

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Wednesday, October 8, 2014
TOWN HALL CHAMBERS
6:30 p.m.**

A Town Council Workshop of the Old Orchard Beach Town Council was held on Wednesday, October 8, 2014. Vice Chair Quinn opened the meeting at 6:30 p.m.

The following were in attendance:

Vice Chair Bob Quinn
Councilor Malorie Pastor
Councilor Joseph Thornton
Councilor Michael Tousignant
Councilor Kenneth Blow
Councilor Jay Kelley
Town Manager Larry Mead
Assistant Town Manager, V. Louise Reid
Town Clerk Kim McLaughlin
Police Chief Dana Kelley

Absent: Chair Shawn O'Neill

The workshop this evening is to consider issues relative to Special Event Permits; Parking Issues at Milliken Street Parking Lot; and Parking Lot issues related to Town Hall.

Special Event Permits

The Town Clerk put together an excellent draft Special Event Permit application, which is included below. The Special Event Permit Ordinance is below:

Sec. 42-256. Required. 

No person may conduct a special event on public property without a special events permit issued by the town council pursuant to this subdivision.

(Ord. of 5-17-1988, § V; Ord. of 4-2-2002, § V)

Sec. 42-257. Criteria for issuance. 

In considering whether to issue a special events permit pursuant to this subdivision, the town council shall consider whether the proposed special event:

- (1) Is consistent with the goal of promoting use of public property for recreational, entertainment or charitable events.
- (2)

Can be conducted in the location proposed without endangering the public safety or disturbing the peace and order of the public property.

(Ord. of 5-17-1988, § VI; Ord. of 4-2- 2002, § VI)

Sec. 42-258. Fee.

Upon issuance of the special events permit by the town council pursuant to this subdivision and prior to the conduct of the special event, the permit holder shall pay to the town clerk a permit fee in the amount as specified in the schedule of license, permit and application fees in appendix A of this Code per day or portion thereof the special event will occur. The town council may waive at will or reduce the permit fees for nonprofit charitable special events or for special events which are sponsored or cosponsored by the town.

(Ord. of 5-17-1988, § VIII; Ord. of 4-1-2003, § 2)

Sec. 42-259. Conditions.

Each special events permit issued pursuant to this subdivision shall, at a minimum, specify the permit holder's obligations as to the following:

- (1) Dates and times.
- (2) Designated areas of public property to be affected.
- (3) An insurance policy and evidence of financial capacity, including insurance.
- (4) Crowd control.
- (5) Parking.
- (6) Cleanup.
- (7) Any other conditions which the town council deems necessary to protect the public safety and maintain order on the public property.

(Ord. of 5-17-1988, § VII; Ord. of 4-2-2002, § VII(2), (f))

Sec. 42-260. Liability.

The holder of a special events permit issued pursuant to this subdivision shall be solely responsible for conducting the special event in compliance with the conditions of the permit and for maintaining public safety and order during the special event. The town assumes no liability or responsibility by issuing the permit.

(Ord. of 5-17-1988, § XI(2))

Discussion this evening was around the suggested changes to the ordinance that have been recommended by staff.

Suggested Changes to the Ordinance:

- Subdivision II. - Permit
- **Sec. 42-256. - Required.**

No person may conduct a special event on public property without a special events permit issued by the town council pursuant to this subdivision. The application must be received at least 30 calendar days prior to the event.

Applications may be approved for up to three-years prior to the event; however, the applicant must meet with the department heads at least 60 days prior to the event for that year.

Bonfires, small gatherings, including weddings (less than 25 people), will require administrative approval only.

Events at the Ballpark will require an approved contract or agreement with the Ballpark Commission, and final administrative approval only.

A change in date may be granted administratively due to a cancellation because of rain, snow, or piping plovers.

(Ord. of 5-17-1988, § V; Ord. of 4-2-2002, § V)

- **Sec. 42-257. - Criteria for issuance.**

In considering whether to issue a special events permit pursuant to this subdivision, the town council shall consider whether the proposed special event:

(1)

Is consistent with the goal of promoting use of public property for recreational, entertainment or charitable events.

(2)

Can be conducted in the location proposed without endangering the public safety or disturbing the peace and order of the public property.

(Ord. of 5-17-1988, § VI; Ord. of 4-2-2002, § VI)

- **Sec. 42-258. - Fee.**

~~Before~~ Upon issuance of the special events permit by the town council pursuant to this subdivision and prior to the conduct of the special event, the permit holder shall pay to the town clerk a permit fee in the amount as specified in the schedule of license, permit and application fees in appendix A of this Code per day or portion thereof the special event will occur, including set-up and take-down dates. The town council may waive at will or reduce the permit fees for ~~nonprofit charitable~~ RSU #23 or Town sponsored or co-sponsored special events ~~or for special events which are sponsored or cosponsored by the town.~~

(Ord. of 5-17-1988, § VIII; Ord. of 4-1-2003, § 2)

- **Sec. 42-259. - Conditions.**

Each special events permit issued pursuant to this subdivision shall, at a minimum, specify the permit holder's obligations as to the following:

(1)

Dates and times.

(2)

Designated areas of public property to be affected.

(3)

An insurance policy, for property damage or bodily injured in the amount of at least \$500,000, listing the Town of Old Orchard Beach as additionally insured. If alcohol is being served, liquor liability insurance is required, with a minimum amount of \$2,000,000, listing the Town as additionally insured. ~~and evidence of financial capacity, including insurance.~~

(4)

Crowd control.

(5)

Parking.

(6)

Cleanup.

(7)

Any other conditions which the town council deems necessary to protect the public safety and maintain order on the public property.

(Ord. of 5-17-1988, § VII; Ord. of 4-2-2002, § VII(2), (f))

- **Sec. 42-260. - Liability.**

The holder of a special events permit issued pursuant to this subdivision shall be solely responsible for conducting the special event in compliance with the conditions of the permit and for maintaining public safety and order during the special event. The town assumes no liability or responsibility by issuing the permit.

(Ord. of 5-17-1988, § XI(2))

The Town Council may issue a special event permit which allows for certain activities to occur for limited periods of time in designated areas of the Town beach and adjacent tidewaters. The ordinance also explains the use of the beach area indicating that no motorized or vehicular traffic of any kind may enter or use the beach for any purpose, with the exception of public safety vehicles, the town's public works vehicles, designated for public safety of beach cleaning activities and vehicles authorized by the Town Council as part of a special event permit. A special event permit means any event, sponsored by an individual, corporation, partnership or other entity or organization, intended primarily for recreational, entertainment or charitable purposes, which requires the use of public property, including event which might otherwise be prohibited.

Some of the important points of discussion on Special Event Permits included the need that applications be completed in a timely manner and submitted to the Town Clerk so that it can go on the appropriate agenda without having to do emergency agenda additions. It was the general consensus that these events should be submitted in not less than 30 calendar days prior to the scheduled event.

Discussion also occurred on when police officers need to be on site and the cost of such occurrences. Again the cost of securing the assistance of Police Officers was a consideration and how non-profit and profit requests will be handled in this area of consideration. The certificate of insurance is a must for all events listing the Town as insured as well. Rain dates need to be listed as well otherwise the event is not covered under the insurance requirements. In addition it was suggested that contact information is vital so that people can be reached who will have the answer to concerns that are raised.

Councilor Tousignant raised the question of whether we want to bring before Council events that are not raising money for a specific cause. The majority of Council did not agree indicating that these types of events, like all events, bring people into town and visits to restaurants, motels and amusements. He also raised the question of the amount of time that staff spends on bringing these requests to Council and whether the \$50 permit fee is adequate. A great deal of discussion around this question brought consensus that there should be an administrative fee for both the profit and non-profit and then other charges considered on an individual basis. A suggested administrative fee for everyone at the cost of \$50; and then a permit fee of \$50 for those not waived by the Council including set up and take down time. In providing historical listing of the number of

permits issued, the majority of Council did not feel that the 59 issued so far this year causes undue burden to the staff. The Town Clerk explained the process when a Special Event application is submitted to her from the time that it is submitted to the time it goes before the Council for approval. For the majority of simpler permits it is not time consuming, but when you get to the larger activities such as Beach Raid and Rev Three, naturally those events consume more time but also bring many more people into the community who stay in the motels, eat in the restaurants, and enjoy the recreation provided by the Town. Councilor Tousignant explained that his concern in the cost of staff time not being recovered by the Town and costing the citizen, not the tourist, the financial obligations. The Town Clerk also explained that she has to monitor that events don't conflict with each other. She also explained that some groups such as The Salvation Army, Christopher Cash Race, Rev Three, etc., are requested three year periods for approval of dates. It was agreed that three years is a fair amount of time for planning by these groups. One of the other issues raised was that in fairness there would also need to be made some considerations when the town is co-sponsoring an event and the cost of staff would be part of the co-sponsoring. Other individuals giving their opinions included John Bird, Ricky Letowt, and Jerome Begart. Each Councilor participated in the discussions providing their take on individual subjects as did the Police Chief and Town Manager.

It was noted that the time involved for the Town Clerk to follow up on events that are going before Council is very time-consuming and that when the information isn't provided in its entirety it makes it impossible to forward to department heads for their approval of the events. The issue of serving of alcohol was also discussed and there is a legal ramification if state and federal laws are not enforced. One of the things that the Town Clerk did add to the special event permit was use of school grounds and buildings. There have been occurrences when events have used school property and in this case it is absolutely necessary that permission of the school be obtained and that information sent along with the application.

The Town Clerk provided a Special Events Permit chart which showed the increased in special event permits from 2001 through 2017. In 2014 to this date we have had 59 special event permits, the most in any year. We already have had six for 2015; three for 2016; and one for 2017. The Town Council has asked the Town Clerk to research other municipalities as to what charges they put on permits.

Milliken Street Parking Issues

Councilor Tousignant had requested a discussion on the possible renting of a portion of the Milliken Street Parking, such as we have done for the Grand Victorian. There is a great need for parking spaces for employees of local businesses and this would be a great opportunity to solve that problem but at the same time bring in extra revenue for the Town.

In August of 1997, the Town Council adopted a Parking Permit Policy authorizing Memorial Park municipal parking permits be sold only to Town residents at a cost of \$10 per permit; no more than two permits issued per household. Seasonal permits could be sold to businesses on a first come, first served, basis, at \$270 per permit, allowing for no more than two permits per business, and no more than five businesses to be issued permits; however, at that time Milliken Street was just a dirt parking lot, so businesses could purchase an unlimited amount of permits for that parking lot at \$100 each. In 2001 the Town Clerk's office started selling permits. In May, 2005, the Town Council amended the policy, authorizing the sale of permits

for the Milliken Street municipal parking lot at \$25 per permit, or a resident could purchase a combination of Milliken Street/Memorial Park municipal parking permit for \$50. A resident could not purchase the Memorial Park permit separately. In February of 2007, the Town Council rescinded the policy, and created a new one. Residents could now purchase the combo permit only, including both Milliken Street and Memorial Park municipal parking lots, at a cost of \$50 per permit, limit of two per household. A non-residential permit was created for \$300, and anyone could purchase those permits as they were unlimited. On January 24, 2012, the Town Council held a workshop to discuss reducing the cost of the non-resident permit from the current \$300, as no one had purchased them at that cost. The discussion also included how many permits will be issued per season and any restrictions. At the February 7, 2012 Town Council meeting the Town Council voted to reduce the cost of the non-resident permit from \$300 to \$150 with the following restrictions: There will be a maximum of 100 non-residents permits and they will be available on a first come, first serve basis. These permits authorize parking in the Milliken Street municipal parking lot only, and are not valid for July 3rd, July 4th or July 5th. During the 2012 season we sold three non-resident parking permits; during the 2013 season we sold five; and during the 2014 season, we sold four. Maps of both Milliken Park Lot and the Memorial Parking Lot were provided to the Council.

The Town Clerk provided a listing of permits which have been provided since 2001 which shows increases each year in 2014. There were 318 resident permits sold and four other. In 2014 a total of \$16,500 was collected for the issuance of parking permits.

One of the benefits to residential parking permit program is that in the hierarchy of parkers, residents and business owners (whichever it is planned for) come first. Money from residential parking permit programs can be used for improvements. There are some, however, that oppose this type of program if in the case of Old Orchard Beach, would limit summer parking. There are some who resent paying extra as a citizen for parking permits. Finding off street parking in our community is very difficult and there have been calls by business owners for the ability to obtain off street parking for their employees as well as the business owner themselves. Instituting a parking permit system is one way to relieve some of the stress and burden of ensuring that better parking is available to those who utilize such spots and will benefit the business and resident alike. Ricki Letowt explained that in her neighborhood with renters sometimes bringing as many as two or three vehicles the need for additional parking is critical. Councilor Tousignant explained that this was the reason for bringing this subject forward. The benefit is particularly important in a neighborhood.

Having a parking permit does not actually ensure that a prime spot is always available. While controlling who can park where and when does greatly improve the prospects of getting a protected spot, it doesn't actually ensure that a prime spot is available each time. Depending on the number of spots in a particular area you still could wind up without a spot. The discussion included whether a certain portion of Milliken Street Parking Lot would be considered for additional permit parking or whether with a parking permit tag they could park anywhere in the lot itself. The Police Chief indicated parking anywhere with the sticker would not be a problem.

With additional parking permits given in a location such as Milliken Street Parking lot, area workers and residents will be able to park more easily, thereby easing congestion in the town itself. Some people may initially balk at the cost required to participate in a parking permit program; but there are many that will buy-in immediately. There was a long

discussion on how much this permit would cost with suggestions of \$100 to as much as \$300 with the majority of Council feeling the higher cost is worth the opportunity to park.

One of the concerns in the area of Milliken Street Parking Lot is that there are condo residents who have in the past complained of the noise entering and exiting their cars when the deadline was 1:00 a.m. One of the trickiest parts of instituting a parking permit system is making sure that it is enforced. There are many routes that a neighborhood, school or business can take to secure enforcement and each one requires a different cost structure and system of oversight. Enforcement can be outsourced to a private company; utilize the existing town parking enforcement; or develop another system of internal handling of enforcement issues including cameras.

One of the failures in parking permitting is that passes that allow motorists to use parking facilities are often not carefully controlled. More careful control of parking permits can reduce inappropriate use of parking facilities. This involves establishing written guidelines that specifically define who may receive a parking pass and under what circumstance. Managers or individuals responsible for distributing such permits can be made aware of their full cost to the Town. Limiting the number of passes is another option to be considered.

Another consideration to parking permits was the time frame; is it just during the day and evening hours till 1:00 a.m. or a suggested time, or 24 hour parking allowed. Other considerations include security issues, protection of the area where parking would be allowed, etc. No final consensus by the Council was given but it is a subject that probably will be raised again as parking continues to be a difficult issue inside our community. The Vice Chair did ask the Police Chief for a summary of how much it would cost the Town in lost revenue if we did parking permitting in area of Milliken Street Parking Lot. It was also noted that permits are not valid the 3rd, 4th and 5th of July each year.

The Council indicated should they permit out Milliken Street, there will be a maximum of 30 parking permits for overnight parking in the Milliken Street parking lot only, at a cost of \$300 per permit, available on a first-come, first-served basis. The Chief of Police was asked to do some research on the amount of money will be lost through permitting rather than charging people on a daily basis.

Town Hall Parking Lots

One of the most serious considerations is parking in the back parking lot of the Town Hall. During the past few summers, particularly during Thursday night's Fireworks, our lot is totally full which makes it almost impossible for those attending Council, Board of Committee meetings to park in the lot to attend official meetings in the Town Hall.

Discussion has been made regarding the possibility of using this as a revenue source and assigning a parking lot attendant there and charging fees for anyone not coming into the Town Hall on official business. The other suggestion was that particularly on Council and Planning Board nights that if we aren't officially charging a fee to have a representative of the Police Department there making sure those parking spots are only used by those coming into the Town Hall for meetings. The difficulty in this is that many park early in the morning and are there all day. Another suggestion was that parking enforcement employee chalk the tires of those in the lot and come back in a certain amount of time and if the individual is still there ticket them.

Again in the area of the town hall, issuing of parking permits is also a way to control the cars parking in the lot. No parking permit, you get ticketed but this would be difficult covering the area that is used by people coming into Town Hall on official business. The Police Chief gave several scenarios that have been considered in the past; some not working and others with some limited success. He asked the Council for some give and take on trying some other options to see if there is success and then returning to the Council after next season with perhaps a better plan of operation. Discussion included having someone on duty in both front and back parking lots; charging; ticketing; having cars towed; and other options. The Town Council agreed to give the Chief the ability to move forward and try some of the options discussed.

ADJOURNMENT:

The Chair thanked those in attendance for coming and for their contribution to the discussion. The Workshop adjourned at 9:10 p.m.

Respectfully Submitted,

V. Louise Reid
Town Council Secretary

I, V. Louise Reid, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of nine (9) pages is a copy of the original Minutes of the Town Council Workshop of October 8, 2014.

V. Louise Reid