

**SPECIAL MEETING**

**AGENDA**

**January 2, 2016**

**Executive Session:** Executive Session pursuant to 1 M.R.S. §405(6)(A) that allows for the discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of personnel, for discussion of a personnel matter.

The meeting was called to order by the Mayor at 2:00 p.m. with the following members answering the roll call: Mayor Louise MacLellan-Ruf, Larry Pritchett, William Clayton, William Jillson, Valli Geiger, and City Manager Chaousis. City Attorney Kevin Beal was excused from attending this meeting.

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

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

- Thomas Molloy, 77 Pleasant Street, spoke concerning the relationship between the City Council, City Manager and City Attorney, noting that the Charter specified that the City Attorney is hired by the City Council and serves at its pleasure. He added that in 1996, as a member of the City Council, he proposed the amendment to Chapter 2 of the Code that placed the day to day operations of the Legal Department under the supervision of the City Manager, but only as a tool to allow greater access for the City Manager to the City Attorney to make for a more efficient working relationship. He said that this amendment was not intended to usurp the authority of the City Council over the City Attorney, and stated that the City Council continues to have unfettered access to the City Attorney.

Hearing no other speakers, the public forum was closed.

**Executive Session:** Councilor Pritchett moved to enter into an Executive Session pursuant to 1 M.R.S. §405(6)(A) that allows for the discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of personnel, for discussion of a personnel matter.

Vote: 5 for.

The Council entered Executive Session at 2:05 p.m.

The Council came out of Executive Session and, with no action being taken, adjourned without objection from the Council at 4:40 p.m.

A TRUE COPY.

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

**SPECIAL MEETING**

**AGENDA**

**January 4, 2016**

Set Agenda for January 11, 2016 Regular Meeting

Discussions: Main Street Lighting  
Agenda-Setting Procedures  
Editing and/or Substitution of Agenda Items

Executive Session: Executive Session pursuant to 1 M.R.S. §405(6)(A) that allows for the discussion of personnel matters, for evaluation of personnel

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

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

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

- Ron Huber, 148 Broadway, spoke concerning the proposed vision statement for the City, saying that he did not believe it has been completely vetted and asked for information on who drafted the statement. He also spoke in support of the proposed moratorium on power plants.

- Beverly Felt, 195 Bog Road, thanked the Councilors for their service to the City, and said that she agreed with Councilor Clayton that some people who support the moratorium do so simply because they are opposed to the power plan. However, she said she supports the moratorium to make sure that the City has sufficient regulations in place to address the concerns expressed about this proposed power plant. She also said that the use of fossil fuels cannot continue, and the discussion held during this moratorium should be a collaborative discussion on Rockland's economic and energy future, and should be all inclusive.

- John Grondin, 1 Rankin Street, announced that the 6<sup>th</sup> Annual Share the Love Community Auction will be held at St. Peter's Episcopal Church on February 6, 2016 beginning at 5:00 p.m. He said that all proceeds from the auction go to support local charities that provide food, health and heat to needy local residents. He added that over the past five years, the auction has earned more than \$45,000 for these charities.

- Cheryl Michaelson, 81 Talbot Avenue, spoke concerning the proposed Short-Term Rental ordinances, saying that the Council needs to protect residents from non-residents who wish to establish commercial entities in the City's residential neighborhoods. She said that the issue is not with those residents who rent out a room in their house, but rather with those commercial entities encroaching on the residential neighborhoods. She said that the current ordinances offer no protections to the residents, and does not following the Comprehensive Plan.

- Kathryn Fogg-Hill, 84 Grace Street, spoke concerning the proposed Short-Term Rental ordinances, saying that the renting season for most people doing short-term rentals is only about 10 weeks per year, and that many the proposed requirements, such as hard-wired fire alarms, seem to be excessive for such a short period of time.

- Laura Borchert, 84 Talbot Avenue, present 40 signatures from residents stating that the Short-Term Rental ordinances as written are not acceptable, and that any such ordinances must include a cap on the number of non-owner occupied short-term rentals are allowed in any given area. She said that the residents expect the City Council to protect them from the encroachment of commercial activities into residential neighborhoods.

Hearing no other speakers, the public forum was closed.

**Set Agenda for the January 11, 2016 Regular Meeting:** The Council went into informal session to set the agenda for the January 11, 2016 Regular Meeting. The following communications were considered:

a. Letter from Douglas Curtis, Jr. – RSU #13/Education Options. The Council accepted the letter and pointed out that an ad hoc committee is proposed to be formed that will address the issues cited in Mr. Curtis' letter.

**Discussions:** With the agenda set, the Council then held the following discussions:

- Main Street Lighting: Councilor Pritchett gave a brief report on the status of the Downtown Lighting Project and stated that the City is nearly ready to place the project out to bid. It is expected that the project could be completed by Spring 2016.

- Agenda-Setting Procedures: The Council discussed procedures related to the agenda-setting meeting, and agreed to continue for now to meet at 5:30 p.m. for said meetings.

- Editing and/or Substitution of Agenda Items: The Council discussed the editing and/or substitution of items accepted onto the Council regular meeting agenda after the agenda-setting meeting. It was decided that the Council would adhere to the "Wednesday at noon" deadline for adding new items to the agenda as the deadline for making any edits or substitution of items already accepted onto the agenda.

**Executive Session:** Councilor Clayton moved to enter into an Executive Session pursuant to 1 M.R.S. §405(6)(A) that allows for the discussion of personnel matters, for evaluation of personnel. Vote: 4 for.

The Council entered Executive Session at 7:21 p.m.

The Council came out of Executive Session and, with no action being taken, adjourned without objection from the Council at 8:50 p.m.

**REGULAR MEETING**

**AGENDA**

**January 11, 2016**

1. Roll Call **All members present.**
2. Pledge of Allegiance to the Flag **All present joined in the Pledge of Allegiance to the Flag.**
3. Public Forum of not more than 30 minutes (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 & Amusement Device Licenses – Pizza Hut  
**Granted. Vote: 5-0.**
  - b. Liquor License – Main Street Markets  
**Granted. Vote: 5-0.**
  - c. Lodging House License – The Lindsey Hotel  
**Granted. Vote: 5-0.**
  - d. Liquor & Entertainment Licenses – Suzuki’s Sushi  
**Granted. Vote: 5-0.**
  - e. Liquor License (Bottle Club – State License Only) – Penobscot School  
**Granted. Vote: 5-0.**
8. Resolves:
 

#49 Adopting Vision Statement (Postponed 11/14/15)	City Council
<b>Defeated. Vote: 0-5.</b>	
# 1 Commendation – A. Miceli	City Council
<b>Passed. Vote: 5-0.</b>	
# 2 Commendation – C. Young	City Council
<b>Passed. Vote: 5-0.</b>	
# 3 Accepting Donation – Holiday Decorations	City Council
<b>Passed. Vote: 5-0.</b>	
Regular Meeting, Agenda continued:	January 11, 2016
# 4 Accepting Donations – Library	City Council
<b>Passed. Vote: 5-0.</b>	
# 5 Appointments to Mid-Coast Regional Planning Commission Mayor MacLellan-Ruf	
<b>Passed as Amended. Vote: 5-0. Amended to appoint Audra Caler-Bell and Mayor Louise MacLellan-Ruf as Rockland representatives to the Commission. Vote on amendment: 5-0.</b>	
# 6 Re-Appointments to Boards & Commissions	Mayor MacLellan-Ruf
<b>Passed. Vote: 5-0.</b>	
9. Ordinances in Final Reading and Public Hearing:
 

#41 Ch. 11, Sec. 11-210 Short Term Rentals (Postponed 12/14/15)	City Council
<b>Postponed until the 03/14/16 Regular Meeting. Vote: 4-1 (Pritchett). The amendment was postponed after a series of amendments were made to incorporate changes previously discussed. The amendments would provide for the following:</b>	
<b>- allow short-term rentals to be licenses only to property owners</b>	
<b>- require the license applicant for a single family structure to be a resident of Rockland or have a local property manager who can respond around the clock.</b>	
<b>- allow the rental of accessory apartments as short-term rentals only if the owner lives in the primary structure on the same lot.</b>	
<b>- require the license application of a duplex or two-unit condominium to be a resident of Rockland or have a local property manager who can respond around the clock.</b>	
<b>- require that the conditions applicable at the time of application be maintained for the entire time that the property is licensed as a short-term rental.</b>	

- clarify that initial approval would be by the Planning Board, but subsequent approval would be by the Code Enforcement Officer.
- revised implementation schedule.

- #42 Ch. 19, Art. III Short Term Rentals (Postponed 12/14/15) City Council  
Postponed until the 03/14/16 Regular Meeting. Vote: 5-0.
- #47 Authorizing Quit Claim Deed – Reconveyance of 258 Rankin St. City Council  
Passed. Vote: 5-0. Eff. Date: 02/10/2016.
- #48 Establishing Moratorium – Power Generation Facilities Councilor Jillson  
Passed as amended. Vote: 3-2 (MacLellan-Ruf, Clayton). Eff. Date: 02/10/16. Amended to charge the Energy Advisory Committee with supplying a list of technical experts for the Planning Board to choose from. Vote on amendment: 3-2 (Jillson, MacLellan-Ruf).

10. Ordinances in First Reading:

- #46 Ch. 8, Sec. 8-708 GA Max Levels of Asst. (Postponed 12/14/15) City Council  
Passed as amended: Vote: 5-0. Public Hearing Date: 02/08/16 at 6:00 p.m. Amended to delete the changes to the Maximum Levels of Assistance allowable for food expenses. Vote on amendment: 5-0. (NOTE: The proposed changes for food allowance from the State would have reduced the amounts that the City could provide for food).
- # 1 Ch. 2, Sec. 2-1202 & 2-1203 Personnel Code Councilor Jillson  
Passed. Vote: 5-0. Public Hearing Date: 02/08/16 at 6:00 p.m.
- # 2 Authorizing Quit Claim Deed – Sale of 224 Old County Road Councilor Pritchett  
Postponed until the 02/08/16 Regular Meeting. Vote: 5-0.

11. Orders:

- # 1 Accepting Forfeited Assets – Natale/Walsh City Manager  
Passed. Vote: 5-0.
- # 2 Establishing Ad Hoc Committee – RSU #13/Education Options Mayor MacLellan-Ruf  
Passed. Vote: 5-0.
- # 3 Authorizing RFPs – Production of Cable Access Channels City Manager  
Passed. Vote: 5-0.
- # 4 Authorizing Use of Undesignated Fund Balance – Prof Services City Manager  
Passed. Vote: 5-0.
- # 5 Authorizing Data Reporting – Short Term Rentals Councilor Pritchett  
Passed. Vote: 5-0.

12. Adjournment. Adjourned without objection from the Council at 9:03 p.m.

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

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

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

- John Grondin, 1 Rankin Street, announced that the 6<sup>th</sup> Annual Share the Love Community Auction will be held at St. Peter's Episcopal Church on February 6, 2016 beginning at 5:00 p.m. He said that all proceeds from the auction go to support local charities that provide food, health and heat to needy local residents. He added that over the past five years, the auction has earned more than \$45,000 for these charities.

- Kathryn Fogg-Hill, 84 Grace Street, spoke concerning the proposed Vision Statement, saying that she was somewhat distressed with what is currently going on in the City, and added that the Vision Statement does not reflect where the City is now or where it will be in 2 ½ years.

- Steve Carroll, 326 Old County Road, said that he was very concerned about the personnel issues that have been going on in the City recently, specifically the firing of the Harbor Master just two weeks before his announced retirement. He said that Mr. Glaser has been with the City a long time and by all accounts has been a good employee. He said there are

many good employees in the City, and while you may not like the answer you received from them, it is always delivered cordially and professionally. He said what is going on right now is bad form.

- Chris Whytock, 387 Old County Road, spoke concerning the proposed moratorium on power plants, saying that he was opposed to the moratorium, and that the benefits of the plant would most likely outweigh any negatives. He added that the moratorium would kill the project in Rockland and probably see the plant sited just over the town line in Thomaston, where the City would still get all the negatives but none of the benefits. He also said that such a moratorium could have a negative effect on other developers coming to the City. He urged the Council to at least delay the moratorium until after the City sees the plans, which were promised to be submitted to the City in just a few weeks.

- Sandra Schramm, 16 Broad Street, spoke in support of the proposed moratorium on power plants, saying that Maine already produces more electricity than it uses, so there is no need for this additional power plant. She also said that local industry is not on board with this project.

- David Myslabodski, 54 Broad Street, spoke in support of the proposed moratorium, saying that the era of fossil fuels is over, and that the City should take the lead in exploring renewable energy sources.

- Nicole Fuller, 21 Holmes Street, spoke concerning the Short-Term Rental ordinances, saying that the main sticking point is still the minimum stay requirement. She said people have been renting rooms in their homes on a nightly basis for many years without incident, and the City should allow them to continue to do so. She also said that the non-owner occupied rentals are a different issue, and as written these ordinances do not address the real concerns.

- Debby Atwell, 81 Pleasant Street, spoke in support of the proposed moratorium on power plants, saying that the proposed 180 days is a short period of time to review the impact that such a development would have on the life of the City's residents. She said that the City's current zoning was not contemplated to regulate such a development as this.

- Ron Huber, 148 Broadway, said that the proposed Vision Statement for the City appears to have gaps in it that should be addressed before proceeding. He said that the harbor is the City's biggest asset and should be protected. He also spoke in support of the proposed moratorium on power plants and suggested that the City contact the Conservation Law Foundation as a resource for information on this issue.

At this time, Councilor Geiger noted that the time set aside for the public forum was nearly expired, and asked that the time for the public forum be extended for up to an additional 20 minutes to allow any other persons who wish speak to do so. Without objection from the Council, it was so ordered.

- Susan Barbour, 645 Old County Road, spoke concerning the proposed sale of 224 Old County Road, saying that questions remain on the ownership of this property, and the City should address those questions before voting to proceed with this measure. She said that the City cannot sell what the City does not own. She added that the original tax lie certificate on which the City foreclosed on this property was improper, therefore, the City's claim to the property was may not have legal standing. She suggested that the Council postpone action on this measure until these issues can be cleared up.

- Phyllis Merriam, 72 Mechanic Street, spoke in support of the proposed moratorium on power plants, saying it would give the City the time it needs to establish any ordinances necessary to protect the public.

- Kendall Merriam, 72 Mechanic Street, spoke in support of the proposed moratorium, saying that he was afraid of the pollution that such a plant would create. He also spoke concerning recent actions taken by the City Manager, noting that he was a veteran and should live by the veteran's code of honor and act in a professional and friendly manner to employees and citizens alike.

- Eileen Wilkinson, 38 Gay Street, spoke in support of the proposed moratorium, saying that the length of the moratorium should be doubled to make sure the City has enough time to understand what the company could mean to the City. She said that there is absolutely no economic reason for this company to what to locate in Rockland for the expressed purpose. She said there must be some underlying reason for their interest in Rockland and the City needs to find out what that reason is before proceeding.

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

At this time, Councilor Geiger moved to take Resolve #'s 1 and 2, Commendations, out of order. Without objection from the Council, it was so ordered.

**Resolve #1 Commendation – Adam Miceli (20 years of service)**

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

**THAT** Acting Fire Chief Adam Miceli is hereby commended and congratulated for 20 years of service to the City of Rockland as a member of the Rockland Fire Department.

**AND,** be it further Resolved that a Plaque and a Certificate of Commendation be presented to Chief Miceli as a token of the City's appreciation for his years of service to the Community.

Sponsor: City Council  
Originator: City Council

Councilor Clayton moved passage and said that words are not necessary to express what Chief Miceli has meant and still means to this department, noting that number of fire department personnel in attendance at this meeting. He said that these first responders do the job that no one else dares to do, running toward trouble when others are running away, and keeping all of us safe. He thanked Chief Miceli for filling in as Fire Chief for the last year and a half, and for everything else he does.

Councilor Pritchett echoed Councilor Clayton's sentiments, and added that it amazes him at how knowledgeable Chief Miceli is with something so complex as the Uniform Building Code and Life Safety code and his ability to answer difficult questions on these subjects off the top of his head. He thanked Chief Miceli for everything that he does.

Councilor Jillson said that he has known Chief Miceli for many years and could not think of a better leader for this department.

Councilor Geiger thanked Chief Miceli for his service and for his willingness to work with people to find that balance between fire safety and what is affordable for the average citizen.

The City Manager said that Chief Miceli has been put into a difficult position. He said that when he took over as Interim Fire Chief, the duties of his previous position did not go away. He said Chief Miceli is doing two jobs and is doing both exceptionally. He said he has the support of the entire Fire Department, as is evidenced by the number of department personnel in attendance. He also agreed with Councilor Pritchett that Chief Miceli's ability to discuss complex code issues off the top of his head is indeed impressive.

Vote: 5 for.

Mayor MacLellan-Ruf then presented a Plaque and a Certificate of Commendation to Chief Miceli as a token of the City's appreciation for his years of service to the community.

**Resolve #2 Commendation – Christopher Young (20 Years of Service)**

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

**THAT** Deputy Police Chief Christopher Young is hereby commended and congratulated for 20 years of service to the City of Rockland as a member of the Rockland Police Department.

**AND,** be it further Resolved that a Plaque and a Certificate of Commendation be presented to Deputy Chief Young as a token of the City's appreciation for his years of service to the Community.

Sponsor: City Council  
Originator: City Council

Councilor Pritchett moved passage and said that the Council is always receiving comments on the operations of different department, and ever since Deputy Chief Young has taken over that position, the Council has heard nothing but positive feedback from the public.

Councilor Clayton said that recognition is well deserved. He said everyone appreciates everything that the police department does to protect the health and welfare of the community. He added that Deputy Chief Young has risen through the ranks, and everything he does for the department is greatly appreciated.

Councilor Geiger thanked Deputy Chief Young and all of the members of the department for everything that they do. She said that she never hears any negative comments about the department, and has heard in the community that D/C Young is a difference maker.

Councilor Jillson added his congratulations to the Council's sentiments.

The City Manager said that it seems appropriate that the first two official actions of the Council in 2016 are to recognize these two outstanding public officials. He said that the City has some special managers.

Vote: 5 for.

Mayor MacLellan-Ruf then presented a Plaque and a Certificate of Commendation to Deputy Chief Young as a token of the City's appreciation for his years of service to the community.

The order of the agenda was then resumed.

### Reports:

a. City Manager's Report: The City Manager reported two additional workshops on MSW and Recycling have been scheduled; one for January 25, 2016 to hear from Eco-Maine on recycling; and the other on February 1, 2016 to hear from MRC on solid waste disposal.

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

c. Other Official's Report: Councilor Clayton praised the job that Benji Blake is doing at the Recreation Center, noting that the building looks great and the programs are up and running smoothly.

Councilor Clayton then commented on an anonymous letter that the Council received containing vile and hateful innuendos, and called it just another kind of bullying. He said that the author of this letter was a coward, and made him appreciate even more the people who come to the meetings and express their opinions. He said that the Council will not consider these kinds of communications, and the City will move on without this individual.

d. Mayor's Report: None.

At this time, Councilor Pritchett moved to take Ordinances in Final Reading and Public Hearing out of order. Without objection from the Council, it was so ordered.

### Ordinances in Final Reading and Public Hearing:

#41 Chapter 11, Section 11-210 Short-Term Rentals (Postponed from 11/14/15)

(See pages 247-252 for text as amended 12/14/15)

It was noted that this amendment was postponed after the public hearing being held, and after receiving a motion for passage in final reading and being amended at the 12/14/15 Regular Meeting.

Councilor Pritchett moved to further amend Ordinance Amendment #41 as follows: Add the following:

D. Eligibility. The City Clerk may accept applications for Short-Term Rentals from only those persons who are eligible to apply, as follows:

(1) Short-Term Rental Permits may not be granted to a renter, lessee, or other party who is not the owner of the proposed short-term rental or the owner's property manager, and no renter or lessee of a dwelling unit may sublet the rented or leased premises as a short-term rental;

Councilor Pritchett said that the amendment would allow short term rentals to only be licensed to the property owner.

Vote on amendment: 5 for.

Councilor Pritchett moved to further amend Ordinance Amendment #41 as follows: At paragraph D, added the following:

(2) Where the proposed short-term rental is a single-family structure, the applicant must demonstrate in the

application either that (a) the structure is the applicant's primary residence, (b) the applicant's primary residence is at another residence within the City of Rockland, or (c) the applicant has contracted with a property manager with its principal place of business in Rockland, Thomaston, Owls Head, Rockport, or Warren which contract requires such property manager to provide around-the-clock on-site response capacity to address complaints arising from the short-term rental of the structure;

Councilor Pritchett said that this amendment would require the license applicant to either live in Rockland or have a local property manager who can respond around the clock. Vote on amendment: 5 for.

Councilor Pritchett moved to further amend Ordinance Amendment #41 as follows: At paragraph D, added the following:

(3) Where the proposed short-term rental is an approved accessory apartment, the applicant must demonstrate in the application that the applicant owns and maintains his/her primary residence at the primary structure on the same lot to which the short-term rental is an accessory;

Councilor Pritchett said that this amendment would limit rental of accessory apartments on a short term rental basis to accessory apartments where the property owner lives in the primary structure on the same lot.

Vote on amendment: 5 for.

Councilor Pritchett moved to further amend Ordinance Amendment #41 by deleting any reference to short-term rentals by anyone other than the property owner (ie, delete the terms "lessee" "others" or "rental agreement").

Councilor Pritchett explained that the first amendment passed by the Council prohibits short-term rentals by anyone other than the property owner, therefore Ordinance Amendment #41 needs to be changed to reflect that restriction.

Vote on amendment: 5 for.

Councilor Pritchett moved to further amend Ordinance Amendment #41 as follows: At paragraph D, add the following:

(4) Where the proposed short-term rental is a unit in a duplex or two-unit condominium, the applicant must demonstrate that the applicant owns and maintains his/her primary residence in the other unit in the duplex or two-unit condominium, or if such unit is not the primary residence of the applicant, that the applicant either (a) maintains his/her primary residence elsewhere in Rockland or has contracted with a property manager with its principal place of business in Rockland, Thomaston, Owls Head, Rockport, or Warren which contract requires such property manager to provide around-the-clock on-site response capacity to address complaints arising from the short-term rental in the structure.

Councilor Pritchett said adopting this amendment would require the license applicant to either live in Rockland or have a local property manager who can respond around the clock.

Councilor Geiger questioned why a property manager could reside in one of five surrounding towns, but the property owner is required to reside in Rockland. She said that the property owner should be allowed to reside in one of those five towns as well.

Councilor Clayton said that the property owner can live wherever they like as long as they have a property manager who resides in one of the five surrounding towns.

Councilor Pritchett said that, should this Ordinance Amendment be adopted as amended, it would most likely be sent back to first reading. He said that Councilor Geiger's question could be looked at between first and second reading and addressed at that time if necessary. Vote on amendment: 5 for.

Councilor Pritchett moved to further amend Ordinance Amendment #41 as follows: At paragraph "G. Additional Requirements", added the following:

(15) The Permittee shall maintain permit eligibility in conformance with Sec. 11-21-(2)(D) continuously during the permit period.

Councilor Pritchett said that this amendment requires that conditions applicable at the time of application as per any of the above amendments be maintained throughout the period of the license. Vote on amendment: 5 for.

Councilor Pritchett moved to further amend Ordinance Amendment #41 as follows: At paragraph "F. Permitting Authority; Review Criteria" added the following:



**WHEREAS, the Rockland Code of Ordinances does not currently provide for the licensure of innkeepers of short-term rentals,**

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

**Sec. 11-210 Lodging Houses And Short-Term Rentals**

1. Lodging House License.

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

B. Definitions. For the purposes of this subsection<sup>1</sup>

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

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

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

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

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

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

2. Short-Term Rentals Permit.

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

B. Permit Required. Effective November 1, 2016, no person shall operate a Short-Term Rental without first obtaining annually a one-year permit therefor from the Code Enforcement Office.

C. Definitions. For the purposes of this Subsection<sup>1</sup>:

- (1) “Minimum Stay Period” means the minimum number of nights for which a Short-Term Rental may be rented to guests. Guests may stay for less than the minimum stay period provided that the STR remains vacant until the end of the minimum stay period. (For example, if the minimum stay period is four (4) nights, this does not preclude rental to guests for two (2) nights, provided the unit remains unrented for the two (2) subsequent nights before being occupied again as a short-term rental.)
- (2) “Owner-Occupied” describes a dwelling unit that is such owner’s primary residence and is occupied, including over-night, by such owner when any part of the structure is rented as a short-term rental.
- (3) “Short-Term Rental” (“STR”) means the use of all or part of a legally-existing dwelling unit for rental to a person or persons unrelated to the owner or occupant of the unit, for consideration, for periods of less than one month, as follows:
  - (a) Short-Term Rental – 1 (“STR-1”) means either:
    - (i) an owner-occupied single-family structure in which not more than one bedroom is rented or offered for rent to one person or one family for periods of less than one month, or
    - (ii) a dwelling unit in a two-family structure in which one unit is occupied by the owner of the entire structure that is rented or offered for rent by one person or one family for periods of less than one month.
  - (b) Short-Term Rental – 2 (“STR-2”) means either:
    - (i) a single-family structure that is not occupied by its owner that is rented or offered for rent to one person or one family for periods of less than one month, or
    - (ii) one dwelling unit in a non-owner occupied two-family structure rented or offered for rent to one person or one family for periods of less than one month.
  - (c) Short-Term Rental – 3 (“STR-3”) means one dwelling unit in a multi-family or mixed-use structure that is rented or offered for rent to one person or one family for periods of less than one month.

D. Eligibility. The City Clerk may accept applications for Short-Term Rentals from only those persons who are eligible to apply, as follows:

- (1) Short-Term Rental Permits may not be granted to a renter, lessee, or other party who is not the owner of the proposed short-term rental or the owner’s property manager, and no renter or lessee of a dwelling unit may sub-let the rented or leased premises as a short-term rental;
- (2) Where the proposed short-term rental is a single-family structure, the applicant must demonstrate in the application either that (a) the structure is the applicant’s primary residence, (b) the applicant’s primary residence is at another residence within the City of Rockland, or (c) the applicant has contracted with a property manager with its principal place of business in Rockland, Thomaston, Owls Head, Rockport, or Warren which contract requires such property manager to provide around-the-clock on-site response capacity to address complaints arising from the short-term rental of the structure;
- (3) Where the proposed short-term rental is an approved accessory apartment, the applicant must demonstrate in the application that the applicant owns and maintains his/her primary residence at the primary structure on the same lot to which the short-term rental is accessory;
- (4) Where the proposed short-term rental is a unit in a duplex or two-unit condominium, the applicant must demonstrate that the applicant owns and maintains his/her primary residence in the other unit in the duplex or

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

two-unit condominium, or if such unit is not the primary residence of the applicant, that the applicant either (a) maintains his/her primary residence elsewhere in Rockland or has contracted with a property manager with its principal place of business in Rockland, Thomaston, Owls Head, Rockport, or Warren which contract requires such property manager to provide around-the-clock on-site response capacity to address complaints arising from the short-term rental in the structure.

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

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

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

Review Level I:

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

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

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

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

Review Level II:

Applicant shall demonstrate compliance with applicable<sup>2</sup> building, fire prevention, and life safety codes upon inspection by the Code Enforcement Officer and Fire Chief or their designees.

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

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

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

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<sup>2</sup> See Chapter 4 – Buildings, Inspections & Enforcement.

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

When the Planning Board is the Permitting Authority under Table 11-210(2), it shall grant, condition, or deny the application by taking into consideration the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography, and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; signage, and lighting; compatibility with existing uses; availability of necessary public services; and compliance with applicable requirements of all City ordinances.

Planning Board review of the STR is only required for initial applications, applications where the property at which an STR is located has changed ownership, or applications after an STR license has been suspended. Otherwise, for STR license renewals, the Code Office shall be the Permitting Authority.

Table 11-210(2)

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

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

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

- (6) An approved functional sprinkler system is required in any multi-family dwelling in which a single unit is used as a STR-3;
- (7) A multi-family structure located in zones other than Residential "A", "AA" or "B" zones, and where the zone in which the multi-family dwelling is located permits Lodging, Rooming or Boarding Houses and/or Hotels, shall be permitted to rent any or all dwelling units for any period less than a month. Such multi-family dwelling must have approved functional sprinkler and fire alarm systems. The total number of guests occupying such STR-3 shall not exceed sixteen (16);
- (8) No detached accessory building, recreational vehicle, trailer, tent, or other mobile residential equipment other than a mobile home may be permitted or rented as a short-term rental;
- (9) The use of a dwelling unit as a STR does not violate any applicable condition of municipal approval, covenant, or other lawful restriction on the use of the parcel;
- (10) Notwithstanding anything to the contrary in Section 19-315, signage identifying, advertising, providing wayfinding, or otherwise relating to the use of a dwelling as a STR is not permitted, either on- or off-site;
- (11) The Permittee must maintain accurate, up-to-date records of all rental transactions in the STR, including the number of guests and the duration of their stays. Such records must be available for review by the Code Enforcement Officer upon request;
- (12) The Permittee must post in plain sight to visitors near the entrance a Notice that identifies the name, address, phone number(s), e-mail address, and emergency contact of the operator of the STR, and, when the STR is not subject inspection by the City's Code Enforcement Officer and Fire Chief pursuant to Table 11-210(2), the following disclaimer:

NOTICE

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

- (13) The Permittee must assure that each advertisement of the STR includes Permittee's City of Rockland Short-Term Rentals Permit number;
- (14) Renters of short-term rentals may not sublease any portion of the short-term rental to another person, family, or entity; and
- (15) The Permittee shall maintain permit eligibility in conformance with Sec. 11-210(2)(D) continuously during the permit period.

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

J. Suspension, Revocation, or Denial of Permit. The Permitting Authority may deny any Short-Term Rental Permit upon failure of the applicant to meet all regulations set forth in this section. When, in the judgement of the Code Enforcement

Officer, the nature and/or number of complaints warrants further review of the STR, he shall provide a report of the same to the City Council for its consideration. The City Council may condition, suspend, or revoke a Short-Term Rental Permit, following a public hearing, on the basis of the licensee's non-compliance with any applicable law, ordinance, or regulation, or license certification, condition, or criteria.

3. Penalties.

A. Operation Without Permit. Whoever operates a lodging house or, after November 1, 2016, a short-term rental without a license or permit therefor shall be penalized with a fine of five hundred dollars (\$500) for the first offense and additional fines of one thousand dollars (\$1,000) for each additional offense, to be recovered upon complaint before the Maine District Court in Rockland, for the use of the City. Each rental of any room or other short-term rental shall constitute a separate offense.

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

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

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

A. Reservations.

(1) Persons or entities who operated a short-term rental in Rockland at any time between January 1, 2015, and December 31, 2015, which STR is not of a type that may be permitted as a STR-1, STR-2, or STR-3, and who received reservations for short-term rentals at the same premises between January 1, 2016, and May 31, 2016, may honor such reservations and provide such short-term rentals without a permit therefor. No new reservations for short-term rentals may be accepted after the effective date of this ordinance unless such rentals were offered for rent in 2015 prior to December 31, and would fall within the definition of a STR-1, STR-2, or STR-3.

(2) Persons or entities who operated a short-term rental in Rockland at any time between January 1, 2015, and December 31, 2015, which STR, if permitted, would fall within the definition of a STR-1, STR-2, or STR-3, and who receive reservations for short-term rentals at the same premises for dates between January 1, 2016, and prior to October 30, 2016, may honor such reservations and provide such short-term rentals without a permit therefor.

B. Registration. All parties operating Short-Term Rentals prior to November 1, 2016, are required to register each such Short-Term Rental with the Code Office, utilizing a form therefor provided by the Code Office and providing the requested information, including address, operator, level of occupancy, and emergency contact information. So long as a short-term rental complies with either provision A(1) or A(2) above and registers with the City, an STR permit shall not be required from the City until after October 31, 2016.

C. Permitting. Notwithstanding the foregoing registration requirement, the Code Office shall make applications to operate STR-1, STR-2, and STR-3 accommodations available as of the effective date of this ordinance.

Councilor Clayton said that he was uncomfortable moving forward with this proposal at this time. He said that he felt they were moving too quickly and throwing a lot of information and changes at this ordinance. He said that the most important piece of information needed at this time is who is doing this. He said if there are no problems, then there does not need to be a solution. He said that he could not vote for this proposal at this time. He said there has been a lot of give and take, and that there is still room for improvement. He said that the provisions of this proposal would not be enforced for this rental season so there was no need to rush to get it enacted.

Councilor Pritchett said that with the substantive changes made to this amendment, it would be going back to first reading. He said if Councilor Clayton felt the same way after final reading and public hearing next month, he could offer a motion to

postpone it at that time. He suggested that the Council move forward with the amendment and see how it plays out. He said that the Code Officers feels that this is a “pretty good” ordinance as it is now constituted. He said there are still concerns about whole-house rentals, but reminded the Council that there are currently no standards to regulate this activity. He said at least this ordinance would establish some standards in place to give the Code Officer some tools to use in this matter.

Councilor Geiger agreed with both Councilor Clayton and Councilor Pritchett, and said that she has struggled with this proposal. She said some feel that regulations on this activity are needless, but she understands the concerns of the residents of encroachment of commercial activities into residential neighborhoods. She said that she is uncomfortable with how complex this ordinance have become, and taking a step back and collecting more data may be a good idea.

Councilor Clayton moved to postpone Ordinance Amendment #41 until the March 14, 2016 Regular Meeting.

Councilor Geiger asked how further postponing this amendment would affect the Code Officer’s enforcement in this matter.

The City Manager said lacking City Council action, the City would suspend enforcement action administratively.

Councilor Pritchett asked Councilor Clayton why he is proposing postponement until the March meeting.

Councilor Clayton said he felt this would give staff sufficient time to do the necessary work on this matter.

Vote: 4 for, 1 opposed.  
(Pritchett)

Ordinance Amendment #41 was postponed until the March 14, 2016 Regular Meeting.

#42 Chapter 19, Article III Short-Term Rentals (Postponed after public hearing 12/14/15)

(See pages 253-255 for text as amended 11/09/15)

It was noted that this amendment was postponed after public hearing being held on 12/14/15, and received a motion for passage at that meeting.

Councilor Clayton moved to postpone Ordinance Amendment #42 until the March 14, 2016 Regular Meeting.

Councilor Geiger said that she realizes that this matter has been dragging on too long, but wanted to assure everyone who operated short-term rentals would be allowed to proceed as they did last season.

Vote: 5 for.

Ordinance Amendment #42 was postponed until the March 14, 2016 Regular Meeting.

#47 Authorizing Municipal Quit Claim Deed – Reconveyance of 258 Rankin Street

(See pages 270-272 for text)

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

Councilor Pritchett moved passage.

Vote: 5 for.

The Ordinance will become effective February 10, 2016.

#48 Establishing Moratorium – Grid-Scale Power General Facilities

(See pages 264-265 for text)

A public hearing was opened with Amy Files, 39 Pleasant Street, speaking in favor of the moratorium, saying that the proposal captures many of the concerns raised by the public over this proposal, and that she did not being the moratorium would have any effect on businesses coming to Rockland. She said she was concerned about one provision of the proposal, and asked that the Council remove the City Manager as the entity that choose the list of possible technical experts for the Planning Board. She said that the City Manager has already been identified as a support of the proposal, and it would make for a more open process to have someone else compile the list.

- Kathryn Fogg-Hill, 84 Grace Street, said that getting assistance from the Conservation Law Foundation on this measure, as suggested by a speaker during the Public Forum, was a good idea. She also said that the City should take a look at current economic conditions, and consider if this plant is still economically viable.

Hearing no other speakers, the public hearing was closed.

Councilor Jillson moved passage.

Councilor Pritchett moved to amend Ordinance Amendment #48 as follows: “That, within 30 days of the Council’s adoption of this ordinance in second reading the City Manager, in conjunction with the Energy Committee, is directed to provide options for technical experts from which to the Planning Board can select for technical experts to advise the Board as needed the Board may choose in this process; and”

Councilor Geiger said that she liked the direction this amendment takes the proposal, but said that she did not think it was strong enough. She said that it should be the Energy Committee that makes the recommendations to the Planning Board for the technical experts, and the Planning Board could then choose whomever they wish. She said that this would ensure transparency in this matter.

Vote on amendment: 5 for.

Councilor Pritchett move to further amend Ordinance Amendment #48 as follows: delete “...~~the City Manager, in conjunction with~~...” so that the paragraph would read “That, within 30 days of the Council’s adoption of this ordinance in

second reading ~~the City Manager, in conjunction with the Energy Committee~~ is directed to provide options for technical experts from which to the Planning Board can select ~~for technical experts~~ to advise the Board as needed ~~the Board may choose in this process; and...~~”

Councilor Clayton said that he did not agree with this amendment. He said that the original amendment already adopted took care of the concern expressed during the public hearing, making the Energy Committee the “watchdog” of the process. He said this amendment was not necessary.

The City Manager said that this is a bit of semantics, adding that he saw his role in this as delivering the Energy Committee’s recommendations to the Planning Board. He said that he would give deference to the Committee anyway. He also said that he has no bias in this matter whatsoever and would do whatever the Council wishes.

Councilor Pritchett said that he was not uncomfortable with the City Manager being in this process, adding that he saw the Manager’s role as largely administrative. He said that the Planning Board will choose whatever experts they wish to use.

Councilor Geiger said that she did not think that the City Manager was biased on this issue, but to ensure the public that the list of experts were chosen by the Energy Committee, which has the expertise to perform this function.

The City Manager said that in the end, the Council is really saying the same thing. He said that he would support the Council action on this matter.

Vote on amendment: 3 for, 2 opposed.

(Jillson, Clayton)

Councilor Geiger acknowledged that this is a departure on how standards and ordinance are crafted and adopted, charging the Planning Board with creating the ordinance. She said that task is usually assigned to the Comprehensive Planning Committee, and wondered why there was a change in this instance.

Councilor Clayton thanked both Ms. Atwell and Ms. Files for the discussions they had on this issue, adding that they had a very nice back and forth on the matter and wished to see more of that kinds of interaction. He said he also agrees with Mr. Myslabodski that Rockland should be a leader in green energy. However, he said this moratorium would also prevent a green energy project from submitting a site plan application. He said the question has been asked if this will hurt business in the City. He said that there are a number of significant developments taking place, but each one encountered resistance when proposed. He said there is a segment that is opposed to any development in general. He said he hoped to see the entire proposal for the power plant before making any decisions on it. He said he has no additional information on this proposal upon which to base any decision. He said that a moratorium is the wrong way to proceed, adding that all of the things cited in the moratorium can be accomplished without a moratorium. He said the City should see the plans first, and then establish a moratorium if it is deemed necessary.

The City Manager said that he will give his opinion on matters before the Council and offer guidance on how the Council should proceed, but once the Council makes its decision he will carry out the Council’s wishes. He said that he fervently advocates for investment in the City, and it is up to the Council to determine the type of investment that is appropriate for the community. He said that he respects the grassroots efforts on this issue, and that they need collective voices to figure out policy.

Councilor Pritchett said that he has no recollection of the Planning Board, or other entities, crafting standards.

The City Attorney said that the Planning Board has been working on revised Site Plan Standards for some time and are nearly ready to present them to Council.

Vote as amended: 3 for, 2 opposed.

(MacLellan-Ruf, Clayton)

The Ordinance will become effective February 10, 2016.

The order of the agenda was resumed.

**Resolves:**

#49 Adopting Vision Statement (Postponed 11/14/15)

(See pages 244-245 for text)

It was noted that this Resolve was postponed until this meeting and was given a motion for passage at the November 14, 2015 Regular Meeting.

Councilor Jillson said that he had a lot of problems with how this was written, and said he thought it should go back to the drawing board. He said that this proposal should be postponed for further workshops.

Councilor Clayton said that the City Manager is recommending that the Council defeat this proposal.

Councilor Pritchett said that there are still a number of issues with this statement that need to be resolved. He suggested that the Council look to the 2015-16 Work Plan that was adopted last year as a starting point. He added that there is a lot of community vetting that must take place as well, but the Work Plan is a good starting point.

Councilor Geiger said that her understanding was that the “vision statement” that came out of the October 22<sup>nd</sup> meeting was a rough draft that would be a starting point for community discussion and input to establish a final vision statement. She said that she was somewhat taken aback when the draft appeared on an agenda for adoption.

The City Manager said that he is recommending defeat of this measure, explaining that he was trying to be constructive with the conversation to differentiate the goals and vision of the organization. He said the experiment failed, but the intent was true.

Councilor Pritchett said that he found the conversation very constructive and that there was value gained from the October 22<sup>nd</sup> meeting. However, he said that they did not get to the internal goals of the organization, and need to separate out what goes out to the community.

Vote: 0 for, 5 opposed.

Motion Defeated.

#3 Accepting Donation – Holiday Decorations

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

**THAT** The City of Rockland gratefully accepts the donation from George Holmes of \$200 to be used toward the cost of holiday decorations for Main Street.

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

Sponsor: City Council

Originator: City Council

Councilor Pritchett moved passage.

Vote: 5 for.

#4 Accepting Donations – Library

**WHEREAS**, the Friends of the Rockland Public Library donated \$4,214.53 to the Rockland Public Library for 87 children's titles to be added to the Library's Children's collection, 6 PC's (5 public and 1 staff), PC accessories, and program supplies, to be receipted into the Library Restricted Donations account (#10062-03150) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

**WHEREAS**, Catherine V. Luvisi, Waltham, MA, donated \$10 to the Library in memory of Harold Dondis, to be receipted into the Restricted Donations account (#10062-03150) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

**WHEREAS**, James Behnke, Marblehead, MA, donated \$100 to the Library in memory of Harold Dondis, to be receipted into the Restricted Donations account (#10062-03150) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

**WHEREAS**, Sara J. Burns, President & CEO of Central Maine Power Company, Augusta, Maine, donated the book *Nana in the City*, valued at \$16.99, to be added to the Library's collection; and

**WHEREAS**, Kate Quinn from North Haven Community School, North Haven, Maine, donated 59 titles (books and DVDs), valued at \$1722, to be added to the Library's collection;

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

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

Sponsor: City Council

Originator: City Council

Councilor Geiger moved passage.

Vote: 5 for.

#5 Appointments to the Mid-Coast Regional Planning Commission

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

**THAT** \_\_\_\_\_ and \_\_\_\_\_ are hereby appointed as Rockland representatives to the Mid-Coast Regional Planning Commission for 2016.

Sponsor: Mayor MacLellan-Ruf  
Originator: Mayor MacLellan-Ruf

Councilor Clayton moved passage.

The City Manager recommended that Assistant City Manager Audra Caler-Bell and Mayor Louise MacLellan-Ruf be appointed to these positions.

Councilor Pritchett moved to amend Resolve #5 by filling the blanks as follows: "Assistant City Manager Audra Caler-Bell" and "Mayor Louise MacLellan-Ruf".

Vote on amendment: 5 for.

Vote as amended: 5 for.

#6 Re-Appointments to Boards, Commission and/or Committees

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

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

Leslie Spiers, 13 South Street, is hereby re-appointed to the Parking Advisory Committee, the Board of Assessment Review, and the Zoning Board of Appeals for terms expiring in 2018; and

Alfred Widdecombe, 6 Lakeview Terrace, is hereby re-appointed to the Recreation Advisory Committee for a term that will expire in 2018.

Sponsor: Mayor MacLellan-Ruf  
Originator: Mayor MacLellan-Ruf

Vote: 5 for.

Councilor Geiger moved passage.

**Ordinances in First Reading:**

#46 Chapter 8, Section 8-708 GA; Maximum Levels of Assistance (Postponed 12/14/15)

(See pages 269-270 for text)

It was noted that this Ordinance Amendment was postponed until this meeting, and received a motion for passage at the 12/14/15 meeting.

Councilor Pritchett moved to amend Ordinance Amendment #46 as follows: Delete the following:

**A) Food.**

~~The maximum amounts allowed for food are:~~

<b>Number in Household</b>	<b>Weekly</b>	<b>Monthly</b>
1	<del>\$46.51</del> <u>\$45.12</u>	<del>\$200</del> <u>\$194</u>
2	<del>\$85.35</del> <u>\$83.02</u>	<del>\$367</del> <u>\$357</u>
3	<del>\$122.33</del> <u>\$118.84</u>	<del>\$526</del> <u>\$511</u>
4	<del>\$155.35</del> <u>\$150.93</u>	<del>\$668</del> <u>\$649</u>
5	<del>\$184.42</del> <u>\$179.30</u>	<del>\$793</del> <u>\$771</u>
6	<del>\$221.40</del> <u>\$215.12</u>	<del>\$952</del> <u>\$925</u>
7	<del>\$244.65</del> <u>\$237.67</u>	<del>\$1052</del> <u>\$1022</u>
8	<del>\$279.53</del> <u>\$271.86</u>	<del>\$1202</del> <u>\$1169</u>
<del>*Add \$150 a month for each additional person</del>		

The City Manager said that not reducing the maximum levels of assistance for food to the State levels has a negligible financial impact on the City's budget.

Vote on amendment: 5 for.

Vote as amended: 5 for.

A public hearing was set for February 8, 2016 at 6:00 p.m.

#1 Chapter 2, Section 2-1203 Personnel Code

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 2, Administration, ARTICLE XII, Personnel, SECTIONS 2-1202, Purpose, and 2-1203, Duties of the Personnel Director or Designee, BE AMENDED AS FOLLOWS:**

**Sec. 2-1202 Purpose**

The purpose of the Department of Personnel is to make job appointments for classified service with the City. Classified service positions shall be all those employee positions of the City currently existing or hereafter created by resolve of the City Council, except for the following which are to be considered unclassified positions:

1. Members of the City Council
2. Members of any Board or Commission appointed by the City Council
3. The City Manager, City Attorney and City Clerk
4. Temporary and emergency employees, including employees hired under Manpower programs
5. Health Officer.

**Sec. 2-1203 Duties of the Personnel Director or Designee**

The powers and duties of the Director of Personnel, or designee, are as follows:

1. Establish and administer comprehensive classification and compensation plans, enacted by ordinance by the City Council.
2. Create job descriptions with appropriate education, experience and/or other requirements.
3. Set standards for applicants for classified employment positions which may include, but not limited to, requirements for education, experience, oral and written exams, medical or physical tests or licenses.
4. Determine when a classified employee vacancy will be filled and arrange for appropriate advertising for the position. Appropriate advertising will include, but not be limited to, public notice in a newspaper circulated widely in Rockland and will provide enough information for applicants to provide sufficient application establishing their qualifications for the position.
5. Review application for classified job openings and refer qualified job applicants to the PB for review and recommendation. A qualified job applicant is one who has the basic skills required to perform the duties of the position advertised, which are set forth in the standards in (3) above. The Personnel Director, or designee, may assist the PB by evaluating applications for the top candidates for the PB to review, however, a copy of all applications will be sent to the PB for their potential consideration.
6. Serve as the selecting official for all classified positions. This responsibility includes determining the candidate meets all requirements for the job, such as licenses, etc., and conducting background and reference checks as deemed appropriate. The Personnel Director, or designee, may conduct additional interviews, consult with department heads, or take other actions appropriate to assist in the selection decision. Any candidate certified to the Personnel Director, or designee, by the PB may be selected for the open position, but only candidates certified by the PB may be selected. If PB certified candidates are not deemed acceptable to the Personnel Director, or designee, the position may remain unfilled or may be announced again. Classified positions that serve as assistants or deputies to positions directly appointed or confirmed by the City Council shall also be confirmed by the City Council.
7. Investigate complaints and make appropriate recommendations concerning any actions related to the administration of personnel rules and procedures.
8. Maintain all employee records including, but not limited to, evaluations, overtime, sick and annual leave.
9. Develop an employee training program to be administered by department heads.
10. Develop and administer an employee Health and Safety program.
11. Take such action and perform such functions as may be required by order of the City Council to conduct and maintain an effective and efficient personnel system.

Sponsor: Councilor Jillson  
Originator: Councilor Jillson

Councilor Jillson moved passage.

Councilor Pritchett thanked Councilor Jillson for bringing this amendment forward.

Vote: 5 for.

A public hearing was set for February 8, 2016 at 6:00 p.m.

#2 Authorizing Municipal Quit Claim Deed – Sale of 224 Old County Road

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

**THAT** the City Manager is hereby authorized to issue a municipal quit claim deed to \_\_\_\_\_ for a City-owned parcel of land located at 224 Old County Road, Rockland, Maine (Tax Map #80-A-3) and known as “Engine Quarry”, for the bid price of \$\_\_\_\_\_, in substantial conformance with terms and conditions set forth in a purchase and sale agreement incorporated herein by reference.

Sponsor: Councilor Pritchett

Originator: City Manager

Councilor Pritchett moved passage and moved to postpone Ordinance Amendment #2 until the February 8, 2016 Regular Meeting. He said that he was not concerned with the issues raised by Mrs. Barbour about the ownership of the parcel, noting that the City would be selling whatever interest that it may have in the property. He said both bids for this property have merit and he would like to see each proposal explored more thoroughly to determine which proposal would be of the most benefit to the City.

The City Manager said that he mis-spoke at the last meeting when he indicated that the Dorr property on Rankin Street, that Mr. Dorr is proposing to trade for this property, did not have significant value to the City. He said that the property does have value to the City as a possible site for flood mitigation along Lindsey Brook. Vote: 5 for.

Ordinance Amendment #2 was postponed until the February 8, 2016 Regular Meeting.

**Orders:**

#1 Accepting Forfeited Assets – Natale/Walsh

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

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

- \$4,610.00 U.S. Currency
- \$985.00 U.S. Currency
- \$4,610.00 U.S. Currency

State of Maine v. Duane Natale, Superior Court Docket # CR-15-885.

State of Maine v. Jason Walsh, Superior Court Docket # CR-15-888.

Sponsor: City Manager

Originator: Police Department

Councilor Pritchett moved passage.

Vote: 5 for.

#2 Establishing Ad Hoc Committee – RSU #13/Education Options

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

**THAT**, pursuant to a Referendum Question passed by the voters of the City of Rockland at the Annual Municipal Election held on November 3, 2015 supporting the City’s exploration of education options given the withdrawal of the town of St. George from RSU 13 and the steady rise in costs to Rockland since the merger of SAD 5 and SAD 50 into RSU 13, there is hereby established an Ad Hoc Education Options Committee to explore options that could potentially improve local

education while minimizing costs, including, but not limited to, a municipal kindergarten through eighth grade system with students attending a multi-town regional high school, a municipal kindergarten through twelve grade system, as well as possible changes to the funding and governance structure of RSU 13. Said Committee shall consist of not more than eleven members appointed by the Mayor and confirmed by the City Council, and shall report its finding to the City Council no later than April 11, 2016.

Sponsor: Mayor MacLellan-Ruf  
Originator: Mayor MacLellan-Ruf

Councilor Clayton moved passage and said that he liked the increase to the membership of this committee as it gives the City options and flexibility. He said that he would like to see seven voting members of the committee and four non-voting members. He also said he would like to see a school board member as an ex-officio non-voting member as well.

Councilor Geiger said that she was trouble that the order still focuses on withdrawal when the withdrawal question was defeated so soundly by the voters. She said the focus of this committee should be on educational outcome rather than on costs.

Councilor Pritchett said that the order was drafted from the Education Options referendum question that was overwhelmingly passed by the voter, and was intended to get the ball rolling. He said that the Council could give the additional focus that Council Geiger is looking for to the committee when it makes appointments to the committee.

Vote: 5 for.

### #3 Authorizing RFP – Production of Government & Educational Access Channels

#### **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 production and operations of the City's Government Access and Educational Access channels.

Sponsor: City Manager  
Originator: City Manager

Councilor Pritchett moved passage and asked if the RFP would include estimates on upgrades to the systems. The City Manager said that would be part of the RFP. He also said that he has been in discussions with Reade Brower, owner of VSTV who has expressed interest in producing the Government and Educational Access Channels. He said at this point the City needs to do a request for proposals to determine if this is a direction in which it wants to go.

Councilor Pritchett said he saw two options for the City; upgrade the system and continue operating as is, or have someone else do it.

The City Manager said that is the question that needs to be answered; would the City own the equipment or would the operator bring in the necessary equipment.

Councilor Pritchett asked if the City would find out the cost of upgrading the system.

The City Manager said that information would be part of the RFP, but wants to keep the RFP as open-ended as possible to see what alternatives are available to the City.

Vote: 5 for.

### #4 Authorizing Undesignated Fund Balance Expenditure – Professional Services

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

**THAT** the City Manager is hereby authorized to expend up to \$20,000 from the City's Undesignated Fund Balance Account to cover the cost of professional services for the development of Site Plan standards related to the moratorium on grid-scale power generation facilities.

Sponsor: City Manager  
Originator: City Manager

Councilor Pritchett moved passage and asked if the \$5,000 already appropriated for this purpose from the Option Agreement payments from REC would be spent first.

The City Manage said that they would.

Vote: 5 for.

#5 Authorizing Date Reporting – Short-Term Rentals

**WHEREAS**, Rockland has for decades permitted a variety of home occupations in residential neighborhoods and many residents conduct some form of business from their homes; and

**WHEREAS**, renting a single room in a residence on a short term basis is currently allowed in Rockland’s zoning ordinances and renting whole homes or cottages on a short term basis has been a traditional vacation use of houses in Maine for over a century; and

**WHEREAS**, renting a room, an apartment, a condominium, or a entire house through AirBnB, VRBO, Home Away and other online services has increased the options and opportunities for property owners to rent a room or a residential unit for short periods of time ; and

**WHEREAS**, the City Council seeks to allow short term rentals in a manner that enhances the tourism sector of the local economy and provides income for Rockland’s homeowners but only in a manner that does not disrupt abutters or degrade the City’s neighborhoods; and

**WHEREAS**, residents have expressed a variety of concerns about short term rentals and questioned whether significant numbers of housing units could be converted to short term rentals, and

**WHEREAS**, requests have been made for the Council to consider per neighborhood or per block limits on the number of short rentals as well as prohibit short term rentals by nonresidents; and

**WHEREAS**, Council desires to have local data by which to evaluate short term rentals and by which to provide the basis for directing the Comprehensive Planning Commission to potentially explore additional and/or different license standards for Short Term Rentals;

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

**THAT**, the City Manager is to report to the Council at least annually in November of each year for the next three years on short term rentals in the City; and

**THAT**, the report at a minimum shall include the locations of short term rentals, the type of short term rentals, ownership of short term rentals, properties converted to short term rentals, all complaints received related to short term rentals and the type of short term rental from which the complaints arose as well as any other local data that may inform the Council on this question.

Sponsor: Councilor Pritchett  
Originator: Councilor Geiger

Councilor Pritchett moved passage and moved to postpone Order #5 until the March 14, 2016 Regular Meeting. He said that currently there are no mechanisms in place for the collection of this data. He said this delay would give staff time to develop those mechanisms.

Vote: 5 for.

Order #5 was postponed until the March 14, 2016 Regular Meeting.

With no further business to come before the City Council, Councilor Jillson moved to adjourn. Without objection from the Council, the meeting was adjourned at 9:03 p.m.

A TRUE COPY.

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

**SPECIAL MEETING**

**AGENDA**

**January 20, 2016**

**Executive Session:** Executive Session pursuant to 1 M.R.S. §405(6)(A) that allows for consideration of employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal, for the Council to discuss retention of legal representation regarding a personnel matter.

**Order #6 Authorizing Retention of Legal Representation – Personnel Matter**

**Executive Session:** Executive Session pursuant to 1 M.R.S. §405(6)(E) that allows for consultation between the Council and it’s Attorney, for the Council to consult with its Attorney regarding a personnel matter.

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

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

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

-Debby Atwell, 81 Pleasant Street, spoke concerning recent personnel issues within the City, saying that the City Council displayed incredible mercy toward the City Manager when he was censured by the ICMA for his conduct in the Town of Boothbay. However, she said that the City Manager did not show the same mercy toward Harbor Master Ed Glaser when he fired Mr. Glaser just a few days before his announced retirement. She added that it now appears others may be on the chopping block as well. She said that she hoped that someday the City Manager would understand the mercy he received.

Hearing no other speakers, the public forum was closed.

**Executive Session:** Councilor Clayton moved to enter into an Executive Session pursuant to 1 M.R.S. §405(6)(A) that allows for consideration of employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal, for the Council to discuss retention of legal representation regarding a personnel matter. Vote: 5 for.

The Council entered Executive Session at 6:05 p.m.

The Council came out of Executive Session at 6:35 p.m. for consideration of Order #6.

**Order #6 Authorizing Retention of Legal Representation – Personnel Matter**

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

**THAT** \_\_\_\_\_ is hereby retained to provide legal representation for the City with regards to a personnel matter.

Sponsor: Mayor MacLellan-Ruf  
Originator: Mayor MacLellan-Ruf

Councilor Geiger moved passage and moved to amend Order #6 by filling the blank with “Linda McGill”.

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

**Executive Session:** Councilor Pritchett moved to enter into another Executive Session pursuant to 1 M.R.S. §405(6)(E) that allows for consultation between the Council and it’s Attorney, for the Council to consult with its Attorney regarding a personnel matter. Vote: 5 for

The Council entered Executive Session at 6:40 p.m.

The Council came out of Executive Session and, with no further action being taken, adjourned without objection at 8:25 p.m.

A TRUE COPY.

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

**SPECIAL MEETING**

**AGENDA**

**January 25, 2016**

Workshop – ecomaine: Single-Stream Recycling & Solid Waste Disposal

The meeting was called to order by the Mayor at 6:00 p.m. with the following members answering the roll call: Mayor Louise MacLellan-Ruf, William Clayton, William Jillson, and City Manager Chaousis.

Special Meeting continued:

January 25, 2016

Councilor Larry Pritchett arrived at 6:35 p.m.

Councilor Valli Geiger and City Attorney Kevin Beal were excused from attending this meeting.

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

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

**Workshop:** The Council went into informal session for a presentation and workshop with a representative from ecomaine on single-stream recycling and solid waste disposal options.

With the above workshop complete, and with no further business to come before the Council, the meeting was adjourned without objection from the Council at 7:30 p.m.

A TRUE COPY.

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