

CIP and Bond Discussion

The meeting was called to order by the Mayor at 5:30 p.m. with the following member answering the roll call: Mayor Louise MacLellan-Ruf, Larry Pritchett, William Clayton, Valli Geiger, Adam Ackor, Acting City Manager Caler-Bell, 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:

- Patty Fletcher, a resident of South Thomaston, spoke concerning the negative press surrounding the Council and City of Rockland lately. She said that she wanted to defend the Council and the City against the “haters”, and specifically commended Mayor MacLellan-Ruf for the positive article published in the local media concerning the art of volunteering. She said more of the same is needed. She then said that she wondered what all of the “Monday Morning Quarterbacks” in the papers, who do nothing but criticize the Council, are doing to benefit the community. She said that government cannot be all things to all people, and thanked the members of Council for their service to the community.

- Lewis Metcalf, 211 Thomaston Street, spoke in support of the proposal to repair the upper end of Thomaston Street, saying that the street is in extremely poor condition due to the amount of large truck traffic. He also said that the City needs to address the speed issue on Thomaston Street, saying that the posted limit is 30 mph but vehicles routinely travel at speeds in excess of that limit.

- David Myslabodski, 54 Broad Street, said that City protocol states that Rockland residents be allowed to speak before non-residents. He then commented on the Capital Improvement Plan and the Bonds that the City intends to put forward to pay for the plan, saying that \$25 million in borrowing is not chump change. He spoke concerning the following specific proposals:

- \$3.5 million for road repairs. He said that the public would like to see details of this proposal including a master plan for the streets to be repaired under this bond. He said without such details, such borrowing is “pie-in-the-sky”.

- \$1 million for landfill closure. He said that the City has a landfill closure account, but if it is so under-funded, why is the account continually raided. He also asked what the Council is asking the public to again subsidize FMC. He said for many years, FMC disposed of thousands of tons of material in the landfill at no cost or a little cost. He said that the City has a full-time City Attorney and that it would be a simple matter to go after FMC and get the money that is owed to the City for those years of disposal.

- Public Pier & Harbor Park. He said it is not clear whether the Council is talking about the Municipal Fish Pier or the Public Landing when referring to the Public Pier, but \$500,000 is proposed for improvements to whichever one it is. He also said that \$725,000 is being proposed for the re-design of Harbor Park with a large parking lot and amphitheater, and wondered why this was being proposed. He said that this was the people’s park and should be enjoyed by all of the people year-round, not just the summer people. He also said that what the people are not being told is that place the amphitheater in Harbor Park, the Fisherman’s Memorial will be removed. He said the Memorial is near and dear to the hearts of many, noting that Rockland was still a fishing community. He said it would be disrespectful to the memory of all lost at sea for the Council to remove the Fisherman’s Memorial.

Hearing no other speakers, the public forum was closed.

Prior to beginning the CIP & Bonds Workshop, Councilor Geiger said that she would like for the Council to have a discussion about changing the structure of the public forums to allow the Council to respond to comments made during the public comment session. She said often times people at the podium just make stuff up and the Council has no chance to set the record straight, and she finds this very tiring. She said restructuring public comment would still allow the public to express their opinions and concerns, but also allow an opportunity to provide facts to those who are listening.

Mayor MacLellan-Ruf and Councilor Clayton concurred.

Workshop – CIP & Bonds: Prior to beginning the workshop on which CIP projects to propose for bonds for the November 8, 2016 Municipal Election, Acting City Manager Caler-Bell said that most of the figures stated by the last speaker during the public forum were not correct. She said that the City is not suggesting that everything in the CIP Plan be funded. She said that the goal is to fund the top priority projects in such a way as to be tax-neutral; to only take on new debt as old debt is retired. She said that the proposal is to fund approximately \$14 million in new borrowing as approximately \$14 million in current debt is retired.

Councilor Clayton said that he would like to know where Mr. Myslabodski got his information regarding the Fisherman’s Memorial, since it was his understanding that any redesign of Harbor Park would actually include an enhanced Fisherman’s Memorial, and that plans are already in the works for fundraising activities for that enhanced memorial.

Mr. Myslabodski said he was commenting on Harbor Park re-design plans that he received from City Hall, and that the plans do not include the Fisherman’s Memorial. He added that the Council is responsible for the plans and moving them forward.

Councilor Clayton said that this Council has made no determinations on any plans to redesign Harbor Park at this time, so his conjecture about the Council eliminating the Fisherman’s Memorial is incorrect.

Mr. Myslabodski maintained that this Council is responsible for these plans and the plans call for the elimination of the Memorial.

Mayor MacLellan-Ruf said that the plans to which Mr. Myslabodski was referring to were engineering plans, and there are any number of engineering plans that the City has that have never come to fruition. She said no final decisions have been made on any plans for Harbor Park at this time.

The Council then held its workshop on the CIP Plan and Bonds for the November 8, 2016 Municipal Election. The following bonds were proposed for said Election:

- \$10,000,000 bond for repairs and improvements to the Water Pollution Control Facility and Collection System
- \$1,100,000 bond for repairs to the Library building envelope
- \$3,100,000 bond for road repairs, reconstruction and resurfacing, and improvements to the City’s Fiber Optics Broadband Network.

With the above workshop complete, and with no further business to come before the City Council, the meeting was adjourned, without objection from the Council, at 7:35 p.m.

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ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

August 1, 2016

- Permit for Outdoor Service of Alcohol – CMCA
- Public Hearing – CDBG Safe Neighborhoods Grant
- Discussion with RSU #13 Superintendent & Merriam Architects – Owls Head & So. Thomaston School Projects
- Set Agenda for August 8, 2016 Regular Meeting

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, Adam Ackor, Acting City Manager Caler-Bell, and City Attorney Beal.

Councilor Valli Geiger was excused from attending this meeting due to illness.

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:

- Frank Tax, 69 Waldo Avenue, spoke concerning the problem of large trucks using Waldo Avenue even though there is a 20,000 RVW limit on that road. He said there have been two landslides in this area, and the vibrations from large trucks create a real hazard to the residents of the area. He asked that new signage be erected to notify drivers of the weight restriction, and that the police begin enforcing the restriction.

- Steve Carroll. 326 Old County Road, spoke concerning the proposed \$14 million dollars in borrowing, saying that the City needs to stop spending money. He said that the taxpayers simply cannot afford any more taxes as many are elderly and on fixed incomes. He said that the plan of adding new debt as old debt is retired is flawed, because those funds could be used to actually reduce the tax burden if no new borrowing is authorized. He also said that the City needs to look at ways to increase non-tax revenues to fund these CIP projects rather than adding to the tax burden.

- Sandra Schramm, 16 Broad Street, also spoke concerning the proposed bonds, saying that it is all very confusing when discussion retiring debt in 2015, 2016 & 2017. She asked if the current bond proposals are relying on retiring debt in 2017. She added that considering the fact that the City does not have a City Manager nor a Finance Director, perhaps the Council to wait until these top leadership position are filled before borrowing such a large amount of money. She also said that she would like to see an accounting of the issues at the Library and see if they were caused by shoddy work done

previously, the cost of which should be the responsibility of whoever did the work, not the taxpayers. She said the City should get its house in order before moving forward with these projects.

- Ron Huber, 148 Broadway, said that it is a great time for fishing in Rockland Harbor. He said that large amounts to mackle and stripers in the Harbor, along with the return of some sturgeon as well. He said this is a great way to spend time with the kids and family and enjoy the Harbor.

Mr. Huber also agreed with the comments made by Mrs. Schramm above.

Hearing no other speakers, the public forum was closed.

Permit for Outdoor Service of Alcohol – CMCA

Councilor Pritchett moved to grant the permit.

Councilor Clayton asked for more information on this permit, and was informed that the alcohol would be served in a cordoned-off section of CMCA’s courtyard during the previously approved collaborative event with Maine Boats, Homes and Harbors scheduled for August 13, 2016.

Vote: 4 for.

Public Hearing – CDBG Safe Neighborhoods Grant

A public hearing on the CDBG Safe Neighborhoods Grant was opened. Hearing no speakers for or against, the public hearing was closed.

Discussion with RSU #13 Superintendent and Merriam Architects – Owls Head and South Thomaston Community School Project.

The Council went into informal session for a discussion of RSU #13’s plans for Owls Head Central School and the eventual closure of Gilford Butler School in South Thomaston. Participating in the discussion were RSU #13 Superintendent John McDonald, RSU #13 Business Manager Peter Orne, members of the RSU #13 Board of Directors, and Architect Jason Merriam.

Set Agenda for August 8, 2016 Regular Meeting: The Council then set the agenda for the August 8, 2016 Regular Meeting. There were no communications for Council consideration. The Council had a discussion of the proposal to institute an Environmental Impact Assessment (Ordinance Amendment #19) with regards to large development (at the discretion of the Planning Board), with Water Pollution Control Facility Director Terry Pinto. Mr. Pinto argued that such an assessment should be make part of any development proposal to give the City information necessary to determine if existing regulations were sufficient to address environmental issues or if changes needed to be made.

With the agenda set, and with no further business to come before the City Council, Councilor Clayton moved to adjourn. Without objection from the Council, the meeting was adjourned at 7:30 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

REGULAR MEETING

AGENDA

August 8, 2016

1. Roll Call **All members present.**
2. Pledge of Allegiance to the Flag
3. Public Forum of not more than 30 minutes (5 minute limit each speaker)
4. Meeting Notice
5. Reading of the Record
6. Reports:
 - a. City Manager’s Report
 - b. City Attorney’s Report
 - c. Other Official’s Report
 - d. Mayor’s Report
7. Licenses and Permits:
 - a. Lodging House License – Brunswick House
Granted. Vote: 5-0.
 - b. Taxi Company License – Joe’s Taxi (8 taxicabs)
Granted. Vote: 5-0.

8. Resolves:

- #25 Multi-Town Street Light Project (Postponed 06/13/16) Councilor Pritchett
 Postponed until the 09/12/16 Regular Meeting. Vote: 5-0.
- #33 Commendation – J. Gourde City Council
 Passed. Vote: 5-0.
- #34 Adopting CDBG Fair Housing Resolution City Manager
 Passed. Vote: 5-0.
- #35 Adopting CDBG Anti-Displacement & Relocation Plan City Manager
 Passed. Vote: 5-0.
- #36 Adopting CDBG Standards of Conduct City Manager
 Passed. Vote: 5-0.
- #37 Donations – Library City Council
 Passed. Vote: 5-0.

9. Ordinances in Final Reading and Public Hearing:

- # 7 Chapter 14, Section 14-316 Redundant Text (Post. 7/11/16) Councilor Pritchett
 Passed. Vote: 5-0. Eff. Date: 09/07/16.
- # 8 Chapter 15, Articles I & IV Street Opening Permits (Post. 7/11/16) Councilor Pritchett
 Passed. Vote: 5-0. Eff. Date: 09/07/16.
- # 9 Chapter 19, Section 19-307 Driveways/Curb Cuts/Culverts (Post. 7/11/16) Councilor Pritchett
 Passed. Vote: 5-0. Eff. Date: 09/07/16.
- #12 Chapter 2, Section 2-509 Lien-Acquired Property (Post. 7/11/16) Councilor Geiger
 Passed as amended. Vote: 5-0. Amended to replace original proposal with language giving the Council more options for the disposition of lien-acquired property other than just placing the property out to bid. Vote on amendment: 5-0. (Note: The amendment was ruled by the Chair to be a substantive change from the original proposal, thereby sending Ordinance Amendment #12 back to First Reading. A public hearing was set for the 09/12/16 Regular Meeting at 6:00 p.m.).
- #17 Chapter 4, Article II Sprinkler Exemptions Councilor Geiger
 Postponed until the 09/12/16 Regular Meeting. Vote: 5-0.
- #18 Chapter 11, Section 11-210 Licensing of B&B's, Inns. Hotels & Motels Councilor Clayton
 Passed. Vote: 5-0. Eff. Date: 09/07/16.
- #19 Chapter 16, Section 16-203 Environmental Impact Assessment Mayor MacLellan-Ruf
 Postponed until the 09/12/16 Regular Meeting. Vote: 5-0.
- #20 Chapter 19, Section 19-304 Industrial Zone – Health & Fitness Facilities Councilor Clayton
 Passed as amended. Vote: 4-1 (Geiger). Eff. Date: 09/07/16. Amended to make Health & Fitness Facilities a conditional use in the Industrial Zone requiring review and approval by the Planning Board; and limiting the use to 40% of the total area of the structure. Vote on amendment: 4-1 (Geiger).
- #21 Chapter 17, Section 17-808 Weight Limit – Oliver Street Councilor Ackor
 Passed. Vote: 5-0. Eff. Date: 09/07/16.

10. Ordinances in First Reading:

- #22 Authorizing Lease Contract – Capital Equipment City Council
 Passed. Vote: 5-0. Public Hearing Date: 09/12/16 at 6:00 p.m.
- #23 Bond Ordinance – Water Pollution Control Facility & Collection System City Council
 Passed. Vote: 5-0. Public Hearing Date: 09/12/16 at 6:00 p.m.
- #24 Bond Ordinance – Library Repairs City Council
 Passed. Vote: 5-0. Public Hearing Date: 09/12/16 at 6:00 p.m.
- #25 Bond Ordinance – Road Repairs, Reconstruction & Resurfacing City Council
 Passed. Vote: 5-0. Public Hearing Date: 09/12/16 at 6:00 p.m.
- #26 Bond Ordinance – Fiber Optics Broadband Network Improvements City Council
 Passed. Vote: 5-0. Public Hearing Date: 09/12/16 at 6:00 p.m.
- #27 Bond Ordinance – Old County Road Repairs Mayor MacLellan-Ruf
 Passed. Vote: 5-0. Public Hearing Date: 09/12/16 at 6:00 p.m.
- #28 Chapter 19, Article III Reducing Dimensional Limit on Dwelling Units Councilor Geiger
 Postponed until the 11/14/16 Regular Meeting. Vote: 5-0.
- #29 Authorizing Lease Amendment – Breakwater Lighthouse; Float Councilor Ackor
 Passed. Vote: 5-0. Public Hearing Date: 09/12/16 at 6:00 p.m.

- #30 Chapter 17, Section 17-801 Parking Prohibition – Pleasant Street
Passed. Vote: 5-0. Public Hearing Date: 09/12/16 at 6:00 p.m. Councilor Ackor
- #31 Chapter 2, Section 2-212 Expanding Public Comment Councilor Pritchett
Passed as amended. Vote: 5-0. Amended to delete the provisions to add specific public comment sessions for Order and Resolve that are on the Council Meeting agenda (thereby leaving just the provision to add a specific comment section for City Council Members and/or the City Manager to respond to comments or answer question asked by the public during the public forum/comment sessions). Vote on amendment: 3-0 (MacLellan-Ruf, Pritchett).

11. Orders:

- #36 Appropriation of Funds – Multi-Town Lighting Project (Post. 6/13/16) City Manager
Passed as amended. Vote: 3-2 (MacLellan-Ruf, Geiger). Amended to delete the phrase “...and use those funds in continuation of the project.” Vote on amendment: 5-0.
- #47 Amending Land Use & Inspection Fees – Chickens & STRs City Manager
Passed. Vote: 5-0.
- #48 Amending Licenses & Permits Fee Schedule – Chickens & STRs City Manager
Passed. Vote: 5-0.
- #49 Authorizing TAN Borrowing City Manager
Passed. Vote: 5-0.
- #50 Declaration of Official Intent – Sewer Bond City Council
Passed. Vote: 5-0.
- #51 Declaration of Official Intent – Library Bond City Council
Passed. Vote: 5-0.
- #52 Declaration of Official Intent – Roads Bond City Council
Passed. Vote: 5-0.
- #53 Declaration of Official Intent – Fiber Optics Broadband Network Bond City Council
Passed. Vote: 5-0.
- #54 Declaration of Official Intent – Old County Road Bond Mayor MacLellan-Ruf
Passed. Vote: 5-0.
- #55 Authorizing COLA Salary Adjustment – City Clerk Mayor MacLellan-Ruf
Passed. Vote: 5-0.
- #56 Authorizing Details of Borrowing – Salt/Sand Shed City Manager
Passed. Vote: 5-0.
- #57 Authorizing Expenditure – Undesignated Fund Balance (O.C. Rd Repairs) Mayor MacLellan-Ruf
Passed. Vote: 5-0.
- #58 Authorizing License Agreement Renewal – J. Sawyer Sculpture City Manager
Add to agenda. Vote: 5-0. Passed. Vote: 5-0.
- #59 Authorizing Abatement – Assessment Error City Manager
Add to agenda. Vote: 5-0. Passed. Vote: 5-0.

12. Adjournment. Adjourned without objection from the Council at 9:02 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, Adam Ackor, Acting City Manager Caler-Bell, 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:

- Connie Hayes, 222 Broadway, spoke concerning the Maine Department of Transportation’s plan to re-pave Camden Street in 2017, and requested that the City postpone such re-paving so that the long-planned improvements to the Camden Street area could be implemented. She said that if DOT does the re-paving as planned, any improvements to Camden Street would be put off for at least 5 years. She also said that the re-development of Camden Street as envisioned in the Camden Street Re-Visioning process would create badly needed tax revenues for the City.

- Steve Carroll, 326 Old County Road, spoke in support of the proposal to prohibit parking on the north side of Pleasant Street from Main Street to Union Street (Ordinance Amendment #30, this agenda), saying that parking in that area is

creating a bottleneck, making it difficult to enter and exist Pleasant Street.

- Zander Shaw, 39 Pleasant Street, spoke in support of Ms. Hayes' comments concerning Camden Street. He also spoke in support of the concept of requiring an Environmental Impact Assessment for new development (Ordinance Amendment #19, this agenda), but said that the current proposal does not go far enough to make the ordinance effective. He said that the ordinance should include guidelines and direction to the Planning Board on how to use such assessments, and suggested that Ordinance Amendment #19 be postponed for more review.

- Maggie Trout, 77 Broadway, commented on the "Infill" Ordinance (Ordinance Amendment #28, this agenda), saying that, given Councilor Geiger's own personal involvement with the subject matter, a different sponsor and originator of this proposal should be named. She also commented on the proposal to expand public comment (Ordinance Amendment #31, this agenda), saying that a question period for the press should be included.

- David Myslabodski, 54 Broad Street, spoke concerning the Bond proposals, saying that in 2004 the City's indebtedness included one bond for \$8.4 million dollars. Now, he said the City's indebtedness includes 18 bond totaling \$28.9 million dollars. He also noted that the Council will be considering an order to authorize Tax Anticipation Borrowing (Order #49, this agenda), saying that this is a sign of an unhealthy cash flow. He said that these are symptoms that show the City's financial house is not in order, and suggested that the Council do three things: 1) publish the list of unpaid taxes to encourage payments; 2) charge all non-profit organizations user fees; and 3) do not authorize any additional bonds until the City gets its financial house in order.

- Kyle Swan, 32 Cedar Street, thanked the member of the City Council for their service, recognizing that they do not have an easy job. He then spoke concerning the Camden Street Re-Visioning Project, supporting the comments made by earlier speakers, and urged the City to continue working toward the goals of the project. He said it would be a better use of the space in this area and make a more attractive corridor. He also said that it would create a community within the community where people will want to live, work and shop.

- John Grondin, 1 Rankin Street, thanked the Department of Public Services for leaving the picnic tables in Buoy Park during the Lobster Festival, noting that this was the first year that was done and that is was nice to see people using them. He also commended the Department for its care of the flower baskets along Main Street and Park Street. Mr. Grondin then spoke in support of extending the agreement with Jay Sawyer for the display of his sculpture "Riding the Rails to Rockland" at Sandy Beach Park. He also said that the City should send a letter of thanks to Mr. Sawyer for his willingness to allow the City to display his sculpture.

- George Terrien, 222 Broadway, spoke concerning the Camden Street Re-Visioning project, saying that the city is sitting on a gold mine with the virtually unlimited redevelopment potential in that area. However, he said if DOT goes ahead with its repaving schedule for Camden Street, any redevelopment will effectively be killed. He agreed that the repaving of Camden Street should be delayed for at least a year to move this project forward.

Councilor Clayton, noting that the allotted time for the Public Forum had nearly expired, and that three more people wished to speak, asked that the Public Forum be extended for no more than 15 minutes. Without objection from the Council, it was so ordered.

- Sandra Schramm, 16 Broad Street, spoke concerning the Downtown Lighting Project, and noted that the American Medical Association has just issued a report warning of the negative health effects associated with high blue LED street lighting. She said that the City should be sure that any LED lights used for street lighting be low emission blue lighting to minimize any negative health effects.

- Ron Huber, 148 Broadway, commented on the proposal to establish an Environmental Impact Assessment, saying that the City needs to be sure that any such assessment is established in accord with State and Federal standards. He also commented on the success of the Lobster Festival, saying what a great event it was this year. He then commented on the Camden Street Re-Visioning project, saying that the City should make sure that extensive archeological studies are done to make sure nothing of historical significance is disturbed or destroyed with any development along that corridor.

- Dale Hayward, 162 North Main Street, spoke concerning two recent articles in the media outlining the failures of Rockland City Government, noting his deep concerns about these events. He added that he has filed a complaint with the State Attorney General's office to have them to do an investigation of the City's government. He said that there are serious

problems with the City's government, and the City needs to get its political house in order before it can make responsible decisions.

City Council Response to Public Comment:

- Councilor Geiger said that not everyone knows what goes on behind the scenes, but wanted the public to know the efforts put forth by the Mayor during the Lobster Festival to make sure that the personnel from the Navy ship, the *USS Oakhill*, felt welcome. She said that the Mayor treated them so well that they intend to return next year, and that many of the sailors said that they intend to come back to Rockland on their own in the future.

- Councilor Pritchett said that there is nothing on this agenda concerning Camden Street, but noted that Camden Street is being re-paved by the State, and it is not a situation where the State gives the City the money and the City does it. Acting City Manager Caler-Bell added that the re-paving of Camden Street has already been delayed for a year. She said it was originally scheduled to be done this summer. She added that funding for Camden Street would need to be in place by next year.

Councilor Pritchett asked what is still lacking in the planning process for Camden Street.

The Acting City Manager said that mostly it is engineering work on sewer and storm water infrastructure. She also said that there are some discrepancies in the traffic study as well that will need to be addressed.

Councilor Geiger said that the Council was not given the opportunity to include funding for Camden Street in the Roads Bond discussion last week. She said that she agrees with the speakers on this matter, and that she was involved with the re-visioning process very early on. She said that she was frustrated at the lack of movement on this project.

Councilor Pritchett said that he would like to see an accounting of exactly where this project is, what steps are remaining, and the costs associated with the project. He also said he would like to see how the project would fit into DOT's schedule.

Hearing no others 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 during regular business hours.

Reports:

a. City Manager's Report: The Acting City Manager said that other than items previously communicated with the Council, she had nothing further to report.

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

c. Other Official's Report: Councilor Pritchett said the Energy Committee was glad to see the report from the American Medical Association concerning LED street lighting. He said that the Committee had been following this issue, and that it is an important design consideration as the City moves forward with the Downtown Lighting Project.

d. Mayor's Report: The Mayor reported that a very successful Lobster Festival has just concluded, and that the Maine Boats, Homes & Harbors Show is coming next weekend, noting that it was the last major festival of the season in the City. She also said that she attended the ground-breaking for the new Meals On Wheels facility. She concluded by saying that the *USS Oakhill* had such an enjoyable and successful visit to Rockland that they will be returning for next year's Lobster Festival.

Licenses and Permits:

- a. Lodging House License – Brunswick House
- b. Taxi Company License – Joe's Taxi (8 taxicabs)

A public hearing was opened with Colin Wentworth, owner of the Brunswick House, speaking in favor of the granting of the license for his establishment. He said that they have made improvements to the operation of the facility over the past few

years that have resulted in a marked decrease in calls to the facility.
Hearing no other speakers, the public hearing was closed.
Councilor Clayton moved to grant both licenses.

Vote: 5 for.

Resolves:

#25 Multi-Town Street Light Project (Postponed 06/13/16)

(See page 112 for text)

It was noted that this Resolve was postponed until this meeting, and received a motion for passage at the 06/13/16 Regular Meeting.

Councilor Pritchett said that representatives from the town of Falmouth will not be available for meet with the Council to address the questions brought up concerning this proposal until next month, therefore, Councilor Pritchett moved to postpone Resolve #25 until the 09/12/16 Regular Meeting.

Vote: 5 for.

Resolve #25 was postponed until the 09/12/16 Regular Meeting.

#33 Commendation – Joseph A. “Al” Gourde, Jr.

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT Joseph A. “Al” Gourde, Jr. is hereby commended and congratulated for 14 years of service to the City of Rockland as the Director of the Rockland Fish Pier.

AND, be it further Resolved that a Plaque and a Certificate of Commendation be presented to Mr. Gourde as a token of the City’s appreciation for his years of service on the occasion of his retirement, and the City Council wishes him well in his future endeavors.

Sponsor: City Council
Originator: City Council

Councilor Pritchett moved passage and said that Mr. Gourde was not able to attend the meeting. He said that he has heard many comments over the years of how well Mr. Gourde ran the Fish Pier. He congratulated him on his service and wished him luck in his retirement.

Vote: 5 for.

#34 Adopting CDBG Fair Housing Resolution

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City of Rockland adopts and authorizes the City Manager to sign a Fair Housing Resolution as follows:

LET IT BE KNOWN TO ALL PERSONS of the City Of Rockland that discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, sex, handicap, familial status or national origin is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Fair Housing Law). It is the policy of the City of Rockland to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap, familial status or national origin. Therefore, the City does hereby pass the following Resolution.

AND, BE IT FURTHER RESOLVED that within available resources the City will assist all persons who feel they have been discriminated against because of race, color, religion, sex, handicap, familial status or national origin to seek equity under federal and state laws by filing a complaint with the Maine Human Rights Commission or the U.S. Department of Housing and Urban Development, Boston Regional Office Compliance Division.

AND, BE IT FURTHER RESOLVED that the City shall publicize this Resolution and through this publicity shall cause owners of real estate, developers and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law and any applicable state and local laws or ordinances.

AND, SAID PROGRAM will at a minimum include by not be limited to: (1) the printing and publicizing of this policy and other applicable Fair Housing information through local media and community contacts; (2) distribution of posters, flyers and

any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

Sponsor: City Manager
Originator: Community Development

Councilor Clayton moved passage.

Vote: 5 for.

#35 Adopting CDBG Anti-Displacement and Relocation Plan

IT IS HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City of Rockland adopts and authorizes the City Manager to sign an Anti-Displacement and Relocation Assistance Plan for the CDBG Program.

Sponsor: City Manager
Originator: Community Development

Councilor Pritchett moved passage.

Vote: 5 for.

#36 Adopting CDBG Recipients Standards of Conduct

THAT the City of Rockland adopts and authorizes the City Manager to sign a Code of Conduct for CDBG recipients pursuant to the Housing and Community Development Act of 1974, as amended in 1992, and the Community Development Block Grant Regulations (24 CFR Part 570).

Sponsor: City Manager
Originator: Community Development

Councilor Pritchett moved passage.

Vote: 5 for.

#37 Accepting Donations – Library

WHEREAS, the Friends of the Rockland Public Library donated \$358.30 to the Rockland Public Library for 34 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, the Rockland Public Library Endowment Association donated \$551.56 for FAX “credit” cards, Cypress Resume licensing/hosting, and Website hosting services, 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, Linda Milton, South Thomaston, Maine, donated \$100, to be receipted into the Library Restricted Donations account (#10062-03150) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003);

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

THAT the City gratefully accepts these donations and directs that 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.

Ordinances in Final Reading and Public Hearing:

#7 Chapter 14, Section 14-316 Eliminating Redundant Text – Street Opening (Postponed 06/13/16)
(See page 62 for text)

It was noted that this amendment was postponed until this meeting after receiving a public hearing and a motion for final passage at the 05/09/16 meeting.

With no further discussion, the Council voted on the motion for passage. Vote: 5 for.
Ordinance Amendment #7 will become effective 09/07/16.

#8 Chapter 15, Articles I & IV Street Openings (Postponed 06/13/16)

(See pages 62-71 for text)

It was noted that this amendment was postponed until this meeting after receiving a public hearing and a motion for final passage at the 05/09/16 meeting.

With no further discussion, the Council voted on the motion for passage. Vote: 5 for.
Ordinance Amendment #8 will become effective 09/07/16.

#9 Chapter 19, Section 19-307 Driveways, Curb Cuts & Culverts (Postponed 06/13/16)

(See pages 71 & 72 for text)

It was noted that this amendment was postponed until this meeting after receiving a public hearing and a motion for final passage at the 05/09/16 meeting.

With no further discussion, the Council voted on the motion for passage. Vote: 5 for.
Ordinance Amendment #9 will become effective 09/07/16.

#12 Chapter 2, Section 2-509 Disposition of Lien-Acquired Property (Postponed 07/11/16)

(See page 72 for text)

It was noted that this amendment was postponed until this meeting, after receiving a public hearing and motion for final passage at the 05/09/16 Regular Meeting.

Councilor Geiger moved to amend Ordinance Amendment #12 by replacing the existing proposal with the following:

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 2, Administration, ARTICLE V, Department of Finance, SECTION 2-509, Regulations Governing Purchase and Sale of Property, BE AMENDED AS FOLLOWS:

Sec. 2-509 Regulations Governing Purchase and Sale of Property

* * *

13. Sales; \$5,000 or More. No municipal property, supplies, materials and equipment valued at five thousand dollars (\$5,000) or more, and no real estate regardless of its value, shall be offered for sale unless and until the City Council so orders. If such sale is authorized, it shall be conducted in the same manner, and subject to the same procedures, as hereinbefore required for purchases in amounts in excess of five thousand dollars (\$5,000), except that in the case of sales, awards shall be to the highest and best bidder, considering such factors, where appropriate, as the use to which the property will be put after the sale and the positive effect upon the City of such use, if any. The Council shall have the right to reject any and all bids. There is no local preference for sales of municipal property. The procedure in this subsection shall not apply to reconveyance to the former owner of property taken on tax or sewer lien, to which the procedures in subsection 15 (below) shall instead apply.

* * *

15. Disposition of Real Estate Acquired by Tax Lien or Sewer Lien Foreclosure. When real estate is acquired through the automatic, statutory foreclosure on municipal tax or sewer liens (“Lien-Acquired Property”), the following procedures shall apply:

A. The City Manager shall promptly inform the City’s insurance carrier and secure property and liability insurance coverage for Lien-Acquired Property where appropriate;

B. The Rockland Code Enforcement Officer or his designee shall inspect Lien-Acquired Property as soon as possible after acquisition, and inform the City Council and City Manager of the physical condition of the property;

C. The City Manager shall notify the former owner or owners of Lien-Acquired Property who are eligible for reconveyance of the property pursuant to Subsection 2-509(15)(D)(3) and shall invite each such owner to make a written request that the City Council reconvey the acquired property to such former owner. Any such request for reconveyance must be served upon the City Manager within thirty (30) days of the City Manager’s notice required by this paragraph;

D. The City Council may dispose of Lien-Acquired Property by one of the following methods:

(1) Sell the property after seeking competitive bids as set forth in this Chapter and taking into consideration one or more of the factors set forth in subparagraph E; or

(2) Retain the property for later sale, City use, or other lawful disposition other than reconveyance to its former owner(s); or

(3) Reconvey the property to its former owner or owners, or to a court-appointed personal representative or executor of a deceased prior owner, only if such former owner(s) are eligible for reconveyance. A former owner is eligible for reconveyance if:

(a) The Lien-Acquired Property is, at least in part, residential (either single-family, multi-family, or mixed use);

(b) The former owner resided at the Lien-Acquired Property for at least one year prior to the statutory lien foreclosure or, where the former owner is deceased at the time of the foreclosure, at any time within the two years prior to the statutory lien foreclosure. Provided, however, that the City Council may waive this requirement where (i) the Lien-Acquired Property has been occupied by a spouse, domestic partner, or child of the former owner within the prescribed period and such occupant demonstrates a capacity to meet the requirements for reconveyance and to maintain the property following reconveyance, or (ii) the former owner has been absent from the property to obtain medical care, mental health care, rehabilitation, or similar care, and demonstrates both an intention to resume residency at the property and the capacity to meet the requirements for reconveyance and to maintain the property following reconveyance; and

(c) The former owner has not previously received title to any property by means of reconveyance of Lien-Acquired Property from the City.;

Prior to authorizing the sale of City property by any means, the City Council shall ascertain (1) whether the value of the property may be enhanced if dilapidated or unsafe structure(s) on the property are demolished, and (2) whether the City should retain any interest in the property, such as a sewer or storm water easement, right-of-way for a public trail or other public purpose, or other interest having a benefit for the community.

E. Factors to be considered in deciding what disposition to make of Lien-Acquired Property may include, but are not limited to, the value of the property to the citizens of Rockland if it is either sold or retained for City use, such as:

(1) The physical condition of the property;

(2) The public policy of seeking to maintain people in their homes when they have the capacity to meet their financial obligations for the property without public assistance and to maintain the property in conformance with the Property Maintenance, Life Safety, and other applicable Codes;

(3) If the property is to be reconveyed to its former owner, the feasibility of the former owner's plan and capacity, including financial capacity, for complying with the preconditions for reconveyance set forth below, without public assistance. ~~;~~ ~~and~~

(4) The opportunity to reuse the property as a public park, playground, or forest, or for an environmentally-beneficial use such as storm water retention;

(5) The opportunity to create affordable housing for low- or middle-income households;

(6) The opportunity to create workforce housing for persons employed in Rockland;

(7) The opportunity to partner with a local business or non-profit organization in the rehabilitation and reuse of the property;

(8) The opportunity to improve the energy-efficiency of buildings on the property;

(9) The opportunity to combine the lot with one or more other lots for reuse for a public purpose, low- or middle-income housing, a community-based renewable energy project, or similar purpose having a community benefit;
or

(10) Any other factor(s) that the Council determines shall best serve the public's interest;

F. If the City Council authorizes the City Manager to reconvey Lien-Acquired Property to an eligible former owner or his estate pursuant to Section 2-509(15)(D)(3), the City Manager shall reconvey the property if, within sixty (60) days of the effective date of an ordinance authorizing reconveyance, the former owner shall have:

(1) Paid all taxes, sewer charges, and lien and service costs owed to or incurred by the City, up to the date of reconveyance by the City, including amounts that would have been due had the City not become the owner of the property;

(2) Where the property was held by the City on the first day of April preceding the reconveyance, paid an amount equivalent to the tax that would have been assessed on the property for the following fiscal year had the City not held title to the property on April 1;

(3) Reimbursed the City for its insurance and other costs and charges incurred by the City in maintaining the property during the period of the City's ownership;

(4) Made those repairs and improvements that, in the sole discretion of the Code Enforcement Officer, are required to protect the health, safety, or welfare of any occupant of the property or any other persons, or to avoid risk of damage or loss to other property, including utilities, ways, and other public improvements;

(5) Paid interest on the tax, sewer charges, and other costs owed to or incurred by the City pursuant to the City's Cash Collection Policy;

(6) Paid the document preparation fee imposed by Subsection 2-509(17); and

(7) Paid all filing and other charges and fees imposed by the Knox County Registry of Deeds for filing the quitclaim deed and/or other documents required to effect the reconveyance.

G. If the City reconveys Lien-Acquired Property to its eligible, former owner, or his estate, the requirements of Subsection 2-509(13) relating to sale of municipal property are not applicable, except that such reconveyances must be made by ordinance;

H. In the event the eligible former owner or court-appointed personal representative of the estate of the eligible former owner fails to satisfy the preconditions set forth in Subsection 2-509(15)(F) within the deadline therefor:

(1) Such former owner and every other person residing at the property shall end their occupancy at the property, remove all personal property, and quit the premises within ninety (90) days of the effective date of the City Council's authorization of reconveyance, and

(2) The City Manager, ~~shall offer the property for sale by competitive bid pursuant to Subsection 2-509(13),~~ unless otherwise specified by the City Council in the ordinance amendment authorizing the reconveyance, ~~shall inform the City Council, identify for the Council all known parties interested in obtaining or reusing the property, and present a proposed Order authorizing a substitute disposition of the property.~~ ~~The City Council may order that the property be retained or offered for sale utilizing the competitive bid procedure required under and considering one or more factors identified in subparagraph E.~~

I. The City Council may also dispose of commercial Lien-Acquired Property by reconveying the property to its former owner by authorizing a reconveyance agreement that includes appropriate terms and conditions, including as minimum requirements the conditions imposed on reconveyance of residential Lien-Acquired Property under Subsection 2-509(15)(F).

J. Neither the opportunity of an eligible, former owner to request a reconveyance of a property, nor any other provision in this section, shall imply or create an obligation of the City Council to reconvey any property to its former owner;

nor shall the decision of the City Council to dispose of one or more Lien-Acquired Properties by reconveying the property to its former owner(s) be binding upon the City Council with respect to, or create any precedent for, the reconveyance of other Lien-Acquired Property.

16. Records of Real Estate Conveyances. All conveyances of City-owned real estate, regardless of value, must be by ordinance. After the effective date of the ordinance, the deed conveying the real property shall be executed as required by the Code, recorded in the Registry of Deeds, and a copy of the executed deed shall be filed with by the City Clerk, who shall cause it to be kept together with all other deeds and conveyances involving City property. The Clerk shall also provide copies of the executed deed to the offices of the Finance Director and of the City Assessor. Neither the text nor the deed shall be maintained as part of the Rockland Code under the procedures set forth in Chapter 1, Section 1-103.

17. Document Preparation Fee. A fee of up to \$150.00 shall be imposed for the City's preparation of documents relating to title to property.

Councilor Geiger said that she made this proposal to clarify the process by which lien-acquired property is dispensed with, however, the original proposal ran afoul of some Charter provisions. She said this amendment addresses those issues, and will give the Council options when considering the disposition of lien-acquired property.

Mayor Pritchett asked the Mayor, if this amendment is adopted, would it constitute a substantive change requiring the Ordinance to be sent back to first reading.

The Mayor indicated that it would.

Vote on amendment: 5 for.

Vote as amended: 5 for.

Mayor MacLellan-Ruf ruled that the amendment was of a substantive nature, therefore, Ordinance Amendment #12 was sent back to first reading. A public hearing on this amendment was set for 09/12/16 at 6:00 p.m.

#17 Chapter 4, Article II Sprinkler Exemptions

(See pages 162-164 for text and amendment)

A public hearing was opened with Sandra Schramm, 16 Broad Street, asking if the questions and concerns raised by the Fire Department over this proposal have been addressed.

Asst. Chief Adam Miceli said that as the proposal currently exists, the Fire Department is generally opposed to it. He said that the department feels strongly that residential sprinklers would save lives and are generally opposed to any exemptions. He said that the department will work with the Council on changes to address some of the concerns about this proposal, and added that the size and layout of the structure would have an effect on smoke and fire. He said it is a balancing act, and the department would work within the framework laid out in this ordinance.

Councilor Pritchett asked what kind of changes the department would like to see in this ordinance to make it acceptable to the department.

Assist. Chief Miceli said that the major concerns are not so much the size of the structure, but the contents. He said that the department would be willing to work to educate the public on ways to make a home safer without sprinklers.

Hearing no other speakers, the public hearing was closed.

Councilor Geiger moved passage and said that the requirement to install residential sprinkler systems is onerous. She added that the current ordinance allows for exemptions if a home is within 1,000 feet of a pressurized fire hydrant, but any homes to the west of Old County Road could not meet that requirement to even be considered for an exemption. She said that records show that most homeowners that qualify for the exemption take the exemption, and she wanted to offer those who live on the outskirts of town the same opportunity. She also said that she has no objection to meeting with the Fire Department to tweak this proposal, if necessary.

Councilor Ackor urged the Council to defeat this proposal, saying that it was unfair and unnecessary. He added that the City should be proud of its progressive life safety code.

Councilor Clayton said when this ordinance was first instituted, he often wondered if he did the right thing in supporting it. He said this is a huge issue on both sides, and wondered if postponing this proposal for a month to work to address the concerns expressed by the Fire Department. He said that the City has the expertise on staff to make this proposal work.

Councilor Pritchett said that this ordinance has been in place for the last four years, and it appears that most people that qualify for the exemption take it. He asked Asst. Chief Miceli what discussions have taken place at the Fire Department level on how to strengthen this ordinance.

Without objection from the Council, the Mayor allowed Asst. Chief Miceli to respond to Councilor Pritchett's question.

AC Miceli said that as far as the Fire Department was concerned, they would like to see all residential structure with sprinkler systems with no exceptions, and added that eventually State and Federal codes will require it. He said now is a good time to

draw that line in the sand. However, he said if the Council intends to institute this proposal, the Fire Department would like to see actual action items that a homeowner would need to perform to be eligible for an exemption.

Councilor Ackor asked Code Enforcement Officer John Root what approximate number of building projects in the City were not done because of the sprinkler system requirement.

Without objection from the Council, the Mayor allowed Code Enforcement Officer Root to respond to Councilor Ackor's question.

Mr. Root said that he was not aware of any projects that were not done because of the sprinkler system requirement. He added, however, that while there have been a number of exemptions from the requirements, there have also been a number of builders that have installed the systems as well. He added that modular and manufactured homes are exempt from the requirement anyway, and that there is not a lot of new construction in the City due to the lack of developable land. Most construction is renovation and redevelopment of existing structures.

Councilor Geiger moved to postpone Ordinance Amendment #17 until the 09/12/16 Regular Meeting.

Vote: 5 for.

Ordinance Amendment #17 was postponed, after public hearing, until the 09/12/16 Regular Meeting.

#18 Chapter 11, Section 11-210 Licensing of B&B's, Inns, Hotels & Motels

(See page 165 for text)

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

Councilor Pritchett moved passage and explained that this was a housekeeping measure to put a provision back in the code that was inadvertently left out of a previous amendment.

Vote: 5 for.

The Amendment will become effective 09/07/16.

#19 Chapter 16, Section 16-203 Environmental Impact Assessment

(See page 165 for text)

A public hearing was opened with Ron Huber, 148 Broadway, speaking in opposition to this version of the proposal. He said the idea of requiring an EIA is a good one, but such a proposal needs to have enforceable provision. He also said that such an ordinance also needs to conform to State and Federal standards as well.

David Myslabodski, 54 Broad Street, spoke in support of the concept, but in opposition to this proposal, saying that the concerns expressed by the Planning Board in a memo from its chair to the Council must be addressed before this proposal moves forward. He said that this ordinance must have teeth if it is going to be effective. He suggested that the City do 5 things to make this ordinance effective: 1) declare Rockland as a "Green Community" and take the necessary steps to achieve it by 2030; 2) no grandfathering clause, have the EIA apply to all new and existing businesses; 3) differentiate between small/medium/large developments based on income; 4) based emissions standards on actual or potential pollution emissions; and 5) perform an initial EIA audit of existing businesses to create a baseline moving forward.

Sandra Schramm, 16 Broad Street, spoke in opposition to this proposal, saying that it needs to further than it does and agreed with the Planning Board Chair that this proposal has no meaning and no teeth. She said this proposal should be postponed and sent back to the drawing board.

Hearing no other speakers, the public hearing was closed.

Councilor Geiger moved passage and said that the City does not have an ordinance like this in place. She also said that she was somewhat surprised that those speaking in opposition to this proposal were also stating that they support the idea. She said that the Planning Board has the authority to order such an assessment when it reviews site plan proposals submitted to it, but rarely does so. She said that she was prepared to vote for this proposal in first reading, or to strengthen it. She said it would be a shame if this proposal was voted down.

Councilor Ackor said that he agreed that this proposal is a good idea, but believes that it does need to be strengthened to be effective. Therefore, Councilor Ackor moved to postpone Ordinance Amendment #19 until the 09/12/16 Regular Meeting.

Councilor Clayton said that he was glad to see that this proposal was not going to be voted down, and that he would like to see more work done on the matter. He said it does need to be strengthened somewhat, and that he would support postponing the proposal.

Councilor Pritchett said that there were a number of questions raised concerning this proposal that need to be addressed: confusion about the intent of the ordinance; removing requirement that all projects are subject to the results of EIAs; requirement EIAs for projects that do not go before the Planning Board; threshold that triggers the EIA; and clarify how this proposal compares to other EIA requirements.

Vote: 5 for.

Ordinance Amendment #19 was postponed until the 09/12/16 Regular Meeting.

#20 Chapter 19, Section 19-304 Industrial Zone Regulations; Health & Fitness Facilities

(See page 144 for text)

A public hearing was opened with Doug Erickson, a real estate broker for the Masiello Group, saying that they met with the Comprehensive Planning Commission (COMPS) and are in agreement with the proposed amendments to this proposal. He also thanked the Councilor for its willingness to consider this request.

Hearing no other speakers, the public hearing was closed.

Councilor Clayton moved passage and noted that the memo from COMPS called for making this a conditional use and restricting the use to 40% of the total area of the structure. He asked where the 40% came from. He was informed that the 40% was a figure that COMPS came up with because it was the space needed for this particular project.

Councilor Clayton said that this was a perfect example of a board working with the public to come to agreement on what works for all concerned.

Councilor Geiger said that she could not disagree more, and added that she was annoyed that the Council was even considering this proposal. She said that the Industrial Zone is no place for a use that will have children walking to and from the facility. She said that there are no sidewalks in the Industrial Park and there is heavy truck traffic in and out of the Park. She said this is no place for a Children’s Gymnastics Academy. She also said that she was opposed to crafting an ordinance amendment to meet the needs of a particular tenant.

Councilor Ackor said that the reason this was being proposed for the industrial zone was because of the ceiling height necessary for the particular use. He said that height restrictions in other zones would not allow this use anywhere else in the City. He also said it is not uncommon to have mixed uses in an industrial area. He added that there are already uses in the Industrial Park that are not necessarily industrial in nature.

Councilor Clayton noted that there was nearly as much traffic in the vicinity of South School and there are no sidewalks on Thomaston Street in that area either. He said that he disagreed with Councilor Geiger’s assessment of the proposal, saying that the applicant met with COMPS and came up with a solution that works.

Councilor Geiger said that she could not understand why anyone would want to have children walking to a facility where there is heavy truck traffic and no sidewalks. She said this creates an unsafe condition.

Councilor Pritchett concurred with Councilor Geiger’s concerns, but said if there is no objection to allowing an industrial user to put a fitness center in their facility, why would you not allow it as a separate use.

Councilor Clayton moved to amend Ordinance Amendment #20 to read as follows:

17. Industrial Zone “I” Regulations

* * * *

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

(a) Grid-Scale Power Generation Facilities, fueled other than by uranium, enriched uranium, plutonium, solid waste, construction and demolition debris, or treated or engineered wood products, and having a setback of at least 200 feet from any property line shared with a lot on which a residential or mixed-use structure is located. For this purpose, “solid waste” shall have the same meaning as under the Resource Conservation and Recovery Act, 42 U.S.C. § 6903, as amended.

(b) Health and Fitness Facilities that occupy no more than 40% of the total area of a structure.

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

Without objection from the Council, the Mayor allowed Code Enforcement Officer John Root to speak on this issue.

Mr. Root said that Councilor Geiger makes some valid points, but changing this to a conditional use requiring Planning Board approval gives the Board the opportunity to review such things as Councilor Geiger has pointed out and to impose reasonable restrictions and requirements on such applicants.

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

Ordinance Amendment #20, as amended, will become effective 09/07/16.

#21 Chapter 17, Section 17-808 Special Traffic Restrictions; Weight Limits

(See page 144 for text)

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

Councilor Ackor moved passage.

Vote: 5 for.

The amendment will become effective 09/07/16.

At this time, Mayor MacLellan-Ruf declared a 5-minute recess at 7:58 p.m.

The meeting was reconvened at 8:03 p.m. and the agenda continued.

Ordinances in First Reading:

#22 Authorizing Lease to Own Contract – Approved Capital Equipment

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

THAT, pursuant to Charter Section 702(c), and Chapter 2, Section 2-105 of the City Code, the City Manager is hereby authorized to solicit competitive bids and to enter into a Lease-to-Own contract, having a term of no more than five years, in a total principal amount not to exceed \$361,200, for the acquisition of the following, approved capital equipment:

- Network Upgrades
- Police Vehicle with Equipment
- Fire Department Command Vehicle
- Public Services Department - Diesel Straw Blower
- Public Services Department - Compressor
- Public Services Department – Loader/Sidewalk Snow Blower

Sponsor: City Council
Originator: City Manager

Councilor Clayton moved passage

Councilor Geiger said she was pleased to see the term on this contract set at 5 years. She said at times in the past, the terms of these contracts have out-paced the useful life of the equipment.

Vote: 5 for.

A public hearing was set for 09/12/16 at 6:00 p.m.

#23 Bond Ordinance – Sewer Improvements & Repairs

BOND ORDINANCE AUTHORIZING ISSUANCE OF THE CITY’S BONDS OR NOTES IN AN AMOUNT NOT TO EXCEED \$10,000,000 TO FINANCE THE COST OF REPAIRS AND IMPROVMENTS TO THE CITY’S WATER POLLUTION CONTROL FACILITY AND WASTE WATER COLLECTION SYSTEM, AND SUCH OTHER ANCILLARY AND RELATED COSTS WITH RESPECT THERETO, PLUS AN AMOUNT NOT TO EXCEED 2% TO PAY THE COST OF ISSUANCE OF ANY BONDS OR NOTES WITH RESPECT THERETO.

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

Section 1. Subject to Section 2 hereof, an amount not to exceed \$10,000,000 is hereby appropriated to finance the cost of Repairs and Improvements to the City’s Water Pollution Control Facility and Waste Water Collection System, and such other ancillary and related costs with respect thereto (the “Project”), plus an amount not to exceed 2% to pay the cost of issuance for any bonds or notes issued with respect thereto. Repayment of said bonds or notes shall be equitably divided between revenues derived from user fees and revenues derived from the tax levy.

Section 2. For purposes of financing the foregoing appropriation contained in Section 1, the City is hereby authorized to issue its general obligation bonds and notes in anticipation thereof in a principal amount not exceeding \$10,000,000.

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

Sponsor: City Council
Originator: City Council

Councilor Clayton moved passage.

Councilor Geiger said that the City is suffering from deteriorating infrastructure, and with interest rates at historically low levels, now is the time to borrow money to make these repairs. She also noted that there would be a zero-impact on the tax rate because these bonds are being proposed to take over for debt that is being retired.

Councilor Pritchett said this was the bond that he had the most reservations about because of the lack of accurate data on the collection system. He said they have good information on approximately 7 miles of the system, but not so much on the rest. He asked for more information from the City Manager and the Pollution Control Director.

Vote: 5 for.

A public hearing was set for 09/12/16 at 6:00 p.m.

#24 Bond Ordinance – Library Repairs

BOND ORDINANCE AUTHORIZING ISSUANCE OF THE CITY'S BONDS OR NOTES IN AN AMOUNT NOT TO EXCEED \$1,100,000 TO FINANCE THE COST OF REPAIRS TO THE ROCKLAND PUBLIC LIBRARY BUILDING ENVELOPE, AND SUCH OTHER ANCILLARY AND RELATED COSTS WITH RESPECT THERETO, PLUS AN AMOUNT NOT TO EXCEED 2% TO PAY THE COST OF ISSUANCE OF ANY BONDS OR NOTES WITH RESPECT THERETO.

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

Section 1. Subject to Section 2 hereof, an amount not to exceed \$1,100,000 is hereby appropriated to finance the cost of Repairs to the Rockland Public Library Building Envelope, and such other ancillary and related costs with respect thereto (the "Project"), plus an amount not to exceed 2% to pay the cost of issuance for any bonds or notes issued with respect thereto.

Section 2. For purposes of financing the foregoing appropriation contained in Section 1, the City is hereby authorized to issue its general obligation bonds and notes in anticipation thereof in a principal amount not exceeding \$1,100,000.

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

Sponsor: City Council
Originator: City Council

Councilor Pritchett moved passage and said he was glad to see this come together in time to get a question on the November ballot. He said these repairs are long over-due, saying that the area to be repairs is over 100 years old.

Vote: 5 for.

A public hearing was set for 09/12/16 at 6:00 p.m.

#25 Bond Ordinance – Road Repair, Reconstruction and Resurfacing

BOND ORDINANCE AUTHORIZING ISSUANCE OF THE CITY'S BONDS OR NOTES IN AN AMOUNT NOT TO EXCEED \$2,700,000 TO FINANCE THE COST OF ROAD REPAIRS, RECONSTRUCTION AND RESURFACING, AND SUCH OTHER ANCILLARY AND RELATED COSTS WITH RESPECT THERETO,

PLUS AN AMOUNT NOT TO EXCEED 2% TO PAY THE COST OF ISSUANCE OF ANY BONDS OR NOTES WITH RESPECT THERETO.

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

Section 1. Subject to Section 2 hereof, an amount not to exceed \$2,700,000 is hereby appropriated to finance the cost of Road Repairs, Reconstruction and Resurfacing, and such other ancillary and related costs with respect thereto (the “Project”), plus an amount not to exceed 2% to pay the cost of issuance for any bonds or notes issued with respect thereto.

Section 2. For purposes of financing the foregoing appropriation contained in Section 1, the City is hereby authorized to issue its general obligation bonds and notes in anticipation thereof in a principal amount not exceeding \$2,700,000.

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

Sponsor: City Council
Originator: City Council

Councilor Geiger moved passage.

Councilor Pritchett asked what would actually appear on the ballot as the question. He asked if it would be possible to include the list of street proposed to be done under this bond in the question.

The City Clerk responded that the wording of bond questions is mandated by the Code as “Shall the Ordinance Entitled [Title of the Ordinance] be adopted?” He also said that there is limited room on the ballot and such a list simply would not fit.

Vote: 5 for.

A public hearing was set for 09/12/16 at 6:00 p.m.

#26 Bond Ordinance – Fiber Optics Broadband Network

BOND ORDINANCE AUTHORIZING ISSUANCE OF THE CITY’S BONDS OR NOTES IN AN AMOUNT NOT TO EXCEED \$400,000 TO FINANCE THE COST OF IMPROVMENTS TO THE CITY’S FIBER OPTICS BROADBAND NETWORK, AND SUCH OTHER ANCILLARY AND RELATED COSTS WITH RESPECT THERETO, PLUS AN AMOUNT NOT TO EXCEED 2% TO PAY THE COST OF ISSUANCE OF ANY BONDS OR NOTES WITH RESPECT THERETO.

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

Section 1. Subject to Section 2 hereof, an amount not to exceed \$400,000 is hereby appropriated to finance the cost of Improvements to the City’s Fiber Optics Broadband Network, and such other ancillary and related costs with respect thereto (the “Project”), plus an amount not to exceed 2% to pay the cost of issuance for any bonds or notes issued with respect thereto.

Section 2. For purposes of financing the foregoing appropriation contained in Section 1, the City is hereby authorized to issue its general obligation bonds and notes in anticipation thereof in a principal amount not exceeding \$400,000.

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

Sponsor: City Council
Originator: City Council

Councilor Geiger moved passage and made reference to an article in “The Waterfront” about the influx of “millennials”, and cited the availability of fiber optic broadband as a large part of what attracts such millennials to an area. She said that this is an opportunity for the City’s future and the possibility of attracting not only these millennials but also high-tech businesses.

Vote: 5 for.

A public hearing was set for 09/12/16 at 6:00 p.m.

#27 Bond Ordinance – Old County Road Repairs

BOND ORDINANCE AUTHORIZING ISSUANCE OF THE CITY’S BONDS OR NOTES IN AN AMOUNT NOT TO EXCEED \$99,000 TO FINANCE THE COST OF REPAIRS, RECONSTRUCTION AND RESURFACING OF A PORTION OF OLD COUNTY ROAD NORTHEASTERLY FROM ITS INTERSECTION WITH ROUTE 17 TO THE END OF THE URBAN COMPACT ZONE, AND SUCH OTHER ANCILLARY AND RELATED COSTS WITH RESPECT THERETO, PLUS AN AMOUNT NOT TO EXCEED 2% TO PAY THE COST OF ISSUANCE OF ANY BONDS OR NOTES WITH RESPECT THERETO.

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

Section 1. Subject to Section 2 hereof, an amount not to exceed \$99,000 is hereby appropriated to finance the cost of repairs, reconstruction and resurfacing of a portion of Old County Road northeasterly from its intersection with Route 17 to the end of the Urban Compact Zone, and such other ancillary and related costs with respect thereto (the “Project”), plus an amount not to exceed 2% to pay the cost of issuance for any bonds or notes issued with respect thereto.

Section 2. For purposes of financing the foregoing appropriation contained in Section 1, the City is hereby authorized to issue its general obligation bonds and notes in anticipation thereof in a principal amount not exceeding \$99,000.

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

Sponsor: Mayor MacLellan-Ruf
Originator: City Manager

Councilor Clayton moved passage.

Councilor Pritchett thanked the Mayor for bringing this ordinance forward, and added that this would allow for the project to be completed in conjunction with the project currently being done on Old County Road.

Councilor Geiger added that the City has an opportunity to get this work done while the contract is still on site. She said if the contractor has to come back at a later date and do this work, the cost will probably be more.

Acting City Manager Caler-Bell thanked the Council for supporting this proposal, and noted that an action item later on this agenda will authorize the use of the Undesignated Fund Balance Account to finance the cost of this project up-front, and then the proceeds of this borrowing will reimburse the Undesignated Fund Balance Account.

Vote: 5 for.

A public hearing was set for 09/12/16 at 6:00 p.m.

#28 Chapter 19, Article III Reducing Dimensional Limitations on Dwelling Units in Res. A & B Zones (Infill)

WHEREAS, the City seeks to encourage and accommodate compact residential development at appropriate locations, with access to public or private off-street parking or transit service, and

WHEREAS, the intent of this zone change is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types,

NOW, THEREFORE, THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTION 19-303, General Provisions and SECTION 19-304, Zone Regulations, SUBSECTION 1, Residential Zone “A” and SUBSECTION 3, Residential Zone “B”, BE AMENDED AS FOLLOWS:

Sec. 19-302 Words and Phrases Defined

For the purpose of this Article, certain words and phrases are defined as follows:

* * *

Lot: Except when reference is made to a lot of record, a "lot" is a single tract of land located within a single block which at the time of filing for a building permit or certificate of occupancy is designated by its owner or developer as a tract

~~to be used, developed, or built upon as a unit under single ownership or control. means a parcel of land, not divided by streets, which is devoted or to be devoted to a particular use and occupied or capable of being occupied by a building and its accessory buildings together, including any required open space.~~

~~A lot shall have frontage on a public street, with exceptions for back lots and flag lots, as noted in the definitions for those types of lots.~~

~~Structures to be used for commercial or industrial purposes shall be built only on lots with frontage on a public street, nor shall a change of use be granted allowing a single family dwelling served only by a right of way to be converted to commercial or industrial use. This prohibition shall not apply to dwellings in which a home occupation or profession, as defined above, is carried out.~~

Land within the lines of a public road or private road or right-of way shall not be counted as part of a lot for the purpose of meeting the area requirements of this Article even though fee title may be in the owner of the lot. No person shall reduce the size of a lot upon which structures served by subsurface waste disposal systems are located to a size or frontage less than allowed in the applicable zone under this Article. ~~Contiguous lots in the same ownership shall be considered as one lot.~~ Wherever possible, newly created lots should be rectangular in shape, with side lot lines perpendicular to the street.

~~Where more than one structure occupies one lot, the lot may not be subdivided unless both resulting lots satisfy the minimum lot size, street frontage, set back, maximum building coverage, and other dimensional zone regulations for the zone(s) in which the resulting lots are located.~~

Lot, Flag: A lot ~~located~~ generally located to the rear of another lot, lacking the minimum street frontage required under applicable zone regulations, but having access to a public or private street or way, often via but with a narrow access portion of the lot extending to such the public street or way that is under. ~~The narrow access portion of the lot and the interior portion of the lot shall be in~~ common ownership or benefited by a permanently deeded right of way, ~~and shall be~~ suitable for ingress and egress. ~~Flag lots shall not be required to meet minimum street frontage.~~

* * *
* * *

Sec. 19-303 General Provisions

9. ~~Flag~~-Lots.

A. Measurement and Layout. Land within the lines of a public road or private road or right-of way shall not be counted as part of a lot for the purpose of meeting the area requirements of this Article even though fee title may be in the owner of the lot. Wherever possible, newly created lots should be rectangular in shape, with side lot lines perpendicular to the street. ~~No person shall reduce the size of a lot by deed or other conveyance upon which structures served by subsurface waste disposal systems are located~~ to a size or frontage less than allowed in the applicable zone under this Article. ~~Contiguous lots in the same ownership shall be considered as one lot.~~

B. Frontage and Access. All lots and parcels of land, unless deemed to constitute a larger lot consisting of two or more lots or parcels of land under common ownership, shall have either (1) frontage on a public or private street or way in conformance with applicable zone regulations, or (2) vehicular and pedestrian access to and from the nearest public or private street or way, evidence of which access is of record in the Knox County Registry of Deeds.

C. Structures. Structures to be used for commercial or industrial purposes may be located only on a lot with frontage on a public street. The City shall not approve a change of use of a single-family dwelling that is accessed by vehicles via a right-of-way rather than frontage along a public or private street to a commercial or industrial use other than approved home occupations.

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

(1)A. Development Standards. Flag lots shall not be required to meet minimum street frontage. The access road

of flag lots must contain a minimum depth of fifteen (15) inches of bank-run gravel, and must have drainage, ditches and culverts at all appropriate points. If a flag lot is used for residential purposes, only a single-family detached dwelling shall be allowed on the flag lot; if for commercial purposes, only a single commercial use and occupant shall be permitted. The access portion of flag lots used for commercial purposes shall be landscaped and buffered from adjacent residential parcels and residential zones and shall also provide access to the adjacent parcel behind which the flag lot is primarily located (the "Front Lot"), either through common ownership or deeded right of way, and such Front Lot shall not have other access to or from the street.

~~(2)B.~~ Dimensional Standards. The narrow access portion of the lot shall be at least twice the length of the front setback required in the district, and shall not be included in the calculation of the minimum lot area. The access road constructed on the right-of-way must be a minimum width of:

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

(2) eighteen (18) feet for other uses;

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

10. Dormers.

Dormers installed in a sloping roof directly above the uppermost full story of a structure shall be limited in total size as follows: the total length of the front wall(s) of the dormer(s) shall not exceed 30% (thirty percent) of the eave length of the portion of the roof in which the dormer is built; provided, however, that there shall be no restriction on the length of dormers installed in a sloping roof directly above the first story of a structure.

~~1140.~~ Non-Permitted Uses. Uses that are not expressly listed as either permitted uses or conditional uses in a zone are prohibited in that zone.

* * *

Sec. 19-304 Zone Regulations

1. RESIDENTIAL ZONE "A"

Purpose: The purpose of this district is to protect the existing density and character of residential development, as well as limited home based businesses, while providing an area of the community for similar, new development and compatible in-fill development.

A. Permitted Uses

RESIDENTIAL ZONE "A" PERMITTED USES	
(1)	One-family dwellings
(2)	Two-family dwellings
(3)	Accessory Apartments
(4)	Home Occupations, Level 1 and Level 2, and home occupations similar in scale and impact to Level 1 and Level 2 Home Occupations.

(5)	Parcel 22-D-2 on the Assessor's Map on Summer Street and owned by Regional School Unit #13 may be used for any school purpose now enjoyed by the RSU #13 system on the adjacent property but only as long as the parcel also known as the Bradford Lot, is owned by the school system. If the parcel is ever sold, conveyed, given, or otherwise disposed of or if the school system ceases to exist, then the use of the parcel would revert back to the other permitted uses in the zone in which it is located.
(6)	Accessory uses customarily incident to other permitted uses including private garages, and Level 1 home occupations, provided, however, that such home occupations shall be situated in the dwelling in which the proprietor of the business resides, or in a building accessory thereto and located on the same lot.

B. Conditional Uses

The following conditional uses are permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II):

RESIDENTIAL ZONE "A" CONDITIONAL USES	
(1)	<p>Bed and Breakfast Establishments.</p> <p>(a) Parking and Buffering. Off-street parking shall be provided for all vehicles of both owners and guests in either the side or rear yards of the lot. Where the lot of a bed and breakfast borders on a lot used solely for residential purposes, a buffer strip shall be maintained. The desired effect of the buffer planting is visual screening of the activity on the bed and breakfast lot. Landscaping of the lot and any buffer strips shall be reviewed and approved by the Planning Board.</p>
(2)	<p>Churches, Expansion of Existing, and Uses Accessory to Existing Churches.</p> <p>(a) For the purposes of this section, uses accessory to existing churches shall be limited to the following:</p> <ul style="list-style-type: none"> (i) Meetings of church organizations. (ii) Religious education classes and child development programs. (iii) Food pantries. <p>(b) In its review, the Planning Board shall take into consideration the following factors and impose conditions accordingly: 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; lighting; hours of operation.</p>
(3)	Flag Lots
(4)	<p>Funeral Homes, Expansion of Existing, and Uses Accessory to Existing Funeral Homes.</p> <p>(a) The Planning Board shall take into consideration the following factors and impose conditions accordingly in its review of any proposed expansion of an existing funeral home and/or uses accessory to an existing funeral home: 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; lighting; and hours of operation.</p>
(5)	<p>Golf Courses, Expansion of existing onto contiguous property with the following conditions:</p> <ul style="list-style-type: none"> (a) No building(s) may be erected; (b) No parking space(s) may be created that are associated with the golf course use; (c) No artificial lighting may be installed or otherwise created for the use of the golf course.
(6)	Home Occupation, Level 3, and home occupations similar in scale and impact to Level 3 Home Occupations
(7)	Private Non-Medical Institutes and Residential Care Facilities, Small.
(8)	<p>Public school buildings, discontinued, used for cultural and educational purposes; public access or local governmental affairs television studios and local non-profit community radio stations and studios broadcasting at no more than 100 watts horizontal radiated power, provided that broadcasting equipment, if any, shall be either remote or via one roof-mounted whip antenna not exceeding 35 feet in height, provided that the total height of the discontinued school building and roof-mounted antenna does not exceed the total height limit set forth in Section 19-313(4); and/or elderly assisted living housing of no more than 30 units. The above-referenced use is 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</p>

<p>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.</p>
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Notice Required. All property owners within 300 feet of the lot lines of any proposed conditional use shall be notified in writing at least 10 days prior to consideration of the conditional use by the Planning Board.

C. Prohibited Uses

RESIDENTIAL ZONE “A” PROHIBITED USES	
(1)	Any use which is obnoxious, annoying, unsightly, detrimental to the character of the neighborhood, or offensive to a neighborhood by reason of odor, fumes, vapor, dust, smoke, gas, noise, or vibration is prohibited.
(2)	Animal Restriction: No person shall keep any farm animals including but not limited to fowl, mule, donkey, sheep, goat, cattle, or swine, or non-domesticated animal, and no person shall keep any dogs or rabbits for breeding or commercial purposes, on any premises in this zone.

D. Standards

The following space and bulk standards shall apply to all lots and/or parcels of land:

RESIDENTIAL ZONE “A” STANDARDS	
Minimum Lot Size	6,400 10,000 square feet sewered lots; 20,000 square feet for non-sewered lots
Maximum Building Coverage	50 40 % (includes Principal and Accessory structures)
Minimum First Floor Area (Principal Structure)	500 750 square feet (Free-standing Residential Structures of fewer than 500 sq. ft. <u>are allowed as accessory structures</u>)
Minimum Continuous Street Frontage along one street	60 100 feet (Excludes Cul-de-sacs)*
Minimum Front Setback (Principal and Accessory Structures)**	Either: <u>Residential: 1025 feet**</u> Mixed-Use or Non-Residential: 25 feet Or: 10 feet**
Minimum Rear Setback	<u>25 feet from the closest structure on an adjacent lot, but no less than 8 feet from the property line</u> (Excludes Corner Lots, see definition)
Minimum Rear Setback – Exception (For no more than 2 accessory structures with a combined area of up to 700 square feet and a maximum height of 18 feet)	5 feet
Minimum Side Setback (Principal Structure)	8 feet
Minimum Side Setback (Accessory Structures)	5 feet
Maximum Building Height	35 feet and 2 ½ stories
<u>Materials – Unconnected Accessory Structures</u>	<u>Accessory structures not connected to a principal structure, except pre-fabricated utility sheds and fabric structures not exceeding 200 sq. ft. of first floor area, shall be constructed of and clad with materials of similar quality and appearance as the principal structure.</u>

Notes:

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

** In the case of an infill lot, the minimum front setback may be less than 25 feet if the front setback matches one or the other of the existing adjacent front setbacks of abutting lots.

For purposes of setback calculations, Principal and Accessory Structures include attached porches, decks and any other attached

structures excluding steps only if the steps do not exceed 25 square feet in size. Ramps for handicapped access are exempted from setback calculations.

* * *

3. RESIDENTIAL ZONE “B”

Purpose: The purpose of this district is to protect the existing density and character of residential development, as well as limited home based businesses, while providing an area of the community for similar development.

A. Permitted Uses

RESIDENTIAL ZONE “B” PERMITTED USES	
(1)	One-family dwellings, two-family dwellings, multi-unit dwellings
(2)	Accessory Apartments
(3)	Home Occupation, Level 1 and Level 2, or a home occupation similar in scale and impact to a Level 1 or Level 2 Home Occupation
(4)	Churches, convents
(5)	Flag Lots
(6)	Golf courses, parks, playgrounds, municipal recreation use
(7)	Trailer parks
(8)	Accessory uses customarily incident to other permitted uses

B. Conditional Uses

The following are permissible with the approval of the Planning Board. In granting, denying, and/or imposing conditions, the Planning Board shall undertake a review, applying the process and standards outlined in Chapter 16-201 through 16-206 for site plan review and shall take into consideration the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography, and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; signage, and lighting; compatibility with existing uses; availability of necessary public services; and compliance with applicable requirements of all City ordinances. All property owners within 300 feet of the lot lines of any proposed conditional use shall be notified in writing, at the applicant’s expense, at least 7 days prior to consideration of the conditional use by the Planning Board.

RESIDENTIAL ZONE “B” CONDITIONAL USES	
(1)	Bed and Breakfast Establishments
(2)	Home Occupation, Level 3
(3)	Home Occupation similar in scale and impact to Home Occupation Level 3
(4)	Lodging or Rooming houses;
(5)	Nurseries or commercial greenhouses shall be allowed north or west of Old County Road only, and provided that no greenhouse heating plant shall be located within 60 feet of any front lot line or within 25 feet of any other lot line
(6)	Farming
(7)	Parking Lots. Parking lots shall be allowed in a Residential Zone "B" only with the following additional restrictions: <ul style="list-style-type: none"> (a) Any parking lot located in a Residential Zone "B" shall be for the exclusive use of employees of the business requesting the special exception. (b) The parking lot shall be closed off and unavailable for use when the business requesting the special exception is not in operation. (c) No parking spaces shall be rented for profit. (d) Special exceptions for parking lots granted pursuant to this section shall not be assignable to the successors or assigns of the business requesting the special exception, but shall apply only to that business.
(8)	Private Non-Medical Institutes and Residential Care Facilities, Small.
(9)	Schools and Day Care Facilities

(10)	Quasi-Public Uses
(11)	Any public utility building, if constructed to conform and harmonize with the buildings in this zone, provided further that the proposed use does not include a storage or service yard or repair shop, or outside storage of supplies.
(12)	On lots served by public sewerage, Assisted Living Facilities, and multi-family dwellings that include an Assisted Living Facility.

C. Prohibited Uses

RESIDENTIAL ZONE “B” PROHIBITED USES	
(1)	Any use which is obnoxious, annoying, unsightly, detrimental to the character of the neighborhood, or offensive to a neighborhood by reason of odor, fumes, vapor, dust, smoke, gas, noise or vibration is prohibited

D. Standards

The following space and bulk standards shall apply to all lots and/or parcels of land:

RESIDENTIAL ZONE “B” STANDARDS	
Minimum Lot Size	6,400 square feet for sewered lots 20,000 square feet for non-sewered lots
Required Lot Area for Dwellings with two or more units	Sewered lots, except Assisted Living Facilities: 2,500 5,000 square feet for each unit; Non-sewered lots: 20,000 square feet for the first unit, plus 10,000 for each additional unit.
Maximum Building Height	35 feet and 2½ stories
Maximum Building Coverage	75 60% (includes Principal and Accessory Structures)
Minimum Floor Area (Principal Structure Total Floor Area)	500 750 square feet (Free-standing Residential Structures of fewer than 500 sq. ft. are allowed as accessory structures)
<u>Maximum Floor Area – Unconnected Accessory Structures</u>	<u>Residential accessory structures not connected to a principal structure shall have a total first floor area of no more than 750 square feet</u>
Minimum Continuous Street Frontage along one street	50 80 feet (Excludes cul-de-sacs)*
Minimum Front Setback (Principal and Accessory Structures)**	<u>Residential Structures: N/A</u> <u>Mixed-Use and Non-Residential Structures: 10-15 feet**</u>

RESIDENTIAL ZONE “B” STANDARDS	
Minimum Rear Setback	8 20 feet (Excludes Corner Lots, see definition)
Minimum Rear Setback – Exception (For no more than 2 accessory structures with a combined area of up to 700 square feet and a maximum height of 18 feet)	5 feet
Minimum Side Setback (Principal Structure)	8 5 feet [Comps - 12/15/15]
Minimum Side Setback (Accessory Structures)	5 feet

Notes:

- * See Subdivision Review in Chapter 16 for Cul-de-sac frontage standards.
- ** In the case of an infill lot, the minimum front setback may be less than ~~10~~¹⁵ feet if the front setback matches one or the other of the existing adjacent front setbacks of abutting lots.

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

Sponsor: Councilor Geiger
Originator: Councilor Geiger

Councilor Geiger moved passage and said that she would like for this proposal to get a thorough vetting, much the same as the ordinances for short-term rentals and power generation facilities. She said that she would like to see the Council hold a number of workshops on this proposal and get as much input from the Planning Board, COMPS and the public as possible before moving forward. Therefore, Councilor Geiger moved to postpone Ordinance Amendment #28 until the November 14, 2016 Regular Meeting.

Vote: 5 for.

Ordinance Amendment #28 was postponed until the November 14, 2016 Regular Meeting.

#29 Authorizing Lease Amendment – Rockland Breakwater Lighthouse

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

THAT the Lease of the Rockland Breakwater Lighthouse, the City of Rockland and the New England Lighthouse Foundation, dated August 13, 2001, is hereby amended, substantially in conformance with the attached First Amendment to Lease.

Sponsor: Councilor Ackor
Originator: Harbor Master

FIRST AMENDMENT TO LEASE

This **FIRST AMENDMENT TO LEASE OF ROCKLAND BREAKWATER LIGHTHOUSE** (the “First Amendment”), by and between the City of Rockland, Maine, a municipal corporation duly formed and existing under the Laws of the State of Maine (the “City”), and New England Lighthouse Foundation, a non-profit corporation having a mailing address of P.O. Box 741, Rockland, Maine 04841 (the “Lessee”) is made and effective November 11, 2016.

WHEREAS, the City and Lessee entered into that certain “Lease of Rockland Breakwater Lighthouse,” dated August 13, 2001 (the “Lease”), whereby the City leased to Lessee the Breakwater Lighthouse owned by the City and situated at the terminus of the Rockland Breakwater in Rockland Harbor (the “Lighthouse”); and

WHEREAS, the Lease erroneously referred to New England Lighthouse Foundation as a non-profit corporation, rather than as an assumed name of the American Lighthouse Foundation, which is a non-profit corporation in good standing and the proper party to the Lease; and

WHEREAS, the Lease required Lessee to perform certain renovations at the Lighthouse, as set forth in Exhibit B to the Lease, including the installation of a “floating dock and ramp to allow for access from the water;” and

WHEREAS, in an effort to assist the Lessee in making the Lighthouse accessible to the general public as a fine museum of traditional New England lighthouses, the City has instead provided and, at Lessee’s expense, maintained the float(s) at the Breakwater serving the Lighthouse; and

WHEREAS, the parties wish properly to document these arrangements,

NOW, THEREFORE, in consideration of the agreements, covenants, and promises set forth herein, the City and Lessee agree and hereby amend that certain Lease of Rockland Breakwater Lighthouse, dated August 13, 2001, as follows:

A. Lessee:

The Lessee under the Lease has been, is, and shall be during the Term(s) of the Lease the American Lighthouse Foundation, d/b/a New England Lighthouse Foundation or Friends of Rockland Breakwater Lighthouse;

B. Leased Property.

The description of the property leased by City to Lessee in paragraph 1 of the Lease shall be amended as follows:

- 1. **LEASED PROPERTY.** Under the terms and conditions of this Lease, the City leases to the Lessee the property known as Rockland Breakwater Lighthouse, located at the end of the Rockland Breakwater, described with particularity in the Deed from the United States of America to The Inhabitants of the City of Rockland, attached as Exhibit A, dated September 2, 1998, and recorded in the Knox County Registry of Deeds at Book 2276, Page 281, including all improvements and appurtenances that exist on the facility, and one or more floats provided by the City. Located and attached to the leeward edge of the Rockland Breakwater adjacent to the Lighthouse, for the exclusive use of members of Lessee and members of the public for the limited purpose of accessing the Lighthouse.

C. Maintenance.

Provisions for the maintenance of the Leased Property shall be amended as follows:

7. MAINTENANCE OF PREMISES.

* * *

- C. Maintenance and Operation By Lessee.** Lessee, upon commencement of the Lease, shall assume responsibility for all day-to-day maintenance and repair of the building and shall keep the premises in at least as good condition as it was received. Such maintenance shall include preventative maintenance, servicing of all mechanical equipment on an annual basis, replacement of filters and lightbulbs, testing of backflow preventors on the water system, seasonal shutdowns and energizing of water systems, compliance testing as required for fuel pumps, and otherwise ensuring that all equipment and fixtures are maintained in good and safe condition. Both the interior floors, walls and ceilings and all exterior features of the building shall also be maintained by Lessee and repaired in good and functional condition so that the building will not deteriorate. The City, at Lessee's expense, shall maintain the float or floats providing public access to the Lighthouse.

D. Insurance.

* * *

- 9. INSURANCE.** The City shall maintain a general liability policy (bodily injury and property damage combined) on the property; provided, however, that the coverage limits of such policy need not exceed the statutory limits on the City's liability. Lessee shall procure and maintain at its expense a policy or policies of insurance (i) on the contents of the building, with the exception of the Aids to Navigation Equipment, and on the ramp and floats, and (ii) for general liability (including bodily injury), with coverage amounts of at least \$1 million / occurrence. Lessee shall name the City as an additional insured under each such policy of insurance.

- A. Lessee Shall Indemnify City.** Lessee will indemnify, defend, and hold harmless City, its officers, directors, employees and subcontractors from (i) any costs, expenses, liabilities (including costs, expenses, or liability of third party and attorney's fees) for bodily injury (including death), damage to tangible property, or regulatory noncompliance, or (ii) any fines or penalties for any and all violations of applicable laws of which in the case of (i) and (ii) are caused by or arises from Lessee's breach of this Agreement or the negligent or willful acts or omissions of Lessee or its agents, employees or subcontractors.
- B. City Not Responsible for Lessee Negligence.** City will not be responsible for any portion of loss, damage, or liability arising from contributing negligent acts by Lessee, Lessee's employees, agents, staff or subcontractors.
- C. City to Indemnify Lessee for City Negligence.** City will indemnify, defend, and hold harmless Lessee, its officers, directors, employees and subcontractors from (i) any costs, expenses, or liabilities (including costs, expenses, or liability of third parties and attorney's fees) for bodily injury (including death), damage to tangible property, or regulatory noncompliance, or (ii) any fines or penalties for any and all violations of applicable laws of which in the case of (i) and (ii) are caused by or arises from City's breach of this Agreement or the negligent or willful acts or omissions of the City or its agents, employees or subcontractors; provided, however, that in no event shall the City's duty to indemnify, defend and hold Lessee or its officers, directors, employees, or subcontractors harmless exceed the City's statutory limit(s) of liability, nor apply to any claim, damage, loss, or expense for which the City is immune from liability.

Except as provided herein, all the terms, conditions, covenants, promises, and undertakings of the parties hereto in the Indenture of Lease shall remain in full force and effect and binding upon the parties.

The Recitals in this First Amendment are incorporated as terms and conditions of this First Amendment, and made binding upon the parties hereto.

Councilor Ackor moved passage.

Councilor Pritchett said that he does not recall getting updates from the Friends of the Breakwater Lighthouse, and asked that the Council be provided with such update by the next meeting. Vote: 5 for.

A public hearing was set for 09/12/16 at 6:00 p.m.

#30 Chapter 17, Section 17-801 Parking Prohibition; Pleasant Street

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 17, Traffic & Vehicles, SECTION 17-801, Schedule I, Parking Prohibited, BE AMENDED AS FOLLOWS:

Sec. 17-801 Schedule I. Parking Prohibition

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

Street	Area Affected
34. Pleasant	<ul style="list-style-type: none"> A. South side from Main Street to Union Street. B. Both sides three hundred (300) feet in an Easterly direction from Broadway. C. South side beginning at the entrance to E. Allen Gordon Park, one hundred eighty-three (183) feet in an Easterly direction. D. South side beginning at the entrance to E. Allen Gordon Park, three hundred (300) feet in a Westerly direction. E. North side beginning at its intersection with Belvedere Street, two hundred (200) feet in a Westerly direction to its intersection with Columbia Avenue. F. North side fifty five (55) feet from Main Street in a Westerly direction to Union Street in a Westerly direction from Main Street.

Sponsor: Councilor Ackor
Originator: Rockland Police Department

Councilor Clayton moved passage and said that the Council does not have enough information on this proposal. He said the Parking Committee has not weighed in on this proposal, the City does not know if the parking problem is being created by guests of the Hotel, and the Council should not jump before taking a closer look at this situation. He said he would support this amendment in first reading but would like to have more information by the next meeting.

Councilor Geiger said that the section of Pleasant Street between Main Street and Union Street is quite narrow, and it is suspected that the parking issue is coming from the Hotel, but no one knows for sure. She said this proposal needs to be talked about more before moving forward.

Councilor Pritchett said that there has been no parking for the first 55 feet from Main Street for quite some time. This proposal extends that restriction to Union Street. He also said that they have been getting pictures from residents of this area since July 4th.

Vote: 5 for.

A public hearing was set for 09/12/16 at 6:00 p.m.

#31 Chapter 2, Section 2-210 Rules of Procedure; Expanding Public Comment

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 2, Administration, ARTICLE II, City Council, SECTION 2-212, Rules of Procedure BE AMENDED AS FOLLOWS:

Sec. 2-212 Rules Of Procedure

* * *

7. Meetings: Agenda. The Agenda for each meeting of the City Council shall be prepared by the City Clerk after consultation with the Mayor and the City Manager. Agendas for regular meetings shall consist of those items for Council action that are submitted by the City Manager, City Attorney, City Clerk, or by a member of the public and that are accepted onto the agenda by the Mayor, and items submitted by any member of the City Council at or before noon on the Wednesday prior to the regular meeting. Agendas for regular meetings shall be filed in the City Clerk's office and made available to the public by noon on the Wednesday prior to the regular meeting and shall be distributed to the Council on the Friday prior to the regular meeting. No further items shall be added to the agenda of any meeting except by the unanimous consent of those members present at that meeting. Each Ordinance, Order, Resolve or communication on the agenda shall be in written form and shall contain the name of the sponsor and originator of the Ordinance, Order, Resolution or communication. A public forum of not longer than thirty (30) minutes shall be part of each regular meeting of the Council, and not longer than fifteen (15) minutes at Special Meetings, at which time first Rockland citizens and then other members of the public shall be given an opportunity to be heard on matters concerning City business. ~~Additional public comment shall be allowed after such public forums for other Rockland citizens and other members of the public to address the City Council as necessary. Immediately following such public forums, the City Council and City Manager shall have an opportunity to respond to questions and/or comments from the public made during the public forums. City Council shall hold public hearings on Licenses and Permits as required under the provisions in Chapter 11 as well on Ordinance Amendments in second reading as specified in paragraph 2-212(29) during regular monthly meetings, or special meetings as needed. The Council shall hold one public comment period during which the public may speak to any Order that is before Council for action as well as one public comment period during which the public may speak to any resolve that is before Council for action. Such~~ Public forums and/or public comment periods may be waived if no member of the public wishes to speak. All ~~such~~ public forums, public comment periods and public hearings shall be conducted under the following guidelines:

a. Anyone wishing to address the Council shall so indicate by raising their hand and shall not speak unless and until recognized by the Mayor. After being recognized to speak by the Mayor, such person shall preface their comments by stating their name and street address.

b. Persons addressing the Council shall be permitted to speak once and for no more than five (5) minutes. Persons speaking at a public hearing being held on a particular agenda items, or speaking during any public comment period on Orders or Resolves on Council's agenda, shall limit their comments to that item(s) and shall speak for no more than five (5) minutes. Such persons may be permitted to speak more than once at the discretion of the Council.

c. Persons present at City Council meetings are cautioned to refrain from applause or other expressions of approval or disapproval of any statements made or actions taken at such meetings. Placards and signs shall not be permitted.

d. Persons speaking during such public forums, public comment periods or public hearings shall strive to be accurate in their statements, avoid personal attacks and innuendoes, and conduct themselves in a respectful manner expected of all meeting participants under this section. Eff: 11/14/08, Amended 10/14/09; 02/09/11

* * *

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

1. Roll Call by the City Clerk.

2. Pledge of Allegiance to the Flag.

3. Public forum of not more than thirty (30) minutes for Rockland citizens to address the Council, pursuant to Charter Section 210(a)(1), followed by an additional public comment period to allow other members of the public to address the Council.

4. Council and Manager response to questions and issues raised during public forum

~~45.~~ Meeting notice to determine that the meeting has been given proper notice.

~~65.~~ Reading of the Record by the City Clerk, not previously read and approved, of all preceding meetings.

~~67.~~ Reports:

a. City Manager’s Report

b. City Attorney’s Report

c. Other Official’s Report

d. Mayor’s Report

78. Licenses and Permits and Public Hearing.

9. Public comment period on Resolves before Council

~~810.~~ Resolves

~~911.~~ Ordinances in Final Reading and Public Hearing

~~1012.~~ Ordinances in First Reading

13. Public comment period on Orders before Council

~~14.~~ 14. Orders

~~12-15.~~ Adjournment.

Sponsor: Councilor Pritchett

Originator: Councilors Pritchett & Ackor

Councilor Pritchett moved passage and said this amendment attempts to capture two questions that keep being raised when it comes to public comment and Council business. The first is the inability of the Council to respond to comments made or questions asked during public comment. He said there has been some question as to whether the Council has the authority to do that already, but this would clarify that the Council and the Manager have an opportunity to respond to questions or correct inaccurate information. The other would allow residents to comment on Resolves and Orders as they come up on the Council’s agenda.

Councilor Geiger said that she would like to see this proposal postponed to see if the procedure that the Mayor put in place at the beginning of this meeting giving the Council and Manager an opportunity to respond to public comment works.

Councilor Clayton said that he supported the first part of this proposal, allowing the Council and Manager to respond or correct inaccurate information, but did not support additional public comment sessions of Resolves and Orders. He indicated that he would make a motion to amend Ordinance Amendment #31 to remove the additional public comment sessions.

Councilor Pritchett said that he would not support postponement of this proposal, but would entertain amendments. He said this is a simple change to give the Council a window within which to address public comment.

Councilor Geiger said that she could get behind the Council having an opportunity to respond, but did not want to see tempers get the better of anyone. She said by waiting until the public forum is over, there would be an enforced pause before Councilors responded to anything said during the forum. However, she said that the Council holds a number of public hearings and workshop on many of the issues that come before them, and she was reluctant to add additional public comment sessions to the agenda.

Councilor Clayton moved to amend Ordinance Amendment #31 as follows:

At paragraph 7: delete the following sentence: “The Council shall hold one public comment period during which the public may speak to any Order that is before Council for action as well as one public comment period during which the public may speak to any resolve that is before Council for action.”

At paragraph 7, sub-paragraph (b); delete the following: “ b. Persons addressing the Council shall be permitted to speak once and for no more than five (5) minutes. Persons speaking at a public hearing being held on a particular agenda items, or speaking during any public comment period on Orders or Resolves on Council’s agenda, shall limit their comments to that item(s) and shall speak for no more than five (5) minutes. Such persons may be permitted to speak more than once at the discretion of the Council.”

At paragraph 26. Order of Business, amend as follows:

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

- 1. Roll Call by the City Clerk.
- 2. Pledge of Allegiance to the Flag.
- 3. Public forum of not more than thirty (30) minutes for Rockland citizens to address the Council, pursuant to

Charter Section 210(a)(1), followed by an additional public comment period to allow other members of the public to address the Council.

4. Council and Manager response to questions and issues raised during public forum

~~45.~~ Meeting notice to determine that the meeting has been given proper notice.

~~65.~~ Reading of the Record by the City Clerk, not previously read and approved, of all preceding meetings.

~~67.~~ Reports:

- a. City Manager’s Report
- b. City Attorney’s Report
- c. Other Official’s Report
- d. Mayor’s Report

~~78.~~ Licenses and Permits and Public Hearing.

~~9.~~ Public comment period on Resolves before Council

~~810.~~ Resolves

~~911.~~ Ordinances in Final Reading and Public Hearing

~~1012.~~ Ordinances in First Reading

~~13.~~ Public comment period on Orders before Council

~~14.~~ ~~14.~~ Orders

~~12-15.~~ Adjournment.

[Re-number section accordingly]

Councilor Clayton said that he does not want to have back and forth interaction with the public during the meetings, but rather an opportunity for the Councilor or the Manager to address comments made during the public forum and to correct inaccurate information. He added that the Council needs to have the ability to dispel inaccurate or false information, and is not comfortable waiting until the end of the meeting to do so, considering that people often leave before the Council has a chance to address their concerns.

Councilor Pritchett said that there is value to allowing the public to comment on specific items on the agenda when the Council is ready to consider them, but added that he has no objection to Councilor Clayton’s amendment.

Vote on amendment: 3 for, 2 opposed.

(MacLellan-Ruf, Pritchett)

Vote as amended: 5 for.

A public hearing was set for 09/12/16 at 6:00 p.m.

Orders:

#36 Appropriation of Funds – Multi-Town Street Light Project

(See page 117 for text)

It was noted that this Order was postponed until this meeting, and received a motion for passage at the 06/13/16 Regular Meeting.

Councilor Geiger said that she has issues with this coming to the Council without a substantive discussion of what the Energy Committee is doing, what this project means, where it is going, and potential costs. She said she would like to hear more about this proposal before moving forward with appropriating funds for it.

Councilor Pritchett said that the Energy Committee is not involved in this.

Acting City Manager Caler-Bell said that this is actually a moot point. She said that the auditors requested that the Council pass an authorization for funds that have already been expended on this project. She said staff wanted to have this expenditure on the books for the previous fiscal year when the funds were expended, but that didn’t happen.

Councilor Geiger said that she still was not comfortable with the wording of this Order, and moved to amend Order #36 by deleting the following phrase: “...and use those funds in continuation of the project.”

Vote on amendment: 5 for.

Councilor Clayton said this question came up a couple of months ago.

The Acting City Manager said it was an action to keep the City’s books in good standing.

Councilor Geiger said that she was still reluctant to approve these funds since the expenditure was never authorized in the first

place.

Vote as amended: 3 for, 2 opposed.
(MacLellan-Ruf, Geiger)

#47 Amending Land Use & Inspection Fee Schedule

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**THAT** the Land Use and Inspection Fee Schedule is hereby amended and adopted as follows:

Building Permit Fees:	All fees rounded to the nearest dollar.
Residential (1 and 2 family dwellings)	
Application Fee (non-refundable)	\$50 except for residential fences; \$35
Permit Fees	Cost in addition to Application Fees (Beginning work without a permit subject to double permit fee)
New construction or addition that creates habitable floor area, other than attached or unattached accessory buildings and decks (see below) ¹	\$.24 per square foot of total floor area (excluding unfinished non-daylight basements and uninhabitable attics) ²
Renovations and repairs involving structural alterations	\$3.30 per \$1000 value of construction ³
Residential garages, sheds and other accessory buildings ⁴	\$.20 per square foot of building footprint.
Decks, porches, stairs, ramps, etc.	\$.17 per square foot
Fences (residential only)	\$35 flat fee
Flag Lots (requiring PB review)	\$100
Flag Lots (not requiring PB review)	\$ 50
Home Occupation (not requiring Planning Board (PB) review)	\$60 (plus any fees required above)
Home Occupation (requiring PB review)	\$135
¹ Additions such as dormers calculated by area of room(s) affected	
² It is assumed that all habitable areas will eventually be finished.	
³ Value of construction includes cost of all materials and labor after subtracting cost of electrical, plumbing and other aspects permitted separately.	
⁴ For habitable spaces above or within accessory structures (i.e. game rooms, office, bedrooms, etc.) fees are calculated as new construction creating habitable floor area.	
Non-Residential & Multi-family (3 or more units)	
Application Fee (non-refundable and in addition to permit fee)	\$85
Permit Fees	Cost in addition to Application Fees (Beginning work without a permit subject to double permit fee)
New construction or additions, including decks, platforms, ramps and accessory buildings	\$.28 per square foot of total floor area (excluding unfinished/unoccupied non-daylight basements and uninhabitable attics)
Renovations and/or repairs involving structural alterations and alterations requiring Code Office plans review ⁵	\$5.50 per \$1000 value of construction ⁶ or \$25 minimum
Change of Use (not requiring Planning Board review)	\$100 (plus any fees for additions or renovations required above)
Fences	\$85
⁵ Alterations that affect Building Code and/or Life Safety Code aspects of construction (i.e. change in floor layout, new doors, new equipment, etc.)	
⁶ Value of construction includes cost of all materials and labor after subtracting cost of electrical, plumbing and other aspects permitted separately.	
Other Fees: (Both residential and non-residential. No application fee)	
Contract/Conditional Zoning Application	\$750

Demolition Permit	\$60 plus deposit as provided in Section 4-304(c)
Demolition Escrow, pursuant to Ch. 4, Art. VI, Sec. 4-603(3)	<p>A. Structures not on foundations</p> <p>(1) 501-1000 feet \$ 200.00</p> <p>(2) Each additional 500 square feet \$ 100.00</p> <p>B. Structures with foundations</p> <p>(1) Volume up to 200 cubic yards \$ 600.00</p> <p>(2) Volume up to 400 cubic yards \$1,100.00</p> <p>(3) Volume up to 600 cubic yards \$1,500.00</p> <p>(4) Volume up to 800 cubic yards \$1,800.00</p> <p>(5) Volume up to 1000 cubic yards \$2,000.00</p> <p>(6) Volume up to 2000 cubic yards \$3,500.00</p>
Domesticated Chickens Permit	\$25
Driveway Permit	\$40
Electrical Permit	\$50 plus \$1 per fixture outlet
Floodplain Permit Fees:	
New Structure or Substantial Improvements	\$50
Minor Development	\$25
Multi-Family Dwelling Re-inspection Fee	\$100
Moving of Building Fee (City Council approval required if over public street)	\$60 plus cost public safety services if needed (traffic direction)
Plumbing Permit	\$10 per fixture with a minimum fee of \$64
Pod & Temp Storage Containers	\$25
Short-Term Rentals	\$100 (for one-time Planning Board Review, includes first year's permit fee)
Sign Permit	\$60 for the first sign plus \$25 for each additional sign
Sewer Connection	\$60
Sidewalk Display Permit	\$10 per year
Sidewalk Tables & Chairs Permit	\$25 per table
Street Excavation Permit Fee (see Ch. 15, Art. IV)	\$60
Site Plan Review	
Pre-application meeting	\$60
New Buildings and additions	\$210 plus \$.03per square foot of total floor area. Maximum combined fee: \$700
Fabric Structures requiring Planning Board review in accordance with 4-604	Residential: \$50; Commercial: Same as New Building (above)
Change of Use (if PB review is required)	\$135 for uses requiring less than 15 parking spaces, otherwise \$185
Home Occupation (requiring PB review)	\$135
Public Hearing Fee	\$110
Revisions to Approved Plan	\$100
Subdivision Review	For projects involving one lot with multi-family dwellings (apartments) where both Site Plan and Subdivision Review are required, only Site Plan Review fees shall apply.
Pre-application meeting	\$60
Public Hearing Fee	\$150
Preliminary Plan, all but one lot fronting existing street ⁷	\$160 plus \$60 per lot or per dwelling unit ⁸
Final Plan, all but one lot fronting existing street ⁹	\$50 per lot or per dwelling unit
Preliminary Plan, with new street(s) creating lot frontage ⁹ or serving multiple homes on commonly owned land	\$160 plus \$110 per lot or per dwelling unit
Final Plan, with new street(s) creating lot frontage ⁸	\$50 per lot or per dwelling unit
Amendment to property line(s), or other revisions in approved subdivision (not creating new lots) ¹⁰	\$110

⁷ Permits one flag (rear) lot.	
⁸ Commonly owned land or duplex, \$50 each dwelling.	
⁹ Streets which are likely to be accepted by the City. Not access drive to multi-family dwelling.	
¹⁰ Scaled back PC review, but must be recordable plan.	
Zoning Board of Appeals	
Administrative appeals and variances	\$160
Special class or temporary structure	\$200
Renewal of temporary structure (for one additional year)	\$60

Sponsor: City Manager
 Originator: Code Enforcement Officer

Councilor Acker moved passage.

Vote: 5 for.

#48 Amending Licenses & Permits Fee Schedule

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Licenses and Permits Fee Schedule is hereby amended and adopted as follows:

LICENSE	FEE
Adult Amusement Stores	\$150
Amusement Device License	
1 device	\$125
2 to 5 devices	\$250
6 to 10 devices	\$375
Over 10 devices	\$500
Auctioneer, Non-Resident	\$ 50
Bowling Alleys	\$100
Carnival or Amusement Rides	
First Day	\$100
Each additional day	\$ 50
Circus	\$500
Dances (per dance)	\$ 50
Dances and Festivals, etc.	
Over 200 persons per dance	\$150
<u>Domesticated Chickens Permit</u>	<u>\$ 25</u>
Employment Agency	\$150
Exhibitions and Shows per day (excluding carnivals or circuses)	\$ 50
Hawkers and Peddlers per license duration (no more than 1 week)	\$ 75
Itinerant Vendors	\$ 75
Junk Yard	\$200
Lodging Houses	\$100
- <u>Short Term Rentals</u>	<u>\$100</u>
Motion Picture House/Theater (per screen)	\$150
Parking Permits:	
Custom House Parking Lot:	
Monthly	\$ 40
Annual	\$440
Winter Parking (Thorndike Lot, Harbor Park, Buoy Park, December 1 to April 1)	\$ 25
Replacement Permits	\$ 2
Pawnbroker	\$100
Pool Rooms (incl. billiard rooms)	\$100
Rifle Ranges	\$100
Rollerskating Rinks	\$100

Regular Meeting, Order #48 continued:

August 8, 2016

Second Hand Merchant	\$100
Shooting Galleries	\$100
Sidewalk Display	\$ 10
Sidewalk Tables and Chairs (per table)	\$ 25
Special Amusement Permit (Entertainment)	
With State of Maine Liquor License	\$150
Without State of Maine Liquor License	\$ 75
Taxicabs	
Each taxicab	\$ 50
Driver's license (plus background check fee)	\$ 20
Victualers	
Food consumed on premises with State of Maine Liquor License	\$150
Food consumed on premises without State of Maine Liquor License	\$100
Take-Out only	\$ 50

Sponsor: City Manager
Originator: City Manager

Councilor Geiger moved passage.

Vote: 5 for.

#49 Authorizing Tax Anticipation Note Borrowing

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

- VOTED:** That, pursuant to Section 5771 of Title 30-A of the Maine Revised Statutes, the Director of Finance is hereby authorized and empowered to borrow money from time to time during the fiscal year ending June 30, 2017, singly or in series, in an amount or amounts not exceeding \$1,500,000 at any one time outstanding, in anticipation of the collection of receipts from taxes, such borrowing to be evidenced by the issuance of the City's tax anticipation notes (the "Notes").
- VOTED:** That the Notes shall be issued in the name of and on behalf of the City, at one time or from time-to-time, in an amount not to exceed \$1,500,000 and that the interest rate, maturities, and denominations for the Notes shall be established by the Director of Finance following her solicitation of bids, and shall contain such other terms and provisions, not inconsistent herewith, and be in such form as shall be approved by the officers and officials signing the same, which approval shall be conclusively evidenced by their execution thereof.
- VOTED:** The Notes, and any extensions, renewals, or replacements thereof, shall be signed in the name of and on behalf of the City by the Director of Finance and countersigned by the Mayor, attested to by the Clerk, and shall be payable on or before June 30, 2017, out of money raised by taxation during the fiscal year ending June 30, 2017.
- VOTED:** That the Director of Finance be, and hereby is authorized to prepare and distribute a Notice of Sale of the City, or other suitable document for use in soliciting bids from financial institutions.
- VOTED:** That the Director of Finance be and hereby is authorized to designate the Notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended.
- VOTED:** That the Director of Finance be and hereby is authorized to covenant with the purchaser of the notes, in the name of and on behalf of the City and for the benefit of the holders of the notes, that the City shall take whatever steps, including filing any reports and rebating any excess earnings, as may be required by federal law, and shall refrain from taking any action, as may be necessary or appropriate to ensure that interest on the notes will remain exempt from federal income taxes.
- VOTED:** That the officers executing the notes be and hereby are individually authorized to covenant, certify, and agree, in the name of and on behalf of the City and for the benefit of the holders of the notes, that the City

will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.

VOTED: That the Director of Finance, Mayor, and Clerk be and hereby are authorized and empowered in the name of and on behalf of the City to undertake all such acts and things and execute and deliver all such documents and certificates as may be necessary or convenient in connection with the issuance, sale, execution, and delivery of the notes.

VOTED: That if the Director of Finance, Mayor, or Clerk are for any reason unavailable to approve and execute the notes or any related documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself/herself performed such act.

Sponsor: City Manager
Originator: Finance Director

Councilor Clayton moved passage.

Councilor Pritchett said this borrowing is only used to stabilize the City’s cash flow between tax due dates.

Vote: 5 for.

#50 Adopting Declaration of Official Intent – Sewer Bond

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT, WHEREAS, the City desires to borrow up to a maximum amount of \$10,000,000 for purposes financing repairs and improvements to the City’s Water Pollution Control Facility and Collection System, and such other ancillary and related costs with respect thereto, plus an amount not to exceed 2% for payment of the cost of issuance of bonds or notes issued with respect thereto; and

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

NOW, THEREFORE, it is hereby

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

ORDERED: That Bond Ordinance #23, incorporated herein by reference, be scheduled for a public hearing to be held on September 12, 2016; and

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

Sponsor: City Manager
Originator: City Manager

DECLARATION OF OFFICIAL INTENT
TREASURY REGULATION § 1.150-2

WHEREAS, the City of Rockland, Maine (the "Issuer") currently intends to proceed with the following project (the "Project"): Repairs and Improvements to the City’s Water Pollution Control Facility and Collection System, and such other ancillary and related costs with respect thereto, plus an amount not to exceed 2% for payment of the cost of issuance of bonds or notes issued with respect thereto; and

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

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

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

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

1. Declaration of Intent. The Issuer reasonably expects to reimburse expenditures made on the Project with the proceeds of bonds or notes in anticipation thereof to be issued by the Issuer in the maximum principal amount of \$10,000,000, and such other ancillary and related costs with respect thereto, plus an amount not to exceed 2% for payment of the cost of issuance of bonds or notes issued with respect thereto.

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

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

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

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

Councilor Pritchett moved passage.

Vote: 5 for.

#51 Adopting Declaration of Official Intent – Library Bond

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT, WHEREAS, the City desires to borrow up to a maximum amount of \$1,100,000 for purposes financing repairs to the Rockland Public Library Building Envelope, and such other ancillary and related costs with respect thereto, plus an amount not to exceed 2% for payment of the cost of issuance of bonds or notes issued with respect thereto; and

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

NOW, THEREFORE, it is hereby

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

ORDERED: That Bond Ordinance #24, incorporated herein by reference, be scheduled for a public hearing to be held on September 12, 2016; and

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

Sponsor: City Manager
Originator: City Manager

DECLARATION OF OFFICIAL INTENT

TREASURY REGULATION § 1.150-2

WHEREAS, the City of Rockland, Maine (the "Issuer") currently intends to proceed with the following project (the "Project"): Repairs to the Rockland Public Library Building Envelope, and such other ancillary and related costs with respect

thereto, plus an amount not to exceed 2% for payment of the cost of issuance of bonds or notes issued with respect thereto; and

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

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

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

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

1. Declaration of Intent. The Issuer reasonably expects to reimburse expenditures made on the Project with the proceeds of bonds or notes in anticipation thereof to be issued by the Issuer in the maximum principal amount of \$1,100,000, and such other ancillary and related costs with respect thereto, plus an amount not to exceed 2% for payment of the cost of issuance of bonds or notes issued with respect thereto.

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

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

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

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

Councilor Geiger moved passage.

Vote: 5 for.

#52 Adopting Declaration of Official Intent – Roads Bond

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT, WHEREAS, the City desires to borrow up to a maximum amount of \$2,700,000 for purposes financing Road Repair, Reconstruction and Resurfacing, and such other ancillary and related costs with respect thereto, plus an amount not to exceed 2% for payment of the cost of issuance of bonds or notes issued with respect thereto; and

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

NOW, THEREFORE, it is hereby

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

ORDERED: That Bond Ordinance #25, incorporated herein by reference, be scheduled for a public hearing to be held on September 12, 2016; and

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

Sponsor: City Manager
Originator: City Manager

DECLARATION OF OFFICIAL INTENT
TREASURY REGULATION § 1.150-2

WHEREAS, the City of Rockland, Maine (the "Issuer") currently intends to proceed with the following project (the "Project"): Road Repairs, Reconstruction and Resurfacing, and such other ancillary and related costs with respect thereto, plus an amount not to exceed 2% for payment of the cost of issuance of bonds or notes issued with respect thereto; and

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

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

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

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

1. Declaration of Intent. The Issuer reasonably expects to reimburse expenditures made on the Project with the proceeds of bonds or notes in anticipation thereof to be issued by the Issuer in the maximum principal amount of \$2,700,000, and such other ancillary and related costs with respect thereto, plus an amount not to exceed 2% for payment of the cost of issuance of bonds or notes issued with respect thereto.

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

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

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

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

Councilor Ackor moved passage.

Vote: 5 for.

#53 Adopting Declaration of Official Intent – Fiber Optics Broadband Network Bond

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT, WHEREAS, the City desires to borrow up to a maximum amount of \$400,000 for purposes financing Improvements to the City's Fiber Optics Broadband Network, and such other ancillary and related costs with respect thereto, plus an amount not to exceed 2% for payment of the cost of issuance of bonds or notes issued with respect thereto; and

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

NOW, THEREFORE, it is hereby

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

ORDERED: That Bond Ordinance #26, incorporated herein by reference, be scheduled for a public hearing to be held on September 12, 2016; and

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

Sponsor: City Manager
Originator: City Manager

DECLARATION OF OFFICIAL INTENT

TREASURY REGULATION § 1.150-2

WHEREAS, the City of Rockland, Maine (the "Issuer") currently intends to proceed with the following project (the "Project"): Improvements to the City's Fiber Optics Broadband Network, and such other ancillary and related costs with respect thereto, plus an amount not to exceed 2% for payment of the cost of issuance of bonds or notes issued with respect thereto; and

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

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

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

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

1. Declaration of Intent. The Issuer reasonably expects to reimburse expenditures made on the Project with the proceeds of bonds or notes in anticipation thereof to be issued by the Issuer in the maximum principal amount of \$400,000, and such other ancillary and related costs with respect thereto, plus an amount not to exceed 2% for payment of the cost of issuance of bonds or notes issued with respect thereto.

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

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

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

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

Councilor Pritchett moved passage.

Vote: 5 for

#54 Adopting Declaration of Official Intent – Old County Road Bond

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT, WHEREAS, the City desires to borrow up to a maximum amount of \$99,000 for purposes financing repairs, reconstruction and resurfacing of a portion of Old County Road northeasterly from its intersection with Route 17 to the end of the Urban Compact Zone, and such other ancillary and related costs with respect thereto, plus an amount not to exceed 2% for payment of the cost of issuance of bonds or notes issued with respect thereto; and

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

NOW, THEREFORE, it is hereby

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

ORDERED: That Bond Ordinance #27, incorporated herein by reference, be scheduled for a public hearing to be held on September 12, 2016; and

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

Sponsor: City Manager
Originator: City Manager

DECLARATION OF OFFICIAL INTENT
TREASURY REGULATION § 1.150-2

WHEREAS, the City of Rockland, Maine (the "Issuer") currently intends to proceed with the following project (the "Project"): Repairs, Reconstruction and Resurfacing of a portion of Old County Road northeasterly from its intersection with Route 17 to the end of the Urban Compact Zone, and such other ancillary and related costs with respect thereto, plus an amount not to exceed 2% for payment of the cost of issuance of bonds or notes issued with respect thereto; and

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

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

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

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

1. Declaration of Intent. The Issuer reasonably expects to reimburse expenditures made on the Project with the proceeds of bonds or notes in anticipation thereof to be issued by the Issuer in the maximum principal amount of \$99,000, and such other ancillary and related costs with respect thereto, plus an amount not to exceed 2% for payment of the cost of issuance of bonds or notes issued with respect thereto.

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

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

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

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

Councilor Ackor moved passage.

Vote: 5 for.

#55 Authorizing COLA Salary Adjustment – City Clerk

WHEREAS, the cost of living salary adjustments for City employees were allocated in the FY 2017 Municipal Budget, adopted by the City Council on July 6, 2016; and

WHEREAS, the cost of living salary adjustments were granted retroactive to July 1, 2016 for other City employees for FY 2017; and

WHEREAS, funds for the COLA salary adjustment for the City Clerk were budgeted for FY 2017 and are available for distribution;

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

THAT, pursuant to Charter Section 403, the City Manager is hereby authorized to make the following cost of living salary adjustment for the City Clerk, retroactive to July 1, 2016:

City Clerk Full-Time Payroll: \$1,113.00

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

Councilor Clayton moved passage.

Vote: 5 for.

#56 Determining Details of Borrowing – Salt/Sand Shed

WHEREAS, on September 9, 2013, the Rockland City Council finally passed and enacted Ordinance Amendment #24 authorizing the City’s general obligation bonds in the amount of \$586,000, and, appropriated the proceeds of such bonds to finance construction of a salt and sand shed (the “Project”); and

WHEREAS, the voters of the City approved the adoption of Ordinance Amendment #24 at a municipal referendum election duly called and held on November 5, 2013; and

WHEREAS, the City Council now desires to adopt these resolutions to establish certain details of the bonds authorized by Ordinance Amendment #24;

NOW, THEREFORE, it is hereby by the City Council as follows:

ORDERED: That pursuant to Ordinance Amendment #24, the City Charter, and all other authority thereto enabling, the Director of Finance be and hereby is authorized to borrow the amount of up to \$350,000 from First National Bank at an annual interest rate of 2.20%, and to evidence such borrowing, to issue the City’s general obligation bonds in like principal amount.

ORDERED: That the bonds shall be executed in the name of and on behalf of the City of Rockland by its Director of Finance, shall be countersigned by the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, and shall bear the corporate seal of the City of Rockland, Maine attested by its Clerk.

ORDERED: That the Director of Finance and Mayor shall determine and approve the date, form, maturities (not to exceed the maximum term permitted by law), denominations, and all other details of the bonds, such approval to be conclusively evidenced by their execution thereof.

ORDERED: That the Director of Finance be and hereby is authorized to provide that the bonds be made callable, with or without premium, prior to their stated dates of maturity.

RESOLVED: That the Director of Finance, to the extent she deems necessary and appropriate, is authorized to designate the bonds as qualified tax-exempt obligations for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended.

ORDERED: That the Director of Finance be and hereby is authorized to negotiate, execute, and deliver, in the name of and on behalf of the City such contracts, agreements, and other documents, including instruments and certificates as may be necessary or appropriate as determined and approved by the Director of Finance in connection with the financing of the Project, which documents shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Director of Finance, such approval to be conclusively evidenced by her execution thereof.

ORDERED: That the bonds shall be transferable only on the registration books of the City kept by the transfer agent, and said principal amount of the bonds of the same maturity (but not of other maturity) in such minimum

denomination as the Director of Finance shall approve upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or her attorney duly authorized in writing. Upon each exchange or transfer of a bond the City and the Transfer Agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new bonds, upon exchanges or transfer thereof to be paid by the person requesting the same.

ORDERED: That the Director of Finance and Mayor from time to time shall execute such bonds as may be required to provide for exchanges or transfers of bonds as heretofore authorized, all such bonds to be executed consistent with the authorized execution of the bonds.

ORDERED: That the Director of Finance be and hereby is authorized and directed to covenant and certify on behalf of the City that no part of the proceeds of the issue and sale of the bonds or the Project shall be used directly or indirectly in a manner that would cause such bonds to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended.

ORDERED: That the Director of Finance be and hereby is authorized to covenant and agree, on behalf of the City, for the benefit of the holders of such bonds, that the City will file any required reports and take any other action that may be necessary to insure that interest on the bonds will remain exempt from federal income taxation, and that the City will refrain from any action that would cause interest on the bonds to be subject to federal income taxation.

ORDERED: That the Director of Finance be and hereby is authorized to covenant, certify and agree, on behalf of the City, for the benefit of the holders of such bonds, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.

ORDERED: That the term "cost" or "costs" as used herein and applied to the Project, or any portion thereof, includes, but is not limited to (1) the cost to acquire, design, construct, renovate, improve, furnish and equip the Project; (2) the cost of land, easements and other real property interests, landscaping and site preparation, all appurtenances and other fixtures, facilities, buildings and structures either on, above, or under the ground which are used or usable in connection with the Project; (3) the cost of feasibility studies, surveys, environmental studies and assessments, engineering, plans and specifications, legal and other professional services associated with the Project; (4) issuance costs, including premiums for insurance, capitalized interest and other fees and expenses relating to the financing transaction.

ORDERED: That in each year during which the bonds issued hereunder are outstanding, there shall be levied a tax in an amount which, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said bonds, payable in such year, and the principal of such bonds maturing in such year.

ORDERED: That the investment earnings on the proceeds of the bonds, if any, and the excess proceeds of the bonds, if any, be and hereby are appropriated to pay costs of the Project, to pay interest on the bonds, to pay issuance costs for the bonds or, at the discretion of the Director of Finance, to be deposited into the City's General Fund to be used for other municipal purposes.

ORDERED: That the Director of Finance be and hereby is authorized and empowered to do all such acts and things, and to execute, deliver, file, approve, and record all such financing documents, contracts, assignments, certificates, and other documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions of these Resolutions in connection with the Project, the issuance, execution, sale, and delivery by the City of the bonds.

ORDERED: That if any of the officers or officials of the City who have signed or sealed the bonds shall cease to be such officers or officials before the bonds so signed and sealed shall have been actually authenticated or delivered by the City, such bonds nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds had not ceased to be such officer or official; and also any such bonds may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds, shall be the proper officers and officials of the City, although at the nominal date of such bonds any such person shall not have been such officer or official.

ORDERED: That if any of the officers or officials of the City authorized to sign or seal the bonds are for any reason unavailable to approve and execute the bonds or any of the financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had herself performed such act.

ORDERED: That during the term any of the bonds (or bonds issued to refund such bonds) are outstanding, the Director of Finance be and hereby is authorized to issue and deliver refunding bonds to refund on either a current or advance refunding basis some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities and all other details of such refunding bonds, including the form and manner of their sale and award. The Director of Finance be and hereby is further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed in the name and on behalf of the City of Rockland by its Director of Finance, shall be countersigned by the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, and shall bear the corporate seal of the City of Rockland, Maine attested by its Clerk, and shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof.

Sponsor: City Manager
Originator: Finance Director

Councilor Geiger moved passage.

Vote: 5 for.

#57 Authorizing Undesignated Fund Balance Expenditure – Old County Road Repairs

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to expend up to \$120,000 from the Undesignated Fund Balance Account (#10000-02970) to cover the costs of repairs, reconstruction and resurfacing of a portion of Old County Road northeasterly from its intersection with Route 17 to the end of the Urban Compact Zone. It is the intent of the City Council to reimburse these funds from the proceeds from the issuance of bonds or notes, and/or other financing sources.

Sponsor: Mayor MacLellan-Ruf
Originator: City Manager

Councilor Pritchett moved passage.

Councilor Clayton noted that Order authorizes expenditure of up to \$120,000, but the Bond Ordinance to reimburse this expenditure is only \$99,000. He asked why the discrepancy?

The Acting City Manager said that additional funds are to provide contingency funding for the project.

Vote: 5 for.

At this time, Councilor Pritchett moved to add Order #58, Authorizing License Agreement Renewal, on the agenda.

Vote: 5 for.

Order #58 Authorizing Renewal of License Agreement – Public Display of Art

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the License Agreement between Artist Jay Sawyer and the City of Rockland for display of the sculpture “Riding the Rails to Rockland” at Sandy Beach Park is hereby renewed for a term of three years in substantial conformance with the Agreement attached hereto and incorporated herein by reference.

Sponsor: City Manager
Originator: City Manager

"Ridin' The Rails To Rockland"

PUBLIC ART DISPLAY AGREEMENT

This Public Art Display Agreement (the "Agreement") is entered into as of the 22nd day of August 2016 by the City of Rockland, a Maine municipality (the "City"), and Jay Sawyer, of Warren, Maine ("Artist").

BACKGROUND

WHEREAS, the Artist has created a sculpture from recycled railroad spikes known as "Ridin' The Rails To Rockland," together with a wood and steel base hand-crafted by the Artist intended to always be a part and parcel of the work of art (the "Work"). A drawing of the Work with descriptions of the various parts is attached as Exhibit A; and

WHEREAS, the Artist desires to make a loan of the Work, and to grant a license of the copyrights of the Work, to the City for display at Sandy Beach in Rockland, Maine according to the terms of this Agreement for a term of 3 years; and

WHEREAS, the City desires to acquire Work and the rights to display the Work for a limited time according to the terms herein,

NOW, THEREFORE, in consideration of the foregoing, and the mutual promises contained herein, the receipt and sufficiency of which is acknowledged by each and all of the parties, the parties agree as follows:

1. The Artist hereby makes a loan of the Work to the City, and also hereby grants to the City an express and limited license to publicly display the Work, under the following terms:
 - A. The term of both the loan and the license shall be for three (3) years ("Terms");
 - B. The Terms of both the loan and the license may be extended by written consent of both parties at any time, according to this Agreement and any agreement further made upon extension of the Terms; and
 - C. The license to display is granted only under the condition that the location of the public display shall be at Sandy Beach in Rockland, Maine.
2. The parties agree that the Artist shall have oversight and final approval of all elements related to the Work's public display, including but not limited to any base, lighting, visibility, signage and surrounding landscaping elements ("Enhancements"). The City shall consult with the Artist on the exact details of the location at Sandy Beach, with final approval of the Artist required ("Display Site"). The City shall provide equipment and an equipment operator to assist with the loading and unloading of the Work to and from a vehicle provided by the Artist at the times of installation and removal of the Work from the Display Site.
3. Should the Display Site ever change, for any reason, the Artist or his heirs, assigns, or successors, shall have final approval on any alternative location for the public display of the Work by the City. Non-conformance with this paragraph shall automatically revoke the license to publicly display the work as granted by this Agreement. In such an event, the parties agree that all efforts will be made to use the existing Enhancements.
4. The Artist shall be responsible for all routine maintenance the Work requires from time to time.
5. The City shall insure the Work from all damages and liabilities, up to \$10,000, until the termination of this Agreement.
6. The City hereby assumes all liability in any form, including but not limited to third parties interacting with the Work, arising out of or stemming from the public display of the Work, and hereby agrees to indemnify and hold harmless the Artist for any claims, including but not limited from third parties interacting with the Work, arising out of the public display of the Work under this Agreement.
7. With approval of the wording by the City, the Artist shall cause to be created signage identifying the title of the Work, the Artist's name and hometown, and attributes to Maine Eastern Rail Road and Dragon Products for their contributions. The Artist will be responsible for installing this signage at the Display Site, with final approval of the Artist and City. It is the intent of the parties that the signage will move with the Work wherever it may go, in any event.
8. In the event that either party wishes to terminate this Agreement, each party shall give written notice of not

less than thirty (30) days to the other party of its intent.

9. In any event, at the end of the Terms or termination of this Agreement, the City shall, under the oversight of the Artist, his heirs, assigns, and successors, which shall not be unreasonably withheld, assist with removal of the Work by loading the Work onto a vehicle and delivering it to 99 Maple Street in Warren, ME.

10. The City shall attribute credit to the Artist as the original author of the Work whenever practicable in all communications about the Work.

11. All rights and copyrights however limited not granted by paragraph 1 above are reserved exclusively to the Artist.

Councilor Clayton moved passage.

Vote: 5 for.

At this time, Councilor Pritchett moved to add Order #59, Authorizing Tax Abatement, to the agenda.

Vote: 5 for.

Order #59 Authorizing Abatement – Tax Assessment Error (23 South Street)

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to abate FY 2014 and FY 2015 taxes on property located at 23 South Street (Tax Map #7-F-3) in the amounts of \$137.22 (FY14) and \$159.22 (FY15) respectively, owned by Mary Susan Hurst, to correct an assessment error whereby the property was assessed on incorrect acreages,

Sponsor: City Manager

Originator: City Assessor

Councilor Clayton moved passage.

Vote: 5 for.

Councilor Geiger said that she understood that the Energy Committee was looking into issuing an RFQ on a solar policy for the City. She asked Councilor Pritchett (Chair of the Energy Committee) when the Committee intends to discuss this matter with the Council.

Councilor Pritchett said that the Energy Committee is not currently working on any solar policy at this time.

Councilor Geiger said that was not what the minutes from the last Committee meeting indicated.

Councilor Pritchett said that he would take another look at the minutes, but assured Councilor Geiger that the Committee is not currently working on a solar policy. He said the last meeting was focused on home weatherization.

With no further business to come before the City Council, Councilor Clayton moved to adjourn. Without objection from the Council, the meeting was adjourned at 9:02 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk