

**CITY OF EASTPORT
CITY COUNCIL MEETING
WEDNESDAY, APRIL 12th, 2017
SHEAD HIGH SCHOOL - LIBRARY - 6:00 P.M.**

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

(Ref. WS700269 & WS700270)

☐ 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. § 495(6)(E)
Title 36 M.R.S.A. § 841

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

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

MOTION REPOLE **SECOND** BRADBURY **(PASSED 5-0) TIME: 5:31 P.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).

MOTION REPOLE **SECOND** BRADBURY **(PASSED 5-0) TIME: 5:56 P.M.**
To come out of Executive Session.

REGULAR COUNCIL MEETING

(Ref. WS700271)

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

Attendees in the Audience: Randy Minard, Greg Noyes, Gordon Smith, Chrissy Greenlaw, Paul Theriault, Claudia Jones, Ryan Jones, Lora Whelan, Marged Higginson, Kathryn Lewis, Robert Scott, Greg Golding, Meg McGarvey, Bob DelPapa, Ken Brown, Denise Cassidy, Leanne Blankman, Robert Derry, Patricia Derry, Danny Marshall, Elizabeth Amisca, Jon McNerney, Darrell Keay, and Officer Tom Fredette.

I. CALL TO ORDER - Council President called the meeting to order at 6:00 p.m.

II. ACTION from EXECUTIVE SESSION

MOTION REPOLE SECOND BRADBURY (PASSED 5-0)

To rescind Council's previous motion relative to 147 Water Street and to approve putting this property out to bid with a minimum bid of \$8,000.00

III. PUBLIC ACCESS REQUEST - RE: ATV's

Council President thanks everyone for their emails relative to matter and calls motion.

MOTION REPOLE SECOND BRADBURY (PASSED 4-1)

Councilor Shannon Emery voted "NO"

To not accept the proposal from the Dennysville ATV Club.

IV. PUBLIC HEARING(s)

Council President, Gilbert Murphy, opens the public hearings at 6:02 p.m.

• Sale of City Property - 45 Third Street (Tax Map #I7-0D1-11)

The City Clerk gives an account status update and there is a total due on the property for sewer charges and real estate taxes for a total amount of \$4,160.00. Council President updates Council that the City Manager and the Tax Assessor has looked at the property and was only able to get into a couple of rooms as the property is collapsing. A member of the audience asks if the property will be torn down or what will happen. Council President responds that this will be determined by Council as to their decision. There was no further comment.

• New Victualer License – David Oja d/b/a BASAR a/k/a Cork Creations & D&J Candles

The City Clerk informs Council that this is a request for a new victualer license and it is for a tea room and gallery. Councilor Repole and Councilor Bradbury comment in support of it and that it is a great idea.

• Marijuana Moratorium

The City Manager addresses Council and explains that she is seeking a moratorium not to last more than six months. She further comments to say that she has spoken with Robert Scott to inquire as to whether or not six months is sufficient time for the Planning Board and the Zoning Board of Appeals to review ordinances as there is nothing to speak to this and that it is for retail marijuana and it is not for medical marijuana and that it is for retail establishments and social clubs. She emphasizes that it is important for Eastport to know what it wants to do and to also be clear on zoning and ordinances on this brand new industry in Maine.

Danny Marshall addresses the Council and comments that the State has a moratorium in place for recreational marijuana and refers to LD88 which speaks to a statewide moratorium for retail establishments and that it is good through February of 2018. He questions what the City Manager is saying and states that you cannot open an establishment until February of 2018.

The City Manager responds and continues to clarify what she is saying. She explains that there are two medical marijuana providers downtown within a block or two of each other and there is nothing to stop either of them from offering or selling retail marijuana. She reiterates that this is about zoning and that the City needs to take a look at it and be clear on what it wants. Mr. Marshall again replies that there is already a State moratorium in place and that we would be putting a moratorium on top of one that is already in place. Councilor Repole responds that she also attended the State training on this matter and that legal attorneys strongly encouraged that the City consider enacting its own moratorium. The City Manager explains that the moratorium is an ordinance and that it was written by the Maine Municipal Association legal department. Mr. Marshall again responds that the State moratorium is for all the towns and that no one can open a recreational marijuana shop until February of 2018. Councilor Bradbury suggests that maybe one could refer to the State moratorium already in place. The City Manager explains that this is nothing other than to address matters of planning and zoning districts and that we are required to examine those and the City must do that. Robert Scott addresses the Council and reaffirms that the State does have a moratorium in place until February of 2018 and that those guidelines are more general whereas ours would be more specific to us as a City until we determine what we want in terms of zoning. Mr. Marshall responds to say that this would scare potential business owners. A member from the audience asks for clarification of the various zoning districts, i.e. residential, commercial, business. Robert Scott speaks to Special Exception Permits and those would have to go through the Zoning Board of Appeals. Randy Minard of the audience asks Council should they enact a moratorium how long it would be for. The City Manager responds it is whatever the Council decides but that it is generally six months (180 days). A comment comes from an audience member with regard to zoning in R1 & R2. They are reminded that matters such as these will need to go before the Zoning Board of Appeals. Denise Cassidy from the audience responds to say the purpose of the moratorium is to assist with the planning and zoning and allows us to take the time to address all concerns. Meg McGarvey from the audience asks that the Council give the City the time necessary to discuss this and do the research and to plan for it which will also give a better understanding. Randy Minard asks if during the moratorium if the City would be able to put forth a request for additional time. The City Manager responds that a moratorium can be renewed for another 180 days but the City must show the State that we are progressing and working towards a resolution. Councilor Bradbury asks if potential businesses in residential areas would need licensing and it was reaffirmed they would need licensing from the State. Gordon Smith asks if any information has been brought forth from the State and the City Manager responds not as of yet but she is certain they are working very hard and diligently on this. He

then comments to say it is hopeful that concerns would be addressed with regard to facilities near the schools and the City Manager ensures that there would be legislation to that. Mr. Marshall comments to say that he believes a local moratorium will cause more problems than we realize. He further comments to say this would not cover us in terms of people growing in their houses or their back yard.

Council President, Gilbert Murphy, calls for a motion to close the public hearings.

MOTION REPOLE **SECOND** SCOTT EMERY **(PASSED 5-0)**
To close the public hearings at 6:18 p.m.

V. ACTION on PUBLIC HEARING(S)

Sale of City Property - 45 Third Street (Tax Map #I7-0D1-11)

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

To authorize the City Manager to get a quote to demolish said property and then to follow through with the demolition and then have the lot combined with 47 Third Street (which the City has already acquired) as one lot and then to bring it back for Council to put it up for bid and set a minimum bid which is also to include the cost of the demolition.

New Victualer License – David Oja d/b/a BASAR a/k/a Cork Creations & D&J Candles

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

To approve a new victualer license for David Oja d/b/a BASAR a/k/a Cork Creations & D&J Candles.

Marijuana Moratorium

MOTION SCOTT EMERY **SECOND** REPOLE **(PASSED 3-2)**

Councilor Bradbury & Councilor Shannon Emery Voted “NO”

To accept and authorize a 6-month marijuana moratorium as submitted and presented.

VI. ADJUSTMENT(S) TO AGENDA - THERE WERE NONE

VII. UNFINISHED BUSINESS

Sale of City Property - 147 Water Street (former “Hall” property)

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

To rescind Council's previous motion of 3/8/17 and to approve putting this property out to bid for a minimum bid of \$8,000.00.

VIII. NEW BUSINESS

a) Election Warrant – State Referendum & Municipal – June 13th, 2017

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

To approve the Election Warrant for the State Referendum and the Municipal election for June 13th, 2017 as submitted by the City Clerk.

- b) Opening & Award of Bid(s) - 7 Hawkes Avenue - Tax Map #J7-0A1-10
The City Clerks updates Council that only one bid was received and gives it to Council President for opening. Council President opens the bid received and reads aloud that it is from Tim Smith for an amount of \$7,500.00 and also notes receipt of a check for an amount of \$750.00 in lieu of the required 10% deposit.

MOTION _____ **REPOLE** **SECOND** _____ **BRADBURY (PASSED 5-0)**
To accept and award the bid received from Tim Smith for an amount of \$7,500.00 along with the deposit of \$750.00 for the sale of 7 Hawkes Avenue.

- c) Council Approval for the Purchase of (2) Generators – for the Fire Dept. & Public Works (\$8,405.56 to be expended from Capital Improvement Program)

MOTION _____ **EMERY** **SECOND** _____ **REPOLE (PASSED 5-0)**
To authorize the purchase and installation of two generators for an amount of \$8,405.56 to be expended from Capital Improvement Program. One for the Fire Department and one for the Public Works Department.

- d) Council Approval to Authorize the City Manager to Sign Off on the Transfer of Expiring FAA Funds to Maine DOT for an amount of \$124,439.00

MOTION _____ **REPOLE** **SECOND** _____ **BRADBURY (PASSED 5-0)**
To authorize the City Manager to Sign Off on the Transfer of Expiring FAA Funds to Maine DOT for an amount of \$124,439.00 for a period of two years.

- e) Council Approval for Bay Day & Moonlight Movies 2017

MOTION _____ **REPOLE** **SECOND** _____ **BRADBURY (PASSED 5-0)**
To authorize the use of the space downtown at Overlook Park and to approve the Bay Day & Moonlight Movies for 2017 as submitted.

- f) Re-scheduling of 6/14/17 Council Meeting to 6/21/17 (City Clerk's Request
Councilor Repole notes that the School Board holds their meeting that night and Council President responds to say that we could utilize a different location such as the Port office if need be.

MOTION _____ **BRADBURY** **SECOND** _____ **REPOLE (PASSED 5-0)**
To approve the rescheduling of the June 14th, 2017 Council meeting to June 21st, 2017 as requested by the City Clerk.

- g) Appointment of Assistant Harbormasters – Tammy Hoche & Mark Emery

MOTION _____ **SCOTT EMERY** **SECOND** _____ **REPOLE (PASSED 5-0)**
To appoint Tammy Hoche and Mark Emery as Assistant Harbormasters as requested by the Eastport Port Authority Director, Chris Gardner.

h) Council Liaison/Manager Updates

The City Manager updates Council that she has been working with Eastern Area on Aging to help assist with food boxes for low income seniors over 60 to help them extend their food budget as needed. Applications are available and are to be returned to her at City Hall.

She also updates Council that last Saturday there was a parade in honor of all the veterans, first responders, etc. and the fallen men and women of Maine who served our country. Participants of the 2-1/2 mile walk were from age eight to eighty. She extends a thank you to all those who assisted in making this happen. She also notes that there is a case at City Hall that is on display of those that served and welcomes anyone to stop by.

She also updates Council that street sweeping will begin on next Tuesday.

MOTION _____ **REPOLE** **SECOND** _____ **BRADBURY (PASSED 5-0)**
To accept and approve the updates as given and presented by the City Manager.

i) Council Approval of Consent Agenda

MOTION _____ **REPOLE** **SECOND** _____ **BRADBURY (PASSED 5-0)**
To approve the Consent Agenda as submitted.

IX. COUNCIL ISSUES

Council President, Gilbert Murphy, on behalf of the Eastport City Council; thanks everyone, for the responses and feedback with regard to the proposal of a public access request on ATV's and comments to say that Council gave it serious consideration. Council reinforces their appreciation of everyone's participation.

X. ADJOURN

MOTION _____ **REPOLE** **SECOND** _____ **BRADBURY (PASSED 5-0) TIME: 6:35 P.M.**
To adjourn.