

Minutes
Bar Harbor Town Council
April 2, 2019

I. CALL TO ORDER – 7:00 P.M. - In attendance were Councilors: Gary Friedmann, Matthew Hochman, Stephen Coston, Paul Paradis, Joe Minutolo, Judie Noonan, Erin Cough. Absent: Town Manager Cornell Knight.

A. Excused Absence(s) – *all 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.* – None.

III. APPROVAL OF MINUTES –

A. March 19, 2019 – Regular Meeting

B. March 26, 2019 – Special Meeting Joint w/Warrant Committee

Mr. Paradis, with second by Mr. Coston, moved to approve the minutes of the March 19, 2019 Regular Meeting as presented with the exception of amending the third bullet on page 3 (B)(2) to read “limiting vacation rentals that are not dwelling units to properties that are owner occupied.”

Ms. Cough, with second by Mr. Hochman, moved to amend the motion to strike the bullets altogether. Motion passed 5-2 (Nay: Mr. Paradis, Mr. Friedmann).

The amended motion passed 6-1 (Nay: Mr. Friedmann.)

Mr. Paradis, with second by Mr. Hochman, moved to approve the minutes of the March 26, 2019 Special Meeting as presented. Motion passed 7-0.

IV. ADOPTION OF AGENDA – Mr. Paradis, with second by Mr. Hochman, moved to adopt the agenda as presented. Motion passed 7-0.

V. 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. Vehicles for Hire – *Police Department approved and proof of insurance provided. Possible motion to approve.*

1. **Amazin Moe’z Taxi** request for one taxi license as submitted by Maureen Leeman Carr.

B. Fire Department – *Possible motion to approve the request to apply for a grant through the King Foundation.*

Mr. Paradis, with second by Mr. Hochman, moved to approve all items on the Consent Agenda as presented. Motion passed 7-0.

VI. PUBLIC HEARINGS

A. Special Amusement Permit Renewals

1. **1932 Criterion Theatre, 35 Cottage St, request for Class 4, Other Entertainment or Amusement, as submitted by Amy Roeder.** Mr. Hochman was recused for a similar item at a previous meeting and left the room. There being no public comment, Mr. Paradis, with second by Ms. Cough, moved to approve the Special Amusement Permit renewal for the 1932 Criterion Theatre as advertised. Motion passed 6-0-1 (Recused: Mr. Hochman).
2. **Thirsty Whale, 40 Cottage St, request for Class 3a, three or more musicians with mechanical amplification, as submitted by Basil Eleftheriou, Jr.** There being no public comment, Mr. Paradis, with second by Mr. Hochman, moved to approve the Special Amusement Permit renewal for the Thirsty Whale as advertised. Motion passed 7-0.
3. **Atlantic Oceanside, 119 Eden St, request for Class 3ad, three or more musicians with mechanical amplification and dancing, as submitted by David C. Witham.** There being no public comment, Mr. Paradis, with second by Mr. Hochman, moved to approve the Special Amusement Permit renewal for the Atlantic Oceanside as advertised. Motion passed 7-0.
4. **West Street Hotel, 50 West St, request for Class 3ad, three or more musicians with mechanical amplification and dancing, as submitted by Michael Walsh.** There being no public comment, Mr. Paradis, with second by Mr. Hochman, moved to approve the Special Amusement Permit renewal for the West Street Hotel as advertised. Motion passed 7-0.
5. **Stewman's Lobster Pound Downtown, 35 West St, request for Class 3ad, three or more musicians with mechanical amplification and dancing, as submitted by Patrick Walsh.** There being no public comment, Mr. Paradis, with second by Mr. Hochman, moved to approve the Special Amusement Permit renewal for the Stewman's Lobster Pound Downtown as advertised. Motion passed 7-0.

VII. REGULAR BUSINESS:

A. Conners-Emerson School – *update on Building Plans by Principal Barb Neilly.* Principal Neilly provided a handout. Superintendent Marc Gousse and School Committee Chair Kristi Losquadro were also present. Following a community meeting on April 30 at 5:30pm at the school, they will return to provide an update to Council. No action taken.

B. Vacation Rentals

1. **Emergency Moratorium Ordinance on Non-Hosted Vacation Rentals** – *possible motion to adopt a 60 day moratorium.* – Planning Director Michele Gagnon, Code Enforcement Officer Angie Chamberlain and Fire Chief Matt Bartlett presented the Ordinance and answered Council's questions. The PowerPoint presentation was provided as a handout. Ms. Cough, with second by Mr. Minutolo, moved to enact the Emergency Moratorium on Non-Hosted Vacation Rentals, as presented, effective immediately. Following a lengthy discussion and public comments, Motion failed 0-7.

2. Recommendations to the Planning Board. -

Mr. Coston, with second by Mr. Hochman, moved that the Town Council ask the Planning Board to draft language to the following ends:

- Require all those providing any type of transient accommodation or vacation rental to provide adequate parking.
- Differentiate between hosted and non-hosted vacation rentals via new definitions.
- Establish a minimum night stay of 3 nights for non-hosted vacation rentals of dwelling units, and 1 night for hosted vacation rentals of both dwelling units and non-dwelling units (such as a single room in a person's home).
- Stipulate that hosted vacation rentals and the associated 1 night minimum stay apply up to a maximum of 1 dwelling unit or, in the case of a non-dwelling unit such as a room in a person's home, up to one group of 3 guests maximum.

And to make a recommendation to council in regards to the following:

- Review and simplify current TA and B&B use review standards; where appropriate, change from site plan review to code enforcement approval.
- Reduce area per family and dwelling unit dimensional standards in appropriate districts to better accommodate and incentivize housing development.

Mr. Paradis, with second by Ms. Cough, moved to amend the motion to ask the Planning Board for their recommended priorities to address housing issues – the Council's priorities are in order:

1. Band-Aid the current vacation rental ordinance problem the Council created.
2. Address dormitory Luzo changes to help reduce the use of single family homes as seasonal worker housing.
3. Increasing allowable density and reducing area per family requirements in appropriate zones to encourage additional dwelling creation while prohibiting vacation rentals on units created thru these means.
4. Work on permanently dealing with vacation rentals in a comprehensive way considering the many comments received to date.

Lastly, make recommendations for an attainable timeline for the Planning Board and staff to comfortably accomplish these tasks. Motion passed 7-0.

The original motion, as amended, passed 7-0.

C. Annual Town Meeting June 2019

1. **Notice of Public Hearing** – *possible motion for staff to prepare the final notice for Council's signature and schedule the public hearing for May 21.* Mr. Paradis, with second by Mr. Hochman, moved to direct staff to prepare the final Notice of Public Hearing for Council's signature and schedule the Public Hearing for May 21, 2019. Motion passed 7-0.
2. **Warrant**
 - a. *Council's recommendations on remaining Warrant articles.* Mr. Paradis, with second by Mr. Hochman, moved to recommend adoption of Education Budget Articles N through Q, and Municipal Articles T through X, and recommend rejection of Citizens' Initiative Article 4. Motion passed 7-0.
 - b. *Possible motion for staff to prepare the final Warrant for Council's signature.* Mr. Paradis, with second by Mr. Hochman, moved to direct staff to prepare the final Town Meeting Warrant for Council's signature. Motion passed 7-0.

D. Committee Handbook Draft – *presentation and review with Councilors Cough and Hochman.* Mr. Paradis, with second by Mr. Coston, moved to table this item to the May 7, 2019 meeting. Motion passed 7-0.

E. Treasurer's Warrant - *Request of Treasurer to authorize paid bills.* – Mr. Paradis, with second by Mr. Hochman, moved to sign the Treasurer's Warrants for paid bills. Motion passed 7-0.

VIII. TOWN MANAGER'S COMMENTS – Mr. Knight was absent.

IX. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Mr. Coston apologized for his inability to read publicly, one of my many shortcomings.

Ms. Noonan wants to make sure we do this ordinance right. It's a huge issue in this town. If our professional staff and our Planning Board aren't ready for the May or November ballot it is not the end of the world. I would rather we do it right and take our time then rush and make mistakes.

Mr. Minutolo expressed that it is time to go home, thank you all, see you in a couple of weeks.

Ms. Cough thanked Michele and staff for the presentation. The housing crisis is definitely real with lots of factors to it. With employee housing and dormitories so close to being done, that should be a major priority that will have a ripple in how the rest will come out. I understand vacation rentals are dear to people's hearts and wallets. The dormitories/employee housing will have a huge impact on our housing stock. She also requested for the next agenda to make sure we are not overwhelming the planning department with the number of applications. We could either move the deadline date or offer extensions or hire somebody to help. This will be a recurring problem. Or we can

direct the Town Manager to alleviate the problem as need be. I also want to say to the MDI Show Choir, good job guys, State Champions.

Mr. Paradis thanked Ms. Gagnon for your patience this evening – your work does not go unnoticed. This was very tough few days for me leading up to this meeting. However, I really do appreciate folks taking the time to give me their input on how Council actions can severely impact them. I also want to thanks folks who made the effort to come this evening – you made a difference.

Mr. Hochman apologized to Megan for not getting to the agenda item she was here for and requested it be at the top of the agenda at the meeting it was rescheduled for. He also invited everyone to come out this weekend to the high school or next weekend at the Criterion to see ACTs spring musical.

Mr. Friedmann thanked Council for recognizing what staff is going through right now. We've done several things that caused people to come out. Every time we put something out there, more people come forward. We've learned more about how folks are using vacation rentals for livelihood or investments. I want to acknowledge staff, particularly Michele, for the most cohesive presentation of data we've seen, especially the information from the Housing Trust. We thought there were 571 vacation rentals, there are almost 1,000, that's 26% of our housing stock. The work they've been doing taking registrations by hand is phenomenal. I will take your sentiments to Cornell to get help for Matt and Angie and look for long-term solutions for FY20.

X. EXECUTIVE SESSION: None

XI. ADJOURNMENT – Mr. Paradis, with second by Mr. Coston, moved to adjourn at 10:25 p.m. Motion passed 7-0.

Sharon M Linscott, Town Clerk