

SPECIAL MEETING

AGENDA

December 7, 2015

Discussions: Library Card Circuit Breaker Program
Re-Establishing DARE Program
Education Option Question – How to Proceed
Broadband Report
MSW & Recycling
Administrative Structure of Harbor & Waterfront Department

Set Agenda for December 14, 2015 Regular Meeting

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

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

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

- Steve Carroll, 326 Old County Road, spoke concerning the recent creation of two positions by the City Manager that some have maintained he did not have the authority to create. He said when this was brought to the attention of the Council, it appeared that the Council was not listening. He added that now it seems that the Council is attempting to sweep the issue under the rug by adopting a Resolve that confirms what the City Manager has done. He said that this could set a dangerous precedent.

- Ginny Rickards, Care Net Crisis Pregnancy Center, 462 Old County Road, asked the Council to approve a license agreement for the Center so that they can replace their existing sign, which is located in the Old County Road right-of-way, with a new sign in the same location. She also said that there have been some discussions about delaying this approval until after the Old County Road reconstruction project is complete, he asked that the Council grant the permission sooner rather than later.

- Cheryl Michaelsen, 81 Talbot Avenue and owner of the Barry Manor Inn, spoke concerning the proposed ordinance amendments regarding Short-Term Rentals, saying that the Council needed to protect residents' right to rent out a room in their home, and regulate the non-owner occupied properties. She said currently the proposed ordinances do not provide enough protections for residents and neighbors, and noted that the recently-passed "Chicken Ordinance" provides more protections than these proposals.

- Ron Huber, 148 Broadway, noted that not all of the video from the October 28, 2015 meeting of the City Council was posted on-line and commented that such meetings should not be edited for political reasons.
(NOTE: The City has a policy that prohibits the editing of City Council Meeting videos, and a check of the City's website at this time showed that the entire October 28, 2015 meeting was posted for public viewing.)

Hearing no other speakers, the public forum was closed.

At this time, and without objection from the Council, Mayor MacLellan-Ruf took "Set Agenda" out of order.

Set Agenda for December 14, 2015 Regular Meeting: The Council went into informal session to set the agenda for the December 14, 2015 Regular Meeting. The following communication was addressed:

a. Letter from Care Net Crisis Pregnancy Center – License Agreement – Sign Placement. The Council directed that an order be added to the December 14, 2015 to authorize said license agreement.

Discussion: With the agenda set, the Council then held informal discussions on the following topics:

Library Card Circuit Breaker Program
Re-Establishing DARE Program
Education Option Question – How to Proceed
Broadband Report

Special Meeting, Discussions continued:

December 7, 2015

MSW & Recycling
Administrative Structure of Harbor & Waterfront Department

With the above discussion completed, 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

REGULAR MEETING

AGENDA

December 14, 2015

1. Roll Call
 2. Pledge of Allegiance to the Flag
 3. Public Forum (5 min. limit each speaker)
 4. Meeting Notice
 5. Reading of the Record
 6. Reports:
 - a. City Manager's Report
 - b. City Attorney's Report
 - c. Other Official's Report
 - d. Mayor's Report
 7. Licenses and Permits:
 - a. Lodging House License – Limerock Inn
 - b. Lodging House License – 250 Main
 - c. Liquor & Entertainment Licenses – Rockland Elks Lodge
 - d. Liquor & Entertainment Licenses – The Strand Theatre
 - e. Taxi Company License – Reed's Taxi (1 vehicle)
 8. Resolves:

#50 Re-Appointments to Boards, Commissions & Committees	Mayor MacLellan-Ruf
#51 Accepting Donations – Library	City Council
#52 Establishing Position & Confirming Appointment – Asst. Director Public Services	City Council
#53 Establishing Position & Confirming Appointment – Asst. City Manager	City Council
#54 Accepting Donation – Fire Department/Emergency Management	City Council
 9. Ordinances in Final Reading and Public Hearing:

#41 Chapter 11, Section 11-210 Short-Term Rentals	City Council
#42 Chapter 19, Article III Short-Term Rentals	City Council
#43 Chapter 19, Section 19-304 "DT" & "TAAOZ" Setbacks	Frm. Mayor Isganitis
#44 Authorizing Bill of Sale – Reconveyance of 105 First Street	City Council
#45 Chapter 17, Section 17-802 15 Min Limit – Thorndike Parking Lot (2 Spaces)	Frm. Mayor Isganitis
 10. Ordinances in First Reading:

#46 Chapter 8, Section 8-708 GA Maximum Levels of Assistance	City Council
#47 Authorizing Quit Claim Deed – Reconveyance of 258 Rankin Street	City Council
#48 Moratorium – Grid Scale Power Facilities	Councilor Jillson
 11. Orders:

#88 Authorizing Blanket Letter of Approval – Games of Chance Licenses	City Clerk
#89 Authorizing Blanket Letter of Approval – Beano/Bingo Licenses	City Clerk
#90 Casting Ballot – MRC Board of Directors	City Council
#91 Authorizing Mutual Agreement – Termination of REC Option	City Council
#92 Authorizing License Agreement – Winter Street LLC	City Manager
#93 Authorizing License Agreement – ABRI Pregnancy Center	Councilor Clayton
- Regular Meeting, Agenda continued: December 14, 2015

12. Adjournment.

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

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

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

- Esther "Tess" Kilgour, 19 Beech Street, spoke in opposition to the proposed moratorium on grid-scale power generation facilities, saying that Rockland is a City of industry and was built on growth. She said that the City needs growth to relieve the tax burden on residents. She said the City is heading down a dangerous path by discouraging development in this way. She said Thomaston would be happy to take this plant, and if that happens, Rockland would still get all of the negative things proponents have been complaining about without any of the economic benefits.

- Steve Roberts, 11 Acadia Drive and member of the City's Economic Development Advisory Committee, said that everyone wants what's best for the City and cares about the future. However, he said he was concerned about the reputation of the City. He said he is troubled to read articles attacking City government when he knows that the allegations are false, and that the level of public discourse needs to be raised. He added that the City should wait until it has the full proposal from the developer before making any decisions. Only then will the City know if its regulations are sufficient to address the concerns expressed over this proposal. He said there would still be time to take action at that time, and urged the Council to be patient.

- Amy Files, 39 Pleasant Street, spoke in support of the moratorium, saying that there are too many unanswered questions concerning this proposal, and now is the best time to take a step back and look at what regulations are in place before a final plan is presented. She added that when the developer decided not to purchase the city-owned property for this proposal, the City lost any bargaining power in this matter. She argued that the moratorium is necessary to do what the City would have done in negotiations with the developer in the purchase and sales agreement.

- Chris Whytock, 387 Old County Road and a member of the City's Fire Department, spoke in opposition to the proposed moratorium, referencing a letter from the Rockland Professional Firefighters Local 1584 expressing concern about the proposed moratorium. He said that the Council should wait until it sees the full plan before making any decisions on this subject. He said the fear is that the plant will be built in Thomaston and Rockland will still have to deal with the negatives of the project without any of the tax benefits.

- Steve Miller, 25 Maple Street, spoke in opposition to the proposed Short-Term Rental ordinances, saying that in the 25 years he has been involved in this "industry", he has never had any complaints about the properties he operates. He said that the number one reason people rent out rooms in their homes is to make some extra money to help pay the bills. He said that the City should focus on the real problem of the aging housing stock in the City and the vacant houses and uninspected apartment houses in the City.

- Nathan Davis, 10 Fulton Street, spoke in support of the proposed moratorium, saying that supporting the use of fossil fuels belongs to the moral past, noting the recent Paris global framework to reduce dependence on fossil fuels. He said this is an opportunity for the City to discharge part of its global responsibility in this area. He added that the economic vitality of the City is not dependent on this power plant.

- Zander Shaw, 39 Pleasant Street, also spoke in support of the proposed moratorium, saying that the City's current zoning ordinances are inadequate to regulate this kind of development. He said that a moratorium would give the City time to develop sufficient regulations to protect the residents.

- David Myslabodski, 54 Broad Street, spoke in support of the proposed moratorium, reading an excerpt from an article in the New York Times concerning the recent Paris accord for reducing global dependence on fossil fuels, which said that the accord is a signal to industry to "go green: in an era of carbon reduction. He added that the City does not currently have a clear energy ordinance or policy in place to address the concerns expressed about the proposed energy plant. He said now is the time for a moratorium to give time for the City to establish such policies, and renewed his call for the final decision to be left to the people of Rockland by referendum vote.

At this time, noting that the 30 minutes allotted for the public forum had elapsed, Councilor Geiger moved to Suspend the Rules to extend the public forum for up to an additional 15 minutes. The motion was seconded by Councilor Jillson.

Vote: 5 for.

The public forum was extended for up to an additional 15 minutes.

- Ron Huber, 148 Broadway, spoke in favor of the proposed moratorium, saying that he agreed with the comments of the other supports of the moratorium. He said now is the time to get regulations on the books that will adequately regulate this kind of development before the plans are submitted. He said short-term gains are not always good for long-term future. He also suggested that the City look to other communities that have energy policies for guidance.

- Everett Spear, 120 Summer Street, spoke in opposition to the proposed moratorium, saying that the City has regulations and procedures in place that are sufficient to protect the community, and the Planning Board has the tools that it needs to review such a proposal and place appropriate conditions on the development. He added that the proposal is not inconsistent with the City's Comprehensive Plan, which calls for support of commercial and industrial development in appropriate areas. He also objected to some of the wording in the proposed moratorium, saying that the proposal would not be "unregulated", and noting that the Planning Board already has the authority that the moratorium would seek to establish. He said that the City needs to provide fair and proper consideration of any proposal put before it seeking to develop in the City.

- Sandra Schramm, 16 Broad Street, spoke in support of the proposed moratorium, saying that the City has been presented with little to no information on this plant, and that Mr. Coleman is trying to bully the City into acquiescing to its wishes. She said thus far, everything with regards to this proposal has been shrouded in secrecy, and that the Council now has a decision to make. She said that first and foremost, the City needs to protect the residents.

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

Reports:

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

- An important policy issue will be discussed at a workshop to be hold on Wednesday, December 16, 2015 at 5:00 p.m. with the Council will be discussing Municipal Solid Waste and Recycling issues. The City Manager added that this would be a high level discussion to identify issue and plan a strategy for going forward.

b. City Attorney's Report: The City Attorney reported that he has been working on the sale of properties authorized by the Council, as follows:

- 19 Franklin Street, with approximately \$25,000 being deposited into the City Land Sale Reserve account after taxes, sewer fees and other charges were deducted from the sale price.

- 35 Broadway, with approximately \$21,000 being deposited into the City Land Sale Reserve account after taxes, sewer fees and other charges were deducted from the sale price.

- 99 West Meadow Road, with approximately \$5,000 being deposited into the City Land Sale Reserve account after taxes, sewer fees and other charges were deducted from the sale price.

c. Other Official's Report: None.

d. Mayor's Report: Mayor MacLellan-Ruf reported that in an attempt to improve communication with the Council, the agenda list created from her meeting with the City Manager, City Attorney and City Clerk prior to the agenda-setting meeting will be distributed to the Council prior to the information being released to the media so that the Council will be aware of the items being brought forward for consideration.

She also wished all Happy Holidays.

Licenses and Permits:

- a. Lodging House License – Limerock Inn
- b. Lodging House License – 250 Main
- c. Liquor & Entertainment Licenses – Rockland Elks Lodge
- d. Liquor & Entertainment Licenses – The Strand Theatre
- e. Taxi Company License – Reed’s Taxi (1 vehicle)

A public hearing was opened. Hearing no speakers for or against any of the license applications, the public hearing was closed.

Councilor Pritchett moved to grant the licenses.

Vote: 5 for.

At this time, Councilor Pritchett moved to take Ordinance Amendments #41, 42 and 48 out of order. Without objection from the Council, it was so ordered.

Ordinance Amendment #41 Chapter 11, Section 11-210 Short-Term Rentals

(See pages 247-252 for text, as amended 11/09/15).

A public hearing was opened with Debby Atwell, 81 Pleasant Street, speaking in opposition to the proposed Ordinance, saying that it creates an unfair burden on residents who are trying to supplement their income to pay their bills and maintain their properties. She added that this issue is not a key to the City’s economic future.

- Cheryl Michaelsen, 81 Talbot Avenue, said that she expected the Council to postpone these amendments to let the Code Enforcement Officer learn about proposal Code changes that will take effect in July that could affect these amendment, but in the interim, she suggested that the Council direct the Comprehensive Planning Commission and City staff to establish a cap on the number of non-owner occupied short-term rental properties. She said that the influx of these kinds of properties is beginning to put a burden on the City’s permanent housing stock. She said that even Airbnb does not support the conversion of permanent housing stock into short-term rental properties. She said that the number of these non-owner occupied properties are the ones that need to be limited and regulated, not the owner occupied properties that are renting a room or two.

- Callie Black, 88 Summer Street, said that the vast majority of the short-term rental properties in the City are non-owner occupied properties, with only about 20 being owner occupied. She said that the non-owner occupied properties are being conducted as businesses, and need to be regulated as such. She also said these kinds of short-term rentals are destroying neighborhoods, and the allowable number of these kinds of rentals needs to be limited.

Hearing no other speakers, the public hearing was closed.

Councilor Pritchett moved to postpone Ordinance Amendment #41 until the January 11, 2016 Regular Meeting.

Councilor Geiger said that she was tired of this ordinance amendment, noting that the City has been working on this for more than a year and through four workshops, and are still struggling to draft appropriate regulations. She said this has not been an easy needle to thread. She said the City is trying to find a way to let residents rent out a room in their house with minimal regulation and without inspections while at the same time regulating the non-owner occupied short-term rentals to protect neighborhoods from commercial encroachment. She said that it is apparent, with the comments being made concerning this proposal, that the City has not yet found that balance. She added, however, that the City cannot do nothing, reminding everyone that short-term rental activities current taking place are not allowed under current ordinances.

Councilor Clayton noted that the Code Officer has requested a postponement of this Ordinance Amendment to give him a chance to attend a training session that may shed some light on this subject. However, he questioned whether postponing for only one month would be sufficient time for the Code Officer to make such a determination.

Councilor Pritchett said that he feels the current proposed regulations on short-term rentals are backwards. He said that short-term rentals are currently unregulated until the activity reaches the Bed & Breakfast or motel/hotel status. He said that residents renting out a room in their house is not the real issue, as long it is an owner-occupied property. He said the issues seem to arise with the non-owner occupied activities. He said he was proposing a one month postponement to see what the code officer can learn at the training session and then be ready to move forward with this proposal, either with or without additional amendment. He said doing nothing is not an option.

The City Manager said that staff had asked for two months given the current workload in the department.

Vote: 5 for.

Ordinance Amendment #41 was postponed until the January 11, 2016 Regular Meeting.

#42 Chapter 19, Article III Short-Term Rentals

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

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

Councilor Pritchett moved passage and moved to postpone Ordinance Amendment #42 until the January 11, 2016 Regular Meeting. Vote: 5 for.

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

#48 Establishing Moratorium – Grid-Scale Power Generation Facilities

WHEREAS, properties within the City of Rockland have become a focus for a proposal to construct a gas-fired, combined-cycle electric power generation facility; and

WHEREAS, if not properly sited and designed and regulated, grid-scale power generation facilities can be a source of considerable air, water and noise pollution that can adversely impact the neighborhoods and communities where these facilities are located, thereby endangering public health, safety, and welfare; and

WHEREAS, public and professional comments have raised questions as to whether the City's current noise standards are an appropriate tool for addressing the specific types of sounds originating from grid scale combined cycle power generation facilities; and

WHEREAS, the City has no specific ordinance provisions governing acceptable sources or disposal options for the potentially large volumes of water needed for cooling grid scale combined cycled power generation facilities; and

WHEREAS, the City has no specific regulations governing potential impacts from the air emissions associated with large volume open cooling water towers that are utilized at many grid scale power generation facilities; and

WHEREAS, community members have questioned whether the City's commercial and industrial ordinance standards, which were developed for large volume retail and specialty manufacturing, provide appropriate regulation for a grid scale power generation facility when this type of generation facility is located on parcels abutting residential zones or historic districts; and

WHEREAS, appropriate zoning limitations, site plan and performance standards, and other municipal regulations can ameliorate the impacts of grid-scale power generation facilities by requiring their location in industrial areas; by limiting noise, vibration, and emissions; and by requiring appropriate buffering and screening from public ways, residential areas, and other incompatible uses; and

WHEREAS; the development of natural gas fired combined cycle power generation facility would require the construction of a natural gas distribution line into the City to provide fuel; and

WHEREAS; the City's street opening ordinances do not include provisions that provide for adequate inspection of natural gas piping as it is being installed to insure leaks are avoided; and

WHEREAS, the City Council hereby finds that, to avoid the serious public harms that reasonably may ensue from the unregulated siting and development of grid-scale power generation facilities in the City, a moratorium is needed while the City studies, drafts, and adopts one or more zoning or other ordinance amendments to establish reasonable municipal regulations for grid-scale power generation facilities to avoid and/or ameliorate such public harms,

NOW, THEREFORE, THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

THAT, pursuant to Title 30-A, Maine Revised Statutes, Section 4356, a moratorium is hereby established barring the acceptance of new site plan applications, and the processing of and action upon site plan applications filed with the City on or after December 14, 2015, for the construction of electrical power generation facilities having a capacity in excess of 10 megawatts in the City of Rockland for 180 days. The provisions of this moratorium do not apply to businesses constructing heating or power generation systems to meet on-site heating and/or power needs; and

THAT, within 14 days of the Council's adoption of this ordinance in second reading the City's Energy Committee is directed to convey to the Planning Board a summary of any issues that the Committee recommends be considered by the Planning Board based on the forums held by the Committee and the Energy Committee is also directed to provide advice or assistance

to the Planning Board as may be requested by the Board's Chairman; and

THAT, within 30 days of the Council's adoption of this ordinance in second reading the City Manager is directed to provide options to Planning Board for technical experts to advise the Board as the Board may choose; and

THAT, no later than March 4, 2016, the City Manager is directed to bring before Council for its consideration a draft of a street opening ordinance that addresses the technical questions, inspection requirements, and responsibility for costs related to the installation of natural gas distribution lines and any other infrastructure changes that should be made in tandem with this work; and

THAT, the Planning Board is directed, no later than March 4, 2016, to draft for City Council consideration, an ordinance or ordinances regulating the siting and development of grid-scale power generation facilities in the City of Rockland.

Sponsor: Councilor Jillson

Originator: Councilor Jillson

Councilor Jillson moved passage.

Councilor Pritchett said that the forums held on this matter raised many questions that needed to be addressed. At the time, he said amendments to the City's Ordinances were not necessary because any concerns could be addressed in any purchase and sales agreement established between the City and REC. However, now that REC has announced that they will be looking a private property in the City for this development, the City needs time to make sure its Ordinances are sufficient to address the concerns, and if not time to make the necessary changes. He said that a moratorium is the perfect vehicle to accomplish this. He said that the City has not received any information from the developer on this project, so the City is taking steps to make sure that the appropriate protections are in place. He said this is not a deal killer. He said that the City can still work with the developer during the moratorium to establish rules and regulations that are fair and acceptable to everyone.

Councilor Geiger said that she has been going back and forth on this proposal, but for her it comes down to a gut reaction. She said that she was not necessarily opposed to a 25 megawatt facility, saying that was more appropriately sized for this community, but will support the moratorium. She said that there has to be good faith on both sides of the discussion, but has been uncomfortable with the lack of forwardness from the developer. She said that she believes in the concept of as combined generation power plant, but this may be the last opportunity for the City to have some control over the details of the project. She said this is not saying no to development, rather it's saying yes to appropriate development. She added that waiting until February to make a decision on the moratorium, as was requested by the developer, may be too late for the City to have any effect on this proposal.

Councilor Clayton said that the proposed moratorium was scheduled to late the maximum of 180 days. He asked Councilor Jillson why he chose to begin with the maximum number of days allowed.

Councilor Jillson said that he wanted to make sure there was sufficient time for the City to do whatever it needed to do to have the appropriate ordinance provisions in place before the proposal moves forward.

Councilor Clayton said that ordinance amendments typically take effect 30 days after final passage. He asked what date the moratorium would become effective if passed in final reading.

The City Attorney said that the moratorium would become effective 30 days after final passage just like any other ordinance amendment, however, the moratorium would be retroactive to December 14, 2015.

Councilor Clayton then asked if the moratorium would extend to any and all power generation facilities, not just the REC proposal.

Councilor Jillson said that the moratorium would extend to any proposed power generation facility of 10 megawatts or more, regardless of type of facility.

Councilor Clayton then noted the statement "The provisions of this moratorium do not apply to businesses constructing heating or power generation systems to meet on-site heating and/or power needs" and asked if this was a restriction on existing businesses.

The City Attorney said that the moratorium would not apply to existing businesses that wished to establish a power or heat generation facility for its own on-site power or heating needs.

Councilor Clayton then said that the Council needs to be careful of the real reason for the moratorium. He asked if the real reason for the moratorium was as stated, or was it to keep REC from constructing their facility in Rockland. He said if it is the first, that can be accomplished without a moratorium. He added that if it is the first reason, why would it allow existing businesses to do the same thing.

The City Manager said that the City has a Comprehensive Plan, and that it is a good document. He said that the Plan tries to not give direction in a vacuum, and focuses on economic development. He said such development needs to fit the vision

values and objectives of the community. He said that the sale of the City Hall and Public Services properties was an opportunity that was not communicated effectively by administration, and is an opportunity now lost. He said that the City needs to be predictable in the business community to attract development. He said that vision needs to be clarified moving forward. He said that, as mentioned in the City Attorney's opinion letter, that the City has the ability to establish moratoriums, and that the City has a history of establishing moratoriums but not necessarily defending them. He said the Maine Municipal Association publishes information regarding moratoriums, and pointed out that the underlying reasons for a moratorium was either (1) to prevent a shortage or overburdening of public facilities (e.g. sewers, water, roads, schools, public safety), or (2) because existing plans, ordinances or regulations, if any, are inadequate to prevent serious public harm. He said that either rationale will suffice, though a municipality should cite both as justification form a moratorium if there is a factual basis for doing so. He said in order to create a record for a reviewing court in the event the ordinance is challenged, every moratorium ordinance should include a preamble that recites the facts which demonstrate the necessity for the moratorium. He said while factual justification is critical, courts will not second-guess a municipality's determination of necessity; a moratorium, like any other municipal ordinance is presumed valid, and the challenger must establish the complete absences of any facts supporting the need for a moratorium. While the legal basis of whether the City can establish a moratorium on development is one aspect. Economic development, taxable value and appropriate level of taxation is another. Neither should be the determining factor without accompaniment from the other. Use three paths of development forecasting (minimal growth, modest growth, and aggressive growth), mil rate projects range from 30.10 to 22.15, respectively, by 2025, points out the economic advantages of a development like the power plant could have on the City's tax structure. The point is not to flaunt any of the models as predictive but to illustrate that intervention in taxable value, if it is the intent of the City Council, needs to happen sooner rather than later to affect the tax rate. This data is not empirical since it draws linear assumptions. Usually, as tax rates increase economic development stalls.

Councilor Pritchett said that the City would be hard pressed to turn the questions raised about this proposal into actionable items in less than 180 days, noting that it takes time to establish good legislation. He said if the City finds that its ordinances are sufficient, or new ordinances are enacted sooner, the moratorium can be lifted by further action of the Council before the expiration of the 180 days. He added that if a large existing business wanted to construct a power generation facility on its property for its own needs, this moratorium would not affect that business.

Councilor Geiger said that over the past 9 months they have been discussing two separate issues; the cake and the icing. She said that icing would be the \$400 - \$500 thousand dollars in tax revenues this project could generate, but they need to look at whether the cake is any good or not. She said that she did not know if this project would be good for the City or not, and wished the developer had been more forthcoming with a clear proposal and details about the project. She said that the developer has not done that, and now the City must take action to ensure sufficient protections are in place should this proposal move forward.

Councilor Clayton said, just to be clear, that this moratorium would prohibit the submission of site plan applications for any type of power generation facility, whether it is a gas-powered plant, or wind or solar power proposals.

Councilor Jillson said that Councilor Clayton was correct, that the moratorium would prohibit submission of any site plan application for any power generation facility of 10 megawatts or more, regardless of the type of facility.

Councilor Clayton said that if the reasoning for the moratorium was to establish regulations for such a project, that can be accomplished without a moratorium. He said that he was not sold on the power plant proposal, but said that the Council needed to see the details of the plan before making any decisions on how best to proceed. He added that if the Energy Committee would be required to make recommendations to the Planning Board within 14 days of the moratorium becoming effective, and the City Manager to provide technical assistance within 30 days, why was the moratorium being proposed for 180 days. He noted that it was not a coincidence that these timelines correspond with the February date when the developer said they would have plans ready to submit to the City Council for review. He also said that the moratorium itself is vague, and could open the City to legal action. He said while the developer said that they would not pursue legal action against the City over a moratorium, there is a private landowner who has a stake in the project who may. He said that he was worried about the precedent that the City would be setting and the message it would send to other developers. He said that the Council cannot base it's decisions on personalities, and asked if any of the Council would feel differently about this proposal if a different company were proposing it. He said that he can understand Mr. Coleman's frustration with this process given the large sums of money tied up in this proposal. He said that he would not support this moratorium, and urged the Council to wait and see the plans before making a decision.

The City Manager said that this is an important policy topic to find out the sentiment of the Council. He said there have been 9 months of time vested in this policy. As soon as the Council votes and sets the policy, administration will go out and implement that policy decision. He said that the City has always had the authority to set zoning regulations and site plan standards, and the Planning Board has been working on updated site plan standards that are nearly ready for presentation to Council. He said these kinds of policy discussion should start at the grass-roots level, not at the legislative level.

Vote: 3 for, 2 opposed.

(Clayton, MacLellan-Ruf)

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

At this time, Mayor MacLellan-Ruf declared a 5 minute recess.
The meeting was reconvened at 7:35 p.m. and the order of the agenda was resumed.

Resolves:

#50 Re-Appointments to Boards, Commissions & Committees

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

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

PLANNING BOARD:

Peta vanVuuren, 287 Broadway (2018)

PERSONNEL BOARD:

Rudolf P.J. Walter, 96 Limerock Street (2018)

ZONING BOARD OF APPEALS:

Carol Maines, 186 North Main Street (2018)

COMPREHENSIVE PLANNING COMMISSION:

Ann Morris, 60 Lake Avenue (2018)
Michelle Gifford, 57 Pacific Street (2018)

HARBOR MANAGEMENT COMMISSION:

Melissa Maker , 130 Thomaston Street (2018)
Richard Whitman, 29 State Street (2018)
Howard Edwards, Jr., 146 Rankin Street (2018)

PARKS COMMISSION:

Alison Weaver, 30 Chestnut St. Apt. C (2018)

COAST GUARD CITY ADVISORY COMMITTEE:

Nancy Jeffers, 15 Tea Street (2018)
Deborah McNeil, 67 Waldo Avenue (2018)

ENERGY ADVISORY COMMITTEE:

Anthony Coyne, 41 Highland Street (2018)

LIBRARY ADVISORY COMMITTEE:

Carol Miller, 17 Katahdin Avenue (2018)
Gregory Pinto, 195 Broadway (2018)

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

Councilor Clayton moved passage.

Both Councilor Geiger and Councilor Pritchett thanked those willing to serve on the various boards and committees of the City. It was also noted that anyone wishing to serve on boards, commission or committee can contact any of the members of the Council, the Mayor or the City Clerk.

Vote: 5 for.

#51 Accepting Donations – Library

WHEREAS, the Friends of the Rockland Public Library donated \$1,913.22 to the Rockland Public Library for 131 children’s titles to be added to the Library’s Children’s collection, to be receipted into the Library Restricted Revenue Donations account (#10062-03263) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and \$3,000 toward offsetting the cost of Children’s cards, to be deposited into the Library Non-Resident Cards account (#10062-03225); and

WHEREAS, the Rockland Public Library Endowment Association donated \$932 to the Rockland Public Library for Microsoft Office software for public and staff computers (via TechSoup, an organization available only to libraries and non-profits) having a retail market value of \$18,930; and \$1,334.37 for gardening/landscape services, to be receipted into the Library Restricted Revenue Donations account (#10062-03263) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

WHEREAS, the following authors donated copies of their books to be added to the Library’s collection:

- Carney Doucette, Rockland, Maine, donated “Bats at the Library”, valued at \$16;
- Malia Dell, Rockland, Maine, donated “Food that Works” valued at \$26.99;
- Ann Morris, Rockland, Maine, donated “A History of Blackington’s Corner and the Highlands, 200 Years of Farms and Quarries”, valued at \$20;
- Lois Faulkingham, Cushing, Maine, donated “Turtle Rock Summer”, valued at \$20; and

WHEREAS, Maine Water Company, Saco, Maine, donated \$50.00 to the Rockland Public Library, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003);

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 Jillson moved passage.

Vote: 5 for.

#52 Establishing Position and Confirming Appointment – Assistant Director of Public Services

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT there is hereby established the position of Assistant Public Services Director within the Department of Public Services, and the appointment by the City Manager of Christopher Donlin to fill that position is hereby confirmed.

Sponsor: City Council
Originator: City Council

Councilor Jillson moved passage and said that he would like to see the Code amended to clearly outline the procedures for the creation of positions and the appointments to any such positions.

Councilor Geiger agreed, but said that won’t get in the way of passing this Resolve and moving forward. She said the Council could consider such an amendment at next month’s meeting.

Councilor Pritchett said he worked on the Ordinance Amendment that established the Department of Public Services combining Public Works and Solid Waste, so the Council is partially to blame for the ambiguity as the amendment did not address the assistant position. However, he said that the Council is responsible for the structure of departments, and the City Manager on who serves in those roles.

Vote: 5 for.

#53 Establishing Position and Confirming Appointment – Assistant City Manager

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT there is hereby established the position of Assistant City Manager within the Executive Department, and the appointment by the City Manager of Audra Caler-Bell to fill that position is hereby confirmed.

Sponsor: City Council
Originator: City Council

Councilor Pritchett moved passage and said that the structure at the management level is in the hands of the City Council while who serves in those positions is up to the City Manager. He said that the Charter and Code is hard to figure out in this regard. He said that it is clear that the City Manager, the City Attorney and the City Clerk are allowed to have an assistant, with the permission of the City Council. He said the Code may have to be tweaked to make it clear how to proceed.

Councilor Geiger said that she was caught off-guard by the reaction of the public to this matter, and was fairly dismayed at it. She said that she would give deference to the City Manager on how he wishes to organize his staff. She said that the Council can make it's determinations on his choices when it evaluates the City Manager's performance. She added that it was unfortunate that Ms. Caler-Bell go caught up in the storm. She said that the City Manager made his decision, there were discussions held concerning that decision that included input from outside sources, the Council should support the City Manager and how he wants to organize his staff.

Councilor Pritchett asked the City Manager to briefly explain the benefits to having an Assistant City Manager and what the duties of the position include.

The City Manager said, from a managerial perspective, the characterization of this position has been taken out of context. He said that 90% of the duties that Ms. Caler-Bell will be performing are the duties she was already performing as Community and Economic Development Director. He added that a managerial position was lost when the former General Assistance Administrator and Human Resources person left. He said that existing staff was reorganized to absorb those duties, and ended up saving the City approximately \$8,000 per year in the process. As an incentive to take on additional responsibilities, the title of the position was changed to make it more attractive. He said that they are getting the City's business done effectively and a less cost. He also said that who has the authority to create such positions is a different discussion, but as far as the job description is concerning, this position has no inherent authority other than what the City Manager assigns.

Councilor Pritchett said that the selection of a temporary or acting City Manager is controlled by other provisions in the Charter.
Vote: 5 for.

#54 Accepting Donation – Fire Department

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT The City of Rockland gratefully accepts the donation from Home Depot to the Rockland Fire Department of 50 smoke detectors to be distributed by the Fire Department as it sees fit.

AND, be it further Resolved that a letter of thanks be sent to Home Depot in recognition of its generous donation.

Sponsor: City Council
Originator: City Council

Councilor Clayton moved passage. Vote: 5 for.

Ordinances in Final Reading and Public Hearing:

#43 Chapter 19, Section 19-304 Downtown Zone & TAAOZ Setback Regulations
(See pages 255-256 for text)

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

Councilor Jillson moved passage and asked for an explanation of what this amendment meant.

Councilor Geiger said it was an attempt to fix the standards in the Downtown and Tillson Avenue Overlay zones that would allow for more public green spaces associated with developments such as the CMCA project. Also, Councilor Geiger said that the COMPS Commission wanted to make it clear that the green space would not be used for parking, therefore Councilor Geiger moved to amend Ordinance Amendment #43 as follows:

Add the following sentence to "Maximum Front Setback" section in Table 304-14 and Table 304-23: "To be

eligible for such enhanced maximum front setback, the public access area must include landscaping, and exclude parking.”

Councilor Clayton said that he was not going to support the amendment to this proposal, saying that he felt the City was pushing too much. He said that the developer is already granting the City an easement for public use of their property. He said also restricting parking is going too far.

The City Manager said that this amendment addresses a situation with the CMCA development where their proposed canopy conflicted with the streetscape requirements in the zones.

Councilor Pritchett added that CMCA would have had to erect the canopy along the street to conform with the existing regulations, which would have actually blocked off the open space.

Councilor Geiger said that the whole purpose of the Downtown Zone and the Tillson Avenue Area Overlay Zone is to encourage pedestrian liveliness and a thriving downtown. She said parking kills that liveliness. She said this amendment would make sure that open space remains open.

Vote on amendment: 4 for, 1 opposed.

(Clayton)

Vote as amended: 5 for.

The amendment will become effective February 10, 2016.

#44 Authorizing Re-Conveyance by Bill of Sale – 105 First Street

(See page 256 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.

#45 Chapter 17, Section 17-802 Schedule II Time Limits on Parking – Thorndike Parking Lot

(See pages 256-257 for text)

A public hearing was opened with Gregory Pinto, a member of the Parking Advisory Committee, saying that the committee discussed this issue quite a bit, and the answer to the question “what problem does this amendment intend to solve” is to create parking that benefits the area as a whole and not just one business. He added that this was an attempt to solve the problem of people not taking advantage of limited parking on Main Street. He said the Committee recommended passage of this amendment, and if the issue becomes a problem, it can be revisited in the future.

Hearing no other speakers, the public hearing was closed.

Councilor Clayton moved passage.

Councilor Geiger said that she was ready to give deference to the Committee on this matter.

Councilor Jillson said, as a practical matter, he did not see how a 15-minute time limit would be enforced. He also said that he could only see one business that would benefit from this amendment. He said that he felt the entire parking lot should be 2-hour parking.

Councilor Pritchett said that he did not recognize that the Committee was looking at this as an experiment, but said he was uneasy limiting one of the few areas where long-term parking is available for employees for downtown businesses.

Vote: 2 for, 3 opposed.

(Pritchett, MacLellan-Ruf, Jillson)

Motion Defeated.

Ordinances in First Reading:

#46 Chapter 8, Section 8-708 GA Maximum Levels of Assistance

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 8, General Assistance, SECTION 8-708, Maximum Levels of Assistance, BE AMENDED AS FOLLOWS:

Section 8-708—Basic Necessities; Maximum Levels of Assistance

Overall Maximum Levels of Assistance.

Number in Household	Monthly
1	\$709 <u>\$736</u>
2	\$719 <u>\$741</u>
3	\$877 <u>\$913</u>
4	\$1124 <u>\$1170</u>
5	\$1344 <u>\$1298</u>
6	<u>\$1373</u>

*Add ~~\$69.00~~ \$75.00 a month for each additional person

Maximum Levels of Assistance for Specific Basic Necessities.

A) Food.

The maximum amounts allowed for food are:

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

*Add \$150 a month for each additional person

B) Housing

Number of Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0	\$128 <u>\$132</u>	\$552 <u>\$569</u>	\$151 <u>\$157</u>	\$649 <u>\$673</u>
1	\$128 <u>\$132</u>	\$552 <u>\$569</u>	\$151 <u>\$157</u>	\$649 <u>\$673</u>
2	\$150 <u>\$156</u>	\$645 <u>\$671</u>	\$186 <u>\$193</u>	\$799 <u>\$831</u>
3	\$197 <u>\$204</u>	\$846 <u>\$879</u>	\$204 <u>\$250</u>	\$1032 <u>\$1075</u>
4				

C) Utilities.

Electricity Maximums for Households that Use Electrically Heated Hot Water.

Number in Household	Weekly	Monthly
1	\$19.10 <u>\$20.08</u>	\$82.00 <u>\$86.00</u>
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$37.30	\$160.00
6	\$41.00	\$176.00

*Add \$10.00 for each additional family member.

Sponsor: City Council
Originator: General Assistance Administrator

Councilor Clayton moved passage.

Councilor Geiger noted that it appears that the food allowance is being decreased and asked why this was so.

Councilor Pritchett said that he believed it was because, for the past couple of years, the City has refused to lower the maximum level for food assistance to the State level. He moved to postpone Ordinance Amendment #46 until the January 11, 2016 Regular Meeting to get answers to the Council's questions.

Councilor Clayton said that the extra money came out of the City's coffers, because the reimbursement from the state is based on the state maximum levels of assistance. Vote: 5 for.

Ordinance Amendment #46 was postponed until the January 11, 2016 Regular Meeting.

#47 Authorizing Quit Claim Deed – Re-Conveyance of 258 Rankin Street

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

THAT the City Manager is hereby authorized, on behalf of the City, to issue a municipal quitclaim deed to Michael Faller for property located at 258 Rankin Street, as shown on Rockland Tax Map #68-B-5-2, in substantial conformance with the terms, conditions and provisions of the Reconveyance Agreement incorporated herein by reference. If Mr. Faller fails to sign the Reconveyance Agreement and comply with its requirements by March 10, 2016, the City Manager is authorized to solicit bids for the sale of said property.

Sponsor: City Council
Originator: City Manager

RECONVEYANCE AGREEMENT
258 Rankin Street (Tax Map 68-B-5-2)

The City of Rockland (the "City") and **Michael Faller** (the "Grantee") hereby agree to the City's reconveyance of real property and fixtures located at **258 Rankin Street** in the City of Rockland, County of Knox, and State of Maine, Rockland Tax Map 68, Block B, Lot 5-2 (the "Premises"), pursuant to the City of Rockland Code of Ordinances ("Rockland Code"), Chapter 2, Article V, Section 2-509(15) as follows:

WHEREAS, on April 16, 2014, the City filed a Certificate of Sewer Lien on the Knox County Registry of Deeds in Book 4790, Page 10, to secure the payment of overdue sewer charges, pursuant to 30-A M.R.S. § 5405(2) and 38 M.R.S. § 1208;

WHEREAS, on October 16, 2015, any equitable right the Grantee or its predecessor(s) in title may have had to redeem title to the Premises by paying the overdue sewer charges expired, and title to the Premises passed to the City of Rockland pursuant to 38 M.R.S. § 1208;

WHEREAS, Maine law and Section 2-509(15) of the Rockland Code authorizes the City Council to convey property acquired by statutory lien foreclosure; and

WHEREAS, on January 11, 2016, the City Council authorized the City Manager to enter into this Reconveyance Agreement and, upon the effective date of Ordinance Amendment #2015-47, to issue a quitclaim deed to the Grantee for the Premises;

NOW, THEREFORE, in consideration of the mutual promises, covenants, and agreements herein, the parties hereto agree as follows:

1. Payment of Delinquent And New Sewer Charges. Pursuant to Rockland Code, Chapter 2, Article V, Section 2-509(15)(F)(1), the Grantee shall, by no later than **March 31, 2016** (the "Reconveyance Deadline") pay or cause to be paid to the City of Rockland all delinquent sewer charges for the Premises, and associated lien and service costs, and all water and sewer charges incurred by the City for the Premises, in the amount of **\$768.08 (as of December 4, 2015)**, together with interest accrued on unpaid charges thereafter, at the rate of *7% per annum*, and together with any and all additional charges incurred or billed on or after December 4, 2015, through the Reconveyance Deadline;

2. Insurance. The Grantee shall pay or cause to be paid to the City the actual cost to insure the Premises during the period of its ownership, in the approximate amount of \$100.00 (actual amount may vary), on or before the Reconveyance Deadline;

3. Registry Filing Fee. Grantee shall pay to the City the actual cost to the City for all filing fees imposed by the Knox County Registry of Deeds, if any, for the filing of the Quit Claim Deed issued by the City upon full compliance by the Grantee with the requirements of this Reconveyance Agreement, and of any other document or discharge triggered thereby;

4. Repairs. Pursuant to Rockland Code, Chapter 2, Article V, Section 2-509(15)(F)(4), the Former Owner shall effect the following repairs of Property Maintenance or other Code violations at the Premises, on or before the Reconveyance Deadline unless otherwise stated below:

[Inspection not yet performed.]

All repairs undertaken in compliance with this paragraph and applicable codes shall be performed by qualified personnel, who have sufficient liability insurance and/or other security to protect the value of the Property, and to compensate the owner in the event of, damage during the course of description. All such repairs are subject to inspection and approval by the Code Enforcement Officer. Neither this Agreement, nor compliance with this paragraph, shall relieve the Grantee and/or any subsequent owner of the obligation to repair all code issues identified by the Code Enforcement Officer upon inspection, including subsequent inspections, and to fully comply with the Property Maintenance Code and other codes as may be applicable following the reconveyance of the Premises;

5. Reconveyance. The City shall release to the Grantee or its assign the City's right, title, and interest in the Premises, without warranty or covenant, upon the payment and/or performance of the charges, fees, interest, other payments, and repairs required by this Agreement within the applicable deadline(s);

6. Extension. The City Manager may extend the Reconveyance Deadline, for cause, but for no longer than sixty (60) days. In the event the Reconveyance Deadline is extended to or after April 1, 2016, then Grantee, in addition to other amounts identified herein, shall make payment in lieu of tax for Fiscal Year ending June 30, 2017, in full, on or before such extended Reconveyance Deadline;

7. Representations; Indemnification. The undersigned represents that he is the former owner of the Property; that, prior to the aforementioned statutory lien foreclosure, he neither encumbered, conveyed, released, alienated, or otherwise granted his interest in the Property to any other party; and that he is authorized and has the capacity to perform the undertakings set forth in this Reconveyance Agreement. The Grantee shall defend, indemnify, and hold the City of Rockland harmless from any and all liabilities, losses, claims, demands, judgments, costs, and expenses (including reasonable attorney's fees) of any nature arising from or in connection with the occupancy, maintenance, and repair of the Property by the Grantee, their guest(s), invitee(s), or permittee(s), or by any trespasser(s), during the period of the City's ownership of the Property;

8. Remedies.

A. City of Rockland's Remedies. In the event that the Grantee shall fail to perform any term, condition, or obligation set forth in this Agreement within the deadline imposed therefor, the City shall not be obligated to reconvey the Premises to the Grantee, may sell and convey the Premises to another party, and shall not be obligated to repay any payment or partial payment made by or on behalf of the Grantee to the City; provided, however, that if the City shall sell the Premises within one year of the effective date of this Agreement, the City shall repay to Grantee any payment by or on behalf of the Grantee to the City for taxes, sewer charges, finance charges, insurance coverage, or document preparation to the extent the proceeds of such sale of the Premises, less any real estate broker or agent fee or charge, transaction costs, and additional carrying costs incurred by the City, permit;

B. Grantee's Remedies. In the event that the Grantee shall sign this Agreement and fully perform all obligations imposed herein, and the City of Rockland shall have authorized the reconveyance but fail to release its interest in the Premises for reasons other than a breach of this Agreement by the Grantee, or the destruction of the Premises, the City shall either reconvey the Premises to the Grantee, or pay to the Grantee any sums realized from the sale of the Premises, less any amounts owed to the City pursuant to this Agreement and/or incurred by the City with respect to the Premises. Notwithstanding anything to the contrary in this Agreement or in the ordinance amendment authorizing the reconveyance, the

City shall not be obligated to reconvey the Premises to the Grantee in the event she and/or her guest(s) engage in any criminal activity at the Premises during the period of the City's ownership.

Councilor Pritchett moved passage.

Vote: 5 for.

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

Orders:

#88 Authorizing Blanket Letter of Approval – Games of Chance Licenses

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Games of Chance Licenses for the following establishments and/or organizations be approved for a period of one (1) year beginning January 1, 2016, and that a blanket letter of approval be sent to the Maine State Police notifying them of this approval:

Winslow-Holbrook-Merritt Post #1, American Legion
Rockland Memorial Post #2499, VFW
Benevolent and Protective Order of Elk, Lodge #1008
St. Bernard's Parish Center
Rockland Masonic Temple Corporation
American Legion Auxiliary, Unit #1
Limerock Council #138, Knights of Columbus
Penobscot Bay Regional Chamber of Commerce
Rockland Social Club
Vanguard Colorguard
Rockland Emblem Club
Rockland Kiwanis Club
Rockland Rotary Club

Sponsor: City Clerk
Originator: City Clerk

Councilor Jillson moved passage.

Vote: 5 for.

#89 Authorizing Blanket Letter of Approval – Beano/Bingo Licenses

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Beano/Bingo Licenses for the following establishments and/or organizations be approved for a period of one (1) year beginning January 1, 2016, and that a blanket letter of approval be sent to the Maine State Police notifying them of this approval by mail:

Winslow-Holbrook-Merritt Post #1, American Legion
Rockland Memorial Post #2499, VFW
Benevolent and Protective Order of Elk, Lodge #1008
St. Bernard's Parish Center
Rockland Masonic Temple Corporation
American Legion Auxiliary, Unit #1
Limerock Council #138, Knights of Columbus
Penobscot Bay Regional Chamber of Commerce
Knox County Fish and Game Association
Rockland Social Club
Vanguard Colorguard
Rockland Emblem Club
Rockland Kiwanis Club
Rockland Rotary Club

Sponsor: City Clerk
Originator: City Clerk

Regular Meeting, Order #89 continued:

December 14, 2015

Councilor Jillson moved passage.

Vote: 5 for.

#90 Casting Ballot for MRC Board of Directors

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT, as a Charter Municipality of the Municipal Review Committee, the City of Rockland hereby casts its vote for _____ for the Municipal Review Committee Board of Directors for the terms stated on the attached ballot.

Sponsor: City Council
Originator: City Council

Councilor Clayton moved passage and asked if the City Manager had a recommendation for whom the Council should cast its vote.

The City Manager recommended that the Council cast its vote for Catherine M. Conlow, Bangor City Manager, saying that she has served on the Board in the past and would be an excellent choice.

Councilor Pritchett moved to amend Order #90 by filling the blank with "Catherine M. Conlow, Bangor City Manager".

Vote on amendment: 5 for.

Vote as amended: 5 for.

#91 Authorizing Mutual Agreement – Termination of Option Agreement with Rockland Energy Center LLC for Purchase of City-Owned Property

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT, by mutual agreement, substantially in conformance with the agreement incorporated herein by reference, the Non-Binding Option Agreement between the City of Rockland and Rockland Energy Center, LLC., for the purchase of City-owned parcels of land located at 270 Pleasant Street (Tax Map #57-A-2) and 9 Burrows Street (Tax Map #57-A-5), authorized by the City Council pursuant to Order #30-15 (as amended) passed on May 1, 2015, is hereby terminated.

Sponsor: City Council
Originator: City Manager

Councilor Clayton moved passage.

Councilor Pritchett explained that the City was not walking away from this proposal, rather both parties agreed to terminate the non-binding option agreement signed in August.

Vote: 5 for.

#92 Authorizing License Agreement – Winter Street LLC

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to enter into a license agreement with Winter Street LLC to allow projections over the sidewalks on Winter Street at 8 & 12 Winter Street (Tax Map #s 1-D-9 & 1-D-10), which projections are among the architectural elements approved by the Planning Board, in substantial conformance with the license agreement attached hereto.

Sponsor: City Manager
Originator: City Manager

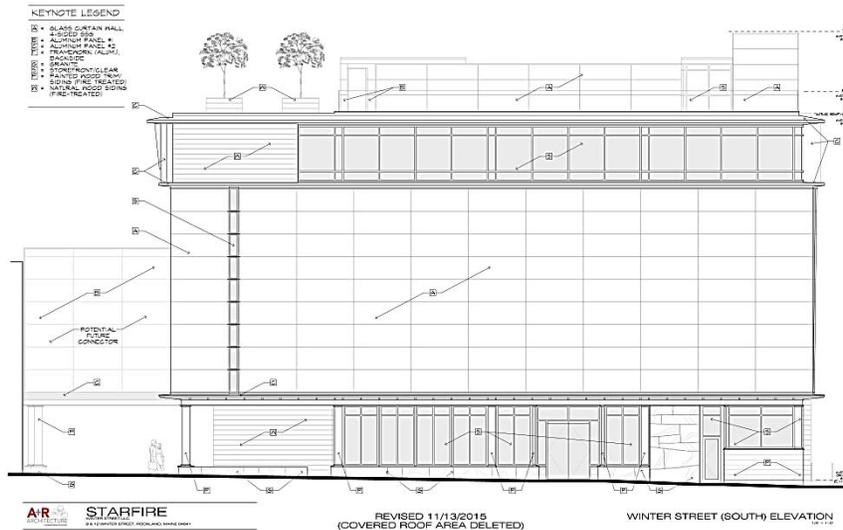
LICENSE AGREEMENT

THIS AGREEMENT by and between the City of Rockland, Maine, a municipal corporation situated in the County of Knox and State of Maine (the "City" or "Licensor") and Winter Street, LLC, a Maine limited liability company with its principal place of business in Rockland, Maine (the "Licensee"), is effective December 15, 2015.

WHEREAS, on November 17, 2015, the Planning Board granted a site plan application by Winter Street, LLC, to construct a building to house first floor retail space and in the upper floors a fine art storage facility (the "Starfire Building") on

property owned by Licensee at 8 & 12 Winter Street in Rockland (Tax Map 1, Block D, Lots 9 & 10) (the "Property"); and

WHEREAS, the design of the Starfire Building included permanent projections from the Winter Street facade of the structure, extending not more than 36” over the property line, including a cornice canopy to shield glazing that forms much of the fifth floor facade, and a window canopy on the first floor, depicted by and approved by the Planning Board as follows:



and

WHEREAS, these canopies meet the regulations established by the City Council in Ch. 15, Art. I, Sec. 15-106 for awnings extending over sidewalks in the City of Rockland,

NOW, THEREFORE, the City grants to Licensee a license for canopies, awnings, and projections in substantial conformance with the site plan approved by the Planning Board, or as amended, as follows:

1. Grant of License. The City grants to Licensee a license to install and maintain canopies, awnings, and other permanent projections over the sidewalk as approved by the Planning Board and in conformance with the City's regulations for awnings set forth in Ch. 15, Art. I, Sec. 15-106, and as depicted in the Winter Street Profile, attached and incorporated herein as Exhibit A. No such canopy, awning, or projection may be placed lower than seven feet above the sidewalk.

2. Term. The permissions granted to Licensee under this License Agreement shall terminate upon the substantial rehabilitation or demolition of the Starfire Building.

3. Construction; Maintenance; Default. Licensee shall be fully and solely responsible for the construction and/or costs of the improvement(s) authorized in this License Agreement, and the City shall have no responsibility or liability therefore. Licensee shall maintain the projections authorized herein in a safe and presentable condition throughout the Term of this License Agreement, to the satisfaction of the Code Enforcement Officer, and shall bear the full expense thereof. In the event of any default under this Agreement by Licensee, or any failure of Licensee to comply with any other applicable code, rule, or regulation of the City, or order to correct by the Code Enforcement Officer or his designee, Licensee shall, at Licensee's sole expense, cure such default or failure to comply within thirty (30) days. Nothing in the foregoing shall limit the City's authority to terminate this Agreement, as set forth herein;

4. Indemnification; Hold Harmless. Licensee hereby agrees and undertakes to indemnify Licensor, and shall protect and hold Licensor harmless from and against any and all liabilities, losses, claims, demands, judgments, costs, and expenses (including reasonable attorney's fees) of any nature arising from any event, act, or omission within the term of this Agreement in connection with any claim, loss, or damage arising from or connected with the construction of one or more of the projections authorized herein, or their maintenance as required of Licensee herein. Nothing herein shall be deemed a

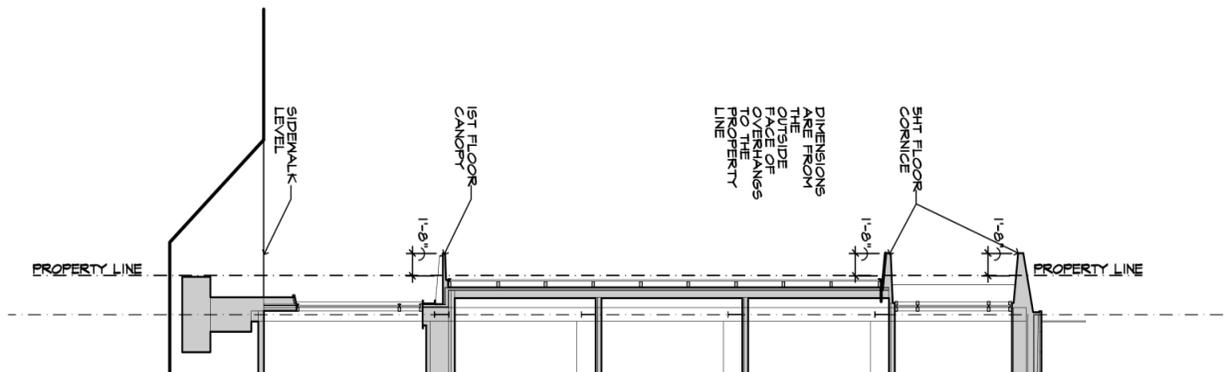
waiver of any limitation of liability or immunity afforded to the City by the doctrine of sovereign immunity, the Maine Tort Claims Act, and/ or other applicable law or doctrine;

5. Miscellaneous.

- A. This License Agreement is not intended and shall not be construed as creating or conveying to Licensee, or any party, an interest in real property or right-of-way, and Licensee acknowledges for itself, its tenants, members, agents, successors, and assigns, that it or they shall have no right, title, leasehold, easement, or other interest in any City property or right-of-way other than such interest(s) possessed by the general public and/or that Licensee already enjoys outside and notwithstanding this License;
- B. The limitations, obligations, and rights granted to or imposed upon Licensee in this License Agreement shall alike extend to and be binding upon Licensee and its successors and assigns;
- C. This License Agreement and the rights and obligations of the parties thereto shall be governed by the laws of the State of Maine; and
- D. This License Agreement sets forth the entire agreement between the parties relating to the subject matter hereof, and stands in the place of any previous agreement, whether oral or in writing. The parties hereto agree that no amendment to this License Agreement shall be effective or binding upon any party unless it is in a writing signed in due form by both parties.

EXHIBIT A:

PROFILE OF BUILDING AT SIDEWALK – WINTER STREET



Councilor Pritchett moved passage.

Vote: 5 for.

#93 Authorizing License Agreement – ARBI Pregnancy Center Sign

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to enter into a license agreement with ABRI Pregnancy Consultation Center, d/b/a Care Net Crisis Pregnancy Center, to allow the replacement of an existing sign within the right-of-way at 462 Old County Road (Tax Map #76-A-2), substantially in conformance with the license agreement incorporated herein by reference.

Sponsor: Councilor Clayton
Originator: Councilor Clayton

Councilor Clayton moved passage.

Councilor Geiger asked if the sign might get in the way of construction planned for Old County Road.

The City Manager said that situation is addressed in the license agreement.

The City Attorney added that paragraph 4 stated, in part, that the property owner would be responsible for moving the sign if necessary and for liability for any damage.

Vote: 5 for.

#94 Accepting Emergency Management Grant

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City of Rockland hereby accepts a grant from the Maine Emergency Management Agency in the amount of \$3,342.84 from the Emergency Management Performance Grant Program to the Rockland Fire Department to support Local Emergency Management Program activities for the period of October 1, 2014 through September 30, 2015. The funds shall be deposited into the 2014 Emergency Management Planning Grant Account (#60301-03704).

Sponsor: City Manager

Originator: Acting Fire Chief Miceli

Councilor Jillson moved passage.

The City Manager said that there is no information on whether this grant will be available in the future at the current funding levels.

Vote: 5 for.

With no further business to come before the City Council, Councilor Pritchett moved to adjourn. Without objection from the Council, the meeting was adjourned at 8:59 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

December 16, 2015

Workshop – Municipal Solid Waste & Recycling

The meeting was called to order by the Mayor at 5:00 p.m. with the following members answering the roll call: Mayor Louise MacLellan-Ruf, William Clayton, William Jillson, and City Manager Chaousis.

Councilor Valli Geiger arrived at 5:02 p.m., and Councilor Larry Pritchett arrived at 5:03 p.m.

City Attorney Kevin Beal was excused from attending this meeting.

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

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

Workshop – Municipal Solid Waste & Recycling: The Council went into informal session for a presentation by the City Manager as a policy starter on Municipal Solid Waste, Recycling, Composting and Landfill. A discussion and question and answer session followed the presentation. Also, future workshops were planned for more in-depth discussions of these issues (dates and times to be determined).

With no further business to come before the City Council, the meeting was adjourned without objection from the Council at 6:45 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk