

Ref. #WS700109

(NOTE: Meeting was held in the Library as there was a School function in the Band Room)

**EASTPORT CITY COUNCIL
COUNCIL MEETING**

**WEDNESDAY, DECEMBER 11TH, 2013
6:00 P.M. - SHEAD HIGH SCHOOL - BAND ROOM**

I. CALL TO ORDER

Council President, Mary Repole, called the meeting to order at 6:00 p.m.

Those present were: Councilor Colleen Dana-Cummings, Councilor Scott Emery, Councilor Gilbert Murphy, and Council President, Mary Repole. Also present were: City Manager, Larry Post; and City Clerk, Ella Kowal. Councilor Michael Cummings was absent.

Council President, Mary Repole, notes that she will read Councilor Michael Cummings Proclamation should he attend.

II. PUBLIC HEARING(S)

**EASTPORT CITY COUNCIL
PUBLIC HEARING
ZONING ORDINANCE AMENDMENT
(ZONING DISTRICT CHANGE from R2 to B2)
(18 TOLL BRIDGE ROAD)**

Council President, Mary Repole, opens the public hearing at 6:01 p.m.

Council President explains that this Zoning Ordinance Amendment is for consideration of a change from an R2 to B2 district on behalf of Eric Hoche d/b/a Eastern Plumbing & Heating at 18 Toll Bridge Road formerly known as the Curtis property. Robert Scott, the Tax Assessor, gives a brief overview that Mr. Hoche purchased the property from Mr. Curtis and they want to put an office in there for Eastern Plumbing and Heating and is requesting to have it changed over to highway business and rural residential. He further comments to say that a majority of the abutters are already highway business or industrial; speaking specifically to the mill building. He updates Council that the Planning Board has held their public hearing on this and is recommending approval.

Council President opens the floor to questions or comments.

Steve Cannon from the audience asks if he plans on putting in any oil tanks or storage facilities at this location. The Tax Assessor responded that there will be no storage tanks and explains that they are not permitted in a highway business zone, only industrial.

Council President calls for any questions or comments from the Council. There were none.

Council President declares the public hearing closed at 6:02 p.m.

**EASTPORT CITY COUNCIL
PUBLIC HEARING
AIRPORT ORDINANCE AMENDMENT
“EASTPORT MUNICIPAL AIRPORT”
(FEE INCREASE – RE: FINES)**

Council President, Mary Repole, opens the public hearing at 6:03 p.m.

Council President explains the purpose of this hearing is to address an amendment to the Airport Ordinance for consideration of an increase to fees for fines. She then asks the Airport Manager, Steve Trieber, to speak on this. He comments to say that the fee of \$20.00 has been on the books for quite some time now as the fine for the trespass of runways. He further speaks to say that they feel that consideration to this increase should be considered to assist in keeping the runway clear.

Council President calls for comments and/or questions.

Jon McNerney from the audience addresses the Council and expresses that he feels the wording should read “*no unauthorized person*” rather than no person. The Council and the Airport Manager is in agreement that this is a good point.

The City Manager comments to say that the amount currently is \$20.00 and has been on record since 1945 and that the increase being presented and recommended for Council approval is \$200.00.

Elaine Abbott from the audience addresses the Council and asks where the responsibility of enforcement be. The City Manager responds to say that it would be the responsibility of the Police Department.

Council President calls for any questions or comments from the Council. There were none.

Council President declares the public hearing closed at 6:04 p.m.

**EASTPORT CITY COUNCIL
PUBLIC HEARING
HARBOR ORDINANCE AMENDMENT
(WORDING – 8.1 SUBLEASING OF BERTHING SPOTS
& 7.2.1.3 RETENTION OF BERTHING SLOTS)**

Council President, Mary Repole, opens the public hearing at 6:05 p.m.

Council President explains the purpose of the hearing and further comments to say that these proposed changes are being brought forward and recommended by the Harbor Committee as well as the Port Authority Board to Council for approval.

Council President turns to Port Director, Chris Gardner for further clarification. He updates Council that the current ordinance reads that subleasing must be approved through the Port Authority office. Basically, they are asking to change the language to give it more strength in the wording of Section 8.1 and to be less confusing with regard to the subleasing. Thus, all parties wishing to sublease must contact either the Harbor Master or the Port Authority for approval. Mr. Gardner further speaks to the change they are requesting to 7.2.1.3 on the Retention of Berthing Slots to include wording with regard to producing a valid boat registration. He comments to say that the reason for this was that berthing spots were becoming heirship property and did not prove to be effective in terms of bringing the waiting list down. He continues by also saying that notice of this public hearing went out to all Harbor users and that boat owners have been notified of these potential changes. He also updates Council that there has been an administrative change on the use of the crane which is to be utilized by paid harbor users. However, they have been experiencing it being used people all over the region who *are not* paid harbor users. Their intent is to install a lock-out system and issue keys only to *paid* harbor users for access. *Councilor Emery* addressed Mr. Gardner in that he thought they were going to consider a card system. He explains that until the breakwater is completed which could be as long as eighteen months, they do not want to make investment in new technology until they know what the layout is going to be and that they also wanted to see how the tracking went with keys before implementing anything else. For the moment, the key system gives them a change to see where improvements need to come.

Council President calls for any questions or comments from the Council. There were none.

Council President declares the public hearing closed at 6:10 p.m.

III. ACTION ON PUBLIC HEARING(S)

MOTION MURPHY SECOND EMERY

To approve a Zoning Ordinance Amendment for a Zoning District change from R2 to B2 for 18 Toll Bridge Road as presented to Council.

PASSED 4-0

MOTION EMERY SECOND MURPHY

To approve the Airport Ordinance Amendment for the increase of fees for fines to \$200.00 and to also amend the language to read and reflect “*no unauthorized*” person.

PASSED 4-0

MOTION MURPHY SECOND EMERY

To approve Harbor Ordinance Amendment as presented for Section 8.1 (Subleasing of Berthing Spots) to read: *As of January 1, 2014, subleasing of berthing spots will no longer be allowed directly by lessees. Any parties interested in the subletting of berths must contact the Harbor Master and/or the Port Authority office in order to do so. Once approved by the Harbor Master subletting may then occur. Any lessee and/or vessels found in violation of this section will be subject to transient raters and may face forfeiture of any and all berthing privileges;* as well as a Harbor Ordinance Amendment as presented for Section 7.2.1.3 (Retention of Berthing Slots) to read: *All berths shall be renewable by the original licensee upon completion of the necessary forms, to include producing proof of a valid boat registration for the lessee for the current berthing space being renewed by the lessee.*

PASSED 4-0

IV. OPEN PUBLIC FORUM

Public Forum took place at 6:12 p.m.

Council President opens the floor.

Jon McNerney addresses the Council with a request of being able to look at the financials prior to a meeting in the event there were questions as they are not released until approved by Council. Therefore, requests that consideration be given to accommodate this request. The City Manager responded that they would work on this.

Council President calls for any other questions or comments. There were none from the public nor Council.

V. ADJUSTMENTS TO AGENDA (if applicable) - THERE WERE NONE

VI. MINUTES OF PREVIOUS MEETING(S)

MOTION MURPHY SECOND DANA-CUMMINGS
To accept and approve the Council minutes of November 13th, 2013 as submitted by the City Clerk.
PASSED 4-0

VII. UNFINISHED BUSINESS - THERE WAS NONE

VIII. NEW BUSINESS

1) SHIP GRANT

MOTION MURPHY SECOND EMERY
To approve Deep Cove Road Boat Ramp project; the local match of \$115,745 (\$75,072 Cash, \$40,673 quantifiable labor, materials, and contributions); and the submission of a Small Harbor Improvement Program grant to Maine Department of Transportation.
PASSED 4-0

2) "PROPOSED" FIREWORKS ORDINANCE

The City Manager requests that the Council schedule a workshop at 5:30 p.m. At their next regular meeting of January 8th, 2014 and to also schedule the public hearing the same evening at 6:00 p.m. Council President calls for a motion, the City Clerk reminds Council President that this will be done under Item IX of this evening's agenda.

3) APPOINTMENT OF “FY2015” BUDGET COMMITTEE

MOTION MURPHY SECOND EMERY

To appoint Dean Pike, Jack Reece, Larry Doak, John Venskus, and Vivian Blatt to the FY2015 Budget Committee.

PASSED 4-0

4) 1968 FIRE TRUCK TO BID

MOTION MURPHY SECOND EMERY

To authorize the City Manager to put the 1968 Fire Truck out to bid for best offer.

PASSED 4-0

5) CREDIT CARD ACCEPTANCE

MOTION MURPHY SECOND DANA-CUMMINGS

To approve the acceptance of Debit and Credit cards payments from customers with no fee charged to the City.

PASSED 4-0

6) TAX ACQUIRED PROPERTY TO BID (40 SULLIVAN STREET)

MOTION MURPHY SECOND EMERY

To put the tax acquired property at 40 Sullivan Street referencing Tax Map #I7-0B2-11 out to bid for an amount to cover the taxes, sewer bill, and affiliated costs.

PASSED 4-0

7) WEBSITE ADVERTISING

The City Manager updates Council that Elaine has accomplished the great task of re-vamping the City’s website to better serve us and has done an excellent job. He also asks the Council to entertain allowing the City to sell ads to help maintain the website. He proposes to charge \$25.00 a year for a business card type ad and \$35.00 a year for a card and the link. These fees would help generate revenue for the expense of the website.

MOTION MURPHY SECOND DANA-CUMMINGS

To authorize the City to start up with offering space on the website to Eastport businesses for a yearly fee of \$25.00 for the business card ad and \$35.00 year for the business card ad as well as the link and to implement some type of counter to assist with the stats

PASSED 4-0

8) PERPETUAL CARE - BAYSIDE WEST - LOT #54EA (Carolyn Baxter)

MOTION MURPHY SECOND EMERY

To accept perpetual care for Carolyn Baxter in the amount of \$300.00 as presented for Lot #54EA in Bayside West cemetery.

PASSED 4-0

IX. “SCHEDULING” of PUBLIC HEARING(S) - *if applicable*

MOTION MURPHY SECOND EMERY

To schedule a workshop to be held at 5:30 p.m. on January 8th, 2014 for discussion on the Fireworks Ordinance and to also schedule public hearings for Wednesday, January 8th, 2014 at 6:00 p.m. one for the *renewal* of a Liquor License Application for Jeff & Leslie Starling d/b/a Happy Crab and the other for consideration of a Fireworks Ordinance.

PASSED 4-0

X. REPORTS

1. City Manager

MOTION EMERY SECOND MURPHY

To accept the City Manager’s report as submitted and read.

PASSED 4-0

2. Department Reports

MOTION MURPHY SECOND EMERY

To accept the Financial Reports; Code Enforcement Report; Police Department Report; and Sewer Report for *November, 2013* as presented and submitted.

PASSED 4-0

3. Boards & Committees

Planning Board - No report other than there is a meeting scheduled for Jan. 7th

Zoning Board of Appeals - Chairperson, Jan Finley gave an update.

Historic Review Board - No Report

Airport - Airport Manager, Steve Trieber, says it’s quiet with the exception of the Drummond Park

Harbor - No report

Downtown - No report

Charter Committee - No report

Port Report - Port Director, Chris Gardner, gave an update. He informs Council of the purchase of property formerly owned by Gordon Greenlaw (which is at the head of the breakwater) and that they have future plans for it and, if possible, will be looking at helping out with the possibility of providing public bathrooms as well at this location.

Energy Committee - Jon Calame updates Council with energy efficiency of City property. He also comments to say data for heating options will be forthcoming.

Ordinance Review Committee - They are working on Section 2 (Dwelling/Occupancy)

Park Committee - Jack Reece updates Council that he, the City Manager, and the Airport have spoken with Maine DOT and they recommend that we contact FAA and ask for reclassification from aeronautical to a more general purpose and following that get approvals for going forward with the easements. This may take about six months to accomplish. The second approach is that Maine Heritage Coast said they have experience with the FAA and they provided language which has been given to the City's attorney for review. Legal Counsel, Dennis Mahar, comments to say that the language change suggested appears to address the concern that it will continue to allow the property to be utilized for airport purposes. However, he is uncertain if this language is permissible with FAA and suggestions were made to have legal counsel to work through the process to go forward. For now they will continue to pursue in this direction with the language and go from there based on acceptance.

Eastport Recreational Marine Facilities Committee - No report

Recycling Committee - The City Manager updates Council that the Marion Transfer will be addressing options with recycling and he will keep them posted accordingly as they discuss this further.

MOTION EMERY SECOND MURPHY
To accept the Boards & Committees reports as submitted and presented.
PASSED 4-0

MOTION EMERY SECOND MURPHY
To accept the Council reports presented and given for the Ambulance and the Marion Transfer Station.
PASSED 4-0

XI. COUNCIL ISSUES - NONE

XII. EXECUTIVE SESSION (if applicable) - NONE

XIV. ADJOURN

MOTION MURPHY SECOND DANA-CUMMINGS
To adjourn.
PASSED 4-0 (TIME: 7:19 P.M.) -7-