

**Town of Cape Elizabeth
Ordinance Committee Minutes**

April 23, 2019

6:00 p.m.

Town Hall

Present: Penny Jordan, Chair
Caitlin Jordan
Valerie Randall

Staff: Matt Sturgis, Town Manager, Paul Fenton, Police Chief, Maureen O'Meara, Town Planner

Councilor Penny Jordan called the meeting to order. The minutes of the February 7, 2019 meeting were approved 3-0.

Public Comment

No one present wanted to comment.

Chapter 13 Traffic Regulations Enforcement Amendments

Ordinance Committee Chair Penny Jordan asked Councilor Randall to introduce the amendments. Councilor Randall said that the Pay/Display parking program under consideration by the Town Council requires adjustments to the Penalty/fee provisions. She noted the contract proposal, pages 45-49, referencing how to pay for a ticket. The committee noted the draft amendments "13-7" was a typo import of the page number into the text amendment.

Councilor Randall asked if it is standard for the Police Chief to handle parking enforcement or will he be overburdened? Councilor Penny Jordan stated the chief enforces regulations on all roads and this should be the standard.

Chief Fenton said he needs to know what provisions will be applied, as well as others in his department if he is unavailable. Mr. Sturgis wants the chief to be designated.

Councilor Penny Jordan observed that the parking contractor will hire people and the chief needs to know who the people are. She is concerned with the track record of the parking contractor.

Mr. Sturgis stressed that implementation be handled with "kid gloves."
Councilor Penny Jordan used the scenario of someone who is upset - is only 5

minutes late - at which point discretion should be used to not issue a ticket. Mr. Sturgis suggested forgiveness for the first ticket.

Chief Fenton asked if there is a different policy in Fort Williams? There is already an appeal policy in the ordinance. The current practice is lax. The department has a boot, which has not been used.

Councilor Penny Jordan would like enforcement consistency. The process should be used for Pay/Display. She does not want a third party representing the town. Mr. Sturgis said we receive revenue and we handle appeals.

Councilor Randall wants it clear that nothing in the contract with the parking contractor will conflict with the ordinance. Mr. Sturgis said we can clarify provisions in the contract. We have to agree to split fees generated by violations and all appeals stay with the town.

Councilor Penny Jordan asked about the impact to the parking contractor of revenue from tickets. They were ticketing everyone in Portland and we don't want that here. Mr. Sturgis agreed and noted that the revenue is from paying to park, not tickets. If there is some question on enforcement, the town will lean more toward voluntary compliance. Councilor Penny Jordan wants the contract to lean that way.

Councilor Randall noted the contract summary, page 166, parking between May and October, some revenue from tickets is assumed. That provision may need to be revised to line up with the ordinance.

Councilor Caitlin Jordan said that we will need to find a different contractor to accomplish what we want if the proposed contract isn't changed. Councilor Penny Jordan noted revenue of \$11,000 from tickets.

Chief Fenton said we need to review the contract. There are currently not many appeals. He estimates the most parking tickets written in a year is 200, and 50% are paid. Mr. Sturgis is not sure how late would trigger a violation. It was noted that staff supervising Fort Williams includes the Police Chief, Town Manager and Community Services Director Kathy Raftice.

Councilor Penny Jordan said the ordinance should drive the contract provisions. Councilor Randall wants to agree on the appeals process, payments made to the town and set amounts. Mr. Sturgis said the fees are set by the Town Council. Councilor Caitlin Jordan asked how fees are paid and the response was by mail or at the Public Safety building. Councilor Randall asked if you can pay online or at the meter?

Chief Fenton noted that it needs to be clear if this is a separate system he oversees or if the parking tickets in Fort Williams will be merged into the town wide system. How can he void a ticket after he grants an appeal if the system is separately controlled?

Councilor Penny Jordan suggested a scenario where the chief has access. The parking contractor notifies you so you can handle outcome. The town engages without micromanaging.

Councilor Caitlin Jordan prefers that all be handled by the town. The parking contractor does not want to handle appeals. There would be 2 paths to pay tickets. The chief reports on the appeals process. The appeals process should be on the tickets.

Chief Fenton asked if the parking contractor will handle just meters or other violations in Fort Williams? The contractor will handle the meters and the town will handle everything else. Mr. Sturgis noted, as an example, the process for rescue run reimbursement where the town writes off the patient's portion if it isn't paid.

Councilor Randall asked if the contract will require the town to owe the parking contractor a percentage if the ticket forgives the ticket? Councilor Caitlin Jordan said that the rescue run practice is not written, so this shouldn't be written into the contract.

Councilor Randall is concerned that if the appeals process and notice are not provided, how will you know how to appeal? There should be a generic ticket. Councilor Penny Jordan observed that the parking contractor is a tech company and they should be able to change a ticket to fit a site. Councilor Randall was skeptical that what is essentially a legal note will be added and Councilor Caitlin Jordan said this should be mandatory to get the contract. Mr. Sturgis said the town can discuss the language we want inserted into the contract.

The committee generally agreed that they don't want to change the current process, just adjust the payment process. Chief Fenton wants to work with citizens and taxpayers. The committee agreed that the parking ticket and late fee amount should be added to the Town Fee Schedule.

The committee voted 3-0 to recommend the draft amendments to the Town Council for consideration. The committee also voted 3-0 to recommend adjusting the Fee Schedule to add parking ticket violations and late fees.

The committee would like the contract to include language on professionalism.

Public Comment

No members of the public were present.

Next meeting

Anticipating a referral from the Town Council, the committee scheduled their next meeting for Tuesday, May 28th, from 7:00-9:00 p.m.

The meeting adjourned at 7:10 p.m.