

SPECIAL MEETING

AGENDA

February 11, 2016

Executive Session: Executive Session pursuant to 1 M.R.S. §405(6)(E) that allows for consultation between the Council and its 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, 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:

- Deborah Atwell, 81 Pleasant Street, presented a petition to the City Council containing 233 signatures calling for the removal of the City Manager. She said that the signatures were collected in just 11 days. She also said that she realizes that this petition has no legal standing, but does show the level of displeasure in the community with the current situation. She added that she is exploring how to begin a citizens petition to place this question on the ballot for a public vote.

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)(E) that allows for consultation between the Council and its Attorney, for the Council to consult with its Attorney regarding a personnel matter. Vote: 5 for.

The Council entered Executive Session at 6:04 p.m.

The Council came out of Executive Session and, with no further action being taken, adjourned without objection from the Council at 7:32 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

VOLUNTEER APPRECIATION DAY

February 29, 2016

The City held a Volunteer Appreciation Day on February 29, 2016 to recognized the efforts of the many people who volunteer their time and efforts to help guide the City forward.

Schedule of Events

Welcome & Introduction – Mayor Louise MacLellan-Ruf

Guest Speaker – Daniel Bookham

Recognition of Volunteers – City Manager James Chaousis

Facilitated Discussion (FUN) about our shared future

Reception & Refreshments

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

March 4, 2016

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

Executive Session: Executive Session pursuant to 1 M.R.S. §405(6)(A) which permits the discussion or consideration of evaluation of personnel, to hold a performance evaluation of the City Manager.

The meeting was called to order by the Mayor at 4:00 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:

- Deborah Atwell, 81 Pleasant Street, stated that she is married to a man who lives in Waldoboro, and that she splits her time between Rockland and Waldoboro, but, she said that she owns a home in Rockland, pays taxes in Rockland, and is a registered voter in Rockland. She then said that she provided a copy of a letter that she is sending to MMA and ICMA concerning what she called false impressions created by the City Manager of his military service in his biographical information. She said under Maine law, creating a false impression is illegal and is considered theft by deception. She added that creating false impressions concerning military services is a case of "stolen valor".

Ms. Atwell then commented on the City Manager's contention that use of the City Seal without the City's permission was illegal, with regards to the website not affiliated with the City using the City Seal. She said that federal law does not permit the trademarking of such a symbol and it was unfortunate that the website was removed simply because the City Manager contended that the use was illegal. She said that to protect democracy everyone must follow the rules, otherwise it's just a power-grab. She said that the Council controls the City Manager, but it appears that the City Manager is controlling the Council.

(NOTE: State Law, Title 30-A, §2006, states "A person may not use or display an imitation, likeness, imprint, representation, facsimile or copy of a seal of a municipality except by written permission of the municipality from the municipal clerk. A municipality may file an action in Superior Court applying for an order to enjoin a person from using or displaying the municipal seal in violation of this section. A violation of this section is a Class E crime.")

- Ron Huber, 148 Broadway, spoke concerning FOAA requests made to the City. He said previous requests that he has made to the City have been promptly address at minimal costs, but his latest request for telephone records from certain municipal officials was met with a letter from the City Attorney stating that the City Manager has determined that the cost of producing such records would be \$800. He said this does not pass the straight-faced test, and has a dampening effect on the FOAA process. He asked the City Council to intervene in any way it could to see that the Freedom of Access Laws are being observed.

Hearing no other speakers, the public forum was closed.

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

Vote: 5 for.

The Council entered Executive Session at 4:09 p.m.

The Council came out of Executive Session at 5:30 p.m.

Executive Session: Councilor Pritchett moved to enter into an Executive Session pursuant to 1 M.R.S. §405(6)(A) which permits the discussion or consideration of evaluation of personnel, to hold a performance evaluation of the City Manager.

Vote: 5 for.

The Council entered Executive Session at 5:40 p.m.

The Council came out of Executive Session and, with no action being taken, adjourned without objection from the Council at 8:30 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

March 7, 2016

Resolve #12 Commendation – Oceanside Boys Basketball Team

Set Agenda for March 14, 2016 Regular Meeting

Discussions: DAR – Tolman Cemetery Repairs

FiberRight – Municipal Solid Waste Disposal

GWI – Internet Service

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 absent.

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

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

- Carol Bachofner, 12 Center Street and Poet Laureate of Rockland, informed the Council and the public that April is Poetry Month in the City and urged all citizens to participate in the many events scheduled for the month. Information on these events can be obtained through the Rockland Public Library.

- Ron Huber, 148 Broadway and Executive Director of Friends of Penobscot Bay, said that he participated in an online meeting with the Army Corps of Engineer and asked for information on a rumored pipeline from Massachusetts to Maine, and on any plans for repairs to the Rockland Breakwater. He said he would provide any information that he received to the City.

- Frank Isganitis, 96 Limerock Street, spoke in support of Resolve #12, saying that the team has brought the City together and given the citizens something to be proud of. He also said that a number of local businesses have given donations to pay the cost of a banquet honoring the basketball team.

Mr. Isganitis then said that the success of the team demonstrates that great achievements can be accomplished if everyone works together as a team. However, while everyone on the team has input, it is the coaches that make the final decisions. He said the same can be said for the City Council. He said everyone has the right to express their opinions, but the ultimate authority to make the decisions lies with the City Council. He said that too often a vocal minority has been monopolizing the time at the podium. He said that the Council needs to be allowed to do what they were elected to do.

Hearing no other speakers, the public forum was closed.

Resolve #12 Commendation – Oceanside Boys Basketball Team

WHEREAS, the Oceanside Mariners Boys Basketball Team finished the 2015-16 regular season with an impressive 13-5 record, qualifying for the Class A Northern Division Championship Tournament as the No. 5 seed; and

WHEREAS, the Mariners got by two higher-seeded teams, defeating No. 4 seeded Messalonskee 64-51 in the quarterfinals, and came away with a thrilling 66-63 upset win over No. 1 ranked Hampden Academy to advance to the Class A North Championship game against long-time rival No. 3 seed Medomak Valley; and

WHEREAS, the Mariners defeated Medomak Valley 59-43, in the process setting a Class A North Tournament record for 3-pointers with 30, including 10 verses Medomak Valley, capturing the first Class A North Championship in school history, thus moving on to the State Class A Championship Game verses Class A South Champions Falmouth; and

WHEREAS, while the Mariners were not able to capture the Gold Ball, they played with determination, dignity and sportsmanship, making everyone proud of the effort that they put forward.

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

THAT, the Oceanside Mariners Boys Basketball Team is hereby commended and congratulated for their outstanding efforts during the 2015-16 season, and in capturing the Class A North Championship.

AND, be it further Resolved that the City Council urges all citizens to recognize the accomplishments of these outstanding young men.

Sponsor: City Council
Originator: City Council

Councilor Clayton moved passage.

The City Manager noted that 16 local businesses have donated \$3,600 to hold a banquet to honor the team.

Councilor Geiger congratulated the team and the coaches on an outstanding season. She also congratulated the businesses that have donated for the banquet.

Councilor Pritchett said that he was very impressed with the play of the team at the games he was able to attend. He also said that a lot of times you learn more from the games that you lose than the games that you win, but the team has nothing to be ashamed of and should be proud of their accomplishments. He congratulated them on those accomplishments.

Councilor Clayton noted that the Oceanside Drama Team has also won a championship and will be bringing a similar resolve to the Council in the near future. He then congratulated the Basketball Team on their accomplishments and said that the team has the support of the entire district. He said that the team’s success has brought a lot of people together, and has brought the district together under the Oceanside banner. He also said that the younger children in the district are looking up to these players as role models. He said there is no need for the players to feel that they fell short in any way, and said that they are an inspiration to all.

Councilor Clayton then recognized the coaches by presenting them with granite stones that were quarried in Rockland and was removed from Main Street during a recent construction project. He said that these stones were part of the actual foundation of the City, and now represent the foundation that these coaches have created moving forward. He said that the coaches can tell the players what they want them to do, but the players still have to go out and do it; and they did. He said that there was a lot of politics in bringing the two high schools together, but this team put all that aside, and everyone are Mariners now.

Vote: 4 for.

Mayor MacLellan-Ruf presented a framed copy of Resolve #12 to the team as a token of the City’s appreciation for their accomplishments.

Set Agenda for March 14, 2016 Regular Meeting: the Council went into informal session to set the agenda for the March 14, 2016 Regular Meeting. The following communications were addressed:

- a. Letter from Thomas Keedy – Resignation from Comprehensive Planning Commission. The letter was accepted, placed on file, and the City Manager was directed to send a letter of thanks to Mr. Keedy for his service to the community.
- b. Bids for Sale of City Property (9 Burrows Street). The City Manager reported that no other bids were received other than the initial offer received by the City. The Council expressed interest in reviewing geological studies that were previously done on the site to determine what the cost might be of demolishing the existing structure and mitigating any contamination issue that there may be, and to see if there are any Brownfields fund available to off-set any of those cost.
- c. Letter from Councilor William Jillson – Resignation from Rockland City Council. The Council received the letter of resignation from Councilor William Jillson, which resignation was effective immediately (3/7/16). A Special Election will be scheduled for June 14, 2016 to fill the vacancy.

Discussions: With the agenda for the March 14, 2016 Regular Meeting set, the Council then held the following informal discussions:

- A discussion with representatives from the DAR concerning their proposal to make certain repairs and improvements to the Tolman Cemetery.
- A presentation and discussion with representatives from Fiberright on Municipal Solid Waste Disposal by turning waste into biofuel.
- A discussion with GWI on internet service in the City.

With the above discussion complete, and with no further business to come before the City Council, the meeting was adjourned without objection from the Council at 7:55 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

REGULAR MEETING

AGENDA

March 14, 2016

1. Roll Call **All members present. (NOTE: The Council will be operating with four members, following the resignation of William Jillson effect 03/07/16, until that seat is filled at a June 14, 2016 Special Election).**
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 & Entertainment Licenses – Park Street Grille (Postponed 2/8/16)
Granted. Vote: 4-0.
- b. Liquor License – 3 Crow
Granted. Vote: 4-0.
- c. Liquor License – Clan MacLaren
Granted. Vote: 4-0.
- d. Liquor & Entertainment License – Sandbaggers Café
Granted. Vote: 4-0.
- e. Liquor License – Roselyn Thai Fine Cuisine
Granted. Vote: 4-0.
- f. Liquor & Entertainment Licenses – Trackside Station Restaurant
Granted. Vote: 4-0.
- g. Liquor License – Home Kitchen Café
Granted. Vote: 4-0.
- h. Liquor & Entertainment Licenses – The Landings
Granted. Vote: 4-0.
- i. Liquor & Entertainment Licenses – 250 Main Hotel
Granted. Vote: 4-0.
- j. Lodging House License – Ripples Inn at the Harbor
Granted. Vote: 4-0.

8. Resolves:

- #13 Accepting Donation – Adas Yoshuron Synagogue City Council
Passed. Vote: 4-0.
- #14 Accepting Donations – Library City Council
Passed. Vote: 4-0.
- #15 Commendation – D. Overlock City Council
Passed. Vote: 4-0.
- #16 Appointments – Election Clerks City Council
Passed. Vote: 4-0.

9. Ordinances in Final Reading and Public Hearing:

- #41 Chapter 11, Section 210 Short-Term Rental (Postponed 1/11/16) City Council
Passed as amended. Vote: 4-0. Amended as follows:

H. Additional Requirements

(7) A multi-family structure located in zones other than Residential “A,” “AA,” ~~or~~ “B,” “TB-1,” or “TB-2” 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);
Vote on amendment: 4-0.

(16) No food prepared at the STR may be served by or on behalf of the Permittee to guests without current state certification for such food service, when required.
Vote on amendment: 4-0.

The Mayor ruled that because the previous amendments (from 01/11/16) were of a substantive natures, Ordinance Amendment #41 was sent back to first reading. With its passage, as amended, in First Reading, a public hearing was set for April 11, 2016 at 6:00 p.m.

- #42 Chapter 19, Article III Short-Term Rental (Postponed 1/11/16) City Council
Postponed until the April 11, 2016 Regular Meeting. Vote: 4-0.

10. Ordinances in First Reading:

- # 2 Quit Claim Deed – Sale of 224 Old County Rd (Postponed 2/8/16)
Defeated. 0-4. Councilor Pritchett
- # 3 Zoning Map Amendment – TB2 to C1 – Belvedere/Pleasant
Passed. Vote: 4-0. Public Hearing Date: 04/11/16 at 6:00 p.m. Councilor Clayton
- # 4 Chapter 19, Section 19-302 Definitions – Educational Institutions
Passed. Vote: 4-0. Public Hearing Date: 04/11/16 at 6:00 p.m. Mayor MacLellan-Ruf
- # 5 Chapter 19, Article III Automobile Repair Shops
Passed. Vote: 4-0. Public Hearing Date: 04/11/16 at 6:00 p.m. Councilor Clayton

11. Orders:

- # 5 Routine Data Reporting – Short-Term Rentals (Postponed 1/11/16)
Postponed until the 04/11/16 Regular Meeting. Vote: 4-0. Councilor Pritchett
- #11 Adopting Employee Handbook
Passed. Vote: 4-0. City Manager
- #12 Authorizing Repairs – Tolman Cemetery
Passed. Vote: 4-0. City Manager
- #13 Authorizing FY 15 Budget Adjustments
Passed. Vote: 4-0. City Manager
- #14 Authorizing FY 15 Grant Account Adjustments
Passed. Vote: 4-0. City Manager
- #15 Calling Special Election & Setting Polling Times (6/14/16)
Passed. Vote: 4-0. City Council

12. Adjournment. Adjourned without objection from the Council at 7:05 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, 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:

- Kathryn Fogg-Hill, 84 Grace Street, informed the Council of erosion around a drain pipe at Snow Marine Park.

- Bethany Berry, 59 Crescent Street, spoke concerning the treatment of her son by the Rockland Police Department and Penobscot Bay Medical Center. She explained that her son suffered from a traumatic brain injury last year, and has worked very hard to recover from that. After a recent fall, she said he was taken to Pen Bay against his will and administered medication against his and her will. She said her son had an adverse reaction to the medication and many never recover from it. She added that subsequent to that event, her son was arrested by the Rockland Police Department and again taken to Pen Bay where medication was once again administered against his will. She complained that the Police Chief won't return her calls, and urged a boycott of Pen Bay because they do not recognize an individual's right to refuse treatment.

- Ted Berry, 59 Crescent Street, said the his brother may never be the same after the treatment he received at the hands of the Rockland Police Department and Pen Bay Medical Center staff. He said every individual has the right to refuse medical treatment under the United States Constitution and the Constitution of the State of Maine. He said he believed that the actions against his brother constituted a felony under State law.

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 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.

Reports:

a. City Manager's Report: The City Manager reported that the meeting with PERC to discuss solid waste disposal was postponed because of scheduling issues. He said that the meeting will be re-scheduled in the near future.

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

c. Other Officials Report: Councilor Pritchett announced that the Planning Board, in conjunction with the Energy Committee, will be holding a public forum on the proposed power generation regulation ordinance on March 24, 2016 at 6:30 p.m. in City Council Chambers. He said that the proposed ordinance has not yet been finalized, and that the Planning Board and Energy Committee want to hear from the public.

Councilor Clayton announced that the newly created Ad Hoc Education Committee will hold its first meeting on March 16, 2016 at 6:00 p.m. He said this will be a quick meeting to set the guidelines under which the committee will operate. He added that this, and all meetings of the Committee will be open to the public.

d. Mayor's Report: Mayor MacLellan-Ruf reported that the City had a very successful "Volunteer Appreciation Day" and hoped that it can be expanded on for future years.

At this time, Councilor Clayton moved to take Resolve #15 out of order. Without objection from the Council, it was so ordered.

Resolve #15 Commendation – Dawn Overlock

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT Dawn Overlock is hereby commended for service above and beyond the call of duty, filling in for the vacant position of Code Enforcement Office Clerk, which includes acting as clerk for the Department of Public Services as well; all the while still fulfilling her duties as Assessor's Clerk. The task was made that much more difficult by the unexpected retirement of the Assistant Code Enforcement Officer, and the long-planned retirement of the City Assessor. Mrs. Overlock not only kept the departments available to the public, managing duties that have been assumed by more than three people, but streamlined administrative systems, improved record retrieval, and maintained top quality customer service for all three departments.

AND, be it further Resolved that a Certificate of Commendation be presented to Mrs. Overlock as a token of the City's appreciation for her outstanding service to the City in undertaking these additional responsibilities and performing those functions admirably.

Sponsor: City Council

Originator: City Council

Councilor Pritchett moved passage.

The City Manager, Code Enforcement Officer John Root, and new City Assessor Doreen French, all praised the work done by Mrs. Overlock to keep all three departments operating effectively and efficiently.

Councilor Pritchett said this reminds him of the classic comic strip where the secretary has the phone in one hand, taking notes with the other, and typing with her feet. He said that it is remarkable what goes on in that corner of City Hall.

Vote: 4 for.

Mayor MacLellan-Ruf presented Mrs. Overlock with a Certificate of Commendation as a token of the City's appreciation for the extra work that she did filling in for Code and Public Services.

At this time, Councilor Clayton moved to take Order #12 out of order. Without objection from the Council, it was so ordered.

Order #12 Authorizing Repairs – Tolman Cemetery

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the DAR is hereby authorized to make repairs to the Tolman Cemetery under the supervision and direction of the City Manager; and

THAT, the City Manager is hereby authorized to match funds raised by the DAR for this purpose dollar for dollar up to a maximum of \$5,000; such funds to be taken from the City's Contributions Account (#10051-05079).

Sponsor: City Manager
Originator: City Manager

Councilor Clayton moved passage and thanked the DAR for coming to the Council and requesting permission to do these much needed repairs. Vote: 4 for.

The order of the agenda was then resumed.

Licenses and Permits:

- a. Liquor & Entertainment Licenses – Park Street Grille (Postponed 2/8/16)
- b. Liquor License – 3 Crow
- c. Liquor License – Clan MacLaren
- d. Liquor & Entertainment License – Sandbaggers Café
- e. Liquor License – Roselyn Thai Fine Cuisine
- f. Liquor & Entertainment Licenses – Trackside Station Restaurant
- g. Liquor License – Home Kitchen Café
- h. Liquor & Entertainment Licenses – The Landings
- i. Liquor & Entertainment Licenses – 250 Main Hotel
- j. Lodging House License – Ripples Inn at the Harbor

A public hearing was opened. Hearing no speakers for or against any of the applications, the public hearing was closed. Councilor Pritchett moved to grant all of the above licenses. Vote: 4 for.

Resolves:

#13 Accepting Donation – Adas Yoshuron Synagogue

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City of Rockland gratefully accepts the donation of \$400 from Adas Yoshuron Synagogue to help off-set the cost of services provided by the City.

AND, be it further Resolved that a letter of thanks be sent to Adas Yoshuron Synagogue in appreciation of its generous donation.

Sponsor: City Council
Originator: City Council

Councilor Geiger moved passage.

Councilor Pritchett said that the Synagogue has done this consistently over the years, and is one of a handful of organizations that voluntarily make donations to help offset the costs of City services. Vote: 4 for.

#14 Accepting Donations – Library

WHEREAS, the Friends of the Rockland Public Library donated \$1,353.34 to the Rockland Public Library for 129 children's titles, 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 Burns, Brooklyn, NY, donated \$50 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, George Caplan, Acton, 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, the Rockland Public Library Endowment Association donated \$210 to the Rockland Public Library for Tidal Media webhosting, and \$232.85 doe Cards for Public Fax Machine, 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, Senior Blanchard, Spruce Head, Maine, donated a small carved wooden sail boat to the Library, valued at approximately \$50; and

WHEREAS, Lea Carver, Rockland, Maine, donated a Dominos set to the Library, valued at approximately \$15; and

WHEREAS, Mr. & Mrs. John Clark, South Thomaston, Maine, donated an indoor greenhouse to the Library, valued at approximately \$52; and

WHEREAS, Downeast Magazine, Rockport, Maine, donated 19 books to the Library, valued at \$436.24, 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 Clayton moved passage.

Vote: 4 for.

#16 Appointment – Election Clerks

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT pursuant to 21-A M.R.S. §503 of the Maine Revised Statutes, the following persons are hereby appointed as Election Clerks for the City of Rockland, and shall serve a term of 2 years:

Republican

Martha Bouchard
Mike Ferland
Wayne Gray
Allen Holmes
Kingsley Holmes
James Kalloch

Democrat

Carol Bachofner
William Bachofner
Laurence Coe
Jack Dehlinger
Stephen Young
Stephen Kirsch

Sponsor: Councilor Clayton
Originator: City Clerk

Councilor Geiger moved passage.

Vote: 4 for.

Ordinances in Final Reading and Public Hearing:

#41 Chapter 11, Section 11-210 Short-Term Rentals (Postponed 01/11/16)
(See Book 41 pages 282-287 for text, as amended 01/11/16)

It was noted that this amendment had been postponed until this meeting after receiving a public hearing and several amendments.

Councilor Pritchett noted that this amendment received several amendments at the 01/11/16 meeting and inquired whether the Mayor would consider sending it back to first reading should it be passed at this meeting.

The Mayor said that since the amendments were of a substantive nature, she would be inclined to send it back to first reading should it be passed at this meeting.

Councilor Clayton noted that Code Enforcement Officer John Root had requested that the Council consider two additional minor amendments to this Ordinance before proceeding. Therefore, Councilor Clayton moved to amendment Ordinance Amendment #41 as follows:

Under “H. Additional Requirements”, paragraph (7); “A multi-family structure located in zones other than Residential “A,” “AA,” or “B,” “TB-1,” or “TB-2” zones...” Vote on amendment: 4 for.

Councilor Clayton then moved to further amend Ordinance Amendment #41 as follows: Under “H. Additional Requirements” add the following: “(16) No food prepared at the STR may be served by or on behalf of the Permittee to guests without current state certification for such food service, when required.” Vote on amendment: 4 for.

Councilor Clayton then moved to further amend Ordinance Amendment #41 as follows: Under “Table 11-210(2)”

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 1 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 1 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 1 nights up to less than 1 month</u>	<u>Planning Board</u>	<u>Planning Board</u>	<u>II</u>

Councilor Clayton said that they have been trying to balance needs on both sides of this issue, but to him, this provision is a solution looking for a problem. He said currently there is not a problem with regards to this issue, there is no legitimate reason to have a 3-night minimum. He said the Council could always revisit the issue if it becomes a problem.

Councilor Geiger said that this proposal is making it very difficult for her to support this amendment. She said everyone has worked hard to try and balance the competing needs in this issue, but this proposal would open up residential neighborhoods to rather extensive commercial activities.

Councilor Pritchett said that without Councilor Clayton’s proposed amendment, nightly rentals would be allowed in owner-occupied premises. He said this proposal would only affect whole house rentals.

Councilor Clayton said that just because there are limits in place does not mean that they should be. He said the Council can always address the issue at a later date if it becomes necessary.

Councilor Pritchett said that he was not sure where to go with this proposal, but would be willing to support it in first reading and see what recommendations come back to Council. He also said that having a nightly limit would be problematic and difficult to enforce. He said that he did not want to see residential neighborhoods turned into rental neighborhoods. He said the City needs to do something because this activity is currently not allowed under current ordinances.

Councilor Geiger pointed out that even with the current loopholes, whole house rentals are limited to weekly rentals.

Vote on amendment: 2 for, 2 opposed.

Because it takes a minimum of three affirmative votes for the Council to pass any motion, Councilor Clayton’s motion to amend Ordinance Amendment #41 failed.

Vote as amended: 4 for.

Mayor MacLellan-Ruf ruled that since the amendments made to Ordinance Amendment #41 on 01/11/16 and 03/14/16 were of a substantive nature, Ordinance Amendment #41 was sent back to first reading and passed as amended. A public hearing was set for April 11, 2016 at 6:00 p.m.

Ordinance Amendment #41, as amended, now reads as follows:

WHEREAS, Title 30-A, Maine Revised Statutes, Section 3811, provides that no person may serve as a common innkeeper or tavernkeeper without a license; and

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 subsection¹

“Lodging house” means a house or other residential structure where lodgings for four or more but fewer than 16 persons not within the 2nd 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 Subsection¹:

(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 Regular Meeting, 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

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

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 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 applicable² 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

² See Chapter 4 – Buildings, Inspections & Enforcement.

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.

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," "TB-1," or "TB-2" 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.

(16) No food prepared at the STR may be served by or on behalf of the Permittee to guests without current state certification for such food service, when required.

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.

#42 Chapter 19, Article III Short-Term Rentals (Postponed after public hearing 12/14/15)
(See Book 41, pages 253-255 for text as amended 11/09/15)

It was noted that this amendment was postponed 01/11/16, 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 April 11, 2016 Regular Meeting.

Vote: 4 for.

Ordinance Amendment #42 was postponed until the April 11, 2016 Regular Meeting.

Ordinances in First Reading:

2 Authorizing Quit Claim Deed – Sale of 224 Old County Road (Postponed 02/08/16)
(See Book 41, page 291 for text)

It was noted that this Ordinance was postponed until this meeting, and that it had received a motion for passage at the 01/11/16 Meeting.

Councilor Pritchett asked the City Manager for a recommendation on this proposal.

The City Manager said that the two original bidders on this property have reached an agreement between each other on how to divide the property should the bid be awarded to one of them. He said they request that the bid be awarded to Mr. Dodd. However, the City Manager said the he was recommending that the Council defeat this proposal to allow him to explore using this parcel as leverage in the acquisition of property adjacent to the Transfer Station.

Vote: 0 for, 4 opposed.

Motion Defeated.

3 Zoning Map Amendment – “TB2” to “C1” – Belvidere/Pleasant Street

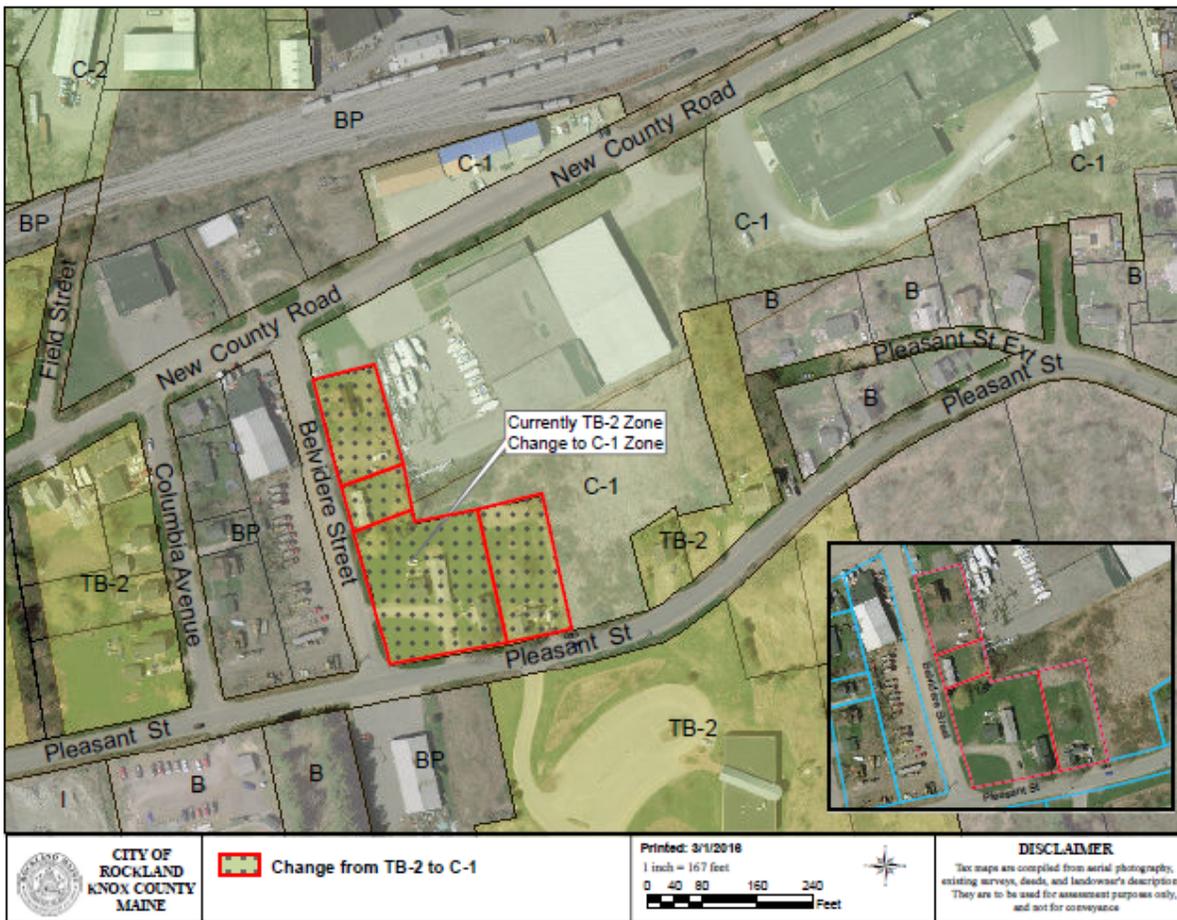
THE CITY OF ROCKLAND HEREBY ORDAINS THAT THE OFFICIAL ZONING MAP OF THE CITY OF ROCKLAND BE AMENDED AS FOLLOWS:

THAT on the official Zoning Map of the City of Rockland, Maine, the following parcels shall be removed from the Transitional Business 2 (“TB-2”) Zone, and added to the Commercial 1 (“C-1”) Zone:

<u>Address:</u>	<u>Tax Map:</u>
15 Belvidere Street	50-B-4
19 Belvidere Street	50-B-3
183 Pleasant Street	50-B-8
185 Pleasant Street	50-B-7

The amended Zoning Map of the City of Rockland, Commercial 1 Zone, shall thenceforth encompass, in part, the area defined by the listed parcels, and shall follow the boundary lines of such parcels (see attached map).

Sponsor: Councilor Clayton
Originator: Councilor Clayton



Councilor Clayton moved passage.

Vote: 4 for.

A public hearing was set for April 11, 2016 at 6:00 p.m.

4 Chapter 19, Section 19-302 Definitions – Educational Institutions in the Waterfront Zones

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTION 19-304, Zone Regulations, BE AMENDED AS FOLLOWS:

Sec. 19-304 Zone Regulations

* * *

22. Waterfront Zone Regulations.

A. Purpose. The purpose of this zone and its subzones is to further the maintenance of safe and healthful conditions; prevent and control water pollution; control building sites, placement of structures and land use; visual as well as actual points of access to coastal waters.

* * *

C. Definitions. In addition to the definitions in Section 19-302, the following definitions apply to the waterfront zones and subzones:

* * *

(5) Educational Institutions. Any educational institution, ~~the primary goal part of the function~~ of which is marine-related or marine-dependent education.

Sponsor: Mayor MacLellan-Ruf
Originator: City Manager

Councilor Clayton moved passage.

Councilor Geiger asked if this amendment was for changes proposed for the Vocational School.

The City Manager said that representative from the Vocational School will be at the Council’s April 4, 2016 Agenda-Setting meeting to discuss their upcoming expansion, should the Council be interested in postponing action on this amendment until after that presentation.

Vote: 4 for.

A public hearing was set for April 11, 2016 at 6:00 p.m.

5 Chapter 19, Article III Automobile Repair Shops

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTION 19-304, Zone Regulations, BE AMENDED AS FOLLOWS:

Sec. 19-302 Words and Phrases Defined

* * *

Automobile Body Shops. Any premises where motor vehicle repair activities such as motor vehicle painting and body and fender work is conducted.

~~**Automobile Repair.** The maintenance and repair of motor vehicles, including such activities as engine overhauls and tune-ups, transmission and drive train repairs, exhaust system repairs, carburetor cleaning, brake work, glass replacement, and incidental motor vehicle services including oil changes, lubrication, tire repairs, sales, mounting, and rotations, and alignments, including Automobile Service Stations. Automobile repair shall not include activities performed at automobile body shops. Any premises where motor vehicle maintenance, repair or servicing activities such as engine tuneups, lubrication, carburetor cleaning and activities such as engine and mechanical overhauls are conducted. Motor vehicle repair shall not include activities such as motor vehicle painting and body or fender work.~~

Automobile Sales, Small-Scale Used. Any facility where twelve (12) or fewer vehicles are kept on premises for sale.

Automobile Service Stations. Any premises where the primary use is the retail supply, installation and/or dispensing of gasoline and/or other motor fuels, lubricants, batteries, tires, and motor vehicle accessories.

* * *

~~**Car Wash.** Any area or building with equipment for washing cars, trucks, and/or other motor vehicles.~~

* * *

10. Commercial 1 Zone “C-1” Regulations

A. Purpose.

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

B. Use Regulations.

* * *

(2) Conditional Uses.

The following uses are permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II), regardless of whether or not a structure is involved. The Planning Board shall review and grant, grant with conditions or deny permission for a conditional use by applying the process and standards for site

plan review and shall take into consideration the following factors: the location, character and natural features of the site and adjoining property; fencing, screening; landscaping; topography, natural drainage, and provisions for storm and ground water; traffic hazards, vehicular volume, access, impact on public ways and intersections, on-site circulation and parking; pedestrian access, safety and circulation; signage, and lighting; noise; hours of operations; compatibility with existing uses; availability of necessary public services; compliance with applicable requirements of all City Ordinances. The Planning Board Chair, subject to challenge and motion by the Board at a meeting duly noticed, may agree to accept for the Board's review fewer than all the mandatory submission requirements set forth in Chapter 16, Article II, except that a site plan shall be required of every applicant.

(a) Automobile Repair;

(b) Car washes;

~~(ca)~~ Commercial outdoor recreational uses;

~~(db)~~ Interior boat storage and repair, at parcels fronting on New County Road;

~~(ee)~~ Light industrial uses, at parcels fronting on New County Road.

~~(fd)~~ Manufacturing, at parcels fronting on New County Road;

~~(ge)~~ Warehousing;

* * *

11. Commercial 2 Zone "C2" Regulations

A. Purpose. The purpose of the Commercial 2 Zone is to accommodate general business uses on smaller parcels that are increasingly pedestrian-oriented as the areas approach Downtown.

B. Use Regulations. In a Commercial 2 Zone "C2" no building or land shall be used, and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this Article.

(1) Permitted Uses

Uses allowed in Commercial 1 Zone, excluding:

(a) Compartmentalized storage buildings; and

(b) Veterinaries.

(2) Conditional Uses

The following uses are permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II), regardless of whether or not a structure is involved. In granting, denying, and/or imposing conditions, the Planning Board shall undertake a review, applying the process and standards outlined in Chapter 16, Sections 16-201 through 16-206 for site plan review and shall take into consideration the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; sign, and lighting; compatibility with existing uses; availability of necessary public services; compliance with applicable requirements of all City Ordinances.

~~(a)~~ Commercial outdoor recreational uses.

(b) Automobile Repair;

(c) Car washes;

~~(3)~~ Prohibited Uses

(a) Any use which is annoying, dangerous, detrimental, injurious, obnoxious, or unsightly to the comfort, health, or property of individuals, or of the public, by reason of dust, fumes, gas, noise, odor, smoke, vapor, or vibration;

(b) Any use specifically named in Section 19-304-10-B (2).

* * *

12. Commercial 3 Zone "C3" Regulations.

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

B. Use Regulations. In a Commercial 3 Zone "C3" no building or land shall be used, and no building shall hereafter be erected or structurally altered, except as provided herein, unless otherwise provided for in this Article.

(1) Permitted Uses

(a) Uses allowed in Commercial 1 Zone,

(b) Sole source pharmacy (It is the intention of the City Council that this ordinance amendment shall apply to applications pending or permitted on or after November 29, 2004.)

(c) Storage buildings, compartmentalized with individual cubicles less than four thousand (4000) cubic feet per cubicle.

(d) Boat storage facility.

(e) ~~Automobile~~~~Motor vehicle~~ repair.

(f) Construction Services, provided that there shall be no processing of raw materials on site nor shall there be stockpiling of products other than for retail sales.

~~(g)~~ Automobile Service Stations.

~~(h)~~ Car washes.

* * *

13. Plaza Commercial Zone "PC" Regulations.

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

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

(1) Permitted Uses:

(a) Business services;

(b) Financial services;

(c) Human health services;

(d) Lodging facilities;

~~(e) Automobile~~~~Motor vehicle~~ service stations ~~(excluding motor vehicle body work and major engine repair);~~

~~(f)~~ Car washes;

~~(g)~~ Movie theaters and other places of entertainment;

~~(h)~~ Office buildings;

~~(i)~~ Personal services;

~~(j)~~ Professional services;

~~(k)~~ Restaurants;

~~(l)~~ Retail and/or auxiliary wholesale business, any generally recognized;

~~(m)~~ Social services;

~~(n)~~ Accessory uses;

* * *

Sponsor: Councilor Clayton

Originator: Code Enforcement Officer

Councilor Geiger moved passage.

Vote: 4 for.

A public hearing was set for April 11, 2016 at 6:00 p.m.

Orders:

5 Authorizing Routine Data Reporting – Short-Term Rentals (Postponed 01/11/16)

(See Book 41, pages 292-293 for text)

It was noted that this Order was postponed until this meeting, and received a motion form passage at the 01/11/16 Meeting.

Councilor Pritchett moved to postpone Order #5 until the April 11, 2016 Regular Meeting, explaining that this Order goes along with the Short-Term Rental ordinances and sets-up the framework to report back to the Council on where and how many specific types of short-term rentals are located.

Vote: 4 for.

Order #5 was postponed until the April 11, 2016 Regular Meeting.

#11 Adopting Employee Handbook

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Council hereby adopted the City of Rockland Employee Handbook, in substantial conformance with the handbook presented to the Council on March 14, 2016 and incorporated herein by reference.

Sponsor: City Manager

Originator: City Manager

Councilor Clayton moved passage.

Councilor Pritchett said this was long overdue. He added that employees now will know the rules under which they work and what is expected of them.

Vote: 4 for.

#13 Authorizing FY 15 Budget Adjustments

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to make the following adjustments to the FY 2015 Budget:

Transfer \$27,579.23 from the Professional Services Budget (Acct. #10025-05010) for the Public Service Salt & Sand Shed project (#7562);

Transfer \$16,482.00 from the Wastewater Storm Water Capital Equipment Account (#20015-07005) for the 2012 SCADA Upgrade Project (#7602);

Transfer \$60,000 from the Police Vehicle Outlay Account (#10031-07001) for the purchase of Police Cruisers (#7609);

Transfer \$4,270.00 from the Police Vehicle Outlay Account (10031-07001) for the purchase of video units for police cruisers (#7610); and

Transfer \$2,643.18 from the Fire Department Equipment Outlay Account (#10032-07001) for the purchase of 3 defibrillators for the Emergency Medical Service (#7615).

Sponsor: City Manager

Originator: Finance Director

Councilor Geiger moved passage.

Vote: 4 for.

#14 Authorizing FY 15 Grant Account Adjustments

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to make the following adjustments to the FY 2015 Grants:

Transfer \$18,449.72 from the Harbor Trail Account (#10037-06008) to the Connector Trail Account (#60404);

Transfer \$16,951.52 from the Port Development Account (#10061-07015) to the Small Harbors Improvement Program (#60308);

Transfer \$5,580.52 from the Sewer Professional Services Account (#20010-05020) to the CFMF (Thorndike) Project (#60283).

Sponsor: City Manager

Originator: Finance Director

Regular Meeting, Order #14 continued:

March 14, 2016

Councilor Clayton moved passage.

Vote: 4 for.

#15 Calling Special Election and Setting Times for Polls – June 14, 2016

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT, given the resignation from the City Council of Councilor William Jillson, effective March 7, 2016, there shall be held in the City of Rockland a Special Election to fill that unexpired term on June 14, 2016 in conjunction with the State Primary/Referendum Election and the RSU #13 Budget Validation Referendum Election. The polls at the Rockland Recreation Center shall be opened at 8:00 a.m. and closed at 8:00 p.m. on June 14, 2016 for said Elections.

Sponsor: City Council

Originator: City Council

Councilor Pritchett moved passage.

Vote: 4 for.

With no further business to come before the City Council, Councilor Pritchett moved to adjourn. Without objection from the Council, the meeting was adjourned at 7:05 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk