

**SPECIAL MEETING****AGENDA****January 6, 2014**

Order #1 Appointing Acting City Manager  
Set Agenda for January 13, 2014 Regular Meeting

**Roll Call:** 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, Temporary City Manager Luttrell, and City Attorney Beal.

Councilor Eric Hebert arrived at 6:32 p.m.

Councilor Frank Isganitis 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:** There were no speakers for the public forum.

**Order #1 Appointing Acting City Manager**

**WHEREAS,** the City Council has accepted the resignation of City Manager James L. Smith and his resignation becomes effective January 18, 2014; and

**WHEREAS,** on December 23, 2013, pursuant to Article 3 Section 303(a) of the City Charter, the City Council confirmed the designation of Finance Director Thomas J. Luttrell as Temporary City Manager for the time period from December 24, 2013, through January 18, 2014; and

**WHEREAS,** pursuant to Article 3 Section 303(b) of the City Charter, the City Council appoints an Acting City Manager to serve when the position of City Manager becomes vacant; and

**WHEREAS,** the City Council wishes to act promptly in a manner that provides for a clear transition in City leadership; and

**WHEREAS,** the City Council on December 23, 2013, interviewed potential candidates to serve in the role of Acting City Manager; and

**WHEREAS,** there are clear benefits to the City both in terms of costs and in terms of familiarity with ongoing programs and projects in the City to have the Acting City Manager come from among the ranks of the City's Department Heads; and

**WHEREAS,** Finance Director Luttrell very competently and capably served in the role of Acting City Manager for six months in late 2011 and early 2012,

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

**THAT,** Finance Director Thomas J. Luttrell is appointed Acting City Manager effective January 19, 2014, and shall serve until another City Manager is selected; and

**THAT,** pursuant to Article 3 Section 303(b) of the City Charter, as Acting City Manager Mr. Luttrell shall have all of the duties and authority of the City Manager as detailed in Rockland's Charter and Ordinances; and

**THAT,** Mr. Luttrell shall receive the salary and travel stipend of the outgoing City Manager, while retaining the other benefits he now receives as Finance Director, for the period that Mr. Luttrell serves as Acting City Manager.

Sponsor: City Council

Originator: Mayor Pritchett

Councilor Hebert moved passage and said that the City was fortunate to have Mr. Luttrell to step in and take on this role, as he did prior to the hiring of Manager Smith. He said that Mr. Luttrell did a fine job then and was certain he would do a fine job again.

Vote: 4 for.

**Set the Agenda for the January 13, 2014 Regular Meeting:** The Council went into informal session to set the agenda for the January 13, 2014 Regular Meeting. The following communications were discussed:

a. Letters from the Grasshopper Shop, Kendall & Phyllis Merriam, Fiore Olive Oils, Clan MacLaren, Sidecountry Sports, and Nathan Davis – all concerning sidewalk snow removal. The Mayor presented these communications to raise the question with staff as to what can be done to alleviate the concerns of these residents and business owners. The City Manager said that the matter will be investigated and appropriate measures will be taken to address the situation.

b. Letter from Gerald Weinand – Fee in Lieu of Parking. Mr. Weinand was asking that an actual dollar amount be assigned to the Fee in Lieu of Parking provision in the Tillson Avenue Overlay Zone in light of proposed development in that area, noting that when the provision was established an actual dollar amount for that fee was never established. The City Manager said that staff will have to research the matter and come back to Council with a recommendation.

The Council then proceeded to set the agenda for the January 13, 2014 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 8:06 p.m.

**SPECIAL MEETING****AGENDA****January 13, 2014**

Executive Session pursuant to 1 M.R.S. §405(6)(F) – Hardship Tax Abatement Hearing/Haines Fund Request

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

Councilor Elizabeth Dickerson arrived at 6:34 p.m.

**Public Forum:** Because this meeting was being held immediately prior to the Regular Monthly Meeting, Mayor Pritchett announced that the Public Forum will be held at the beginning of the Regular Meeting at 7:00 p.m.

**Executive Session pursuant to 1 M.R.S. §405(6)(F) – Hardship Tax Abatement Hearing/Haines Fund Request:** Councilor Hebert moved that Rockland City Council convene in Executive Session pursuant to Title 36, Maine Revised Statutes, Section 841, Subsection 2(E) as well as pursuant to Title 1 Section 405 Paragraph 6(F) to hear a Poverty Abatement request as well as a related Haines Fund Application. Vote: 4 for.

The Council entered Executive Session at 6:31 p.m.

The Council came out of Executive Session and, with no action being taken, adjourned without objection from the Council, at 6:58 p.m.

A TRUE COPY.

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

**REGULAR MEETING****AGENDA****January 13, 2014**

1. Roll Call
2. Pledge of Allegiance to the Flag
3. Public Forum (5 min. limit each speaker)
4. Meeting Notice
5. Reading of the Record
6. Reports:
  - a. City Manager's Report
  - b. City Attorney's Report
  - c. Other Official's Report
  - d. Mayor's Report
7. Licenses and Permits:
  - a. Liquor & Entertainment Licenses – Park Street Grille
  - b. Liquor & Entertainment Licenses – Suzuki's Sushi
  - c. Liquor & Amusement Device Licenses – Pizza Hut
  - d. Liquor License – 3 Crow
  - e. License to Operate a Taxi Company – Reed's Taxi (1 taxicab)
  - f. Liquor & Entertainment Licenses – The Strand Theatre
8. Resolves:
 

# 1 Accepting Donations	City Manager
# 2 Opposition to LD 1483 – Per Ton Solid Waste Disposal Fee	Mayor Pritchett
9. Ordinances in Final Reading and Public Hearing: None
10. Ordinances in First Reading:
 

#23 Bond Ordinance – Public Works Garage (Postponed 8/26/13)	City Council
# 1 Chapter 17, Section 17-801 Parking Prohibited; White Street	Councilor Hebert
11. Orders:
 

#28 Declaration of Official Intent – Bond Ord. (Postponed 8/26/13)	City Council
# 2 Accepting Grant – Police Dept. (2014 Drive Sober Program)	City Manager
# 3 Accepting Grant Funds – Emergency Management Grant	City Manager
# 4 Accepting EDAC Report & Recommendations – Camden Street	City Council
# 5 Accepting Report of HMC – Sea Scout Building	Councilor MacLellan-Ruf
# 6 Authorizing Grant Application – “Our Town” Grant	Mayor Pritchett
12. Adjournment.

**Roll Call:** 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, Temporary City Manager Luttrell, and City Attorney Beal.

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

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

- Thomas Hammermeister, representing the Sail Power and Steam Museum at 75 Mechanic Street, spoke concerning the proposal submitted by the Museum to either purchase or lease the former Sea Scout building located at Snow Marine Park adjacent to the property of the Museum. Mr. Hammermeister said that the Museum is planning to establish a boating club

Regular Meeting, Public Forum continued:

January 13, 2014

and would like to use the building as the club's headquarters for this activity (classrooms, equipment storage, etc.). He said that the Museum would be looking for either a long-term lease or possible purchase of the property, whatever the City desired, and would maintain the building and grounds in an aesthetically pleasing manner. He also said that the bathrooms in that building (installed by the Museum a couple years ago when it ran the building as a small restaurant) would be open to the public for use by those visiting the Park. He also said that the Museum would make the grounds the "trail head" for the City's Harbor Trail which begins at Snow Marine Park; and which has been granted an easement by Sharps Point South to cross its property along the waterfront. He thanked the Council for its consideration of the Museum's proposal.

Hearing no other speakers, the public forum was closed.

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

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

**Reports:**

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

- The City has received a grant for improvements to the boat ramp at Snow Marine Park.
- The Land and Water Conservation Grant that would have been used for construction of a boardwalk at Harbor Park has been denied.
- The Council will hold a discussion on January 22, 2014 at 6:30 p.m. on the FEMA Flood Mapping project. Also, a county-wide meeting to discuss this same issue is being planned.
- There are many projects going on throughout the City, and the City Manager reported he was meeting with appropriate staff members to get up to speed on those projects to make sure nothing falls through the cracks during the transition between City Managers.
- O'Hara Corporation has sent a letter to the City requesting a meeting with the Council to discuss the demolition of a building on Tillson Avenue that may require some action by the Council. He said a date will be scheduled for that and the Council will be notified.
- The City Manager then thanked the Council for its confidence in him in appointing him Temporary City Manager.

Councilor Hebert commented that there are a number of manholes and drainage grates that have heaved due to the wildly fluctuating temperatures.

The City Manager said that Public Works is aware of the situation and will be taking necessary steps to address those situations.

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

c. Other Official's Report: Councilor Dickerson said that she worked with Senator Mazurek on a bill that was carried over from the previous legislative session for a bond to provide funds for highway repairs that she hoped would provide some money to repair Old County Road. She said any interested parties should contact area Legislators to support the bill.

Councilor MacLellan-Ruf asked for an update on the issue with the Recreation Center Roof.

The City Manager said that the same issue with the roof drain has occurred when a heavy rain event takes place. He said the issue is where the roof drain connects from the old copper line to the new pvc line, there is overflow leakage that is infiltrating the building. He said a contractor has been contacted and they will be considering option to correct this issue.

Councilor MacLellan-Ruf asked if this was associated with any of the work previously done at the Recreation Center.

The City Manager said that this issue was not related to any of the renovations recently done at the facility.

Councilor Isganitis announced that the 10<sup>th</sup> Annual Pies on Parade event to benefit the Area Interfaith Outreach Food Pantry will take place on January 26, 2014 from 1:00 p.m. to 4:00 p.m. He also said that a pre-tour party will take place on Saturday, January 25, 2014 at Trackside Station Restaurant from 4:00 p.m. to 6:00 p.m. including a silent auction with more than \$5,000 worth of donated items. All proceeds from both of these events go to AIO.

d. Mayor's Report: The Mayor informed the Council that a Special Meeting will be held on January 22, 2014 at 6:30 p.m. for a discussion of the FEMA Flood Mapping Project. He also reported that Rockland Main Street, Inc. is now accepting applications for the position of Executive Director.

**Licenses and Permits:**

- a. Liquor & Entertainment Licenses – Park Street Grille
- b. Liquor & Entertainment Licenses – Suzuki's Sushi
- c. Liquor & Amusement Device Licenses – Pizza Hut
- d. Liquor License – 3 Crow
- e. License to Operate a Taxi Company – Reed's Taxi (1 taxicab)
- f. Liquor & Entertainment Licenses – The Strand Theatre

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 the licenses for Park Street Grille, Suzuki's Sushi, Pizza Hit, Reed's Taxi, and the Strand Theatre.

Vote: 5 for.

Councilor Hebert then moved to postpone the license application for 3 Crow until the January 22, 2014 Special Meeting, noting that the City has yet to receive the Liquor License renewal application from this establishment.

Vote: 5 for

Regular Meeting, Licenses and Permits continued:

January 13, 2014

The license application for 3 Crow was postponed until the January 22, 2014 Special Meeting.

**Resolves:**

#1 Accepting Donations

**WHEREAS**, Alan Clark, Cushing, Maine, donated a book of paintings *In Love and Wonder*, valued at \$60, to be added to the Library's collection; and

**WHEREAS**, the Rockland Public Library Endowment Association donated a subscription to the Kiplinger Letter, valued at \$49, and two copies of the Children's Writing Club book, valued at \$80.98, to be added to the Library's collection; and

**WHEREAS**, the Friends of the Rockland Public Library donated \$873.87 for 83 books and a DVD for the Library's collection, and \$3,049 for the purchase of an Early Learning Computer Station for the Library, to be received into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

**WHEREAS**, Kim Olsen of Owls Head, Maine, donated 59 books for the Library's collection; and

**WHEREAS**, Penobscot Bay Media donated \$500 for the City's Home Heating Assistance Program, to be received into the designated Heating Assistance Account (#10000-01751); and

**WHEREAS**, the Rockland Fire Department received an anonymous donation of \$10, to be received into the Fire Department Miscellaneous Revenue Account (#10032-03218); and

**WHEREAS**, The Arts in Rockland has donated \$500 to the Recreation Center to support the department's Teen Arts Program, the funds to be received into the Recreation Department Program Revenue Account (#10063-03145) and the same expended from the Recreation Program Expenditure Account (#10063-05014).

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

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

Sponsor: City Manager  
Originator: City Manager

Councilor Isganitis moved passage.

Councilor Hebert said that the City is doing a better job receipting these donations into the proper accounts. He also said that it is heartening to see citizens supporting the various City departments and programs by making these donations, noting that there seems to be more of them being made. He thanked everyone that has made a donation to the City.

Vote: 5 for.

#2 Opposition to State Imposing Per Ton Fee on Landfilled Waste

**WHEREAS**, the bill LD 1483 currently being considered by the Legislature would, among other provisions, impose a \$14 per ton or higher fee to be paid to the state on virtually all waste disposed in landfills in Maine; and

**WHEREAS**, this new fee could add \$70,000 or more, per year to the cost of disposing of solids removed in the wastewater treatment process at the City's water pollution control facility; and

**WHEREAS**, the provisions of this bill could require the City to collect this fee from Rockland's residents for even the smallest amounts of construction and demolition or similar materials residents dispose at the City's solid waste facility; and

**WHEREAS**, this added fee could reduce the amount of funds the City was able to collect annually toward the eventual capping and closure of the quarry used by the City for the disposal of construction and demolition debris; and

**WHEREAS**, the provisions of LD 1483, including this per ton fee, are designed to increase the use of incineration for waste disposal over other waste disposal options; and

**WHEREAS**, the Municipal Review Committee which represents municipalities like Rockland that are part owners of the Penobscot Energy Recovery Incinerator has recommended that member towns and cities oppose LD 1483; and

**WHEREAS**, the members of Maine Municipal Association's Legislative Policy Committee strongly opposed LD 1483 because of the costs imposed on tax payers and the shifts in waste policy contained in the bill.

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

**THAT** the Rockland City Council opposes LD 1483 and urges the 126<sup>th</sup> Maine Legislature to reject statutory changes embodied in this legislation, and Council designates the Mayor and the City Manager to convey the Council's opposition to LD 1483's sponsors, to the local legislative delegation and to the legislative committee considering this issue.

Sponsor: Mayor Pritchett  
Originator: Solid Waste Director

Reading of the Resolve was waived, without objection from the Council.

Regular Meeting, Resolve #2 continued:

January 13, 2014

Councilor Isganitis moved passage and moved to amend Resolve #2 by substituting the original proposal with the following:

**WHEREAS**, the bill LD 1483 currently being considered by the Legislature would, among other provisions, impose a \$14 per ton or higher fee to be paid to the state on virtually all waste accepted by landfill operations in Maine potentially even on waste that is ultimately recycled rather than landfilled; and

**WHEREAS**, this new fee could add \$70,000 or more, per year to the cost of disposing of solids removed in the wastewater treatment process at the City's water pollution control facility; and

**WHEREAS**, the provisions of this bill could require the City to collect this fee from Rockland's residents for even the smallest amounts of construction and demolition or similar materials residents dispose at the City's solid waste facility; and

**WHEREAS**, this added fee could reduce the amount of funds the City is able to collect annually toward eventually capping and closing the quarry used by the City for the disposal of construction and demolition debris; and

**WHEREAS**, the provisions of LD 1483, including this per ton fee, are designed to subsidize the use of incineration for waste disposal over other waste disposal options; and

**WHEREAS**, the top priorities of reduction, reuse, and recycling should prevail prior to disposal, the State should focus on these measures before penalizing well-run municipal solid waste reduction programs through the assessment of fees on the end products of those operations; and

**WHEREAS**, the Municipal Review Committee which represents municipalities like Rockland that are part owners of the Penobscot Energy Recovery Incinerator has recommended that member towns and cities oppose LD 1483; and

**WHEREAS**, the members of Maine Municipal Association's Legislative Policy Committee strongly opposed LD 1483 because on the costs imposed of tax payers and the shifts in waste policy contained in the bill.

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

**THAT**, the Rockland City Council opposes LD 1483 and urges the 126th Maine Legislature to reject statutory changes embodied in this legislation, and Council designates the Mayor and the City Manager to convey the Council's opposition to LD 1483's sponsors, to the local legislative delegation and to the legislative committee considering this issue.

Vote on amendment: 5 for.

Without objection from the Council, Mayor Pritchett suspended the Rules to hear from Solid Waste Director David St. Laurent and MRC Attorney Daniel Walker on this issue.

Mr. St. Laurent explained that this proposal, if adopted, would basically subsidize incinerator operations in the State without looking at possible alternatives for waste disposal. He also said that it could cost the City a significant amount of money as well.

Mr. Walker added that the communities that make up the MRC (Municipal Review Committee), of which Rockland is one, are looking toward 2018 when the PERC contracts expire. He said that the problem is that the PERC facility is too large and requires more waste to operate than it is receiving. This subsidy would allow the incinerator to continue operating under its current work plan and maintain the status quo. He explained that the MRC is looking to either buy out its partner in PERC and re-tool the facility to operate on a smaller waste stream, or consider building a new facility and explore alternative waste disposal technologies. This legislation would tie the hands of the MRC communities.

Councilor MacLellan-Ruf asked for the basis of the resistance on this legislation.

Mr. St. Laurent said that the bottom line is that the legislation does not recognize that there are alternate technologies available for waste disposal, and it simply provides a subsidy to the incinerators so that they can maintain the status quo and not have to change their business practices.

The Council went back into Regular Session with Councilor Hebert saying that there is nothing good that he can see in the legislation. He said that incineration of garbage is old technology, and that there are better, more efficient alternative out there. He said he was happy to support this resolution.

Vote as amended: 5 for.

At this time, Councilor Dickerson moved to add Resolve #3, Urging the Maine State Legislature to Preserve Municipal Revenue Sharing Program, to the agenda.

Councilor Hebert said that this is a time-sensitive issue and that he would support adding it to the agenda.

Councilor Isganitis thanked Councilor Dickerson for bringing this very important issue forward. He said that he too will support placing this Resolve on the agenda.

Vote: 5 for.

### **Resolve #3 Urging the Maine State Legislature to Preserve Municipal Revenue Sharing Program**

**WHEREAS**, for over forty years, the State of Maine has reserved approximately 5% of sales tax receipts from retail sales in Maine's towns and cities to stabilize the property tax burden and support the local governmental services provided on behalf of the State by municipalities, which under the law are subdivisions of state government (the "Municipal Revenue Sharing Program"); and

**WHEREAS**, for FY 2014, Governor LePage proposed a State budget that would have eliminated the Municipal Revenue Sharing program and misappropriated all of the sales tax receipts in the Municipal Revenue Sharing Program's Local Government Fund for the State government's use; and

**WHEREAS**, the compromise State budget adopted by the Maine State Legislature preserved the Municipal Revenue Sharing Program, but nonetheless re-allocated to the State Treasury tens of millions of dollars previously designated for municipalities under 30-A M.R.S. § 5681; and

Regular Meeting, Resolve #3 continued:

January 13, 2014

**WHEREAS**, the State's last-minute cuts to the Municipal Revenue Sharing Program for the FY 2014 and FY 2015 biennial budget threw municipal budgets for FY 2014 into disarray, necessitating draconian budget cuts, layoffs, and tax increases in towns and cities across the State; and

**WHEREAS**, in Rockland the Municipal Revenue Sharing cuts and cuts to school funding collectively forced the City to (1) eliminate four positions and terminate the employment of the four able civil servants who occupied these positions, (2) reduce the hours of two additional positions in City government, and (3) drain \$150,000 from the undesignated reserve fund to balance the FY 2014 municipal budget and forestall a tax increase; and

**WHEREAS**, the FY 2015 component of the State's biennial budget both further reduces Municipal Revenue Sharing for municipalities for FY 2015, from its original, statutory level of \$146 million to \$60 million, and threatens to effectively eliminate the program with additional reductions of \$40 million in the event the State is unable to adopt budget amendments that reduce State tax expenditures and/or implement other savings by that amount; and

**WHEREAS**, the Legislature's Tax Expenditure Review Task Force has worked diligently between legislative sessions to address the anticipated \$40 million shortfall in the State budget for FY 2015, identifying State tax expenditure reductions and other savings in Legislative Resolve 2721; and

**WHEREAS**, LR 2721 is now pending before the Legislature's Appropriations Committee for its consideration; and

**WHEREAS**, the Legislature's adoption of state tax expenditure reductions or other budget savings, and the preservation of the Municipal Revenue Sharing Program that such savings would accomplish are vital to Maine's towns and cities as they prepare for yet another painful, FY 2015 budget process,

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

**THAT**, it is of critical importance that the Legislature preserve the Municipal Revenue Sharing Program so as to avoid further reductions in municipal services and further increases in property taxes; and

**THAT**, the City Council strongly endorses the efforts of the Legislature's Tax Expenditure Review Task Force to identify tax expenditure reductions or other State budget savings to close the \$40 million gap in the State's FY 2015 budget; and

**THAT**, the City Council calls upon the Appropriations Committee and the Legislature to adopt legislation to fully fund the \$40 million FY 2015 State budget gap and thereby forestall further cuts in the Municipal Revenue Sharing Program; and

**THAT**, the City Council urges the local Legislative delegation to support the preservation and, indeed, the restoration to full funding of, the Municipal Revenue Sharing Program.

Sponsor: Councilor Dickerson

Originator: Mayor Pritchett

Councilor Dickerson moved passage and said that when the Legislature adjourned last July there was a \$40 million shortfall in the State's budget. She said that a task force was created to find ways to cover that shortfall, and has come up with a plan to cover the shortfall that is now before the Appropriations Committee. She said if the plan is not accepted, there will be an automatic reduction in Municipal Revenue Sharing to cover the shortfall, which will push the burden onto local taxpayers. She said that resolutions such as this are helpful when trying to put pressure on the Committee to adopt the plan, and urged the public to contact the Committee and the Legislature to support the task force's plan.

Councilor Hebert said that the State has continually raided the Municipal Revenue Sharing program to balance its budgets. He said that Rockland is a service center community that must support more municipal services that are required for its population base, and the Municipal Revenue Sharing program was a way to level the playing field somewhat. If the State wants to eliminate the Municipal Revenue Sharing program, then they will have to step up and do more to meet the infrastructure needs of service center communities such as Rockland. He said that he wholeheartedly supports this Resolve. Mayor Pritchett added that the funds for the Municipal revenue Sharing program come from sales tax revenues generated locally.

Councilor Isganitis said that he too strongly supports this Resolve, and echoed Councilor Hebert's comments. He added that a 2007 Brookings Institute report on area economics (updated 2012) recognized the City of Rockland as an area of growth. He said that the sales tax revenues generated in the City have also grown, and that the City deserves to receive its fair share. She said this is a contractual relationship with the State that the State has repeatedly broken.

The City Manager said that the City took a huge hit in FY 2014 with the loss of \$280,000 in Revenue Sharing funds. He said if the City loses the remaining funds, taxes will go up. He urged support of this Resolve.

Vote: 5 for.

**Ordinances in Final Reading and Public Hearing: None.**

**Ordinances in First Reading:**

#23 Bond Ordinance – Public Works Garage (Postponed from 08/26/13)

(See page 21 for text)

It was noted that this Ordinance Amendment had been postponed until this meeting, and that it had received a motion for passage at the August 26, 2013 Meeting.

Councilor Hebert moved to postpone Ordinance Amendment #23 until the March 10, 2014 Regular Meeting.

Vote: 5 for.

Ordinance Amendment #23 was postponed until the March 10, 2013 Regular Meeting.

# 1 Chapter 17, Section 17-801 Parking Prohibition; White 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
47. White	A. West side from Limerock Street to <u>its terminus at Maple Street.</u> B. East side <del>from Maple Street to Beech Street</del> <u>from its terminus at Maple Street, 80 feet in a southerly direction.</u>

Sponsor: Councilor Hebert  
Originator: Police Department

Councilor Hebert moved passage and noted that the wording is now correct and reflects the parking situation that actually exists on White Street. He said that this would give the Police Department the authority to enforce the no parking area adjacent to St. Joseph's Church but does not affect the existing parking on White Street.

Councilor Isganitis thanked Councilor Hebert for bringing this matter forward, noting that as someone who walks in that area it is difficult to navigate when cars are illegally parked there. Vote: 5 for.

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

**Orders:**

#28 Adopting Declaration of Official Intent and Setting Public Hearing – Bond Ordinance (Postponed 08/26/13)  
(See pages 23-24 for text)

It was noted that this Order had been postponed until this meeting, and that the Order had received a motion for passage at the August 26, 2013 Meeting.

Councilor Hebert moved to postpone Order #28 until the March 10, 2014 Regular Meeting.

Vote: 5 for.

#2 Accepting Grant Funds – Police Department (2014 Drive Sober Program)

**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 \$10,000 on behalf of the Rockland Police Department from the Maine Bureau of Highways to help support the Department's efforts to enforce OUI 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 Dickerson moved passage.

Vote: 5 for.

#3 Accepting Grant Funds – Emergency Management Performance Grant

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

**THAT** the City of Rockland hereby accepts a grant from the Maine Emergency Management Agency in the amount of \$5,855.62 from the FY 2013 Emergency Management Performance Grant Program to the Rockland Fire Department to support Local Emergency Management Program activities for the period of January 1, 2013 through September 30, 2014. The funds shall be deposited into the 2013 Emergency Management Planning Grant Account (#60305-03704).

Sponsor: City Manager  
Originator: Fire Chief

Councilor Isganitis moved passage.

Vote: 5 for.

#4 Accepting EDAC Report & Recommendations – Camden Street

**WHEREAS**, Camden Street from Maverick Square to the Rockport town line has been a major center of retail related economic activity in Rockland for decades; and

**WHEREAS**, the City's Economic Development Advisory Committee (EDAC) has been working for eighteen months to develop both a vision for and options to enhance economic activity along Camden Street in a manner that builds on Rockland's community values and strengths; and

**WHEREAS**, on February 11, 2013, acting on a recommendation from EDAC, the City Council adopted both a Values Statement and Objectives for this project; and

**WHEREAS**, on November 16, 2013 Friends of Mid-Coast Maine and DeWan Associates, both of whom had been assisting EDAC with this project, made a presentation to Council illustrating redevelopment ideas and concepts the City could explore along the Camden Street corridor; and

Regular Meeting, Order #4 continued:

January 13, 2014

**WHEREAS**, on December 19, 2013 EDAC voted to accept the final reports on the Camden Street Project from both DeWan Associates (11/26/13) and Friends of Mid-Coast Maine (12/18/13); and

**WHEREAS**, on December 19, 2013 EDAC voted to ask for Council to accept the project reports and for Council to confirm the next steps for EDAC on this valuable project.

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

**THAT**, the City Council thanks DeWan Associates, Friends of Mid-Coast Maine and the members of EDAC for the work and forethought that has gone into this project; and

**THAT**, the City Council formally accepts the DeWan Associates and Friends of Mid-Coast Maine reports and the City Council recognizes the potential for economic and community benefits from implementation of the recommendations and concepts contained therein; and

**THAT**, the City Council directs EDAC to work with City staff to promptly develop prioritized recommendations to Council for the public space along the Camden Street Corridor; and

**THAT**, the City Council directs EDAC and the Comprehensive Planning Committee to meet jointly to develop for Council review a list that identifies the types of and the nature of the land use ordinance changes that would be needed to permit and encourage re-development of Camden Street in a manner consistent with the concepts suggested in the project reports.

Sponsor: City Council  
Originator: EDAC

Councilor Dickerson moved passage.

Councilor Hebert apologized for missing the meeting at which this report was presented to the Council, but said in review the report, the work that EDAC and others have done creates an interesting conceptual plan for Camden Street. However, he said he still has a number of reservations about the plan, and is not certain what the next step in the process should be. He said given the fact that Camden Street is a State-controlled highway, he was not sure what the City could and could not do to the street. He said he was intrigued by the green spaces suggested by the plan and the attempts to spruce up that end of the City, and said that the plan certain was good conceptually. However, reservation aside, he said there is no funding to do any of what is proposed in this plan, and that the City should move along gingerly. He added that the singles biggest thing that could be looked at in the short-term is addressing the pedestrian crossing issues at Maverick Square. He also said the second biggest thing that could be looked at that could spur development is parking requirements. He said most of the large parking lots in the area are mostly empty most of the time. That under-utilized parking could be space used for additional development. In light of his concerns, Councilor Hebert moved to amend Order #4 as follows: Last paragraph amend to read "...the City Council directs EDAC and the Comprehensive Planning Committee to meet jointly with the Council to ~~develop~~ discuss the types of and the nature of the land use ordinance changes that would be needed to permit and encourage re-development of Camden Street in a manner consistent with the concepts suggested in the project reports."

Councilor Isganitis said that he was not inclined to support this amendment as the Council has already do what Councilor Hebert is suggesting by this amendment. He also said that the committees may see the Council's input as dictatorial and stifle their creativity. He said the Council should let them do their work and then come back to the Council with their recommendations.

Councilor MacLellan-Ruf agreed with Councilor Isganitis and added that the Council adopted value statements and objectives for this project. She said the committees should be left to continue their work.

Mayor Pritchett added that the direction being given in this Order is to turn the concepts into recommendations of proposed changes to move the project along.

Councilor Hebert said that he did not think a meeting with the Council would stifle creativity. He also said that the value statements and objectives adopted by the Council were very broad, but now they are looking at more substantive issues. He said he wanted the Council to give the committees some directions so that they know that they are working in the right direction. He said he was not looking for the Council to take over the process, just give some guidance.

Councilor Dickerson said that she could see both perspectives. She said the committees would review the list of land use changes that would be necessary to move forward with the recommendations in this project. She said this Order would charge the committees to come up with the technical details necessary to do that.

Councilor MacLellan-Ruf said that Councilor Hebert wants the Council to be involved, but the Council has already been involved and has given the committees the direction of what way to move.

Vote on amendment: 1 for, 4 opposed.  
(Dickerson, MacLellan-Ruf, Pritchett, Isganitis)  
Motion Defeated.  
Vote on motion for passage: 5 for.

#### #5 Accepting HMC Report – Uses & Ownership of the former Sea Scouts Building

**WHEREAS**, in the fall of 2013 different individuals and organizations approached City staff expressing an interest in either leasing the former Sea Scouts building at the City's Snow Marine Park or potentially purchasing the building along with a limited amount of surrounding land; and

**WHEREAS**, in December of 2013 members of City Council requested that the City's Harbor Management Commission consider the comparative benefits and downsides to the City of either selling or leasing the property in question; and

**WHEREAS**, on December 17, 2013 the Harbor Management Commission discussed options and uses for this part of Snow Marine Park and the key points of the Commission's deliberations are summarized in a memorandum from the Harbor Master to the City Manager dated December 19, 2013 and included by reference herein; and

Regular Meeting, Order #5 continued:

January 13, 2014

**WHEREAS**, the Harbor Management Commission’s recommendation to the City Council is that leasing the Sea Scout building better serves the City’s long term interest than selling the building and some small part of park land around it.

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

**THAT**, the City Council thanks the Harbor Management Commission for its review of and recommendation on this question; and

**THAT**, temporary City Manager Luttrell is directed to explore leasing options for Sea Scouts building, evaluate any constraints on leasing, and report back to Council, with Harbor Management Commission recommendations, on specific options for leasing this building.

Sponsor: Councilor MacLellen-Ruf  
Originator: City Council

Councilor MacLellan-Ruf moved passage and thanked Mr. Hammermeister for attending the Harbor Management Commission meeting on this issue, and for offering to assist in the further development of the Harbor Trail. She also said that the Harbor Management Commission had a lengthy discussion on this matter and felt that it was better for the City to lease the property rather than sell it. Vote: 5 for.

#6 Authorizing Submission of a Grant Application and Expenditure for National Endowment for the Arts (NEA) “Our Town” Grant

**WHEREAS**, the City of Rockland is home to the Farnsworth Art Museum, a number of independent, prominent, and private art galleries, and being considered as the new home of the Center for Maine Contemporary Art; and

**WHEREAS**, the NEA has a grant program called “Our Town” to support “creative place-making projects that contribute toward the livability of communities and help transform them into lively, beautiful and sustainable places with the arts at their core. Our Town will invest in creative and innovative projects in which communities, together with their arts and design organizations and artists, seek to improve their quality of life, encourage greater creative activity, and foster stronger community identity and a sense of place, and revitalize economic development”; and

**WHEREAS**, the City has placed two pieces of outdoor art at public locations this past year and in years past; and

**WHEREAS**, the City is seeking input via the Parks Commission from the arts community for guidance on future displays of art in public places; and

**WHEREAS**, the Community Development Department is seeking to encourage dialogue, discussion, and guidance on the role of art and creativity in the City and its future community and economic development; and

**WHEREAS**, a portion of the Community Development Director’s time and, subject to Council approval in the future, a small portion of new development along Harbor Trail shall be available for in-kind support; and

**WHEREAS**, the City with additional in-kind support from local art organizations wishes to seek support from the NEA “Our Town” program for the above and the project description included herein by reference.

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

**THAT**, the City Council hereby approves the application and expenditure of funds, if successful for the NEA “Our Town” grant; and

**THAT**, the City Manager is hereby authorized to execute any such instruments to apply or execute grant applications or other documents as required for the NEA “Our Town” grant project.

Sponsor: Mayor Pritchett  
Originator: Community Development Dept.

Councilor Hebert moved passage.

Vote: 5 for.

With no further business to come before the City Council, the meeting was adjourned without objection from the Council at 8:41 p.m.

A TRUE COPY.

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

**SPECIAL MEETING**

**AGENDA**

**January 22, 2014**

- Liquor License – 3 Crow Restaurant (Postponed from 01/13/14)
- Council Work Session FEMA Flood Mapping Along Waterfront:
  - Limitations of Current FEMA Maps
  - Coastal Flood Mapping Process
  - Areas of Interest Along Waterfront
  - City Role in Appeals of Flood Designation

Special Meeting continued:

January 22, 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, Acting City Manager Luttrell, and City Attorney Beal.

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

**Liquor License – 3 Crow (Postponed from 01/13/14)**

Councilor Hebert moved to grant the license for 3 Crow.

Vote: 5 for.

At this time, Councilor Isganitis moved to add Order #7, Authorizing Building Permit Fee Waiver, to the agenda.

The City Manager explained that this fee waiver was for the construction of a handicap ramp for a family whose child has contracted a rare brain disorder. He said that the Maine Contractors and Builders Alliance is building the ramp at no cost to the family, and this would be the City's contribution to that effort.

Vote: 5 for.

**Order #7 Authorizing Building Permit Fee Waiver – Handicap Ramp**

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

**THAT** the City Manager is hereby authorized to waive the building permit fee of \$74.00 for the construction of a handicap ramp at 389 Pleasant Street, Lot #4.

Sponsor: City Manager

Originator: City Manager

Councilor Isganitis moved passage.

Vote: 5 for.

**Council Work Session FEMA Flood Mapping Along Waterfront:** The Council went into informal session for a work session on the FEMA Floor Mapping project along the waterfront. Code Enforcement Officer John Root gave a presentation on the project and the Council focused on the following topic:

- Limitations of Current FEMA Maps
- Coastal Flood Mapping Process
- Areas of Interest Along Waterfront
- City Role in Appeals of Flood Designation

With the above work session completed, and with no further business to come before the City Council, Councilor Hebert moved to adjourn. Without objection from the Council, the meeting was adjourned at 8:45 p.m.

A TRUE COPY.

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

**SPECIAL MEETING**

**AGENDA**

**February 3, 2014**

Workshop: 2<sup>nd</sup> Quarter Financial Report  
Workshop: Zoning Issues – Old County Road & Park/Payne Ave. Area  
Set Agenda for February 10, 2014 Regular Meeting

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

**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:

- Tom Molloy, 77 Pleasant Street, spoke in opposition to a proposed zone change that would allow for the construction of a parking lot on Brick Street to serve as off-site parking for a proposed hotel to be constructed at 250 Main Street (corner of Main Street and Pleasant Street). He said that a parking lot would not be the highest and best use of that property, and this action could constitute spot zoning. He also said that putting a commercial zone in the middle of a residential area would adversely impact property values in the neighborhood. He suggested that the developer sit down with the City and discuss alternate areas to put this parking lot.

- Alexander Shaw, 39 Pleasant Street, also spoke in opposition to the proposed zone change, saying that he wanted to protect property values and the residential nature of the neighborhood. He also said that the City's Comprehensive Plan calls for this area to remain residential in nature and should be protected from commercial and industrial development.

- Debbie Atwell, 88 Pleasant Street, also spoke in opposition to the proposed zone change saying that this could be a landmark decision for the Council on what direction the City will take. She also said that it was not the job of the residents of this area to solve Cabot Lyman's parking problems.

- Amy Files, 39 Pleasant Street, also spoke in opposition to the proposed zone change, saying that the zoning that is current in place is meant to protect the residences in the area and to create a buffer between the residential area and commercial development. She said that there are alternative sites for this off-site parking that should be explored.

Special Meeting, Public Forum continued:

February 3, 2014

- John Grondin, 1 Rankin Street, as a member of St. Peter’s Episcopal Church’s Board of Directors, thanked the Mayor and Councilor Dickerson for the volunteer work they each have done at the Church over the Holidays. He then invited the public to attend the “Share the Love” community auction at the Church on February 8, 2014 beginning at 5:00 p.m. He said that all proceeds from the auction go the help people in immediate need of assistance with food, heat and healthcare through the Salvation Army, Area Interfaith Outreach food pantry, and Rockland District Nursing Association.

- Gretchen Kuhn – 15 Robinson Street, spoke in opposition to the proposed zone change, echoing Mr. Molloy’s comments and adding that there are numerous issues to be addressed. She also commented that she was concerned about the commercial encroachment that has already taken place in this residential area, noting the impact that Trackside Station Restaurant has already had, and the proposed construction of a high-rise hotel at the corner of Main and Pleasant Streets. She said that there are alternatives to the parking proposal being offered by the developer. She said that the residential neighborhood needs to be protected from any further commercial incursions.

- Tia Anderson, from Habitat for Humanity, requested that the Council consider waiving the demolition debris disposal fee for the demolition of a structure on 9 Pine Street so that Habitat for Humanity can construct a new single family home at that site.

Hearing no other speakers, the public forum was closed.

Before the Council began its listed workshops, Code Enforcement Officer John Root gave the Council an update on the FEMA Flood Mapping Project. He said that the City has received copies of the preliminary maps and several areas have higher flood level listings than previously expected, most notably the Crockett’s Point area. He said that such higher levels could have significant impact on the property owners and suggested that the City may want to consider appealing these listings.

**Workshop: Second Quarter Financial Report:** Acting City Manager Luttrell gave the Council a brief overview of the City’s second quarter financial situation, noting that some departments are behind in revenue projects and ahead in spending, but felt that overall the City’s finances are in good order.

**Workshop: Zoning Issues – Old County Road & Park Street/Payne Avenue Area:** The Council then held a workshop on zoning issues along Old County Road and the Park Street/Payne Avenue area, focusing on a) for the Old County Road area, assuring that future development is compatible with existing uses and available infrastructure; and b) for the Park Street/Payne Avenue area, to enhance the economic vitality and aesthetic appeal of this important gateway to Rockland. Councilor Hebert asked that these issues be sent to the Comprehensive Planning Commission for review and recommendations. It was also suggested that the issues be sent to the Economic Development Advisory Committee as well.

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

a. Letter from Kyle Swan – Resignation from Harbor Trail Committee. The resignation was accepted and the Manager was directed to send a letter of thanks to Mr. Swan for his service to the City.

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

**SPECIAL MEETING**

**AGENDA**

**February 10, 2014**

Executive Session pursuant to 36 M.R.S. §841(2)(E) – Hardship Tax Abatement Hearing

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

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

**Executive Session pursuant to 36 M.R.S. §841(2)(E) – Hardship Tax Abatement Hearing:** Councilor Hebert moved to enter into an Executive Session pursuant to 36 M.R.S. §841(2)(E) to hold a hearing on a homeowner’s property tax poverty abatement request. Vote: 4 for.

The Council entered Executive Session at 6:31 p.m.

The Council came out of Executive Session and, with no further action being taken, adjourned without objection from the Council, at 6:54 p.m.

A TRUE COPY.

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

**REGULAR MEETING**

**AGENDA**

**February 10, 2014**

- 1. Roll Call
- 2. Pledge of Allegiance to the Flag

Regular Meeting, Agenda continued:

February 10, 2014

3. Public Forum (5 min. limit each speaker)
4. Meeting Notice
5. Reading of the Record
6. Reports:
  - a. City Manager's Report
  - b. City Attorney's Report
  - c. Other Official's Report
  - d. Mayor's Report
7. Licenses and Permits:
  - a. Liquor License – Rustica Cucina Italiano Restaurant
  - b. Liquor License – Home Kitchen Café
  - c. Liquor License – Roselyn Thai Fine Cuisine
  - d. Liquor License – Chen's China Coast
  - e. Liquor License – Clan MacLaren
  - f. Liquor & Entertainment Licenses – The Landings Restaurant
8. Resolves:
 

#4 Accepting Donations	City Manager
#5 Appointment of General Assistance Fair Hearing Authority	City Manager
#6 Confirming Appointment of Temporary City Manager	City Manager
#7 Appointments – Boards, Commissions and/or Committees	Mayor Pritchett
#8 Appointment to Service Center Coalition Board	Mayor Pritchett
9. Ordinances in Final Reading and Public Hearing:
 

#1 Chapter 17, Section 17-801 White Street Parking	Councilor Hebert
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10. Ordinances in First Reading:
 

#26 Chapter 13, Section 13-106 Public Art Display (Postponed)	Councilor Dickerson
# 2 Chapter 8, Section 8-708 GA Max Levels of Assistance – Food	Councilor Dickerson
# 3 Zoning Map Amendment – North Main Street	Mayor Pritchett
# 4 Chapter 19, Section 19-303(9)(B) – Flag Lot Access Roads	Councilor Isganitis
# 5 Bond Ordinance – Summer Street Sewer Project	Mayor Pritchett
# 6 Chapter 15, Section 15-147 Harbor Snow Disposal	Councilor MacLellan-Ruf
11. Orders:
 

# 8 Pedestrian Improvements - Rockland Station to Downtown	Councilor Isganitis
# 9 Amendment to Landfill/Transfer Station Fees	City Manager
#10 Authorizing Street Closure & Fee Waiver – Memorial Day Parade	City Council
#11 Adopting Declaration of Official Intent – Bond Ordinance	City Manager
#12 Authorizing RFP – 31 Lisle Street	City Manager
#13 Authorizing Fee Waivers – Habitat for Humanity	Councilor Dickerson
#14 Instructing City Manager to Explore Alts – Harbor Snow Disposal	Councilor MacLellan-Ruf
12. Adjournment.

The meeting was called to order by the Mayor at 7:00 p.m. with the following members answering the roll call: Mayor Larry Pritchett, Louise MacLellan-Ruf, Elizabeth Dickerson, Eric Hebert, Frank Isganitis, Acting City Manager Luttrell, and City Attorney Beal.

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

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

- Valli Geiger, 192 Broadway, spoke in opposition to the proposed Flag Lot Access Road amendment (Ordinance Amendment #4, this agenda), even though she was the one who approached Councilor Isganitis to asked for a change to this ordinance. She said that the proposed change is not what she asked for and is at odds with the City's Comprehensive Plan. She said that the City has an opportunity to increase density in areas that already have the infrastructure, but the access road requirements are too onerous. She said that the City should consider adopting a simple universal driveway definition for all residential lots, such as the one in the Shoreland Zoning Ordinance.

- Marcel Balliare spoke concerning the Parks Commission's designation as the entity determining the display of art on public property. He said that there has been talk about the creation of a separate commission to perform that duty, therefore action on this proposal would be premature. He asked that the Council postpone this proposal until the public could be heard from on the issue.

- Maggie Trout, 77 Broadway, expressed concern about the proposal for the City to make improvements and pedestrian wayfinding signage between the train station and downtown (Order #8, this agenda). She said she did not feel that it was appropriate for the City to spend taxpayer money for the benefit of one business, and for the benefit of a specific area of the City. She said that there was too much emphasis on the downtown, and that the businesses that would benefit from these kinds of improvements should pay for them. She said that she would rather see the funds that would be used for this purpose go to augment the funds for food through the General Assistance Office.

Hearing no other speakers, the public forum was closed.

Regular Meeting continued:

February 10, 2014

**Reports:**

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

- Staff will be presenting a grant application to the Council for consideration at its March meeting for a CDBG Downtown Revitalization Grant for sidewalk and Harbor Trail improvements.

- The issue of parking for the proposed hotel project at the corner of Pleasant and Main Streets is being discussed to hopefully final alternatives that will allow the project to move forward.

- The issue of sewer connection for the Sea Scout building is a consideration for any possible future use of that building. Staff is looking into the cost of installing a pump station to allow the building to be connected to the public sewer rather than to a private line as it is now. He said an RFP will be issued to see what proposals come forward for possible use of this building.

- A report on the FEMA Flood maps will be presented to the Council once the City's consultant can gather the necessary information from FEMA to do the evaluation. He said Representative Pingree's office has been contacted to assist in getting the necessary information.

- The FY 2015 budget is being developed. The Manager noted that a conversation with the Chair of the RSU #13 Board indicates that there could be a \$645,000 increase in the City's portion of the RSU #13 budget. He said that would result in a \$.18 increase in the mil rate, which would mean an average tax increase of approximately \$150 on most homes in the City.

Councilor Dickerson said that there is an RSUN #13 Board meeting scheduled for tomorrow (February 11, 2014) at the McLain School on Lincoln Street to discuss financial issue. She urged all citizens concern about the financial situation at RSUN #13 to attend the meeting and let their feelings be known.

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

c. Other Official's Report: None.

d. Mayor's Report: Mayor Pritchett thanked the Historic Inns of Rockland for raising more than \$20,000 through their Pies on Parade fundraiser for support of those in need. He also thanked St. Peter's Episcopal Church for raising more than \$15,000 through its Share the Love Community Auction.

Mayor Pritchett also noted that Meredith Dondis, life-long resident and business man in Rockland, passed away on February 10<sup>th</sup>. He noted that the Dondis family was the driving force behind the Strand Theatre for many decades, and now the third generation of the Dondis family is involved with the resurgence of the Strand.

Councilor Dickerson commended that the Legislature has passed a bill that would save the current levels of Municipal Revenue Sharing. She said that the State has been steadily raiding Municipal Revenue Sharing over the years, and people need to keep the pressure on their representative to ensure that it is preserved.

**Licenses and Permits:**

- a. Liquor License – Rustica Cucina Italiano Restaurant
- b. Liquor License – Home Kitchen Café
- c. Liquor License – Roselyn Thai Fine Cuisine
- d. Liquor License – Chen's China Coast
- e. Liquor License – Clan MacLaren
- f. Liquor & Entertainment Licenses – The Landings Restaurant

A public hearing was opened. Hearing no speakers for or against any of the applications, the public hearing was closed. Councilor Hebert moved to grant all of the licenses listed above. Vote: 5 for.

**Resolves:**

#4 Accepting Donations

**WHEREAS**, Mount Pleasant Dental, West Rockport, Maine, selected the Rockland Public Library as its "Charity of the Month" and donated \$300 to the Library, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

**WHEREAS**, the Friends of the Rockland Public Library donated \$876.10 for 63 children's books and 2 children's DVDs for the Library's collection, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

**WHEREAS**, Sara J. Burns of Augusta, Maine, Marjorie Abel of San Diego, California, and Nat Goodale of Lincolnville, Maine, donated 3 books valued at \$50 to the Library to be added to the Library's collection; and

**WHEREAS**, Newty Chambers of Rockland donated \$50 for the City's Home Heating Assistance Program, to be receipted into the designated Heating Assistance Account (#10000-01751); and

**WHEREAS**, the First Universalist Church in Rockland donated \$400 to the City to help offset the costs of services provided by the City, said funds to be receipted into the City's Payment in Lieu of Taxes Account (#10008-03102).

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

Regular Meeting, Resolve #4 continued:

February 10, 2014

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

Sponsor: City Manager  
Originator: City Manager

Councilor Hebert moved passage and thanked all of those who make donations to the City. He said that these donations help keep costs down and are greatly appreciated.

Vote: 5 for.

#5 Appointment – General Assistance Fair Hearing Authority

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

**THAT**, pursuant to 22 M.R.S. §4322, and Chapter 8, Sec. 8-803 of the Rockland Code, Stacey Parra, Executive Secretary and General Assistance Administrator for the Town of Rockport, is hereby appointed as the General Assistance Fair Hearing Authority for the City of Rockland.

**AND**, be it further Resolved that Susan M. Packer, General Assistance Administrator for the Town of Searsport is hereby appointed as the alternate Fair Hearing Authority to serve in those instances where the Fair Hearing Authority is not available to act as such.

Sponsor: City Manager  
Originator: GA Administrator

Councilor Isganitis moved passage.

Vote: 5 for.

#6 Confirming Appointment – Temporary City Manager

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

**THAT**, pursuant to City Charter Section 303, the City Council hereby confirms the appointments by the Acting City Manager of Water Pollution Control Facility Director Terry Pinto, or City Clerk Stuart Sylvester to act as Temporary City Manager to exercise the powers and perform the duties of the manager during the manager's temporary absence or disability. The Acting City Manager shall designate who shall serve as Temporary City Manager by filing a letter with the City Clerk prior to any planned absence.

Sponsor: City Manager  
Originator: City Manager

Councilor Hebert moved passage.

Vote: 5 for.

#7 Appointments – Boards, Commissions & Committees

**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:

Valli D. Geiger, 192 Broadway, to the Economic Development Advisory Committee (2016);

Joe Auciello, 220 Broadway, to the Harbor Management Commission (2016);

Thomas Keedy, 184 Broadway, to the Comprehensive Planning Commission (2016).

Sponsor: Mayor Pritchett  
Originator: Mayor Pritchett

Councilor Isganitis moved passage and thanked the volunteers for their willingness to serve.

Councilor Dickerson also thanked those willing to serve.

Vote: 5 for.

#8 Appointment to Service Center Coalition

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

**THAT** Acting City Manager Thomas Luttrell is hereby appointed as the City's representative to the Maine Service Center Coalition for 2014 and is therefore authorized to vote at the MSCC business meetings.

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

Sponsor: Mayor Pritchett  
Originator: Mayor Pritchett

Councilor Hebert moved passage.

Vote: 5 for.

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

#1 Chapter 17, Section 17-801 Parking Prohibition – White Street  
(See pages 94-95 for text)

A public hearing was opened. Hearing no speakers for or against, the public hearing was closed.  
 Councilor Dickerson moved passage. Vote: 5 for.  
 The amendment will become effective March 12, 2014.

**Ordinances in First Reading:**

#26 Chapter 13, Section 13-103 Parks Commission – Public Art Display (Postponed from 12/09/13)  
 (See page 48 for text)

It was noted that this Ordinance Amendment had been postponed until this meeting, and had been given a motion for passage at the October 16, 2013 Regular Meeting.

Councilor MacLellan-Ruf said that there have been a number of questions surrounding this issue arising from the placement of art in a City park without any sort of review criteria in place. She said there is also talk now of the creation of an arts commission. She said that because more public input is necessary before this matter is ready to move forward, she moved to postpone Ordinance Amendment #26 until the March 10, 2014 Regular Meeting.

Councilor Hebert question what other information could be gleaned in a month.

Councilor MacLellan-Ruf said that she would like to see another public workshop held with all interested parties participating. She also said that the idea of creating an arts commission should be explored before moving forward with this proposal.

Councilor Isganitis agreed, but said that one month may not allow sufficient time to accomplish those goals. He suggested that Councilor MacLellan-Ruf change her motion to postpone this matter until the April 14, 2014 Regular Meeting. He said that there are still a number of issues that need to be addressed, and that the City needs to have a comprehensive policy in place.

Councilor MacLellan-Ruf agreed, and, without objection from the Council, withdrew her original motion to postpone and moved to postpone Ordinance Amendment #26 until the April 14, 2014 Regular Meeting.

Councilor Hebert asked if there has been an interest expressed by anyone to place art in any of the City’s parks.

The City Manager said that there has been no requests received as of yet, but felt that people may be waiting for the policy to be adopted before applying. He also asked the Council for clarification on what the Council wanted to see for public input.

Councilor Dickerson said she would like to see the Council have a joint meeting with the Parks Commission to discuss this issue and the question of an arts commission.

Councilor Hebert said that he will not support postponement of this amendment. He said there are two separate issues to be considered. He said that the City has made space available in parks for the display of art, and the City needs to figure out the best way to utilize those spaces. He said that the second question is how to handle the display of art throughout the City. He said that he sees this proposal as the first step to get the ball moving, and would not inhibit moving forward with the other discussions such as the arts commission question. He said that he did not see the need to postpone this proposal.

Councilor Isganitis said that the Parks Commission has reluctantly agreed to take on this responsibility, but the direction that the issue is now moving came out of the public meeting held a couple of weeks ago. He said in light of the discussions at that workshop, he believed another postponement was warranted to allow further discussion to make sure the matter was moving in a direction suitable for all.

Councilor MacLellan-Ruf said that this issue has been discussion for quite some time, and she wants to make sure that the public is involved. She said that it can take a while for information to circulate through the public, and wanted to postpone this measure again to make sure all interested parties have a chance to be heard. She said there is no rush in taking action on this proposal as the Council has until June to get something in place for the upcoming summer season.

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

Ordinance Amendment #26 was postponed until the April 14, 2014 Regular Meeting.

#2 Chapter 8, Section 8-708 Maximum Levels of Assistance – Food

**ORDINANCE AMENDMENT** 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**

A) **Food.** The administrator will provide food assistance to eligible persons up to the allowed maximum amounts designated by the U.S.D.A. *Thrifty Food Plan* for the appropriate household size. For this purpose, the municipality hereby incorporates by reference the U.S.D.A. *Thrifty Food Plan*, as distributed by the Maine Department of Human Services on or about October of each year. In determining need for food the administrator will not consider the value of the food stamps an applicant receives as income (22 M.R.S. § 4301.7(A); 7 U.S.C. §2017(b)). The municipality will authorize vouchers to be used solely for approved food products.

The maximum amounts allowed for food are:

Number in Household	Weekly	Monthly
1	<del>\$46.51</del> <u>\$43.95</u>	<del>\$200</del> <u>\$189</u>
2	<del>\$85.35</del> <u>\$80.70</u>	<del>\$367</del> <u>\$347</u>
3	<del>\$122.33</del> <u>\$115.58</u>	<del>\$526</del> <u>\$497</u>
4	<del>\$155.35</del> <u>\$146.97</u>	<del>\$668</del> <u>\$632</u>
5	<del>\$184.42</del> <u>174.42</u>	<del>\$793</del> <u>\$750</u>
6	<del>\$221.40</del> <u>209.30</u>	<del>\$952</del> <u>\$900</u>
7	<del>\$244.65</del> <u>231.40</u>	<del>\$1052</del> <u>\$995</u>
8	<del>\$279.53</del> <u>264.42</u>	<del>\$1202</del> <u>\$1137</u>

\*Add ~~\$150~~ \$142 a month for each additional person

The administrator will exceed the above maximums when necessary for households having members with special dietary needs. The administrator may require a doctor’s statement verifying there is a special dietary need requiring an expenditure for food that is greater than the ordinance maximums.

Sponsor: Councilor Dickerson  
Originator: GA Administrator

Councilor Dickerson moved passage and moved to postpone Ordinance Amendment #2 until the March 10, 2014 Regular Meeting. She said that the levels of assistance for food are being significantly reduced by the State, but wondered if there was not something the City could do to augment those amounts. She said that she was proposing that this measure be postponed so that she could look for alternative to simply slashing these amounts.

Councilor Hebert asked what the timeframe was on this matter.

The City Manager said that the amounts listed are what the State currently bases the City’s reimbursement for General Assistance. He said paying out amounts above the levels listed will have an impact on the General Assistance budget.

Councilor Dickerson said that the Council cut a fair amount of assistance to community service agencies out of the budget this year that it has traditionally supported in the past. She said that it won’t hurt to explore alternatives. She said that the City is only going to receive a certain amount in reimbursement from the State anyway,

Councilor Hebert said that he understands that the City receives reimbursement based on what the State sets as the maximum levels. He said that it is what it is, and that he did not see the need to postpone this measure. He said it is not going to affect the amounts.

Councilor Dickerson said that she was hoping to amend the ordinance to say that the City would make up the difference, but did not have the appropriate wording or where such funds would come from at this time.

Councilor Hebert said that this amendment in only in first reading, and that such an amendment could be make at second reading, if the Councilor so chooses.

With that in mind, Councilor Dickerson withdrew her motion to postpone Ordinance Amendment #2.

Councilor Hebert said that Councilor Dickerson should be clear on the effect that such an amendment would have on the General Assistance budget.

Vote: 5 for.

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

#3 Zoning Map Amendment – North Main/Cottage Streets

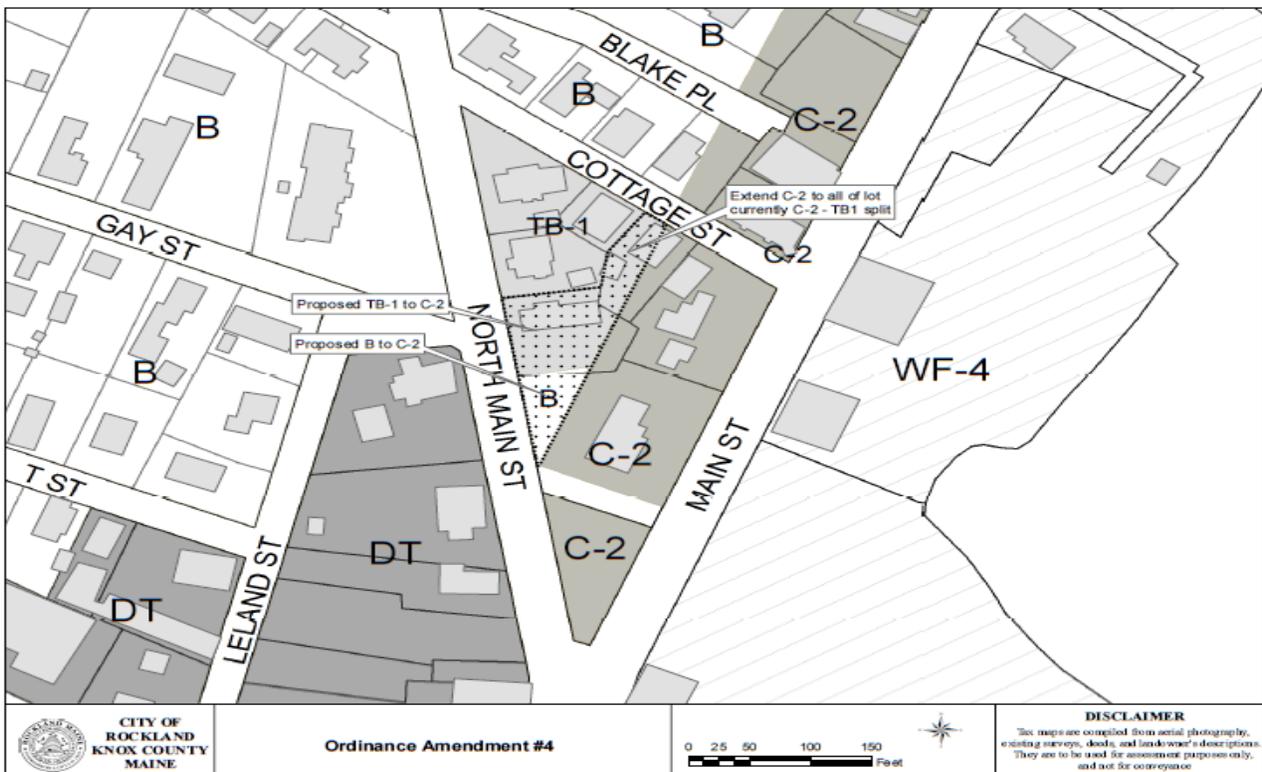
**THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:**

**THAT** the Official Zoning Map of the City of Rockland be amended by changing the zoning classification as follows, and in conformance with the attached map:

- \* At 6 Cottage Street (Tax Map 13-D-3), extend the Commercial 2 zone northwestward to encompass the entire parcel, thus eliminating the split of the parcel between the Commercial 2 and Transitional Business 1 zones; and
- \* At 19 North Main Street (Tax Map 13-D-8), change the zone from Transitional Business 1 to Commercial 2; and
- \* At 632 Main Street (Tax Map 13-D-6), extend the Commercial 2 zone westward to North Main Street, to encompass the entire parcel, thus eliminating the split of the parcel between the Commercial 2 and Residential B zones.

The zone boundary is intended to follow parcel boundary lines where applicable.

Sponsor: Mayor Pritchett  
Originator: Code Enforcement Officer



Regular Meeting, Ordinance Amendment #3 continued:

February 10, 2014

Councilor Hebert moved passage.

Vote: 5 for.

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

#4 Chapter 19, Section 19-303 Flag Lot Access Road Dimensions

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, SECTION 19-303 General Provisions, (9) Flag Lots, BE AMENDED AS FOLLOWS:**

**Sec. 19-303 General Provisions**

9. Flag Lots.

Where permitted by the applicable zone regulations, the development or redevelopment of existing or new Flag Lots shall adhere to the following requirements, in addition to any conditions imposed by the Planning Board upon review pursuant to Chapter 16:

**B. Dimensional Standards.** The narrow access portion of the lot shall be at least twice the length of the front setback required in the district, and shall not be included in the calculation of the minimum lot area. The access road constructed on the right-of-way must be a minimum width of:

(1) fifteen (15) feet where it serves two or more single family homes used as residences ~~for a residential use or~~

(2) twelve (12) feet where it serves just one single-family home, provided that a turn-around for ambulances is established near the home, and, if the access road extends one hundred (100) feet or more from the public street, that either (a) the home is sprinkled, or (b) if not sprinkled, one bump out is provided for emergency vehicles every one hundred and fifty (150) feet, which bump out(s) shall be at least fifteen (15) feet wide and twenty (20) feet long; or

(3) eighteen (18) feet for other uses, ~~and~~

The plan for the access road must be approved by the Fire Chief or his designee with regard to the safe passage of fire-fighting and other emergency equipment over it. The minimum lot area of a flag lot exclusive of the narrow access portion of the lot used for ingress and egress shall be the minimum lot size of the district in which the lot is located. No part of the narrow access portion of the lot shall be less than thirty (30) feet in width or greater than fifty (50) feet in width for residential uses, and no less than fifty (50) feet in width for commercial uses. No buildings or structures shall be constructed within the narrow access portion of the lot and such portion shall not be considered in determining required setbacks. The front setback requirement shall apply to all setbacks (side and rear) of a flag lot used for residential purposes, unless such side or rear setback is greater than the front setback in that zone, in which case the setback shall be the greater of the three.

Sponsor: Councilor Isganitis

Originator: Code Enforcement Officer

Councilor Isganitis moved passage and said that he was approached by Ms. Geiger about the issues with respect to flag lot access roads and the onerous nature of the existing ordinance. The pump-outs and turn-arounds were requested by the fire chief as necessary to allow for fire and EMS activities as needed room to operate. He said he appreciated Ms. Geiger's comments, but said this proposal was a good compromise that meets the needs of those concerned.

Councilor Hebert asked that the Rules be suspended so that he could ask Code Enforcement Officer John Root a question. Without objection from the Council, the Rules were suspended.

Councilor Hebert noted that the 15' and 18' requirements for access roads exist in the current ordinance, and asked Mr. Root where those dimensions came from.

Mr. Root said that the 18' requirement is for commercial drives. He added that he was unable to find the reference made by Ms. Geiger to the dimensions in the Shoreland Zoning Ordinance. He said that the driveway dimensions in the parking ordinance are 10' for one-way traffic and 18' for two-way traffic. He said the 15' dimension for flag lots may have been from a model ordinance. He added that the fire chief feels that the current proposal is workable.

Councilor Dickerson asked if the access road to a flag lot can only service one dwelling.

Mr. Root said that it could service the dwelling on the flag lot and the dwelling on the lot in front of the flag lot.

Councilor MacLellan-Ruf asked if the Fire Chief was comfortable with the reduction in width.

Mr. Root said that he was comfortable with the 12' only if the pump-outs and turn-arounds are provided.

Councilor Hebert then asked in a driveway servicing two dwelling needs to be 15' the entire length.

Mr. Root said that it only has to be 15' in width until it is only servicing one dwelling.

The Council went back into Regular Session with Councilor Hebert saying he see where there could be some issues with this ordinance, such as the 15' vs 12' question. He said he understands the Fire Chief's concerns, but thinks that some of these requirements may be a bit onerous. He said that he was willing to support this proposal in first reading, but it needs work to address the issues raised before second reading.

Councilor Dickerson echoed Councilor Hebert's sentiments, saying that it needs work and must be made less onerous before it can be adopted.

Vote: 5 for.

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

#5 Bond Ordinance – Summer Street Sewer Repairs

**BOND ORDINANCE AUTHORIZING ISSUANCE OF THE CITY'S BONDS OR NOTES IN AN AMOUNT NOT TO EXCEED \$79,000 TO FINANCE SUMMER STREET SEWER LINE REPLACEMENT AND STORM WATER SEPARATION, 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:**

Regular Meeting, Ordinance Amendment #5 continued:

February 10, 2014

**Section 1.** Subject to Section 2 hereof, an amount not to exceed \$79,000 is hereby appropriated to finance Summer Street sewer line replacement and storm water separation (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 \$79,000.

**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: Mayor Pritchett  
Originator: City Manager

Councilor Hebert moved passage.

Vote: 5 for.

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

#6 Chapter 15, Section 15-147 Snow Disposal in Rockland Harbor Prohibited

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

**Sec. 15-147 Snow**

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

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

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

Councilor MacLellan-Ruf moved passage and said that it is time that the City look for alternative methods of snow disposal. She said that the City needs to be cognizant of what is being dumped in the Harbor.

Mayor Pritchett noted that Order #14 to be considered later on this agenda is in conjunction with this amendment.

Councilor Hebert asked if there was sufficient time for staff to explore alternative methods of disposal.

The City Manager said that staff has already begun exploring alternatives, however, he noted that part of the DEP permitting process for dumping snow in the Harbor involves exploration of alternate disposal sites. He said that he could not promise that staff would have any answers by next month's meeting.

Councilor Hebert said that this ordinance would not take effect until May, and it was not likely that disposal of snow would be an issue at that time. However, given that Order #14 calls for a report within 90 day, Councilor Hebert moved to postpone Ordinance Amendment #6 until the April 14, 2014 Regular Meeting to give staff time to explore alternate methods of disposal.

Councilor Dickerson said that staff also needs to take into consideration the cost of dredging the area at the fish pier where the snow is dumped because of the build-up of sediment, the economic impact of loss of berthing space, and the cost of testing of the water for pollutants.

Councilor MacLellan-Ruf agreed with Councilor Hebert about postponing this amendment, saying that a couple of months won't make any difference as long as it's in effect for next winter. She also said that the City has been losing berthing space at the fish pier because of the buildup of sediment, and that dredging the area will cost an estimated \$70,000. She also said that DEP is willing to look at alternate sites given the effect this has on the environment.

The City Manager said that staff is already working on the issue, but noted that DEP has already explored alternate disposal sites with the City prior to granting the permit to dispose of the snow in the Harbor, and that it was the DEP that did not find those sites acceptable.

Vote: 5 for.

Ordinance Amendment #6 was postponed until the April 14, 2014 Regular Meeting.

**Orders:**

#8 Pedestrian Improvements Between Rockland Station and Downtown

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

**THAT** the City Manager is hereby directed to prepare preliminary designs for streetscape improvements and wayfinding signage for pedestrians between Rockland Station and the Downtown, via Pleasant and Main Streets; to obtain cost estimates for the construction of such improvements; and to identify funding sufficient to implement the improvements. Such improvements are intended to enhance the safety, convenience, and aesthetic appeal of entering downtown Rockland for rail passengers and others.

Sponsor: Councilor Isganitis  
Originator: City Manager

Councilor Isganitis moved passage and said that the impetus for this proposal arose out of the changes being proposed at 4 and 6 Union Street, and that there is no clear linkage from the train station to downtown. He said some are missing the view corridor afforded by Pleasant Street by heading down Union Street toward Park Street. He also said there are inadequate sidewalks in the area as well. He said installing way-finding signage would be the best way to direct visitors from the train station to downtown. Councilor Hebert noted that this is just a preliminary step and does not commit any money to this proposal.

Councilor Dickerson said that she has heard from a number of people that the City focuses too much attention and resources on summer visitors, but signage as suggested by this proposal would direct visitors to other areas of the City.

Vote: 5 for.

Regular Meeting, Orders continued:

February 10, 2014

#9 Amendment to Landfill/Transfer Station Fee Schedule

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:****THAT** the Landfill/Transfer Station Fee Schedule, as amended July 1, 2013, is further amended as follows:**Construction & Demolition Debris (C&DD) Rockland Residents and Approved Sources:**

½ cubic yard per day	no fee
½ to 3 cubic yards	\$20.00 per yard
Processed C&DD (pre-pay volume rate)	<del>\$30.00</del> \$31.00 per ton
Processed C&DD (non-prepay volume rate)	<del>\$32.00</del> \$33.00 per ton
Unprocessed C&DD (volume contractual rate)	<del>\$39.00</del> \$40.00 per ton
All other C&DD (other than mixed loads)	<del>\$41.00</del> \$42.00 per ton
Mixed Loads (items other than building materials mixed into the load)	<del>\$56.00</del> \$57.00 per ton

Sponsor: City Manager  
Originator: Solid Waste Director

Councilor Dickerson moved passage.

Mayor Pritchett noted that this was a pass-through fee to the State.

Vote: 5 for.

#10 Authorizing Street Closure and Fee Waiver – Memorial Day Parade

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

**THAT** the organizers of the annual Memorial Day Parade are hereby authorized to close Main Street from Water Street to North Main Street, on Monday, May 26, 2014 beginning at 10:30 a.m. to hold the annual Memorial Day Parade. The organizers shall co-ordinate activities with the Rockland Police, Fire and Public Works Departments for any necessary traffic control and/or public safety measure. Any fees associated with this activity are hereby waived.

Sponsor: City Council  
Originator: Gary Henry

Councilor MacLellan-Ruf moved passage.

Vote: 5 for.

#11 Adopting Declaration of Official Intent – Bond Ordinance (Summer Street Sewer Repairs)

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

**THAT, WHEREAS,** the City desires to borrow up to a maximum amount of \$79,000 for purposes of financing Summer Street sewer line replacement and storm water separation; and

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

**NOW, THEREFORE,** it is hereby

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

**ORDERED:** That Bond Ordinance #6, incorporated herein by reference, be scheduled for a public hearing to be held on March 10, 2014; and

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

Sponsor: City Manager  
Originator: City Manager

***DECLARATION OF OFFICIAL INTENT***  
TREASURY REGULATION § 1.150-2

**WHEREAS,** the City of Rockland, Maine (the "Issuer") currently intends to proceed with the following project (the "Project"): Summer Street Sewer Line Replacement and Storm Water Separation;

**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;

Regular Meeting, Order #11 continued:

February 10, 2014

**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 \$79,000, plus an amount not to exceed 2% for payment of the cost of issuance of bonds or notes issued with respect thereto.

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

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

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

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

Councilor Isganitis moved passage.

Vote: 5 for.

#12 Authorizing Request for Proposals – 31 Lisle Street

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

**THAT** the City Manager is hereby authorized to issue a Request for Proposals for the short-term use of a City-owned parcel of land located at 31 Lisle Street, and further identified as Rockland Tax Map #46-D-1, under a license agreement to be approved by Order of the City Council.

Sponsor: City Manager  
Originator: City Manager

Councilor Dickerson moved passage.

Vote: 5 for.

#13 Authorizing Fee Waiver – Habitat for Humanity

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

**THAT** the demolition permit fee from the Code Office and the fee for disposal of demolition debris at the Rockland Solid Waste Disposal Facility are hereby waived for Mid-Coast Habitat for Humanity for the demolition of a structure at 9 Pine Street to make way for the construction of a new single family home at that site.

Sponsor: Councilor Dickerson  
Originator: Councilor Dickerson

Councilor Dickerson moved passage.

Councilor Isganitis said that this is promoting the rehabilitation of the housing stock in the City, and will result in a new home added to the tax base.

Councilor MacLellan-Ruf said it is a difficult decision when considering fee waivers. She said that she understands the need for housing, but if the fees are waived, the money has to come from somewhere. She said that she will support this fee waiver, but said that the Council needs to be sensitive about waiving fees. She asked what the total fees would be for this proposal.

The City Manager said that the estimated fee for demolition debris disposal was \$1,680 and the disposal permit fee was \$60.

Councilor Isganitis noted that the disposal fee was just an estimate and asked if the Council should consider placing a cap on the amount of the fees being waived in case the actual fee was much higher than the estimate.

The City Manager said that the disposal fee estimate is on the high side so it should cover whatever disposal comes from this project, and that the permit fee is a set amount.

Vote: 4 for, 1 opposed.  
(Pritchett)

#14 Snow Disposal in the Harbor

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

**THAT** the City Manager is hereby instructed to explore alternative methods to the disposal of snow in Rockland Harbor and report back to the Council within 90 days.

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

Councilor MacLellan-Ruf moved passage.

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 8:49 p.m.

**SPECIAL MEETING****AGENDA****March 3, 2014**

Set Agenda for March 10, 2014 Regular Meeting

Executive Session to discuss Susan Barbour's claims regarding the Solid Waste Facility, pursuant to Title 1, Maine Revised Statutes, Section 405(6)(C), which permits the Council to discuss the claims and the City's interests in the property where premature disclosure of the information would prejudice the City's bargaining position, and pursuant to Section 405(6)(D), which permits consultations with the City Attorney regarding the City's legal rights where premature disclosure would place the City at a substantial disadvantage.

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

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

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

- John Jeffers, 15 Tea Street, spoke representing the Rockland Festival Corporation about their desire to have a beer and wine crafters event at the Lobster Festival this year. He asked the Council to keep open communication with the Corporation on this issue and not impose a moratorium on the application for a permit for service of alcohol on municipal property as is proposed in Order #16 that will be discussed later during agenda-setting at this meeting. He said that the Corporation would like a place at the table to discuss this issue.

Hearing no other speakers, the public forum was closed.

**Set Agenda for March 10, 2014 Regular Meeting:** The Council went into informal session to set the agenda for the March 10, 2014 Regular Meeting. The following communication was addressed:

a. Letter from Steve Hale – Request for Extension of Lease (242 Old County Road). It was decided that an item would be added to the March 10, 2014 Regular Meeting agenda to address this request.

**Executive Session:** Councilor Hebert moved that the City Council convene an Executive Session pursuant to Title 1, Maine Revised Statutes, Section 405(6)(C), which permits the Council to discuss the claims and the City's interests in the property where premature disclosure of the information would prejudice the City's bargaining position, and pursuant to Section 405(6)(D), which permits consultations with the City Attorney regarding the City's legal rights where premature disclosure would place the City at a substantial disadvantage. Vote: 5 for.

The Council entered Executive Session at 7:59 p.m.

The Council came out of Executive Session and, with no further action being taken, adjourned without objection from the Council at 8:27 p.m.

A TRUE COPY.

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

**SPECIAL MEETING****AGENDA****March 5, 2014**

Public Hearing: CDBG Downtown Revitalization Grant – Sidewalks

Presentation – Capital Improvement Plan

The meeting was called to order by the Mayor at 7:00 p.m. with the following members answering the roll call: Mayor Larry Pritchett, Louise MacLellan-Ruf, Eric Hebert, Frank Isganitis, City Manager Luttrell, and City Attorney Beal. Councilor Elizabeth Dickerson arrived at 7:05 p.m.

**Public Hearing: CDBG Downtown Revitalization Grant**

Community Development Director John Holden introduced the proposal, saying that the grant and associated matching funds would be used to make sidewalk improvements on the side streets between Union Street and Main Street from Park Street to Limerock Street. He added that a public hearing to gather input from the public on the proposed project was a requirement of the grant application process.

A public hearing was opened with Gordon Page, newly appointed Executive Director of Rockland Main Street, speaking in favor of the proposed project, saying that improvements and repairs to the sidewalks in the designated area address safety concerns about the condition of those sidewalks.

Hearing no other speakers, the public hearing was closed.

**Presentation – Capital Improvement Plan**

City Manager Luttrell presented the Capital Improvement Plan for the City to the Council, spelling out capital needs for the City for FY 2015 thru FY 2019. The plan for FY 2015 calls for total spending of \$513,500 in new equipment and infrastructure projects. Equipment financing totaling \$320,800 will be funded through a new five-year lease plan adding an estimated \$71,881 to the City's debt service payments. The remaining capital infrastructure projects proposed for FY 2015 will be funded through the Downtown and Fisher TIF's. The plan for FY 2015 calls for no new tax dollars to be allocated for these projects due in part to the retirement of a previous equipment lease of over \$100,000. Key capital improvements contained in the FY 2015 plan are as follows:

- Equipment replacement for Police, Fire, Public Works and Harbor:

Special Meeting, CIP Presentation continued:

March 5, 2014

- Police: 2 police cruisers
- Fire: 3 Thermal Imaging Cameras
- Public Works: New plow for loader, road painting machine, replace 7-yard dump truck with a 14-yard dump truck, and purchase a new compactor.
- Harbor: Replace pilings at Snow Marine Park, Middle Pier and Public Landing.

- Curb and sidewalk improvements in the Downtown District
- New light poles on Main Street
- Harbor Trail improvements

With the above presentation completed, and with no further business to come before the City Council, Councilor Hebert moved to adjourn. Without objection from the Council, the meeting was adjourned at 8:29 p.m.

A TRUE COPY.

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

**SPECIAL MEETING****AGENDA****March 10, 2014**

Pursuant to Title 36, Maine Revised Statutes, Section 841(2), which requires that hearings and proceedings on applications for hardship tax abatements be conducted in executive session, the Rockland City Council will convene in executive session to hold a hardship tax abatement hearing.

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

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

**Executive Session:** Councilor Hebert moved that pursuant to Title 36, Maine Revised Statutes, Section 841(2), which requires that hearings and proceedings on applications for hardship tax abatements be conducted in executive session, the Rockland City Council will convene in executive session to hold a hardship tax abatement hearing.

Vote: 4 for.

The Council entered Executive Session at 6:31 p.m.

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

A TRUE COPY.

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

**REGULAR MEETING****AGENDA****March 10, 2014**

1. Roll Call
2. Pledge of Allegiance to the Flag
3. Public Forum (5 min. limit each speaker)
4. Meeting Notice
5. Reading of the Record
6. Reports:
  - a. City Manager's Report
  - b. City Attorney's Report
  - c. Other Official's Report
  - d. Mayor's Report
7. Licenses and Permits:
  - a. Liquor & Entertainment Licenses – Trackside Station Restaurant
  - b. Liquor & Entertainment Licenses – Sandbaggers Café
  - c. Lodging House License – Ripple Inn at the Harbor
  - d. Liquor & Entertainment Licenses – The Chowder House
  - e. Liquor License – Conte's 1894
  - f. Lodging House License – Captain Lindsey House
8. Resolves:
 

# 9 Authorizing Grant Application – CDBG Downtown Revitalization	City Manager
#10 Accepting Donations – Library	City Manager
#11 Appointments – Boards and Commissions	Mayor Pritchett
#12 Authorizing Reserve Fund Expenditure – Police Department	City Manager
#13 Authorizing Budget Adjustments – Employee Health Insurance	City Manager
#14 Support for LD1754 – Public Utility Vehicle Excise Tax	City Council
#15 Authorizing Appropriation of TIF Funds – Downtown Lighting	City Manager
9. Ordinances in Final Reading and Public Hearing
 

# 2 Chapter 8, Section 8-708 Max Levels of Assistance – Food	Councilor Dickerson
# 3 Zoning Map Amendment – North Main/Cottage Streets	Mayor Pritchett
# 4 Chapter 19, Section 19-303 Flag Lots Access Roads	Councilor Isganitis

City Manager  
 City Manager  
 Mayor Pritchett  
 City Manager  
 City Manager  
 City Council  
 City Manager  
  
 Councilor Dickerson  
 Mayor Pritchett  
 Councilor Isganitis

Regular Meeting, Agenda continued:

March 10, 2014

- |  |                  |
|--|------------------|
| # 5 Bond Ordinance – Summer St. Sewer                                    | Mayor Pritchett  |
| 10. Ordinances in First Reading:   |                  |
| #23 Bond Ordinance – PW Garage (Postponed from 01/13/14)                 | City Council     |
| # 7 Purchase & Sale Agreement Amendment – S. Hale                        | Councilor Hebert |
| # 8 Zoning Map Amendment – Broad/Grace Street Area                       | Mayor Pritchett  |
| 11. Orders:  |                  |
| #28 Declaration of Official Intent – PW Garage (Postponed from 01/13/14) | City Council     |
| #39 Adopting Art Display Policy (Postponed from 12/09/13)                | Councilor Hebert |
| #15 Authorizing Property Boundary Agreement – Belyea Estate              | City Manager     |
| #16 Review of Options & Rules - Alcohol At Events On City Property       | Mayor Pritchett  |
| #17 Accepting Forfeited Assets – C. Soto                                 | City Manager     |
| #18 Accepting Grant – American Library Association                       | City Manager     |
| #19 License Agreement – Brass Compass Tables (Winslow Holbrook Park)     | Mayor Pritchett  |
| 12. Adjournment.   |                  |

The meeting was called to order by the Mayor at 7:00 p.m. with the following members answering the roll call: Mayor Larry Pritchett, Louise MacLellan-Ruf, Elizabeth Dickerson, Eric Hebert, Frank Isganitis, City Manager Luttrell, and City Attorney Beal.

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

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

- Lynn Archer, owner of the Brass Compass Café, spoke in support of the Council granting her permission to use a portion of Winslow Holbrook Memorial Park (adjacent to The Brass Compass Café) to place tables and chairs and provide food and beverage service during the 2014 summer season under the same terms and conditions as previous years. She said that this would be the 11<sup>th</sup> year of her doing this, and, evidenced by the lack of any opposition at this meeting, it seems everyone is happy with the arrangement. She also said that she would welcome an opportunity to discuss with the City the condition of the bricks both in the park and on the sidewalk in hopes of reaching a mutually beneficial arrangement for both herself and the City.

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

#### Reports:

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

- Construction work will resume this month on the public restrooms on Tillson Avenue with completion expected by May 2014.

- Work continues on the FY 2015 municipal budget. The City Manager said that he hopes to have a draft budget review schedule together for Council review in the near future.

- A major concern coming out of this winter are pot holes, and one of the worst roads in the City is Old County Road. He said he has been in constant contact with MDOT about the condition of Old County Road, and that they are aware of its condition. However, he said there are no funds earmarked for any significant repairs to Old County Road. He said that even though Old County Road is ultimately the State's responsibility, they are talking about a State/Municipal partnership for the City to pay half the cost of repairing the road. He said it is estimated that the cost to rebuild Old County Road will be in the neighborhood of \$3 million dollars.

- The City's consultant on the FEMA Flood Maps, Bob Gerber, is continuing his evaluation of the maps, and a meeting will be scheduled for a discussion of the maps with the Council in the near future.

b. City Attorney's Report: The City Attorney reported that other than issues previously transmitted to the Council, he had nothing else to report.

c. Other Official's Report: None.

d. Mayor's Report: Mayor Pritchett reported that the Council will have a work session on Wednesday, March 19, 2014 at 6:30 p.m. to discuss the idea of creating an Arts Commission in the City.

Mayor Pritchett also reported that a "meet and greet" will be held at the Time Out Pub on Tuesday, March 11, 2014 from 6:00 p.m. to 7:00 p.m. to meet the new Rockland Main Street Executive Director, Gordon Page, Sr.

Mayor Pritchett then reported that an information meeting will be held by the RSU #13 Board on Thursday, March 13, 2014 to discuss the middle school merger issue.

#### Licenses and Permits:

- Liquor & Entertainment Licenses – Trackside Station Restaurant
- Liquor & Entertainment Licenses – Sandbaggers Café

Regular Meeting, Licenses and Permits continued:

March 10, 2014

- c. Lodging House License – Ripple Inn at the Harbor
- d. Liquor & Entertainment Licenses – The Chowder House and Speakeasy
- e. Liquor License – Conte's 1894
- f. Lodging House License – Captain Lindsey House

A public hearing was opened with Kelly Woods, owner of Trakside Station Restaurant, speaking in favor of granting the licenses for her establishment. She also commented on issues raised about their outdoor seating area from last year, and assured the Council that the orange temporary fencing that seemed to cause the one complaint that was received would be replaced with a more decorative temporary fencing this year. She added that the area holds 4-5 tables, and that they only serve lunch and dinner at these tables. She said that the tables are removed once dinner service ends. The only exception is during the Blues Festival when the tables remain out until closing. She said that she received very positive input on the outdoor seating from the customers, and the State and Railroad also like having the tables out there.

Hearing no other speakers, the public hearing was closed.

Councilor Hebert moved to grant the licenses for Sandbaggers Café, Ripples Inn at the Harbor, The Chowder House and Speakeasy, and Conte's 1894.

Vote: 5 for.

Councilor Hebert then moved to grant the licenses to Trakside Station Restaurant.

Councilor MacLellan-Ruf asked that the Rules be suspended so that she could ask Mrs. Woods a couple of questions. Without objection from the Council, the Rules were suspended.

Councilor MacLellan-Ruf wanted to make sure that the orange snow-fencing from last year was a thing of the past.

Mrs. Woods assured her that more decorative fencing would be used to delineate the outdoor seating area this year.

Councilor MacLellan-Ruf then asked when they typically stopped serving dinner at the outdoor tables.

Mrs. Woods said that the area is not well lit, so service ends usually when it gets dark, approximately 8:30 p.m. most nights.

The Council went back into Regular Session for a vote on Councilor Hebert's motion to grant the licenses for Trakside Station Restaurant.

Vote: 4 for, 1 opposed.

(Dickerson)

Councilor Hebert then moved to grant the license for Captain Lindsey House conditioned on the approval of the fire inspector. He said that he was not aware of any major issues that would necessitate holding up the license.

Councilor Isganitis said that he believed substantial renovations were being done, and would be more comfortable postponing this application until the renovations were completed and the fire inspector signed off on the application. Therefore, Councilor Isganitis moved to postpone the application for Captain Lindsey House until the April 14, 2014 Regular Meeting.

Vote: 5 for.

The application was postponed until the April 14, 2014 Regular Meeting.

At this time, without objection from the Council, Ordinances in Final Reading and Public Hearing, were taken out of order.

### Ordinances in Final Reading and Public Hearing:

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

(See pages 103-104 for text)

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

Councilor Hebert moved passage, and said that there has been discussion about defeating this amendment and keeping the amounts for food the same. He asked what the effective date of the State changes was, however, staff did not have that information.

Councilor Dickerson said that she was opposed to this amendment on principal, and that she opposed the cuts to general assistance coming from the Governor's office at the Legislative level as well. She said these reductions in general assistance were part of the compromises necessary to get a budget deal adopted at the state level, but the casualties of that political battle are those who are in need of the assistance.

Councilor Isganitis said this is a difficult situation and that no one wants to see anybody go without. He said that the City is caught in the middle, with the State setting what the maximum amounts of this assistance are that the City can issue, but also tells the City that you have to spend as much as necessary to meet the need. However, the City will only receive reimbursement based on the lower amounts, regardless of what the City ends up spending. He said he didn't really have an answer to this dilemma, but believed by lowering the maximum amounts to the State levels would stretch the available funds as far as possible.

Councilor MacLellan-Ruf said that even if the City enacts the lower amounts, the City is still obligated to give assistance to anyone that is qualified regardless of the amount of money budgeted for that purpose.

Councilor Hebert said that regardless of the amount spent for assistance, the State will reimburse the City 50% of the amount spent. He said the Council sets a number each year in the budget for general assistance, but it doesn't really matter because the City is required to provide assistance to anyone who is qualified. He said that the poor are an easy target for politician because they have no real way to fight back, so a no vote on this amendment seems to make some sense. He said that the dollar amounts are not huge and that the City will have to spend what it has to spend so it may help some people to give a few more dollars.

Councilor Dickerson asked if the City's General Assistance budget has been overspent in years past.

The City Manager said that the City has not exceeded the State maximum, but has overspent the City General Assistance budget in the past.

Vote: 0 for, 5 opposed.

Motion Defeated.

#### #3 Zoning Map Amendment – Cottage/North Main Street

(See pages 104-105 for text)

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

Councilor Hebert moved passage and moved to amend Ordinance Amendment #3 as follows:

“\* At 6 Cottage Street (Tax Map 13-D-3), extend the ~~Commercial 2 zone northward~~ Transitional Business 1 zone southward to encompass the entire parcel, thus eliminating the split of the parcel between the Commercial 2 and Transitional Business 1 zones; and”

Councilor Hebert said that the lot at 6 Cottage Street is currently split between the Transitional Business 1 Zone and the Commercial 2 Zone. The proposal was to shift the zone boundary so that the entire lot was in the Commercial 2 Zone when it was thought that this was the parcel owned by Home Kitchen Café. When it was discovered that it was not, it seemed to make more sense to shift the zone boundary so that the entire lot is in the Transitional Business 1 Zone rather than the C2 Zone. He added that the owners of the parcel agree with this change.

Councilor Isganitis said that zone boundary line through the middle of parcels is frustrating, but there is a provision in the City Code that says the zone regulations of the more restrictive zone extent 30 feet into the less restrictive zone, so making this change isn't really necessary. Also, he said that if the City wants to promote Commercial 2 Zone activities along this area of Main Street, the zone needs to extend into the lots to the rear of those fronting on Main Street to make them viable for such activities. He urged the Council to pass Ordinance Amendment #3 as written.

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

Vote as amended: 5 for.

The amendment will become effective April 9, 2014.

#4 Chapter 19, Section 19-303 Flag Lots; Access Drive Dimensions

(See page 105 for text)

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

Councilor Hebert moved passage and moved to amend Ordinance Amendment #4 as follows:

**B. Dimensional Standards.** The narrow access portion of the lot shall be at least twice the length of the front setback required in the district, and shall not be included in the calculation of the minimum lot area. The access road constructed on the right-of-way must be a minimum width of:

~~(1) fifteen (15) feet where it serves two or more single family homes used as residences for a residential use or~~

~~(2) (1) twelve (12) feet where it serves just one single family home, provided that a turn-around for ambulances is established near the home, and, if the access road extends one hundred (100) feet or more from the public street, that either (a) the home is sprinkled, or (b) if not sprinkled, one bump out is provided for emergency vehicles every one hundred and fifty (150) feet, which bump out(s) shall be at least fifteen (15) feet wide and twenty (20) feet long; or~~

~~(3) (2) eighteen (18) feet for other uses; and~~

Vote on amendment: 5 for.

Councilor Hebert asked for clarification on the "bump out" language.

The City Manager explained that the bump outs are required at every 150 foot interval if the drive is longer than 100 feet.

Councilor Hebert then asked what the purpose was for the bump outs.

The City Manager said that they were to provide sufficient room to work around the fire trucks.

Vote as amended: 5 for.

The amendment will become effective April 9, 2014.

#5 Bond Ordinance – Summer Street Sewer Line Replacement and Storm Water Separation

(See pages 105-106 for text)

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

Councilor Isganitis moved passage.

Vote: 5 for.

The Ordinance will become effective April 9, 2014.

At this time, without objection from the Council, Ordinances in First Reading #'s 7 and 8 were taken out of order.

**Ordinances in First Reading:**

#7 Authorizing Extension of Purchase and Sales Agreement – Steve Hale

**THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:**

**THAT** the Purchase and Sale Agreement between the City of Rockland and Stephen C. Hale for the purchase of 242 Old County Road (Tax Map #80-A-5), adopted by the City Council pursuant to Ordinance Amendment #16-11, effective 06/08/11, and amended pursuant to Ordinance Amendment #04-13, effective 07/29/13, is hereby further amended as follows:

**SECOND AMENDMENT TO  
PURCHASE & SALE AGREEMENT**

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

\* \* \*

4. PURCHASE PRICE: For such Quitclaim Deed and conveyance Buyer agrees to pay the total purchase price of \$18,000 \$\_\_\_\_\_.

\* \* \*

6. ACCEPTANCE; CLOSING DATE: . . . The Closing Date shall be no later than March 31, ~~2014~~ 2015.

\* \* \*

25. OTHER CONDITIONS: Buyer to lease the Premises for no more than ~~three~~ four years, and pay the purchase price no later than March 31, ~~2014~~ 2015. Until closing, Buyer shall pay Seller rent in the amount of \$400.00/month on or before the first day of each month for the period up to and concluding on March 31, 2013; ~~and~~ in the amount of \$600.00/month on or before the first day of each month commencing April 1, 2013; ~~;~~ and in the amount of \$ \_\_\_\_\_/month on or before the first day of each month commencing April 1, 2014. Buyer shall be responsible for repairs necessary to render the property habitable, and for yard maintenance and snow removal; shall pay all utilities; and shall pay the City a payment in lieu of tax at the rate of \$1,223/year pro-rated to Buyer to cover the period between the Closing Date and the completion of the then-current fiscal year. If the Closing Date is between April 1, ~~2013~~, and June 30, ~~2013~~, Buyer shall make a further payment in lieu of tax for ~~Fiscal Year 2014~~ the following fiscal year, in the amount of the tax that would have been assessed had Buyer owned the property on such April 1, ~~2013~~. Of Buyer's rent payments to the City for periods prior to the Closing Date, \$300/month shall be credited to the purchase price at closing. Buyer shall secure and maintain property and liability insurance coverages for the property, and shall name the City of Rockland a certificate holder of the same.

\* \* \*

Terms and conditions in the Purchase and Sale Agreement, as amended, or subparts thereof, not amended in this Second Amendment shall remain in full force and effect and binding upon the Parties.

Sponsor: Councilor Hebert  
 Originator: Councilor Hebert

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

Councilor Hebert moved passage and moved to amend Ordinance Amendment #7 by filling the blanks as follows: Purchase Price "\$18,000"; and monthly rental amount "\$600" per month.

Councilor Isganitis said that he raised the question about the purchase price and monthly rental payment and what effect extensions may have on them. He said that he did not want to see this agreement extended over and over again, but also did not want to penalize Mr. Hale. But, he said he did want to make sure that the City was being appropriately compensated for the additional year.

Without objection from the Council, Mayor Pritchett suspended the Rules to allow Mr. Hale to address this issue.

Mr. Hale said that his original intent was to have this agreement paid off in two year, but things did not work out that way. He said that there were unexpected expenses and a soft economy that have prohibited him from paying off this agreement within the specified time limit. He said he will definitely have it paid off within this next year.

The Council went back into Regular Session with Mayor Pritchett saying that the Council would consider each amendment separately.

Purchase Price: \$18,000

Vote on amendment: 5 for.

Monthly Rental: \$600 per month

Vote on amendment: 5 for.

Councilor Hebert then noted that in relation to payment in lieu of taxes, the year for which the payments would be for has been removed. He asked why this was being done.

The City Attorney explained that this was an attempt to actually simplify that provision by removing the reference to a specific fiscal year.

Councilor Hebert then said that Mr. Hale has taken a property that no one wanted and made it livable again, and the City is getting its money. He said if Mr. Hale needs a little more time, there is no reason not to give it to him.

Vote as amended: 5 for.

A public hearing was set for April 14, 2014 at 7:00 p.m.

#8 Zoning Map Amendment – Broad, Grace, Grace Street Place Area

**THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:**

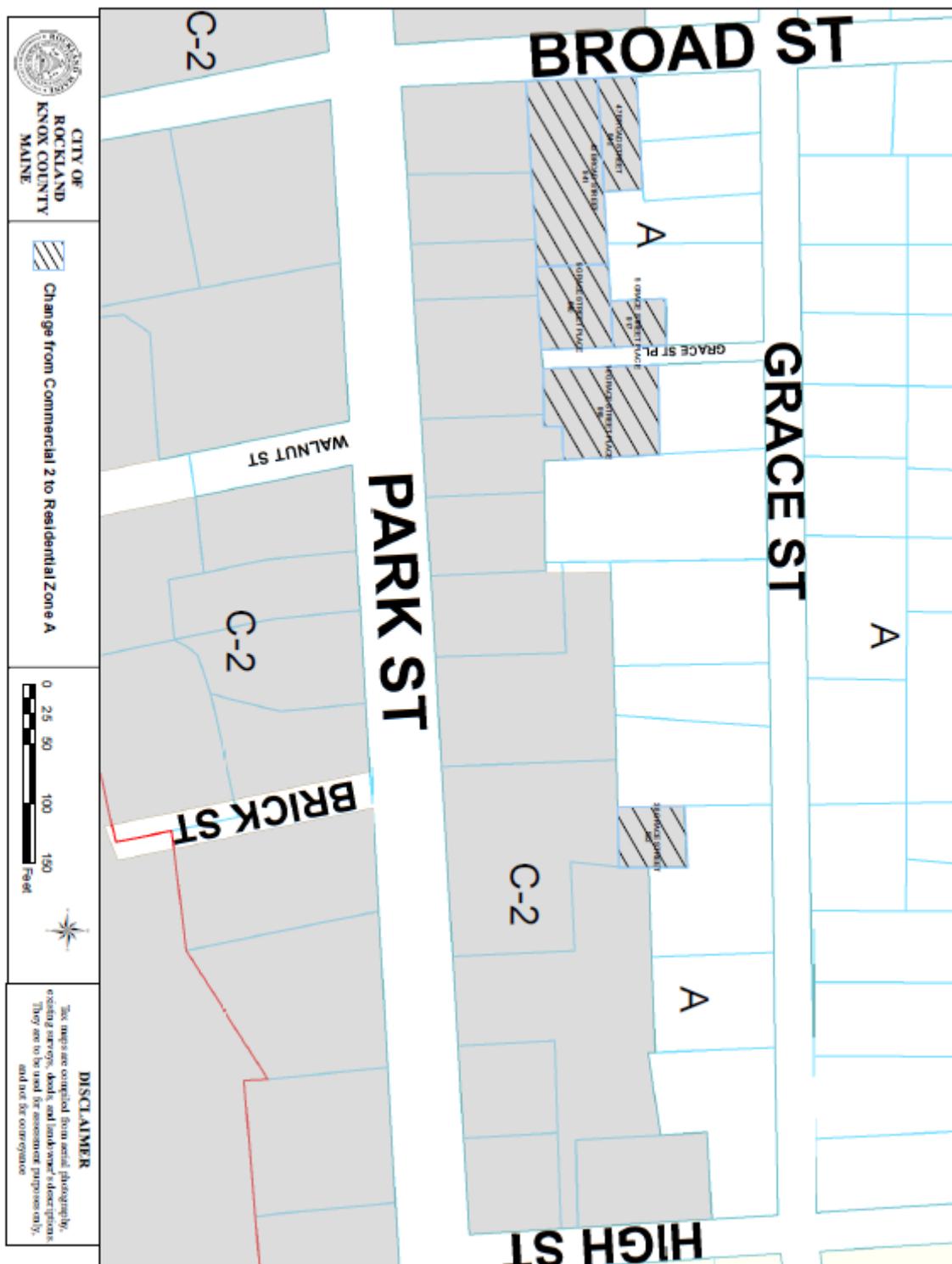
**THAT** the Official Zoning Map of the City of Rockland be amended by changing the zoning classification as follows, and in conformance with the attached map:

- ❖ At 47 Broad Street (Tax Map 20-A-29), change the zone from Commercial 2 Zone to Residential Zone A; and
- ❖ At 43 Broad Street (Tax Map 20-A-28), change the zone from Commercial 2 Zone to Residential Zone A; and
- ❖ At 5 Grace Street Place (Tax Map 20-A-5), change the zone from Commercial 2 Zone to Residential Zone A; and
- ❖ At 9 Grace Street Place (Tax Map 20-A-27), change the zone from Commercial 2 Zone to Residential Zone A; and
- ❖ At 10 Grace Street Place (Tax Map 20-A-7), change the zone from Commercial 2 Zone to Residential Zone A; and

Also at 38 Grace Street (Tax Map 20-A-10), extend the Residential A zone eastward to encompass the entire parcel, thus eliminating the split of the parcel between the Commercial 2 and Residential A zones as currently shown on the Official Zoning Map of the City of Rockland.

The zone boundary is intended to follow parcel boundary lines where applicable.

Sponsor: Mayor Pritchett  
 Originator: Code Enforcement Officer



Councilor Hebert moved passage and said that he does not recall the reasoning for these lots being zoned Commercial 2. He said it makes sense to change them back to Residential A.

Councilor Isganitis said that if you acknowledge the C2 in the correct zoning along Park Street, this is one instance where the zoning was actually done properly. He said the C2 zone has a 200 foot frontage requirement as well as depth requirements as a transition between commercial and residential uses. He said if a commercial lot is not deep enough, it forces the owner to elongate along the front portion of the lot, and he cited the odd-shaped developments at Burger King and McDonald's on Camden Street as examples of this kind of zoning dilemma. He said in this instance, there is a property owner that wants to make improvements to his residential property but is prohibited from doing so because of the C2 regulations. He suggested that the Council postpone this proposal and send it to the COMPS Commission to look at ways to allow a homeowner to make such improvements without changing the underlying zone. He said that the City is using different zones as buffers between certain uses rather than including buffering within the zoning. He said if C2 is the proper zoning for this area, the zoning of the rear parcel is correct. Councilor Isganitis then moved to postpone Ordinance Amendment #8 until the May 12, 2014 Regular Meeting.

Councilor Hebert noted that should this amendment be passed in first reading, it would be sent to COMPS for review anyway. He said that he understood what Councilor Isganitis was saying, but would not support postponement of this amendment. He said that they are talking about small lots that should be zoned residential. He also said that there was no need to hold up the property owner any longer than necessary from doing the improvements to his home. He also said that he has been asking for the COMPS Commission to look at the question of the zoning on Park Street for some time now. But as for this proposal, he was comfortable with this change.

Without objection from the Council, the Rules were suspended to hear from property owner Al MacAlister on this proposal. Mr. MacAlister said that his plans are to put an addition on his home but is unable to proceed because of the area regulations current in effect. He also said that either the C2 or the Residential A Zones would work for him as he has alternate plans to meet the requirements of either zone. He did say, however, that he would like the Council to make a decision on this so that he could move forward with one plan or another.

Councilor MacLellan-Ruf asked Code Enforcement Officer John Root if the owners of the other properties included in this

Regular Meeting, Ordinance Amendment #8 continued:

March 10, 2014

proposal have been contacted.

Mr. Root said that all but two of the property owners have been contacted, and all have agreed with this proposal.

The Council went back into Regular Session with Councilor Isganitis withdrawing his motion to postpone, and said that a number of the lots that front on Park Street that are zoned C2 are also residential. He said the larger question that COMPS should be asked to look at is if C2 is the correct zoning for this part of Park Street.

Vote: 5 for.

A public hearing was set for April 14, 2014 at 7:00 p.m.

At this time, and without objection from the Council, Order #19 was taken out of order.

#### **Order #19 Authorizing License Agreement – Brass Compass Tables**

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

**THAT** the City Manager is authorized to sign a limited use license agreement with the owner of the Brass Compass Cafe to place public tables in a portion of Winslow-Holbrook Memorial Park and to provide food and beverage service to those tables for the 2014 Summer Season (May 15, 2014 through October 31, 2014) under the terms and conditions specified in the license agreement substantially in the form attached hereto.

Sponsor: Mayor Pritchett  
Originator: Mayor Pritchett

#### **LICENSE AGREEMENT**

**THIS LICENSE AGREEMENT** by and between the City of Rockland, Maine, a municipal corporation situated in the County of Knox and State of Maine (the "City" or "Licensor") and Lynn W. Archer, d/b/a The Brass Compass Cafe, of 305 Main Street, Rockland, Maine (the "Licensee"), is effective May 15, 2014, if duly executed by each party.

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

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

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

**1. Grant of License.** The City of Rockland grants to Licensee a non-exclusive license, between May 15, 2014, and October 31, 2014, temporarily to place tables and chairs for public and customer seating, and – from and by the Brass Compass – to serve food and refreshments at the same within the License Premises as hereinafter defined;

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

**3. Fee.** Licensee shall, prior to placing any table or chair in the Park, pay to the City a total fee of \$1,500.00 (the "Fee") for the permissions granted under this License; provided, however, that in the event the City suspends or terminates this License Agreement pursuant to subparagraph 8(A), the fee shall be pro-rated to exclude the period in which this License is suspended, and the excess payment, if any, shall be refunded to Licensee no later than November 30, 2014;

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

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

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

**5. Term.** Except upon the occurrence of an Event of Default, the Term of this License Agreement shall be from May 15, 2014, to October 31, 2014;

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

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

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

A. if (1) the City Council shall have adopted a plan for the rehabilitation or improvement of the Park and/or the surrounding City sidewalk(s), and (2) work is to commence to implement such plan within the effective period of this License, which work – in the sole discretion of the City Manager – requires the suspension or termination of this License and the removal of the tables and chairs, Licensee shall cease her use of the Park for seating and service, and shall remove the tables and chairs from the Park until informed by the City that such use may resume; or

B. without notice, if the City Manager, in consultation with the Code Enforcement Officer or other City staff member of competent jurisdiction, finds that Licensee is in violation of any condition, term, obligation, or requirement of this License Agreement or other applicable law, regulation, or rule ("cause"). Cause shall included, but not be limited to, Licensee's service of alcohol or allowance of the consumption of alcohol within the License Premises at any time during Licensee's business hours or while Licensee or any employee or other agent of Licensee shall be present at 305 Main Street. In the event of the termination of this License Agreement by the City Manager for cause, no part of the Fee shall be refunded to Licensee, notwithstanding anything to the contrary herein.

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

**9. Miscellaneous.**

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

B. The limitations, obligations, and rights granted to or imposed upon Licensee in this License Agreement shall

Regular Meeting, Order #19 continued:

March 10, 2014

alike extend to and be binding upon Licensee and its successors and assigns;

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

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

Councilor Isganitis moved passage and moved to amend Order #19 by making the agreement automatically renewal annually under the same terms and conditions of the current agreement through October 31, 2018.

Councilor Hebert said that there was talk last year about completing the work in Winslow-Holbrook Park, and even though there are no funds for such where, there is still a plan. He asked if there are any plans to do the work in the next five years.

The City Manager said that hopefully the City would be able to complete the work at some point, but noted that there are provisions in the agreement addressing that issue.

The City Attorney asked if it would Councilor Isganitis' intention to keep the rent payment the same over the term of the agreement.

Councilor Isganitis said that was his intention.

Councilor Hebert said that he did not agree with making this a five year agreement, noting that this has been a somewhat contentious issue in the past, and was hesitant to keep the terms the same over that time period. He said if an escalator was built in, he may consider it.

Councilor MacLellan-Ruf agreed that this has been a contentious issue in the past, but said that it did not have to be. She then asked if there were any issues raised about the use of the 10 feet last year.

The City Manager said that he was not aware of any issues.

Councilor Dickerson said that she would love to see this as an on-going agreement, but because of the contentiousness in the past perhaps it would be better to leave it as a year to year agreement as a check and balance.

Councilor Isganitis said that any of the terms and provisions of this agreement are open for debate. He also agreed that there has been substantial debate on this issue in the past, but noted that there was no one at this meeting opposing the agreement. He said that there are provisions in the lease for early termination, and reiterated that he was open to amendment any of the terms in this agreement.

Councilor Dickerson said that those kinds of discussions are best when all concerned parties have the opportunity to sit around the table and discuss the issues. She suggested that this agreement be adopted as proposed, as a one year agreement, and then the parties could sit down and discuss a longer-term agreement for future years.

Councilor Hebert moved to postpone Order #19 until the April 14, 2014 Regular Meeting to give time to hold the discussions contemplated by Councilor Dickerson.

Councilor Dickerson strongly urged the Council not to postpone this Order. She said that it was already March, and this business needs to begin planning for the season, which will be here soon. She suggested that the Council approve this as a one year agreement and look at a longer term agreement for future years.

Without objection from the Council, the Rules were suspended to allow Ms. Archer to comment on this issue.

Ms. Archer said that she was not aware of a proposal to make this a multi-year agreement, and it would be difficult to agree to an incremental increase in the lease payments without doing some research. She also said that she was a target of the embezzlement of a significant amount of money last year and needs to watch finances closely. She said that she was happy with the one-year agreement, but said she would be willing to discuss a longer-term agreement after this season ends.

The Council went back into Regular Session with Councilor Hebert withdrawing his motion to postpone Order #19, and saying that it was premature to authorize a multi-year agreement at this time. He said he would be happy to support this as a one year agreement and look at a longer term agreement for the future.

Vote on amendment: 1 for, 4 opposed.

(Dickerson, MacLellan-Ruf, Pritchett, Hebert)

Motion Defeated

Vote: 5 for.

The order of the agenda was then resumed.

**Resolves:**

#9 Authorizing Application and Expenditure – CDBG Downtown Revitalization Grant

**WHEREAS**, the City has continued to implement its Downtown Revitalization and associated plans; and

**WHEREAS**, said Plans call for improvements to sidewalks to and from Main Street between Park Street and Museum Street; and

**WHEREAS**, sidewalks on side streets in the Downtown are in need of improvement; and

**WHEREAS**, the City has accepted plans for Harbor Trail that include plans to bridge over Lermond Cove and connect the Thorndike Parking Lot with Ferry Terminal Park; and

**WHEREAS**, the City also intends to improve Downtown lighting; and

**WHEREAS**, the CDBG Downtown Revitalization Program provides funding for sidewalk and other infrastructure improvements up to \$400,000;

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

Regular Meeting, Resolve #9 continued:

March 10, 2014

**THAT** the City Council authorizes the City Manager to apply for a CDBG Downtown Revitalization Program grant to fund improvements to City sidewalks and related infrastructure in the Downtown, and the extension of Harbor Trail to Ferry Terminal Park; and

**THAT**, the City hereby appropriates up to \$100,000 from the Tillson Avenue Area (Downtown) TIF Development Program (Account #10000-1899) for the City's match for such grant; and

**THAT**, the City hereby appropriates \$95,000 from the FY 2014 Tillson Avenue Area (Downtown) TIF Development Program and \$105,142 from the FY 2015 Tillson Avenue Area (Downtown) TIF Development Program (Account #10000-1899) as additional funding to complete the projects, should such CDBG Downtown Revitalization Program grant be awarded to the City; and

**THAT**, in the event the City is awarded such CDBG Downtown Revitalization Program grant, the City Manager is hereby authorized to expend such grant, matching funds and additional appropriations, and to execute any such contracts or instruments as may reasonably be required to effectuate the purposes of this Resolve.

Sponsor: City Manager

Originator: Community Development Director

Councilor Hebert moved passage.

Vote: 5 for.

#### #10 Accepting Donations – Library

**WHEREAS**, Bob and Trudie Young of Rockland donated the book Pocket Neighborhoods to the Library, valued at \$30, to be added to the Library's collection; and

**WHEREAS**, the Friends of the Rockland Public Library donated \$1,081.30 for 73 children's books, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003).

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

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

Sponsor: City Manager

Originator: City Manager

Councilor Isganitis moved passage.

Vote: 5 for.

#### #11 Appointments – Boards, Commission and Committees

#### **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 prescribed terms are hereby confirmed:

Mark Breton, 87 Lake Avenue, Economic Development Advisory Committee (2016);

Dean Felton, 30 Linden Street, Ad Hoc Harbor Trail Committee (No Term).

Sponsor: Mayor Pritchett

Originator: Mayor Pritchett

Councilor Isganitis moved passage.

Vote: 5 for.

#### #12 Authorizing Reserve Fund Expenditure – Police Management Evaluation

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

**THAT** the City Manager is hereby authorized to expend up to \$6,000 from the Police Department Reserve Account (#10000-01706) to pay the cost of a Police Department Management Evaluation by the Maine Chiefs of Police Association.

Sponsor: City Manager

Originator: Police Chief

Councilor MacLellan-Ruf moved passage.

Councilor Hebert said that he could see the value in such a study, but asked what the City hopes to get out of it.

The City Manager explained that this evaluation will be a guide book for of the department and will be a good tool for a future Police Chief to have.

Vote: 5 for.

#### #13 Authorizing Budget Adjustments – Employee Health Insurance

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

**THAT** the City Manager is hereby authorized to make the following Budget Adjustments to the Employee Health Insurance line items in the following departmental budgets:

<u>Department</u>	<u>Adjustment</u>
10012 Executive	- \$ 792.00
10013 Assessment	- \$ 3,789.00
10014 Finance	- \$ 7,368.00
10015 Legal	- \$ 168.00
10016 City Clerk	+\$ 3,461.00
10031 Police	+\$ 6,647.00
10032 Fire	- \$ 2,552.00
10036 Code Enforcement	+\$ 5,334.00
10037 Community Development	+\$ 196.00
10041 Public Works	+\$ 7,276.00
45000 Transfer Station/Solid Waste	+\$11,572.00
20010 Waste Water Treatment	- \$ 7,593.00
20015 Storm Water	- \$ 8,154.00
50000 Emergency Medical Service	- \$ 536.00
10062 Library	- \$ 3,535.00
<b>Total Effect on Budget</b>	<b>\$ 0.00</b>

Sponsor: City Manager  
 Originator: Finance Director

Councilor Isganitis moved passage.

Vote: 5 for.

#14 Support for LD1754 – An Act to Amend the Laws Governing the Location of Motor Vehicle Excise Tax Collection for Motor Vehicle Owned by Public Utilities

**WHEREAS**, current State law requires public utilities to pay excise tax on motor vehicles owned by the public utility in the municipality in which the corporate headquarters of the public utility are located regardless of the municipality in which the motor vehicle are housed and used; and

**WHEREAS**, in 1977, State law was changed to require corporations and partnerships that are not public utilities to pay excise tax on motor vehicles owned by such corporations or partnerships in the municipality in which the vehicles are located; and

**WHEREAS**, LD 1754, An Act to Amend the Laws Governing the Location of Motor Vehicle Excise Tax Collection for Motor Vehicle Owned by Public Utilities, would treat public utilities the same as other corporations and partnership with respect to the payment of vehicle excise tax; and

**WHEREAS**, Central Maine Power Company currently houses and operates 24 vehicles out of its Rockland Service Center facility in the Rockland Industrial Park, meaning that the City of Rockland would receive approximately \$15,600 in excise tax on these vehicles should LD 1754 be enacted; and

**WHEREAS**, given that the State continues to raid Municipal Revenue Sharing year to year, having this relatively stable revenue source will help offset the costs of providing municipal services; and

**WHEREAS**, since the excise tax paid by public utilities comes from the ratepayers statewide, it is only fair and equitable that these same ratepayers see their dollars flow back into the local economies where they live and work,

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

**THAT**, the Rockland City Council hereby supports adoption of LD 1754 as an equitable distribution of excise tax dollars to those municipalities that provide services to public utilities.

Sponsor: City Council  
 Originator: City Council

Councilor Dickerson moved passage, and said while she favors this idea in principal, as concerned about fiscal impact to other municipalities, believing that the excise tax would collected by the State and distributed to municipalities as part of Municipal Revenue Sharing.

It was explained that this would have no adverse effect on any municipalities other than the City of Augusta, which currently received all of the excise tax from all CMP vehicles regardless of where the vehicles are housed and used.

Councilor Isganitis said that the law was changed many years ago to require other corporations and partnership to pay excise tax on their vehicles in the municipalities in which the vehicle are housed. He said there is no reason why public utilities should be treated differently.

Councilor MacLellan-Ruf agreed, saying this proposed changes seemed to make sense.

Vote: 5 for.

#15 Authorizing Expenditure of TIF Funds – Downtown Lighting Project

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

Regular Meeting, Order #15 continued:

March 10, 2014

**THAT**, the City Manager is hereby authorized to appropriate \$50,000 from the FY 2014 Tillson Avenue Area (Downtown) TIF Development Program (Account #10000-1899) to cover the cost of the Downtown Lighting project.

Sponsor: City Manager  
Originator: City Manager

Councilor Hebert moved passage.

Vote: 5 for.

**Ordinances in First Reading:**

#23 Bond Ordinance – Public Works Garage (Postponed from 01/13/14)

(See page 21 for text)

It was noted that this Ordinance Amendment had been postponed until this meeting, and that it had received a motion for passage at the August 26, 2013 Meeting.

Councilor Hebert moved to postpone Ordinance Amendment #23 until the June 9, 2014 Regular Meeting.

Vote: 5 for.

Ordinance Amendment #23 was postponed until the June 9, 2014 Regular Meeting.

**Orders:**

#28 Adopting Declaration of Official Intent and Setting Public Hearing – Bond Ordinance (Postponed 01/13/14)

(See pages 23-24 for text)

It was noted that this Order had been postponed until this meeting, and that the Order had received a motion for passage at the August 26, 2013 Meeting.

Councilor Hebert moved to postpone Order #28 until the June 9, 2014 Regular Meeting.

Vote: 5 for.

Order #28 was postponed until the June 9, 2014 Regular Meeting.

#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 April 14, 2014 and noted that a workshop on this matter is scheduled for March 19, 2014.

Vote: 5 for.

Order #39 was postponed until the April 14, 2014 Regular Meeting.

#15 Authorizing Boundary Agreement – Belyea Estate

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

**THAT** the City Manager is hereby authorized to enter into a Boundary Agreement with the Estate of John Belyea to clarify the property boundary between the City of Rockland property located at 9 Burrows Street (Tax Map #57-A-5) and the Belyea Estate properties located at 266 Pleasant Street (Tax Map #57-A-4) and 268 Pleasant Street (Tax Map # 57-A-3).

Sponsor: City Manager  
Originator: City Attorney

Councilor Hebert moved passage.

Vote: 5 for.

#16 Review of Options and Rules for Serving Alcohol at Events on City Property

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

**WHEREAS**, both Maine Law (Title 28-A §1076) and Rockland's Municipal Ordinances (Ch. 11, Sec. 11-113) give City Council the option of permitting the service of alcohol at events on City property; and

**WHEREAS**, several towns and cities in Maine including Camden, Portland, Rockport, Kennebunk and others have adopted ordinances or policies governing where and under what conditions alcohol may be served at events on municipal property; and

**WHEREAS**, several organizations have asked in recent years about the possibility of serving alcohol at events held on City property; and

**WHEREAS**, the City has no rules or ordinances governing the locations, conditions and requirements under which alcohol could be served at events on municipal property;

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

**THAT**, the City Manager, working with city committees, shall review which municipal properties, including but not limited to Harbor Park, the Library, Buoy Park, Snow Marine Park as well as on city streets during street closures, at which it might be appropriate to allow the serving of alcohol at events as well as which areas the serving of alcohol should be prohibited; and

**THAT**, the City Manager shall develop a policy for permitting the serving of alcohol on City property for Council consideration that addresses, among other issues, liability insurance requirements, minimum number of trained servers

Regular Meeting, Order #16 continued:

March 10, 2014

needed, provisions for clearly defining and controlling the area in which alcohol can be served and consumed, as well as when the City may require the event organizer to pay for a duty officer to be present; and

**THAT**, to allow time for this review and policy development, the City Clerk is directed not to accept any applications for the serving of alcohol on City property prior to October 15, 2014.

Sponsor: Mayor Pritchett  
Originator: City Manager

Councilor Isganitis moved passage.

Vote: 5 for.

#17 Accepting Forfeited Assets – C. Soto

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

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

- \$4,780.00 U. S. Currency, State of Maine v. Cameron Soto, Superior Court Docket # CR-14-01.

Sponsor: City Manager  
Originator: Police Department

Councilor Dickerson moved passage.

Vote: 5 for.

#18 Authorizing Acceptance of Grant Funds – American Library Association

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

**THAT** the City Manager is hereby authorized to accept a Carnegie Whitney Grant in the amount of \$1,660 on behalf of the Rockland Public Library from the American Library Association for the *Booktalk Podcast for Young Adults*. There are no local matching funds for this grant.

**AND**, it is further Ordered that the City Manager be authorized to execute any instruments necessary to effectuate such acceptance.

Sponsor: City Manager  
Originator: Library Director

Councilor MacLellan-Ruf moved passage.

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 8:59 p.m.

A TRUE COPY.

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

**SPECIAL MEETING**

**AGENDA**

**March 19, 2014**

Workshop – Establishment of Municipal Arts and Culture Commission

The meeting was called to order by the Mayor at 7:00 p.m. with the following members answering the roll call: Mayor Larry Pritchett, Louise MacLellan-Ruf, Eric Hebert, Frank Isganitis, City Manager Luttrell, and City Attorney Beal. Councilor Elizabeth Dickerson arrived at 7:05 p.m.

**Public Forum:** It was noted that public comment would be allowed during the scheduled workshop, therefore there were no speakers for the public forum.

**Workshop – Establishment of Municipal Arts and Culture Commission:** The Council went into informal session to hold a workshop on the proposal to establish a Municipal Arts and Culture Commission. Participating in the workshop were representatives from the Farnsworth Museum, Rockland Main Street, Inc., Arts in Rockland, the Center for Maine Contemporary Art, the Rockland Parks Commission, and members of the general public. The meeting focused on the following issues:

- The value and benefits of the creation of an Arts and Culture Commission
- The key tasks and responsibilities of such a commission
- Whether those tasks and responsibilities could be handled by existing commissions or committees
- Should such a commission be a City commission or an outside organization
- The simplest and most effective approach for an “Arts in the Parks” program
- Grant opportunities

Special Meeting, Workshop continued:

March 19, 2014

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 9:10 p.m.

A TRUE COPY.

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

## SPECIAL MEETING

## AGENDA

April 7, 2014

Resolve #16 National Service Recognition Day  
 Workshop: Old County Road Repairs  
 Ordinance Amendment #9 Bond Ordinance – Old County Road Repairs  
 Order #20 Declaration of Official Intent – Old County Road Bond Ordinance  
 Workshop: Decision-Making Authority, Art Display  
 Set Agenda for April 14, 2014 Regular Meeting

The meeting was called to order by the Mayor at 6:30 p.m. with the following members answering the roll call: Mayor Larry Pritchett, Louise MacLellan-Ruf, Eric Hebert, Frank Isganitis, City Manager Luttrell, and City Attorney Beal. Councilor Elizabeth Dickerson arrived at 6:50 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:

- Jay Sawyer, a sculptor from South Thomaston, asked to be allowed to speak when the Council holds its workshop on art displays later at this meeting.

- Steve Carroll, 326 Old County Road, spoke in opposition to borrowing money to repair Old County Road, saying that the taxpayers cannot pay higher taxes, and that it is a State road and that the State should take care of the repairs. He also suggested that the City place a weight limit on the road to get the large trucks that are causing most of the damage off of it. He also said that a lot of the traffic on the road comes from people who do not live in the City, and suggested that the City consider blocking the road off at Limerock Street to make it just a local road. He said that Old County Road has been used as a by-pass, a defacto "Route 1B", for more than 30 years, and it was time to divert the truck traffic to Route 1 or Route 90 and somehow limit its use as a by-pass; a use that the road was never designed for.

Hearing no other speakers, the public forum was closed.

### Resolve #16 National Service Recognition Day

**RESOLVE** Recognizing National & Community Service Volunteers

**WHEREAS**, service to others is a central part of how we meet our challenges as a country; and

**WHEREAS**, Cities and towns across the country are increasingly turning to national service and volunteerism as a strategy to meet community needs; and

**WHEREAS**, national service participants address the most pressing challenges facing our communities, from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

**WHEREAS**, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

**WHEREAS**, national service participants serve in more than 60,000 locations, bolstering the civic, neighborhood, and faith-based organizations that are vital to our economic and social well-being; and

**WHEREAS**, national service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and

**WHEREAS**, national service represents a unique partnership that invests in community solutions and leverages resources to strengthen community impact and increase the return on taxpayer dollars; and

**WHEREAS**, national service participants demonstrate commitment, and dedication by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

**WHEREAS**, in the Rockland area AmeriCorp, SeniorCorp and FoodCorp volunteers carry out a variety of tasks and provide services ranging from running creative farm to table programing in the local schools to assisting with projects in island communities to providing support to older community members, and

**WHEREAS**, the Corporation for National and Community Service shares a priority with cities and towns nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the municipalities across the country to recognize the positive impact of this service in our communities,

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

Special Meeting, Resolve #16 continued:

April 7, 2014

**THAT** the Council recognizes the positive impacts of national service in our city and Council thanks those who serve; and to find ways to give back to their communities.

Sponsor: City Council  
Originator: City Council

Councilor Hebert moved passage.

Without objection from the Council, the Rules were suspended to allow the following service volunteers to speak and give a brief explanation of what they do:

- Cheryl Filposch, RSVP Volunteer Coordinator
- Maria Staples, Foster Grandparent Program Coordinator with Penquist CAP
- Sarah Woodland, AmeriCorp, Youthlinks.
- Hannah Tannabring, AmeriCorp, Island Institute Service Learning Project at island schools, and After School Program Coordinator at the Jackson Memorial Library in St. George.

The Council went back into Special Session with Councilor Isganitis thanking all of the volunteers for what they do, and saying that he has been involved with Penquist CAP for nearly 10 year, and that they provide essential services that would otherwise have to be provided by the City.

Councilor Hebert also thanked all who volunteer. He said that these people do not seek recognition for what they do, they believe it what they are doing. He said everyone needs to recognize the importance of the services that these volunteers provide to the communities that they serve. He said that are the unsung heroes and it was great that they are being recognized for their efforts.

Councilors Dickerson and MacLellan-Ruf echoed that sentiment.

Vote: 5 for.

Mayor Pritchett then presented copies of Resolve #16 to the volunteers who were present at this meeting.

**Workshop: Old County Road Repairs.** The Council suspended the Rules to hold an informal workshop on the proposed repairs to Old County Road with MDOT Regional Manager Mike Burns, MDOT Regional Engineer Jamie Andrews, Gartley & Dorsky Engineer Andrew Hedrich, and Public Works Director Greg Blackwell. The workshop focused on the scope of work that needed to be done to a 7,700 foot stretch of Old County Road from its intersection with Maverick Street to Thompson Meadow Road. The proposal is for the City to request voter approval of a \$1,600,000 bond to act as matching funds for the MDOT Municipal Partnership Initiative Program whereby the State would pay up to \$500,000 toward the project in any one year. The estimated cost of the total project was \$2,358,350.00. Because the State would only authorize up to \$500,000 in any one year, dividing the project into two phases was also discussed, with the State potentially providing \$500,000 in 2015 and another \$500,000 in 2016 to complete the project. Funds from the State would be available as of January 1<sup>st</sup> of each of those years, should the project be approved.

#### **Ordinance Amendment #9 Bond Ordinance – Old County Road Repairs**

**BOND ORDINANCE AUTHORIZING ISSUANCE OF THE CITY'S BONDS OR NOTES IN AN AMOUNT NOT TO EXCEED \$1,600,000 TO ACT AS MATCHING FUNDS FOR THE MAINE DEPARTMENT OF TRANSPORTATION'S MUNICIPAL PARTNERSHIP INITIATIVE PROGRAM TO FINANCE THE COST OF RECONSTRUCTION, REPAIRS, NECESSARY STORM WATER IMPROVEMENTS AND RESURFACING OF A SECTION OF OLD COUNTY ROAD, AND SUCH OTHER ANCILLARY AND RELATED COSTS WITH RESPECT THERETO, PLUS AN AMOUNT NOT TO EXCEED 2% TO PAY THE COST OF ISSUANCE OF ANY BONDS OR NOTES WITH RESPECT THERETO.**

#### **THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** Subject to Section 2 hereof, an amount not to exceed \$1,600,000 is hereby appropriated to act as matching funds for the Maine Department of Transportation's Municipal Partnership Initiative Program to finance the cost of Reconstruction, Repairs, Necessary Storm Water Improvements and Resurfacing of a section of Old County Road, and such other ancillary and related costs with respect thereto (the "Project"), plus an amount not to exceed 2% to pay the cost of issuance for any bonds or notes issued with respect thereto.

**Section 2.** For purposes of financing the foregoing appropriation contained in Section 1, the City is hereby authorized to issue its general obligation bonds and notes in anticipation thereof in a principal amount not exceeding \$1,600,000.

**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: Mayor Pritchett  
Originator: City Manager

Councilor Hebert moved passage.

Councilor MacLellan-Ruf said that she will be interested to hear what the public has to say on this issue.

Councilor Isganitis agreed, saying that ultimately the people will decide whether to move forward with this project. He said that every member of Council has heard for a long time the concerns about the condition of Old County Road, and this proposal seems to offer the best solution that is available.

Councilor Hebert concurred, saying that the public will decide whether to move forward with this project. He said that he would like the State to pay for the repairs, but realizes that is not going to happen. He also said that he does not want to do this cheaply, but also does not want the taxpayers to have to pick up the entire cost.

Councilor Dickerson said that there is an election in November that could change the political landscape in Augusta with respect to bonding. She said that the current administration's refusal to issue voter approved bonds has created situation such as this, and believed that the City should wait until after November to see what happens. She said that she does not like to

Special Meeting, Ordinance Amendment #9 continued:

April 7, 2014

borrow money, but costs are being shifted to municipalities. She also said that she did not see why the City should have to pay for something that the State didn't do correctly the first time. She said it is another cost shift to the taxpayers. She said that people are not moving to Rockland because of high taxes, which is affecting the local economy. She said that the City should dig in its heels and not assume that the cost of this repair is the City's responsibility.

Councilor Isganitis said that there is no evidence that the State did anything wrong with the construction of Old County Road, and did not want that message sent to the Commissioner. He said the use of Old County Road has changed over the years which has resulted in its current condition, but no one did anything wrong.

Councilor Hebert said that he did not agree with the "wait and see" approach, saying that approach will not get the road fixed.

Vote: 3 for, 2 opposed.

(Dickerson, MacLellan-Ruf)

A public hearing was set for April 23, 2014 at 6:30 p.m.

#### **Order #20 Adopting Declaration of Official Intent & Setting Public Hearing Date – Bond Ordinance #9**

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

**THAT, WHEREAS,** the City desires to borrow up to a maximum amount of \$1,600,000 for purposes of acting as matching funds for the Maine Department of Transportation's Municipal Partnership Initiative Program to finance the cost of reconstruction, repairs, necessary storm water improvements and resurfacing of a portion of Old County Road, and such other ancillary and related costs with respect thereto; and

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

**NOW, THEREFORE,** it is hereby

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

**ORDERED:** That Bond Ordinance #9, incorporated herein by reference, be scheduled for a public hearing to be held on April 23, 2014; and

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

Sponsor: City Manager

Originator: City Manager

#### **DECLARATION OF OFFICIAL INTENT TREASURY REGULATION § 1.150-2**

**WHEREAS,** the City of Rockland, Maine (the "Issuer") currently intends to proceed with the following project (the "Project"): Old County Road Reconstruction, Repairs, Necessary Storm Water Improvements and Resurfacing, and such other ancillary and related costs with respect thereto;

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

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

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

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

**1. Declaration of Intent.** The Issuer reasonably expects to reimburse expenditures made on the Project with the proceeds of bonds or notes in anticipation thereof to be issued by the Issuer in the maximum principal amount of \$1,600,000, plus an amount not to exceed 2% for payment of the cost of issuance of bonds or notes issued with respect thereto.

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

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

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

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

Councilor Hebert moved passage.

Councilor MacLellan-Ruf said this is part of the democratic process, and the voters will decide on how to proceed. She also said that she agreed with Councilor Dickerson's position to dig in our heels and fight against the State shifting more costs to

Special Meeting, Order #20 continued:

April 7, 2014

the City. She wondered what else the City will be expected to absorb from the State.

Vote: 4 for, 1 opposed.  
(Dickerson)

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

The Council reconvened and went into informal session for the following workshop:

**Workshop: Decision-Making Authority, Public Art Display.** The Council held a workshop to discuss what entity would be responsible for making the final decision on public art displays. It was decided that staff would prepare an order for Council consideration at the April 14, 2014 Regular Meeting to authorize the City Manager to issue a request for proposals for public art display, in consultation with the Parks Commission, and bring the recommendations to the Council for action under a license agreement for such displays.

**Set Agenda for April 14, 2014 Regular Meeting:** With the above workshop complete, the Council then set the agenda for the April 14, 2014 Regular Meeting. The following communications were considered and addressed:

a. Letter from David Ober – Lawrence Street Extension Right of Way, Steps and Driveway. David Ober, 85 Main Street, has an issue where the steps and a portion of the parking area of his home encroaches on the Lawrence Street Extension right of way. Mr. Ober is asking for a license agreement from the City to allow such encroachment. Staff was instructed to prepare such an agreement for consideration by the Council at its May 12, 2014 Regular Meeting.

b. Letter from Talbot Home – Zoning Amendment for Adult Day Care Facility. This communication was withdrawn by the applicant.

c. Zoning Amendment – Grace Street/High Street. Walter Johnson requested a zone change from Commercial 2 Zone to Residential Zone A of a portion of his property located at 6 High Street to allow for the construction of a residential garage for the tenants of his property located at 20 Grace Street, however, a number of issue arose concerning this proposal. Staff was instructed to work with Mr. Johnson to develop a proposal to address those issues for consideration by the Council at its May 12, 2014 Regular Meeting.

d. Letter from George Terrien – Resignation from Planning Board (Alternate Member). The resignation was accepted and staff was instructed to send a letter of thanks to Mr. Terrien for his service to the City.

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 9:46 p.m.

A TRUE COPY.

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