

**CITY OF EASTPORT
CITY COUNCIL MEETING
WEDNESDAY, JANUARY 10th, 2018
SHEAD HIGH SCHOOL - LIBRARY - 5:30 P.M.**

EXECUTIVE SESSION - 5:30 P.M. TO 6:00 P.M.

<u> </u> Personnel Matters	<i>Title 1 M.R.S.A. § 405(6)(A)</i>
<u> </u> Real Property or Economic Development	<i>Title 1 M.R.S.A. § 405(6)(C)</i>
<u> </u> Labor Negotiations	<i>Title 1 M.R.S.A. § 405(6)(D)</i>
<u> </u> Consultation w/Legal Counsel	<i>Title 1 M.R.S.A. § 495(6)(E)</i>
<u> </u> Poverty Abatement Application	<i>Title 36 M.R.S.A. § 841</i>

Those in Attendance: Councilor Roscoe Archer, Councilor Hailley Bradbury, Councilor Scott Emery,, Councilor Shannon Emery, and Councilor Gilbert Murphy. Also present were City Manager, Elaine Abbott; Legal Counsel, Dennis Mahar; and City Clerk, Ella Kowal.

EXECUTIVE SESSION - THERE WAS NONE

REGULAR COUNCIL MEETING - 6:00 P.M.

Those in Attendance: Councilor Roscoe Archer, Councilor Hailley Bradbury, Councilor Scott Emery, Councilor Shannon Emery, and Councilor Gilbert Murphy. Also present were City Manager, Elaine Abbott; Legal Counsel, Dennis Mahar; and City Clerk, Ella Kowal.

Audience Attendance: Al Salleroli, Dennis Mahar, Robert Scott, Lora Whelan, Gordon Smith, Peter Repole, Mary Repole, and Jon McNerney.

- I. CALL TO ORDER -** City Clerk called the meeting to order at 6:00 p.m.
- II. NOMINATION for COUNCIL PRESIDENT** (*Calendar Year 2018*)

The City Clerk calls for nominations of Council President. Councilor Archer brings forth Councilor Gilbert Murphy as nomination for Council President of Council and it followed by a second from Councilor Scott Emery and there were no others brought forth.

MOTION **ARCHER** **SECOND** **SCOTT EMERY** **(PASSED 4-0)**

To approve the nomination of Councilor Gilbert Murphy to serve as Council President of the Eastport City Council. (*Councilor Gilbert Murphy accepted*).

Council President, Gilbert Murphy, continues forward as Chair of the meeting.

III. NOMINATION for VICE PRESIDENT of COUNCIL *(as per Charter)*

Councilor Hailley Bradbury brings forth Councilor Shannon Emery as nomination for Vice President of Council and it followed by a second from Councilor Roscoe Archer and there were no other names brought forth.

MOTION BRADBURY **SECOND** ARCHER **(PASSED 4-0)**

To approve the nomination of Councilor Shannon Emery to serve as Vice President of the Eastport City Council. *(Councilor Shannon Emery accepted).*

IV. ACTION from EXECUTIVE SESSION - NONE

V. PUBLIC HEARING(s)

Council President, Gilbert Murphy, opens the public hearings at 6:03 p.m.

“Renewal” of a Victualer License – for Alan Salleroli d/b/a The Rose Bud

The City Manager speaks to that Al Salleroli met with her at City Hall.

Al Salleroli addresses the Council and speaks to that there is an item later on in the agenda that addresses making an amendment to the Recreational Marijuana Ordinance that was passed at the last Council meeting which would allow his lounge to stay open as this is his livelihood.

He speaks to the Victualer License that was approved last year and that he did not even do that and that it was for medical edibles. He further comments to say that it becomes a mute point if he does not have a business.

The City Manager speaks to what he is referring to is that the City's Recreational Marijuana Ordinance prohibits recreational social clubs or lounges. Mr. Salleroli explains that it is the lounge that is carrying the building and that he would like to do both, the lounge and the medical marijuana. His request at this time is to amend the ordinance to add no lounges except for existing ones. The City Manager asks for clarification in that she is to understand that he would still makes edibles which he would need the Victualer's License for but only if he can have the recreational part of his lounge. The City Manager reminds him that this public hearing is about his Victualer License for edibles but notes that he informed he has not done that as of yet. Mr. Salleroli comments to say that he would like to do the recreational license if it is available to him and thought that it meant to sell and be open and didnt' realize it was about cooking and selling the edibles so he bought the Victualer's License last year. His concern is whether he can apply to change the law in keeping his lounge that has been active for a year now.

Councilor Shannon Emery asks for clarification and purpose of this evening's public hearing and it is confirmed that it is for the renewal of a Victualer's License for edible medical marijuana if he so chooses. She understands now that what is being discussed are two separate matters. Councilor Murphy asks Mr. Salleroli if he is still doing the medical marijuana and he confirms that he is but that he would like to do medical and recreational. Councilor Murphy asks if he has been doing the recreational and Mr. Salleroli responds "no" as there are no laws for selling it right now and that he only sells to the patients. He would like to keep his lounge. Councilor Murphy asks if this were to happen, would he have two separate areas. Mr. Salleroli responds that he already does and that he has one for "sales" which is closed and locked but it is within the lounge.

Council President, Gilbert Murphy, calls for comments from the audience. Gordon Smith makes reference to the sessions and the federal Attorney General and that it put recreational marijuana under a question mark and notes that it would not be resolved in a couple of weeks in terms of Federal and State. The City Manager reminds that this public hearing is only about the renewal of the Victualer's License.

Council President, Gilbert Murphy, declares the public hearings closed at 6:10 p.m.

VI. ACTION on PUBLIC HEARING(s)

Renewal of a Victualer License – for Alan Salleroli d/b/a The Rose Bud

MOTION ARCHER **SECOND** BRADBURY **(PASSED 5-0)**

To approve the renewal of a Victualer License for Al Salleroli d/b/a *The Rose Bud* at 9 Dana Street (the former building of the Rose Garden) for the sale of edible medical marijuana for medical purposes only.

VII. ADJUSTMENTS to AGENDA

Council President asks if there are any adjustments. The City Clerk responds there are **two** adjustments to the agenda. The first being to add "(l) Open & Award the LED lighting bid for City Hall" under Item IX, and the second is to add "(m) the Scheduling of a Public Hearing to be set for February 14th, 2018 on a proposed amendment to the Firearms Ordinance" under Item IX.

MOTION SHANNON EMERY **SECOND** BRADBURY **(PASSED 5-0)**

To approve an adjustment to the agenda to add "(l) Open & Award the LED lighting bid for City Hall under Item IX and to also add "(m) the Scheduling of a Public Hearing to be set for February 14th, 2018 on a proposed amendment to the Firearms Ordinance under Item IX.

VIII. UNFINISHED BUSINESS - NONE

IX. NEW BUSINESS

a) City Council Appointments for Signing of Warrants

MOTION BRADBURY **SECOND** SCOTT EMERY **(PASSED 5-0)**

To approve that *all* councilors are *authorized* for the signing of warrants with a *minimum of three signatures required for the processing of a warrant.*

b) Establish Time & Place for Regular City Council Meetings

MOTION ARCHER **SECOND** SCOTT EMERY **(PASSED 5-0)**

That monthly City Council meetings be held on the second Wednesday of each month with Executive Session at 5:30 p.m. and the Regular portion of the meeting to commence at 6:00 p.m. or thereafter at Shead High School in the library and that the Band Room be an alternative as a backup provided it is available.

c) Establish Depository Banks for City Funds (The First & Bangor Savings)

MOTION SCOTT EMERY **SECOND** ARCHER **(PASSED 5-0)**

That The First and the Bangor Savings Bank be the depositing banks for City funds.

d) Staff Appointments for Calendar Year 2018 (See Attached)

MOTION ARCHER **SECOND** SCOTT EMERY **(PASSED 5-0)**

To accept and approve the staff appointments as submitted.

e) Council Liaison Appointments for Calendar Year 2018 (See Attached)

MOTION ARCHER **SECOND** SCOTT EMERY **(PASSED 5-0)**

To accept and approve the Council Liaison appointments as submitted.

f) Establish a 0% Discount Rate for Pre-payment of FY2019 Taxes

MOTION ARCHER **SECOND** SHANNON EMERY **(PASSED 5-0)**

To approve a 0% discount rate for pre-payment of FY2019 taxes.

g) Approve City Treasurer, Traci Claroni, to Negotiate Quit Claim Deeds

MOTION SCOTT EMERY **SECOND** BRADBURY **(PASSED 5-0)**

To approve the City Treasurer, Traci Claroni, to negotiate Quit Claim Deeds.

h) Council Approval for the Transfer of Funds – Re: Boat Ramp

MOTION SCOTT EMERY **SECOND** ARCHER **(PASSED 4-1)**

Councilor Shannon Emery Voted "NO"

To transfer \$15,212.00 from Solid Waste to Special Reserves and the remaining balance of \$838.00 to come from Special Reserveo cover costs of the new boat ramp and dredging.

i) Request for Amendment to the Recreational Marijuana Ordinance

Al Salleroli brings forth this request to Council to amend the City's Recreational Marijuana Ordinance for the verbage to read: no lounges except for existing lounges. He also takes a moment to ask what the consensus is. The City Manager reminds Council that the business before them is to schedule a public hearing

to consider an amendment to the ordinance. The request would basically allow for The Rose Bud to be grandfathered in. Councilor Scott Emery asks if it is even legal to do this, given the State law. Legal Counsel, Dennis Mahar, responds not at this time as it is something that is being anticipated under the referendum. He further comments to say no matter what we do at this level is subject to change in how the State will do things and we may have to tweek the Ordinance to comply. The reason for enacting the ordinance at the time was that the moratorium by the State was expiring February 1st, 2018 and that there remained the possibility that there may be no State regulation in place to take over on that date. Councilor Scott Emery did not feel it to be wise to hold a public hearing on something that is not legal and feels it should be tabled. Mr. Salleroli comments to say his is a private club and one must be a member and that it is not a public lounge. He has 175 members and they pay \$10.00 per month. When he opened it on December 17th, 2017 it was originally just for medical and then they made recreational legal for people to smoke it. He reiterates that he has a private club and one is allowed to smoke in private. Former Councilor Mary Repole speaks to say that it is way too soon and we don't know the State laws yet and it is a bad precedent to set. Council President is inclined to agree with former Councilor Mary Repole in that we need not change what we have in place but that he is only one person of a board of five. Councilor Bradbury asks if there is a timeline on the State's decision. Legal Counsel speaks to talk of a proposal which the governor vetoed and there is talk of a new proposal but nothing to the legislature yet and then it would have to be scheduled for a public hearing. Councilor Shannon Emery asks Mr. Salleroli how he makes money doing this. Mr. Salleroli responds that it is a monthly fee of \$10.00 per member. Mr. Salleroli informs Council if this does not go through then the City will end up owning The Rose Bud as it is all he does for a living. Council President asks why he did not bring this up when the City held the public hearing on the ordinance. He responds he was not aware of the ordinance until the 15th. The bottom line is that he would like the private club be added to that verbage.

MOTION SHANNON EMERY **SECOND** BRADBURY **(PASSED 4-1)**

Councilor Murphy Voted "NO"

To approve the scheduling of a Public Hearing for February 14th, 2018 on consideration of an Amendment to the City's Recreational Marijuana Ordinance requested by Al Salleroli.

j) Council Liaison/Manager Updates

MOTION SCOTT EMERY **SECOND** BRADBURY **(PASSED 4-1)**

Councilor Archer Voted "NO"

To accept and approve the Council Liaison/Manager updates as presented and given.

k) Council Approval of Consent Agenda

MOTION ARCHER **SECOND** SCOTT EMERY **(PASSED 5-0)**

To accept and approve the Consent Agenda as submitted.

l) Open & Award of LED Lighting Bid for City Hall

City Clerk presents the bids to the Council President for opening. The first one opened is from Hastings Electric for an amount of \$2,500.00. Council President recuzes himself from opening the second bid as it is from Riverside Electric and Murphy's Electric and Vice Chair, Shannon Emery, continues with the opening and reads aloud it is for an amount of \$1,665.00.

MOTION SCOTT EMERY **SECOND** SHANNON EMERY (PASSED 4-0)
Councilor Murphy "Abstained" from Voting

To accept and award the LED Lighting Bid for City Hall to Riverside Electric and Murphy's Electric for an amount of \$1,665.00.

(m) Scheduling of a Public Hearing for 2/14/2018 on a Proposed Amendment to the Firearms Ordinance

MOTION SHANNON EMERY **SECOND** SCOTT EMERY (PASSED 4-1)
Councilor Bradbury Voted "NO"

To schedule a Public Hearing for February 14th, 2018 on a Proposed Amendment to to the Firearms Ordinance.

X. COUNCIL ISSUES - NONE

XI. ADJOURN

MOTION ARCHER **SECOND** SCOTT EMERY (PASSED 5-0) TIME: 6:40 P.M.
To adjourn.

