

SPECIAL MEETING

AGENDA

September 7, 2016

Set Agenda for September 12, 2016 Regular Meeting

Discussions: Common Sewer Laterals
City Manager Search
Legal Services

The meeting was called to order by the Mayor at 5:30 p.m. with the following members answering the roll call: Mayor Louise MacLellan-Ruf, Larry Pritchett, William Clayton, Valli Geiger, 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.

At this time, Mayor MacLellan-Ruf asked that all present join in a moment of silence for Frank Ferraiolo, who was tragically killed in a construction site accident last week.

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

- Thomas Molloy, 77 Pleasant Street, spoke concerning the donation by the Rockland Cooperative History Project of nearly \$5,500 to the City, being the remaining funds from the proceeds of the sale of the book "Homefront on Penobscot Bay; Rockland During the War Years 1940-1945", written by three native sons of Rockland, the late Theodore W. Sylvester, Jr., Paul Merriam, and Mr. Molloy himself. He said that the City acted as the fiscal agent for the scholarship fund established from those proceeds, and administered it for the past 25 years at no cost. He said this was a way for them to repay the City for the kindness shown to them over the years. He added that the only stipulation was that the funds be used for professional development for any City employee who requests assistance in paying for such development. He also said that the scholarship fund awarded more than \$25,000 to some 60 Rockland High School students over the past 25 years.

- Nathan Davis, 10 Fulton Street, also member of the Energy Committee, spoke in support of the Energy Committee's proposal to establish the Weatherize Rockland Initiative. He said that they were there to answer any questions that the Council may have concerning the proposal.

- Amy Files, 39 Pleasant Street, spoke representing Renew Rockland to inform the public of an event being co-sponsored by Renew Rockland and the Rockland Public Services Department on backyard composting. She said they would be holding a free workshop on the subject on September 14th at 6:00 p.m. for people to learn about how to compost at home. She said that nearly 40% of the waste that the City trucks to PERC is organic material that is suitable for composting, and removing that waste from the waste stream would save a significant amount of money.

- Ron Huber, 148 Broadway, said that he was somewhat disturbed by the response he received from the City on a recent FOAA request concerning the actions of the former City Manager regarding the seizure of computers. He said that he had requested documentation of who was involved and any expenses incurred. He said that Acting City Manager Caler-Bell's response that there were no such documents is not believable.

Mr. Huber then commented on the proposed Environmental Impact Assessment Ordinance, saying that the ordinance as written should not be adopted.

Mr. Huber then commented that if people see any mussel beds in and around Rockland Harbor or Penobscot Bay, they should get in touch with Friends of Penobscot Bay. He said that they are trying to establish where these beds are.

- David Myslabodski, 54 Broad Street, spoke in support of the proposal to restrict parking on the lower end of Pleasant Street, as recommended by the Parking Committee. He said that the hotel at 250 Main Street has leased space to establish an off-site parking lot for their needs, as should have been done prior to the hotel beginning operation. He said that the Planning Board's approval of this project included the requirement that the hotel provide off-street parking for its patrons, and wondered by City Hall was not enforcing this requirement.

Mr. Myslabodski then spoke in opposition to the proposal to appoint Taylor Carson to the Parking Committee, noting that she has not been a resident for very long and is not familiar with the issues facing the City. He also said that she is the manager of the 250 Main Hotel, which is a conflict of interest in this particular matter.

- Polly Saltonstall, owner of 218 Main Street, spoke concerning the parking issue, and recommended that the parking proposal on Pleasant Street be postponed and that a more comprehensive study of parking in the area be done.

At this time, noting that the allotted time for the Public Forum had expires, Councilor Clayton moved to extend the Public Forum for up to an additional 15 minutes. Without objection from the Council, it was so ordered.

- Brian Harden, 19 Traverse Street, spoke concerning the upcoming search for a new City Manager, suggesting that the Council take these simple steps to improve the process:

- Bring non-council persons into the process;
- Talk to department heads, they are a wealth of information on what is needed in a Manager;
- Don't spend a lot of money on consultants; MMA does these kinds of searches and charges much less than private consultants.
- Review all applications received, even if you don't intent to call on them for an interview; and
- Try to visit the community where a prospective candidate works or work and talk to people to get a feeling for the type of manager the candidate is.

- Brett Ross, 105 Broadway, spoke concerning the common sewer lateral issue, saying this problem exists in many locations throughout the City, including his home. He said these old sewers are deteriorating rapidly and something is going to need to be done to address the issue. He urged the Council to include this issue in any discussions of sewer repairs and improvement plans in the future.

- Gretchen Kuhn, 15 Robinson Street, spoke concerning the parking issue in the Pleasant Street area, urging the Council to do a more comprehensive study of the parking needs. She added that development in the area is only going to increase the pressure on existing parking.

Ms. Kuhn then thanked City Attorney Kevin Beal for his service to the City.

Hearing no other speakers, the public forum was closed.

Set Agenda for September 12, 2016 Regular Meeting: The Council went into informal session to set the agenda for the September 12, 2016 Regular Meeting. The following communications were considered:

a. Letter from the Rockland Cooperative History Project – Donation of Funds. The Council accepted the letter and directed that a Resolve be placed on the 09/12/16 Meeting Agenda to accept the funds along with the stipulation that the funds be used for professional development by any City employee.

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

- Common Sewer Laterals: The Council directed staff to develop a policy position and funding program for Council consideration.

- City Manager Search: As the first step in this process, a public forum was scheduled for Monday, September 19, 2016 at 6:00 p.m. to gather public input into the qualities that the public would like in the next city manager.

- Legal Services: The Council directed the Acting City Manager to solicit proposals for interested parties and report them to Council.

- Pleasant Street Parking: The Council directed that the center line on lower Pleasant Street be moved to make the travel lanes of equal width; called for an urban design traffic and parking study be done for lower Pleasant Street; and directed staff to work with the Parking Committee to develop downtown parking strategies.

- Weatherize Rockland Initiative: The Council held a discussion on the Energy Committee's proposal to establish the Weatherize Rockland Initiative which would be a City coordinated initiative designed to provide information to homeowners about low-cost and effective home energy savings options like air sealing and is also designed to minimize common hurdles that often hinder homeowners from pursuing energy saving projects.

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 9:30 p.m.

REGULAR MEETING

AGENDA

September 12, 2016

1. Roll Call **All members present.**
2. Pledge of Allegiance to the Flag **All present joined in the Pledge of Allegiance.**
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. Liquor & Entertainment Licenses – Waterworks Restaurant
Granted. Vote: 5-0.
 - b. Lodging House License – Trade Winds Motor Inn
Postponed until the October 12, 2016 Regular Meeting. Vote: 5-0.
 - c. Taxi Company License – Schooner Bay Taxi
Granted. Vote: 5-0.
 - d. Lodging House License – Zadoc F. Brewster House
Granted. Vote: 5-0.
8. Resolves:
 - #25 Exploring Multi-Town Lighting Project (Postponed 08/08/16) Councilor Pritchett
Postponed Indefinitely. Vote: 5-0. (NOTE: City Manager & Energy Committee will be coming back to the Council with a new proposal regarding this project at a later date).
 - #38 Appointments – COMPS & Parking Mayor MacLellan-Ruf
Passed. Vote: 5-0.
 - #39 Accepting Donation – Rockland Cooperative History Project City Council
Passed. Vote: 5-0.
 - #40 Appreciation – Kevin Beal Mayor MacLellan-Ruf
Passed. Vote: 5-0.
 - #41 Donations – Library City Council
Passed. Vote: 5-0.
9. Ordinances in Final Reading and Public Hearing:
 - #12 Chapter 2, Section 2-509 Disposition of Lien-Acquired Property Councilor Geiger
Passed. Vote: 5-0. Eff. Date: 10/12/16.
 - #17 Chapter 4, Article II Sprinkler Exception (Postponed 8/8/16) Councilor Geiger
Postponed until the 10/12/16 Regular Meeting. Vote: 5-0.
 - #19 Chapter 16, Section 16-203 Environmental Impact (Post. 8/8/16) Mayor MacLellan-Ruf
Passed. Vote: 3-2 (Ackor, Pritchett). Eff. Date: 10/12/16. (NOTE: A motion to postpone this measure was defeated 2-3 [Clayton, MacLellan-Ruf, Geiger]).
 - #22 Lease to Own Contract – Capital Equipment City Council
Passed. Vote: 5-0. Eff. Date: 10/12/16.
 - #23 Bond Ordinance – Sewer Repairs & Improvements City Council
Passed as amended. Vote: 5-0. Eff. Date: Pending voter approval 11/8/16. Amended to increase the Bond amount to \$10,400,000; the additional funds intended to address the issue of common sewer laterals. Vote on amendment: 4-1 (Pritchett).
 - #24 Bond Ordinance – Library Repairs City Council
Passed. Vote: 5-0. Eff. Date: Pending voter approval 11/8/16.
 - #25 Bond Ordinance – Road Repairs City Council
Passed. Vote: 5-0. Eff. Date: Pending voter approval 11/8/16.
 - #26 Bond Ordinance – Fiber Optic Broadband Network City Council
Passed. Vote: 5-0. Eff. Date: Pending voter approval 11/8/16.
 - #27 Bond Ordinance – Old County Rd Repairs Mayor MacLellan-Ruf
Passed. Vote: 5-0. Eff. Date: 10/12/16.

Regular Meeting, Agenda continued:

September 12, 2016

#29 Lease Amendment – Rockland Breakwater Lighthouse

Councilor Ackor

Passed. Vote: 5-0. Eff. Date: 10/12/16.

#30 Chapter 17, Section 17-801 Pleasant Street Parking Restriction

Councilor Ackor

Defeated. Vote: 0-5.

#31 Chapter 2, Section 2-212 Rules of Procedure; Council Response

Councilor Pritchett

Passed. Vote: 4-1 (MacLellan-Ruf). Eff. Date: 10/12/16.

10. Ordinances in First Reading: None

11. Orders:

#60 Setting Polling Times; Placing Ref Questions on Ballot

City Council

Passed as amended. Vote: 5-0. Amended to change the amount in Bond Question #1 from \$10,000,000 to \$10,400,000.

Vote on amendment: 5-0.

#61 Authorizing Weatherize Rockland Initiative

Councilor Pritchett

Passed. Vote: 5-0.

12. Adjournment. Adjourned without objection from the Council at 7:30 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:

- Nicole Frazier, 21 Holmes Street, spoke concerning the issue of common sewer laterals, saying that the City should take some responsibility for these situations as they were permitted to be done by the City at some point in time. She said that a solution needs to be found, and she thanked the Council for considering this issue.

Hearing no other speakers, the public forum was closed.

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

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

Reports:

a. City Manager's Report: Acting City Manager Caler-Bell reported on the following matters:

- We received concerns regarding the condition of the Skate Park next to the High School. The City has a lease over the Skate Park where we are required to maintain the ramps and other equipment at the facility. The City has not performed regular maintenance of this facility for quite some time. The last work of any kind done on the skate park was three years ago when sections of the skate ramps were removed. Dave St. Laurent has taken a look at the remaining ramps and is confident that the Public Services Department will be able to repair these ramps so they are safe and in good working order and do additional maintenance and repainting so these structures are refurbished. I'm very pleased the Public Services Department was able to find a way we can preserve a facility that is frequently used by young people.

- Many of you may have noticed that we're beginning the installation of the new downtown street lights. Starting on the north end of Main Street CMP will be taking down the old fixtures and the City will install the new. We have estimated that installation of the new lights will take about 6 weeks and there will be an additional 4 weeks required to set up the ROAM system that will allow us to program the settings on the lights and change them wirelessly.

- The City is at the beginning of making a number of major IT upgrades. Just today we migrated our email to a new system. Part of this is converting to our new domain which will be rocklandmaine.gov (instead of ci.rockland.me.us). Fear not – we'll still receive emails sent to these old addresses. In advance we appreciate everyone's patience and understanding while we make a number of changes to our IT network.

- At the request of the City Council I have reached out to a number of law firms with a Municipal Government practice to get a sense of what they could offer the City for interim coverage for legal services. I also spoke with the Town Manager of Rockport who recently went through the process of selecting a new legal services provider. I'm expecting to hear back from 3 I have contacted this week.

- Also at the request of Council I have been looking at what will be required to fix our AV system for broadcasting Council meetings. We reached out to Rockport to find out more about their system. Jeff Parker from Rockport, who set up and trained staff at the Rockport Opera House to run their AV system has offered to meet with me to provide guidance on what Rockland will need to improve our AV system for broadcasting City Council meetings.

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

c. Other Official's Report: Councilor Ackor, speaking on behalf of the Ad Hoc Educational Options Committee, asked the Council for direction in how the committee should proceed. He said that the Committee has met four times with much spirited debate, but are at the point in their discussions where they need further direction from the Council on whether they should narrowly focus on the ballot question from which they were established, or take a more broad look at education in general. Mayor MacLellan-Ruf said that the Council will be having that conversation in the near future.

d. Mayor's Report: Mayor MacLellan-Ruf reported the following upcoming events:

- September 14th, Composting Workshop
- September 17th, the Annual Coast Cleanup will be held, followed by a cookout.
- September 18th, Lobster-Palooza.
- September 19th, public forum on the City Manager search.

Licenses and Permits:

- a. Liquor & Entertainment Licenses – Waterworks Restaurant
- b. Lodging House License – Trade Winds Motor Inn
- c. Taxi Company License – Schooner Bay Taxi
- d. Lodging House License – Zadoc F. Brewster House

A public hearing was opened. Hearing no speakers for or against any of the applications, the public hearing was closed. Councilor Clayton moved to grant the licenses for Waterworks Restaurant, Schooner Bay Taxi, and Zadoc F. Brewster House.

Vote: 5 for.

Councilor Pritchett then moved to postpone the application for the Trade Winds Motor Inn until the October 12, 2016 Regular Meeting.

Councilor Geiger said that given the recent television appearance on which the deplorable condition of the facility was highlighted, she said that she hoped the City would be conducting thorough and vigorous inspections.

The Acting City Manager said that the Code Office and Fire Department are on top of the situation.

Vote: 5 for.

The application was postponed until the 10/12/16 Regular Meeting.

Resolves:

#25 Exploring Multi-Town Lighting Project (Postponed 08/08/16)

(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 moved to indefinitely postpone Resolve #25, noting that the Acting City Manager and Energy Committee would be coming back to Council in the near future with a proposal to replace this measure.

Vote: 5 for.

Resolve #25 was indefinitely postponed.

#38 Appointments – Comprehensive Planning Commission & Parking Committee

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

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

- Comprehensive Planning Commission: Terry Pinto, 195 Broadway (2018)
- Parking Advisory Committee: Taylor Carson, 38 Linden Street (2016)

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

Councilor Clayton moved passage.

Vote: 5 for.

#39 Accepting Donation – Rockland Cooperative History Project

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City of Rockland gratefully accepts the donation of \$5,497.92 from the Rockland Cooperative History Project, representing the remaining balance of a scholarship fund established from the proceeds of the sale of the book “Homefront on Penobscot Bay – Rockland During the War Years 1940-1945”, in recognition of the City acting as the fiscal agent for these funds since 1992 at no charge. The funds shall be deposited into a dedicated account, under the control of the City Manager, from which any City employee may receive funding for Professional Development.

AND, be it further Resolved that a letter of thanks be sent to the Rockland Cooperative History Project in recognition of their generous donation.

Sponsor: City Council
Originator: City Council

Councilor Geiger moved passage.

Councilor Pritchett thanked all of the members who participated in this project. And thanked Mr. Molloy for a copy of the book *Homefront on Penobscot Bay: Rockland During the War Years 1940-1945*.

Councilors Clayton, Geiger and Ackor echoed that thanks.

Vote: 5 for.

#40 Commending & Thanking City Attorney for Years of Service

WHEREAS, Kevin J. Beal was hired as City Attorney for the City of Rockland on September 4, 2007; and

WHEREAS, from his date of hire, Mr. Beal has worked tirelessly for the benefit of the City as a whole with honesty, integrity, professionalism and a genuine concern for the welfare of the community; and

WHEREAS, often times, Mr. Beal would go above and beyond the call of duty to assist the City’s administrative staff, and well as various City Boards, Commissions and Committees, in performing their functions; and

WHEREAS, Mr. Beal provided leadership and guidance to the City through many complicated and difficult situations, always with the goal of moving the City forward in a positive direction; and

WHEREAS, Mr. Beal will be leaving the employ of the City as of September 30, 2016;

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

THAT, City Attorney Kevin J. Beal is hereby commended and thanked for his outstanding and dedicated service to the City of Rockland over the past 9 years, and that the Council wishes him all the best in his future endeavors.

Sponsor: Mayor MacLellan-Ruf
Originator: City Council

Councilor Clayton moved passage.

Councilor Pritchett said that the Planning Board and Energy Committee worked closely with the City Attorney on the Power Facility Ordinances, and he could not have done a better job advising both on the technical aspects of these ordinances. He said this just one example of the many, many times that the City Attorney rendered such assistance to the Council, staff and the City’s various committees. He thanked the City Attorney for everything that he has done for the City over the years.

Councilor Geiger also thanked the City Attorney for everything that he has done. She said that she began working with the City Attorney when she was on the Comprehensive Planning Commission and found him to be an invaluable resource. She said that he was always helpful, knowledgeable, and courteous. She added that he often times went out of his way to help those less fortunate than he, using his own funds to help out someone in need.

Councilor Clayton thanked the City Attorney for all that he has done and wished him luck in his future endeavors.

Councilor Ackor also thanked the City Attorney, adding that he too began working with him on the Comprehensive Planning Commission. He said the City Attorney has a breadth for knowledge about the law and the City that will not easily be replaced.

Councilor Pritchett added that no one will miss the City Attorney more than Code Enforcement Officer John Root. He said that the Attorney has worked closely over the years with the Code Officers to assist in the interpretation and clarification of the Code. He said that he has been an invaluable resources for all staff.

Mayor MacLellan-Ruf added her thanks to the City Attorney as well.

Vote: 5 for.

#41 Accepting Donations – Library

WHEREAS, the Friends of the Rockland Public Library donated \$71.00 to the Rockland Public Library for 5 Audiobooks, and \$738.68 for 59 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 \$2,876.62 the the Rockland Public Library for landscaping 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, Kathryn Severns Avery, Rockland, Maine, donated a copy of her book *Your Countdown to Retirement*, to the Rockland Public Library to be added to the Library’s collection; and

WHEREAS, Steve Donoso, Terra Ceia, Florida, donated a copy of his book *Returning the Gift*, to the Rockland Public Library to be added to the Library’s collection; and

WHEREAS, Kathleen Ellis, from the English Department at the University of Maine at Orono, Orono, Maine, donated a copy of her book of poetry *Narrow River to the North*, to the Rockland Public Library to be added to the Library’s collection; and

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:

#12 Chapter 2, Section 2-509 Disposition of Lien-Acquired Property
(See pages 175-177 for text, as amended 08/08/16)

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

Councilor Geiger moved passage and thanked the City Attorney for his assistance in drafting this amendment so as not to run afoul of the Charter and at the same time give the Council clear options on how to dispose of lien-acquired properties.

Vote: 5 for.

The amendment will become effective 10/12/16.

#17 Chapter 4, Article II Sprinkler Exemptions (Postponed 08/08/16)

(See pages 162-164 for text and amendment)

It was noted that this amendment had been postponed until this meeting, after receiving a public hearing and motion for passage at the 08/08/16 meeting.

Councilor Pritchett moved to postpone Ordinance Amendment #17 until the 10/12/16 Regular Meeting.

Councilor Geiger said that she was happy to agree with postponing this amendment as long as it lead to a measure that provides some relief to homeowners. She said that she understands the concerns expressed by the Fire Department and Councilor Ackor on exempting any properties from the requirement for sprinklers, but said that not everyone can afford to install a residential system. She said that she did not want the City's regulations to be the cause of people not coming to Rockland and choosing surrounding communities instead. She said this is a very onerous regulation and some sort of relief needs to be offered to homeowners.

Councilor Pritchett said that both he and Councilor Clayton have been through one vigorous debate on this issue when the regulation was first adopted. He said the City need to try and come up with something that will satisfy both sides of this issue. He said that the same opportunity for exemption that is afforded those who live on the east side of Old County Road needs to be offered to those who live on the west side of Old County Road. He said the problem is how do you thread that needle to fit both sides of this issue. He added that he agrees with Councilor Geiger's assertion that the City's regulations are driving some people out of the City to surrounding communities.

Councilor Geiger said that the question is will new houses be built at all under these regulations.

Councilor Ackor said he had a completely different point of view on this matter. He said that he has seen no evidence that the sprinkler requirement is having any effect on building. He said that the City has very stringent building codes, and the State has very stringent plumbing and electrical codes; all designed to improve building quality and safety. He said that the City should be proud of taking the lead in this area.

Vote: 5 for.

Ordinance Amendment #17 was postponed until the 10/12/16 Regular Meeting.

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

(See page 165 for text)

It was noted that this amendment had been postponed until this meeting, after receiving a public hearing and motion for passage at the 08/08/16 meeting.

Councilor Pritchett moved to postpone Ordinance Amendment #19 until the 10/12/16 Regular Meeting to allow time for the concerns expressed by the Planning Board Chairman to be addressed.

Councilor Geiger said that she was baffled by the comments on this issue. She said that more information on any given project is not a bad thing. She said perhaps this amendment does not go far enough to satisfy some people, but the City currently has nothing of this sort in place. She added that the matter can be strengthened at a later date if necessary. She said this is a way for the City to gather more information on particular projects, and she was not convinced there was anything wrong with this proposal.

Councilor Pritchett said that the Planning Board Chair raised a number of questions and concerns regarding this proposal; such as which holes in current regulations is this amendment attempting to fill. He said that the Planning Board already has the authority to require an environmental assessment of any project before it.

Councilor Geiger said that there are gaps in the current regulations, and that the Planning Board has had the opportunity to have such assessments done in the past but has not done so (specifically on a recent parking lot project where a number of trees were removed).

Councilor Clayton said he thought this proposal would breeze through as a no-brainer, but was shocked when people spoke against it because it did not go far enough. He said he likes this proposal because of its simplicity. He said it is straight forward and gives the Board the information is would need when considering these kinds of projects. He added that the concerns of the Planning Board can still be discussed even if this amendment is adopted.

Vote: 2 for, 3 opposed
(Clayton, MacLellan-Ruf, Geiger)
Motion to postpone defeated.

Councilor Pritchett said that this amendment would not have done any good with the parking lot project mentioned by Councilor Geiger. He said that a storm water ordinance would be needed to address those kinds of concerns.

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

The amendment will become effective 10/12/16.

#22 Authorizing Lease to Own Contract – Capital Equipment

(See page 179 for text)

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

Councilor Clayton moved passage.

Vote: 5 for.

The Ordinance will become effective 10/12/16.

#23 Bond Ordinance – Sewer Repairs & Improvements

(See page 180 for text)

Mayor MacLellan-Ruf opened a public hearing on Ordinance Amendment #'s 23, 24, 25, 26 & 27. Hearing no speakers on any of the Bond Ordinances, the public hearing was closed.

Councilor Geiger moved passage and moved to amend Ordinance Amendment #23 by changing the amount of the Bond from “\$10,000,000” to “\$10,400,000”. She said that the additional \$400,000 was to address the common sewer lateral issue. She said that there are at least a dozen instances of common sewer laterals throughout the City, and the City needs to take some responsibility for them and so something to address the issue.

Councilor Pritchett said that there are funds included in this Bond that are opened ended on how they can be used, and could be used for this purpose. He said that he did not agree that additional funds needed to be added to this Bond to address this issue.

Acting City Manager Caler-Bell said that the majority of the funds in this Bond are earmarked for sewer/storm water separation, which the City is under order from MDEP to do. She added that the total amount needed to complete all of the work contemplated would be approximate \$15,000,000.

Councilor Geiger moved to suspend the Rules to hear from Pollution Control Director Terry Pinto to address this issue.

Councilor Clayton seconded the motion.

Vote: 5 for.

Mr. Pinto explained that that the cost of the sewer separation totaled \$10,000,000 by itself, but the plan is to use some of the funds for needed repairs to the Treatment Plant and pump stations. He said if the City wishes to address the common sewer lateral issue, additional funds would be needed. He said as it is, the City is only seeking approval for approximately 2/3 of the total amount needed to do all the work that is necessary. He also said that the City is only asking for authorization to borrow. He said funds would only be borrowed as necessary.

The Council went back into Regular Session with Councilor Geiger saying that the City has a sewer system that is 130 years old and is failing. She said every time it rains the system is overflowing and dumping sewage into the harbor, and mains are failing all over the City. She said that the Council needs to present a united front on this issue and work to get the Bond passed because this work is necessary.

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

Councilor Clayton said that he agrees with Councilor Geiger. He said that he doesn't like adding funds at the last minute, but this needs to be done. He added that the City needs to educate the public on the necessity of this Bond, and that the Council needs to fully support it; otherwise it will be defeated at the polls. He said that the City has no choice in this matter; the work must be done.

Vote as amended: 5 for.

The Ordinance will be presented to the voters at the 11/08/16 Annual Municipal Election and will not become effective unless and until approved by the voters.

#24 Bond Ordinance – Library Repairs

(See page 180 for text)

Councilor Ackor moved passage.

Councilor Clayton said that all you have to do is go into the Library and you will see what repairs need to be done. He also suggested that the Friends of the Rockland Public Library and the Rockland Public Library Endowment Association be included in the efforts to educate the public on the need for this Bond.

Vote: 5 for.

The Ordinance will be presented to the voters at the 11/08/16 Annual Municipal Election and will not become effective unless and until approved by the voters.

#25 Bond Ordinance – Road Repairs

(See pages 180-181 for text)

Councilor Clayton moved passage.

Vote: 5 for.

The Ordinance will be presented to the voters at the 11/08/16 Annual Municipal Election and will not become effective unless and until approved by the voters.

#26 Bond Ordinance – Fiber Optics Broadband Network

(See page 181 for text)

Councilor Geiger moved passage and said this Bond was particularly important to the economic future of the City. She said providing high speed internet service in the City will help attract technology businesses, as well as millennials who can work from pretty much anywhere.

Vote: 5 for.

The Ordinance will be presented to the voters at the 11/08/16 Annual Municipal Election and will not become effective unless and until approved by the voters.

#27 Bond Ordinance – Old County Road Repairs

(See pages 181-182 for text)

Councilor Ackor moved passage.

Councilor Pritchett said that this Bond Ordinance will not appear on the 11/08/16 ballot because it is under the \$100,000 amount that would require voter approval. He also said this is being proposed to take advantage of the contractor already being in the area, and will complete the work on Old County Road. He said if the contractor has to come back at a later date and rest everything, it would likely cost more.

Vote: 5 for.

The Ordinance will become effective 10/12/16.

#29 Authorizing Lease Amendment – Rockland Breakwater Lighthouse

(See page 187 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 10/12/16.

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

(See page 189 for text)

A public hearing was opened with Greg Pinto, newly elected chair of the Parking Committee, speaking in favor of the amendment, saying that the Committee voted 3-0 to recommend that the Council adopt this amendment. However, Mr. Pinto said that the Committee was only addressing the question that was asked of it with regards to this amendment. He said that the Committee supports a more comprehensive look at parking in the area, and that any street design plan should include parking as an important piece.

Hearing no other speakers, the public hearing was closed.

Councilor Geiger moved passage.

Councilor Clayton moved to suspend the Rules to ask questions of Mr. Pinto. Councilor Geiger seconded the motion.

Vote: 5 for.

Councilor Clayton said that he would prefer that changes such as this come from the Committee rather than from another sources, as this one did. He said that is not meant as a criticism of the Committee or of the traffic officer, but rather the way he would like to see these proposals come to the Council.

Mr. Pinto said that the Parking Committee does not meet on a regular basis, but rather when asked by the Council to review a particular proposal. He said that the Committee did discuss street design, but only made a recommendation on the question that was presented to it.

Councilor Geiger said that the street has been re-stripped and new signage erected to address these issues. She said that she wanted to acknowledge the work of the committee, and asked Mr. Pinto if the Committee would be offended if the Council did not adopt this amendment.

Mr. Pinto said that the Committee would not be offended by any action of the Council, but would like to participate in any street design discussions that may take place. He said that parking is a big part of street design.

Mayor MacLellan-Ruf said that the Committee would be included in any such discussions, and that she would discuss details with Mr. Pinto to move forward.

The Council went back into Regular Session with Councilor Clayton saying, in the light of last week's discussion, he did not feel right about voting to adopt this amendment at this time. He said that the striping and signage may help, and he would like to see a traffic study done.

Mayor MacLellan-Ruf said that the two parking spaces nearest Main Street have been removed, and the street has been re-stripped to even out the travel lanes.

Councilor Ackor said that he has been to this area since this work has been done, and that it has made a difference. He suggested trying this and seeing if it will alleviate the issues.

Councilor Pritchett said that parking is already prohibited on the south side of Pleasant Street, but it does not seem to be adequately signed.

The Acting City Manager said that new signs are being installed.

Councilor Pritchett said that he concurred with Councilor Clayton that a more comprehensive look at the area is necessary. He said he would like to see if the work already done addressed the problem.

Vote: 0 for, 5 opposed.
Motion Defeated.

#31 Chapter 2, Section 2-212 Rules of Procedure; Public Comment, City Council Response

(See pages 189-191 for text)

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

Councilor Pritchett moved passage.

Councilor Geiger asked exactly what this amendment would change.

Councilor Pritchett said that there has always been some question as to whether the Council could respond to questions or comments, and explained that the only this this amendment would do would give the City Council and City Manager an opportunity to answer questions or respond to comments made during the Public Forum.

Vote: 4 for, 1 opposed
(MacLellan-Ruf)

The amendment will become effective 10/12/16.

Ordinances in First Reading: None.

Orders:

#60 Calling Election and Placing Referendum Questions on the Ballot – 11/08/16 Municipal Election

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Annual Municipal Election shall be held in conjunction with the State General Election on November 8, 2016; and

THAT, the polls at the Rockland Recreation Center/Community Building, 61 Limerock Street, Rockland, Maine, shall be opened at 8:00 a.m. and closed at 8:00 p.m. on November 8, 2016 for said Election; and

THAT the City Clerk is authorized and directed to submit the following questions to the voters of the City of Rockland at the Regular Municipal Election schedule for November 8, 2016:

QUESTION #1 BOND ORDINANCE – SEWER REPAIRS & IMPROVEMENTS

Shall the Ordinance entitled “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 Improvements 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” be adopted?

QUESTION #2 BOND ORDINANCE – LIBRARY REPAIRS

Shall the Ordinance entitled “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 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” be adopted?

QUESTION #3 BOND ORDINANCE – ROAD REPAIRS

Shall the Ordinance entitled “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” be adopted?

QUESTION #4 BOND ORDINANCE – FIBER OPTICS

Shall the Ordinance entitled “Bond Ordinance Authorizing Issuance of the City’s Bonds or Notes in an Amount Not To Exceed \$400,000 To Finance the Cost of 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% to Pay the Cost of Issuance of any Bonds or Notes With Respect Thereto” be adopted?

**QUESTION #5 REGION 8 MID-COAST SCHOOL OF TECHNOLOGY
SCHOOL CONSTRUCTION**

Shall the Cooperative Board of the Region 8 Mid-Coast School of Technology (“Region 8”) be authorized to issue bonds or notes in the name of Region 8 for a school construction project in an amount not to exceed \$25,000,000 to construct and equip a new career and technical school building and related facilities to be located at 1 Main Street in the City of Rockland and as part of that project, to demolish the existing school building?

Sponsor: City Council
Originator: City Council

Councilor Ackor moved passage.

Councilor Pritchett noted that the list of streets for the Roads Bond included the section of Old County Road that the Council has authorized funding for through separate measures, so it should be removed from the list.

Councilor Clayton moved to amend Order #60 by changing the amount in Question #1 from “\$10,000,000” to “\$10,400,000”.

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

#61 Authorizing Weatherize Rockland Residential Energy Efficiency Initiative

WHEREAS, 70% or more of Rockland’s housing stock appears to have been built before effective insulation and air sealing was common which means many homes likely are drafty and present a significant heating cost burden to residents; and

WHEREAS, Efficiency Maine’s 2015 Residential baseline Study found that 80% of Maine homes have cost-effective opportunities to lower energy use through air sealing and improvement of at least one zone of insulation, and

WHEREAS, initiatives like the Town of Freeport’s “Solarize Freeport” as well as the Island Institute sponsored “Weatherization Weeks” have demonstrated the potential for focused community energy initiatives to minimize the hurdles and barriers homeowners may encounter when considering possible home energy projects as well as to lower the costs for residents; and

WHEREAS, Efficiency Maine offers incentives through the Home Energy Savings program that allow a homeowner to get from \$850 to \$1050 of air sealing work completed for costs to the homeowner ranging from \$50 to \$450; and

WHEREAS, the charge to the Energy Committee in City ordinance includes “. . . identify places where City actions may directly impact energy use in the community . . . making recommendations to Council on ways City government can encourage and support energy efficiency . . . in all segments of the Rockland community . . .” as well as “. . . work with City staff to ensure educational materials on any energy conservation opportunities for residential . . . properties through . . . the Efficiency Maine . . . are readily available to members of the community;” and

WHEREAS, the Energy Committee has recommended that Council authorize and support “Weatherize Rockland” which would be a City coordinated initiative designed to provide information to homeowners about low-cost and effective home energy savings options like air sealing and is also designed to minimize common hurdles that often hinder homeowners from pursuing energy saving projects;

NOW, THEREFORE, IT IS HEREBY ORDERD AS FOLLOWS:

THAT, the Acting City Manager and the Energy Committee are authorized to develop and implement a “Weatherize Rockland” initiative substantially along the lines of the Energy Committee’s September 1st, 2016 report to Council; and

Regular Meeting, Order #61 continued:

September 12, 2016

THAT, the Acting City Manager is authorized to issue and award an RFP with specifications to qualify air sealing and insulation contractors to participate in the program and to also explore the potential for cost savings based on the number of residents that choose to participate; and

THAT, the Acting City Manager, through the General Assistance Office, is authorized to accept community donations to offset some (up to all) of the homeowner costs needed to match basic Efficiency Maine incentives and rebates through the General Assistance Program.

Sponsor: Councilor Pritchett
Originator: Rockland Energy Committee

Councilor Pritchett moved passage and said that Councilor Clayton raised a number of questions during the discussion of this proposal last week. He said that Councilor Clayton's concerns have been addressed in this draft of Order #61.

Vote: 5 for.

With no further business to come before the City Council, Councilor Ackor moved to adjourn. Without objection from the Council, the meeting was adjourned at 7:33 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

September 19, 2016

Workshop: City Manager Search

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, and Adam Ackor. Acting City Manager Audra Caler-Bell and City Attorney Kevin Beal were excused from attending this meeting.

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

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

Workshop: City Manager Search. The Council went into informal session to hold a public discussion on the traits and qualities that the public would like to see in the next City Manager. The following is a summary of the discussion held on this topic:

There were themes throughout the discussion that are noted.

The City Manager (CM) understands that she/he does not set policy. Council sets policy. The CM can recommend policy changes to Council but the ultimate decision about policy is the onus of Council.

Theme: The CM roles and duties need to be clearly spelled out. There was much discussion about a CM understanding her/his role. The CM will not overreach. Her/his role is administrative and non-political.

Committees and Commissions are given direction by Council not the CM.

The CM will produce a thorough and informative weekly Manager's Report. A sample of Manager's report should be asked for during the interview process.

The CM will coordinate with other managers and administrators in our surrounding areas toward the goal of regional coordination and cooperation.

Communication with media was a lively discussion. The question was raised: "Should the CM be the voice for the City?" Concerns about the Personnel Manual were raised; "Should staff be allowed to interact with the press?" The current Personnel Manual says no. Should the "voice" or "message" come through the Mayor? An individual Councilor? All of Council? It was agreed that this is a topic that requires further discussion and clarification.

The CM should demonstrate openness and honesty. Be of good character. The CM should not be a micromanager. Looking for a “good fit”. A CM that “plays well with others.” The CM should be, “brain, heart and soul” of the City. A “team player.” Must have “Thick skin.” “Be open.”

The CM needs to know the philosophy of the City as well as how the role of government plays in the CM’s position.

A further theme was the desire for a CM to be receptive to Rockland and “what it is.” The CM needs to “appreciate consistency of commitment to Rockland.”

There was consensus that Council is the “vision” leader not the CM. Again the group referenced that the CM reports to Council. The CM will implement this vision “without stepping on toes.” Always being reminded that she/he is administration.

Major theme. The CM MUST be experienced with the working waterfront.

The CM should be experienced with conflict resolution and thus competent at deescalating conflict. The CM must be articulate. A “team player.” A CM that will empower staff.

A CM that is “excited about democracy” and the “democratic process.”

Some group members were interested in a CM with a “track record.” Others were more concerned about a certain “level of experience.” (Age was immediately dismissed as a topic of conversation.) There was debate on whether the CM should or should not be from Maine or New England. A consensus was not reached on this issue. It was restated that it is important for the CM to understand the working waterfront and the harbor. CM that is willing to commit to Rockland for 7-10 years.

A philosophical question was raised: “What is our responsibility to the CM?”

Major theme: Diversity of Economic Development. Strong sentiments that the CM needs to have a vision for economic development. Understanding that the working waterfront and harbor are a major piece of this vision. The harbor is an underutilized revenue maker. The harbor is the “heart of Rockland.” The CM needs to preserve the history of Rockland as the vision is moved forward.

The CM must understand work plan.

The CM must understand the current issues facing Rockland:

- Affordable housing
- Drugs
- Energy
- Waste

The CM’s main objective is to support Rockland. Understand Rockland. The CM will commit to Rockland and its residents.

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 6:58 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

October 3, 2016

Set Agenda for October 12, 2016 Regular Meeting
Presentation/Discussion – Legal Services
Discussion – Procedure for Major Ordinance Amendment Proposals

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

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:

- Kathy Dunne, 104 Rankin Street, spoke concerning the proposal to establish a vacant building registry and regulations for the care and maintenance of such buildings, saying that it is heartbreaking to see so many beautiful historic houses falling into such disrepair. She said she would like to see the City do something to keep these houses from deteriorating. She also suggested that some of these homes could be converted to affordable housing to meet that need in the community.

- Nathan Davis, 10 Fulton Street, spoke in favor of the Food Sovereignty proposal, saying that the community has a right to grow, produce and sell its own produce, and that this proposal will support sustainability and remove regulatory restrictions on small farms. He said that 16 other communities in Maine have adopted similar proposals, but Rockland would be the largest community to do so. He also said that most of the opposition to this proposal is coming from large food producers.

Mr. Davis also said that he was pleased with the Downtown Town Lighting project.

- Kathryn Fogg-Hill, 84 Grace Street, spoke concerning the proposal to establish and regular vacant properties, saying that there are several properties in her neighborhood that have been vacant for years, and that she would welcome any efforts to address these properties.

- David Myslabodski, 54 Broad Street, spoke concerning the several bond questions on the November 8, 2016 Municipal Ballot, saying that the City is without a City Manager, Finance Director and City Attorney, and should wait until these positions are filled and the City's financial house is in order before moving forward with any such bond proposals.

- Code Enforcement Officer John Root asked the Council for permission to join them when they discuss the vacant building proposal.

Hearing no other speakers, the public forum was closed.

Set Agenda for 10/12/16 Regular Meeting: The Council went into informal session to set the agenda for the October 12, 2016 Regular Meeting. There were no communication for Council consideration at this meeting.

Presentations/Discussions – Legal Services: The Council then received presentations for legal services from the following three law firms, followed by a discussion with each on their proposals:

- Burnstein Shur of Portland, Maine;
- Jensen Baird of Portland, Maine;
- Eaton Peabody of Portland, Maine.

The Council directed that an order be placed on the October 12, 2016 Regular Meeting Agenda to select one of the firms to provide legal services for the City.

Discussion – Procedure for Major Ordinance Amendment Proposals: The Council then held a discussion concerning establishment of a procedure for introducing ordinance amendments that would represent major policy changes. The Council agreed to generally follow the following procedure:

A Councilor wishing to propose such an amendment would either contact the City Manager and outline proposal specifying the purpose and ultimate goal of the amendment; or bring it up to the Council at an agenda-setting meeting. The City Manager would then arrange for review of the proposal by any affected departments and the appropriate board(s), commission(s) and/or committee(s). Such reviews may include meetings with the Councilor making such proposal and/or any other interested parties. After the proposal is thoroughly vetted, a draft ordinance would be written and submitted for legal review. Once approved as to legality, the draft would then be presented to the Councilor making the proposal. The Council would then present it to the Council for formal action. The same procedure would be followed for proposals originating from City staff.

With the above discussion completed, and with no further business to come before the City Council, the meeting was

Special Meeting continued:

October 3, 2016

adjourned without objection from the Council at 9:30 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

October 12, 2016

Executive Session pursuant to Title 1, M.R.S. §405(6)(F), Title 26, U.S.C. §13119A(2), which requires the City to preserve the confidentiality of applicants’ financial statements and tax returns, the Rockland City Council will convene in executive session to hear an application for a poverty tax abatement.

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

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

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

Executive Session: Councilor Clayton moved to enter into an Executive Session pursuant to Title 1, M.R.S. §405(6)(F), Title 26, U.S.C. §13119A(2), which requires the City to preserve the confidentiality of applicants’ financial statements and tax returns, the Rockland City Council will convene in executive session to hear an application for a poverty tax abatement.
Vote: 5 for.

The Council entered Executive Session at 5:31 p.m.

The Council came out of Executive Session and, with no action being taken, adjourned at 5:55 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

REGULAR MEETING

AGENDA

October 12, 2016

1. Roll Call **All members present**
2. Pledge of Allegiance to the Flag
3. Public Forum of not more than 30 minutes (5 min. limit each speaker)
4. Council/Manager Response to Public Forum
5. Meeting Notice
6. Reading of the Record
7. Reports:
 - a. City Manager’s Report
 - b. City Attorney’s Report
 - c. Other Official’s Report
 - d. Mayor’s Report
8. Licenses and Permits:
 - (a) Lodging House License – Trade Winds Motor Inn (Postponed 09/12/16)
Postponed until the 11/14/16 Regular Meeting. Vote: 4-1 (Geiger)
 - (b) Liquor License – Pho Sizzle Restaurant
Granted. Vote: 5-0.
 - (c) Liquor & Entertainment Licenses – Fog Bar & Café
Granted. Vote: 5-0.
9. Resolves:

#42 Accepting Donations – Library	City Council
Passed. Vote: 5-0.	
#43 Commendations – D. St. Laurent & C. Donlin	City Council
Passed. Vote: 5-0.	
#44 Accepting Donation – Harbor Trail Bridge	City Council
Passed. Vote: 5-0.	

10. Ordinances in Final Reading and Public Hearing:
#17 Chapter 4, Article II Sprinkler Exceptions (Postponed 09/12/16) Councilor Geiger
Passed as amended. Vote: 4-1 (Ackor). Amended as follows:
- Update Code references
- Remove redundant text
- Specifies that the decisions not to install a residential sprinkler system is recorded on a signed form maintained by the Code Office
- Updates language on building materials that qualify a structure for sprinkler exemption
- Clarifies sprinkler requirement when a commercial building is converted to residential
- Clarifies rules when one-family structure is changed to two-family
- Adds 1,000 square foot exemption
Vote on amendment: 4-1 (Ackor)
Mayor McLellan-Ruf ruled that the changes were of a substantive nature requiring the ordinance to be sent back to first reading. A public hearing on the Ordinance, as amended, was set for the 11/14/16 Regular Meeting at 6:00 p.m.
11. Ordinances in First Reading:
#32 Chapter 3, Section 3-203 Dogs Prohibited in Certain Parks Mayor MacLellan-Ruf
Passed. Vote: 5-0. Public Hearing Date: 11/14/16 at 6:00 p.m.
12. Orders:
#62 Use of City Property and Street Closure – Festival of Lights City Council
Passed. Vote: 5-0.
#63 Authorizing Legal Services City Council
Passed as amended. Vote: 5-0. Amended to select “Bernstein Shur” and specify that they shall provide legal services through June 30, 2017 at a cost not to exceed \$50,000. Vote on amendment: 5-0.
13. Adjournment. Adjourned without objection from the Council at 8:43 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, and Acting City Manager Audra Caler Bell.

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:

- Graham Jeffries – 237 West Meadow Road, spoke in support of the amendment that would exempt house of less than 1,000 square feet from the requirement to install a residential sprinkler system, saying this amendment would give those people who do not live in town the same opportunity to opt out of the sprinkler requirement as those who do. He also said that he believes there are those who have chosen not to build in Rockland because of this requirement.

- Robert Liberty, representing the Trade Winds Motor Inn, noted that the renovations of the property are nearly complete and that the code and fire issues have mostly been corrected. He asked that the Council consider a 30 day extension of the Lodging House License to allow them to complete those renovations.

- Stephen Carroll, 526 Old County Road, spoke concerning a recent discussion by the Council on establishing a procedure for the introduction of extensive ordinance amendments, saying that the procedure discussion seemed to hinder public input and gives too much power to the City Manager to decide which ordinance amendment are put forward. He said that while some parts of the procedure seem to make sense, he suggested that the Council go back to the drawing board on this one.

- Emily Jeffries, 237 West Meadow Road, spoke in support of the sprinkler exemption, saying that safety is foremost in the design of their house (which they are building themselves), but the requirement to install a residential sprinkler system creates a burden for those who are trying to build themselves. She said that they would have to hire a licensed company to design and install the system at a significant expense. She said this amendment would allow some flexibility and the same opportunity to opt out as those who live in town. She added that the City needs to attract young people to the City, and this requirement is keeping them away.

- Brian Harden, 19 Traverse Street, spoke concerning the procedure for the introduction of ordinance amendment, saying that it really was not a change at all. He said that there is a charter provision that state a Council member can, at any regular or special meeting, introduce an ordinance amendment for consideration by the Council. He said this procedure is simply an attempt to get more complex amendments into the proper form for Council consideration, however, could see how this procedure could be used to hold up certain amendments for months. He added that the procedures outline could be helpful when applied appropriately; using it more as a checklist than a hard and fast policy.

Mr. Harden then commented on a letter to the editor he read critical of the proposed City Bond Questions, saying he was disappointed that the author just said to vote no on all the bonds without looking into the necessity of them. He said these bonds are really important to move the community forward, and a way to get the needed infrastructure repairs and improvements done without overburdening the taxpayers. He said there is a significant amount of information available on these bonds and urged everyone to read the materials.

Hearing no other speakers, the public forum was closed.

Council/Manager Response to Public Forum:

- Councilor Pritchett said that the Charter is clear that members of Council can proposed ordinance amendments when they choose without restriction. He said the purpose of the procedure discussed was not to restrict the introduction of amendment, but to improve communication with the public, city staff and committees in the process. He said the ultimate goal is to do a better job vetting ordinance proposals.

The City Manager added that no formal change is being proposed; rather this would provide guideline to follow when deemed appropriate by the Council.

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

Reading of the Record: Reading of the Record was waived, and the Record of previous 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 City Manager reported that the first workshop on the Wastewater Treatment Bond was held on October 11, 2016, and a second workshop will be held on October 25, 2016 at 6:00 p.m.

b. City Attorney's Report: None.

c. Other Official's Report: Councilor Clayton commended on an article written in the Bangor Daily New that was critical of the "Amber Alert" issued last week for a missing child in the Augusta area. He said he took exception to the tone of the article which broke down the Amber Alert System to a matter of cost and political rhetoric. He said this was about a missing child and should never be spoken of in the terms used in the article. He said to even intimate that the alert had anything to do with race was deplorable and should never happen. He said that the law enforcement agencies involved in the alter should be commended for their efforts to bring about a successful outcome in this instance.

Councilor Clayton added that the local police should also be commended for their action in the recent kidnapping of a young woman in Rockland last week. In fact, he said all local police, fire and EMS should be recognized as heros for what they do every day. He concluded by giving the following statistics: 65 Firefighters have been killed in the line of duty this year nationwide; 102 Police Officers have been killed in the line of duty this year nationwide; but 0 have been killed in Maine, and there has been one successful return of a missing child.

d. Mayor's Report: Mayor MacLellan-Ruf said that there is a lot of information available concerning the City Bond Questions and urged all citizens to read the materials before voting on the questions.

The Mayor then reported that there was a very successful open house at the Fire Department; complimented the Police Department on the handling of the kidnapping; and the ordinance amendment procedure is not a policy, rather it is an attempt to improve communications between all entities involved in the process.

At this time, Councilor Ackor moved to take Resolve #43 out of order. Without objection from the Council, it was so ordered.

Resolve #43 Commendation – David St. Laurent & Chris Donlin

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT Public Services Director David St. Laurent and Assistant Public Services Director Christopher Donlin are hereby commended and congratulated for the outstanding performance of their duties with regard to the recently completed Old County Road repair project;

AND, be it further Resolved that a Plaque be presented to Mr. St. Laurent and to Mr. Donlin as a token of the City's appreciation for their service to the Community;

AND, be it further resolved that the Council wishes to express its thanks to Gartley and Dorsky Engineers and Crooker Construction Company for the expertise and performance of their respective duties to bring this project to a successful conclusion; and that a letter of thanks be sent to each.

Sponsor: City Council
Originator: City Council

Councilor Pritchett moved passage and said that the Old County Road project reflects positive efforts of the City, adding that this kind of project oversight was one of the goals when the Council established the Department of Public Services. He thanked all involved in the project.

Councilor Geiger echoed Councilor Pritchett's comments, saying it was a great project done on time and within the budget. She added that it was one of the smoothest-run road construction projects that she has seen, noting the problems experienced by our neighbors to the south with their project.

Councilor Ackor agreed with Councilors Geiger and Pritchett, and congratulated all involved on a successful project. He added that living on Old County Road he lived through this project and said it was completed with efficiency and professionalism.

Councilor Clayton agreed wholeheartedly.

Vote: 5 for.

The Mayor presented plaques to both Mr. St. Laurent and Mr. Donlin as a token of the City's appreciation for their efforts.

The order of the agenda was then resumed.

Licenses and Permits:

- (a) Lodging House License – Trade Winds Motor Inn (Postponed 09/12/16)
- (b) Liquor License – Pho Sizzle Restaurant
- (c) Liquor & Entertainment Licenses – Fog Bar & Café

A public hearing was opened with Assistant Fire Chief Adam Miceli speaking on the Lodging House License for the Trade Winds Motor Inn, saying that he met with Mr. Liberty and went over the issues remaining to be addressed. He said that he would support a 30-day extension of the current license, but noted that all items cited must be address within that 30-days.

John Root, Code Enforcement Officer, also spoke concerning the Trade Winds license, saying that the only item remaining on the Code Office list was the installation of a handrail. He added that the Trade Winds staff has been very cooperative throughout this entire process.

Hearing no other speakers, the public hearing was closed.

Councilor Clayton moved to grant the licenses for Pho Sizzle and Fog Bar & Café.

Vote: 5 for.

Councilor Pritchett moved to postpone the license application for the Trade Winds Motor Inn until the November 14, 2016 Regular Meeting.

Councilor Geiger said that she has a problem with this request. She said that the owners of the Trade Winds went on national television and mocked and embarrassed the City of Rockland with the violations shown on the show. She said that she was not inclined to do anything extra for this business.

Councilor Clayton asked if the 30-day extension of the current license is something that could be done administratively, and was informed that was correct. However, the applicant has been informed that at the end of the 30 days, they would have to cease operations if all repairs are not completed to the satisfaction of the Fire Department and Code Office.

Councilor Pritchett said that he would not propose postponement if it was not implied that all repairs would be completed prior to the 11/14/16 meeting.

Vote: 4 for, 1 opposed.
(Geiger)

The license application for the Trade Winds was postponed until the November 14, 2016 Regular Meeting.

Resolves:

#42 Accepting Donations – Library

WHEREAS, the Friends of the Rockland Public Library donated \$3,162.97 to the Rockland Public Library for 18 DVD's, 67 books, and for Annual Interlibrary Delivery Service via Maine State Library, 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 Historical Society donated the book *Red Jacket: The Life and Times of a Maine Clipper Ship* (valued at \$59.95), to be added to the Library's collection; and

WHEREAS, Richard Stuart, Rockland, Maine, donated \$50.00 to the Library in memory of Ken Crane, 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 Ackor moved passage.

Vote: 5 for.

#44 Accepting Donation – Harbor Trail Bridge

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City of Rockland gratefully accepts the anonymous donation in the amount of \$102,000 to be used for the preparation, building and placement of the Rockland Harbor Trail Lindsey Brook Pedestrian Bridge. The City Council wishes to thank the donor for their generous donation.

Sponsor: City Council
Originator: City Council

Councilor Geiger moved passage and thanked the donor, adding that this will allow a significant move toward the completion of the Harbor Trail.

Vote: 5 for.

Ordinances in Final Reading and Public Hearing:

#17 Chapter 4, Article II Sprinkler Exemption (Postponed 09/12/16)

(See pages 162-164 for text and amendment)

It was noted that this amendment had been postponed until this meeting, after receiving a public hearing and motion for passage at the 08/08/16 meeting.

Councilor Pritchett moved to amend Ordinance Amendment #17 by replacing the existing text with the following:

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 4, Buildings, Inspections & Enforcement, ARTICLE II, Fire Prevention and Life Safety, BE AMENDED AS FOLLOWS:

A. Adoption. Pursuant to Title 30-A, Maine Revised Statutes, Section 3003, as amended, and subject to the limitations set forth in Section 4-402(B) below, the National Fire Protection Association ("NFPA") 101, 2015² Edition, is hereby referred to and adopted as the Life Safety Code of the City of Rockland, Maine, establishing the minimum standards for the conditions and equipment in buildings, except one- and two-family dwellings, that protect the safety of inhabitants and firefighters in the event of a fire; and each and all of the regulations of the NFPA 101 Life Safety Code, 2015² Edition, are hereby referred to, adopted, and made a part hereof, as if fully set

out in this Article. One copy of the Life Safety Code shall be on file and available to the public for its use, inspection, and examination in the offices of the Fire Chief and Code Enforcement Officer of the City of Rockland.

Eff: 12/10/14

State Law References: 30-A M.R.S. § 3003; 25 M.R.S. §§ 2351, *et seq.*

B. Amendments.

(1) Amendment by Reference. The Rockland Life Safety Code is amended as set forth in the regulations of the Department of Public Safety, Title 16, Code of Maine Regulations, Part 219 – Office of the State Fire Marshal, Chapter 20– Code For Safety To Life From Fire In Buildings And Structures.

(2) Exceptions. The exceptions to the Life Safety Code adopted by the State Fire Marshall in Title 16, Code of Maine Regulations, Part 219, Chapter 20, are hereby amended as follows:

(a) Extinguishment Requirements in One- And Two-Family Dwellings. Section 24.3.4.1 of the NFPA 101 Life Safety Code is incorporated by reference in the City of Rockland for new one- and two family dwellings, for existing one-family dwellings which are converted to two-family dwellings either within the existing structure or by an addition to the existing structure, as well as for changes of use in existing nonresidential buildings to one- and two-family dwellings; provided, however, that a sprinkler system otherwise required pursuant to Section 24.3.4.1 shall not be mandatory if all of the following conditions are met:

(i) The building shall not be utilized for any purpose other than a one-family or a two-family dwelling;

(ii) The dwelling either must be located within 1,000 feet of a public, pressurized fire hydrant or must not be larger than 1,000 square feet of living space with the 1,000 square feet total including basements and lofts as well as all space used for storage;

(iii) The entire load bearing structure of the house including but not limited to floor joists, interior or exterior wall studs or posts, wall plates, rafters, trusses, and any load bearing beams are made of appropriately sized dimensional wood or protected steel and the load bearing structure of the house does not contain any low mass or laminated engineered wood products or unprotected steel. No floor or roof system shall be constructed of trusses, web joists, TJI joists or similar low mass engineered products, unprotected steel or unprotected engineered carrying beams such as, but not limited to LVL, Microlam, etc.;

~~(iv) In new one family dwellings and in existing buildings, the use of which is changed to a one family dwelling, operational smoke alarms shall be required outside each separate sleeping area in the immediate vicinity of bedrooms; in each room used for sleeping purposes, and on each story including the basement. Smoke alarms shall be photoelectric type, where required, and shall be hard wired with battery back up. Smoke alarms must be interconnected such that activation of one alarm within the building shall activate all smoke alarms within the dwelling;~~

~~(v) At least one carbon monoxide detector shall be located in each area within, or giving access to, any bedroom in the dwelling. Carbon monoxide detectors shall be powered by the electrical service and shall have battery back up; and~~

~~(iv)~~ Building plans shall be reviewed by the Fire Department and the benefits of residential sprinkler systems shall be concisely presented to the property owner, at which time the property owner shall explicitly opt out of the NFPA 101 Life Safety Code requirements for installation of a residential sprinkler system. The property owner's choice to opt out shall be documented in a form signed by the property owner, the Fire Chief or the Chief's designee as well as the Code Enforcement Officer or the CEO's designee and kept on file at the City's Code Office.

Councilor Pritchett said that currently there is no opportunity for properties west of Old County Road to meet the requirements for an exemption from the sprinkler requirement. He said that this proposal would provide some relief for those residents. He said this proposed amendment addressed the following areas of concern:

- Update Code references;
- Remove redundant text;
- Specifies that the decisions not to install a residential sprinkler system is recorded on a signed form maintained by the Code Office;
- Updates language on building materials that qualify a structure for sprinkler exemption;
- Clarifies sprinkler requirement when a commercial building is converted to residential;
- Clarifies rules when one-family structure is changed to two-family; and
- Adds 1,000 square foot exemption.

Councilor Ackor asked what the rationale was at setting 1,000 square feet as the limit.

Councilor Pritchett said while the Fire Department would argue to except none, 1,000 square feet seemed to fall in the range that most were comfortable with.

Councilor Geiger said that the City's sprinkler requirement was ahead of its time, noting that only four other towns in Maine have anything similar. She added that the current ordinance creates an option to opt out of the requirement, but does not give that option to those properties west of Old County Road. She also added that sprinklers are not required in modular or mobile homes either. She said this proposal seems to be reasonable to address the inequities in the existing ordinance. She also said that the City is losing population, with people choosing to build in surrounding communities that do not have such an onerous requirement.

Councilor Ackor said that he appreciated what the Jeffries has to say on this issue, but noted that the requirement was on the books when they started construction of their home. He also said that he is not aware of anyone who has chosen not to building in Rockland because of this requirement. He said that the City has adopted the Uniform Building Code which places many requirements on home builders. He said that the City's building codes are progressive and something that the City should be proud of. He said he believes that the 1,000 square foot limit is arbitrary, and that the Fire Department is opposed to any exemptions from this requirement and has demonstrated the efficacy of sprinklers in saving lives. He urged the Council to defeat this proposal.

Councilor Pritchett said that the original sprinkler ordinance was adopted before he was on Council, and that the ordinance has received a lot of push back over the years. He said that the City wanted to push home owners into looking at residential sprinkler systems without going to extremes. He said this proposal would accomplish that, with its narrow set of criteria to get an exemption. He said this would strike a balance with home owners looking at sprinkler systems but allowing them the choice. He said that he supports this proposal.

Councilor Ackor said that he has a hard time believing that anyone has moved out of town because of this requirement. He noted that Habitat for Humanity build two houses in the City and chose to install sprinklers in both.

Councilor Geiger said to look at where the City is and where it wants to go. She said properties east of Old County Road can opt out of the sprinkler requirement; modular and mobile homes as well as renovations do not require installation of sprinkler system, but those west of Old County Road have no option. This proposal will at least make it fair for those west of Old County Road.

Councilor Clayton moved to suspend the Rules to hear from Code Enforcement Officer John Root on this issue. Councilor Pritchett seconded the motion.

Vote: 5 for.

Mr. Root said that it was more difficult to build in Rockland because of the Uniform Building Code. He said municipalities of more than 4,000 population are required by State Law to enforce that code whether it has been adopted by the town or not. Therefore, it is not fair to compare Rockland's codes with surrounding towns of less than 4,000 population.

The Council went back into Regular Session for a vote on Councilor Pritchett's motion to amend:

Vote on amendment: 4 for, 1 opposed.

(Ackor)

Councilor Pritchett asked that Chair if the amendment was of a substantive nature that would require Ordinance Amendment #17 to be sent back to First Reading.

The Mayor polled the rest of Council for their input.

Councilor Geiger said that she did not feel it was substantive in nature since the over-riding purpose of the ordinance, to provide properties west of Old County Road with an exemption option, did not change.

Councilor Clayton asked what the purpose was of the "signed form" for the exempt.

Councilor Pritchett explained that there is current no record of those properties that have received a sprinkler exemption. This provision would provide proof that an exemption was granted.

Councilor Geiger added that when a home owner meets with the Fire Department as part of the exemption process, the home owner is acknowledging the risk of opting out of the sprinkler requirement.

Councilor Ackor said that he felt this was a substantive change, noting that there has been little or no discussion of these changes at the Council level. He said this proposal has been batted around for a while, and he would like to have been included in the discussion of this amendment. He said he wanted to have an opportunity to further discuss these changes.

Councilor Pritchett explained that only two members of Council could be involved in such meeting without them becoming official "Council Meeting" requirement notices, public comment, etc.

Councilor Clayton said that this was a tough decision when the original exemption amendment came to Council, and one that he still questions. As for this proposal, he said he believed it was a substantive change from the original ordinance. He also said that he felt the 1,000 square foot figure was arbitrary and would be more comfortable if there was a more concrete reason why this was being proposed.

Vote as amended: 4 for, 1 opposed.

(Ackor)

Mayor MacLellan-Ruf ruled that the amendment to Ordinance Amendment #17 was substantive in nature requirement the amendment to return to first reading (this being considered first reading for this purpose). A public hearing was set for November 14, 2016 at 6:00 p.m.

#32 Chapter 3, Section 3-203 Dogs Shall be Under Restraint While on Any Public Way or Place

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 3, Animal and Fowl, SECTION 3-203 Dogs Shall Be Under Restraint While on Any Public Way or Place, BE AMENDED AS FOLLOWS:

Sec. 3-203 Dogs Shall Be Under Restraint While on Any Public Way or Place

3. Prohibited in Certain City Parks. ~~Dogs shall be prohibited from the following City parks from May 1 through October 1 of each year:~~

A. Dogs shall be prohibited from the following City parks from May 1 through October 1 of each year:

a. Johnson Memorial Park, except for the area of the boat-launch ramp and dock

~~b. Sandy Beach~~

~~c. Merritt Park Playground~~

~~d. Ocean Street Playground~~

~~e. Warren Street Playground~~

B. Dogs shall be prohibited from the following City parks from Memorial Day through Labor Day of each year:

a. Sandy Beach (Beach Area Only).

Sponsor: Mayor MacLellan-Ruf

Originator: Mayor MacLellan-Ruf

Councilor Pritchett moved passage.

Vote: 5 for.

A public hearing was set for the 11/14/16 Regular Meeting at 6:00 p.m.

Orders:

#62 Authorizing Use of City Property & Fee Waiver – Holiday Celebrations

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT Rockland Main Street, Inc. is hereby authorized to utilize City properties and rights of way to mark the beginning of the 2016 Holiday Season, in substantial compliance with the schedule outlined in the letter from Rockland Main Street, Inc., attached hereto, as follows:

- Week of 14 November – Volunteers Build Lobster Trap Tree & Hang Christmas Wreathes
- Week of 21 November – Volunteers Install & Decorate Santa’s workshop at Mildred Merrill Park
- 24 November – Thanksgiving Day Holiday
- 25 November – Noon - Santa arrives at Middle Pier via U.S. Coast Guard vessel
- 25 November – 12:30 PM - Santa & the Mayor officiate at an Official Ribbon Cutting on Main Street with Rockland Main Street, Inc., and the Chamber of Commerce, to Open the Holiday Shopping Season
- 25 November – 5:00 PM - Special Downtown Art Walk Event
- 25 November – 6:00 PM - Official Lighting of the Lobster Trap Tree with Santa & the Mayor
- 26 November – All Day - Shop Small/Shop Local Saturday & Free Horse Drawn Wagon Rides

- 26 November – 6:00 PM - Festival of Lights Parade & Storefront Decoration Judging by Council Members
- 27 November – 8:30 AM - Breakfast with Santa at Eclipse Restaurant

The organizer of these events shall be responsible for setting up for and cleaning up after the events, shall provide proof of liability insurance to the City prior to holding the events, and shall coordinate with the Rockland Police and Fire & EMS Departments for any necessary traffic control and/or public safety measures. Any fees associated with these activities are hereby waived.

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

Councilor Clayton moved passage.

Councilor Pritchett said this event has grown into one of the most popular events the City holds, and it was all due to the hard work of all the volunteers. He said if anyone wants to help out, they can contact Rockland Main Street.

Vote: 5 for.

#63 Authorizing Legal Services

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT, pursuant to Section 406 of the City Charter and Chapter 2, Article IX of the City Code, _____ is hereby elected to provide legal services to the City of Rockland; and

THAT, it is further ordered that the Acting City Manager be authorized and directed to execute any instruments necessary to effectuate such election.

Sponsor: City Council
 Originator: City Council

Councilor Pritchett moved passage, and then moved to suspend the Rules to allow for an informal discussion of the three firms that made proposals for legal services. Councilor Clayton seconded the motion. Vote: 5 for.

The Council held an informal discussion of the pros and cons of the three firms that made presentations for legal services at the last meeting:

- Burnstein Shur of Portland, Maine;
- Jensen Baird of Portland, Maine;
- Eaton Peabody of Portland, Maine.

With the discussion complete, the Council went back into Regular Session with Councilor Clayton making a motion to amend Order #63 as follows: Fill the blank with "Burnstein Shur" and add the following to the end of the first paragraph:

Regular Meeting, Order #63 continued: October 12, 2016

"...through June 30, 2017 for an amount not to exceed \$50,000..." Vote on amendment 5 for.

Councilor Pritchett said this has been a tough conversation of the past few months, but noted that there are very few towns in Maine that have an in-house attorney. He said most towns go with contracted legal services because of the flexibility and expertise afforded through a law firm versus a single person. He said that one person simply cannot be an expert in all of the diverse fields relevant to a municipality. Vote as amended: 5 for.

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 7:43 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

November 7, 2016

- Set Agenda for November 14, 2016 Regular Meeting
 Discussions: Harbor Management Commission – Cruise Ship Fees
 Food Sovereignty

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

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:

- Michael Lane, 54 Waldo Avenue, spoke concerning the proposed Bonds on the City Ballot for the November 8, 2016 Municipal Election, saying that his taxes have doubled in the 13 years that he has lived in Rockland, and does not believe it would be wise to take on another \$14.6 million in debt. He added that he does not believe the claims by City administration that these bonds would be tax-neutral because it is supposed to replace retiring debt. He said that the taxpayers of this City cannot afford any additional debt.

- David Myslabodski, 54 Broad Street, spoke concerning the Sewer Bond, saying that the reported 50/50 split on paying the bonds from taxes and user fees is not a fair split for the taxpayers. He said that the sewer department is an enterprise fund that is funded through user fees, and any improvements to the sewer system should be paid for through the user fees. He said this split is an attempt to shift costs away from large industrial users of the sewer plant and onto the taxpayers.

- Adele Faber, 73 Willow Street, also spoke concerning the Sewer Bond, questioning where the cards supporting the sewer bond that were put on people's doors over the weekend came from. She also questions how the \$10.6 million would be repaid, through taxes or user fees, noting that sewer operations are supposed to be paid for through user fees. She then asked, if it would be paid for through taxes, what about tax-exempt properties. She said everyone needs to pay their fair share, and user fees are the only way to ensure that. She also said that there was not enough retiring debt to cover these bonds.

- Colin Emery, 740 Old County Road, spoke concerning the proposed Sprinkler Exemption Ordinance, saying that he was building a house on Old County Road and installation of sprinklers would add an addition \$8,000 - \$10,000 to the cost of the home. He said this requirement was quite onerous on homeowners and added that single-family dwelling should be exempted from the requirement.

At this time, Councilor Clayton moved to extend Public Comment for up to an additional 10 minutes. Without objection from the Council, it was so ordered.

- Graham Jeffries, 237 West Meadow Road, spoke in support of the City adopting a Food Sovereignty Ordinance or resolve, saying that it wouldn't supersede Federal or State law, but would send a message one-size fits all food regulations do not work.

- Max Miller, Clarendon Street, also spoke in support of the Food Sovereignty proposal, saying that the City has been moving toward an art and food culture over the past several years, and to support that culture the City needs to allow farmers to produce and sell their products in a way that allows them to maintain control locally while still making money.

Hearing no other speakers, the public forum was closed.

City Council/Manager Response to Public Forum: Councilor Pritchett asked the Acting City Manager to clarify some of the comments made about the bond questions.

Acting City Manager Caler-Bell said, with respect to the Sewer Bonds, approximately \$7 million of the total \$10.6 million bond would be repaid through user fees, while the remaining \$3.6 million would be repaid through a combination of taxes and user fees. She explained that depending on how much was spent on each phase of the project, those parts directly benefit the sewer plant would be repaid through user fees, and those part that benefitted the community as a whole would be repaid through taxes.

Councilor Geiger added that those parts of the bond related to sewer would be repaid through user fees and those parts of the bond related to storm water separation would be repaid through taxes. She also said that there would be no increase in taxes as a result of any of these bonds because of equal amounts of retiring debt.

Councilor Clayton said that it is disheartening to have people come out on the eve of an election and make disparaging remarks about the bond questions when public forums were held on these questions that were very sparsely attended. He said that these questions have been thoroughly vetted.

Councilor Geiger said that the reality of the situation is that the City has a sewer system that is over 100 years old and is failing. She said that the system has been inspected and the City knows what needs to be fixed. She said that the City can borrow funds not with interest rates at historic lows and repay over time, or pay all at once as the system fails. She said the

system needs to be repaired, there is no choice.

Set Agenda for November 14, 2016 Regular Meeting: The Council went into informal session to set the agenda for the November 14, 2016 Regular Meeting. There were no communications for Council consideration at this meeting.

Discussions: With the agenda set, the Council then held an informal discussion with members of the Harbor Management Commission and other interest parties on a proposal to increase fees for visiting cruise ships. It was determined that action at this time on new fees should be postponed for further discussions.

The Council then held an informal discussion on the proposal for the City to establish a Food Sovereignty ordinance or resolution to preserve the right to grow, produce, process, sell, purchase and consume local foods thus promoting self-reliance, the preservation of our local food economy, family farms and food traditions.

With the above discussion complete, and with no further business to come before the City Council, the meeting was adjourned without objection from the Council at 7:59 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

ELECTION RESULTS

GENERAL/MUNICIPAL ELECTIONS

November 8, 2016

STATE GENERAL/REFERENDUM ELECTION

President of the United States

Clinton, Hillary Rodham	2,024
Johnson, Gary	147
Stein, Jill	105
Trump, Donald J.	1,209
Castel, Darrell L. (Declared Write-in)	3
Fox, Cherunda L. (Declared Write-in)	0
Kotlikoff, Laurence J. (Declared Write-in)	0
McMullin, David Evan (Declared Write-in)	13
Blanks	149

Representative to Congress (District 1)

Holbrook, Mark L	1,148
Pingree, Chellie	2,378
Bouchard, James J. (Declared Write-in)	3
Blanks	121

State Senate (District 12)

Emery, David F.	1,624
Miramant, David R.	1,910
Blanks	116

Representative to the Legislature (District 93)

Beebe-Center, Anne H.	2,021
Robishaw, Donald P. Jr.	1,481
Blanks	148

Register of Probate

Hallett, Elaine Dostie	2,821
Blanks	829

Knox County Budget Committee (District 3)

Levasseur, Shawn S.	2,695
Pinto, Terrance (Declared Write-in)	32
Blanks	923

State Referendum Questions

<u>Question #</u>	<u>Yes</u>	<u>No</u>	<u>Blanks</u>
#1 Legalize Marijuana	2,012	1,533	85
#2 Tax Surcharge – Education	2,233	1,326	101
#3 Background Checks for Gun Sales	2,093	1,478	79
#4 Minimum Wage	2,371	1,189	90
#5 Rank-Choice Voting	2,063	1,405	182
#6 Transportation Bond	2,464	1,017	169

Total Ballots Cast: 3,650 (including 1,405 absentee ballots) out of 5,010 registered voters (72.85%)

ANNUAL MUNICIPAL ELECTIONCity Council (2 seats)

Harden, Brian R.	1,245
Carroll, Stephen K.	1,348
Pritchett, Larry R.	1,510
Glaser, Edward B.	1,623
Blanks	1,578

RSU #13 Board (3-year term, 2 seats)

Roberts, Steven R.	2,404
Weinand, Gerald A.	2,315
Blanks	2,585

RSU #13 Board (2-year term, 1 seat)

Peaco, Thomas G.	2,661
Blanks	991

Port District Board (1 seat)

Leon, David A.	559
Onrda, Matthew C.	488
Barnes, Noah A.	1,623
Blanks	982

Election Warden (1 seat)

Avirett, Chelsea M.	2,671
Blanks	981

Ward Clerk (1 seat)

Woodman, Hannah D.	2,711
Blanks	941

MUNICIPAL REFERENDUM QUESTIONS

<u>Question #</u>	<u>Yes</u>	<u>No</u>	<u>Blanks</u>
#1 Sewer Bond (\$10.4 million)	2,371	1,055	226
#2 Library Bond (\$1.1 million)	2,173	1,284	231
#3 Roads Bond (\$2.7 million)	2,575	845	232
#4 Fiber Optic Bond (\$400,000)	1,886	1,471	295
#5 MCST Building Bond (\$25 million)	2,370	1,070	212

Total Votes Cast: 3,652 (including 1,412 absentees) out of 5,010 registered voters (72.89%)

A TRUE COPY.

ATTESTED: _____ City Clerk

REGULAR MEETING

AGENDA

November 14, 2016

1. Roll Call **Councilor Adam Ackor and Acting City Manager Caler-Bell were excused from attending this meeting.**
2. Pledge of Allegiance to the Flag **All present joined in the Pledge of Allegiance to the Flag.**
3. Public Forum of not more than 30 minutes (5 minute limit each speaker)
4. Councilor/Manager Response to Public Forum
5. Meeting Notice
6. Reading of the Record
7. Reports:
 - a. City Manager’s Report
 - b. City Attorney’s Report
 - c. Other Official’s Report
 - d. Mayor’s Report
8. Licenses and Permits:
 - a. Lodging House License – Trade Winds Motor Inn (Postponed 10/12/16)
Granted. Vote: 4-0.
9. Resolves:

#45 Accepting Donation – Coastal Opportunities	City Council
Passed. Vote: 4-0.	
#46 Accepting Donations – Library	City Council
Passed. Vote: 4-0.	
#47 Appointments – PB & Parking	Mayor MacLellan-Ruf
Passed. Vote: 4-0.	
10. Ordinances in Final Reading & Public Hearing:

#17 Chapter 4, Article II Sprinkler Exemptions	Councilor Geiger
Passed as amended. Vote: 4-0. Eff. Date: 12/14/16. Amended to change the exemption from dwellings up to “1,000 square feet” to dwellings up to “1,500 square feet”. Vote on amendment: 4-0.	
#32 Chapter 3, Section 3-203 Dog Prohibited (Sandy Beach)	Mayor MacLellan-Ruf
Passed. Vote: 4-0. Eff. Date: 12/14/16.	
11. Ordinances in First Reading:

#28 Chapter 19, Art. III Infill Ordinance (Postponed 8/8/16)	Councilor Geiger
Postponed until the 12/12/16 Regular Meeting. Vote: 4-0.	
#33 Chapter 19, Section 19-303 Flag Lots – Naming Road	Councilor Geiger
Passed. Vote: 4-0. Public Hearing Date: 12/12/16 at 6:00 p.m.	
12. Orders:

#64 Authorizing Tax Abatement – Assessment Error	City Manager
Passed. Vote: 4-0.	

Regular Meeting, Agenda continued:

November 14, 2016

#65 Authorizing Additional Funding – Salt/Sand Shed
Passed. Vote: 4-0.

City Manager

#66 Authorizing Street Closure & Use of City Property – Kiwanis Club.
Added to the agenda. Vote: 4-0.

City Manager

Passed as amended. Vote: 4-0. Amended to change the times for the street closure from “8:45 a.m. to 10:30 a.m.” to “8:00 a.m. to 10:00 a.m.” Vote on amendment: 4-0.

13. Adjournment. Adjourned without objection at 6:50 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, and Valli Geiger. Councilor Adam Ackor and Acting City Manager Audra Caler-Bell were both excused from attending this meeting.

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

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

- Joshua Scholtz, Event Director for Rockland Kiwanis Club, spoke concerning the club’s request to close Main Street for a short time on Saturday, December 17, 2016 to hold an event being called “Jingle Bell Jog”; a children’s race/walk. He asked the Council to act on this request at this meeting.

- Marcel Valliere, 49 West Meadow Road, spoke to the Council concerning his nomination for appointment to the Planning Board. He introduced himself to the Council and gave some background information on himself. He said that he was a designer with an interest in historic preservation, and felt he could be an asset for the Board.

- Nicholas Ruf, 51 Pleasant Street, thanked Mayor MacLellan-Ruf for her service to the community on the City Council.

Hearing no other speakers, the public forum was closed.

City Council/Manager Response to Public Forum: There was no response from Council or Manager to public comment.

Reports:

- a. City Manager’s Report: None.
- b. City Attorney’s Report: None.
- c. Other Official’s Report: Councilor Pritchett reminded the public that the Festival of Lights celebration is scheduled for the weekend after Thanksgiving and said that the schedule of events can be found on the Rockland Main Street website.
- d. Mayor’ Report: None.

Licenses and Permits:

- a. Lodging House License – Trade Winds Motor Inn (Postponed 10/12/16)

It was noted that this application received a public hearing at the 10/12/16 Regular Meeting.

Councilor Clayton moved to grant the license and said that everyone received the email from the Fire Department that everything was all set with this application. Vote: 4 for.

At this time, Councilor Clayton moved to add Order #66, Authorizing Street Closure & Use of City Property for the Kiwanis Club’s “Jingle Bell Jog”, to the agenda. Vote: 4 for.

Councilor Clayton then moved to take Order #66 out of order. Without objection from the Council, it was so ordered.

Order #66 Authorizing Street Closure & Use of City Property – Kiwanis Club “Jingle Bell Jog”

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Rockland Kiwanis Club is hereby authorized to close Main Street on Saturday, December 17, 2016 from 8:45 a.m. to 10:30 a.m. to hold the “Jingle Bell Jog”. The Kiwanis Club is also authorized to use Harbor Park as a staging area

and ending point for the race. The Kiwanis Club is further authorized to hang a banner across Main Street to advertise the event. The Kiwanis Club shall be responsible for setting up for and cleaning up after the event, shall coordinate with the Rockland Fire & Police Departments for any necessary traffic control and/or public safety measure, and shall provide proof of liability insurance to the City prior to the event. All costs associated with this event shall be borne by the Kiwanis Club.

Sponsor: City Manager
Originator: City Manager

Councilor Pritchett moved passage.

Councilor Clayton moved to amend Order #66 by changing "8:45 a.m. to 10:30 a.m." to "8:00 a.m. to 10:00 a.m."

Vote on amendment: 4 for.

Councilor Geiger noted that this request is for closing Main Street on one of the busiest shopping days before Christmas, and moved to suspend the Rules the hear from Mr. Scholtz on this issue. Councilor Pritchett seconded the motion.

Vote: 4 for.

Mr. Scholtz said that the downtown businesses have been contacted and support this event. He further noted that the reason why the time is being changed was to have the street open again before most of the downtown shops open for business. The Council then went back into Regular Session for a vote on Order #66, as amended.

Vote as amended: 4 for.

The order of the agenda was then resumed.

Resolves:

#45 Accepting Donation – Coastal Opportunities

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

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

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

Sponsor: City Council
Originator: City Council

Councilor Clayton moved passage.

Vote: 4 for.

#46 Accepting Donations – Library

WHEREAS, the Friends of the Rockland Public Library donated \$1,829.77 to the Rockland Public Library for 149 children’s titles, to be receipted into the Library Restricted Donations account (#10062-03150) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

WHEREAS, the Rockland Public Library Endowment Association donated \$38.50, to cover the cost of an Educational Supplement in the Free Press, 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 Pritchett moved passage.

Vote: 4 for.

#46 Appointments – Planning Board & Parking Committee

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

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

Planning Board: Marcel Valliere, 49 West Meadow Road (2018)

Parking Advisory Committee: Gerald Weinand, 26 Grove Street (2016)

Sponsor: Mayor MacLellan-Ruf

Originator: Mayor MacLellan-Ruf

Councilor Geiger moved passage and thanked each for their willingness to serve. Vote: 4 for.

Ordinances in Final Reading and Public Hearing:

#17 Chapter 4, Article II Sprinkler Exemption

(See page 218 for text as amended)

A public hearing with Marcel Valliere, 49 West Meadow Road, speaking in favor of the amendment saying he thought it was a good idea to ease some of the restrictions and open up opportunities for development.

Hearing no other speakers, the public hearing was closed.

Councilor Geiger moved passage and said that the sprinkler requirement has the best of intentions, but turns out to be discouraging building in the City. She said everyone east of Old County Road has the opportunity to opt out of the sprinkler requirement. This ordinance simply gives those people west of Old County Road the same opportunity.

Councilor Geiger then moved to amend Ordinance Amendment #17 by changing "1,000 square feet" to "1,500 square feet".

Vote on amendment: 4 for.

Councilor Pritchett said that he was willing to take another look at this issue as a whole, possibly exempting 1 and 2 family dwellings from the sprinkler requirement. However, he said that he would like to have discussions with public safety staff before moving in that direction. He added that he was comfortable supporting this proposal for now.

Vote as amended: 4 for.

Ordinance Amendment #17, as amended, will become effective December 14, 2016.

#32 Chapter 3, Section 3-203 Dogs Prohibited in Certain Parks – Sandy Beach

(See pages 219 & 220 for text)

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

Councilor Clayton moved passage.

Vote: 4 for.

The amendment will become effective December 14, 2016.

Ordinances in First Reading:

#28 Chapter 19, Section 19-303 & 19-304 Reducing Dimensional Limitations on Swelling Units in Res. A & B Zones (aka "Infill Ordinance)(Postponed 08/08/16)

(See pages 182-187 for text)

It was noted that this amendment was postponed 08/08/16 until this meeting, and received a motion for passage in first reading at the 08/08/16 meeting.

Councilor Geiger noted that a workshop on this amendment has been scheduled for November 28, 2016, therefore, she moved to postpone Ordinance Amendment #28 until the December 12, 2016 Regular Meeting.

Vote: 4 for.

Ordinance amendment #28 was postponed until the December 12, 2016 Regular Meeting.

#33 Chapter 19, Section 19-303 Flag Lots – Naming Road

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

Section 19-303 General Provisions

9. Flag Lots.

Where permitted by the applicable zone regulations, the development or redevelopment of existing or new Flag Lots

shall adhere to the following requirements, in addition to any conditions imposed by the Planning Board upon review pursuant to Chapter 16:

- A. Development Standards.** 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. The person proposing the flag lot may submit a name for the access road for City review. In order avoid confusion; the name of the access road shall not be similar to the name of other streets or locations in the City. The City reserves the right to designate any name for the road and name and number it in accordance with E-911 standards. The Department of Public Services shall provide and install the sign. The owner of the flag lot shall be responsible for the cost of the sign and post.

Sponsor: Councilor Geiger
Originator: Councilor Geiger

Councilor Geiger moved passage.

Vote: 4 for.

A public hearing was set for December 12, 2016 at 6:00 p.m.

Orders:

#64 Authorizing Tax Abatement – Assessment Error

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to abate FY 2015 and FY 2016 taxes on property located at 1 Lake View Terrace (Tax Map #73-D-3) in the amounts of \$239.90 (FY15) and \$252.28 (FY16) respectively, owned by Thomas & Julie Kostas, to correct an assessment error whereby the property was assessed on incorrect square footage.

Sponsor: City Manager
Originator: City Assessor

Councilor Clayton moved passage.

Vote: 4 for.

#65 Authorizing Additional Funding – 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 adopted Order #56-16 on August 8, 2016 outlining the terms and details of the borrowing of up to \$350,000 for the Project; and

WHEREAS, additional funding is needed to complete the Project;

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

THAT the Director of Finance of the City be and hereby is authorized to borrow up to an additional \$38,000 under the same terms, details and conditions outlined in Order #56-16, to complete said Project.

Sponsor: City Manager
Originator: City Manager

Regular Meeting, Order #65 continued:

November 14, 2016

Councilor Pritchett moved passage and explained that the Council had previously authorized borrowing up to \$350,000 of the \$586,000 approved by the voters for the construction of a salt & sand shed. However, when the bids for the project came in, an additional \$38,000 was needed to complete the project. This action would authorized the additional borrowing, but the total would still be below the amount authorized by the voters. Vote: 4 for.

At this time, each member of Council took the opportunity to commend and thank Mayor MacLellan-Ruf for her service to the City as Mayor for the past year, and as a member of the City Council for the past three years. The each pointed out her accomplishments and wished her well in her future endeavors.

Mayor MacLellan-Ruf thanked the other members of Council for their support over the course of her term. She said that while there were difficult times for the Council, they worked together to maneuver through those difficulties. She thanked City staff of all of the help and support they gave her throughout her term. She also thanked the public for their participation in City government and encouraged that to continue. Finally, she thanked her family and friends for their support.

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 6:50 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk