

**CITY OF EASTPORT
CITY COUNCIL MEETING
WEDNESDAY, AUGUST 8th, 2018
SHEAD HIGH SCHOOL - BAND ROOM - 6:00 P.M.**

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

(Ref. WS700328 & WS700329)

☐ Personnel Matters
☒ Real Property or Economic Development
☐ Labor Negotiations
☒ Consultation w/Legal Counsel
☐ Poverty Abatement Application

Title 1 M.R.S.A. § 405(6)(A)
Title 1 M.R.S.A. § 405(6)(C)
Title 1 M.R.S.A. § 405(6)(D)
Title 1 M.R.S.A. § 405(6)(E)
Title 36 M.R.S.A. § 841

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

Council President calls this portion of the meeting to order at 5:30 p.m.

MOTION SHANNON EMERY **SECOND** ARCHER **(PASSED 5-0) TIME: 5:31P.M.**
To go into Executive Session for Real Property or Economic Development under Title 1 M.R.S.A. § 405(6)(C) and for Consultation with Legal Counsel under Title 1 M.R.S.A. § 405(6)(E).

Councilor Scott Emery left the meeting.

MOTION ARCHER **SECOND** BRADBURY **(PASSED 3-1) TIME: 5:59 P.M.**
Councilor Shannon Emery Voted "NO"

To come out of Executive Session.

REGULAR COUNCIL MEETING

(Ref. WS700330)

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

Attendees in the Audience: Elizabeth Hastings-Renner, Gordon Smith, Steve Cannon, Danny Waggoner, Susan Coopersmith, Gwen Jones, Ross Furman, Chris Brown, Jon McNerney, David Oja, Robert Scott, Jon Palmer, Jo Sutton, Robert Osmann, and Mary Ann Wiles.

I. CALL TO ORDER

Council President calls the meeting to order at 6:00 p.m.

II. ACTION from EXECUTIVE SESSION

Councilor Rocky Archer addresses the Tax Assessor, Robert Scott, with a question as to what the assessed value is for the old City Hall at 78 High Street. He responds to say he believes it to be valued under \$100,000.00. Councilor Shannon Emery asks if it is more than \$75,000.00 and he says it is possibly in between.

Council President asks the City Manager to explain the reason for this information. She updates that the City has received an offer for the property at 78 High Street and states that Council will be discussing whether or not to accept the offer or to counter offer. She informs that the offer came in at \$40,000.00. Councilor Archer feels the City should make a counter offer of \$65,000.00. Councilor Bradbury speaks to say that she would feel good about dropping is another \$5,000.00 and make the counter offer for \$60,000.00. Councilor Shannon Emery does approve of the \$60,000.00 but would agree to the \$65,000.00.

The Assessor, Robert Scott, offers to go and get the tax cards at City Hall. Council President said that he did not believe it would make a difference as it is valued for more than what the asking price is.

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

To approve making a counter offer of \$65,000.00 for the sale of 78 High Street.

III. PUBLIC HEARING

Amendment to the Eastport Zoning Order – 27 Deep Cove Rd., - Tax Map H4-0C2-01

Council President opens up the public hearing at 6:05 p.m.

The Tax Assessor, Robert Scott, addresses the Council and informs them that is an 11-acre parcel of property out to 27 Deep Cove Road which belonged to Paul Thompson and now belongs to the Estate. He updates that it has been zoned industrial and that there is rural residential across the street, i.e. Linda Frank's; Mary Repole; and the folks that bought Dr. French's camp, etc. It is his understanding that people who may be interest in buying it, would rather use it has residential or rather there are no residential uses in an industrial zone. Gwen Jones is requesting to have the zoning changed and apply to have it change over to rural residential. She and the board discussed it in a public hearing and the board decided to recommend it to the Council to make the change. It was 5/4 with no one against it. There were no further questions or comments.

Council President, Gilbert Murphy, closes the public hearing at 6:10 p.m.
MOTION ARCHER **SECOND** BRADBURY **(PASSED 4-0)**
To close the public hearing.

IV. ACTION on PUBLIC HEARING(S)

Amendment to the Eastport Zoning Ordinance – 27 Deep Cove Rd., - Tax Map H4-0C2-01
MOTION BRADBURY **SECOND** SHANNON EMERY **(PASSED 4-0)**
To approve the proposed amendment to the Eastport Zoning Ordinance as submitted for 27 Deep Cove Road, referencing Tax Map H4-0C2-01 to rural residential.

V. ADJUSTMENT(S) TO AGENDA

MOTION ARCHER **SECOND** BRADBURY **(PASSED 4-0)**
To approve an adjustment to the Consent Agenda to add Item G for the Scheduling of a Public Hearing (due to time constraints of election materials) for an amendment to the City Charter to reflect the State change relative to the deadline for Nomination Papers to be set for August 22, 2018 at 6:30 p.m.

MOTION BRADBURY **SECOND** ARCHER **(PASSED 4-0)**
To approve an adjustment for the scheduling of a Public Hearing for a new Victualer License for Jo Sutton d/b/a Rob's Backyard B-B-Q to be set for August 22, 2018 at 6:30 p.m.

MOTION ARCHER **SECOND** BRADBURY **(PASSED 4-0)**
To adjust the agenda to add Item VII(k) to the regular agenda which is for a recommendation from the Shellfish Committee to open Half Moon Cove to Clam Harvesting effective September 6th, 2018 as per the DMR regulations.

MOTION ARCHER **SECOND** SHANNON EMERY **(PASSED 4-0)**
To adjust the Consent Agenda to add to Item E the appointment of Richard Look to the Shellfish Committee.

VI. UNFINISHED BUSINESS - THERE WAS NONE

VII. NEW BUSINESS

a) Authorize Treasurer to Transfer \$15,000.00 Grant Money from Non-Interest Account (CDBG) to the General Fund for Reimbursement of Expenses

MOTION BRADBURY **SECOND** SHANNON EMERY **(PASSED 4-0)**
To authorize the Treasurer to Transfer \$15,000.00 of Grant Money from the non-interest account (CDBG) to the General Fund for Reimbursement of Expenses.

- b) Accept Donation from The First Bank of \$945.00 for the Summer Lunch Program
MOTION _____ ARCHER **SECOND** _____ BRADBURY **(PASSED 4-0)**
To approve accepting a donation from The First Bank in the amount of \$945.00 for the Summer Lunch Program.

- c) Opening & Award of Bid – Sale of City Property – 76 High Street
The City Clerk updates City Council that there were no bids received.

MOTION _____ ARCHER **SECOND** _____ BRADBURY **(PASSED 4-0)**
To approve tabling this item of the agenda and to revisit looking at it at a later date.

- d) Authorization to Move Forward with DOT Sponsored Traffic Study
MOTION _____ BRADBURY **SECOND** _____ SHANNON EMERY **(PASSED 4-0)**
To approve moving forward with a DOT Sponsored Traffic Study which is at no cost to the City.

- e) Council Approval for Purchase of an In-Car Camera & (2) Body Cameras for the Eastport Police Department.

The City Manager explains to Council that the City has approximately just under \$10,000.00 left in a reserve fund for when an officer was sent to the academy. The Police Chief has expressed interest in having these cameras for a variety of reasons. They would provide safety measures and provide accountability. How they would work is when the lights or sirens come on the cameras would be activated and everything would be recorded. She makes reference that the quote is \$7,185.00, installed; and it is her recommendation to transfer that from the Special Reserve fund that this money sits in to pay for the cameras and that the balance be rolled back over into the General Fund.

MOTION _____ SHANNON EMERY **SECOND** _____ BRADBURY **(PASSED 3-1)**
Councilor Roscoe Archer Voted “NO”
To approve the purchase of an in-car camera and two body cameras for the Eastport Police Department.

- f) Authorization for Solicitation and Advertisement of FY2019 Sand Bid
MOTION _____ ARCHER **SECOND** _____ SHANNON EMERY **(PASSED 4-0)**
To approve advertisement for the FY2019 Sand Bid.

- g) Authorization for Solicitation and Advertisement of FY2019 Fuel Bid
MOTION _____ ARCHER **SECOND** _____ BRADBURY **(PASSED 4-0)**
To approve advertisement for the FY2019 Fuel Bid for heating and propane.

- h) Naming of the Quoddy Village Fire Station
MOTION _____ SHANNON EMERY **SECOND** _____ ARCHER **(PASSED 4-0)**
To authorize the naming of the Quoddy Village Fire Station after Howard V. Johnson a/k/a “Jake” - the senior of the Howard Johnsons.

I.) Council Liaison/Manager Updates

The City Manager reads her report aloud.

Gilbert Murphy gives a recap of an update of where Downeast EMS is at for those that may not have been at the last meeting. They meet quarterly. He updates that they have paid off their refinance loan. At this time they are financially stable and they are up to date on their accounts payable. The Downeast EMS employees will be getting a raise this coming January. They report there have been a lot of transfers.

MOTION BRADBURY **SECOND** ARCHER **(PASSED 3-1)**
Councilor Archer Voted "NO"

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

j) Council Approval of Consent Agenda

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

To approve the Consent Agenda as presented and given.

k) Recommendation from the Shellfish Committee to Open Half Moon Cove to Clam Harvesting

MOTION SHANNON EMERY **SECOND** BRADBURY **(PASSED 4-0)**

To approve the opening of Half Moon Cove to clam harvesting as recommended by the Shellfish Committee effective September 6th, 2018.

VIII. COUNCIL ISSUES

Councilor Archer asks for a status update with regard to the barge on the inner basin and wants to know how long we are going to let him be there without charging him docking fees. Councilor Archer states it has been setting there over a month and nothing has been done. Council President informs Councilor Archer that what the Council can do is let the Port Authority and the Harbor Committee know that it either has to be moved or he needs to pay a fee. Comments of inaccessibility for passage is difficult especially at low water. Council President said that he would speak to him officially on Friday, August 10th, 2018 and the City Manager said that she would also follow up on it as well.

Jon McNerney from the audience asks who controls the inner basin and the City Manager responds it is the Port Authority with the Harbor Committee. She notes that the Port is a quasi municipal entity and the Council has some control over matters of the Port. She continues to say that the Harbor Committee is appointed by the Council and they have input to the inner basin and the Port Authority ultimately controls the inner basin along with the Harbor Master. He then asks if there is a document of formal agreement. He was told that the State law says the municipality controls it and that the breakwater got transferred

to the Port. What document is there that says they have the authority for control. The City Manager responds that she is unaware of such a document but that she can research it. Councilor Shannon Emery comments to say maybe it is the document that Chris Gardner said she could come to look at that is very lengthy. She is of the understanding there is some type of document but that she has not read it. Councilor Shannon Emery and Councilor Bradbury both agree that the City needs to clarify this matter and it be clear. Council President responds that he spoke with Chris Gardner this morning and it is the jurisdiction of the Port Authority over the inner basin and that this was very clear. Councilor Bradbury suggests that the City have a copy of this document that shows the accountability. Legal Counsel, Dennis Mahar, makes reference that there are State statutes to refer to.

IX. ADJOURN

MOTION BRADBURY SECOND SHANNON EMERY (PASSED 4-0) TIME: 6:39 P.M.
To adjourn.