

Joint Workshop
Bar Harbor Town Council & Communication Technology Task Force
February 2, 2016

- I. **CALL TO ORDER – 6:00 p.m.** – Town Council Chambers
 - A. **Excused Absence(s)**
- II. **Broadband & Fiber Optic** – Discussion and follow up of the Tilson presentation with the Communication Technology Task Force.

Agenda
Bar Harbor Town Council

Resume regularly scheduled Town Council Meeting at 7:00 pm

- III. **PUBLIC COMMENT PERIOD** – The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person.
- IV. **APPROVAL OF MINUTES**
 - A. **January 19, 2016 – Regular Meeting**
 - B. **January 21, 2016 – Special Meeting**
 - C. **January 26, 2016 – Special Meeting**
 - D. **January 28, 2016 – Special Meeting**
- V. **ADOPTION OF AGENDA**
- VI. **CONSENT AGENDA** – A single vote has been scheduled to approve the following routine items of business without discussion, unless individual agenda item action is requested by a Councilor:
 - A. **LUO Amendments for June 14, 2016** – Possible action to schedule a final public hearing on March 1st and to sign the Land Use Ordinance certifications for the public hearing.
- VII. **REGULAR BUSINESS:**
 - A. **Cruise Ship Committee** – Review of the 2015 Cruise Ship season by Committee Chair Eben Salvatore and possible motion to accept.

- B. **Cruise Ship Informational Services** – Annual report by Chamber of Commerce Interim Executive Director Martha Searchfield on the 2015 cruise tourism season and possible motion to accept.
- C. **FY17 Budget** – Final review of FY17 Budget and tentatively adopt the budget as presented or amended and schedule a public hearing for February 16.
- D. **Treasurer’s Warrant** – Request of Treasurer to authorize paid bills.

VIII. **TOWN MANAGER’S COMMENTS**

IX. **COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA**

X. **EXECUTIVE SESSION:**

- A. **Legal Consultation** – Pursuant to Title 1 MRSA Section 405-6 (E) for the purposes of consulting with the Town’s Attorney by phone concerning pending litigation.

XI. **ADJOURNMENT**

**In order to assure your full participation in this meeting,
we would appreciate your informing us of any special
requirements you might have due to a disability.**

Please call 288-4098

Manager's Memo

To: Bar Harbor Town Council
cc: Department Heads
From: Cornell Knight, Town Manager
Date: Friday January 29, 2016

Re: **Town Council Meeting of February 2nd**

Workshop with CTTF begins at 6 pm.

Bring your Tilson Study report dated October 7, 2015.

CALL TO ORDER – 7:00 P.M.

- I. **A. Excused Absences** – none that I am aware of however if one arises, it would be appropriate to pass a motion: to excuse Councilor _____ as provided by Town Charter section C-12.B(1)(d).

VI. CONSENT AGENDA – A single vote has been scheduled to approve the following routine items of business without discussion, unless individual agenda item action is requested by a Councilor:

A. LUO Amendments for June 14, 2016 – The ordinance certifications for 10 amendments to the Land Use Ordinance are enclosed. A public hearing will be scheduled for March 1st. A possible motion: to schedule a final public hearing for March 1st and to sign the Land Use Ordinance certifications for the public hearing.

VII. REGULAR BUSINESS:

- A. Cruise Ship Committee**- - Eben Slavatore, Chair of the Cruise Ship Committee will attend to give an overview of the 2015 cruise tourism season. Enclosed is his report. A possible motion: to thank Eben Slavatore for the presentation and accept the report and place it on file in the town records.
- B. Cruise Ship Informational Services**- Melanie Graten, Director of Visitor Services at the Chamber will review the 2015 season. Enclosed is her report. Martha Searchfield, interim executive director will also attend the meeting. A possible motion: to thank Melanie Graten and the Chamber of Commerce for the review and accept the report and place it on file in the town records.
- C. FY 17 Budget**- Enclosed is the updated Budget Adjustment sheet and a new tax calculation sheet, which does not have adjusted school figures because the school board does not meet until Monday. I reduced the county by \$5000 because their budget was approved at a 1.1% increase but I don't have an exact assessment yet. The estimated

tax rate stands at 10.92 mils, a 3.1% increase. But the school fuel adjustments will bring that rate down considerably. If acceptable a possible motion: to tentatively adopt and submit the FY17 Budget to the Warrant Committee with the amendments as outlined in the Town Council's Budget Adjustments summary dated January 29, 2016 attached and schedule the FY 17 Budget public hearing for February 16, 2016.

D. Treasurer's Warrant – I recommend passage of a motion: to sign the Treasurer's Warrants for paid bills.

X. Executive Session- Legal Consultation- Possible motion: to go into executive session pursuant to Title 1 MRSA Section 405-6 (E) for the purposes of consulting with the Town's Attorney by phone concerning pending litigation.

Minutes
Bar Harbor Town Council
January 19, 2016

- I. **CALL TO ORDER** – 7:00 p.m. – In attendance were Councilors: Paul Paradis, Gary Friedmann, Anne Greenlee, Peter St. Germain, Burt Barker, David Bowden, Clark Stivers; and Town Manager Cornell Knight.
 - A. **Excused Absence(s)** – All were present.
- II. **PUBLIC COMMENT PERIOD** – *The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person.* – There were no comments.
- III. **APPROVAL OF MINUTES** – *January 5, 2016 Regular Meeting*

Mr. St. Germain, with second by Mr. Stivers, moved to approve the minutes of January 5, 2016 regular meeting minutes as presented. Motion passed 7-0.
- IV. **ADOPTION OF AGENDA** – Mr. St. Germain, with second by Ms. Greenlee, moved to adopt the agenda as presented. Motion passed 7-0.
- V. **FINANCIAL STATEMENTS** - *Review and possible adoption of a motion to accept the financial statements as presented.* – Following a brief overview of the financial statements from Finance Director Stan Harmon, Ms. Greenlee, with second by Mr. Stivers, moved to accept and file the Financial Report as presented. Motion passed 7-0.
- VI. **CONSENT AGENDA** – *A single vote has been scheduled to approve the following routine items of business without discussion, unless individual agenda item action is requested by a Councilor:*
 - A. **Grants: Small Harbor Improvement Program (SHIP)** – *Possible motion to accept the \$45,000 SHIP grant from the State of Maine DOT requiring matching funds and authorize the Town Manager to sign the grant agreement.*
 - B. **Maine Service Centers Coalition** - *Possible adoption of a resolution to renew membership and appoint the Town Manager as representative*
 - C. **Design Review Board** – *Possible motion to accept Martha Searchfield’s letter of resignation from the Design Review Board and to send her a letter of appreciation.*
 - D. **Grant: Assistance to Firefighters (AFG)** – *Possible motion to approve Fire Chief Matt Bartlett’s request to apply for two AFGs to replace the ladder truck and to purchase three power lift stretchers with requiring minimum/mandatory matching funds.*

Mr. Friedmann, with second by Mr. Stivers, moved to approve the consent agenda as presented. Motion passed 7-0.

VII. **PUBLIC HEARINGS:**

- A. **Special Amusement Permit: Bar Harbor Inn, 8 Newport Drive, for a Class 3ad, three or more musicians with mechanical amplification and dancing, as submitted by Donna Mitchell. (Renewal)** – There were no comments from the public. Ms. Greenlee, with second by Mr. Barker, moved to approve Bar Harbor Inn for a Class 3ad special amusement permit as advertised. Motion passed 7-0.

VIII. **REGULAR BUSINESS:**

- A. **Land Use Ordinance Amendments: June 14, 2016** – *Consideration and any appropriate action following the Planning Director Bob Osborne update from Planning Board public hearing.* – Planning Director Bob Osborne reported the Planning Board recommended adoption of all articles by an unanimous vote. Mr. Friedmann, with second by Mr. Stivers, moved that staff prepare a Certificate of Ordinance for each warrant article and place on the February 2, 2016 Council agenda for consideration and call to schedule a public hearing. Motion passed 7-0.
- B. **Police: Records Management System**– *Request of Police Chief Willis to purchase a new RMS system.* – Following Police Chief Willis' summary of his memo outlining the need and advantages of transferring their RMS to Spillman and the possible way to fund it; Mr. Bowden, with second by Mr. St. Germain, moved to approve the purchase of the Spillman Records Management System for the revised request of \$43,032; \$30,329 funded by the reserve fund and two \$6,500 payments from the CIP budget in 2017 and 2018. Motion passed 7-0.
- C. **Broadband and Fiber Optic Study** – *Presentation by Liza Quinn from Tilson.* - Technology Administrator Steve Cornell gave a brief overview of the task assigned to the Communication Technology Task Force as stated by the Council goal to increase broadband internet access. The CTTF has been working with Tilson, who is here to present their study outlining Risk, Why, and Cost. The CTTF held a number meetings including public workshops. This complex issue has been given considerable thought. The CTTF recommendation is for the Town to build the entire FTTP (Fiber To The Premise) network believing this is the most beneficial to the residents of Bar Harbor. Their memo outlines their considerations.

Tilson representatives Liza Quinn and Network Engineer John Costa presented their report to the Council based on the goals provided by the Communication Technology Task Force. The report was very lengthy in review, detailing and outlining options that were considered, and suggestions to move forward. In addition to answering questions, they provided possible resources for financing, naming various business models to consider, and bulleted recommendation for the next steps.

It was announced that Council will hold a joint workshop with the CTTF an hour prior to their regularly scheduled meeting on February 2nd. Also, there will be an opportunity for the public to comment at an Informational Meeting on Broadband on February 4th.

D. FY17 Budget - Town Manager's introduction of proposed budget for the fiscal year ending June 30, 2017. – Town Manager Cornell Knight provided the highlights of the proposed FY17 Budget which is a blended tax rate of an estimated 4% increase or an annual increase of \$126 on a median valued home. He reminded everyone that Thursday, January 21st, at 6:00 p.m. was the first of three Council budget meetings to review the proposed budget.

E. Treasurer's Warrant – Request of Treasurer to authorize paid bills. – Mr. Stivers, with second by Mr. Friedmann, moved to sign the Treasurer's warrant for paid bills. Motion passed 7-0.

IX. TOWN MANAGER'S COMMENTS – Mr. Knight reported that he just received word from the Public Works Director Chip Reeves there is a water leak on Kebo Street with an outside temperature of 9 degrees.

X. COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA

Ms. Greenlee thanked Planning Director Bob Osborne for applying and securing the Small Harbor Improvement Program grant.

Mr. St. Germain reported that he attend the AOS budget meeting last night. The proposed budget was reduced by \$106,000, however, still higher than the school committee would like to see. Mr. St. Germain reminded everyone that January 25th at 7:00 p.m. in the high school library is the annual budget meeting for the public to vote on the AOS #91 FY17 Budget.

Mr. Barker inquired as to the status of the local option tax. Mr. Knight reported that there is talk about a local option tax but must be dedicated to infrastructure. Mr. Barker inquired if broadband is consider infrastructure. It was thought to be 'no' following a recent article on the subject.

Mr. Stivers reminded everyone of February 2nd joint Council meeting with the Communication Technology Task Force at 6:00 p.m. There will be a public meeting for the public to engage in discussion on February 4th at 7:00 p.m.

XI. EXECUTIVE SESSION: (None Anticipated)

XII. ADJOURNMENT – Mr. St. Germain, with second by Ms. Greenlee, moved to adjourn at 9:03 p.m. Motion passed 7-0.

Patricia A. Gray, Town Clerk

Minutes
Special Bar Harbor Town Council
January 21, 2016

I. **CALL TO ORDER** – 6:00 p.m. – In attendance were Councilors: Paul Paradis, Gary Friedmann, Anne Greenlee, Peter St. Germain, Burt Barker, David Bowden, Clark Stivers; and Town Manager Cornell Knight.

II. **BUDGET COST CENTER:**

	<u>Budget Page</u>
A. Cooperating Agencies (Separate Tab)	
Expenses	Budget 10

Following discussion the following motions were made:

Ms. Greenlee, with second by Mr. Barker, moved to reduce American Red Cross to \$2,000. Motion passed 7-0. It was noted the list of other towns' appropriations included with their application were notably less than Bar Harbor's.

Ms. Greenlee, with second by Mr. Stivers, moved to remove Washington/Hancock County Agency in accordance with the Council's Cooperating Agency policy, no application was received. Motion passed 7-0.

Mr. Stivers, with second by Mr. Bowden, moved to cut the total Cooperating Agency funding in half in exchange for the use of the auditorium for them to fundraise. Motion failed 1-6 (Nay: Mr. Bowden, Mr. Paradis, Mr. Friedmann, Ms. Greenlee, Mr. St. Peter, Mr. Barker).

Mr. Friedmann, with second by Mr. Barker, moved to reduce Community Health and Counseling Services from \$785 to \$530 as requested in their application. Motion passed 7-0.

Mr. St. Germain, with second by Ms. Greenlee, moved to tentatively adopt the Cooperating Agency total funding for FY17 at \$40,038. Motion passed 7-0.

B. Outside Agencies	
Island Explorer	Budget 05
Chart (separate TAB)	Chart 15

General consensus was to tentatively adopt as presented, no action taken.

C. Cruise Ship Fund (Separate Tab)

	<u>Budget Page</u>
Revenue	CS-1
Expense	
Operations	CS-2
Capital	CS-3

Following discussion, Mr. Friedmann, with second by Mr. Stivers, moved to bring a request to the Cruise Ship Committee for consideration to allocate \$30,000 from Cruise Ship Fund to fund the HUB's request for partial funding a director. Motion passed 4-3 (Nay: Mr. Bowden, Mr. Paradis, Mr. St. Germain).

D. Planning Department

Revenues & Fees Schedule	
Code Enforcement Division	Revenue 01
Planning Department	Revenue 01
Fees Schedule	Rev.: Fees 11- 12
Expense	
Code Enforcement Division	Budget 03
Planning Department	Budget 04
Capital Improvement Program	
Code Enforcement	CIP Expenses 15

Upon review, no action taken.

E. Finance Director's Department

Revenues & Fees Schedule	
Finance Department	Revenue 01
Municipal Building	Revenue 01
Unclassified Revenue	Revenue 03
Taxes	Revenue 03
Fees Schedule:	
Finance & Assessing	Rev.: Fees 08
Municipal Building	Rev.: Fees 09
Expenses	
Finance Department	Budget 01
Technology Division	Budget 02
Municipal Building	Budget 02
Employee Benefits	Budget 03
Assessing Division	Budget 04
Capital Improvement Program	
Assessing Division	
Narrative	CIP Narrative 03
Expenses	CIP Expenses 15

	<u>Budget Page</u>
Technology Division	
Narrative	CIP Narrative 03
Expenses	CIP Expenses 15
Municipal Building	CIP Expenses 15

No action was taken following the review of the Finance cost center.

F. Town Clerk’s Department

Revenues & Fees Schedule	
Revenues	Revenue 01
Fees Schedule	Rev.: Fees 06-07
Expense	
Town Clerk’s Department	Budget 01
Elections	Budget 02
Town Offices	Budget 03
General Assistance	Budget 09

Following a review of the Town Clerk’s cost center, no action was taken.

G. Town Manager’s Department

Revenues	
Intergovernmental Revenues	Revenue 03
Expense	
Town Council	Budget 01
Town Manager	Budget 01
Legal Counsel	Budget 02
Miscellaneous	Budget 05
Capital Improvement Program	
Narrative	CIP Narrative 02
Revenues	CIP Revenue 14
Town Debt Service	CIP Expenses 17

Following review of the Town Manager’s cost center, no action was taken.

Mr. Friedmann requested a compiled list of the number of bonds and potential bond requests. Mr. Knight stated he would update the current list and send it out.

III. **ADJOURNMENT** – Mr. St. Germain, with second by Ms. Greenlee, moved to adjourn at 7:45 p.m. Motion passed 7-0.

Patricia A. Gray, Town Clerk

Minutes
Special Bar Harbor Town Council
January 26, 2016

I. **CALL TO ORDER** – 6:00 p.m. – In attendance were Councilors: Paul Paradis, Gary Friedmann, Anne Greenlee, Peter St. Germain, Burt Barker, David Bowden, Clark Stivers; and Town Manager Cornell Knight.

II. **BUDGET COST CENTER:**

	<u>Budget Page</u>
A. Public Works Director's Department (partial)	
Parks & Recreation	
Revenues & Fees Schedule	
Revenues	Revenue 02
Fees & Schedule	Rev.: Fees 10
Expenses	
Parks & Recreation	Budget 09
Fourth of July Events	Budget 09
Band Concerts	Budget 09
Jesup Memorial Library	Budget 09
Village Holidays Celebration	Budget 09
YMCA	Budget 09
Capital Improvement Program	
Narratives	CIP Narrative 08
Parks Section	CIP Expenses 16

Following review of the above cost center, no action was taken.

B. Harbor Master's Department	
Revenues & Fees Schedule	
Revenues	Revenue 02
Fees Schedule	Rev.: Fees 08-09
Expenses	
Harbor Department	Budget 08
Capital Improvement Program	
Narratives	CIP Narrative 07
Harbor Department	CIP Expenses 16

Following review of the Harbor Master's cost center, no action was taken. It was duly noted that the Wharf fee was terminated when Council's Wharf policy was abolished.

C. Public Works Director's Department
 Revenues & Fees Schedule

		<u>Budget Page</u>
Revenues		
Highway Division		Revenue 02
Solid Waste Division		Revenue 02
Fees Schedule		
Highway Division		Rev.: Fees 09
Solid Waste Division		Rev.: Fees 10
Expenses		
Comfort Stations		Budget 10
Public Works		Budget 10
Highway Division		Budget 11
Solid Waste Division		Budget 12
Capital Improvement Program		
Narratives		CIP Narrative 09, 11
Comfort Stations		CIP Expenses 16
Highway Division		CIP Expenses 16
Solid Waste Division		CIP Expenses 17

Following review of the Public Works cost center, no action was taken. It was duly noted to amend CIP Narrative-11 **Waste Oil Furnace** stating ‘expected to transfer waste oil furnace to the bus garage’ instead transfer the furnace to Recycling.

Further, it was duly noted in the Highway CIP new line item, Cottage Street Streetscape; the Cruise Ship Committee recommends appropriating \$25,000 from the Cruise Ship Fund and to place their recommendation on the consent agenda for February 2nd for Council action.

- III. **ADJOURNMENT** – Mr. St. Germain, with second by Mr. Barker, moved to adjourn at 7:43 p.m. Motion passed 7-0.

Patricia A. Gray, Town Clerk

Minutes
Special Bar Harbor Town Council
January 28, 2016

I. **CALL TO ORDER** – 6:00 p.m. – In attendance were Councilors: Paul Paradis, Gary Friedmann, Anne Greenlee, Peter St. Germain, Burt Barker, David Bowden, Clark Stivers; and Town Manager Cornell Knight.

II. **BUDGET COST CENTER:**

	<u>Budget Page</u>
A. School Department (separate Tab)	
Revenues	School 01
Expenses	School 02
Capital Improvement Program (CIP Tab)	
Narrative	CIP Narrative 11
School	CIP Expenses 17

Superintendent Howard Colter announced the proposed budget tonight will be amended following the school committee meeting next Monday. Council can expect to see a reduction of \$60,000, due to a few items especially the bid for heating fuel.

Following comments and questions, the school staff deferred the question of who did the energy audit, the percentage of the time a special ed tech is on site for a special needs child who is absent, and a couple of other questions that could be elaborated on or confirmed. Principal Neilly was unavailable for tonight's meeting.

The school department will send the revised budget Tuesday morning.

B. Police Department

Revenues & Fees Schedule	
Revenues	Revenue 02
Fees Schedule	Rev: Fees 10

It was duly noted to remove the alarm monitoring fee from the schedule since it is no longer offered, the alarms are now privately monitored.

Expenses	
Police Department	Budget 07
Dispatch Division	Budget 08
Street Lights	Budget 08
Capital Improvement Program	
Narrative	CIP Narrative 06

Police Department

Budget Page
CIP Expenses 15

Following review, there was no action taken.

C. Fire Department

Revenues & Fees Schedule

Revenues

Ambulance Division Revenue 02

Fire Department Revenue 02

Fees Schedule

Ambulance Division Rev.: Fees 06

Expenses

Ambulance Division Budget 05

Fire Department Budget 06

Hydrant Rental Budget 06

Public Safety Budget 08

Emergency Management Budget 09

Capital Improvement Program

Narrative CIP Narrative 04,05,07

Ambulance Division CIP Expenses 15

Fire Department CIP Expenses 15

Public Safety CIP Expenses 16

Fire Chief Matt Bartlett reported quotes for replacing the defibrillators are coming in less than budgeted, so he requested the CIP Ambulance line item 6202 Defibrillator be reduced by \$10,000. No other changes were made.

- III. **Review of Proposed Budget – Possible changes to proposed budget.** – Councilor Bowden suggested splitting the CIP allocation for the fiber engineering study into two fiscal years with \$50,000 in each year starting FY17. Following much discussion, Mr. Bowden, with second by Ms. Greenlee, moved to reduce CIP account #2122-6115, Broadband/Fiber Project, to \$50,000 for engineering study. Motion passed 4-3(Nay: Mr. Stivers, Mr. Friedmann, Mr. Barker).

Councilor Bowden suggested combining the HUB's request and the Cottage Street Streetscape request and sending it to the Cruise Ship Committee to consider them jointly with the Hub steering the Cottage Street study. Following discussion, Mr. Barker, with second by Ms. Greenlee, moved to encumber \$25,000 for Cottage Street and encumber \$30,000 for The Hub with Cruise Ship Funds. Motion passed 6-1(Nay: Mr. Paradis).

- IV. **Tentatively Adopt FY17 Budget – Possible action to:**

A. *Submit FY17 Budget to Warrant Committee as proposed/or amended*

B. *Schedule a public hearing on Tuesday, February 16th for tentatively adopted FY17 Budget.*

No action taken.

V. **REMINDER – Special Meeting** – *March 22, 2016 with the Warrant Committee.*

VI. **ADJOURNMENT** – The meeting adjourned at 9:12 p.m. by acclamation.

Patricia A. Gray, Town Clerk

CERTIFICATION OF ORDINANCE

Bar Harbor Town Council

The Bar Harbor Town Council hereby certifies to the Town Clerk that the Ordinance dated December 2, 2015 and entitled "An amendment to add farmers market use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District" is scheduled for public hearing on March 1, 2016 at 7:00 p.m. for public comment and the Town Council's consideration to accept or reject the final Ordinance for the June 2016 town meeting warrant.

Given under our hands and seal at Bar Harbor this second day of February 2016.

Municipal Officers of the Town of Bar Harbor

Paul A. Paradis, Chair

Gary Friedmann, Vice Chair

Peter St. Germain

Anne R. Greenlee

Burt Barker

David Bowden

J. Clark Stivers

Draft Warrant Article a

LAND USE ORDINANCE AMENDMENT – Downtown Village I District, Downtown Village II District and Downtown Village Transitional District – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to add farmers market use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District” be enacted?

Downtown Village I District, Downtown Village II District and Downtown Village Transitional District

**An amendment to add farmers market as a use to the Downtown Village I District,
Downtown Village II District and Downtown Village Transitional District.**

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21 Downtown Village I.

C. Allowed uses:

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information, municipal and government uses; restaurants and bars; theaters; galleries; services, professional offices; vacation rentals; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; laundry and dry cleaning; artist studio; eleemosynary institution; place of worship; farmers market.

December 2, 2015

§ 125-21.1 Downtown Village II.

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail, public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services, vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; farmers market.

§ 125-21.2 Downtown Village Transitional.

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information; municipal uses; galleries; services; professional office buildings; vacation rentals; bed-and-breakfast I, II and III; single- and two-family residential; family child-care; food-processing establishments; laundry and dry cleaning; artist studio; farmers market.

EXPLANATION: The farmers market use was allowed by permit from the Code Enforcement Officer in the Downtown Business Districts and it was deleted when the subsequent Downtown Village I and Downtown Village II Districts and Downtown Transitional District were enacted in 2010 in the same location. The purpose of this amendment is to add the farmers market use to those three districts as a use allowed by permit from the Code Enforcement Officer.

CERTIFICATION OF ORDINANCE

Bar Harbor Town Council

The Bar Harbor Town Council hereby certifies to the Town Clerk that the Ordinance dated December 2, 2015 and entitled “An amendment to add single-family dwelling use and two-family dwelling use to the Downtown Village II District” is scheduled for public hearing on March 1, 2016 at 7:00 p.m. for public comment and the Town Council’s consideration to accept or reject the final Ordinance for the June 2016 town meeting warrant.

Given under our hands and seal at Bar Harbor this second day of February 2016.

Municipal Officers of the Town of Bar Harbor

Paul A. Paradis, Chair

Gary Friedmann, Vice Chair

Peter St. Germain

Anne R. Greenlee

Burt Barker

David Bowden

J. Clark Stivers

Draft Warrant Article b

LAND USE ORDINANCE AMENDMENT – Downtown Village II District – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to add single-family dwelling use and two-family dwelling use to the Downtown Village II District” be enacted?

Downtown Village II District

An amendment to add single-family dwelling and two-family dwelling as uses to the Downtown Village II District.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is striken. New language is underlined.]

Chapter 125, LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21.1 Downtown Village II.

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail, public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services, vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; single-family dwelling; two-family dwelling.

EXPLANATION: The single-family dwelling and two-family dwelling uses were allowed uses by building permit from the Code Enforcement Officer in the Downtown Business Districts and were deleted when

December 2, 2015

the subsequent Downtown Village II District was enacted in 2010 in the same location. The purpose of this amendment is to add single-family dwelling and two-family dwelling to that district as uses allowed by permit from the Code Enforcement Officer.

CERTIFICATION OF ORDINANCE

Bar Harbor Town Council

The Bar Harbor Town Council hereby certifies to the Town Clerk that the Ordinance dated December 2, 2015 and entitled “An amendment to add automobile sales lot and automobile repair garage to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District” is scheduled for public hearing on March 1, 2016 at 7:00 p.m. for public comment and the Town Council’s consideration to accept or reject the final Ordinance for the June 2016 town meeting warrant.

Given under our hands and seal at Bar Harbor this second day of February 2016.

Municipal Officers of the Town of Bar Harbor

Paul A. Paradis, Chair

Gary Friedmann, Vice Chair

Peter St. Germain

Anne R. Greenlee

Burt Barker

David Bowden

J. Clark Stivers

Draft Warrant Article c

LAND USE ORDINANCE AMENDMENT – Downtown Village I District, Downtown Village II District and Downtown Village Transitional District – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to add automobile sales lot and automobile repair garage to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District” be enacted?

Downtown Village I District, Downtown Village II District and Downtown Village Transitional District

An amendment to add automobile sales lot and automobile repair garage as uses to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21 Downtown Village I.

C. Allowed uses.

(2) Uses allowed by site plan review: hotel; motel; conference centers; multifamily dwelling I and II; all types of child-care facilities, all types of schools; medical and dental clinics; banks; automobile service stations; hospitals; road construction; automobile sales lot; automobile repair garage.

§ 125-21.1 Downtown Village II.

C. Allowed uses.

December 2, 2015

(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling I and II; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; automobile sales lot; automobile repair garage.

§ 125-21.2 Downtown Village Transitional.

C. Allowed uses.

(2) Uses allowed by site plan review: multifamily dwelling I and II; all other types of child-care facilities; medical clinics; automobile sales lot; automobile repair garage.

EXPLANATION: Automobile sales lot and automobile repair garage were allowed uses by site plan approval in the Downtown Business Districts and were deleted when the subsequent Downtown Village I District, Downtown Village II District and Downtown Village Transitional District were enacted in 2010 in the same location. The purpose of this amendment is to add the automobile sales lot and automobile repair garage uses to those districts as a use allowed by Planning Board site plan review.

CERTIFICATION OF ORDINANCE

Bar Harbor Town Council

The Bar Harbor Town Council hereby certifies to the Town Clerk that the Ordinance dated December 2, 2015 and entitled “An amendment to add home occupation use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District” is scheduled for public hearing on March 1, 2016 at 7:00 p.m. for public comment and the Town Council’s consideration to accept or reject the final Ordinance for the June 2016 town meeting warrant.

Given under our hands and seal at Bar Harbor this second day of February 2016.

Municipal Officers of the Town of Bar Harbor

Paul A. Paradis, Chair

Gary Friedmann, Vice Chair

Peter St. Germain

Anne R. Greenlee

Burt Barker

David Bowden

J. Clark Stivers

Draft Warrant Article d

LAND USE ORDINANCE AMENDMENT – Downtown Village I District, Downtown Village II District and Downtown Village Transitional District – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to add home occupation use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District” be enacted?

Downtown Village I District, Downtown Village II District and Downtown Village Transitional District

**An amendment to add home occupation as a use to the Downtown Village I District,
Downtown Village II District and Downtown Village Transitional District.**

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21 Downtown Village I.

C. Allowed uses:

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information, municipal and government uses; restaurants and bars; theaters; galleries; services, professional offices; vacation rentals; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; laundry and dry cleaning; artist studio; eleemosynary institution; place of worship; home occupation.

§ 125-21.1 Downtown Village II.

C. Allowed uses.

December 2, 2015

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services, vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; home occupation.

§ 125-21.2 Downtown Village Transitional.

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information; municipal uses; galleries; services; professional office buildings; vacation rentals; bed-and-breakfast I, II and III; single- and two-family residential; family child-care; food-processing establishments; laundry and dry cleaning; artist studio; home occupation.

EXPLANATION: The home occupation use was an allowed use by building permit in the Downtown Business Districts and it was deleted when the subsequent Downtown Village I District, Downtown Village II District and Downtown Village Transitional District were enacted in 2010 in the same location. The purpose of this amendment is to add the home occupation use to those districts as a use allowed by permit from the Code Enforcement Officer.

CERTIFICATION OF ORDINANCE

Bar Harbor Town Council

The Bar Harbor Town Council hereby certifies to the Town Clerk that the Ordinance dated December 2, 2015 and entitled “An amendment to add retirement community use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District” is scheduled for public hearing on March 1, 2016 at 7:00 p.m. for public comment and the Town Council’s consideration to accept or reject the final Ordinance for the June 2016 town meeting warrant.

Given under our hands and seal at Bar Harbor this second day of February 2016.

Municipal Officers of the Town of Bar Harbor

Paul A. Paradis, Chair

Gary Friedmann, Vice Chair

Peter St. Germain

Anne R. Greenlee

Burt Barker

David Bowden

J. Clark Stivers

Draft Warrant Article e

LAND USE ORDINANCE AMENDMENT – Downtown Village I District, Downtown Village II District and Downtown Village Transitional District – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to add retirement community use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District” be enacted?

Downtown Village I District, Downtown Village II District and Downtown Village Transitional District

**An amendment to add retirement community as a use to the Downtown Village I District,
Downtown Village II District and Downtown Village Transitional District.**

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21 Downtown Village I.

C. Allowed uses.

(2) Uses allowed by site plan review: hotel; motel; conference centers; multifamily dwelling I and II; all types of child-care facilities, all types of schools; medical and dental clinics; banks; automobile service stations; hospitals; road construction; retirement community.

§ 125-21.1 Downtown Village II.

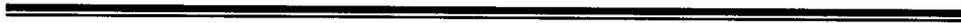
C. Allowed uses.

(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling I and II; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; retirement community.

§ 125-21.2 Downtown Village Transitional.

C. Allowed uses.

(2) Uses allowed by site plan review: multifamily dwelling I and II; all other types of child-care facilities; medical clinics; retirement community.



EXPLANATION: The retirement community use was an allowed use by site plan approval in the Downtown Business Districts and it was deleted when the subsequent Downtown Village I District, Downtown Village II District and Downtown Village Transitional District were enacted in 2010 in the same location. The purpose of this amendment is to add the retirement community use to those districts as a use allowed by Planning Board site plan review.



CERTIFICATION OF ORDINANCE

Bar Harbor Town Council

The Bar Harbor Town Council hereby certifies to the Town Clerk that the Ordinance dated December 2, 2015 and entitled “Amendments to add terms and definitions for categories of internally illuminated signs, amendments to clarify lighting requirements for signs and amendments to prohibit certain types of internally illuminated signs” is scheduled for public hearing on March 1, 2016 at 7:00 p.m. for public comment and the Town Council’s consideration to accept or reject the final Ordinance for the June 2016 town meeting warrant.

Given under our hands and seal at Bar Harbor this second day of February 2016.

Municipal Officers of the Town of Bar Harbor

Paul A. Paradis, Chair

Gary Friedmann, Vice Chair

Peter St. Germain

Anne R. Greenlee

Burt Barker

David Bowden

J. Clark Stivers

Draft Warrant Article aa

LAND USE ORDINANCE AMENDMENT – Definitions - General Review Standards, Light and glare and Signs and advertising – Shall an Ordinance dated December 2, 2015 and entitled “Amendments to add terms and definitions for categories of internally illuminated signs, amendments to clarify lighting requirements for signs and amendments to prohibit certain types of internally illuminated signs” be enacted?

125-109 Definitions

An amendment to add terms and definitions for categories of internally illuminated signs to the Definitions.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is striken. New language is underlined.]

Chapter 125 LAND USE ORDINANCE

ARTICLE XII Construction and Definitions

§ 125-109 Definitions.

The following terms shall have the following meanings:...

SIGN, INTERNALLY ILLUMINATED - A sign with a light source incorporated into the body of the sign and where light emanates through, or from, the message of the sign; there are four types as follows:

TYPE 1; CABINET WITH TRANSLUCENT FACE: An internally illuminated sign with a cabinet style fixture with full or nearly full translucent face(s) and/or sides, through which light from an internal source passes.

TYPE 2; CABINET WITH LIGHT LIMITING FACE: An internally illuminated sign with an opaque surround cabinet style fixture with light limiting translucent face(s), flush translucent sign

graphics within an opaque background field, through which light from an internal source passes. This type of sign has two acceptable categories.

- A. 20% (or less) translucent face/ 80% (or greater) opaque background field.
- B. 30% (or less) translucent face/ 70% (or greater) opaque background field.

TYPE 3; CHANNEL LETTER: An internally illuminated sign comprised of three dimensional sign graphic letters and logos, each with its own internal light source, in which the dimensional faces are internally illuminated and affixed to the sign or structure upon which the channel letter are mounted.

TYPE 4; HALO: An internally illuminated sign comprised of dimensional sign graphics, which cast a halo-like glow along the sides of the graphics, or cast light backward onto the face of the sign or structure upon which the graphics are mounted.

125-67Z Light and glare

An amendment to clarify lighting requirements for signs.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 LAND USE ORDINANCE

ARTICLE V Site Plan Review

§ 125-67 General Review Standards.

- Z. Light and glare. All site plans shall demonstrate that the proposed development shall comply with the following requirements with respect to exterior lighting. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII.

(4) Additional requirements for commercial and multifamily applications:

- (a) Signs and advertising.

- [1] All externally illuminated signs shall be lighted by top-mounted lights pointed downward. No sign may be illuminated with fixtures not shielded from upward transmission of light.
- [2] Signs may be illuminated internally only by nonflashing lights ~~that contain an opaque background, and this provision applies solely for properties with frontage on Route 3 and Route 102. No internally lit signs are allowed in the Downtown Village District.~~ Any lights that flash, pulse, rotate, move, or simulate motion are not permitted.
- [3] All ~~lights~~ lighting for externally illuminated signs shall be shielded to ensure that light sources are not directed toward or directly visible to drivers or from neighboring properties.
- [4] Lighting of signs is further regulated in 125-67BB Signs and advertising and categories of internally illuminated signs are defined in 125-109 Definitions.

Signs and advertising. Prohibitions

An amendment to prohibit certain types of internally illuminated signs.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is striken. New language is underlined.]

Chapter 125 LAND USE ORDINANCE

ARTICLE V Site Plan Review

§ 125-67BB Signs and advertising.

BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII...

(3) Prohibitions...

- (h) Internally illuminated signs of Type 1; Cabinet with Translucent Face and Type 3; Channel Letter are prohibited in all districts. ~~in the downtown village districts and historic districts are prohibited.~~
- (i) Internally illuminated signs of Type 2B; Cabinet with Light Limiting Face: 30% (or less) translucent face/ 70% (or greater) opaque background field are prohibited in all districts except for lots with frontage on Route 102 or Route 3.
-

EXPLANATION: The Design Review Board crafted language to define certain types of internally illuminated signs. The purpose of this amendment is to add those categories of internally illuminated signs to 125-109 Definitions. Internally illuminated signs have their light source incorporated into the body of the sign, and some types of internally illuminated signs currently fail to meet the Land Use Ordinance's requirements to direct light away from adjacent properties, streets and the night sky.

The Design Review Board crafted language to make clarifications in the light and glare regulations for signs found in 125-67Z. The added language clarifies the type of signage lighting that is being regulated and directs the reader's attention to the fact that most of the lighting related sign regulation is found in 125-67BB Signs and advertising and numerous definitions related to signs are found in 125-109 Definitions. The language marked with strikethrough is thought to be redundant because similar language is found in 125-67BB Signs and advertising.

The Design Review Board crafted language to make changes to Signs and advertising - Prohibitions regulations found in 125-67BB. The language utilizes the proposed definitions for types of internally illuminated signs. The language is intended to direct sign makers and installers toward the types of internally illuminated signs that make no glare but are easily read both day and night. The proposed amendment would allow the preferred internally illuminated signs in the Downtown Districts where they are currently prohibited. The proposed amendment would prohibit internally illuminated signs with translucent faces that do not mitigate glare town wide. The proposed amendment would prohibit internally illuminated "channel letter signs that do not mitigate glare townwide. (The amendment would not prohibit certain internally illuminated cabinet lights that have either light limiting faces (Type 2A) or halo light signs (Type 4) which outline opaque letters on the sign with a "halo of light").

CERTIFICATION OF ORDINANCE

Bar Harbor Town Council

The Bar Harbor Town Council hereby certifies to the Town Clerk that the Ordinance dated December 2, 2015 and entitled "An amendment to clarify Design Review Board sign review authority" is scheduled for public hearing on March 1, 2016 at 7:00 p.m. for public comment and the Town Council's consideration to accept or reject the final Ordinance for the June 2016 town meeting warrant.

Given under our hands and seal at Bar Harbor this second day of February 2016.

Municipal Officers of the Town of Bar Harbor

Paul A. Paradis, Chair

Gary Friedmann, Vice Chair

Peter St. Germain

Anne R. Greenlee

Burt Barker

David Bowden

J. Clark Stivers

Draft Warrant Article bb

LAND USE ORDINANCE AMENDMENT – General Review Standards, Signs and advertising. – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to clarify Design Review Board sign review authority” be enacted?

125-67BB Signs and advertising

An amendment to clarify Design Review Board sign review authority.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 LAND USE ORDINANCE

ARTICLE V Site Plan Review

§ 125-67BB Signs and advertising.

BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII...

(6) Signs subject to the review by the Design Review Board for a certificate of appropriateness. All signs listed below are required to receive a Certificate of Appropriateness from the Design Review Board prior to receiving a building permit if they are located within the identified districts or are associated with a conditionally permitted use. Signs located in all other districts shall receive a building permit from the Code Enforcement Officer prior to installing the sign.

(a) Building permits required. All signs except those otherwise exempted are required to obtain a building permit as well as the certificate of appropriateness.

[1] All signs listed below are required to receive a certificate of appropriateness from the Design Review Board prior to receiving a building permit if they are located within the following districts or are associated with a conditionally permitted use.

[a] Village Historic.

[b] Bar Harbor Gateway ~~District~~.

[c] ~~Bar Harbor Historical Corridor~~ Deleted.

[d] Downtown Village I and II Districts.

[e] Educational Institutional.

[f] Lots with road frontage on Routes 102 and 3.

[g] Marine Research.

[h] Scientific Research.

[i] Shoreland ~~Commercial~~ General Development I and II.

[j] Town Hill Business.

[k] Town Hill Residential Corridor.

EXPLANATION: The Design Review Board crafted language to correct and clarify which districts the Design Review Board's authority for sign review includes. The districts noted in this section requiring review of signs is updated in the draft amendment language. Over time the Land Use Ordinance's district names have changed and this section should be corrected with an update. The other proposed change is to clarify that the review authority extends to the entire section (6) *Signs subject to review by the Design Review Board for a certificate of appropriateness* and not just to the subsection [1] that lists the districts.

CERTIFICATION OF ORDINANCE

Bar Harbor Town Council

The Bar Harbor Town Council hereby certifies to the Town Clerk that the Ordinance dated December 2, 2015 and entitled “An amendment to clarify the boundaries of the Design Review overlay district” is scheduled for public hearing on March 1, 2016 at 7:00 p.m. for public comment and the Town Council’s consideration to accept or reject the final Ordinance for the June 2016 town meeting warrant.

Given under our hands and seal at Bar Harbor this second day of February 2016.

Municipal Officers of the Town of Bar Harbor

Paul A. Paradis, Chair

Gary Friedmann, Vice Chair

Peter St. Germain

Anne R. Greenlee

Burt Barker

David Bowden

J. Clark Stivers

Draft Warrant Article cc

LAND USE ORDINANCE AMENDMENT – Design Review Board – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to clarify the boundaries of the Design Review overlay district” be enacted?

Design Review

An amendment to clarify the boundaries of the Design Review overlay district.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 LAND USE ORDINANCE

ARTICLE XIII Design Review

§ 125-112 Applicability of design review.

A. Design Review Overlay Districts.

- (1) The provisions of this article shall apply only within the geographic limits of the following Design Review Overlay District, hereinafter called the "district."
- (2) Boundaries of the Design Review Overlay District. The district shall include the following neighborhood districts as shown on the Official Neighborhood Districts Map of Bar Harbor: the Downtown Village I District; Downtown Village II District; the Shoreland General Development I District; Shoreland General Development II District; the Bar Harbor Village Historic District; and the Bar Harbor Historic Corridor District (~~excluding those corridor districts on Route 3 that are within the area of the Town shown on Tax Map 11D~~) and the Town Hill Business District. The district is depicted on the map titled "Design Review Overlay District of the Town of Bar Harbor, Maine." The district also includes all bed-and-breakfast uses and individual properties with the following uses, regardless of their district location: TA-1, TA-3, TA-4, and TA-6. The district also includes properties listed in Appendix A and/or Appendix B of this chapter.

(3) The District also includes the districts and area included in the Sign Ordinance, § 125-67BB.

EXPLANATION: The Design Review Board has crafted language to correct and clarify what districts the Design Review Board overlay district is located in. Over time the Land Use Ordinance's district names have changed and this section should be updated. Tax map 11D as cited in the district language is obsolete and the draft language deletes the reference. Appendix A refers to Historic Properties in the Design Review Overlay District. Appendix B refers to Locally Significant Properties in the Design Review Overlay District. This section has other references to Appendix A and B requiring the Design Review Board to review buildings listed in Appendix A and/or B. This language is intended to clarify that Appendix A and B are in fact part of the Overlay District.

CERTIFICATION OF ORDINANCE

Bar Harbor Town Council

The Bar Harbor Town Council hereby certifies to the Town Clerk that the Ordinance dated December 2, 2015 and entitled “An amendment to move certain signage regulations from the Design Review section to the Signs and advertising section” is scheduled for public hearing on March 1, 2016 at 7:00 p.m. for public comment and the Town Council’s consideration to accept or reject the final Ordinance for the June 2016 town meeting warrant.

Given under our hands and seal at Bar Harbor this second day of February 2016.

Municipal Officers of the Town of Bar Harbor

Paul A. Paradis, Chair

Gary Friedmann, Vice Chair

Peter St. Germain

Anne R. Greenlee

Burt Barker

David Bowden

J. Clark Stivers

Draft Warrant Article dd

LAND USE ORDINANCE AMENDMENT – Design Review / Signs and advertising – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to move certain signage regulations from the Design Review section to the Signs and advertising section” be enacted?

Design Review & Signs and advertising

**An amendment to move certain signage regulations from the Design Review section
to the Signs and advertising section**

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125, LAND USE ORDINANCE

ARTICLE XIII Design Review and Article V Site Plan Review

§ 125-112 Applicability of design review.

C. Activities not subject to design review. The following activities are not subject to design review:

(6) Renovation or new construction which is limited to the following types of improvements:

- (a) Exterior building facade paint color selected from the Design Review Board approved color chart(s). The color chart(s) can be obtained from the Planning Department and may be updated from time to time pursuant to Design Review Board approval. Colors not listed on the color chart(s) require a certificate of appropriateness from the Design Review Board.
- (b) ~~Replacement of one conforming wall mounted, hanging, or window sign, provided that the replacement sign is equal to or less than the square footage of the existing conforming sign it will replace. The sign may be altered in any code-compliant manner, except that it may not be relocated or enlarged. Deleted. NOTE: Moved to 125-67-BB~~
- (c) ~~A tenant occupying a space with a Design Review Board approved tenant signage plan may replace signage at any time, provided that the new signage will comply with the approved tenant signage plan for the building. Deleted. NOTE: Moved to 125-67-BB~~

- (d) ~~Installation of one twenty-four inch by thirty-six inch sandwich board sign, provided it is not located in a public way and is taken inside at the close of business each night. Deleted.~~
NOTE: Moved to 125-67-BB
- (e) Installation of roof-mounted solar collection photovoltaic panels and appurtenant equipment.
- (f) Retractable awnings made of fabric material. Fabric may be striped or solid in color, and must be listed on the approved color chart for awnings in order to be eligible for an exemption. Lettering or wording shall not be printed on the awning unless otherwise approved through the issuance of a certificate of appropriateness.
- (g) Installation of lighting for signage, provided such lighting complies with § 125-67Z.

§ 125-67BB Signs and advertising.

BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII...

(6) Signs subject to the review by the Design Review Board for a certificate of appropriateness...

(o) Exemptions. The following activities are not subject to Design Review.

- [1] Replacement of one conforming wall-mounted, hanging, or window sign, provided that the replacement sign is equal to or less than the square footage of the existing conforming sign it will replace. The sign may be altered in any code-compliant manner, except that it may not be relocated or enlarged.
- [2] A tenant occupying a space with a Design Review Board approved tenant signage plan may replace signage at any time, provided that the new signage will comply with the approved tenant signage plan for the building.
- [3] Installation of one twenty-four inch-by thirty-six inch (24" x 36") sandwich board sign, provided it is not located in a public way and is taken inside at the close of business each night.
- [4] Installation of lighting for signage, provided such lighting complies with § 125-67Z.

EXPLANATION: The Design Review Board has crafted language to move certain signage activities not subject to Design Review from the Design Review section to the Signs and advertising section. The draft amendment also includes a modification to the exemption for solar panels that the exemption includes all roof-mounted panels.

CERTIFICATION OF ORDINANCE

Bar Harbor Town Council

The Bar Harbor Town Council hereby certifies to the Town Clerk that the Ordinance dated December 2, 2015 and entitled "An amendment to clarify the allowable sign area of regulated signs" is scheduled for public hearing on March 1, 2016 at 7:00 p.m. for public comment and the Town Council's consideration to accept or reject the final Ordinance for the June 2016 town meeting warrant.

Given under our hands and seal at Bar Harbor this second day of February 2016.

Municipal Officers of the Town of Bar Harbor

Paul A. Paradis, Chair

Gary Friedmann, Vice Chair

Peter St. Germain

Anne R. Greenlee

Burt Barker

David Bowden

J. Clark Stivers

Draft Warrant Article ee

LAND USE ORDINANCE AMENDMENT – Signs and advertising – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to clarify the allowable sign area of regulated signs” be enacted?

Signs and advertising.

An amendment to clarify the allowable sign area of regulated signs.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 LAND USE ORDINANCE

ARTICLE V Site Plan Review

§ 125-67BB Signs and advertising.

BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII.

(2) Exemptions. The following signs are exempt from this chapter, shall not be counted towards sign area, and may be installed in any district without a permit, provided they comply as follows:

- (d) Fuel pump signs as required by state law are allowed and shall not affect the computation of allowable number of signs or aggregate sign area size on a property.
- (4) Conditional signs.** Signs noted below are allowed without a Certificate of Appropriateness or a building permit and shall not be counted toward allowable square footage for signs sign area, subject to noted conditions, provided they comply as follows:
- (f) One on-premises real estate sign, and one off-premises directional sign not exceeding six square feet in total sign area, may be erected advertising the sale, lease or rental of the premises upon which the on-premises real estate sign is located and shall be removed by the owner or agent when the property is sold or leased.
 - (h) One development or construction sign, not exceeding 20 square feet in sign area, may be erected 30 days prior to construction at the site of a construction project solely to identify the project and contractors and shall be removed within 30 days after completion of the project.
 - (i) Directional signs solely indicating ingress and egress placed at driveway locations, containing no advertising material or display area, not exceeding two square feet in sign area, and not extending higher than three feet above ground level are permitted.
 - (j) A sign indicating a business is open or closed, and/or a sign indicating hours of operation, not to exceed one each per entry and not to exceed more than one square foot in sign area each. In the case of a combination sign, it shall not exceed two square feet in total sign area.
 - (m) Home occupations. One sign identifying the name, address and profession or occupation of a home occupation is allowed provided that such sign is nonilluminated and does not exceed the maximum sign area requirements allowed for the street on which the home occupation has frontage:

<u>Posted Speed Limit</u> (miles per hour at location of sign)	<u>Maximum Sign Area</u> (square feet)
Less than 30	4
30 to 49	8
<u>50 or more</u> Greater than 49	12

(5) General requirements for all signs.

- (h) Window and door signs. Permanent window sign area and door signs area shall not exceed 30% of the window or door area.

- (i) Freestanding signs shall not extend more than 20 feet above ground level at their base, as defined by the natural contour of the ground. A freestanding sign shall adhere to the following maximum sign area size requirements:

Posted Speed Limit (miles per hour at location of sign)	Maximum Sign <u>Area</u> Size (square feet)
<u>Less than 30</u> 25 or under	24
<u>30 to 49</u> Over 25 and under 50	32
50 or more	50

EXPLANATION: The Planning Board has crafted language to utilize the defined term “sign area” consistently throughout the Land Use Ordinance. The draft amendment also modifies three charts to use consistent terminology throughout.

Memo

To: Bar Harbor Town Council
From: Eben Salvatore- Chair Bar Harbor Cruise ship Committee
Date: January 28, 2016
Re: Annual Report

Season overview

Of the 142 ships booked for the 2015 season 119 made it ashore and brought with them 152,750 passengers, which was 13,000 fewer than 2014.

- Lost ship days- There were 23 total ships cancelations in 2015 (16 small 7 large). This represented the most lost days in the past 4 years. As a result the port missed out on an estimated \$66,917 in fees. Several of the cancelations were the Regal Princess, the largest ship on the 2015 schedule.
- Inaugural visits- There were 4 ships that made their maiden voyage to Bar Harbor in 2015.

Budget Review

- We reviewed the FY 17 budget and made several minor recommendations.

Canada / new England Cruise Symposium

- Bar Harbor hosted the 2015 Canada / New England Cruise Symposium in June. This was a well attended event and allowed many industry leaders the opportunity to experience the port of Bar Harbor first hand. The Chamber of Commerce did a fantastic job coordinating the event.

Fee structure

- Last season we recommended a small increase for the 2016 season. We feel this should carry over to FY2017 as well with no change.

Tender issues

- Thankfully there were no significant issues this season with the tendering of cruise passengers. This is largely a result of Harbormaster Charlie Phippen and the efforts he makes to ensure a smooth operation.

Environmental monitoring

- As reported by Jane Disney in the "Bar Harbor Cruise Ship Monitoring Report-2015" Bar Harbor has excellent water quality and the extensive testing efforts did not find any pollution attributed to cruise ships.

Cruise Funds use

- Ferry Terminal study
- Comfort Station Services
- Sidewalk reconstruction and maintenance
- Debt service for Barker Park, Grant Park, Town Pier renovations, Museum in the Streets, Downtown Signs, and the Village Green Bandstand reserve.

ANP transportation Plan

- Jon Kelly updated us several times on the progress of the Park's Transportation Study and the impacts it will have on the cruise operations in Bar Harbor, particularly the tour bus operations.

2016 Season

- There are currently 120 ships booked for 2016. The first one is April 29.
- Six ships will be making their Maiden voyage in 2016. The largest is the Anthem of the Seas. The Anthem is 10 feet longer than the Queen Mary 2 and holds 1580 more passengers. Her fist stop in Bar Harbor is August 29 and she has 4 visits scheduled.

Updated Economic Impact Study

- We will be meeting with Professor Gabe from UMO in March. Professor Gabe conducted a study about the economic impact cruise ships have on Bar Harbor in 2002. He and his team survey cruise passengers as they return to their ship and gather important data on the different activities the passengers experienced while ashore. Our hope is that he will agree to conduct another survey this season and provide us with updated statistics on how cruise passengers benefit the Town.



January 28, 2015

Cruise Ship Informational Services Annual Report

The 2015 cruise ship season was another great season. We saw increases in the number of visitors utilizing the services provided by the Bar Harbor Chamber of Commerce. The Chamber manages 3 locations in town, the Kiosk on the West Street waterfront from May to the end of October, the Visitor Center at 2 Cottage Street and the bus drop off point on Mount Desert Street, the numbers are as follows:

Kiosk	42,935
Visitor Center at 2 Cottage St	116,676
Bus Drop off Point	<u>2102</u>
Total Number Served	161,713

As per the recommendations from the Cruise ship Committee meeting at the beginning of the 2014 season which were to break up the drop off spots meaning 1 bus would stop in front of the Lazy Lobster and if a 2nd bus arrived at the same time they would go to the end of Mount Desert Street to drop off, monitor the length of time buses take to drop off and leave, ask buses to turn off their engines during drop offs, and have better police presence during bus stops, these helped and kept in place for the 2015 season. This season thanks to the cooperation of the Police Department there was a larger police presence which helped ensure the buses were back out into traffic quickly and safely. The Committee will be meeting again in the spring to assess what areas we can improve to better serve the visitors as well as the surrounding businesses.

Melanie Graten
Director of Visitor Services
Bar Harbor Chamber of Commerce
207-288-5103 ext 111

Marta Searfield
Interim Director

Bar Harbor FY 2017 Budget Tax Calculation

	FY14	FY15	FY16	FY17	CHANGE	
DEPARTMENT EXPENSE SUMMARIES	Actual	Actual	Budget	Proposed		
Town Council	\$ 32,920	\$ 37,388	\$ 37,952	\$ 38,434	\$ 482	1.3%
Town Manager	\$ 131,036	\$ 131,270	\$ 127,031	\$ 126,221	\$ (810)	-0.6%
Town Clerk	\$ 119,475	\$ 123,202	\$ 138,437	\$ 130,167	\$ (8,270)	-6.0%
Finance Dept	\$ 316,215	\$ 322,362	\$ 328,189	\$ 335,594	\$ 7,405	2.3%
Town Attorney	\$ 67,420	\$ 36,982	\$ 19,150	\$ 18,950	\$ (200)	-1.0%
Elections	\$ 10,361	\$ 12,156	\$ 12,717	\$ 18,230	\$ 5,513	43.4%
Technology	\$ 121,486	\$ 147,667	\$ 161,695	\$ 131,514	\$ (30,181)	-18.7%
Municipal Building	\$ 80,273	\$ 96,879	\$ 74,825	\$ 69,568	\$ (5,257)	-7.0%
Town Offices	\$ 37,566	\$ 35,269	\$ 33,452	\$ 35,646	\$ 2,194	6.6%
Employee Benefits	\$ 1,345,347	\$ 1,252,271	\$ 1,376,319	\$ 1,434,848	\$ 58,529	4.3%
Code Enforcement	\$ 69,142	\$ 91,282	\$ 74,851	\$ 75,232	\$ 381	0.5%
Assessing	\$ 115,497	\$ 116,759	\$ 135,528	\$ 134,996	\$ (532)	-0.4%
Planning	\$ 118,722	\$ 91,360	\$ 151,893	\$ 152,984	\$ 1,091	0.7%
Miscellaneous	\$ 180,505	\$ 211,723	\$ 211,104	\$ 220,378	\$ 9,274	4.4%
Ambulance	\$ 391,936	\$ 404,660	\$ 450,258	\$ 469,362	\$ 19,104	4.2%
Fire Dept	\$ 316,107	\$ 327,018	\$ 357,964	\$ 362,562	\$ 4,598	1.3%
Hydrant Rentals	\$ 480,468	\$ 480,468	\$ 523,710	\$ 585,602	\$ 61,892	11.8%
Police Dept.	\$ 919,922	\$ 983,866	\$ 1,028,633	\$ 1,056,841	\$ 28,208	2.7%
Dispatch	\$ 201,945	\$ 204,277	\$ 211,054	\$ 215,590	\$ 4,536	2.1%
Public Safety Bldg	\$ 45,807	\$ 42,602	\$ 38,916	\$ 36,143	\$ (2,773)	-7.1%
Street Lights	\$ 63,278	\$ 69,069	\$ 71,575	\$ 71,575	\$ -	0.0%
Harbor Dept	\$ 121,891	\$ 116,162	\$ 113,786	\$ 115,221	\$ 1,435	1.3%
Parks & Rec	\$ 228,873	\$ 229,730	\$ 235,251	\$ 239,154	\$ 3,903	1.7%
Emerg Mgt & Gen Assist	\$ 1,445	\$ 1,170	\$ 1,444	\$ 1,458	\$ 14	1.0%
Cooperating Agency	\$ 39,843	\$ 45,231	\$ 42,843	\$ 40,038	\$ (2,805)	-6.5%
Comfort Station	\$ 90,729	\$ 83,607	\$ 93,361	\$ 92,432	\$ (929)	-1.0%
Public Works	\$ 143,623	\$ 144,809	\$ 146,122	\$ 147,064	\$ 942	0.6%
Highway Dept	\$ 1,059,443	\$ 1,160,595	\$ 1,007,992	\$ 1,040,312	\$ 32,320	3.2%
Solid Waste	\$ 601,229	\$ 611,136	\$ 655,939	\$ 642,434	\$ (13,505)	-2.1%
SUBTOTAL	\$ 7,452,504	\$ 7,610,970	\$ 7,861,991	\$ 8,038,550	\$ 176,559	2.2%
Capital Improvements Transfer	\$ 1,738,842	\$ 1,820,106	\$ 1,753,435	\$ 1,823,144	\$ 69,709	4.0%
School Local - Transfer	\$ 5,080,953	\$ 5,176,423	\$ 5,223,669	\$ 5,512,592	\$ 288,923	5.5%
Other Transfers out	\$ -	\$ -	\$ -	\$ -	\$ -	
TOTAL Expense Taxable	\$ 14,272,299	\$ 14,607,499	\$ 14,839,095	\$ 15,374,286	\$ 535,191	3.6%
Hancock County Est.	\$ 553,853	\$ 565,744	\$ 584,111	\$ 597,000	\$ 12,889	2.2%
MDI High School Assessment -Est.	\$ 2,606,151	\$ 2,831,140	\$ 2,999,610	\$ 3,095,038	\$ 95,428	3.2%
OVERLAY (estimate)	\$ 51,292	\$ 32,045	\$ 32,045	\$ 32,000	\$ (45)	-0.1%
TOTAL ASSESSMENT	\$ 17,483,595	\$ 18,036,428	\$ 18,454,861	\$ 19,098,324	\$ 643,463	3.5%
REVENUES						
General Revenues	\$ 2,360,190	\$ 2,396,046	\$ 2,386,363	\$ 2,411,730	\$ 25,367	1.1%
Reserves-Use of Fund Balance	\$ 288,859	\$ 412,639	\$ 110,000	\$ 105,000	\$ (5,000)	-4.5%
Transfers In -Cruise Ship Fees & Other	\$ 284,259	\$ 268,907	\$ 264,817	\$ 275,147	\$ 10,330	3.9%
SUBTOTAL (REVENUES)	\$ 2,933,308	\$ 3,077,592	\$ 2,761,180	\$ 2,791,877	\$ 30,697	1.1%
State Revenue Sharing	\$ 133,206	\$ 124,871	\$ 122,264	\$ 122,000	\$ (264)	-0.2%
TOTAL DEDUCTIONS	\$ 3,066,514	\$ 3,202,463	\$ 2,883,444	\$ 2,913,877	\$ 30,433	1.1%
Net Commitment	\$14,372,104	\$14,810,010	\$15,588,095	\$16,184,447	\$596,352	3.8%
Valuation (estimate)	\$ 1,435,774,620	\$ 1,449,120,900	\$ 1,471,963,700	\$ 1,481,606,195	\$ 9,642,495	0.7%
Mill Rate (estimate)	0.01001	0.01022	0.01059	0.01092	0.00033	3.1%
Total Municipal Budget	\$ 10,364,851	\$ 12,658,195	\$ 9,615,426	\$ 9,861,694		
- Total Deductions	\$ 4,279,856	\$ 6,458,328	\$ 2,883,444	\$ 2,913,877		
= Municipal Property Tax	\$ 6,084,995	\$ 6,199,867	\$ 6,731,982	\$ 6,947,817	\$ 215,835	3.2%
LD-1 Levy Limit - maximum	\$ 6,444,293	\$ 6,632,283	\$ 6,774,604	\$ 7,040,190	\$ 265,586	3.9%
Difference for LD-1	\$ (359,298)	\$ (432,416)	\$ (42,622)	\$ (92,373)	\$ (49,751)	116.7%