

**EASTPORT CITY COUNCIL
SPECIAL CITY COUNCIL MEETING**

**WEDNESDAY, AUGUST 22nd, 2018
SHEAD HIGH SCHOOL - BAND ROOM - 6:30 P.M.**

City Officials Present: Councilor Roscoe Archer, III, Councilor Hailley Bradbury, Councilor Scott Emery, and Council President, Gilbert Murphy. Also present were the City Manager, Elaine Abbott, and the City Clerk, Ella Kowal.

Public Attendance: Ravin Gustafson, Kathryn Lewis, Robert Scott, Elizabeth Hastings-Renner, Jon McNerney, Kendall Zeigler, Anne Stanley, Pierre Wooge, Karen Benn, Jo Sutton, Robert Osmann, Lora Whelan, Jon Palmer, Marged Higginson, and Mary Jane Klalia.

I. CALL to ORDER

Council President called the meeting to order at 6:30 p.m.

II. PUBLIC HEARING(S)

Council President opens the public hearings at 6:31 p.m. and calls for questions or comments.

**“New” Victualer License for Jo Sutton
d/b/a Rob's Backyard Bar-B-Q**

Marged Higginson addresses the Council with regard to a letter that she sent with some questions as she did not think that she would be able to meet the meeting. Council President extends her the opportunity to address her concerns and questions for answers to, the business owner, Jo Sutton. He also asks Ms. Higginson to introduce herself and she also comments to say that she lives on Snyder Road in Quoddy Village. Ms. Higginson notes that she is of the understanding that they were circulating a petition but that she was out of town and any questions she had about it could not be answered. She first asks if this was a one time thing or it was to establish a business. Ms. Higginson shares a comment from the Fire Chief when the Grossman building burnt down and that had there been a good wind from the East, Quoddy Village would have been gone and she asks if there is another chance for a second fire.

Ms. Sutton responds to say “no” and that proceeds to explain that they are cooking in an actual barbeque pit smoker and informs that it is on property located on Deeks Street and that it is a contained fire and there is no are no big flames. The owner of the property, Jon Palmer, responds to say there is concrete around the pit and it is all State approved. Ms. Higginson asks what type of fire it is and where does the smoke go. Mr. Palmer responds that it is a wood fire and that the smoke disperses like it would from a chimney. She then asks how many hours a day would the fire be going? Ms. Sutton responds approximately around eight hours. Ms. Higginson then asks how many days a week. Ms. Sutton responds about six to seven days. Ms. Higginson then asks if it is just for in the summer. Ms. Sutton responds that it is seasonal. Ms. Higginson comments to say that the reason she asks is that there a lot of people who live in the village now who are not aware of how the smoke settles in Quoddy Village and there are concerns of the smoke settling not to mention how stressful it is. She also makes reference to the concern of boundaries i.e. residential vs. industrial as well as an increase of traffic. Ms. Higginson then asks about sanitary facilities. Ms. Sutton and Mr. Palmer responds that it is take out and that it is not a sit down and eat facility and they note that the tables there are for those waiting for their orders and confirms there are no actual restrooms. Ms. Higginson addresses a concern relative to litter. Ms. Sutton and Mr. Palmer reassures that they provide garbage cans and that they keep their property clean and will do the same in this aspect. Ms. Higginson asks if the Fire Marshall will be overseeing that the smoker is satisfactory. Ms. Sutton reaffirms that the smoker is completely contained and also informs that the Health Inspector has also come out as well. Ms. Higginson thanks them and notes that this is all of her questions.

Pierre Woog from the audience comments to say that he signed the petition and that he was fully informed and had no questions or concerns. He continues to say he was very impressed with the people and that they want to do something that will work and feels that we should do everything we can to encourage that. He wishes to see that someone with the City to have a special obligation to see them through it as quickly as possible. He encourages the City to support them and that they will have a little bit of season left.

Council President makes a last call from the audience and then the Council. Ms. Sutton addresses the Council relative to the zoning at 1 Brinker Street in that it is residential and asks if they would still be able to open because they are a vendor. Ms. Sutton explains that her name is not on the property but in theirs and that she has a note with permission to be on their property. The Assessor, Robert Scott, responds that it is an R2 zoned district and is residential only. He further explains it has to be a hide away business or a B1 business. Ms. Sutton comments to say that it does not state that on the vendor regulations and that it does not reference commercial, industrial, residential, etc. Mr. Scott responds that the zoning regulations do state this and is what he has to follow. Ms. Sutton comments to say that the zoning regulations state that one cannot have a yard sale. Mr. Scott

does not recall and will check that. Former Councilor Kathryn Lewis asks Mr. Scott if zoning was changed to a mixed status. He responds there are regulations to home occupations, offices, etc. She then asks if it was changed to R2 or mixed and notes that she feels he gave the wrong impression and he apologizes. Anne Stanley from the audience speaks to the concern of smoke and asks if there has been any type of measurement. Ms. Sutton responds that it is contained and there is very little.

Council President, Gilbert Murphy, reminds that this public hearing is for the Victualer's License and not for the zoning. Mr. Scott responds he has seen no paperwork for the zoning. Ms. Sutton and Mr. Palmer responds that the paperwork was submitted the same day. Mr. Scott said he did not receive it. Ms. Sutton responds it was actually the day after that they submitted it. Councilor Bradbury asks if this is the one lot on that block that is zoned purely residential. Mr. Scott responds that the whole area is zoned residential but that the property across the street where the old Grossman building use to be is "highway business" and that it goes down to where the storage area is and where the jewelry/gift shop is. Councilor Bradbury asks if there are businesses around this residential area and Mr. Scott responds there are. Council President asks for confirmation that once they receive their Victualer's License they can set up down by the jewelry/gift shop. Mr. Scott speaks to that is what he thought their intention was. Ms. Sutton speaks that they would prefer to do it on their own property and that this is why they submitted the paperwork on the zoning. Lora Whelan of the Quoddy Tides asks about the process and if they needed to get the Victualer License before a zoning change request. Mr. Scott responds that any zoning change would go through him to the Planning Board and then they would have to schedule a public hearing and then hold it within 30 days of application and then they would make a recommendation to the City Council and then they would need to schedule a public hearing and take action on their request. He reaffirms that the City Council is the only authority that can change the ordinance. Jon McNerney of the audience asks why this would not be in the exception clause. Council President brings everyone back to the matter of business being the Victualer License. Councilor Bradbury asks if the Victualer License is granted can they operate down by David Oja's property. Mr. Scott responds yes and Councilor Bradbury understands that the zoning change needs to go through the process with the Planning Board. No further comments and the Council President closes the public hearing on the Victualer License for Jo Sutton d/b/a Rob's Backyard Bar-B-Q.

City Charter Amendment to Section 7.02(b)

(to reflect the State requirement on a change to the deadline for Nomination Papers)

The Public Hearing is opened by Council President, Gilbert Murphy.

Council President explains that this proposed amendment is to reflect and adhere to a change with regard to the State requirement relative to the deadline for the filing of nomination papers which is now 60 days prior to the day of election. The City

Charter is specific to the deadline in referencing this deadline in the number of days and requires that we must follow the State guidelines which makes it necessary to change the City Charter and is done through a referendum. He reads the proposed amendment for Section 7.02(b) to the City Charter:

“Filing and Acceptance. Nomination papers shall be made available by the Municipal Clerk to prospective candidates during the 75 days prior to the final date of election. They shall be filed with the Clerk during business hours on or before the 60th day prior to the day of election.”

The City Clerk comments to say that this is a housekeeping matter to keep the City Charter in compliance with the State guidelines and that it be reflected accordingly and that it must be done through a referendum. The City Manager also clarifies with the City Clerk that she requests that the action of the City Council be that they approve this to go on the municipal ballot for the local election on November 6th, 2018. The City Clerk responds this is accurate and that the Council will cover this under Item III “Action on Public Hearing(s)”.

He calls for questions and comments. There were none.

Council President, Gilbert Murphy, declares the Public Hearings closed at 6:45 p.m.

III. ACTION on PUBLIC HEARINGS(s)

New Victualer License for Jo Sutton d/b/a Rob's Backyard Bar-B-Q

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

To approve a Victualer License for Jo Sutton d/b/a Rob's Bakcyard Bar-B-Q.

City Charter Amendment to Section 7.02(b)

(to reflect the State requirement on a change to the deadline for Nomination Papers)

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

To approve the proposed amendment to Section 7.02(b) as submitted and to also put it on the municipal ballot for the November 6th, 2018 election to put it out to referendum as required by the City Charter.

IV. COUNTER OFFER for SALE of OLD CITY HALL at 78 HIGH ST.

The City Manager reminds Council that at the last meeting they asked her to do a counter offer to the proposed buyer of \$65,000.00. She further comments to say that the perspective buyers came back with a final offer of \$45,000.00 and that we have until the close of business on the 27th of August, 2018 and the offer will end.

Council President asks what the wishes of the Council are. Councilor Archer responds in support of the final offer of \$45,000.00. Councilor Bradbury comments to say that the City has gotten itself into some tricky situations before taking that much under the asking price and she feels like in this situation the most reasonable thing to do would be to put it back out at a significantly lower price and that way everyone is given equal opportunity to make an offer around that price range. Councilor Archer responds to say that they had an equal opportunity the first time around. Councilor Bradbury comments to say when the asking price is \$98,000.00 there are not a lot of people that would think the City would accept an offer of less than half of that amount. She continues to say that they have seen this with real estate deals with the City before where properties were purchased for far lower than the asking price and that created issues because others did not feel like they didn't have the same opportunity to purchase that property for that price so she feels that if the City is willing to accept \$45,000.00 or closer to \$65,000.00 lets put it out at \$65,000.00. She feels this is an equal playing field for anyone. Councilor Scott Emery feels that we have a buyer that is interest in the property and that it is a liability to the City and feels strongly about selling it and get it back on the tax roles. Comments were brought about the work that the building needs, lead paint, etc. and that there is a cost to it. Councilor Bradbury responds that any building that you sell for \$45,000.00 is going to take some fixing up and that many buildings have lead paint. She is adamant about putting it back out to bid at a lower price for everyone to look at. She continues to say that if we are looking to accept the \$45,000.00 then we should not have put it out to bid at \$98,000.00.

MOTION SCOTT EMERY **SECOND** ARCHER **(PASSED 3-1)**

Councilor Bradbury voted "NO"

To accept the counter offer of \$45,000.00 from the perspective buyer for the sale of old City Hall at 78 High Street.

V. APPROVAL to HOLD COUNCIL MEETINGS in the BAND ROOM

Councilor Archer comments to say that request comes before Council by him.

The City Clerk informs Council that the Principal of Shead High School confirms that the Band Room is available and that if there were plays that they could set the tables up on the floor and leave whatever skit may be in place on the stage.

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

To accept and approve the request to hold City Council meetings in the Band Room rather than the Library.

VI. CONSIDERATION of RESOLUTION (requested by Kendall Ziegler)

MOTION BRADBURY SECOND ARCHER (2 YES/2 NO)

The Council President reads aloud an email sent by Kendall Ziegler to the City Manager. “She asks the City Council to pass a resolution simply stating that the confederate flag does not represent the people from Eastport, Maine.

Councilor Bradbury speaks that she would whole heartedly support a resolution and that it would be wise for the City of Eastport to distance itself as much as possible from that type of hateful symbolic messages and feels that it is a disservice to Eastport to put that image out there.

Kendall Ziegler asks to speak as to why she asked for this resolution. She continues to say that 8,441 Maine men died in the deadliest war in American history, the Civil War. A total of 3,850 from Eastport served the Union in order to stop traders to the United States of America whose purpose was to enslave other human beings. Maine sent over 80,000 men to fight in the Civil War the most per capita of any State in the Union. She then comments to say that the City has a boat owner who has the audacity to fly the confederate flag symbolizing the killers of the Mainers. Flying the flag is dishonors the sacrifice these Mainers and their descendents. Some say this is about heritage and it is about a heritage that continues to be the original sin of the United States and for which we still suffer today. Flying the flag does not make America great again and is a painful reminder that many people still believe in white supremacy and is a means to intimidate and terrorize non-whites. She continues to say that the man responsible for this sits on the City Council of Eastport and he was asked to remove this symbol of racial hatred and he has done so but she does not trust that it will not keep on flying again. Symbols are a reflection of deeply held beliefs and flying this flag shames the City and puts the livelihood of many hard working people here at risk. She further comments to say that City Hall has received numerous calls and letters complaining about the flag. The August 17, 2018 publication of the Bangor Daily News circulated a letter to the editor titled “Racial Hatred”. Calling out Eastport for the flying of the confederate flag on a lobster man's boat. People do not want to visit the City where this flag is flown in a public owned and highly visible space within community. Therefore, she asks the City Council to pass this resolution that the confederate flag does not represent the good people of Eastport, Maine. just because one has the right to fly this flag, it does not make it right.

Council President calls for any discussion from the City Council. Councilor Archer speaks to say that he does not take offense to that flag and that his son has one and that he was bombed in the South and he is proud of that flag. He comments to say that it was way before his time that all this happened. He continues to say if we want to go that far, what about the Pirate's flag? What did they do? They did just as much and worse. He states that a lot of people take offenses to a lot of flags but we live in a country that gives us the right to fly a flag. He shares that he still

has the confederate flag at his house and continues to say that if we are going to take offense on one flag what about the Canadian flag? Some people take offenses to that too. He asks if we are going to start with that flag next? How many more flags and how much more right is the minority group going to take away from us. He states this is his opinion and Councilor Bradbury calls him out on making as many unequivocal claims he wants and says that this is a flag that is rooted in history that is irrefutable and that he cannot deny what the flag stands for and if he is saying that this is before his sons time, she would love to understand what it is he takes pride in with that flag. She continues on to say that it is treacherous to the United States and they are being a traitor to the choice that the present nation chose and said she did not know if he heard when Kendall was describing 8,000 plus lives lost of Mainers who obviously believed that slavery needed to end. She says that he can stand clearly as he wants on the wrong side of history and clarifies no one was saying Councilor Scott Emery did not have the right to wave that flag and says that Ms. Ziegler is asking that we, as a City, denounce that kind of hatred and she believes there is nothing wrong with that, but as a City, she will not. Ms. Ziegler is not saying that no one can fly the flag but that we make a statement, as a City, that this flag does not represent what we stand for. Council President asks Councilor Scott Emery if he had anything to add and he said no they said what they had to say. Councilor Bradbury addresses Councilor Scott Emery to say this City relies upon tourism to survive and that as an elected official it is a disservice to everyone in the community and everyone who works in the shop downtown to have the flag flown. Councilor Emery said he was not going to sit there and have Councilor Bradbury lecture him of his rights and if she continued he'd put it back up. She said he could do whatever he wants and has made that clear. Mary Jane Klaila reminds Councilor Bradbury that he has taken it down and it is gone and she is glad for that but feels strongly that the resolution is important. A member of the audience reminds Council that he just threaten to put it back up.

MOTION BRADBURY **SECOND** ARCHER (2 "NO"/2 "YES")

Councilor Archer & Councilor Scott Emery Voted "NO"

Councilor Bradbury and Councilor Murphy Voted "YES"

To accept the resolution as requested by Kendall Ziegler

VII. ADJOURN

MOTION ARCHER **SECOND** SCOTT EMERY (PASSED 4-0) TIME: 7:01 P.M.

To adjourn.