



Health & Human Services and Public Safety Committee Minutes

Tuesday, April 23, 2019, 5:30pm, Room 24, City Hall

Committee Attendance:

Belinda Ray, Chair (District 1), Brian Batson (District 3), Pious Ali (At-Large)

City Staff: Kristen Dow, Interim Director of Health and Human Services; Andy Downs, Director of Public Assembly Facilities; Anne Torregrossa, Corporation Counsel; Verne Malloch, Interim Police Chief; Jessica Hanscombe, Licensing and Registration Coordinator; Kevin Schneck, Technical Director of Recreation and Facilities; Keri Ouellete, Permitting and Intake Review Manager; Dr. Kolawole Bankole, Director of Public Health; Kevin Cashman, Police Lieutenant.

AGENDA ITEM 1 – Announcements

- The committee forwarded two sites for the Homeless Services Center to the full Council at the last meeting.
 - May 20, 2019 Council meeting will discuss and include public comment.

AGENDA ITEM 2 – Approval of Minutes

- Councilor Batson moved to approve the minutes and Councilor Ali seconded. Chair Ray added the following amendments in discussion and the minutes were approved unanimously as amended:
 - Page 4 It was not Chair Ray, rather:
 - Councilor Thibodeaux suggested there were three options with a third being to remain in OSS.
 - Open space suggestion was Councilor Batson's.

AGENDA ITEM 3 – Sound Ordinance

- Back Ground
 - Current Entertainment Licenses:
 - With dance license or without dance license
 - Indoor or outdoor
 - Single concert: one off event license
 - Dance Concert Hall License (2 in the City)
 - After-hours 1:00 AM to 3:00 AM (2 in the City)
 - Analysis
 - With or without dance
 - Noise complaints (mostly outside)

- Decibel (dB) levels measured by Acentech
 - Sound mitigation
- New License Types
 - o Indoor Entertainment License
 - Windows shut and doors closed.
 - 8:00 AM to 1: 00 AM. (no change)
 - Lowered from 92 dBa to 85 dBa
 - Note: A weighting (dBa)
 - Created a 95 C weighted limited (dBc).
 - dBc is measures more of the bass sound.
 - All new applicants have sound mitigation plans
 - New license to go before the Council
 - Require sound mitigation plan.
 - Renewals would go to the indoor entertainment license
 - Would not require sound mitigation plan.
 - o Outdoor
 - Same 85 dBa and 95 dBc limits
 - Limited hours to
 - Sunday Through Thursday 8:00 AM to 10:00 PM
 - Friday and Saturday 8:00 AM to 11:00 PM
 - Exceptions:
 - o Fourth of July to go to 11:00 PM
 - o Sundays before Memorial Day and Labor Day can also end at 11:00 PM.
 - Sound mitigation plan required for new applicants and for 1st time renewal licenses.
 - Regular renewals would be staff approved.
 - o Combined Entertainment Licenses
 - Both Indoor and outdoor would have separate mitigation plans and hours as outlined above.
 - o Single Events
 - Built in deposits for both public and private events (currently only deposits for events on public property)
 - Yearlong event licenses
 - For concert series including a sound mitigation plan.
 - Single concert events would still be issued by staff.
- Security Deposits
 - o \$100-\$1,000 based on the attendance size of the event.
 - Revoked or kept deposits are reviewed and then double the deposit for the next event.
 - o At the waterfront concerts
 - There should have been deposits for each event.
 - Complaints don't determine the keeping of deposits are kept;
 - The response to complaints determines if a deposit is kept.
 - o Deposits for a music festival of 5 events would be by event.

- After each successful event, the entity could recoup deposit.
 - If an event goes over the planned attendance, the deposit could be revoked and then the next deposit would be double the money next time.
 - May require a mitigation plan.
 - A large event that had a \$1,000 deposit revoked would make the next deposit cost \$2,000.
- Violation of City Code
 - A sound deposit does not preclude fines for violating City code.
- Dance/No Dance
 - Did not want to preclude business
 - Changes were made to be good neighbors up front.
- Complaints
 - Decibel level is coming in under A scale at under 92 dBa.
 - The dBc scale was added to account for the bass
 - The majority of complaints were based on the bass
 - The new ordinance will have standards for dBa and dBc scales to
 - dBa under 85
 - dBc under 95 (standard for bass)
 - The different A and C weightings affect people differently so the dBc could be a little higher without being disruptive.

Committee Questions and Discussion

- Other Ordinances
 - Boston has nothing over 72 dBa
 - Entirely unenforceable; they don't try.
 - NY has different rules for residential.
- This ordinance governs entertainment.
 - The 85 dBc is based on other ordinances and measuring standards by 8 feet from the door closet to the source.
- Decibel levels are logarithmic meaning a decrease from 92 dBa to 85 dBa is greater than it may first seem.
- Time limitations for outdoor is 10:00 PM on weeknights and 11:00 PM Friday and Saturday.
 - Expanded Entertainment Addendum:
 - Events can request single use exemptions for extensions of hours or increases to decibel limit.
- The two businesses that have after hours levels will lose that and be a part of the new rules.
- There are sections of town that have zoning requirements that limit the amount of entertainment per week, but only the Old Port will have the 100-foot disbursement rule. (100-foot rule will remain unchanged)
- G. "Granted at the sole discretion of the City Council" but at the end of the ordinance it was changed to the City Manager
 - It should be City Manager in G.

- Chair Ray thanked the working group and is thankful it is no longer based on whether or not there is dancing.
- Under Entertainment Definition:
 - “Entertainment shall mean and include any event to which the public is invited or allowed to watch, listen to, or participate in, or is conducted for the purposes of holding the attention of, gaining the attention of, or diverting or amusing patrons...”
 - This can capture private events: weddings included
 - Weddings would need an event license
 - Should patrons be attendees/guests?
 - Maybe a semicolon at participate in instead of a comma.
- Number 6:
 - Would include a poetry reading
 - If it was amplified sounds but it does not specify amplification.
 - What should be covered?
 - It would include community forums at the library
 - It sounds like it is covered but shouldn’t be.
 - How to define this line?
 - Are people coming to see or hear someone or is there something entertaining secondary to the event.
 - Churches with loud music
 - Example:
 - Loud music for service hurting the quality of life for neighbors
 - Not handled under this ordinance but looked at disorderly conduct and measured sound and found it wasn’t unreasonable.
- Number 5
 - Presentation of music videos.
 - Bars that have music videos on in the background.
 - Would they need a license?
 - Would need to be reviewed.
- Coverage Concerns
 - Are parts too broad?
 - Does not want to cover library.
 - Can be addressed by defining entertainment or through exception.
 - Exceptions in 4-59
 - Could include places of worship
 - Libraries
- Measurement of Sound
 - Outdoor is taken from property line nearest to the noise source and
 - Sound mitigation plan to capture if noise sources are located next to windows.
 - Measured 8 feet from the means of egress nearest to the noise source.
 - Possible to somehow measure from where it is noisiest.
 - And/or can be added but must be easily determined where the measurement point is.
 - From the outer wall?
 - Enforcement seeks voluntary compliance

- Which side is loudest from an event generating complaints may not be meaningful for enforcement.
 - A pattern of complaints may mitigate the above concern by pointing attention to problem locations.
 - Concern that there aren't violations from where measurements are made.
 - Even if there is not a measurable violation, the police will work with events and the noise mitigation plan to help problem solve.
 - Regardless of a violation, public can complain to the city council when business renew licenses.
 - Single events don't require a Sound Mitigation Plan.
 - The 5 event threshold should distinguish between those who should have them and those who really wouldn't need one.
- Public comment for any new event space.
 - Initial indoor entertainment will not be required to come forward to the full council if they currently have one.
 - Public is notified via public notice in the paper and on the City Website.
- Fast Track
 - Do things that are known to be non-problematic need a special license?
 - Things that would otherwise be blocked by 100-foot rule.
 - 5 event threshold was designed for this.
 - Essentially a fast track as it's just a staff approval.
 - Example: A coffee shop wanting to only play acoustic music would have a simple sound mitigation plan and head to the council for review.
 - If more than a 10% change in ownership requires a new license.
 - Under 100-foot rule
 - New ownership has a year to buy a new license to replace it.
 - Entertainment ordinance trumps separate zoning requirements.
 - Zoning is for repeated or continuous noise.
 - Section 14 will clarify.
- Double Licenses
 - Breweries need manufacturing sound mitigation and can sometimes need an entertainment license.
 - Council can make changes to licenses or sound mitigation plans.
 - Bunker had a problem until the mitigation was made around its cooler.
 - The goal of the sound mitigation plan is to this up front and get business to think how to be good neighbors at the beginning.

Next Steps

- Public Hearing and possible vote.

AGENDA ITEM 2 – Work Plan

- Goals
 - Overdose Prevention Sites (OPS)

- Info from State will be shared by Councilor Ali to the rest of the committee.
- Sober Housing/Recovery Houses.
- Councilor Batson would like to take up overdose prevention sites.
 - Information from City staff is ready.
 - Does not include state level information.
- Overdose Prevention Sites can take the second half of the next meeting.
 - Legislative committee may need to send an update.
- Sober Housing will follow in future meetings.

A public comment period was opened at 6:50 PM.

Libby Hanshee co Executive Director of Portland OPS – Spoke to the committee of creating an OPS taskforce. Who may have clearance to serve on a taskforce? This could be done

Asher Havlin of Munjoy Hill. – Portland OPS does a 101 tour. They would like to present if possible or somehow give that information to the committee.

Public comment closed at 6:54 PM.

Committee Discussion

- The committee will want to hear from City staff first then form a plan.
 - The 101 tour does not sound like something that would occur here
- Councilor Ali invited Portland OPS to Legislative Committee on Monday April 29th.
- Councilor Batson for clarification on who will present.
 - Bridget Rauscher; She oversees the overdose prevention grant, the substance use prevention program and prepared the presentation.
 - It would be a good opportunity to have the India Street Clinic staff give their update.

Next Meeting: The Committee will meet May 14, 2019.

- Public Hearing and possible vote to start the meeting.
- Overdose Prevention Sites: information, challenges and opportuneness.

The meeting adjourned at approximately 7:00 PM.