

**CITY OF EASTPORT
WORKSHOP & CITY COUNCIL MEETING
WEDNESDAY, AUGUST 13, 2014
SHEAD HIGH SCHOOL - LIBRARY - 5:00 P.M.**

WORKSHOP - 5:00 P.M.

A workshop was held amongst members of the City Council, Zoning Board, & Ordinance Review. The workshop closed at 5:33 p.m. (Councilor Gilbert Murphy was unable to attend).

REGULAR COUNCIL MEETING - 6:00 P.M.

Those in Attendance: Councilor Roscoe Archer, Councilor Colleen Dana-Cummings, Councilor Scott Emery, Councilor Gilbert Murphy, and Council President, Mary Repole. Also present were City Manager, Larry Post; Assistant City Manager, Elaine Abbott; Legal Counsel, Dennis Mahar; and City Clerk, Ella Kowal.

Audience Attendance: Jan Finley, Steven Cannon, Jon McNerney, Elizabeth Hastings-Renner, Rodney Merritt, Vicki Robey, Jack Reece, Kathryn Lewis, Diane Muessig, Meg Keay, Rick Farris, Jim Levendosky, Jackie Davis, Rita Nortin, Elaine Hall, Marget Higginson, Steve Glatfelter, Ed French, Peter Repole, Walter Cummings, Meg McGarvey, and Lora Whelan.

- I. **CALL TO ORDER** - Council President calls the meeting to order at 6:00 p.m.
- II. **PUBLIC HEARING(S) - *Proposed Charter Amendments***

The Council President, Mary Repole, reminds Council that this public hearing is to receive public input and comments on the next round of Charter Amendments as *proposed* and submitted by the Charter Committee to be considered for placement on a Municipal Ballot for the next scheduled election on November 4, 2014. She then declares the public hearing open at 6:01 p.m.

Ed French, Chair of the Charter Review Committee, addresses the Council and reviews the *proposed* Charter Amendments as presented and clarifies and explains that the Charter Review Committee is requesting that Council give consideration to placing these amendments on the Municipal ballot for the November, 2014 election to give the voters the opportunity to vote on them and put them out to referendum. He continues forth with review of the changes.

Jon McNerney of the audience asks a question of Article 8.06(b) relative to the time frames of initiatives/referendums. Ed French explains that this is how the current Charter reads and that it would be Council's responsibility to be responsive as required by the Charter with regard to any petition.

Council President declares the public hearing closed at 6:14 p.m.

III. ACTION ON PUBLIC HEARING

MOTION ARCHER SECOND EMERY PASSED 5-0

To approve the placement of the *proposed* Charter Amendments, as submitted and requested by the Charter Committee, on the Municipal ballot and to be put out for referendum to the voters at the November, 2014 election.

IV. OPEN PUBLIC FORUM

Jon McNerney addresses the Council with a request, in written form, to put three items on the November, 2014 Municipal ballot and they were as follows: 1) Does Eastport need an Assistant City Manager?; 2) Reduce City Hall Administration by one position; and 3) Remove all perks authorized by the City Manager to include take home City vehicles, collecting money for the sale of scrap metal and/or any other city owned or collected property.

The City Manager responds that the take home City vehicles are not “perks” for the individuals. They are permitted and available for *City use* during times of night and day when they are needed in the realm of their job and are utilized strictly for *City business*. One vehicle is in Public Works Department and the other is in the Sewer Department.

Relative to Item #1, the Council President responds that Council voted and approved the position of an Assistant City Manager and that it was listed in the Charter amendments.

Discussion took place that Item #3 is more of a policy issue rather than a referendum and that it is for Council to decide.

Councilor *Murphy, Emery, and Repole* speak to Item #1 of Mr. McNerney's request and they all express that they are in favor of the position of Assistant City Manager.

The City Manager, Larry Post, addresses Item #2 of Mr. McNerney's request and reaffirms that although City Hall staff are cross trained they are very much needed.

Elaine Abbott, Sewer Clerk, explains that Sewer billing is required by **Ordinance**. She further informs that half of her pay comes from *user fees* **not** from the taxpayers. A great deal of her time is spent on Sewer, not only billing but the preparation of 30-Day Notices of Liens as well as 30-Day Notices of Foreclosures.

Rick Farris addresses the Council and presents a Petition with 181 signatures requesting that the City pass an Ordinance to allow the usage of Golf Carts and ATV's on City roads. The Council President responds that Council is unable to pass such an Ordinance as it would go against the State law and that Eastport does not meet the criteria of a designated island. Police Chief, Rodney Merritt, speaks to the State law.

Jim Levendosky speaks in support of the Airport Association.

Ed French asks that Council give consideration to the adoption of an Ordinance requested by the Charter Committee with regard to the Sale of City Owned Property and to schedule a public hearing on this matter for the next meeting of September 10th, 2014.

V. ADJUSTMENTS TO AGENDA

MOTION MURPHY **SECOND** EMERY **PASSED** 5-0

To *adjust* the agenda to **add to Item IX, the Scheduling of Public Hearings**, a draft of a Proposed Ordinance for the Sale of City Owner Property.

VI. MINUTES OF PREVIOUS MEETING(S) • 7/9/2014 • 7/16/2014 • 7/22/2014

MOTION MURPHY **SECOND** EMERY **PASSED** 5-0

To *accept and approve* the Council minutes of July 9th, 2014, July 16th, 2014, and July 22nd, 2014 as submitted by the City Clerk.

VII. UNFINISHED BUSINESS

A) FUEL TANKS - PUBLIC WORKS

MOTION MURPHY **SECOND** ARCHER **PASSED** 5-0

To *table* this item of the agenda and to place it on the agenda for the September 10th, 2014 meeting.

B) BIKE SHARE PROGRAM

MOTION MURPHY **SECOND** EMERY **PASSED** 5-0

To *grant permission* of five locations for bike racks and to promote the use of the trail system with their maps. Said locations to be at the Downtown Parking Lot by the Fisherman's statute, the Parking Lot at the Police Station, Tennis Courts & the Baseball Field, Shead High School, and the Airport. This motion is also with the understanding that the bike racks *will not* take away parking spaces and that there is no maintenance required of the City.

Councilor Dana-Cummings asks for a status on the lawsuit for the Friends of the Boat School. Legal Counsel, Dennis Mahar, responds that it is still pending Summary Judgment Motion and has been before the Court for a year. He expects to have a decision within the next month or two.

Councilor Dana-Cummings next issue addresses the Budget Committee and that there were only three members in attendance of the meetings. The City Manager updates that there will be an ad in circulation of the local paper seeking members.

Jack Reece asks if the Council will be addressing the Budget Committee and Council President responds that it will be addressed at the next Council meeting.

VIII. NEW BUSINESS

A) FLOODING – HAWKES AVENUE – VICKI ROBEY

Vicki Robey, a resident of Hawkes Avenue addresses the City Council and presents video/computer footage of serious flooding and issue of a sink hole on her property. She informs Council that Nate Pennell with the Soil and Land Conservation is willing to offer free help and assist the City. She comments that Mr. Pennell made reference that the watershed needs to be fixed from the top to the bottom. Council instructs the City Manager to take another look at it and to contact Mr. Pennell.

B) FY2014 YEAR END ADJUSTMENTS

MOTION MURPHY **SECOND** ARCHER **PASSED 4-1 (Councilor Dana-Cummings “NO”)**

To *ratify* the negative amounts from the General Fund to cover the overdrafts as submitted by the City Manager.

C) TEMPORARY HOLDING SHELTER

MOTION MURPHY **SECOND** EMERY **PASSED 5-0**

To *table* this item of the agenda and to place it on the agenda for the September 10th, 2014 meeting.

D) PERPETUAL CARE LOT – BONNIE MORRISON – BAYSIDE WEST – LOT 46A - \$300.00

MOTION MURPHY **SECOND** EMERY **PASSED 5-0**

To *approve* perpetual care in the amount of \$300.00 for Bonnie Morrison at Bayside West, Lot #46A.

E) PERPETUAL CARE LOT – DAVID WILSON – BAYSIDE WEST – LOT 44WA - \$300.00

MOTION MURPHY **SECOND** EMERY **PASSED 5-0**

To *approve* perpetual care in the amount of \$300.00 for David Wilson at Bayside West, Lot #44WA.

F) PERPETUAL CARE LOT – DAVID DARULIS – HILLSIDE WEST – LOT 13 - \$750.00

MOTION MURPHY **SECOND** EMERY **PASSED 5-0**

To *approve* perpetual care in the amount of \$750.00 for David Darulis at Hillside West, Lot #13.

G) FORECLOSURE for NON-PAYMENT of SEWER – 5 SOUTH STREET – TAX MAP #J7-0A3-11

MOTION MURPHY **SECOND** EMERY **PASSED 5-0**

To *approve* sending this back to City Hall and authorizing the City Manager to handle the issue.

H) FORECLOSURE for NON-PAYMENT of SEWER – 23 THIRD STREET – TAX MAP #I7-0D2-20

MOTION MURPHY **SECOND** ARCHER **PASSED 5-0**

To *approve* sending this back to City Hall and authorizing the City Manager to handle the issue.

XI. SCHEDULING of PUBLIC HEARING(s) - if applicable

MOTION EMERY **SECOND** ARCHER **PASSED** 5-0

To *approve* the scheduling of a Public Hearing for September 10th, 2014 for consideration of adopting an Ordinance for the Sale of City Owned Property with the understanding that nothing be sold before the policy is in place.

MOTION MURPHY **SECOND** EMERY **PASSED** 5-0

To *approve* the scheduling of a Public Hearing for September 10th, 2014 on a Zoning Ordinance amendment to Section 5.2.2 & Section 5.3.2.

X. REPORTS

1) City Manager

MOTION MURPHY **SECOND** ARCHER **PASSED** 5-0

To *accept and approve* the City Manager's report as presented.

2) Departments (Financial; Code Enforcement; Police; Public Works; & Sewer)

MOTION MURPHY **SECOND** ARCHER **PASSED** 5-0

To *accept and approve* the Financial Report, Code Enforcement Report, Police Report, Public Works Report, and the Sewer Report for the month of **July, 2014** as presented.

3) Boards & Committees (Planning Board; Zoning Board; Historic Review; Airport; Harbor; Downtown; Charter Committee; Port; Energy Committee; Ordinance Review; Park & Recreation; & Recycling Committee)

MOTION MURPHY **SECOND** EMERY **PASSED** 5-0

To *accept and approve* the reports as presented by the boards and committees for **July, 2014**.

4) Council • Ambulance • Marion Transfer Station

MOTION ARCHER **SECOND** MURPHY **PASSED** 5-0

To *accept and approve* the Ambulance and Marion Transfer reports as given for **July, 2014**.

XI. COUNCIL ISSUES

Councilor Dana-Cummings raises a concern with the *Economic Development* account and that the City should be doing something with it. Discussion took place to consider renaming it. **Councilor Archer** addresses a lamp post/street light in front of Wadsworth that is not working. He also addresses a concern about a guide wire in front of the Happy Crab on the Library side. He further expresses that he feels the City is in need of a local Health Officer and asks for this to be reconsidered. **Councilor Dana-Cummings** asks the City Manager about the status of job descriptions and the wage table. He responds that the job descriptions are complete and he will resume looking into the wage table.

XII. EXECUTIVE SESSION (if applicable) - NONE

XIII. ACTION from EXECUTIVE SESSION (if any) - NONE

XIV. ADJOURN

MOTION MURPHY **SECOND** ARCHER **PASSED** 5-0 (TIME:8:35 P.M.)

To adjourn.