

Partial transcript of 1/5/23 Cruise Ship Committee Meeting,

5:51 into the meeting

John Kelly: I have a question, what is the status of the MOA?

Kevin Sutherland: Well, this past Friday the Town received a lawsuit.

John: I heard about that.

Kevin: Yeah, so, we're, Council amended their agenda Tuesday night to meet with our Council, a__?__ in Executive Session to discuss, or begin discussions of how we are going to navigate this. One of the pieces of that suit involves a preliminary injunction which basically holds the MOAs in line for 23 and beyond, while this complaint is addressed. **Council has not made a decision about whether or not they are going to fight against the injunction or find some solution for the injunction but we are exploring that.** That is all I can say coming out of the executive session.....

6:56

John: What is the term of the MOA?

Kevin: The term of the MOS is, I'm sorry...the term?

John: The length of time

Kevin: The length of time, ok, the idea behind the MOA and the concept of ..., under the guise of the Cruise Ship Management Plan, is that every, at the end of every season we review how the season went and then potentially modify the MOA for the following season, so at the end of the 2023 season we would evaluate how the 2025 season is going to go. So, this MOA established both the 2023 season and the 2024 season, but hasn't done anything for the 2025 season. So the MOA would incorporate the 3,800 per day and the caps for the month.

And, looking at some of that information it shows that September, obviously because of the ships that have been booked already, those were grandfathered in. So, the 2023 season only shows a few day off in September and October but if you start looking at the 2024 season both September and October have 11 days off so there is 22 days without cruise ship in the harbor for both September and October and I think what that does is create a little of the breathing room that I think the community was looking for.

Obviously, the land use ordinance that was approved, we are still trying to figure out how those rules and regulations can be in effect and how they essentially supersede some of the MOA _____? _____. So we still have to figure all this out, it is too early to know how it is going to play out.....

8:50

John: Is the referendum one that takes place immediately regardless of any reservations?

Kevin: I think the... they would take effect, so the theory is that, because the language in the ordinance said March 17, 2022, any of the work we did before this ordinance was put in place is at risk. So the 40 ships that have been agreed upon for the 2023 season and all the other ships for 2024 which I haven't even done the analysis of, but the 40 ships that are impacted by this, the first one shows up in early May, that would potentially be impacted by this. I have informed them that this out there, but I am, we are still working through the rules and regulations and until those rules and regulations are in place, I can't say, "No, you can't come."

So, the ordinance is in place but the rules and regulations aren't written and our attorney would argue that until those rules and regulations are in place we can't enforce the ordinance. We are working on it. We met again today, Chief was in the room too. So, we met today to talk about how that process works or would work.

10:08

Skip Strong: So I guess, just to clarify John's question there, so even for existing reservations prior to the March 16th __?__, those reservations are honored, but you say, if there were the rules and regulations and enforcement put in place for the citizen's initiative, that would apply to those vessels that made reservations prior to March 16th? OK.

Random talking

Anything after that date.

Kevin: Yeah, I want to circle it one more time so everyone's clear. All the ships that had previously booked, prior to March 17, 2022, are, can still come to port, don't have to follow this 1000 passenger anything.

Any of the ships that were then approved by the harbor master from the MOA are potentially at risk unless we have an injunction or we figure out some sort of terms in which we allow them to show up anyway.

My concern is that if we deny them, they also have the right to file suit against the town and I'm trying to prevent more lawsuits than..... I'm trying to prevent lawsuits rather than take on more. I also have to worry about our relationship with all the other ports that are impacted by this. So, I'm trying to navigate these really rough waters, I don't have answers.

Skip: No, no, that is all I wanted, just that, clarification.

11:47

Kevin: Any ship that had been approved is not impacted by this. It is only the 40 ship visits and it is only a couple of lines that are impacted by that. **The agreement we made is now in jeopardy because of the land use ordinance. But that is still being figured out and I think this lawsuit will help potentially solve that, at least through the preliminary injunction process.**