

**REGULAR MEETING**

**AGENDA**

**February 9, 2015**

1. Roll Call
2. Pledge of Allegiance to the Flag
3. Public Forum of no more than 30 minutes (3 minute limit each speaker)
4. Meeting Notice
5. Reading of the Record
6. Reports:
  - a. City Manager's Report
  - b. City Attorney's Report
  - c. Other Official's Report
  - d. Mayor's Report
7. Licenses and Permits:
  - a. Liquor License – Chen's China Coast Restaurant
  - b. Liquor License – Rustica Cucina Italiana Restaurant
  - c. Liquor License – Clan MacLaren
  - d. Liquor License – 3 Crow
  - e. Bottle Club License – Penobscot School
8. Resolves:
  - # 8 Commendation – Wallace M. Tower, Jr. City Council
  - # 9 Appointments to Condominium Association Board Mayor Isganitis
  - #10 Accepting Donations – Library City Manager
  - #11 Re-Establishing Harbor Park Re-Design Committee Mayor Isganitis
  - #12 Appointment - Warden & Ward Clerk/Poll Times 03/10/15 Election Mayor Isganitis
  - #13 Appointments – COMPS Commission Mayor Isganitis
9. Ordinances in Final Reading and Public Hearing:
  - #10 Chapter 19, Article III Container Restaurants & Food Wagons Councilor MacLellan-Ruf
  - #16 Chapter 19, Section 19-304 DT Zone Height Regs (Post. 7/14/14) Fmr. Councilor Dickerson
  - #22 Chapter 17, Section 17-802 Tillson Ave Parking (Post. 1/12/15) Mayor Isganitis
  - #36 Chapter 19, Article III Commercial Corridor Overlay Zone Mayor Isganitis
  - #37 Zoning Map Amendment – CCOZ Camden Street (Post. 1/12/15) Mayor Isganitis
  - # 1 Chapter 19, Article III Bed & Breakfast Regulations Councilor Clayton
10. Ordinances in First Reading:
  - # 2 Chapter 2, Articles III & XIV Department of Public Services Councilor Pritchett
11. Orders:
  - # 6 Accepting Grant Funds – Wellness Program Grant City Manager
  - # 7 Authorizing Grant Submission & Acceptance – Sidewalks City Manager
  - # 8 Authorizing Bond Anticipation Notes – Old County Rd. Project City Manager
  - # 9 Directing Parking Advisory Committee Review Mayor Isganitis
  - #10 Authorizing Reserve Funds – Audio/Visual Equip Repairs City Manager
  - #11 Authorizing Public Comment & RFPs – Cable TV Service City Manager
12. Adjournment.

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

Name of Applicant Chen's China Coast (Tong Chen) Phone 207 594-1038

Address of Applicant ~~235 Camden St~~  
315 Main St, Thomaston, ME 04861

Name of Business Chen's China Coast Phone 207 594-1038

Address of Business 235 Camden St  
Rockland, ME 04841

Name of Property Owner (if different) Harbor Plaza LLC

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

Type of Business Restaurant

Expiration of Current License March 3, 2015

Fee(s) Paid \$150 Date 1/25/15

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 Tong Chen Date 1/25/15

Approved By: \_\_\_\_\_ License # \_\_\_\_\_

[Signature] Code Officer 2/3/15 Date  
 Approved  Inspected; See Report

[Signature] Fire Inspector 2/3/15 Date  
 Approved  Inspected; See Report

[Signature] Police Chief 2/6/15 Date

[Signature] City Clerk 2/6/15 Date

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

Name of Applicant John Stowe Phone 207-975-3294

Address of Applicant 315 Main St.  
Rockland ME 04841

Name of Business Rustica Phone 207-594-0015

Address of Business 315 Main St.  
Rockland, ME 04841

Name of Property Owner (if different) \_\_\_\_\_

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

Type of Business Restaurant

Expiration of Current License 3/12/15

Fee(s) Paid \$150 Date 1/29/15

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 [Signature] Date 1/29/15

Approved By: \_\_\_\_\_ License # \_\_\_\_\_

Approved  Inspected; See Report Code Officer 2/3/15 Date  
[Signature]

Approved  Inspected; See Report Fire Inspector 2/3/15 Date  
[Signature]

[Signature] Police Chief 2/6/15 Date

[Signature] City Clerk 2/6/15 Date

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

Name of Applicant Glenn Lawrence Phone 207 592 6070

Address of Applicant 20 Rosehill Ave  
Owls Head ME 04854

Name of Business Clan MacLaren Phone 207 593 7278

Address of Business 395 Maine St.  
Rockland ME 04841

Name of Property Owner (if different) MLW

Type of License(s):  Liquor  Victualer  Entertainment  
 Lodging House  Commercial Hauler  Landscape Contractor

Billiard Room  Second Hand Dealer  Other (Specify) \_\_\_\_\_

Type of Business Soup + sandwich shop

Expiration of Current License \_\_\_\_\_

Fee(s) Paid \$150 Date 1/28/15

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 [Signature] Date 1/28/15

Approved By: \_\_\_\_\_ License # \_\_\_\_\_

NA Code Officer 2/3/15 Date  
 Approved  Inspected; See Report

NA Fire Inspector 2/3/15 Date  
 Approved  Inspected; See Report

[Signature] Police Chief 2/6/15 Date

[Signature] City Clerk 2/6/15 Date

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

Name of Applicant 3Crow LLC Phone 207-593-0812

Address of Applicant 449 Main St.  
Rockland, ME 04841

Name of Business 3Crow Phone 207-593-0812

Address of Business 449 Main St.  
Rockland, ME 04841

Name of Property Owner (if different) 449 Main St. LLC

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

Type of Business Restaurant

Expiration of Current License 3/19/2015

Fee(s) Paid \$150 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 [Signature] Date 1/30/15

Approved By: \_\_\_\_\_ License # \_\_\_\_\_

Approved [Signature]  Inspected; See Report \_\_\_\_\_ Code Officer 2/3/15 Date

Approved [Signature]  Inspected; See Report \_\_\_\_\_ Fire Inspector 2/3/15 Date

[Signature] Police Chief 2/6/15 Date

[Signature] City Clerk 2/6/15 Date



**Bureau of Alcoholic Beverages  
Division of Liquor Licensing & Enforcement**  
164 State House Station  
Augusta, ME 04330-0164  
Tel: (207) 624-7220 Fax: (207) 387-3424

**BOTTLE CLUB REGISTRATION APPLICATION**

\$50.00 – Check Payable: Treasurer State of Maine

PRESENT REGISTRATION EXPIRES N/A

**BUREAU USE ONLY**

Reg. # assigned:
Deposit Date:
Amt. Deposited:
CK/Mo/Cash:

**ALL QUESTIONS MUST BE ANSWERED IN FULL**  
*Please Print Clearly*

<b>1. APPLICANT (S)</b> -(Sole Proprietor, Corporation, Limited Liability Co. <u>Penobscot School</u> <b>DOB:</b>	<b>2. Business Name (DBA)</b> <u>Penobscot School</u>
<b>DOB:</b>	<u>28 Gay Street</u>
<b>DOB:</b>	<b>Location (Street Address)</b> <u>Rockland</u> <u>ME</u> <u>04841</u>
<b>Address:</b> <u>28 Gay Street</u>	<b>City/Town</b> <b>State</b> <b>Zip Code</b> <u>same</u>
<u>Rockland</u> <u>ME</u> <u>04841</u>	<b>Mailing Address:</b>
<b>City/Town</b> <b>State</b> <b>Zip Code</b> <u>(207) 594.1084</u> <u>N/A</u>	<b>City/Town</b> <b>State</b> <b>Zip Code</b>
<b>Telephone Number</b> <b>Fax Number</b> <u>01-0432067</u>	<b>Business Telephone Number</b> <b>Fax Number</b>
<b>Federal I.D.#</b>	<b>Sellers Certificate #</b> <u>N/A</u>

3. Is applicant (s) a corporation? Yes (✓) No ( )      If **YES** complete Supplementary Corporate Questionnaire.
4. Is applicant (s) a non-profit club? Yes (✓) No ( )      If **YES** complete Supplementary Club Questionnaire.
5. Does applicant (s) own the premises? Yes (✓) No ( )      If **NO** give name and address of owner. N/A

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Town/City:** \_\_\_\_\_

**State** \_\_\_\_\_ **Zip Code** \_\_\_\_\_

6. What are the regular days and hours your establishment is operated as a Bottle Club ?

Days: Sun Mon Tue Wed Thurs Fri Sat      Hours: all day, 7am - 10pm

**RECEIVED**  
**JAN 23 2015**  
Liquor Licensing  
& Enforcement

7. List name, date of birth, place of birth for all applicants and managers. Give maiden name if married:

Name in full (Print Clearly)	DOB	Place of Birth
Dennis Healy	2/12/45	Lewiston, ME
Joan LeMole (maiden = Gass)	4/14/64	Bangor, ME

Residence address on all of the above for previous 5 years (Limit answer to city & State)

Healy: 19 Cross St. Camden, ME 04843  
 LeMole: 39 Chestnut St Rockland, ME 04841 and 354 Broadway, Rockland, ME 04841

Use a separate sheet of paper if necessary.

8. Has applicant(s) or managers(s) ever been convicted of any violation of the law, other than minor traffic violations of any State of the United States? YES ( ) NO (X)

Name: \_\_\_\_\_ Date of conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

9. Has any other person any interest, directly or indirectly, in your business? YES ( ) NO (X)

10. Has applicant(s) formerly held a Maine liquor license? YES ( ) NO (X)

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the criminal code, punishable by confinement of up to one year or by monetary fine of up to \$2,000.00 or both.

Dated at: Rockland on 12/30/14, 2014  
 City/Town Day Year

Dennis Healy President  
Joan LeMole Joan E. LeMole  
 Signature(s) of Applicant(s) or Corporate Officer(s) Print Names of Applicant(s) or Corporate Officer(s)

STATE OF MAINE

Dated at: \_\_\_\_\_, Maine: \_\_\_\_\_ ss On: \_\_\_\_\_  
 City/Town County Date

The undersigned being: ( ) Municipal Officers ( ) County Commissioners of the  
 ( ) City ( ) Town ( ) Plantation ( ) Unincorporated Place of: \_\_\_\_\_, Maine

Hereby approve said application in accordance with provisions of Title 28-A, MRS Section 161A as amended.

Signature Print  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



Bureau of Alcoholic Beverages  
 Division of Liquor Licensing & Enforcement  
 164 State House Station  
 Augusta, ME 04330-0164  
 Tel: (207) 624-7220 Fax: (207) 387-3424

**PPLEMENTARY QUESTIONNAIRE FOR CLUB APPLICANTS**

1. Exact Club Name: Penobscot School

2. Title, name, birth date and telephone number of each principal officer of the club:

Title	Name	Birth Date	Telephone
	<i>Please see attached</i>		

3. Date Club was incorporated: 1/28/86

4. Purpose of Club: ( ) Social ( ) Recreational ( ) Patriotic ( ) Fraternal  Educational

5. Date regular meetings are held: \* 6 yearly, 2nd Wed. of the month

6. Date of election of Club Officers: January (1st mtg.) yearly

7. Date elected officers are installed: same

8. Total Membership: N/A Annual Dues: N/A Payable When: N/A

9. Does the Club cater to the public or to groups of non-members on the premises? Yes  No

10. Excluding salaries, will any person, other than the Club, receive any of the financial profits from the sales of liquors? Yes  No

11. If a manager or steward is employed, complete the following:

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Sign in blue ink

*Dennis Healy*  
 Signature & Title of Club Officer

1/16/15  
 Date

Dennis Healy President  
 Print Name & Title of Club Officer

**CITY OF ROCKLAND, MAINE**

**RESOLVE #8**

**IN CITY COUNCIL**

February 9, 2015

**RESOLVE** Commendation – Wallace M. Tower, Jr.

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** Wallace M. Tower, Jr. is hereby commended and congratulated for more than 27 years of dedicated service to the City of Rockland with the Rockland Police Department.

**AND**, be it further Resolve that a Plaque and Certificate of Commendation be presented to Deputy Chief Tower as a token of the City's appreciation for his service on the occasion of his retirement, and the Council wishes him well in his future endeavors.

Sponsor: City Council  
Originator: City Council

**CITY OF ROCKLAND, MAINE**

**RESOLVE #9**

**IN CITY COUNCIL**

February 9, 2015

**RESOLVE** Appointment to Condominium Association Board

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager (or designee) and the Deputy Police Chief shall be the City's representatives on the One Park Drive Condominium Association Board of Directors.

Sponsor: Mayor Isganitis  
Originator: Mayor Isganitis

**CITY OF ROCKLAND, MAINE**

**RESOLVE #10**

**IN CITY COUNCIL**

February 9, 2015

**RESOLVE** Accepting Donations - Library

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**WHEREAS**, the Friends of the Rockland Public Library donated \$1,060.48 for 96 children's titles to be added to the 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**, Steven and Mary Gifford, Brewer, Maine, donated \$25 in memory of Ruth Small, 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 the donations and directs that letters of thanks be sent to each donor in recognition of their generous donations.

Sponsor: City Manager  
Originator: City Manager

**CITY OF ROCKLAND, MAINE**  
**RESOLVE #11**  
**IN CITY COUNCIL**

February 9, 2015

**RESOLVE** Re-Establishing the Harbor Park Redesign Committee

**WHEREAS**, on September 9, 2002, pursuant to Resolve #34, the City Council established the Harbor Park Redesign Committee and directed it to propose improvements to Harbor Park, to estimate costs of such improvements, and to recommend fees for the future use of Harbor Park; and

**WHEREAS**, said ad hoc Harbor Park Redesign Committee did propose a plan of improvements to Harbor Park, together with preliminary cost estimates, which plan was accepted by the City Council on March 14, 2011; and

**WHEREAS**, the City Council seeks the continued assistance and guidance of the redevelopment of Harbor Park from a re-established ad hoc Harbor Park Redesign Committee,

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

**THAT**, the Harbor Park Redesign Committee is hereby re-established and reconstituted, for the purposes of initiating and advising the City Council and City Manager regarding the prioritization of redevelopment projects that comprise the approved concept plan; the solicitation of funding for the same; the identification and selection of competent engineers and contractors to finalize the plans for and to construct such improvements; and the public education and outreach with other City committees, community organizations, and the general public regarding the need for and elements of the redevelopment of Harbor Park; and

**THAT**, the said reconstituted Harbor Park Redesign Committee shall consist of the following members:

- \* one City Councilor;
- \* the Harbormaster;
- \* two Citizens at Large;
- \* one representative of the Economic Development Advisory Committee;
- \* one representative of the Harbor Management Commission;
- \* one representative of the Parks Commission; and
- \* one representative of the Harbor Trail Committee; and

**THAT**, the Harbor Park Redesign Committee shall regularly communicate with and elicit input from other organizations having an interest in the condition and/or use of Harbor Park, including

the North Atlantic Blues Festival, Maine Boats, Homes & Harbors, Inc., Rockland Festival Corp., and Rockland Main Street, Inc.; and

**THAT**, the Mayor's appointment of the following individuals to the Harbor Park Redesign Committee, in their stated capacity(ies), are hereby confirmed:

Member:

Louise McLellan-Ruf  
Eric Hebert  
Celia Knight

Representative Capacity:

City Councilor  
Citizen at Large  
Citizen at Large

Sponsor: Mayor Isganitis

Originator: Harbor Park Redesign Committee

**CITY OF ROCKLAND, MAINE**

**RESOLVE #12**

**IN CITY COUNCIL**

February 9, 2015

**RESOLVE** Appointment of Acting Warden and Ward Clerk/Setting Polling Times

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** Chelsea Avirett, 10 Fulton Street, is hereby appointed as the acting Election Warden for the March 10, 2015 Special Election; and

**THAT** Hannah Woodman, 42 Crescent Street, is hereby appointed as the acting Ward Clerk for the March 10, 2015 Special Election; and

**THAT** the polls at the Rockland Recreation Center/Community Building shall be opened at 8:00 a.m. and closed at 8:00 p.m. for the March 10, 2015 Special Election.

Sponsor: Mayor Isganitis

Originator: City Clerk

**CITY OF ROCKLAND, MAINE**

**RESOLVE #13**

**IN CITY COUNCIL**

February 9, 2015

**RESOLVE** Appointments to Comprehensive Planning Commission

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the Mayor's appointments of the following persons to the Comprehensive Planning Commission for the positions and terms specified are hereby confirmed:

Jesse Butler, 49 Acadia Drive, is hereby appointed as a full member of the Commission to fill a vacancy on the Commission, and shall serve until that term expires in 2015.

Michelle Gifford, 57 Pacific Street, is hereby appointed as an Alternate member of the Commission to fill a vacancy on the Commission, and shall serve until that term expires in 2015.

Sponsor: Mayor Isganitis

Originator: Mayor Isganitis

CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #10  
(As Amended 01/12/15)  
IN CITY COUNCIL

April 14, 2014

**ORDINANCE AMENDMENT:** ~~Exempting Container Restaurants And Food Wagons From Certain Zoning Regulations~~ Regulations for Container Restaurants and Food Wagons

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTIONS 19-302, Definitions, and 19-309, Exceptions and Exemptions, BE AMENDED AS FOLLOWS:**

**Sec. 19-302 Words and Phrases Defined**

**ADD, ALPHABETICALLY:**

**Container Restaurant.** A prefabricated, ~~mobile~~ shipping or storage ~~type container~~ structure that has either been converted for use as, or built for use as, a take-out ~~or eat-in~~ restaurant. ~~Container Restaurants do not have wheels or axles attached but are built on skids or a frame and are not affixed to the ground.~~

**Food Wagon.** A ~~small bus, truck, or other vehicle, or~~ stand, trailer, or other small mobile structure outfitted for selling or for serving light meals and snacks to the public. The term "food wagon" does not include push carts that are removed daily or vehicles selling food from the street in accordance with Chapter 15, Article I, Section 15-109.

**Sec. 19-309 Exceptions and Exemptions**

1. **Special Classes.** No building may be erected, altered, or used, and no land may be used, for any of the following special use classes in the Residential A and AA zones. In other zones, the Planning Board, applying the procedures and standards set forth in Chapter 16, Article II, may approve such use in any zone other than Residential A or AA zones, upon application, notice, and public hearing, and upon a determination that the use will not be detrimental or injurious to the neighborhood, and that there will be provided fencing and screening adequate to provide visual and auditory barriers from other properties and public rights of way, and that the applicant has demonstrated compliance with all other applicable City ordinances. All owners of property located within 300 feet of the lot lines of the subject parcel shall be notified of the Special Class application, in writing and at least seven days prior to the public hearing, and shall be provided an opportunity to be heard at such hearing.

- A. Cemetery;
- B. Municipal use (not otherwise provided for);

- C. Public utility use (other than as provided by Section 19-304(3)(B));
- D. Stables, public; saddle horses for hire;
- E. Transformer stations;
- F. Wind power generation equipment;
- G. Temporary Buildings that house a use incidental to and reasonably required by an occupant of residential property on the same parcel for a non-commercial purpose (other than the storage or repair of a recreational or fishing vessel, or fishing equipment). Such temporary buildings shall be removed within one (1) year at the owner's expense, unless the permit therefor shall have been extended by the Board for not more than one year. Applications for temporary building permits must be accompanied by a bond, bill of sale, or other instrument acceptable to the City Manager to guaranty the removal and disposal of the building.

## 2. Seasonal Container Restaurants & Food Wagons.

A. Exemption From Certain Standards. In the areas of the City outside the Downtown and Tillson Avenue Area Overlay Zones where applicable zoning standards permit Eating and Drinking establishments, Container Restaurants and Food Wagons having total a floor areas for the principal structure of fewer less than 350 250 sq. ft. and utilized for less than six months / ealendar year shall be exempt from the following standards, where applicable, so long as all criteria under subpart B below for Planning Board review are met and the Container Restaurant or Food Wagon is operated accordingly:

- (1) Architectural and/or Design Standards;
- (2) Space and Bulk Standards;
- (3) Maximum front setbacks; and
- (4) Buffering and Screening performance standards.

### B. Planning Board Review.

(4) No person, corporation, or other legal entity may place, construct, add to, or use any seasonal Container Restaurant or Food Wagon without first applying for and obtaining approval of the same from the Planning Board, pursuant to Chapter 16, Article II, applying the following standards and requirements in Chapters 16 and/or 19, in addition to applicable building code, life safety, and fire prevention requirements:

(1) The Container Restaurant or Food Wagon shall be a trailer or container, or any similar rectangular structure made out of metal, composite or wood and must have rigid walls and a rigid top;

(2) The length of the enclosed structure of a Container Restaurant shall not exceed 30 feet, and the length of a Food Wagon shall not exceed 20 feet. The width of the enclosed structure of a Container Restaurant or Food Wagon shall not exceed 8 feet, and the height of the

side to a flat roof, or the lowest side below a pitched roof, shall not exceed 9 feet 6 inches;

(3) The exterior finish shall be of high quality materials and in good condition. Decorative color schemes and full wall murals on the exterior walls are permitted and may incorporate the logo for the specific Container Restaurant or Food Wagon business at the site so long as the lettering in the logo does not exceed the maximum allowed for signs under 19-315 Signs;

(4) Projections such as decks, roll out or flip up awnings, or fold down seating areas shall not extend a greater horizontal distance from the Container Restaurant or Food Wagon than the vertical wall height of the Container Restaurant or Food Wagon;

(5) Unless located in a fully screened enclosure shared with another building or user at the site, all onsite fuel storage tanks, bulk waste storage containers and similar accessory equipment shall be located in a fully screened area that shall not exceed a greater horizontal distance from the Container Restaurant or Food Wagon than the vertical wall height of the Container Restaurant or Food Wagon;

(6) Except for plantings and/or fencing installed to provide screening from abutters, and except for plantings, fencing or curbing installed to aid vehicular or pedestrian circulation, and except for movable accessory items like tables, benches and chairs for patron use, all other accessory items shall be located adjacent to the primary structure and shall not extend a greater horizontal distance from the Container Restaurant or Food Wagon than the vertical wall height of the Container Restaurant or Food Wagon;

(7) No accessory buildings may be permitted for container restaurants or food wagons under this section;

(a) (8) Provisions for parking and vehicular ~~and pedestrian~~ circulation, ~~except in the Downtown Parking District shall conform to the standards in 19-307 Off-Street Parking. Where the Container Restaurant or Food Wagon is located in a parking area, or the temporary seating is in a parking area, the Planning Board may impose specific requirements for vehicular and pedestrian circulation to ensure pedestrian patron and employee safety;~~

~~(b)~~(9) Lighting standards;

~~(e)~~(10) ~~On-site restrooms for customers of restaurants with inside seating, and rRestroom~~ availability for all employees;

~~(d)~~(11) Water supply and wastewater disposal;

~~(e)~~(12) Landscaping in accordance with Section 19-316(H)(3). Other landscaping shall be designed to soften, screen, or enhance the physical design of structures and parking areas to avoid the encroachment of the proposed use outside its fixed perimeter.

~~(f)~~(13) The use of exterior speakers or other audible devices to play music, communicate

with customers, or other purposes shall be strictly prohibited.

(14) The operator shall clean the site and surrounding area at least daily to remove any visible waste from the food service and take all reasonable efforts to keep food service related items off of abutting property and out of adjacent public ways. All trash receptacles for patron use shall be emptied and secured at the end of each business day;

(15) Container restaurants and food wagons permitted under this provision may not operate more than 8 months of the year. Hours of operation shall be limited to 6 AM to 9 PM Monday through Thursday and 6 AM to 10 PM on Friday and Saturday and 7 AM to 9 PM on Sunday;

(16) Container restaurants and food wagons permitted under this provision may remain at the permitted location year round so long as all temporary items such as, but not limited to, tables, chairs food service items, and trash cans are removed from the site, stored in the primary structure, or stored in the screened area used for bulk waste and fuel containers when the business is operating;

(17) Except for food trucks or food wagons on locations for less than six days as part of a permitted festival or event, container restaurants and food wagons in any City park or parking area are subject to Planning Board review and the provisions of this section plus any additional standards imposed by the Council or by the Harbor Management Commission as a condition of the use agreement. Container Restaurants and Food Wagons located on a Municipal property that includes parking are exempt from any additional specific parking requirements.

(18) Container Restaurants and Food Wagons having ~~total~~ a floor areas for the principal structure of 350 250 sq. ft. or more, and/or that are operational utilized for ~~six~~ nine months or more and permanent restaurants are subject to full site plan review and approval pursuant to Chapter 16, Article II.

~~(2) Food wagons in Buoy and Harbor Parks and at the Middle Pier shall be exempt from Planning Board Review.~~

~~(3) Container restaurants and food wagons exempted from standards pursuant to Section 19-309(2)(A) shall be removed from the site to another location where storage of such containers and wagons is authorized when not in use for two or more consecutive weeks.~~

~~(4) Container restaurants and food wagons exempted from standards pursuant to Section 19-309(2)(A) may not begin service to the public prior to 6:00 AM nor continue service after 9:00 PM, except during events for which the nearest street is closed pursuant to Order of the City Council, in which instances the hours of operation may be extended to the close of the event.~~

First Reading 1/12/15  
First Publication 1/22/15  
Public Hearing 2/9/15  
Final Passage \_\_\_\_\_  
Second Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_

Sponsor: Councilor MacLellan-Ruf  
Originator: Councilor MacLellan-Ruf  
(Postponed in Final Reading 9/8/14 to 1/12/15)  
(Amended in Final Reading 1/12/15 and sent back to 1<sup>st</sup> reading)

## PROPOSED AMENMENTS BY COMPS:

with customers, or other purposes shall be strictly prohibited.

(14) The operator shall clean the site and surrounding area at least daily to remove any visible waste from the food service and take all reasonable efforts to keep food service related items off of abutting property and out of adjacent public ways. All trash receptacles for patron use shall be emptied and secured at the end of each business day;

(15) Container restaurants and food wagons permitted under this provision may not operate more than 8 months of the year. [Comps: Hours of operation shall be limited to 6 AM to 9 PM Monday through Thursday and 6 AM to 10 PM on Friday and Saturday and 7 AM to 9 PM on Sunday];

(16) Container restaurants and food wagons permitted under this provision may remain at the permitted location year round so long as all temporary items such as, but not limited to, tables, chairs food service items, and trash cans are removed from the site, stored in the primary structure, or stored in the screened area used for bulk waste and fuel containers when the business is operating;

(17) Except for food trucks or food wagons on locations for less than six days as part of a permitted festival or event, container restaurants and food wagons in any City park or parking area are subject to [Comps: periodic inspections and enforcement by the Code Office, Planning Board review and] the provisions of this section, [Comps: the operators' permits, and plus] any additional standards imposed by the Council or by the Harbor Management Commission as a condition of the use agreement. Container Restaurants and Food Wagons located on a Municipal property that includes parking are exempt from any additional specific parking requirements.

(18) Container Restaurants and Food Wagons having total a floor areas for the principal structure of 350 250 sq. ft. or more, and/or that are operational utilized for six [Comps: more than eight nine] months or more and permanent restaurants are subject to full site plan review and approval pursuant to Chapter 16, Article II.

~~(2) Food wagons in Buoy and Harbor Parks and at the Middle Pier shall be exempt from Planning Board Review.~~

~~(3) Container restaurants and food wagons exempted from standards pursuant to Section 19 309(2)(A) shall be removed from the site to another location where storage of such containers and wagons is authorized when not in use for two or more consecutive weeks.~~

~~(4) Container restaurants and food wagons exempted from standards pursuant to Section 19 309(2)(A) may not begin service to the public prior to 6:00 AM nor continue service after 9:00 PM, except during events for which the nearest street is closed pursuant to Order of the City Council, in which instances the hours of operation may be extended to the close of the event.~~

**Excerpt from Comprehensive Planning Commission Minutes from 01/15/15:**

**Ordinance Amendment #10-2014, Ch. 19, Sec. 19-302 and 19-309, Regulations for Container Restaurants and Food Wagons**

CEO Root said the food wagon is subject to the same design standards and maximum setbacks as other buildings, even if they are somewhat portable. All are reviewed by the Planning Board. He said he was in favor of this amendment, as it provides guidelines to review containers and food wagons by.

Asst. CEO Kalloch said he had contacted the state health inspector. The state is not familiar with container restaurants. They were not sure if they would be able to approve them right now. The food inspectors have contacted other states to find their regulations on containers. Container restaurants, that are not mobile wheeled vehicles, would need to meet all the requirements for any permanent restaurant, including having all required sinks, interior bathroom(s) and be hooked up to water and sewer. Wheeled/mobile food vehicles can have holding tanks and depending on the types of services have to meet different standards. For example, ice cream stands require limited sinks and other facilities while mobile wagons cooking meat and seafood have more stringent requirements, etc. Container restaurants would have to meet the full requirements of a regular restaurant.

CEO Root said containers are not that portable. He said they had first put together thoughts as to not specifically define container restaurants, but label them as portable and semi-portable, as they are not permanent establishments like Wasses, for example.

Chair Geiger said each food stand renting space at City parks pays \$3000 per year and it goes into the general fund. What if that money was used to fix up the park? City Attorney Beal said there is room for up to 4 stands in the City Parks. There has been none at Snow Marine Park for a few years.

**ACTION:** The COMPS Commission made a motion to change paragraph B (17) to read: "Except for food trucks or food wagons on locations for less than six days as part of a permitted festival or event, container restaurants and food wagons in any City park or parking area are subject to periodic inspections and enforcement by the Code Office, the provisions of this section, the operators' permits, and any additional standards imposed by the Council or by the Harbor Management Commission as a condition of the use agreement. Container Restaurants and Food Wagons located on a Municipal property that includes parking are exempt from any additional specific parking requirements." **VOTE: 7-0-0**

**ACTION:** The COMPS Commission made a motion to change paragraph B (18) to read: "Container Restaurants and Food Wagons having a floor area for the principal structure of 250 sq. ft. or more, and/or that are operational more than eight months and permanent restaurants are subject to full site plan review and approval pursuant to Chapter 16, Article II." **VOTE: 7-0-0**

**ACTION:** Member Wilkinson made a motion, seconded by Member Files to recommend adoption of Ordinance Amendment #10 with amendments to City Council. **VOTE: 7-0-0**

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT #16

IN CITY COUNCIL

June 9, 2014

ORDINANCE AMENDMENT: Amending the Maximum Height in the Downtown Zone

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, BE AMENDED AS FOLLOWS:

Sec. 19-304 Zone Regulations

14. Downtown Zone "DT" Regulations.

\* \* \*

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

	COMMERCIAL AND MIXED USE
MINIMUM FLOOR AREA PER DWELLING	200 sq. ft. per dwelling
MAXIMUM BUILDING HEIGHT	Either 65 feet or 5 stories <u>north of the center line of Park Street and Park Drive</u> ; either 50 feet or 4 stories <u>south of the center line of Park Street and Park Drive to Central Park.</u>

First Reading 6/9/14  
First Publication 6/19/14  
Public Hearing 7/14/14  
Final Passage \_\_\_\_\_  
Second Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_

Sponsor: Councilor Dickerson  
Originator: Councilor Dickerson

Postponed 7/14/14 to 2/9/15



CITY OF  
ROCKLAND  
KNOX COUNTY  
MAINE

DT Zone Height Proposal

- 4 stories 50'
- 5 stories 65'

Printed: 6/3/2014



**DISCLAIMER**  
Tax maps are compiled from aerial photography, existing surveys, deeds, and landowner's descriptions. They are to be used for assessment purposes only, and not for conveyance.



**Excerpt from Comprehensive Planning Commission Minutes from 01/15/15:**

**Downtown Zone Building Height Regulations-180 Day Moratorium**

Chair Geiger said the moratorium ends on March 10, 2015.

Member Files spoke about areas where she thought reduced heights may be appropriate. These included south of Park Street and Park Drive, some of the areas north of Summer Street that are predominantly residential, and the area behind Rankin block and Leland Street. Member Keedy mentioned the Knox County Court House is the tallest building in the city, but the building is not right up to the road, there is plenty of space around it. There should be relational proportion between the street size and the building height.

Asst. CEO Kalloch said that he will be documenting the number of stories of buildings in the Downtown area for next meeting.

Member Morris asked about using Route 1 from Main Street to Union Street as the boundary as to where 5-story buildings can be. (The area inside the rotary.) Chair Geiger asked members to walk the area for the next meeting.

**CITY OF ROCKLAND, MAINE**  
**ORDINANCE AMENDMENT #22**  
**IN CITY COUNCIL**

August 11, 2014

**ORDINANCE AMENDMENT** Time Limits on Parking – Tillson Ave

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 17, Traffic and 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. Eff: 12/13/02

(2) Tillson

(a) The three (3) western-most angled parking spaces on the northerly side of Tillson Avenue.

Sponsor: Councilor Isganitis

Originator: Terry Pinto

Postponed 09/08/14 to 01/12/15

*Postponed 1/12/15 to 2/9/15*

First Reading 08/11/14  
First Publication 08/21/14  
Public Hearing 09/08/14  
Final Passage \_\_\_\_\_  
Final Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_



**NOTE: Below are the unapproved minutes from the Parking Advisory Committee and are subject to change by the Committee prior to acceptance**

Parking Advisory Committee meeting January 29, 2015  
5:30 pm City Hall board room

Present in attendance:

P.J. Walter, committee member  
Joanne Billington, committee member  
Greg Pinto, committee member  
Rockland Police Chief Bruce Boucher, ex officio non voting member  
Traffic Officer Troy Peasley, ex officio non voting member  
Gordan Page of Rockland Maine Street Inc, guest

Excused Absent:

Paul Chartrand, committee member  
Leslie Spiers, committee member

P.J. Walter selected as chair of the committee.

Meeting called to order to discuss City of Rockland ordinance amendment to chapter 17, Section 17-802, Schedule II, Time Limits on Parking, F. Fifteen Minute Limit.

The ordinance amendment as written would add (2) Tillson, (a) The three(3) westernly-most angled parking spaces on the northerly side of Tillson Avenue to the category of parking with a 15 minute limit.

Chief Bouchard informed the committee that to bring the city into compliance with the ADA (Americans with Disabilities Act) one of the 22 parkings spaces available on the northern side Tillson Avenue should be designated a disabled parking space. The ADA mandates one disabled parking space for every 25 spaces available. Currently in the Tillson Avenue parking area there are: 84 spaces available in the Kimball Lane Historic Lot behind the Thorndike Building, two of which are designated disabled, 76 spaces available in the Winter Street Lot (between Winter Street and Tillson Avenue) three of which are designated disabled, and 22 spaces along Tillson Avenue, zero of which have been designated disabled. The Chief expressed that his concern with the ordinance amendment as written is that with the current parking layout designating one of the 22 spaces available as disabled accessible, preferably disabled van accessible, it would require that the two most westerly spaces be reconfigured to provide sufficient space for one disabled parking space. The committee explored other options, in regards to reconfiguring the current spaces, to entertain the option of using a current no parking zone immediately west of the most westerly space to create the needed extra space for a van accessible disabled parking space. The concern of protecting the required site line between the westerly most space and the entrance/ exit of the Kimball Lane Historic (Thorndike) parking lot was discussed. Chief Bouchard believes with the speed limit on Tillson Avenue, a 30 foot line of sight space would be required. With the current configuration the committee believes there is adequate space available to widen on the west side of the most westerly space to create the width needed to accommodate a van accessible disabled parking space without using more than one currently unrestricted public parking space. The concern for the committee in making this recommendation is in regards to the redesign project for the Kimball Lane Historical lot behind the Thorndike. If it is the intention of the city to widen the entrance/exit, it

would prevent the option of widening the space in a western direction without converting two currently unrestricted public parking spaces, in order to preserve the line of sight requirements. The committee would like to review the plans regarding the entrance/exit to the Kimball Lane lot, along with the current length of space between the westerly most space on Tillson Avenue and the entrance/ exit to verify if the space needed to widen the parking space is available on the western side of said space without interfering with the line of sight requirements.

Gordon Page of Rockland Main Street Inc expressed a concern that with putting a time limit on parking along Tillson Avenue, it interferes with the ongoing educational effort by downtown businesses encouraging their employees to utilize the long term unrestricted parking spaces available. It has become common practice for employees of downtown businesses with no access to private parking to occupy time limit parking spaces only to find every few hours the need to leave work and move to a different space. The committee agrees that it is in the best interest of businesses without access to private parking, and to the public at large if employees utilized the long term parking available. The committee noted that the diagonal parking spaces available along Tillson Avenue are not the only long term parking spaces available adjacent to Main Street. The committee believes it also serves a public interest to designate a public parking space in front of the public bathrooms as a time limited space. The committee believes that imposing a 15 minute time limit does not provide adequate time to ensure easy access to use of the public restroom facilities and would suggest changing the time limit to one hour.

In conclusion, the committee would recommend the council table the current ordinance amendment indefinitely. The committee recommends the council entertains the idea of crafting a new ordinance amendment that addresses the need to convert the westerly most space on Tillson Avenue into a van accessible disabled space and creates a parking time limit of one hour for the space immediately next to it, pending a review of the Kimball Lane Historic Lot behind the Thorndike redesign, to verify this can be accomplished with conversion of two spaces currently unrestricted on Tillson Avenue without interfering with the line of sight requirements. The committee has scheduled the date of February 24 2015 to reconvene 5:30 pm in the city hall board room.

**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #36  
(As Amended 01/12/15)  
IN CITY COUNCIL**

November 10, 2014

**ORDINANCE AMENDMENT:   Establishing the Commercial  
Corridor Overlay Zone**

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTION 19-301, Zones Authorized, Bounded, and Defined, and SECTION 19-304, Zone Regulations, BE AMENDED AS FOLLOWS:**

**Sec. 19-301 Zones Authorized, Bounded, And Defined; Rules of Construction**

1. Short Title. This Article shall be known and may be cited as the "Zoning Ordinance"; it shall be, and be cited as, Chapter 19, Article III of the Revised Ordinances of the City of Rockland (1983), and be included as such in the "General Code".

2. Zone Divisions.

In accordance with the laws of the State of Maine and for the purpose of promoting the health, comfort, safety, and general welfare of the community, the City of Rockland is hereby divided into the following classes of zones:

- (1) Residential A Zone
- (2) Residential AA Zone
- (3) Residential B Zone
- (4) Elderly Residential B-1 Zone
- (5) Rural Residential Zone 1 RR1 Zone
- (5A) Rural Residential Zone 2 RR2 Zone
- (6) Transitional Business 1 TB1 Zone
- (7) Transitional Business 2 TB2 Zone
- (8) Transitional Business 3 TB3 Zone
- (8A) Transitional Business 4 TB4 Zone
- (9) Resort RT Zone
- (10) Commercial C1 Zone
- (11) Commercial C2 Zone

- (12) Commercial C3 Zone
- (13) Plaza Commercial PC Zone
- (14) Downtown DT Zone
- (15) Neighborhood Commercial NC Zone
- (16) Business Park BP Zone
- (17) Industrial I Zone
- (18) Woodland & Wildlife G Zone
- (19) Recreation R Zone
- (20) Shoreland Zone
- (21) Chickawaukie Watershed Regulations
- (22) Waterfront Zones (7/11/90)
- (23) Tillson Avenue Area Overlay Zone
- (24) Commercial Corridor Overlay Zone

\* \* \*

**Sec. 19-304 Zone Regulations**

\* \* \*

**24. COMMERCIAL CORRIDOR OVERLAY ZONE (“CCOZ”)**

A. Purpose.

The purpose of the Commercial Corridor Overlay Zone is to implement – on parcels abutting the City’s major commercial corridors like Route 1 outside the Downtown – land use principles intended to stem sprawl and encourage aesthetically pleasing, mixed-use development along said corridors. The City Council, in adopting the Commercial Corridor Overlay Zone, finds that enhanced streetscapes, achieved through investments in the public right-of-way and in-fill development on private property, will enhance the economic well-being of the community and the public health, welfare, and safety. Creating safe and accessible streetscapes will draw customers for businesses and occupants for multi-dwelling housing complexes, utilizing varied modes of transportation, and bringing renewed vitality and economic activity to under-utilized areas on the City’s arterials outside the Downtown.

B. Compatibility With Underlying Zones.

The requirements and standards set forth in this Commercial Corridor Overlay Zone shall prevail to the extent they conflict with the regulations for zones in which parcels subject to this Overlay Zone are located. Except as provided in this Commercial Corridor Overlay Zone, the regulations for the underlying zone applicable to particular parcels apply to said parcels.

C. Standards.

The following space and bulk standards shall apply to all lots and/or parcels of land in the Commercial Corridor Overlay Zone:

<b><u>COMMERCIAL CORRIDOR OVERLAY ZONE “CCOZ” STANDARDS</u></b>	
<u>Maximum Building Coverage</u>	<u>85%</u>
<u>Maximum Lot Coverage</u>	<u>85%</u>
<u>Minimum Floor Area Ratio</u>	<u>None</u>
<u>Minimum Front Setback</u>	<u>None; provided, however, that in the event the public right-of-way upon which the parcel fronts cannot fully accommodate an esplanade and sidewalk between the proposed structure or addition and the outer edge of the existing paved roadway or – if the City Council has adopted a master plan for alterations to the right-of-way – the outer edge of the proposed alteration of the paved roadway, then any new structure or addition shall be set back the lesser of ten feet or such distance as may be needed to accommodate such sidewalk and esplanade within the parcel.</u>
<u>Maximum Front Setback for Primary Structures</u>	<p><u>Single Primary Structure Developments:</u></p> <p><u>Ten feet, except when additional footage is needed/used for outdoor seating, green space, public park or similar public amenity approved by the Planning Board.</u></p> <p><u>Multiple Primary Structure Developments:</u></p> <p><u>Ten feet for at least one primary structure; other primary structures may be located between the setback-compliant structure</u></p>

	<p><del>and the rear property line.;</del> <del>provided,</del> <del>however, that</del></p> <p><u>In the event a minimum front setback is imposed under these overlay standards, the maximum front setback shall be measured from the outer edge of the sidewalk and esplanade.</u></p>
<u>Minimum Landscaped Front Setback for Surface Parking Areas</u>	<u>Forty feet</u>
<u>Minimum Side Setback</u>	<u>Ten feet, <del>except where the parcel abuts a residential zone or a parcel on which the use is solely residential, in which instance the side setback of the underlying zone shall apply.</del></u>
<u>Minimum Principal Building Height</u>	<u>Two functional stories</u>
<u>Surface Parking Lots</u>	<u>Areas for surface parking may not be located between a building and a street, except to provide handicap parking.</u>
<u>Parking</u>	<u>Pursuant to Sec. 19-307(8), the parking permit-issuing authority may allow deviations from the parking requirements set forth in Sec. 19-307(6)(E) where the applicant submits a parking management plan acceptable to such authority that incorporates shared parking, provisions for one or more mass transit stops and shelters, short term parking limitations for commercial uses, and/or other parking solutions that reduce the anticipated on-site parking needs for the development.</u>
<u>View Corridors</u>	<u>Buildings shall be so situated so that existing water views from public streets shall be maintained by providing – notwithstanding anything to the contrary in this or the underlying zones – a minimum building side setback of</u>

	<u>twenty (20) feet; provided, however that the Planning Board may permit the substitution of a view corridor between buildings within a lot for the side setback.</u>
<u>Building Design</u>	<u>Primary and accessory structures shall employ varying setbacks, heights, roof treatments, doorways, window openings, and/or other structural or decorative elements to reduce apparent size and scale of the structures.</u>  <u>A minimum of twenty (20) percent of the structures' facades that are visible from a public street shall employ actual projections or recesses with a depth of a least six feet. No uninterrupted façade shall extend more than fifty (50) feet.</u>  <u>Rear and side building facades shall be designed to complement the architectural treatment of the primary façade.</u>

Sponsor: Mayor Isganitis  
Originator: Comprehensive Planning Commission

First Reading 1/12/15  
First Publication 1/22/15  
Public Hearing 2/9/15  
Final Passage \_\_\_\_\_  
Second Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_

**Excerpt from Comprehensive Planning Commission Minutes from 01/15/15:**

**Ordinance Amendment #36-2014, Ch. 19, Sec. 19-301 and 119-304, Establishing the Commercial Corridor Overlay Zone "CCOZ"**

**ACTION:** Member Morris made a motion, seconded by Member Files to recommend adoption of Ordinance #36 with changes to City Council. **VOTE: 7-0-0**

**CITY OF ROCKLAND, MAINE**

**ORDINANCE AMENDMENT #37**

**(As Amended 1/12/15)**

**IN CITY COUNCIL**

November 10, 2014

**ORDINANCE AMENDMENT** Authorizing Zoning Map Amendment

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

**THAT** the Commercial Corridor Overlay Zone, adopted by the City Council pursuant to Ordinance Amendment #36 which became effective on \_\_\_\_\_, shall encompass the area defined by the listed parcels (see attached list of parcels and map).

Sponsor: Councilor Isganitis

Originator: Comprehensive Planning Commission

Postponed 12/08/14 to 01/12/15 (Prior to Public Hearing)

Postponed 1/12/15 to 2/9/15

First Reading: 11/10/14

First Publication: 11/20/14

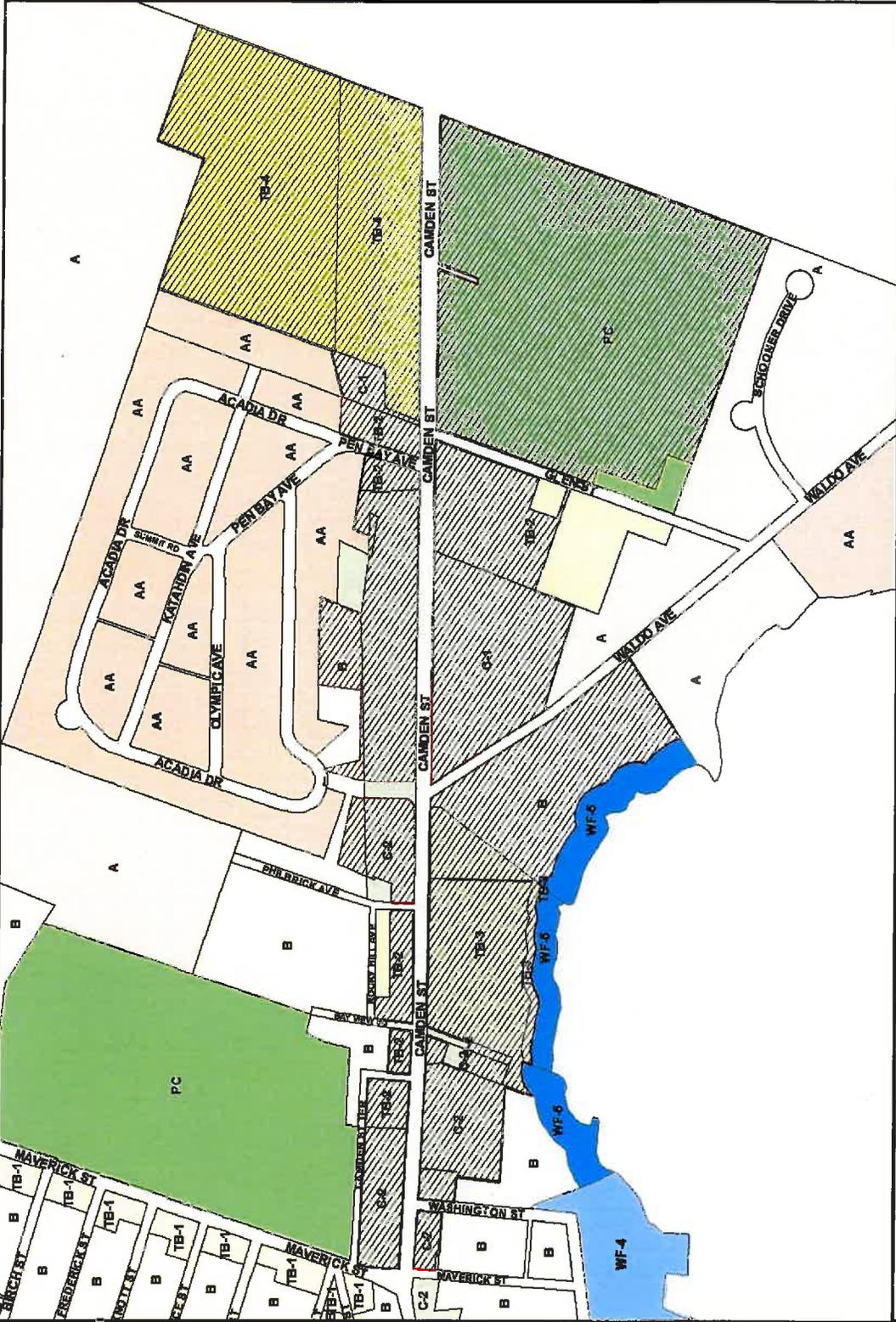
Public Hearing: 12/08/14

Final Passage: \_\_\_\_\_

Second Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Tax Map #	Street Address	
29C3	131 CAMDEN STREET	<u>except for that portion of the property zoned Waterfront "WF-5"</u>
35A8	270 CAMDEN STREET	
36A5	200 CAMDEN STREET	
36A2	9 BELYEA AVENUE	
28C10	104 CAMDEN STREET	
28C9	106 CAMDEN STREET	
28C8	108 CAMDEN STREET	
15B1	65 CAMDEN STREET	
15B15	59 CAMDEN STREET	
15A4	73 CAMDEN STREET	
15A1	91 CAMDEN STREET	
28D9	99 CAMDEN STREET	
28D2	107 CAMDEN STREET	<u>except for that portion of the property zoned Waterfront "WF-5"</u>
28D3	103 CAMDEN STREET	
29C3-1	137 CAMDEN STREET	
29C1	1 WALDO AVENUE	
34A3	245 CAMDEN STREET	
34A1	265 CAMDEN STREET	
34A1-2	273 CAMDEN STREET	
34A7	3 GLEN STREET	
36B1	201 CAMDEN STREET	
36B3	179 CAMDEN STREET	
29B2	145 CAMDEN STREET	
29B3	143 CAMDEN STREET	
29B1	169 CAMDEN STREET	
36A8	190 CAMDEN STREET	
36A3	220 CAMDEN STREET	
29A2	172 CAMDEN STREET	
28C7	110 CAMDEN STREET	
28C4	116 CAMDEN STREET	
28C3	118 CAMDEN STREET	
28C2	124 CAMDEN STREET	
28A6	130 CAMDEN STREET	
29A1	182 CAMDEN STREET	
29A3	170 CAMDEN STREET	
29A10	136 CAMDEN STREET	
29A11	132 CAMDEN STREET	
27A7	96 CAMDEN STREET	
27A6	98A CAMDEN STREET	
27B6	60 CAMDEN STREET	
27B5	74 CAMDEN STREET	
27B4	80 CAMDEN STREET	
27B3	82 CAMDEN STREET	
27B2	88 CAMDEN STREET	
27B1	92 CAMDEN STREET	
34A2	235 CAMDEN STREET	
29A4-2	168 CAMDEN STREET	
29A4	166 CAMDEN STREET	



**DISCLAIMER**  
 The maps are compiled from aerial photography, existing surveys, deeds, and landowner's descriptions. They are to be used for information purposes only and not for conveyance.

Printed: 10/24/2014  
 0 125 250 500 750 Feet

**CITY OF  
 ROCKLAND  
 KNOX COUNTY  
 MAINE**



**CITY OF ROCKLAND, MAINE**

**ORDINANCE AMENDMENT #1**

**(As Amended 01/12/15)**

**IN CITY COUNCIL**

January 12, 2015

**ORDINANCE AMENDMENT: Amending Zoning Regulations of  
Bed And Breakfast Establishments**

**NOW, THEREFORE, 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.**

- 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 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.
- 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.

**Sec. 19-304 Zone Regulations**

**1. Residential Zone "A"**

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

\* \* \*

**B. Conditional Uses.**

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

<b>RESIDENTIAL ZONE "A" CONDITIONAL USES</b>	
(1)	<p><b>Bed and Breakfast Establishments.</b></p> <p>(a) <b>Parking and Buffering.</b> Off-street parking shall be provided for all vehicles of <b>both</b> owners <b>staff</b> and guests in either the side or rear yards of the lot. <del>On-site off-street parking for day patrons of Bed and Breakfast Establishments shall also be provided.</del> Where the lot of a bed and breakfast borders on a lot used solely for residential purposes, a buffer strip shall be maintained. The desired effect of the buffer planting is visual screening of the activity on the bed and breakfast lot. Landscaping of the lot and any buffer strips shall be reviewed and approved by the Planning Board.</p> <p><u>(b) <b>Owner Occupancy.</b> Notwithstanding anything to the contrary in Sec. 19-302, the owner of the Bed and Breakfast Establishment may be authorized by the Planning Board to reside in a residence on a parcel that is immediately contiguous to the Bed and Breakfast Establishment parcel where the property line separating the parcels is uninterrupted and intersects with the boundaries of two streets separated by the subject parcels.</u></p>

First Reading 1/12/15  
First Publication 1/22/15  
Public Hearing 2/9/15  
Final Passage \_\_\_\_\_  
Second Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_

Sponsor: Councilor Clayton  
Originator: Councilor Clayton

**Excerpt from Comprehensive Planning Commission Minutes from 01/15/15:**

**Ordinance Amendment #1-2015, Ch. 19, Sec. 19-302 and 19-304 Amending Zoning Regulations of Bed and Breakfast Establishments**

Cheryl Michaelsen and Michael Laposta, owners of Berry Manor Inn, discussed their plans for their bed and breakfast business. They have lived at their current residence that includes Berry Manor Inn and the Carriage House for 17 years, and have recently purchased the abutting property, the Talbot Home. The Talbot Home is situated 20 feet from the Carriage House. They would like to make a campus of the Berry Manor Inn, Carriage House, and Talbot Home, and live in the Talbot Home, but this ordinance amendment is needed for them to be able to fill the residency requirement.

Chair Geiger said the ordinance amendment is written so narrowly as to only affect the Berry Manor Inn since it changes the B & B residency requirement only for abutting properties “where the property line separating the parcels is uninterrupted and intersects with the boundaries of two streets separated by the subject parcels.” It would only apply to very few properties. She asked about allowing it for other B&B’s too. Alt. Member Butler agreed saying it was very street specific. City Attorney Beal said these regulations are only in Zone “A”, and not in other zones. He said there was discussion of crafting regulations in a special-use ordinance that would apply to all zones, but City Council wanted something a little narrower.

Member Files said she wouldn’t want all Residential Zone “A” properties to be bought up for B&B’s. Asst. CEO Kalloch said someone else could have purchased the same property and sought approval to use it for a B&B. Cheryl Michaelsen said they would still have to go through the planning process that involves neighbors. Chair Geiger said Cheryl and Michael are looking to just live in the Talbot house. There are 4 rooms in the Carriage House and 8 in the Berry Manor Inn. City Attorney Beal said the 8 room maximum would apply if they decide to have inn rooms in the Talbot House.

**ACTION:** Member Morris made a motion, seconded by Member Ackor to change the language in Sec. 19-304, Part “B” of Residential Zone “A” Conditional Uses to read: “Owner Occupancy. Notwithstanding anything to the contrary in Sec. 19-302, the owner of an existing Bed and Breakfast Establishment may be authorized by the Code Enforcement Officer to reside in a residence on a parcel that is immediately contiguous to the Bed and Breakfast Establishment parcel where the property line separating the parcels is uninterrupted. The owner of a new Bed and Breakfast Establishment may be authorized by the Planning board to reside in a residence on a parcel that is immediately contiguous to the Bed and Breakfast Establishment parcel where the property line separating the parcels is uninterrupted.” The COMPS Commission recommended adoption by City Council. **VOTE 7-0-0.**

**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #2  
IN CITY COUNCIL**

February 9, 2015

**ORDINANCE AMENDMENT: Establishing the Department of Public Services**

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 2, Administration, ARTICLE III, City Manager, and ARTICLE XIV, Department of Public Works, BE AMENDED AS FOLLOWS:**

**CHAPTER 2 ADMINISTRATION  
ARTICLE III City Manager**

\* \* \*

**Sec. 2-304 Division of Administrative Service**

The administrative service of the City shall be divided, under the City Manager, into the following sixteen (16) ~~thirteen (13)~~ departments:

<u>Department</u>	<u>Head</u>
Code Enforcement Office	Code Enforcement Officer Eff. 11/28/85
Finance Department	Finance Director
Economic & Community Development Dept.	Community Development Director
Fire Department	Fire Chief
Fish Pier Department	Fish Pier Director
Harbor and Waterfront Department	Harbor Master
Health Department	Health Officer
Legal Department	City Attorney
Library Department	Library Director
Personnel Department	Personnel Director
Police Department	Police Chief
<del>Public Works Department</del>	<del>Public Works Director</del>
<u>Department of Public Services</u>	<u>Director of Public Services</u>
Records Department	City Clerk
Recreation Department	Recreation Director
Water Pollution Control Department	Water Pollution Control Director
Welfare Department	Director of Public Welfare

## ARTICLE XIV Department of Public ServicesWorks

### Sec. 2-1401 Establishment

There shall be a Department of Public ServicesWorks, the head of which shall be the Director of Public ServicesWorks Director who shall be, or be appointed by, the City Manager.

### Sec. 2-1402 Duties

The Director of Public ServicesWorks shall, subject to and in consultation with the City Manager, be responsible for:

~~\_\_\_\_\_~~ 1. City Property. ~~Be responsible for all matters pertaining to~~ The construction, management, maintenance, and operation of the physical properties of the City's infrastructure under the administrative direction of the City Manager, including streets, sidewalks, sanitary and storm sewers, parking areas, parks, and public landings, except as otherwise provided by the City charter, other ordinances, or instructions by the City Manager;

~~\_\_\_\_\_~~ 2. Planning. ~~Be responsible for all planning in connection with such changes or improvements to the physical properties as are essential or desirable for the future growth of the City.~~

\_\_\_\_\_ 2. Solid Waste. Be responsible for and serve as Director of the Solid Waste Facility;

3. Department PropertyResources. ~~Be responsible for~~ The direction and management of Department of Public Services and Solid Waste Facility employees, and the care and maintenance of all real and personal property occupied or used by the Department.

4. Enforcement on City Property. Seeing that no encroachments are made upon any street, public landing, place, square, land or ground of the City, by fences, buildings or otherwise, and whenever any encroachments shall hereafter be made upon the same, and the party making such encroachment shall neglect or refuse after notification to remove the same, to report the facts at once to the Police Chief and cooperate to the end that the person so offending shall be prosecuted and the nuisance abated.

5. Contracts. In consultation with the City Attorney, prepare or cause to be prepared all contracts and specifications that may be required for public servicesworks and solid waste management.

~~\_\_\_\_\_~~ 6. Sewer Construction. ~~Have general management and supervision~~ In consultation with the Water Pollution Control Director, perform or cause to be performed the construction, maintenance, repair, and replacement of the public sanitary, storm, and combined sewer systems, and all appurtenances thereto, including the and shall enforcement of all ordinances, rules and regulations relative thereto, keeping an accurate record of the location and the expense of constructing and completing each public drain or common sewer hereafter built, and ~~shall~~, after the same is completed, furnishing to the City Assessor a detailed statement of such expense and all

necessary information to enable the City Assessor to make an assessment upon the lots or parcels of land benefited by such public drain or common sewer.

7. Property Schedule. Annually preparing and submitting a capital improvement program, surveying the condition, useful life, and repair or replacement of the equipment. Include a schedule of the machinery, tools and other City property in his the Director's charge.

8. Maintenance. Have charge of The operation and maintenance of the City sewerage system and all appurtenances thereto; maintenance of all streets, sidewalks, and other public lands, grounds and buildings; street cleaning and sprinkling; and snow removal, except as may otherwise directed by the City Manager.

9. Technical Standards. Preparing and keeping current a manual of standards and specifications governing the construction, reconstruction, repair, backfilling, compaction, paving, and repaving, as applicable, of City streets, sidewalks, culverts, sewers, and other infrastructure. Such Technical Standards Manual may also include sewer construction specifications provided or identified by the Water Pollution Control Director. The Director of Public Services shall submit the Technical Standards Manual, and supplements and amendments thereof, to the City Manager for review and adoption as an Administrative Policy of the City. The Director shall cause copies of the adopted Technical Standards Manual to be made available to the public at the Department of Public Services, Water Pollution Control Facility, and Code Enforcement Office, and on the City's website. The Director shall assure adherence with the Technical Standards Manual by the Department and by the public.

10. Plans; Public Records. Collect, maintain, and update all plans, estimates, profiles, records and surveys of street bounds, streets, sidewalks, sewers, and other public infrastructure.

### **Sec. 2-1403 Public Works Advisory Committee**

~~A Public Works Advisory Committee is hereby created. It shall consist of five (5) members appointed by the Mayor and confirmed by the City Council for a term of three (3) years, except that of the first five (5) members first appointed, of which one (1) shall be appointed for a term of one (1) year, two (2) for two (2) years, and two (2) for three (3) years. The committee shall elect a chairman and secretary from its membership annually and adopt its own rules of procedure. The Director of Public Works, or designee, shall be an ex officio non-voting member of the Committee. The Committee shall advise the City Council in matters of policy and planning in the areas of operation, maintenance, repair, acquisition and disposition of public buildings, equipment, cemeteries, solid waste, wastewater and sewer issues, streets, roads and public parks, while maintaining close cooperation with the Planning Board, the Comprehensive Planning Commission, the Economic Development Advisory Committee, the Recreation Advisory Committee, and the Parks Commission.~~

Sponsor: Councilor Pritchett  
Originator: Councilor Pritchett  
Councilor MacLellan-Ruf  
Councilor Clayton

**CITY OF ROCKLAND, MAINE**

**ORDER #6**

**IN CITY COUNCIL**

February 9, 2015

**RESOLVE** Accepting Grant Funds – MMA Wellness Grant

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City hereby accepts from the Maine Municipal Association a Wellness Program Grant in the amount of \$1,480, receipted into the Wellness Program Grant Account (#60401-03704) and the same expended from the Miscellaneous Supplies Account (#60401-06006) for the purchase of ergonomic office equipment as part of the City's Ergonomic Compliance Program.

Sponsor: City Manager  
Originator: City Manager

**CITY OF ROCKLAND, MAINE**

**ORDER #7**

**IN CITY COUNCIL**

February 9, 2015

**ORDER** Authorizing application and matching funds for, and expenditure of, a Community Development Block Grant (CDBG) Downtown Revitalization Program Grant

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Council authorizes the City Manager to apply for a CDBG Downtown Revitalization Program grant in the amount of \$400,000 to fund improvements to City sidewalks and related infrastructure on Elm Street, Museum Street and School Street; and

**THAT**, the City hereby appropriates up to \$170,000 from the Downtown TIF Development Program Account (#10000-1899) for the City's match for such grant, with up to \$85,000 being appropriate from the FY 2016 Downtown TIF Development Program and up to \$85,000 being appropriated from the FY 2017 Downtown TIF Development Program; and

**THAT**, in the event the City is awarded such CDBG Downtown Revitalization Program grant, the City Manager is hereby authorized to expend such grant and matching funds, and to execute any such contracts or instruments as may reasonably be required to effectuate the purposes of this Order.

Sponsor: City Manager

Originator: Community Development Director

**Downtown Revitalization Grant  
CDBG 2015**

**Budget  
Draft, as of 1/28/15**

		<b>Farnsworth</b>		
		<b>CDBG</b>	<b>Match</b>	<b>Match</b>
<b>Elm Street</b>				
Construction	\$173,500			
Engineering	\$17,350			
Contingency	\$26,025			
<b>Museum Street</b>				
Construction	\$151,000			
Engineering	\$15,100			
Contingency	\$22,650			
<b>School Street</b>				
Construction	\$176,900			
Engineering	\$17,690			
Contingency	\$26,535			
<b>Combined</b>				
<b>Elm, Museum &amp; School</b>				
Construction	\$501,400			
Engineering (10%)	\$50,140			
Contingency (15%)	\$75,210			
<b>Total</b>	<b>\$626,750</b>	<b>\$400,000</b>	<b>\$57,000</b>	<b>\$169,750</b>

**DTR Grant 2015**

**Budget**

	Elm	Museum	School	Total
Storm & Sanitary	\$ 73,500	\$ 72,500	\$ 75,800	\$ 221,800
Curbing	\$ 38,000	\$ 12,500	\$ 31,500	\$ 82,000
Sidewalk Resurfacing	\$ 25,000	\$ 28,000	\$ 28,900	\$ 81,900
Road Resurfacing	\$ 37,000	\$ 38,000	\$ 40,700	\$ 115,700
Construction Total	\$ 173,500	\$ 151,000	\$ 176,900	\$ 501,400
Contingency (10%)	\$ 26,025	\$ 22,650	\$ 26,535	\$ 75,210
Design, Eng, Permitting	\$ 17,350	\$ 15,100	\$ 17,690	\$ 50,140
<b>Total</b>	<b>\$ 216,875</b>	<b>\$ 188,750</b>	<b>\$ 221,125</b>	<b>\$ 626,750</b>

**CITY OF ROCKLAND, MAINE  
RESOLVE #8  
IN CITY COUNCIL**

February 9, 2015

**RESOLUTION PURSUANT TO SECTIONS 211 AND 513 OF THE CITY CHARTER  
DETERMINING DETAILS OF A BORROWING  
AUTHORIZED BY BOND ORDINANCE AMENDMENT #9**

**WHEREAS**, on August 25, 2014, the City Council of the City of Rockland, Maine (the "City"), pursuant to applicable provisions of the City Charter, appropriated (in the aggregate) \$1,600,000, plus an amount not to exceed 2% for payment of issuance costs, as matching funds to finance the costs to improve Old County Road (the "Projects") and finally passed and enacted Bond Ordinance Amendment #9 authorizing the aggregate amount of up to \$1,600,000, plus an amount not to exceed 2% for payment of issuance costs, principal amount of bonds or notes in anticipation thereof (the "Bonds") to finance such appropriations; and

**WHEREAS**, the voters of the City of Rockland approved adopted of said Ordinance Amendment #9 at a municipal referendum election duly called and held on November 4, 2014; and

**WHEREAS**, Section 211 and 513 of the City Charter, as amended, provides in substance that all matters in connection with the authorization, sale and issuance of bonds not specifically required to be provided in a Bond Ordinance may be determined or provided by resolutions adopted after final passage of a Bond Ordinance by the affirmative votes of at least a majority of the members of the City Council.

**NOW, THEREFORE**, it is hereby

**RESOLVED:** That, pursuant to Section 513 of the City Charter, as amended, and the aforesaid Bond Ordinance, the City shall borrow up to \$1,600,000 by the issuance and sale of the City's general obligation bonds and that the Director of Finance shall determine the date, form, interest rate or rates, maturities (not to exceed the maximum term permitted by law), denominations, and all other details of the bonds, including the form and manner of their sale and award, subject to the provisions of law, the City Charter and these Resolutions (collectively, the "Bonds").

**RESOLVED:** That the Director of Finance be and hereby is authorized to borrow money in anticipation of said Bonds by the issuance and sale of notes or renewal notes in anticipation of said Bonds ("notes") and that the Director of Finance shall determine the date, form, interest rate or rates, maturities (not to exceed 14 months of the issue date) and all other details of the notes, including the form and manner of their sale and award, subject to the provisions of the law, the City Charter and these Resolutions.

**RESOLVED:** That the Director of Finance be and hereby is authorized to provide that the Bonds and notes hereinbefore authorized be made callable, with or without premium, prior to their stated dates of maturity.

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

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

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

**RESOLVED:** That the Bonds and notes shall be transferable only on the registration books of the City kept by the transfer agent, and said principal amount of the bonds of the same maturity (but not of other maturity) in such minimum denomination as the Director of Finance shall approve upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his attorney duly authorized in writing. Upon each exchange or transfer of a bond the City and the Transfer Agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new bonds and notes, upon exchanges or transfer thereof to be paid by the person requesting the same.

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

**RESOLVED:** That the Director of Finance be and hereby is authorized and directed to covenant and certify on behalf of the City that no part of the proceeds of the issue and sale of the Bonds authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such notes to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended.

**RESOLVED:** That the Director of Finance be and hereby is authorized to covenant and agree, on behalf of the City, for the benefit of the holders of such Bonds and notes, that the City

will file any required reports and take any other action that may be necessary to insure that interest on the Bonds and notes will remain exempt from federal income taxation, and that the City will refrain from any action that would cause interest on the Bonds and notes to be subject to federal income taxation.

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

**RESOLVED:** That the term “cost” or “costs” as used herein and applied to the Projects, or any portion thereof, includes, but is not limited to (1) the purchase price or acquisition cost of all or any portion of the Project; (2) the cost of construction, building, alteration, enlargement, reconstruction, renovation, improvement, and equipping of the Project; (3) the cost of all appurtenances and other facilities either on, above, or under the ground which are used or usable in connection with the Project; (4) the cost of landscaping, site preparation and remodeling of any improvements or facilities; (5) the costs of all labor, materials, building systems, machinery and equipment; (6) the cost of land, structures, real property interests, rights, easements, and franchises acquired in connection with the Project; (7) the cost of all utility extensions and site improvements and development; (8) the cost of planning, developing, preparation of specifications, surveys, engineering, feasibility studies, legal and other professional services associated with the Project; (9) the cost of environmental studies and assessments; (10) the cost of financing charges and issuance costs, including premiums for insurance, interest prior to and during a period ending three years from the date of issuance, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses relating to the financing transaction; and (11) the cost of all other financing authorized hereunder, whether related or unrelated to the foregoing.

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

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

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

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

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

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

Sponsor: City Manager  
Originator: City Manager

**CITY OF ROCKLAND, MAINE**

**ORDER #9**

**IN CITY COUNCIL**

February 9, 2015

**ORDER** Directing Parking Advisory Committee Review

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the Parking Advisory Committee is hereby directed to review and report its findings and recommendations to the City Council on the following parking issues:

- The impact of overflow Ferry Terminal Parking on the residential areas to the west, including possible solutions;
- Downtown parking in general, including overnight parking and employee/business owner parking;
- Long-term parking at Harbor Park and Snow Marine Park, possible fees for such parking, in conjunction with the Harbor Management Commission.

Sponsor: Mayor Isganitis  
Originator: Mayor Isganitis

**CITY OF ROCKLAND, MAINE**

**ORDER #10**

**IN CITY COUNCIL**

February 9, 2015

**ORDER** Authorizing Reserve Fund Expenditure – Audio/Visual Equipment

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized to expend up to \$1,100 from the Audio Visual Reserve Account (#70000-01771) for the following audio visual equipment repairs and/or upgrades:

- Three pan/tilt controllers
- Used Mackie audio mixer
- Two long goose neck microphones
- Repair/replace microphone cable/connection at Mayor's desk

Sponsor: City Manager

Originator: City Clerk

TO: Stuart Sylvester, Tom Luttrell, City of Rockland

FROM: Dan Burgess, Vision Quest Productions

RE: Equipment upgrade/repair

DATE: January 12, 2015

Stuart/Tom,

Here's a list of the needed equipment repairs/upgrades we discussed recently. It does not address the streaming or video/audio mixer needs.

Three (3) pan/tilt controllers at \$75 each (delivery and setup included) \$225

Used Mackie audio mixer (to increase the LIVE audio levels) \$250

Two (2) long goose neck microphones to replace the bad ones at the workshop table at \$175 each (delivery and setup included) total \$350

Repair/replacement of Mayor's microphone cable/connection (includes protective floor cover installation) \$200

Total \$1025

Fyi (Used Tricaster for video-camera switching, titles, Powerpoint-projector direct inputs and streaming capable...\$3300)

To improve telecast quality, need fiber optic line to cable co head-end. For best quality streaming connection, the tie to GWI's backbone along Route One is needed and recommended

Thank you

Dan Burgess



VisionQuest Productions

Channel 22 operator

**CITY OF ROCKLAND, MAINE**

**ORDER #11**

**IN CITY COUNCIL**

February 9, 2015

**ORDER** Authorizing Public Comment and Issuance of RFPs – Cable Television Services

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT**, pursuant to Chapter 11, Section 11-221 of the City Code, the City Manager is hereby authorized to seek public comment, for a period of 90 days, to determine the needs and interests of the people of Rockland with respect to cable television service, the quality of the present service provided, and suggestions on how new terms in a franchise agreement might improve said services. After said 90 day public comment periods, the City Manager shall negotiate a proposed franchise agreement, for City Council approval, via a request for proposals from cable television service providers, and/or negotiations with the current provider, taking into account the comments received from the public as well as the City's identified equipment and network needs. Said proposal shall be open for public comment for an addition 90 days, after which period the City Council will decided to whom to grant the Cable Television Franchise Agreement.

Sponsor: City Manager

Originator: City Manager