiday Season, in substantial compliance with the schedule outlined in the letter from Rockland Main Street, Inc., attached hereto, as follows:

- Hanging of decorations on Park and Main Streets on Tuesday, November 19, 2013, and hang a banner across Main Street promoting the Festival of Lights;
- Main, Union and Park Streets at or after 12:00 p.m. on Friday, November 29, 2013, for a brief ceremony and procession marking the arrival of “Santa” and the opening of the Holiday Season on Main Street, which shall not require the closing of Main Street, and Mildred Merrill Park for the lighting of the “Lobster Trap Tree” at 6:00 p.m. (construction of the “tree” may begin on November 22, 2013);
- Main Street, between the entrance to the Maine State Ferry Terminal and the entrance to Harbor Park, on Saturday, November 29, 2013, from 5:00 p.m. to 8:00 p.m. for the annual Festival of Lights Parade (Main Street to be closed to vehicular traffic and parking on Main Street prohibited beginning at 4:00 p.m.).

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

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

Councilor Pritchett moved passage and said that there had been some talk about closing the portion of Main Street by Mildred Merrill Park for the tree lighting. He asked if this closure was included in this application.

Without objection from the Council, the Rules were suspended to allow Loraine Francis, Executive Director of Rockland Main Street, Inc., to respond to Councilor Pritchett’s question.

Ms. Francis said that this issue has been discussed with the Police Department and they are confident that appropriate safety measure can be taken without closing the street.

The Council went back into Regular Session for a vote on Councilor Pritchett’s motion for passage.

Vote: 5 for.

#43 Authorizing Placement of Sign – Rockland Public Library

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to erect the “Rockland Public Library” sign, donated to the City by the Rockland Public Library Endowment Association and Friends of the Rockland Public Library, accepted pursuant to Resolve #65-13, at an appropriate location on the Library grounds adjacent to Union Street.

Sponsor: City Manager
Originator: RPLEA & Friends of the Library

Councilor Hebert moved passage.

Vote: 5 for.

#44 Accepting Grant Funds – Police Department

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to accept a grant in an amount up to \$5,000 on behalf of the Rockland Police Department from the Office of Substance Abuse to help support the Department’s efforts to enforce under-age drinking laws.

AND, it is further Ordered that the City Manager be authorized to execute any instruments necessary to effectuate such acceptance.

Sponsor: City Manager
Originator: Police Chief Bruce Boucher

Councilor Hebert moved passage.

Vote: 5 for.

#45 Authorizing Grant Application and Expenditure – Recreation Trail Program Grant

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

WHEREAS, said Plan calls for Harbor Trail along Mechanic and Atlantic Streets; and

WHEREAS, review and revisions to the Plan along Mechanic Street to revise the location of the rail crossing have been reviewed and approved by the Harbor Trail Committee; and

WHEREAS, the Recreation Trail Program has conducted a site visit and anticipates application for the City to fund

Regular Meeting, Order #45 continued:

November 13, 2013

improvements along Atlantic and Mechanic Streets; said Plan calls for Harbor Trail along Mechanic and Atlantic Streets; and

WHEREAS, the City will provide matching funds in an amount up to \$9,000 funded from the Fisher TIF Development Program.

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

THAT the City Council approves the application and expenditure of funds to and from the Recreation Trail Program, if successful for the Atlantic and Mechanic Street portions of the Harbor Trail; and

THAT the City Manager is hereby authorized to expend and execute any such instruments to implement the RTP grant project for improvements and development to Harbor Trail along Atlantic and Mechanic Streets.

Sponsor: City Manager
Originator: Community Development Director

Councilor Isganitis moved passage.

Councilor Pritchett said that he was in the audience 3½ years ago when he heard then-Community Development Director Rodney Lynch asking for funds to move this project forward, but that request was turned down by the City Council. He said that he was glad to have the opportunity now to move this project forward. Vote: 5 for.

#46 Authorizing Grant Application and Expenditure – Land & Water Conservation Fund Grant

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

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

WHEREAS, preliminary designs approved by the Harbor Park Redesign Committee include improvements and creation of a Boardwalk across Harbor Park; and

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

WHEREAS, the LWCF has conducted a site visit and anticipates application for the City to fund improvements for a Boardwalk at Harbor Park and

WHEREAS, the Harbor Park Redesign Committee has met and endorsed application to LWCF for funding of an initial design and construction of the first segment of a Boardwalk, and

WHEREAS, the City will provide matching funds in an amount up to \$200,000 funded from the Tillson Redevelopment (Downtown) TIF Development Program.

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

THAT the City Council approves the application to LWCF and expenditure of funds, if successful for improvements and creation of a Boardwalk at Harbor Park; and

THAT the City Manager is hereby authorized to expend and execute any such instruments to implement plans for improvements to the Harbor Park Boardwalk in accordance with LWCF requirements.

Sponsor: City Manager
Originator: Community Development Director

Councilor Pritchett moved passage and moved to amend Order #46 as follows: Last paragraph add the underlined language: "...Harbor Park Boardwalk, pending final design approval by the City Council..." He said that this boardwalk has the potential to be a great asset to the City, but it is being proposed to be built in one of the highest impact area of the City. He said he wants to see the final design to make sure it is going to work in this area and that the design mitigates potential flood and storm damage. Vote on amendment: 4 for, 1 opposed.

(Dickerson)

Councilor Isganitis said that the Harbor Trail was just a vision when he moved here 9 years ago. Now, he said, there are two orders on this agenda that will see portions of the trail constructed from Snow Marine Park to Harbor Park. He said this is a good thing for the community, and he is excited to see this vision come to fruition.

Councilor Hebert, who also serves as the Chairman of the Ad Hoc Harbor Park Re-Design Committee, gave some background on how this proposal has gotten to this point. He said that the committee has been working for the last three years and have developed what they feel is a decent plan to transform Harbor Park into a much more useful space, with part of that plan to construct a boardwalk along the seawall. He said this was a natural extension of the Harbor Trail project, and when possible funds became available, the committee was in complete agreement to move forward with the boardwalk at this time.

Councilor Dickerson said she has seen many versions of the Harbor Park Re-Design plans, and asked Councilor Hebert how it was decided to do the boardwalk first.

Councilor Hebert said that the elements of the plan were designed so that there was no necessary order to any of the proposed improvements. He said each completion of each element depends on the availability of funding. He also said that the boardwalk would be the easiest place to start since it requires the least amount of disruption to the everyday operation of Harbor Park. He added that it was also a highly visible improvement that may draw more attention to the Park and the improvement plan.

Regular Meeting, Order #46 continued:

November 13, 2013

Councilor Dickerson then asked if the Land and Water Conservation Fund (LWCF) was a federally funded program. Without objection from the Council, the Rules were suspended to allow Community Development Director John Holden to answer some question.

Mr. Holden said that the LWCF was federal money administered through the State Department of Conservation.

Councilor Dickerson then asked how building a boardwalk fits in with the mission statement of land and water conservation.

Mr. Holden said the funds are earmarked for improvements to public parks, and the boardwalk is an eligible project under this program. He also said that the City was encouraged to apply for this grant by officials in the Department of Conservation.

Councilor Dickerson asked what arguments were used in the application for this grant.

Mr. Holden said that he described the work of the Harbor Park Re-Design Committee, the utility of the boardwalk to the community, and its extension of the Harbor Trail.

The City Manager added that he believed LWCF funds were used in the past at Snow Marine Park.

Mr. Holden said that LWCF funds were used for two projects at Snow Marine Park, at the ball field on Old County Road, and at Johnson Memorial Park.

The City Manager, without the information in front of him, speculated that the mission of the LWCF was to preserve open spaces and access to the water for the benefit of the general public, which this project does.

Councilor Isganitis said that the City was not asked to opine in the grant application on the validity of the project; rather the City was encouraged to apply for this grant for this project.

Councilor Dickerson, noting that she just looked up the LWCF on the internet, said that it is part of the National Parks Service designed for creating recreational areas, and was not intended for water or land conservation. She added that this project sounds like a good idea in many respects but she will be voting against this Order. She explained that she was voting against this order only because of number of her constituents have remarked that there has not been enough public input into this project and that there should be more public involvement and workshops before authorizing such an expenditure.

Vote as amended: 4 for, 1 opposed.

(Dickerson)

At this time, Mayor Clayton reconvened the recessed Executive Session so that the Council could continue its deliberation of the Hardship Tax Abatement Hearing. The Council re-entered Executive Session at 9:08 p.m.

The Council came out of Executive Session, and with no further action being taken, adjourned without objection from the Council at 9:59 p.m.

A TRUE COPY

ATTESTED: _____ City Clerk

ANNUAL ORGANIZATIONAL MEETING

November 18, 2013

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

The meeting was called to order by the City Clerk at 7:30 p.m. with the following members answering the roll call: Elizabeth Dickerson, Eric Hebert, Frank Isganitis, Councilor-election Louise MacLellan-Ruf, Councilor-elect Larry Pritchett, City Manager Smith, and City Attorney Beal.

Swearing-in of Newly Elected Council Members: The Oath of Office was administered by the City Clerk to Councilors-elect Louise MacLellan-Ruf and Larry Pritchett, and each took their seat on the Council.

Election of Mayor by the City Council: On the first ballot, Councilor Larry Pritchett was elected Mayor of the City of Rockland for the ensuing year, receiving 3 votes; Councilor Eric Hebert received 2 votes. Casting ballots for Councilor Pritchett were Councilors Pritchett, Hebert and Isganitis. Casting ballots for Councilor Hebert were Councilors Dickerson and MacLellan-Ruf.

Mayor's Remarks: Mayor Pritchett made the following remarks:

First, I would like to thank Rockland residents who took the time to consider the issues, talk to the candidates and vote in this election. I believe the collective leadership represented by all members of Council really matters to the community. So, again, a big thank you to Rockland's voters for fulfilling your civic duty and voting.

Second, I would like to thank the 2013 Council candidates Hal Perry and Louise MacLellan-Ruf. As I said last week to then Councilor elect MacLellan-Ruf in a congratulatory email, I believe the community and the democratic process are both best served by competitive elections.

Third, I would like to thank all of the volunteers who supported the three candidates in this election. I hope you all will stay engaged and that you will consider the possibility of running for Council one day.

Fourth, on behalf of the four returning members of the 2014 City Council, I want to say welcome to newly elected Councilor MacLellan-Ruf. We look forward to working with you on the issues you championed in your campaign.

The elections of 2013 are now over. Rockland has a new member of Council and a new Mayor. It is time for all of us to get to work addressing the challenges Rockland faces and get to work moving this community forward.

Each of us represents all of Rockland. I believe voters in Rockland recognize that each of the five of us come from different backgrounds and bring different perspectives to Council.

Organizational Meeting, Mayor's Comments continued:

November 18, 2013

What I heard repeatedly throughout the last year, in this election, and at last week's Council meeting is that the public expects Council to work together to guide City government forward.

Seven years into a recession followed by a prolonged weak recovery, the five of us are the elected leaders of a community where some residents see signs of a recovery, some are still treading water and some feel like each year they fall further behind.

The five of us are the elected leaders of a City government that on one had struggles to address aging infrastructure issue like crumbling sidewalks and a failing century old storm water system that limits the city's potential while on the other hand, the City is sending out tax bills too many struggle to pay.

The burden is on the five of us to not duck tough issues and to work together to glean the best ideas each of us brings to the table to move Rockland forward. I promise to each of you and to the community as a whole to do my best as Mayor to do insure that all voices are heard and that that challenges are addressed.

I will close these by highlighting one challenge the City faces as well as work that is being done to meet that challenge. Historically Camden Street has been an important area of economic activity for the City. Walmart's move to Thomaston presents the City with the challenge of how to best support appropriate re-development of Camden Street.

For the better part of a year and a half the City's Economic Advisory Committee has been working on ideas for "re-envisioning" Camden Street.

A week from tomorrow at 5 PM in this room, the Economic Advisory Committee will be making a presentation to both the Rockland City Council and to the Rockport Board of Selectmen. Please mark your calendars and attend.

The swearing in of newly elected members of Council and the election of a new Mayor being the sole business items for Council's annual organizational meeting, the chair will now entertain a motion to adjourn.

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 7:37 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

November 26, 2013

Presentation by the Economic Development Advisory Committee w/Jane LeFleur:
Camden Street Visioning Project

The meeting was called to order by the Mayor at 5:00 p.m. with the following members answering the roll call: Mayor Larry Pritchett, Louise MacLellan-Ruf, Elizabeth Dickerson, Frank Isganitis, City Manager Smith, and City Attorney Beal.

Councilor Eric Hebert arrived after the meeting had begun.

Also in attendance were Rockport Select-Board Chairman William Chapman, and Rockport Town Manager Richard Bates.

Presentation by the Economic Development Advisory Committee and Jane LeFleur: Camden Street Visioning Project. The Council went into Informal Session for a presentation by Jane LeFleur, Director of the Friend of Mid-Coast Maine, on the Camden Street Visioning Project focusing on the following project goals:

Project Goals

- Changing perceptions of the area
- Beautifying the area
- Creating economic opportunity 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 experiences of all users of the corridor including pedestrians, vehicles, bicycles and transit
- Reinforcing mixed use including residential, commercial and recreational uses
- Enhancing 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.

With the presentation and discussion completed, and with no further business to come before the City Council, the meeting was adjourned without objection from the Council at 6:50 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING**AGENDA****December 2, 2013**

Order #47 Casting Ballot – Municipal Review Committee Board of Directors
 Quarterly Financial Report
 Art in City Parks Work Session
 Set Agenda for December 9, 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 Larry Pritchett, Louse MacLellan-Ruf, 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.

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

- Polly Saltenstall, owner of 216-218 Main Street, spoke concerning the problems being created for the neighborhood by the tenants of the Brunswick Rooms, located adjacent to her property. She wanted the Council to be aware of the on-going issues when it considers renewal of the Brunswick Room's lodging house license at the December 9, 2013 Regular Meeting. She said that she understood the need for this kind of housing, but added that the tenants need to act in an appropriate manner.

- Maggie Trout, 77 Broadway, spoke concerning the proposed Ordinance Amendment and Order establishing criteria for the display of art in public parks, saying that given the concerns expressed over this, the current proposals should be scrapped and the process begun anew involving all those interested in participating in the process. She said there are several examples throughout the country of municipalities that have successfully implemented such policies, so there is no need for the City to re-invent the wheel. She added that, should the Council decide to move forward with the current proposals, several amendments would be necessary to make them conform to one another.

Hearing no other speakers, the public forum was closed.

Order #47 Casting Ballot – Municipal Review Committee Board of Directors**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

THAT the City of Rockland, a Charter Municipality of the Municipal Review Committee, Inc., hereby casts its vote for _____ of _____ to serve on the Municipal Review Committee Board of Directors for a three-year term running January 1, 2014 through December 31, 2016.

Sponsor: City Council
 Originator: City Council

Councilor Dickerson moved passage and moved to amend Order #47 by filling the blanks as follows: "**James Guerra**" and "**Rockport**".

Mayor Pritchett asked the City Manager to explain what the MRC Board of Directors do.

The City Manager asked that the Council suspend the Rules to allow Solid Waste Director David St. Laurent to give a brief overview of what the Board does. Without objection from the Council, the Rules were suspended.

Mr. St. Laurent said that the Board is made up of municipalities that are part-owners of the PERC facility, and the Board represents the interests of those municipalities. He also said that the board members are elected at-large and represent the municipalities as a whole.

The Council went back into Special Session for a vote on Councilor Dickerson's motion to amend.

Vote on amendment: 5 for.

Vote as amended: 5 for.

Quarterly Financial Report: The Council went into Informal Session for the presentation of the quarterly financial report from Finance Director Tom Luttrell.

Public Art Display Work Session: The Council then held a work session on the proposal to develop a policy for the display of art in public parks, and to have the Parks Commission oversee that policy. Issues expressed were that the arts community and public in general be more involved with the development of this policy, and that a work session between the Council and any interested parties be scheduled to discuss this matter.

Set Agenda for December 9, 2013 Regular Meeting: The Council then set the agenda for the December 9, 2013 Regular Meeting.

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 8:52 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

REGULAR MEETING**AGENDA****December 9, 2013**

6:30 p.m. Executive Session pursuant to 1 M.R.S. §405(6)(F) – Haines Fund Request
7:00 p.m. Regular Meeting

1. Roll Call
2. Pledge of Allegiance to the Flag

Regular Meeting, Agenda continued:

December 9, 2013

3. Public Forum (5 min. limit each speaker)
4. Meeting Notice
5. Reading of the Record
6. Reports:
 - a. City Manager's Report
 - b. City Attorney's Report
 - c. Other Official's Report
 - d. Mayor's Report
7. Licenses and Permits:
 - a. Lodging House License (3 Month Review) – Brunswick Rooms
 - b. Lodging House License – Lakewatch Manor
 - c. Lodging House License – Limerock Inn
 - d. Liquor & Entertainment Licenses – Rockland Lodge of Elks #1008
 - e. License to Operate a Taxi Company – Myrtle Street Taxi (2 taxicabs)
8. Resolves:

#66 Commendation – 20 Years of Service (R. Johnson)	City Council
#67 Authorizing Blanket Letter of Approval – Games of Chance Licenses	City Clerk
#68 Authorizing Blanket Letter of Approval – Beano/Bingo Licenses	City Clerk
#69 Confirming Re-Appointments – Boards, Commissions and Committees	Mayor Pritchett
9. Ordinances in Final Reading and Public Hearing: None
10. Ordinances in First Reading:

#26 Ch. 13, Sec. 13-106 Parks Com. – Public Art Display (Postponed)	Councilor Dickerson
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11. Orders:

#34 Amendment to Downtown TIF Dist. & Devel. Plan (Postponed)	City Manager
#39 Adopting Review Criteria – Public Art Display (Postponed)	Councilor Hebert
#48 Authorizing Grant Application – SHIP Grant	City Manager
12. Adjournment

NOTE: The Executive Session scheduled for 6:30 p.m. was postponed and will be re-scheduled at a later date.

The meeting was called to order by the Mayor at 7:00 p.m. with the following members answering the roll call: Mayor Larry Pritchett, Louise MacLellan-Ruf, 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.

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

At this time, Councilor Isganitis moved to take Resolve #66, Commendation for Francis "Rick" Johnson, out of order. Without objection from the Council, it was so ordered.

Resolve #66 Commendation – 20 Years of Service (Francis "Rick" Jonson)

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT Francis "Rick" Johnson is hereby commended and congratulated for 20 years of dedicated service to the City of Rockland as a member of the Rockland Fire Department; and

BE IT FURTHER RESOLVED, that a Plaque and Certificate of Commendation be presented to Lt. Johnson as a token of the City's appreciation for his service.

Sponsor: City Council
Originator: City Council

Councilor Hebert moved passage.

Without objection from the Council, the Rules were suspended to allow Fire Chief Charles Jordan to speak on this measure.

Chief Jordan praised Lt. Johnson for his dedication to the department and to the other members which whom he serves.

Lt. Johnson thanked the Council for its recognition, and thanked his family and the other members of the department for their support of him throughout his years of service.

The Council went back into Regular Session with Councilor Hebert saying that the frequency with which the Council acts on these kinds of Resolves shows just how fortunate the City is to have such dedicated employees. He said he appreciates the service that Lt. Johnson has provided and continues to provide to the citizens of Rockland.

Councilor Dickerson also thanked Lt. Johnson for his service, and praised the entire Fire & EMS Department for the service it provides to the City.

Vote: 5 for.

Mayor Pritchett presented a Plaque and Certificate of Commendation to Lt. Johnson in recognition of his service to the City.

The order of the agenda was then resumed.

Regular Meeting continued:

December 9, 2013

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

Reports:

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

- The Pen Bay Acres Drainage Project has been completed, for the most part. There will be some finish work to do in the spring, such as paving and landscaping.
- The foundation for the public restroom on Tillson Avenue has been completed, and the project has wrapped for the winter. The construction of the restroom will begin in the spring with an expected completion date of May 31, 2014.
- The City Manager announced that Bixby & Company, makers of the Bixby Bar (a hand-made organic chocolate, fruit and nut bar), will be returning to Rockland. He said that the company will be opening a production facility in the former O'Hara Ice building on Tillson Avenue. He praised the efforts of Community Development Director John Holden and Code Enforcement Officer John Root for assisting in bringing this company to Rockland.

Councilor MacLellan-Ruf asked the City Manager who would be responsible for any damage that resulted from a leak that occurred at the Recreation Center.

The City Manager explained that the leak was caused by a back-up in the buildings internal plumbing that was not part of any of the renovations that the building has undergone. He said the problem seemed to be caused by a failure of a transition point from a pvc pipe to a cast iron pipe. He also said that damage was minimal, confined basically to a ceiling tile.

Councilor Dickerson, for clarity, said that the failure of a joint between two different pipe materials caused the back-up, and was not part of the renovation work done recently on the building.

The City Manager said that was correct.

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

c. Other Official's Report: Councilor Dickerson said that she has been invited to participate in readings at St. Peter's Episcopal Church at 2:00 p.m. on December 22, 2013. She said that the Church wants to create a space where people can take a break from the busy holiday season and listen to some readings and music. She said that anyone who wants to attend is welcome.

Councilor Isganitis extended gratitude to the City Manager, City Staff, Rockland Main Street, and all of the volunteers for another successful Festival of Lights event. He also said that the City's Lobster Trap Tree was featured on the Travel Channel as a finalist for "most unique tree", and that a link will be posted on the City's website so that people go vote for the tree.

d. Mayor's Report: Mayor Pritchett reported that Loraine Francis, Executive Director of Rockland Main Street, Inc., has been hired as Director of the Main Street Maine Program. He said that the Board of Directors of Rockland Main Street will be meeting to begin the process of hiring a new director. He said that the Board will be reaching out to local businesses to get their input on what they would like to see in a new director.

Mayor Pritchett then notified the Council that a Special Meeting will be held on Wednesday, December 18, 2013 at 6:30 p.m. for a workshop on Snow Removal and on the Salt and Sand Shed.

Licenses and Permits:

- a. Lodging House License (3 Month Review) – Brunswick Rooms
- b. Lodging House License – Lakewatch Manor
- c. Lodging House License – Limerock Inn
- d. Liquor & Entertainment Licenses – Rockland Lodge of Elks #1008
- e. License to Operate a Taxi Company – Myrtle Street Taxi (2 taxicabs)

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

Councilor Hebert said that he would like to divide the question, and moved to grant the licenses for Lakewatch Manor, Rockland Elks Lodge #1008, and Myrtle Street Taxi. Vote: 5 for.

Councilor Hebert then moved to grant the license for Limerock Inn.

Councilor Isganitis asked to be allowed to abstain from voting on this application because he was part-owner of this establishment. Without objection from the Council, Councilor Isganitis was allowed to abstain from voting.

Vote: 4 for, 1 abstention (Isganitis)

Councilor Hebert then moved to grant the license for the Brunswick Rooms, and said that the Council discussed the possibility of placing conditions on this license at the agenda-setting meeting, and noted asked the City Attorney to briefly review the proposed conditions.

The City Attorney said that the following conditions are being proposed for the Council's consideration:

- * Both Colin Wentworth and Colinda, Inc. shall constitute a licensee pursuant to application for lodging house license signed by Colin Wentworth and dated 07/19/13;
- * Licensee shall not tolerate disorderly conduct at the licensed premises;
- * Licensee shall terminate the tenancy of any occupant who engages in, or has a guest who engages in, disorderly conduct on the premises;
- * Licensee shall not tolerate any illegal conduct at the license premises;
- * Licensee shall terminate the tenancy of any occupant who engages in, or has a guest who engages in, illegal conduct on the premises;

Regular Meeting, Licenses and Permits continued:

December 9, 2013

- * Licensee shall take all available steps to terminate and prevent the recurrence of littering on the premises or adjacent premises by any tenant, tenant's guest, or other person on the premises;
- * Licensee shall at all times maintain the premises in compliance with the City's property maintenance code;
- * The violation of any condition imposed by the Rockland City Council shall constitute grounds for the revocation of Colinda, Inc.'s lodging house license by the City Council, after notice and hearing;

Councilor Hebert then asked the City Attorney, if these conditions are adopted, would the City be holding this licensee to a higher standard than other licensees.

The City Attorney said that the City would be holding this licensee to a higher standard.

Councilor Hebert then asked the City Attorney if the licensee violates one or more of these conditions would suspension or revocation of the license be automatic.

The City Attorney said that should there be a violation of one or more of these conditions, the City Council would be notified and would determine if suspension or revocation was appropriate, after notice and hearing.

Councilor Hebert then asked the City Attorney if he has had an opportunity to review these proposed conditions with Mr. Wentworth (owner of the property).

The City Attorney said that he has not.

Councilor Isganitis said that he was inclined to support not tolerating "illegal activity" in addition to "disorderly conduct" because of the definition under the law of what constitutes "disorderly conduct". He said that the Council learned last week that certain acts may be illegal without being disorderly conduct.

Councilor MacLellan-Ruf asked who would be responsible for placement of tenants should this license be revoked.

The City Attorney said that there would need to be notice to the licensee and a hearing held by the City Council before the license could be revoked.

Councilor MacLellan-Ruf then asked if the City was holding this licensee to a higher standard because the standard of activity at this location has been so low in the past.

The City Attorney said that the City was within its rights to hold this licensee to a higher standard, noting that the property has already been declared a "disorderly property" under the City's Ordinances. He added that since being declared a "disorderly property" the licensee has taken steps to address the issues and improvements have been made.

Councilor MacLellan-Ruf asked who would be responsible for placement of tenants should this license be revoked at some point during the term. She asked if the City had any resources that could be used to help place these people if it became necessary.

The City Manager said that he would have to look into that question to determine if there were any resources that could be used. He added that some may qualify for General Assistance as well.

Councilor Hebert asked, should the Council adopt the proposed conditions, how would violations be reported to the Council.

The City Attorney said that notification of violations would be arranged through the Police Department and the City Manager.

Councilor Isganitis asked if the City Attorney or Police Chief had data that warranted holding this licensee to a higher standard, and asked that the Rule be suspended to allow the Police Chief to respond. Without objection from the Council, the Rules were suspended.

Police Chief Bruce Boucher said that he would have to pull all the data to be certain, but was comfortable in saying that incidents at the Brunswick Rooms are higher than at other lodging facilities.

Councilor Dickerson asked if there was interest on the Council to workshop a procedure whereby the Council receives notification of any violations that may occur at this facility.

The City Manager said that staff have heard the Council and understand the concerns. He said this situation will be watched closely and the Council will be informed of any violations that take place.

The Council when back into Regular Session with Councilor Hebert making a motion to amend the motion to grant the Lodging House License for the Brunswick Rooms by adding the following conditions to that approval:

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

Councilor Hebert said that this has been a problematic property for a long time, and is a rather unique facility. He said that Mr. Wentworth has worked hard to raise the standards, but there are still problems. He said the City is not asking this licensee to perform above others, rather it is asking him to perform up to those others. He said that these conditions may seem stringent, but he feels they are necessary to maintain that performance. He also said that it would send the wrong message to institute these conditions for a shorter period of time. He said the City wants these standards met all the time.

Vote on amendment: 5 for.

Vote as amended: 5 for.

Resolves:

#67 Authorizing Blanket Letter of Approval – Games of Chance Licenses

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Regular Meeting, Resolve #67 continued:

December 9, 2013

THAT the Games of Chance Licenses for the following establishments and/or organizations be approved for a period of one (1) year beginning January 1, 2014, and that a blanket letter of approval be sent to the Maine State Police notifying them of this approval:

Winslow-Holbrook-Merritt Post #1, American Legion
 Rockland Memorial Post #2499, VFW
 Benevolent and Protective Order of Elk, Lodge #1008
 St. Bernard's Parish Center
 Rockland Masonic Temple Corporation
 American Legion Auxiliary, Unit #1
 Limerock Council #138, Knights of Columbus
 Penobscot Bay Regional Chamber of Commerce
 Rockland Social Club
 Vanguard Colorguard
 Rockland Emblem Club
 Rockland Kiwanis Club
 Rockland Rotary Club

Sponsor: City Clerk
 Originator: City Clerk

Councilor Hebert moved passage.

Vote: 5 for.

#68 Authorizing Blanket Letter of Approval – Beano/Bingo Licenses

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Beano/Bingo Licenses for the following establishments and/or organizations be approved for a period of one (1) year beginning January 1, 2014, and that a blanket letter of approval be sent to the Maine State Police notifying them of this approval by mail:

Winslow-Holbrook-Merritt Post #1, American Legion
 Rockland Memorial Post #2499, VFW
 Benevolent and Protective Order of Elk, Lodge #1008
 St. Bernard's Parish Center
 Rockland Masonic Temple Corporation
 American Legion Auxiliary, Unit #1
 Limerock Council #138, Knights of Columbus
 Penobscot Bay Regional Chamber of Commerce
 Knox County Fish and Game Association
 Rockland Social Club
 Vanguard Colorguard
 Rockland Emblem Club
 Rockland Kiwanis Club
 Rockland Rotary Club

Sponsor: City Clerk
 Originator: City Clerk

Councilor Hebert moved passage.

Vote: 5 for.

#69 Confirming Re-Appointments – Board, Commissions and 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:

PLANNING BOARD:

Kyle Swan, 32 Cedar Street (2016)
 George Terrien – Alternate, 222 Broadway (2016)

PERSONNEL BOARD:

Leslie Mulhearn, 107 Bog Road (POB 67) (2016)
 Kenneth Pride, 78 Cedar Street (2016)

ZONING BOARD OF APPEALS:

Horace R. Grover, Jr., 33 Rockland Street (2016)

HARBOR MANAGEMENT COMMISSION:

Samuel Ladley, 41 South Street (2016)

PARKS COMMISSION:

William Pearce, 39 Mountain View Ext (2016)
 John Grondin, 1 Rankin Street (2016)

Regular Meeting, Resolve #69 continued:

December 9, 2013

COAST GUARD CITY ADVISORY COMMITTEE:

Laurie Smith, 10 Lisle Street (2016)

ECONOMIC DEVELOPMENT ADVISORY COMMITTEE:

Steven R. Roberts, 11 Acadia Drive (2016)

ENERGY ADVISORY COMMITTEE:

William Pearce, 39 Mountain View Ext (2016)

Norma Athearn, 73 Rankin Street (2014)

RECREATION ADVISORY COMMITTEE:

Leslie Spiers, 13 South Street (2016)

Christopher Brown, 279 Broadway (2016)

Sponsor: Mayor Pritchett

Originator: Mayor Pritchett

Councilor Hebert moved passage and asked if all of these people had been contacted about continuing to serve on their various committees.

Mayor Pritchett said that all have been contacted and submitted applications for re-appointment. The Mayor also noted that Norma Athearn has asked to serve only one more year on the Energy Committee rather than a full three-year term.

Councilor Hebert thanked all for their willingness to serve, saying that these boards, commissions and committee are important and that input from all is needed.

Vote: 5 for.

Ordinances in Final Reading and Public Hearing: None

Ordinances in First Reading:

#26 Chapter 13, Section 13-106 Parks Commission; Public Art Display (Postponed)

(See page 48 for text)

It was noted that this Ordinance Amendment was postponed until this meeting, and that it received a motion for passage at the October 16, 2013 Regular Meeting.

Councilor Hebert moved to postpone Ordinance Amendment #26 until the January 13, 2014 Regular Meeting. He said that there are many issues that need to be vetted on this proposal before it is ready for Council action, and that the relevant committees are planning to meet this month despite the upcoming holidays. He said he wanted to give these committees time to meet and discuss this issue, but did not want to see the matter get lost in the shuffle.

Councilor MacLellan-Ruf said that it was important for the Council to get the feedback from the committees on this matter before the January 13th meeting.

Councilor Isganitis said that he was concerned about the timing, noting that there are only about five weeks before the Council's January 13th meeting, and there are two holidays in between. He suggested that Councilor Hebert consider postponing this measure until the February 10, 2014 Regular Meeting to give the committees enough time to adequately review this proposal.

Councilor Hebert said that he had no objection to postponing to February if the rest of the Council felt it was necessary.

Councilor Dickerson asked the City Manager if he felt postponing this until January afforded enough time to get all of the people together to work on this matter.

The City Manager said that he will shoot for the January meeting and if the measure is not ready to move forward at that time, would ask the Council to postpone once again.

Councilor Hebert withdrew his original motion and then moved to postpone Ordinance Amendment #26 until the February 10, 2014 Regular Meeting.

Vote: 5 for.

Ordinance Amendment #26 was postponed until the February 10, 2014 Regular Meeting.

Orders:

#34 Amendment and Restatement of Tillson Redevelopment Tax Increment Financing District and Development Plan (Postponed)

(See pages 61 to 74 for text, as amended)

It was noted that this Order was postponed until this meeting, and that the Order received a motion for passage at the September 23, 2013 Regular Meeting.

Councilor Dickerson said that she received a letter from a constituent expressing concern about prioritizing the projects and not diluting the funds by using them for projects outside of the district. She said that a study was performed outlining the infrastructure improvements that should take place in the Tillson Avenue Redevelopment District, and it may be helpful for the Council to hold a workshop to review that study.

Councilor Hebert said that the main point to consider is where do we start and what do we do. He said it is a kind of a "chicken and egg" situation; whether to do the infrastructure improvements in an attempt to attract development, or wait until a developer comes along with a proposal and then do the improvements. Regardless, he said that infrastructure improvements are a top priority, and this amendment does not change the original goals of this TIF District. He also said that no expenditure of TIF funds can occur without Council approval. He said he likes the changes made to this document, and noted that it is likely that the wording of this document will be changed again in the future to keep it contemporary with the State.

Councilor Isganitis said that the letter mentioned by Councilor Dickerson expressed the sentiment that all had, not to dilute resources away from the downtown area. He said that Community Development Director John Holden did a good job explaining that this amendment creates more flexibility but is not making any funding decisions nor does it set a specific direction in which to move. He added that the priority of a particular item in this document is signified by the dollar value placed on that item.

Councilor MacLellan-Ruf said that she has been in communication with the Economic Development Advisory Committee

Regular Meeting, Order #34 continued:

December 9, 2013

and forwarded the letter mentioned by Councilor Dickerson to the Committee so all were reviewing the same information. She said that the Committee was supportive of the suggested changes, and reiterated that this amendment does not authorize any expenditures. Vote: 5 for.

#39 Adopting Criteria for Review and Placement of Public Art (Postponed)
(See pages 48 & 49 for text)

It was noted that this Order had been postponed until this meeting, and that the Order received a motion for passage at the October 16, 2013 Regular Meeting.

Councilor Hebert moved to postpone Order #39 until the March 10, 2014 Regular Meeting. He explained that he was suggesting that date because of the timing of an Ordinance Amendment versus an Order. He said an Ordinance Amendment requires two readings and 30 days before becoming effective, while an Order becomes effective upon passage by the Council. By postponing this Order for an additional month, the Council will have a better idea of when the Ordinance Amendment may go into effect and will be able to specify that date in the Order. He said this action would not inhibit the review of both of these proposals at the same time. Vote: 5 for.

Order #39 was postponed until the March 10, 2014 Regular Meeting.

#48 Authorizing Application and Expenditure – SHIP Grant (ADA Ramp)

WHEREAS, the City has reviewed preliminary engineering for the improvement to the Public Pier including installation of a new ADA acceptable ramp; and

WHEREAS, plans for installation of a new ADA acceptable ramp will make the harbor accessible to a wider arrange of citizens and visitors; and

WHEREAS, these plans are integrated into plans for improvement to Harbor Park; and

WHEREAS, the SHIP grant program manager has conducted a site visit and anticipates application from the City to fund improvements for an ADA acceptable ramp; and

WHEREAS, the SHIP grant requires 50% match; and

WHEREAS, the City will provide matching funds in an amount up to \$25,000 funded from the Fisher TIF Development Program.

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

THAT the City Council approves the application and expenditure of funds, if successful, for the improvements to the Public Pier and installation of new ADA acceptable ramp; and

THAT the City Manager is hereby authorized to expend and execute any such instruments to implement plans for improvements to the Public Pier and installation of new ADA acceptable ramp.

Sponsor: City Manager
Originator: Community Development Director

Councilor Hebert moved passage and said that he thought it was great that money may be available for this project. He added that not only would it be great to have an ADA-compliant ramp, but having a ramp that was not so steep for the general public would be a benefit as well. Vote: 5 for.

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

December 18, 2013

Site Location and Design Review – Salt & Sand Storage Facility
Winter Road Maintenance Discussion

The meeting was called to order by the Mayor at 6:30 p.m. with the following members answering the roll call: Mayor Larry Pritchett, Louise MacLellan-Ruf, Elizabeth Dickerson, Frank Isganitis, City Manager Smith, and City Attorney Beal. Councilor Eric Hebert arrived at 6:32 p.m.

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

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

- Michael McNeil, 67 Waldo Avenue, presented a mounted copy of the Congressional Record of the proceedings and debates of the 112th Congress, Second Session, dated July 31, 2012, at which then-Senator Olympia Snowe (R-Maine) recognized the Mid-Coast Area Veterans Memorial Wall. The record reads as follows:



Congressional Record

United States
of America

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158

WASHINGTON, TUESDAY, JULY 31, 2012

No. 115

Senate

RECOGNIZING THE MIDCOAST AREA VETERANS MEMORIAL WALL

Ms. SNOWE. Mr. President, today I wish to honor and recognize with the highest esteem the many volunteers, veterans' organizations and civic and municipal entities responsible for establishing the Midcoast Area Veterans Memorial Wall in Rockland, Maine, that honors the extraordinary service and sacrifice of all our Nation's military veterans.

Established and managed by the Midcoast Area Veterans Memorial Corporation, a nonprofit corporation comprised of members from the American Legion, the Veterans of Foreign Wars (VFW), the Marine Corps League, Rockland Rotary, Rockland Kiwanis, the Benevolent and Protective Order (BPO) of Elks, and the City of Rockland, the Memorial Wall is located on upper Limerock Street in Rockland on property donated by the American Legion Post No. 1. The location of the Memorial is, appropriately, also the site of an 1861 Civil War encampment of the local Fourth Regiment of Maine Volunteers.

Undeniably, nothing unites us more as Mainers and Americans than the limitless pride we take in our revered and noble veterans. Indeed, in Maine, we also cherish the tremendous distinction of having, on any given day, the second most veterans per capita of any State in the Nation. Such devotion to country is the embodiment of the self-sacrificing principles that Mainers live by and have passed down from one generation to the next. This selfless way of thinking also inspired and motivated a small group of individuals more than 16 years ago to begin formulating plans to establish a memorial to honor our veterans in Midcoast Maine. After a long, dedicated effort and several site location changes, the Midcoast Area Veterans Memorial Wall has finally secured a permanent home.

The Midcoast Area Veterans Memorial Wall is by all accounts a beautifully designed and landscaped tribute to the unfathomable service and sacrifice of the many Americans exceptional enough to wear the uniform—not only the 21.8 million veterans alive today, including more than 134,000 from the State of Maine, but also those who are no longer with us. Featuring stunning black granite tiles etched with digitized pictures of veterans, the wall serves as a fitting and moving tribute to those who so ably and courageously served under the Stars and Stripes to protect and preserve the cherished principles that have made our nation the greatest on earth. And, while new tiles are added twice yearly—at Memorial Day and Veterans Day—the Midcoast Area Veterans Memorial Wall is always open and provides an opportunity for each of us to express our boundless gratitude to those who have placed service above self not just on national holidays, but on every day of every month of every year.

On August 3, 2012, the Midcoast Area Veterans Memorial Wall will officially be dedicated and will feature remarks from Maine's esteemed First Lady Ann LePage, as well as officers and representatives of USCGC Abbie Burgess, USCGC Tackle, USCGC Thunder Bay, USS San Antonio, the United States Marine Corps, and the Maine Army National Guard.

On the occasion of the official dedication of the Midcoast Area Veterans Memorial Wall, I convey my deep and abiding appreciation to the many dedicated volunteers who have worked tirelessly over the past 16 years to bring this day to fruition. This faithful and successful effort exemplifies the very best of what it means to be a Mainer and an American.

Mayor Pritchett accepted the plaque on behalf of the City, and added the City's recognition of all of the volunteers who made the Memorial Wall a reality.

Special Meeting, Public Forum continued:

December 18, 2013

Hearing no other speakers, the public forum was closed.

Site Location and Design Review for Salt/Sand Storage Facility: The Council then held a review of the location and design of the proposed City Salt/Sand Storage Facility with Will Gartley, from Gartley and Dorsky, and Public Works Director Greg Blackwell.

Winter Road Maintenance: The Council then held a discussion of winter road maintenance with Public Works Director Greg Blackwell.

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

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

December 23, 2013

Resolve #70 Approving Designation of Temporary City Manager
 Resolve #71 Accepting City Manager Smith's Resignation
 Workshop – Timing, Options and Procedures for City Manager Search
 Executive Session pursuant to 1 M.R.S. §405(6)(A) – Interview Potential Candidates
 to Assume the Position of Acting City Manager as of January 19, 2014

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

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

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

- Hal Perry, 25 State Street, spoke concerning the search for a new City Manager, saying that there are people currently on staff that can fill in as capably as Acting City Manager so there is no need for the Council to rush into selection of a new City Manager. He also said that there is no need for the Council to spend \$5,000 to hire a head hunter to conduct the City Manager search.

Hearing no other speakers, the public forum was closed.

Resolve #70 Approving Designation of Temporary City Manager

WHEREAS, pursuant to the Rockland Charter, Art. III, Sec. 303(a), City Manager James L. Smith has designated _____ as Temporary City Manager during Mr. Smith's absence; and

WHEREAS, the City Manager's appointment of a Temporary City Manager is subject to approval by the City Council,

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

THAT, City Manager Smith's designation of _____ as Temporary City Manager is hereby approved.

Sponsor: City Council
 Originator: Mayor Pritchett

Councilor Dickerson moved passage and moved to amend Resolve #70 by filling the blanks with "Thomas J. Luttrell". Councilor Hebert noted that the time period for this appoint would be from December 24, 2013 through January 18, 2014, the date on which Manager Smith's employment ends. He suggested that be added to the Resolve as well.

Councilor Dickerson withdrew her original motion, without objection from the Council, and moved to amend Resolve #70 by filling the blanks with "Thomas J. Luttrell" and added the following to the last sentence: "...Temporary City Manager, effective December 24, 2013 through January 18, 2014, is hereby approved."

Councilor Isganitis said that the City Manager submitted his resignation effective January 18, 2014, therefore it would not be appropriate for the Council to appoint an acting city manager until after Manager Smith's final day of employment. He said that the Charter provides for the appointment by the city manager of a temporary city manager to fill in during the absences of the city manager, with approval of the City Council, and that is what this action will do.

Councilor Dickerson added that Manager Smith will be using accrued time during his 30 day notice period, therefore it was necessary to appoint a temporary city manager to fill in until his final day of employment January 18, 2014.

Councilor Isganitis then added that the City Manager will be using accrued time that would otherwise be lost.

Councilor Dickerson said that she understood he would be using accrued time, but said that she has reservations about this practice; noting that former Manager Kulow did the same when she resigned. She said she would like to see the Council discuss this situation moving forward.

Vote on amendment: 5 for.

Councilor Hebert thanked Mr. Luttrell for his willingness to once again serve in the capacity of City Manager.

Vote as amended: 5 for.

Special Meeting continued:

December 23, 2014

Resolve #71 Accepting City Manager Smith's Resignation

WHEREAS, on Thursday, December 19, 2013, City Manager James L. Smith submitted his resignation to Rockland's Mayor and members of the City Council, effective in 30 days,

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

THAT, the City Council hereby accepts Manager Smith's resignation, effective January 18, 2014, and expresses appreciation to Mr. Smith for his service to the City of Rockland.

Sponsor: City Council
Originator: Mayor Pritchett

Councilor Hebert moved passage and said that he was disappointed that the City Manager is leaving. He said he felt that the Council has found someone with a good skill set to lead the City into the future. He said he enjoyed working with the City Manager and liked the direction he was taking the City. He wished Mr. Smith well in his future endeavors. Mayor Pritchett said that he had asked Mr. Smith if he was willing to do an exit interview, and Mr. Smith said he would be happy to discuss the matter with Councilors individually. Vote: 5 for.

Workshop – Timing, Options and Procedures for City Manager Search: The Council then held a workshop of the procedures and timing that the Council would like to follow in its search for a new City Manager. The Council determined that it would be best to proceed slowly and to do an examination of the processes and procedures of the City before beginning a search for the next City Manager.

Executive Session pursuant to 1 M.R.S. §405(6)(A) – Interview Potential Candidates: Councilor Isganitis moved to enter into an Executive Session pursuant to 1 M.R.S. §405(6)(A) which authorizes the discussion of appointment of public officials for the Council to conduct interviews of potential candidates for the position of Acting City Manager. Vote: 5 for.

The Council entered Executive Session at 7:19 p.m.
The Council came out of Executive Session and, with no further action being taken, adjourned without objection from the Council at 7:55 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk