

CITY OF ROCKLAND, MAINE



***270 Pleasant Street
Rockland, Maine 04841***

CITY CLERK'S OFFICE

October 30, 2015

***YOU ARE HEREBY NOTIFIED THAT A SPECIAL MEETING OF THE
ROCKLAND CITY COUNCIL WILL BE HELD IN CITY COUNCIL
CHAMBERS AT ROCKLAND CITY HALL, 270 PLEASANT STREET,
ROCKLAND, MAINE ON MONDAY, NOVEMBER 2, 2015 AT 5:30 P.M. FOR
THE FOLLOWING PURPOSE(S):***

[Please Note Starting Time and Date]

**Resolve #45 Nomination to Knox County Budget Committee (T. Pinto)
Set Agenda for November 9, 2015 Regular Meeting**

***YOUR PUNCTUAL ATTENDANCE IS REQUESTED
PER ORDER OF THE MAYOR OF THE CITY OF ROCKLAND***



**STUART H. SYLVESTER
CITY CLERK**

CITY OF ROCKLAND, MAINE

RESOLVE #45

IN CITY COUNCIL

November 2, 2015

RESOLVE Nomination to Knox County Budget Committee – T. Pinto

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT Terry Pinto, 195 Broadway, is hereby nominated to serve as a representative of the City of Rockland on the Knox County Budget Committee.

Sponsor: Mayor Isganitis
Originator: Mayor Isganitis

ITEMS FOR 11/09/15 REGULAR MEETING AGENDA:

November 2, 2015

Communications:

- a. Letter from Carol Harris – Resignation from Personnel Board
- b. Letter from Rockport Fire Department – Thanks to Rockland Fire Department

Licenses and Permits:

- a. Lodging House License – Trade Winds Motor Inn (Postponed from 10//14/15)

Resolves:

- #46 Appointment – Personnel Board (C. Avirett)
- #47 Appointment – Board of Assessment Review (E. Kilgour)
- #48 Accepting Donations – Library
- #49 Adopting City Vision Statement

Ordinances in Final Reading and Public Hearing:

- #37 Ch. 3, Art. III Domesticated Chickens (Postponed prior to Public Hearing 10/14/15)
- #38 Ch. 19, Sec. 19-304 Res. A Regs – Chickens (Postponed prior to PH 10/14/15)
- #39 Authorizing Quit Claim Deed – Sale of 19 Franklin Street
- #40 Authorizing Quit Claim Deed – Sale of 15 Garden Avenue

Ordinances in First Reading:

- #41 Ch. 11, Sec. 11-210 Transient Residential Accommodations (Postponed 10/14/15)
- #42 Ch. 19, Art. III Transient Residential Accommodations (Postponed 10/14/15)
- #43 Ch. 19, Sec. 19-304 (14) & (23) DT & TAAOZ – Front Setback
- #44 Authorizing Quit Claim Deed – Reconveyance 105 First St.
- #45 Ch. 17, Sec. 17-802 Time Limits on Parking – Thorndike Parking Lot (2 Spaces)

Orders:

- #82 Authorizing Use of City Property & Fee Waiver – 2015 Holiday Celebrations
- #83 Authorizing Bids – Sale of City Property (224 Old County Road – Engine Quarry)
- #84 Authorizing License Agreement – Mid-Coast Surveyors Association
- #85 Approving Union Contract – Police
- #86 Approving Union Contract – Public Service/Wastewater
- #87 Approving Union Contract – Clerical

Carol K. Harris

October 2, 2015

Mr. Frank Isganitis
Chairperson, City Council
96 Limerock St.
Rockland, ME 04841

Dear Frank,

I hereby resign from the City's Personnel Board, effective immediately. I apologize for leaving mid-term with no notice.

I take pride in having been a Human Resources professional for thirty years, and still make my living in the field. I will not risk my professional reputation through association with questionable Human Resources practices.

Please accept my best wishes for finding a competent replacement for the Board.

Sincerely,



Carol K. Harris, SPHR, SHRM-SCP

Pc: Joanne Billington, Chairperson, Personnel Board
James Chaousis II, City Manager



ROCKPORT FIRE DEPARTMENT

85 Main St. Rockport, ME 04856 (207) 236-4437

To: Rockland City Council
From: Rockport Volunteer Fire Department
Date: 10/22/2015

The Rockport Fire Department would like to express our gratitude to the members of the Rockland Fire Department who spent their day off on Saturday October 17th helping during our fundraiser. Assistant Chief Adam Miceli, Assistant Chief Mikial Mazzeo, Lieutenant Rick Johnson, and Paramedic Abby Pleneta spent more than five hours on their day off assisting with cooking and serving food for our event.

Their professionalism, strong work ethic and positive attitude was a major help to our fire department and making this fundraiser such a success. LT Johnson spent the night running spaghetti from cookers to prep station to the serving table none stop. Abby served over 270 people homemade sauce made by Rocklands B Shift. Chief Miceli and Mazzeo helped the kitchen and cooking staff throughout the night.

Rockland Fire Department and its members continue to always be willing to offer support and help to not only their community but surrounding towns in Knox County and was a major part of the huge success with raising more than we expected.

We want to thank the City of Rockland for continuing to employ the most professional and courteous Firefighters and Paramedics a City could find. The Rockland Fire Department is above and beyond Top Notch!!!

Fire Chief Jason Peasley and Member of Rockport Fire

APPLICATION FOR CITY LICENSE
CITY OF ROCKLAND, MAINE
270 Pleasant Street
Rockland, Maine 04841

Name of Applicant TRADE WINDS MOTOR INN CORP Phone 596-6661

Address of Applicant 2 PARK DRIVE
ROCKLAND, MAINE 04841

Name of Business TRADE WINDS MOTOR INN Phone 596-6661

Address of Business 2 PARK DRIVE
ROCKLAND, MAINE 04841

Name of Property Owner (if different) SAME

Type of License(s): Liquor Victualer Entertainment
 Lodging House Commercial Hauler Landscape Contractor
 Billiard Room Second Hand Dealer Other (Specify) _____

Type of Business LODGING HOUSE

Expiration of Current License 10/15/2015

Fee(s) Paid \$100.00 Date _____

The applicant herein agrees to conform with the provisions of the Ordinances of the City of Rockland relating to business licenses and such reasonable rules and regulations as may hereafter be adopted. The applicant hereby gives all persons and governmental agencies having information relevant to the above items permission to release the same to the City Clerk, Chief of Police, or other person(s) authorized to receive the same, and releases any claim that may be alleged to have arisen as a result of such release or disclosure.

Applicant's Signature ROBERT LIBERTY Date 10/2/15

Approved By: _____ License # _____

_____Approved _____ Inspected; See Report _____ Code Officer _____ Date _____

_____Approved _____ Inspected; See Report _____ Fire Inspector _____ Date _____

_____Approved _____ Inspected; See Report _____ Police Chief 10/2/15 Date _____

_____Approved _____ City Clerk _____ Date _____

Postponed 10/14/15 to 11/9/15

CITY OF ROCKLAND, MAINE

RESOLVE #46

IN CITY COUNCIL

November 9, 2015

RESOLVE Appointment – Personnel Board

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Mayor's appointment of Chelsea Avirett, 10 Fulton Street, to the Personnel Board to fill a vacancy on the Board is hereby confirmed. Ms. Avirett shall serve until that term expires in 2017.

Sponsor: Mayor Isganitis

Originator: Mayor Isganitis

CITY OF ROCKLAND

The Mayor of the City of Rockland is responsible for appointments to standing boards, commissions, and committees organized to work on specific issues within stated time frames. The Rockland City Council confirms all appointments.

This application is designed to assist the Mayor and Council in the appointment of interested persons and reviewing unique experiences and skills that would assist the various boards, commissions, and committees in their efforts to advise Council or perform their prescribed duties.

Date: 10-27-15

Name: Chelsea Avirett
Street address: 10 Fulton St.
Mailing address (if different): _____
Home phone number: 404.764.9467
Cellular phone number: "
Email Address: cavirett@gmail.com
Preferred Method of Contact: email

Which Committee, Board or Commission do you wish to be appointed to?

Personnel Board

How long have you been a resident of Rockland? 2 1/2 yrs.

Past Board, Commission, or Committee appointment(s):

Community Name	Name of Board, Commission, or Committee	Years served
<u>Rockland Maine Street Inc.</u>	<u>Organization Committee</u>	<u>2014 - present</u>
<u>Makerfaire / Camden Library</u>	<u>"</u>	<u>2013 - present</u>
_____	_____	_____
_____	_____	_____

Please explain why you are interested in serving on a Board or Committee?

Choosing the best employees is critical to the effectiveness of the city's operations + ability to accomplish its stated goals. Working w/ this process will help me understand the various departments in the city.

What do you think you will contribute to a Board or Committee?

Careful attention to detail + ability to connect those details to larger goals + analyze the effectiveness of prospective employees?
potential

Any comments or suggestions:

Please return this form to: Office of the City Clerk
270 Pleasant Street
Rockland, ME 04841

For Official Use Only

Date Application Received: _____

City Manager Review: _____

(Initials)

CITY OF ROCKLAND, MAINE

RESOLVE #47

IN CITY COUNCIL

November 9, 2015

RESOLVE Appointment – Board of Assessment Review

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Mayor's appointment of Esther "Tess" Kilgour, 19 Beech Street, to the Board of Assessment Review to fill a vacancy on the Board is hereby confirmed. Ms. Kilgour shall serve until that term expires in 2017.

Sponsor: Mayor Isganitis

Originator: Mayor Isganitis

CITY OF ROCKLAND

The Mayor of the City of Rockland is responsible for appointments to standing boards, commissions, and committees organized to work on specific issues within stated time frames. The Rockland City Council confirms all appointments.

This application is designed to assist the Mayor and Council in the appointment of interested persons and reviewing unique experiences and skills that would assist the various boards, commissions, and committees in their efforts to advise Council or perform their prescribed duties.

Date: Oct 21, 2015

Name: ESTHER "Tess" Kilgus
Street address: 19 Beech St
Mailing address (if different): _____
Home phone number: 207-594-1869
Cellular phone number: 207-593-6603 (do not publish please)
Email Address: Kilgo9@aol.com
Preferred Method of Contact: Phone

Which Committee, Board or Commission do you wish to be appointed to?

Board of Assessment Review

How long have you been a resident of Rockland? 35 yrs

Past Board, Commission, or Committee appointment(s):

Community Name	Name of Board, Commission, or Committee	Years served
<u>Rockland</u>	<u>School Board</u>	<u>9</u>
_____	_____	_____
_____	_____	_____

Please explain why you are interested in serving on a Board or Committee?

I would like to have a better understanding of the ins and outs of city government. I love Rockland.

What do you think you will contribute to a Board or Committee?

*An inquisitive mind a willingness to delve into detail
an ability to ignore mindless opinions of social media
in order to complete a task. Integrity and the ability
to admit I am wrong or do not know the answer.*

Any comments or suggestions:

Please return this form to:

Office of the City Clerk
270 Pleasant Street
Rockland, ME 04841

For Official Use Only

Date Application Received: _____

City Manager Review: _____
(Initials)

CITY OF ROCKLAND, MAINE

RESOLVE #48

IN CITY COUNCIL

November 9, 2015

RESOLVE Accepting Donations - Library

WHEREAS, the Friends of the Rockland Public Library donated \$1,384.23 to the Rockland Public Library for 118 children's titles to be added to the Library's Children's collection, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

WHEREAS, the Rockland Public Library Endowment Association donated \$36.75 to the Rockland Public Library for an ad in the Free Press, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

WHEREAS, the following persons donated gift subscriptions to the following magazines:

- Mary Ellen Macklin, Reading MA, \$283.68 to re-establish a subscription to the Portland Press Herald;
- Joanna Hynd, Thomaston, ME, for American Girl Magazine (valued at \$39.95);
- Jane Ryan, Thomaston, ME, for Atlantic Monthly Magazine (valued at \$44.85);
- Lee Heffner, Rockland, ME, for the New Yorker Magazine (valued at \$69.99);
- Kathleen Fleury, Editor in Chief, Downeast Magazine, complimentary subscription;
- Will Ikard, Newcastle, ME, for Field & Stream Magazine (valued at \$10.00);

to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

WHEREAS, Anne & David Sykes, Leominster, MA, donated \$500.00 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); and

WHEREAS, Lea Carver, Rockland, ME, donated the book *Career of Evil*, valued at \$28.00, to the Rockland Public Library to be added to the Library's collection; and

WHEREAS, artist Laura Waller, Tampa, FL, donated six of her framed watercolor paintings to the Rockland Public Library, valued at \$2,400 each, with the understanding that the painting may be hung in rotation, and that they will not be sold;

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

CITY OF ROCKLAND, MAINE

RESOLVE #47

IN CITY COUNCIL

November 9, 2015

RESOLVE Adopting Vision Statement

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Vision Statement for the City of Rockland establish by the City Council at a goal setting meeting held on October 22, 2015, is here adopted substantially as re-printed below.

Sponsor: City Council
Originator: City Council

CITY OF ROCKLAND, MAINE VISION STATEMENT

By June 30, 2018, the City of Rockland will be known as a place where public officials, private citizens and the press work together, with optimism, trust and collaboration, to create and promote the region's unique assets and quality of life. Collectively, we have a strong legislative voice and are succeeding in our advocacy at the State level.

In a three year period, we have increased tourism and commercial, residential and public values, as well as associated revenue, by realizing the potential of our natural waterfront resource in many, diverse ways. We have created and enhanced civic amenities and improved their utilization, safety and enjoyment. There is an in-town housing renaissance for all socioeconomic levels, and young families are choosing to live in the City of Rockland due to the availability of middle class housing and the quality of our education. We are also attracting new businesses and younger residents through public/private partnerships that offer a state-of-the-art technology infrastructure. With a focus on renewable energy, we have implemented some components of our sustainable energy and conservation plan.

At the same time, positive changes have taken place with workplace culture among City employees. Through a focus on continuous improvement and creativity, we have improved our efficiency and reduced our need to outsource work, by investing in staff development and fostering an entrepreneurial/ownership spirit among all department managers. Employee satisfaction is at an all-time high.

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #37
IN CITY COUNCIL**

September 14, 2015

ORDINANCE AMENDMENT: Domesticated Chickens

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 3, Animals & Fowl, ARTICLE III, Keeping of Domesticated Chickens, BE AMENDED AS FOLLOWS:

ADD:

ARTICLE III KEEPING OF DOMESTICATED CHICKENS

Sec. 3-301. Purpose; Administration.

This ordinance establishes standards for (1) the keeping of domesticated chickens in residential areas in a manner that enables residents to keep chickens for non-commercial purposes without adversely affecting the surrounding neighborhood, and (2) the safe and inoffensive keeping of domesticated chickens where agriculture is permitted. Chickens kept in accordance with this Article shall not constitute a use that is annoying, detrimental, obnoxious, unsightly, injurious or dangerous to the health, comfort, or property of individuals, or of the public.

This Article shall be administered pursuant to Chapter 19, Art. III, Sec. 19-312, or by the Animal Control Officer.

Sec. 3-302. Permit required.

- A. Except on parcels where agriculture as defined in Section 19-302 is permitted, and subject to applicable use prohibitions in the zoning regulations under Section 19-304, no person may keep chickens in the City of Rockland without first obtaining, from the Code Enforcement Office, a Domesticated Chickens Permit. Such permit, once granted, is personal to the permit holder and may not be assigned.
- B. The City Council may, by Order, establish an application and/or permit fee for Domesticated Chicken Permits.
- C. A permit to keep chickens may be revoked where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of this Article, or other applicable ordinance or law.

Sec. 3-303. Regulations Applicable to Domesticated Chickens Permit Holders.

Each Domesticated Chickens Permit holder must comply with the standards set forth in this Section and in Section 3-304. This Section shall not apply on parcels where agriculture as defined in Section 19-302 is permitted or approved as a Conditional Use.

- A. Non-Commercial Use Only. Chickens shall be kept for personal use only, and chicken breeding, fertilizer production for commercial purposes, and on-site slaughtering of chickens is prohibited.
- B. Quantities Limited. No person may keep a rooster, nor maintain more than nine hens on a single parcel.

C. Enclosures.

(1) Chickens must be kept in an enclosure or fenced area (chicken pen) at all times during daylight hours. Enclosures must be clean, dry, and reasonably odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact. The chicken pen must provide adequate sun and shade and must be inaccessible by rodents, wild birds, and predators, including dogs and cats. It shall be constructed with sturdy wire fencing buried at least 12" in the ground. The pen must be covered with wire, aviary netting, or solid roofing. The use of non-galvanized chicken wire is not permitted.

(2) Chickens shall be secured within a chicken coop or house during non-daylight hours.

(a) Each chicken coop or house shall be detached from residential structures. In the case of traditional New England barn structures attached to the main house by an ell, the chickens can be permitted in the barn, as long as they are enclosed in a separate coop area and not roaming throughout the barn. The chicken coop or house shall be enclosed on all sides, shall have a roof, and shall have doors capable of being closed and locked. Opening windows and vents must be covered with predator- and bird-proof wire of less than one-inch openings. Chicken coops and houses shall be cleaned regularly, and maintained so as to protect the health and comfort of the chickens housed therein.

(b) Chicken coops and chicken houses shall be located only in the yard to the rear of the principal dwelling, or in the case of a barn attached to the side of the house by an ell, the chicken coop may be located in said barn but the chicken yard shall be located to the rear of the barn. Chicken coops and houses shall be at least fifteen (15) feet from the property line(s). Chicken coops and houses may not be located in any front yard, nor in the interior of any home or other dwelling unit.

(c) Lights used to illuminate exterior areas around chicken coops or chicken houses must be turned off when no persons are present; motion-sensor lighting may be used for this purpose.

D. Waste Storage and Removal.

All chicken manure shall either be promptly composted or tilled into cultivated earth in such manner as to prevent run-off and minimize odor, be properly stored, or be removed and properly disposed of. All stored manure shall be placed in a fully enclosed container. No more than one, thirty-gallon container of manure shall be stored on any one parcel where chickens are kept. In addition, the chicken coop or house, pen, and surrounding area must be kept free from trash and accumulated droppings.

E. Predators, rodents, insects, and parasites.

Each Domesticated Chickens Permit holder shall take all reasonable precautions to reduce the attraction of predators and rodents and the potential infestation by insects and parasites. Where such conditions are found to exist by a code enforcement official or animal control officer, the City may order the removal of the chickens, enclosure(s), and coop(s) or house(s), or may arrange for such removal the cost of which shall be borne entirely by the permit holder or property owner.

Sec. 3-304. Regulations Applicable To All Persons Raising or Keeping Domesticated Chickens

Each person keeping domesticated chickens in Rockland must comply with the standards set forth in this Section.

A. Feed and Water.

Chickens must be provided with access to feed and clean water at all times, arranged in such manner as to

be inaccessible by rodents, wild birds, and predators. Uneaten feed shall be removed in a timely manner.

B. Odor.

Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.

C. Predators, rodents, insects, and parasites.

Each person keeping domesticated chickens shall take all reasonable precautions to reduce the attraction of predators and rodents and the potential infestation by insects and parasites.

D. Deceased Chickens.

Deceased chickens shall be promptly removed and properly disposed of.

Cross Reference: Sec. 3-103, Sick, Injured, or Dead Animals.

Sec. 3-305. Violations; Penalties.

Any violation of any provision of this Article shall be a civil violation subject to a minimum fine of one-hundred dollars (\$100.00) per violation. Each day that a violation continues shall constitute a separate violation. In addition, and in the sole discretion of the City, any violation of this Article shall be subject to a civil action brought pursuant Title 30-A, Maine Revised Statutes, Section 4452, and subject to the penalties and remedies set forth therein.

Sponsor: Councilor Geiger
Originator: Councilor Geiger

Postponed 10/14/15 to 11/9/15
(Prior to Public Hearing)

First Reading 9/14/15
First Publication 9/24/15
Public Hearing 10/14/15
Final Passage _____
Second Publication _____
Effective Date _____

CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #38
IN CITY COUNCIL

September 14, 2015

ORDINANCE AMENDMENT Domesticated Chickens

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

Sec. 19-304 Zoning Regulations

1. RESIDENTIAL ZONE "A"

C. Prohibited Uses

RESIDENTIAL ZONE "A" PROHIBITED USES	
(1)	Any use which is obnoxious, annoying, unsightly, detrimental to the character of the neighborhood, or offensive to a neighborhood by reason of odor, fumes, vapor, dust, smoke, gas, noise, or vibration is prohibited.
(2)	Animal Restriction: <u>Except domesticated chickens kept in accordance with Chapter 3, Article III,</u> n No person shall keep any farm animals including but not limited to fowl, mule, donkey, sheep, goat, cattle, swine, or non-domesticated animal, and no person shall keep any dogs or rabbits for breeding or commercial purposes, on any premises in this zone.

Sponsor: Councilor Geiger
Originator: Councilor Geiger

First Reading 9/14/15
First Publication 9/24/15
Public Hearing 10/14/15
Final Passage _____
Second Publication _____
Effective Date _____

*Postponed 10/14/15 to 11/9/15
(Prior to Public Hearing)*

CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #39
IN CITY COUNCIL

October 14, 2015

ORDINANCE AMENDMENT Authorizing Sale of City Property – 19 Franklin Street

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

THAT the City Manager is hereby authorized to issue a municipal quitclaim deed to William Heal for property located at 19 Franklin Street, as shown on Rockland Tax Map #19-E-9, for \$35,000, said sale being subject to the execution and substantial compliance with the terms and conditions set forth in a purchase and sale agreement incorporated herein by reference.

Sponsor: City Council
Originator: City Manager

First Reading 10/14/15
First Publication 10/24/15
Public Hearing 11/9/15
Final Passage _____
Second Publication _____
Effective Date _____

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #40
IN CITY COUNCIL**

October 14, 2015

ORDINANCE AMENDMENT Authorizing Sale of City Property – 15 Garden Avenue

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

THAT the City Manager is hereby authorized to issue a municipal quitclaim deed to Shane Chontos for property located at 15 Garden Avenue, as shown on Rockland Tax Map #60-A-3, for \$1,000, said sale being subject to the execution and substantial compliance with the terms and conditions set forth in a purchase and sale agreement incorporated herein by reference.

Sponsor: City Council
Originator: City Manager

First Reading 10/14/15
First Publication 10/24/15
Public Hearing 11/9/15
Final Passage _____
Second Publication _____
Effective Date _____

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #41
IN CITY COUNCIL**

October 14, 2015

**ORDINANCE AMENDMENT: Licensing of Lodging Houses and
 Permitting of Transient Residential Accommodations**

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

WHEREAS, the Rockland Code of Ordinances does not currently provide for the licensure of innkeepers of transient accommodations,

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

Sec. 11-210 Lodging Houses And Transient Residential Accommodations

1. Lodging House License.

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

B. Definitions. For the purposes of this subsection¹

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

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

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

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

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

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

2. Transient Residential Accommodations Permit.

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

B. Permit Required. No person shall operate a Transient Residential Accommodation without first obtaining annually a one-year permit therefor from the Code Enforcement Office.

C. Definitions. For the purposes of this Subsection¹:

Transient Residential Accommodation ("TRA") means the use of all or part of a legally-existing dwelling unit for short-term rental to a person or persons unrelated to the owner or occupant of the unit, for consideration, for periods of less than one month, as follows:

(1) Transient Residential Accommodation – 1 ("TRA-1") means either:

- (a) an owner- or lessee-occupied² single-family structure in which not more than one bedroom is rented or offered for rent to one person or one family for periods of less than one month, or
- (b) a dwelling unit in a two-family structure in which one unit is occupied² by the owner of the entire structure that is rented or offered for rent by one person or one family for periods of less than one month.

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

² The owner or lessee must occupy the dwelling or unit while it is being rented.

(2) Transient Residential Accommodation – 2 (“TRA-2”) means either:

(a) a single-family structure that is not occupied by its owner or lessee that is rented or offered for rent to one person or one family for periods of less than one month,³ or

(b) one dwelling unit in a non-owner occupied two-family structure rented or offered for rent to one person or one family for periods of less than one month.

(3) Transient Residential Accommodation – 3 (“TRA-3”) means one dwelling unit in a multi-family structure, where such structure has an approved, functional sprinkler system that is not necessarily occupied by its owner or lessee and that is rented or offered for rent to one person or one family for periods of less than one month. A multi-family structure located in a zone other than the Residential A, AA or B Zones that permits lodging houses shall be permitted to rent any or all units under this section provided that the structure is in full compliance with Chapter 26 of NFPA 101 Life Safety Code/2012.

D. Application; Fee. The City Council may establish a non-refundable application fee for Transient Residential Accommodations Permits, and/or a permit fee which may include a graduated fee schedule on the basis of the number of rooms of the facility and/or other criteria.

E. Notice. Upon receipt of a complete application for a Transient Residential Accommodation Permit, the City Clerk shall submit the application to the Code Enforcement Officer and, by U.S. Mail, First Class, provide notice of such application to the owner(s) of record of abutting parcels, including owner(s) of record of parcels located directly across a street or other way from the subject parcel, at least seven (7) days prior to issuing such license. Notice is effective upon mailing.

F. Permitting Authority; Review Criteria. Within thirty (30) days of the City Clerk’s receipt of a Transient Residential Accommodations Permit application, the authorized permitting authority shall grant, grant with conditions, or deny such application applying the level of review criteria (“Review Level”) as defined below, consistent with Table 11-210(2). All Transient Residential Accommodations are also subject to the Additional Requirements set forth in Subsection G.

Review Level I: Applicant shall provide satisfactory evidence of current insurance providing coverage for bodily injury and property damage sustained or caused by the owner, guests, and others admitted to the premises.

³ Provided that there are code-compliant fire separations between dwelling units in an existing condominium structure, each unit under separate, unrelated or affiliated ownership shall be considered a single-family structure for the purposes of Transient Residential Accommodations Permit provisions. New condominium units established after October 1, 2015, may not be used for Transient Residential Accommodations.

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

Review Level II: Applicant shall demonstrate compliance with applicable⁴ building, fire prevention, and life safety codes upon inspection by the Code Enforcement Officer and Fire Chief or their designees.

Applicant shall provide satisfactory evidence of current insurance providing coverage for bodily injury and property damage sustained or caused by the owner, guests, and others admitted to the premises.

Applicant shall provide two on-site parking spaces if a single-family structure; one and one-half on-site parking spaces for each dwelling unit in a two- or multi-family structure; and one on-site parking space for each room in a TRA-4 that is offered for rent in addition to two on-site parking spaces required if owner-occupied.

Table 11-210(2)

<u>Type of Accommodation</u>	<u>Type of Structure</u>	<u>Duration of Stay for Which Rental Is Offered</u>	<u>Permitting Authority in Residential AA, A, and B Zones</u>	<u>Permitting Authority in Other Zones</u>	<u>Review Level</u>
<u>TRA-1</u>	<u>Single-Family (rental of one room in owner-occupied structure or one unit in an owner-occupied two-family structure)</u>	<u>1 day up to less than 1 month</u>	<u>Code Office</u>	<u>Code Office</u>	<u>I</u>
<u>TRA-2</u>	<u>Single-Family</u>	<u>7 days up to less than one month</u>	<u>Code Office</u>	<u>Code Office</u>	<u>I</u>
	<u>Single-Family</u>	<u>1 day up to less than 1 month</u>	<u>Planning Board⁵</u>	<u>Code Office</u>	<u>I</u>
	<u>Two-Family</u>	<u>7 days up to less than one month</u>	<u>Code Office</u>	<u>Code Office</u>	<u>I</u>

⁴ See Chapter 4 – Buildings, Inspections & Enforcement.

⁵ When the Planning Board is the Permitting Authority, it shall grant, condition, or deny the application by taking into consideration the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography, and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; signage, and lighting; compatibility with existing uses; availability of necessary public services; and compliance with applicable requirements of all City ordinances.

	<u>Two-Family</u>	<u>1 day up to less than 1 month</u>	<u>Planning Board</u>	<u>Code Office</u>	<u>I</u>
<u>TRA-3</u>	<u>Multi-Family*</u>	<u>1 day up to less than 1 month</u>	<u>Planning Board</u>	<u>Planning Board</u>	<u>II</u>

* Use of structure as a dwelling must be a permitted or conditional use in the zone. All newly-constructed Lodging or Rooming Houses are subject to Planning Board Site Plan Review.

G. Additional Requirements. In addition to the standards set forth in Section 11-106 and other applicable law, ordinance, or regulations, the following criteria shall apply to applications for Transient Residential Accommodations:

- (1) The occupancy classification of a single-family structure, or a unit in a two-family or multi-family structure, used as a TRA shall be in compliance with that of a "one-family dwelling" as described in Chapter 24 § 24.1.1.1 of NFPA 101 Life Safety Code/2012.
- (2) Rental must be to a single entity. Maximum occupancy shall be limited to two people per bedroom plus no more than two additional children under the age of twelve.
- (3) The use of a dwelling unit as a TRA does not violate any applicable lease, rental agreement, condition of municipal approval, covenant, or other lawful restriction on the use of the parcel;
- (4) Notwithstanding anything to the contrary in Section 19-315, signage identifying, advertising, providing wayfinding, or otherwise relating to the use of a dwelling as a TRA is not permitted, either on- or off-site;
- (5) The Permittee must maintain accurate, up-to-date records of all rental transactions in the TRA, including the number of guests and the duration of their stays. Such records must be available for review by the Code Enforcement Officer upon request;
- (6) The Permittee must post in plain sight to visitors near the entrance and in each rented bedroom a Notice that identifies the name, address, phone number(s), e-mail address, and emergency contact of the operator of the TRA, and, when the TRA is not subject inspection by the City's Code Enforcement Officer and Fire Chief pursuant to Table 11-210(2), the following disclaimer:

NOTICE

The Operator of these accommodations, _____
[print permittee's name] has been granted a City of Rockland Transient
Residential Accommodations Permit, Permit No. _____, pursuant to
Rockland Code of Ordinances, Ch. 11, Art. II, Sec. 11-210(2). THE
GRANTING OF THIS PERMIT DOES NOT CONSTITUTE A
FINDING BY THE CITY OF ROCKLAND OR OTHER CODE

ENFORCEMENT AUTHORITY THAT THE PREMISES ARE IN COMPLIANCE WITH APPLICABLE BUILDING, PROPERTY MAINTENANCE, FIRE PREVENTION, LIFE SAFETY, OR OTHER APPLICABLE CODES OR REGULATIONS. No inspection for compliance with such regulations has been conducted, and none is required for Operator to acquire a Transient Accommodations Permit or to conduct that business at these premises so long as the Operator's use of the premises is in conformance with and does not exceed the scope of the Transient Residential Accommodations Permit;

and

(7) The Permittee must assure that each advertisement of the TRA includes Permittee's City of Rockland Transient Accommodations Permit number.

(G) Suspension, Revocation, or Denial of Permit. The Permitting Authority may deny any Transient Residential Accommodation Permit upon failure of the applicant to meet all regulations set forth in this section. The City Council may condition, suspend, or revoke a Transient Residential Accommodation Permit, following a public hearing, on the basis of the licensee's non-compliance with any applicable law, ordinance, or regulation, or license certification, condition, or criteria.

Sponsor: Mayor Isganitis
Originator: Code Enforcement Officer

Postponed 10/14/15 to 11/9/15

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #42
IN CITY COUNCIL**

October 14, 2015

**ORDINANCE AMENDMENT: Zoning Provisions for Transient
Residential Accommodations**

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning And
Planning, ARTICLE III, Zoning Ordinance, BE AMENDED AS FOLLOWS:**

Sec. 19-302 Words And Phrases Defined

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

* * *

Bed and Breakfast Establishments. Except as permitted pursuant to Ch. 11, Art. II,
Sec. 11-210(2), the following definition shall apply:

- a. The following definition shall apply: **Bed and Breakfast.** Any dwelling in which two (2) or more bedrooms for transient lodging or boarding and lodging are provided and offered to ~~the public~~ one or more persons or families by the owner for compensation for less than one week. Except as otherwise provided, this property shall also be the full-time, permanent residence of its owner during periods of operation. There shall be no provisions for cooking in any individual guest room. The maximum guest occupancy shall be 16 / night
- b. No food or drink of any kind shall be sold to the general public.
- c. For a Bed and Breakfast in a residential zone, no more than eight (8) rooms may be rented unless the property has multiple buildings existing prior to April 10, 2002. In that case, additional rooms may be rented in the additional building or buildings up to a total of twelve (12) rooms on the property. The expansion must be made wholly within the building existing as of April 10, 2002.

Unless presented together initially, each multiple existing building being opened as a Bed and Breakfast Inn will require its own Site Plan Review and approval from the Planning Commission.

Dwelling Unit: A room or suite of rooms that are arranged, designed, used, or intended for use as a self-contained housekeeping unit, separated from other such rooms or suites of rooms, and contains living, kitchen, and sleeping facilities for one person, or one family, including single-family homes and the separated units in a duplex, apartment house, multi-family dwelling, and residential condominium.

~~A room or suite of rooms that is used as a habitation, which is separate from other such rooms or suites of rooms, and which contains living, cooking, and sleeping facilities, includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.~~

Dwelling, One-Family or Dwelling, Single-Family: The use, for zoning purposes, of a single-family structure by its owner or the owner's tenant as a residence for a person or a family for a term of at least one month, except as otherwise provided under Title 30-A, Maine Revised Statutes, Section 4357-A – Community Living Arrangements, as amended.

~~A building containing not more than one (1) dwelling unit in which the dwelling unit is occupied by members of a single family with not more than three (3) outsiders, if any, accommodated in rented rooms, with exceptions as mandated in Title 30-A Section 4357-A: Community living arrangements, as amended.~~

Structure, Single-Family: A building containing not more than one (1) dwelling unit.

Dwelling, Two-Family: The use, for zoning purposes, of each dwelling unit in a two-family structure by its owner or the owner's tenant as a residence for one person or a family for a term of at least one month.

~~A building containing not more than two (2) dwelling units in which each dwelling unit is occupied by members of a single family with not more than three (3) outsiders, if any, accommodated in rented rooms.~~

Structure, Two-Family: A building containing two (2) dwelling units.

Dwelling, Multi-Family. The use, for zoning purposes, of each dwelling unit in a multi-family structure by its owner or the owner's tenant as a residence for one person or a family for a term of at least one month, including apartment houses and apartment hotels, but excluding boarding houses, inns, lodging houses, hotels, motels, and other transient residential accommodations.

~~**Dwelling; Multiple.** A "multiple dwelling" means a building or portion thereof used or intended to be used or occupied as a permanent residence, more or less, by three (3) or more families living independently of each other, including apartment houses and apartment hotels, but excluding boarding houses, lodging houses, hotels and motels. The latter terms shall mean a building or buildings divided into individual rooms or suites of rooms which are rented or used or designed to be used primarily for sleeping purposes where the building(s) has only general kitchen and dining facilities or where the rooms which are rented contain no extensive cooking facilities.~~

Structure, Multi-Family: A building containing three (3) or more dwelling units.

Family. Two or more persons related by blood, marriage, civil union, or adoption who reside together as a single housekeeping unit, sharing common kitchen and bathroom facilities. A

“family” for zoning purposes may also consist of (1) two or more persons related by blood, marriage, civil union, or adoption and no more than three additional persons who are not so related, or (2) no more than three unrelated persons, who occupy a dwelling unit as a single housekeeping unit, sharing common kitchen and bathroom facilities.

~~———— “Family” means one (1) or more persons living, sleeping, cooking and eating on the same premises as a single house-keeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel. Such unit shall not exceed five (5) persons not related by blood or marriage.~~

Hotel: A commercial establishment offering sleeping accommodations for seventeen (17) or more travelers and others on a transient or semi-permanent basis, sometimes including varying levels of accessory services for occupants and/or the general public such as restaurants, shops, and meeting rooms.

A building or groups of buildings under the same management in which there are sleeping accommodations for more than sixteen (16) persons and primarily used by transients for lodging with or without meals.

* * *

Kitchen Facility(ies). “Kitchen Facility,” both in its singular or plural form, shall mean an area that contains any, some, or all of the following facilities for food preparation, storage, and/or sanitation: a stove, oven, convection oven, microwave, hotplate or other cooking or food warming equipment; any size refrigerator or freezer; and/or any type of sink, including a bar sink or wet-bar but not including a bathroom sink.

~~———— **Lodging Facilities.** A facility that offers accommodations for a fee.~~

~~**Lodging, or Rooming, or Boarding House:** A building other than single-, two-, or multi-family structure in which a licensed operator provides, for a fee, sleeping accommodations for sixteen (16) or fewer persons on either a transient or permanent basis, with or without meals served to occupants only, but without separate kitchen facilities for individual occupants; provided however that the building may include a separate, additional dwelling unit occupied by the owner or manager that includes kitchen facilities for such owner or manager’s personal use.~~

~~———— **Lodging or Rooming House:** Buildings that provide sleeping accommodations for sixteen (16) or fewer persons on either a transient or permanent basis, with or without meals, but without separate cooking facilities for individual occupants.~~

* * *

Transient Residential Accommodation (“TRA”). The use of all or part of a legally-existing dwelling unit for short-term rental to a person or family unrelated to the owner or occupant of the unit, for consideration, for periods of less than one month.

Sec. 19-309 Special Use Classes ~~Exceptions and Exemptions~~

* * *

3. Transient Residential Accommodations.

A. Permitted Transient Residential Accommodations. In any zone, existing single-, two-, and multi-family structures may be used as Transient Residential Accommodations upon the issuance of a Transient Residential Accommodations Permit for the premises pursuant to Chapter 11, Article II, Section 11-210. Notwithstanding anything to the contrary in this section, Planning Board review of Transient Residential Accommodations as a Special Use Class shall not be required when the Code Office is the designated Permitting Authority pursuant to Chapter 11, Article II, Section 11-210(2).

B. Prohibited Transient Residential Accommodations. No person may offer for rent, rent, operate, or otherwise use any parcel in the City of Rockland for Transient Residential Accommodations if:

(1) Such person has not secured or maintained a valid Transient Residential Accommodations Permit for the premises; or

(2) The accommodations are an accessory apartment, a detached accessory building, recreational vehicle, trailer, tent, or other mobile residential equipment other than a mobile home.

Sponsor: Mayor Isganitis
Originator: Code Enforcement Officer

Postponed 10/14/15 to 11/9/15

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #43
IN CITY COUNCIL**

November 9, 2015

ORDINANCE AMENDMENT: Amending Minimum Front Setback from Publicly-Accessible Park or Plaza

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning And Planning, ARTICLE III, Zoning Ordinance, SECTION 19-304, Zone Regulations, SUBSECTION 19-304(14), Downtown Zone Regulations and SUBSECTION 19-304(23), Tillson Avenue Area Overlay Zone Regulations, BE AMENDED AS FOLLOWS:

14. Downtown Zone "DT" Regulations.

A. Purpose.

The purpose of the Downtown Zone is to preserve and promote a compact, historic commercial district to serve as the retail, office, institutional, financial, governmental, and cultural center of the community. This Zone should include mixed uses that are compatible with existing uses and architectural scale.

* * *

C. Standards.

- (1) The standards of Section 19-316 shall be observed.
- (2) The following space and bulk standards shall apply to all lots and/or parcels of land:

Table 304-14

"DT" ZONE

* * *

<p>Maximum Front Setback (Principal and Accessory Structures)</p>	<p><u>Five feet from property line for no less than 40% of the building façade (first floor) as measured linearly. Fifteen feet from property line for the remainder of the building façade (all floors) as measured linearly. Such Maximum Front Setbacks shall be measured from the inside edge of any park, plaza, or other exterior portion of the lot that abuts the primary street and to which the lot owner has granted the City of Rockland a public access easement in a form acceptable to the City Attorney. The inside edge shall be that point of the longest line or, in the event of a round or oval space, the curve formed by the publicly-accessible park, plaza or similar area, that is located closest to the principal façade of the proposed structure.</u></p>
<p>Minimum Front Setback (Principal and Accessory Structures)</p>	<p>None</p>

Minimum Side Setback (Principal and Accessory Structures)	None outside designated scenic viewsheds. Within designated scenic viewsheds, as identified in a City-adopted plan, see 'Preservation of Water views' standard for minimum side setbacks.
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* * *

23. Tillson Avenue Area Overlay Zone

1. Purpose. To enhance redevelopment opportunities in the Tillson Avenue Area while protecting and enhancing the historic character and mixed-uses in Rockland's largely 19th Century-constructed commercial center (the "Downtown District"), and waterfront. This Overlay defines uses and standards that are in addition to regulations for the underlying land use zones that apply in this area. Where there is a conflict between uses and standards within the zones of this area and the Tillson Avenue Area Overlay Additional Standards, the Tillson Avenue Area Overlay Additional Standards shall apply.

* * *

5. Standards. In addition to the standards for the zones within this area, the following space, bulk and design standards shall apply to all lots and/or parcels of land.

TILLSON AVENUE AREA OVERLAY ADDITIONAL STANDARDS

* * *

Maximum Front Setback (Principal Structures and Accessory Structures with building coverages of 150 sq. ft. or more)	5 feet from property line for no less than 40% of the building façade (first floor) as measured linearly. 15 feet from property line for the remainder of the building façade (all floors) as measured linearly. However, functionally water-dependent uses, maritime facilities, and marinas are exempt from a maximum front setback requirement. <u>Such Maximum Front Setbacks shall be measured from the inside edge of any park, plaza, or other exterior portion of the lot that abuts the primary street and to which the lot owner has granted the City of Rockland a public access easement in a form acceptable to the City Attorney. The inside edge shall be that point of the longest line or, in the event of a round or oval space, the curve formed by the publicly-accessible park, plaza or similar area, that is located closest to the principal facade of the proposed structure.</u>
Minimum Front Setback (Principal and Accessory Structures)	None
Minimum Side Setback (Principal and Accessory Structures)	None outside of designated scenic viewsheds. Within designated scenic viewsheds, as identified in a City-adopted Master Plan for the Tillson Ave area, see 'Preservation of Water views' standard for minimum side setbacks.

Sponsor: Mayor Isganitis
Originator: City Manager

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #44
IN CITY COUNCIL**

November 9, 2015

ORDINANCE AMENDMENT Authorizing a Municipal Quitclaim Deed – 105 First 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 Carla Grathwol for property located at 105 First Street, as shown on Rockland Tax Map #58-A-7-105, in substantial conformance with the terms, conditions and provisions of the Reconveyance Agreement incorporated herein by reference. If Ms. Grathwol fails to sign the Reconveyance Agreement and comply with its requirements by February 9, 2016, the City Manager is authorized to solicit bids for the sale of said property.

Sponsor: City Council
Originator: City Manager

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #45
IN CITY COUNCIL**

November 9, 2015

ORDINANCE AMENDMENT 15 Minute Time Limit – Thorndike Parking Lot

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 17, Traffic & Vehicles, SECTION 17-802, Schedule II, Time Limits on Parking, BE AMENDED AS FOLLOWS:

Sec. 17-802 Schedule II. Time Limits on Parking

1. General Limitation. Parking time limited between 9:00 AM and 6:00 PM on Mondays, Tuesdays, Wednesdays, and Thursdays, and between 9:00 AM and 9:00 PM on Fridays and Saturdays, with the exception of Sundays and public holidays:

Street	Area Affected
F. Fifteen-Minute Limit	
(1) Main	(a) Between Pleasant Street and Rankin Street between the hours of 2:00 A.M. and 6:00 A.M., Sundays and legal holidays excepted.
(2) <u>Thorndike Parking Lot</u>	(b) <u>The first two angles parking space in the northwest corner of the parking lot.</u>

Sponsor: Mayor Isganitis
Originator: Parking Committee

Memo

To: Rockland City Council
From: PJ Walter, chair of Parking Advisory Committee
Date: October 29, 2015
Re: October 1, 2015 meeting results of the Parking Advisory Committee

The parking committee met on October 1, 2015 to continue ongoing parking discussions reflected in prior meeting minutes. A copy of the meeting minutes from October 1, 2015 is attached.

Per the request of the city manager, the 15 minute spaces in Thorndike Parking lot were discussed. The committee recommends at this time that three 15 minute spaces seems a bit excessive and recommends that only two of the spaces be designated as 15 minute parking. This issue reinforces the need for a comprehensive city-wide parking study as previously requested by the parking committee.

The parking committee also began discussion of the city's current towing ordinance and will continue discussion once complete information on current practice is received from Troy Peasley. This will be on next meeting's agenda.

There was also discussion of parking on the grass at both Harbor Park and Snow Marine Park. Ed Glaser was in attendance and advised that a potential plan is in place for a harbor park redesign which he has subsequently provided us. The committee will discuss this further at our next meeting in order to make recommendations to council.

The committee asks direction from the city on who to include for further harbor parking related discussions due to the retirement of Ed Glaser.

Our next meeting is scheduled for Monday, November 16, 2015 at 5:30 pm at Rockland City Hall board room.

Parking Advisory Committee meeting October 1, 2015

5:30 pm City Hall board room

Present in Attendance:

P.J. Walter, Committee Chair

Joanne Billington, Committee member

Paul Chartrand, Committee member

Leslie Spiers, Committee member

Greg Pinto, Committee member, recorded or minutes

Traffic Officer Troy Peasley, ex-officio non-voting Committee member

Guest, Doug Curtis Jr.

Guest, Rockland Harbormaster Ed Glaser

Absent:

Rockland Police Chief Bruce Boucher, ex-officio non-voting Committee member

Meeting called to order.

Doug Curtis Jr presented committee with his views of opposition to the amended shuffling ordinance. Informing the committee of his occupancy history on Rockland's Main Street in addition to his history of working with mass transit in California and serving as chair of the comprehensive planning commission for Rockland, Mr Curtis explained that "shuffling" has been occurring for as long as he has been on Main Street, that lack of accessible parking for downtown employees and business people due to congestion during times of construction and festival season is the root cause of this issue. Mr Curtis told the committee that as far back as when the City Manager was Tom Hall the city explored the idea of creating a multi level parking garage at the train Station property, but found the option not financially feasible. Mr Curtis

contended that amending the current ordinance to increase the fines was reactionary, and does not address the problem with a solution, suggesting that the city should seek federal monies from the Department of Transportation to establish a public transit. The committee thanked Mr Curtis for sharing his views and informed him that as a committee we have already acted on this subject and did not have it on the agenda for further discussion. Mr Curtis then requested clarification on the committee 3-1 vote and whether or not we have spoken with the Chief of Police on this subject. The committee informed Mr Curtis that the vote to which he referenced was not a vote on the amended ordinance, but rather a vote as to the postponement or tabling of the issue, which the committee majority voted to not postpone or table and that to the ordinance amendment itself, the committee is unanimous in support of the amendment. In regards to communications with the Rockland Police Chief, the committee informed Mr Curtis that although not in attendance for this meeting, Chief Boucher is an ex-officio member of the committee and has, with the rest of the committee, discussed this topic at length.

The committee then moved to discussion of regular agenda items.

Agenda item #1, 15 minute parking space in the redesigned Thorndike Parking Lot. Traffic Officer Peasley informed committee members of the miscommunication that led to the installation of the signs designating three (3) spaces in the parking lot as 15 minute short term spaces. Officer Peasley informed the committee that after several days G. Page of Main Street inc complained that he and his clients hadn't been informed of this change and requested the designation be removed, at which point the signs were covered until the parking advisory committee could discuss the topic. Committee members discussed the parking availability in that lot, and how short term spaces designated could serve several of the businesses in that block. The committee came to the conclusion that the creation of 15 minute short term parking has the potential to be beneficial, and could possibly be explored in other locations, but for the

time being the spaces limited to 15 minute parking in the Thorndike lot should be limited to two (2) spaces. The committee reiterated that in regards to this type of issue, short term parking, long term unrestricted parking, overnight parking, and the possibility of permitted parking programs such as that in the Customs House Parking lot, a comprehensive parking study of the supply and demands for parking in the evolving downtown would be beneficial to guide the city in these decisions. The committee feels that until such a time when a study may be executed, it is in the interest of the city to embrace parking adjustments, in the effort to find creative solutions that with the help of businesses and organizations educating their customers and members/employees, to best serve both visitors and users of available public parking both on and surrounding Main Street.

Regular agenda item #2 is the towing ordinance for the city of Rockland. Committee members are in agreement that the wording of the current ordinance limits the City of Rockland from proper authorization to tow vehicles unless they can be proven to be abandoned or are directly impeding traffic. The committee concluded that adjusting the wording of the ordinance is needed to properly authorize the Police Department to have vehicles towed if said vehicles are illegally parked for multiple days. The committee requested more information and suggestion for adjustments from the Police Department, Traffic Officer Peasley agreed to provide the committee members with current language of the ordinance along with suggested revisions.

Regular agenda item #3 is parking on the grass at Harbor Park. Harbor Master Ed Glaser informed committee that while it is not an encouraged policy to allow parking under the trees at Harbor Park he feels that the city cannot enforce a no parking policy there unless it is addressed in ordinance and designated with signage. Committee members noted that as this issue amongst many others seems to amplify during the summer, perhaps notifying the boat owners currently leaving their vehicles parked on the grass that parking is available at the high school

parking lots would be appropriate rather than using the only shade space available in Harbor Park. Mr Glaser informed the committee members that as part of the redesign effort for Harbor Park, a parking lot for users of the Harbor is to be included, so as to provide boaters with parking availability during the festival season uninterrupted. Part of the problem, as noted by Mr Glaser is that Harbor Park isn't always viewed as a designated park as much as it is often viewed as a parking lot with grass, this due to the prime summer months the park is most utilized as being occupied by the various festivals. The committee noted that during the festivals, campers use the available space in Harbor Park as well as other municipal lots, including beach parking. Mr Glaser informed the committee that he would instruct boaters to use parking in front of the stage at harbor park or Snow Marine Park, to preserve access to the shaded area under the trees for park users, with the goal being in the long term to have parking available for boat owners in the redesign effort of Harbor Park. Mr Glaser suggested that a possible source of funding for such parking might be found available through grants in relation to the federal B.I.P. (Boating Infrastructure Program). The committee members along with Mr Glaser felt that parking provided for boating users of the Harbor should be made available with the appropriate permitting fee. As to whether that fee is tied into the mooring fee, or dingy dock usage or a part of a larger city wide overnight parking permit system is something that will need to be determined. Until such a time when that program of permits and establishing parking availability for boat owners can be achieved, the committee recommends that the Harbor Master instructs boat owners not to utilize the shaded area under the trees in Harbor Park for parking, and the city consider installation of signs designating that parking on the grass is prohibited, with further consideration for codifying it in ordinance if deemed necessary. The committee requested to see the design plan for the Harbor Park redesign to look more into the parking

options for boating harbor users. Harbor Master Glaser agreed to make them available. Committee members thanked Mr Glaser for his time.

Parking Advisory committee set its next meeting date for Monday November 16th at 5:30 pm in the city hall board room with intentions to review the towing ordinance, review parking plans in the Harbor redesign plan and continue the discussion on these topics. Meeting adjourned.

CITY OF ROCKLAND, MAINE

ORDER #82

IN CITY COUNCIL

November 9, 2015

ORDER Use of City Property – Holiday Season

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 2015 Holiday Season, in substantial compliance with the schedule outlined in the letter from Rockland Main Street, Inc., attached hereto, as follows:

- Hanging of decorations on Park and Main Streets on November 17, 2015, and hang a banner across Main Street promoting the Festival of Lights;
- Construction of “Lobster Trap Tree”, November 18, 2015;
- Installation of “Santa’s Workshop” in Winslow Holbrook Memorial Park on November 23, 2015;
- Main, Union and Park Streets at or after 12:00 noon on Friday, November 27, 2015, for a brief ceremony and procession marking the arrival of “Santa” and the opening of the Holiday Season on Main Street, which shall not require the closing of Main Street, and Mildred Merrill Park for the lighting of the “Lobster Trap Tree” at 6:00 p.m.;
- Main Street, between the entrance to the Maine State Ferry Terminal and the entrance to Harbor Park, on Saturday, November 28, 2015, from 5:00 p.m. to 9:00 p.m. for the annual Festival of Lights Parade (Main Street to be closed to vehicular traffic and parking on Main Street prohibited beginning at 4:00 p.m.).

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.



Rockland Main Street, Inc.

13 October 2015

Rockland City Council
c/o Mr. James Chaousis, City Manager
270 Pleasant Street
Rockland, ME 04841

Dear Council Members:

Rockland Main Street, Inc., is preparing for the annual Festival Of Lights Celebration, scheduled for Thanksgiving weekend. It has been the tradition for this seasonal event to utilize the space at Mildred Merrill Park to construct the Lobster Trap Christmas Tree, and to install a shed to serve as Santa's workshop to receive children and their families.

It has also been the tradition to orchestrate an after-dark parade that features dozens of lighted floats that will circle the downtown district before coming to rest on Main Street. The parade activity includes the closure of Main Street for a few hours, from approximately 5:00 PM through 9:00 PM, during which hundreds of families from all over the midcoast region attend and spend time in the shopping district.

The schedule for this year's events are as follows:

- 18 November – Build Lobster Trap Tree
- 23 November – Install Santa's workshop
- 27 November – Noon - Santa arrives at Middle Pier via Coast Guard vessel
- 27 November – 6:00 PM - Lighting of the Lobster Trap Tree
- 28 November – 6:00 PM - Festival of Lights Parade
- 29 November – Breakfast with Santa at Eclipse Restaurant

Attached are the appropriate application documents for Special Events.

The focus of these events is on providing a family friendly environment while celebrating our community and the beginning of the holiday season. Given that this is an event created for the enjoyment of the community and residents of Rockland, *we ask that you consider waiving all associated fees.* We will work closely with you and city staff to minimize the impact of the event on the city, just as we have done in past years.

I will make myself available to answer any questions you may have. As it is my intent to attend the council meeting that will handle this request, I ask that I be informed of the date and time of the meeting.

Thank you for your consideration,

Gordon Page, Sr.
Executive Director

Rockland Main Street, Inc.

"Working to Keep Downtown the Heart of the Community Since 2009"

PO Box 402, Rockland Maine 04841

Located at 417 Main Street # 203 ~ 207.593.6093 ~ rocklanddowntown@gmail.com

Rockland, Maine is a U. S. Coast Guard City and was named a Distinctive Destination in 2010

Member Maine Downtown Center and Maine Development Foundation

501 (4) 73

CITY OF ROCKLAND, MAINE

ORDER #83

IN CITY COUNCIL

November 9, 2015

ORDER Authorizing Bids – City-Owned Property – 224 Old County Road (Engine Quarry)

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to solicit bids for the sale of a City-owned parcel of land located at 224 Old County Road (Tax Map #80-A-3) and known as Engine Quarry. The City reserves the right to accept or reject any and/or all bids.

Sponsor: City Manager
Originator: City Manager

CITY OF ROCKLAND, MAINE

ORDER #84

IN CITY COUNCIL

September 14, 2015

ORDER Authorizing License Agreement – Snow Marine Park

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to enter into a license agreement with the Mid-Coast Chapter of the Maine Society of Land Surveyors to allow the installation of a survey “base line” needed for annual testing, at Snow Marine Park, substantially in conformance with the license agreement incorporated herein by reference.

Sponsor:

Originator: City Manager

Stuart

To: Jim Chaousis
Subject: RE: Proposed surveyor baseline at Snow Marine Park

From: Joseph R LaBranche [<mailto:jrl@midcoast.com>]
Sent: Wednesday, October 07, 2015 2:12 PM
To: jchaousis@ci.rockland.me.us
Subject: Proposed surveyor baseline at Snow Marine Park

Good afternoon Jim:

Professional Land Surveyors are required by the State to test their measuring equipment periodically. The Midcoast chapter of the Maine Society of Land Surveyors, of which my father and I are members, conduct this testing yearly on the stretch of Route 17 beside Chickawaukie Lake as it offers the extensive sight distance required to perform our tests. However, I am presently of the opinion that the test site, alongside said Route 17, is unsafe because of the continuous flow of vehicles passing at a high rates of speed within feet of the surveyors standing beside the road. We have recommended to our chapter that we relocate the site to a safer environment.

A potentially adequate and safe test site is Snow Marine Park in Rockland. We feel the "base line" required for the tests could be set up in a manner that allows the surveyors to stand safely in the grass near the easterly side of the park (east of Snow Street) and sight a location near the intersection of Route 73 and Gamage Lane. The test facilities are extremely unobtrusive and simply require the installation of two subsurface concrete cylinders on either end of the base line to serve as the control markers. The test site would be utilized yearly on the same day by 10-15 surveyors and would likely not interfere with any activities that may be occurring at the park at that time.

Thank you for hearing our concerns regarding this matter. We would like to proceed with the necessary steps in order to gain the Cities permission to install the control markers and access the City property in the manner outlined above. Any help you might provide regarding this matter would be greatly appreciated.

Kind regards,
Joe

Joseph R. LaBranche
Professional Land Surveyor
Certified Mapping Scientist - GIS/LIS
LaBranche Land Surveys
27 Oak Street
Rockland, ME 04841
(207) 594-4206 wk
(207) 691-3218 cl
www.labranchelandsurveys.com

CITY OF ROCKLAND, MAINE
ORDER #85
IN CITY COUNCIL

November 9, 2015

ORDER Authorizing Collective Bargaining Agreement with Teamsters Local #340 – Law Enforcement Employees

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to enter into a collective bargaining agreement, in substantial conformance with the proposed agreement incorporated herein by reference, with Teamsters Local 340, with respect to wages, benefits, and other conditions of employment for Law Enforcement Employees, for Fiscal Years 2016, 2017, and 2018.

Sponsor: City Council
Originator: City Manager

CITY OF ROCKLAND, MAINE
ORDER #86
IN CITY COUNCIL

November 9, 2015

ORDER Authorizing Collective Bargaining Agreement with Teamsters Local #340 – Public Services and Water Pollution Control Employees

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to enter into a collective bargaining agreement, in substantial conformance with the proposed agreement incorporated herein by reference, with Teamsters Local 340, with respect to wages, benefits, and other conditions of employment for Public Services and Water Pollution Control Employees, for Fiscal Years 2016, 2017, and 2018.

Sponsor: City Council
Originator: City Manager

CITY OF ROCKLAND, MAINE

ORDER #87

IN CITY COUNCIL

November 9, 2015

ORDER Authorizing Collective Bargaining Agreement with Teamsters Local #340 – Clerical Employees

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to enter into a collective bargaining agreement, in substantial conformance with the proposed agreement incorporated herein by reference, with Teamsters Local 340, with respect to wages, benefits, and other conditions of employment for Clerical Employees, for Fiscal Years 2016, 2017, and 2018.

Sponsor: City Council
Originator: City Manager