



HEALTH AND HUMAN SERVICES DEPARTMENT

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City of Portland, Maine Public Safety / Health & Human Services Department

June 11, 2013 Meeting Minutes

Committee Attendance: Chair Suslovic, Councilor Coyne, Councilor Leeman and Councilor Duson.

City Attendance: Doug Gardner/HHS, Trish McAllister/Police, Danielle West-Chuta/Corporation Counsel, Chief Sauchuck/Police.

AGENDA ITEM 1 – Meeting Called to Order and Minutes from Previous Meeting Reviewed:

Meeting was called to order at approximately 6:05 PM by Chair Suslovic. Minutes from the May meeting were reviewed as well as the Amended minutes from the April 9th meeting.

Motion to accept, 2nd all in favor. Passed and accepted.

AGENDA ITEM 2 – Amendments to Chapter 25 of the Portland City Code; Prohibition Against Standing in Median:

Chair Suslovic gave a brief history and overview of Chapter 25. Last summer the Public Safety Committee unanimously recommended passage of the Amendments to Chapter 25 of the Portland City Code: “No person shall stand, sit, stay, drive or park on a median as defined in Section 25-118 except that pedestrians may use median strips only in the course of crossing from one side of the street to the other”.

After public testimony and public debate, the City Council voted not to approve the amendments by a vote of 6-3. Chair Suslovic requested that the ordinance be re-introduced to this committee for consideration based on the increase in complaints and associated concerns regarding safety in and around the medians.

then called Police Chief Sauchuck to report on calls to service specifically for this issue.

Chief explained that there is a call type specifically for panhandling but this issue is related specifically regarding safety on medians. In 2012 - 60% of the panhandling calls were median complaints and indicated it is a public safety concern. He then read some of the complaints they have received this year which was comprised from 6 pages of comments and narratives.

The Chief made it clear that the majority of calls were made of a concern for the person. He explained how difficult it is to enforce and pointed out that it is a reactive ordinance the way it is currently written, he would like to see it more reactive.

Chair Suslovic introduced Trish McAllister /Police/Neighborhood prosecutor who explained that Chapter 17 is the current panhandling ordinance. The committee questioned if there is 1st Amendment protection. Trish indicated that yes there is and ran down the definitions, she also believes an ordinance such as this would pass.

No further staff comment from the Committee.

Meeting was then open to public comment at approximately 6:30 PM. **Please note the remarks are a summary, not verbatim.**

Speaker #1 - Ron Garmona - Munjoy Hill Resident:

Ron feels that things have worsened in the past 3-4 months and does not feel this is a freedom of expression but soliciting on a medium and he urges the Committee to pass this ordinance.

Speaker #2 -Tim McInerney - Valley Street Area Resident:

Tim is here to support the ordinance.

Speaker #3 - Sylvia Fagone - Lyman Moore Student:

Sylvia feels it is not safe and not just unsafe for the panhandlers but the drivers as well and she is urging the Committee to reevaluate what was decided last year in regards to this issue.

Speaker #4 - Anne Pringle - West End Resident and member of Friends of the Parks:

Anne has witnessed this to be a major problem in and around Deering Oaks Park and cited an ordinance from Concord, NH that was recently passed that made it illegal to receive money from a vehicle in the roadway. She supports the ordinance change and encourages committee members to look into the Concord, NH ordinance.

Speaker #5 -Rose Ann Gray- Resident of Salem Street:

Rose Ann supports the ordinance change and would like to see it expanded to include the sides of intersections and folks soliciting for car wash sales etc.

Speaker #6 -Joan Sheedy- Munjoy Hill Resident:

She is here to speak out in support of this Ordinance. She herself was a victim of a panhandler who approached her car for money and when she refused she had her car keyed by him.

Speaker #7 - Jeff Brown:

Jeff supports this Ordinance.

Speaker #8 – Nancy Akers; Valley Street Resident:

Nancy is not in favor of the Ordinance and feels it attacks human rights.

Speaker #9 – Ed Leadbetter; East Deering Resident:

Ed concurs that it is legal to panhandle but it is a clear safety concern when they are in the road or on the median and gave some examples of what he has witnessed recently. He was curious to know if the city would be liable in a lawsuit.

Speaker #10 – Mark Swann: Preble Street Resource Center:

Mark recently met with City officials and does agree this is an issue of public safety, not an anti-panhandling campaign. He is in support of the Ordinance but feels there are several other safety issues facing the homeless as well such as our ability to shelter folks. Many of these individuals are clients of Preble and Oxford Street Shelter and they feel the shelters are so overcrowded that they cannot sleep there at night. He pointed out that the previous night saw 27 individuals sleeping in chairs due to overcrowding. Mark encourages the city to continue with housing issue.

Speaker #11 – Doug Fuss: Own of Bull Feeney's and Reside of the Eastern Prom:

Doug is also President of the Portland Downtown District. Doug pointed out that 17% of the homeless population panhandle and that not all panhandlers are homeless. He encourages folks to donate to good organizations in the area and he supports the proposed Ordinance.

Speaker #12 – Sal; Business Owner on Exchange Street:

Sal agrees with the ordinance and feels it should be expanded to include any type of solicitation.

Speaker #13 – Derrick; Parkside Resident:

He would like to see this expanded to all intersections not just the medians.

Speaker #14 – Emma Holder; Mellon Street Resident:

Emma is a bicyclist and reminded folks that there are other types of transportation that is effected by panhandling not just car drivers.

Speaker #15 – Larry Kelly; Resident of Sherman Street:

Larry is in strong support of this ordinance change. He used to operate a homeless/drug & alcohol facility and does not feel this ordinance discriminates against their rights.

Speaker #16 – Hugh; Federal Street Resident:

Hugh is in favor of this and feels we need these safety issues and would like to see it expanded.

Speaker #17 – Steve Dimillo; Owner Dimillos Restaurant:

Steve supports the ordinance and pointed out the lack of panhandling in Portsmouth and encourages Portland to follow.

Speaker # 18 – Dee Clark – Advocate/Homeless Voices for Justice:

Dee expressed her sadness that homeless individuals have died because didn't provide housing. Our shelters are full and we lack substance abuse support. She pointed out that no one last year died standing on a median and that most choices in poverty are not safe. She isn't however, opposing the ordinance change.

Speaker #19 – Chris O'Neil, Greater Portland Chamber of Commerce:

The Chamber does support the ordinance and encourages the Committee to look globally not just at medians but a form of unsafe behavior in the street. The Chamber will be launching public service campaign this summer to encourage people to give to good organizations. The program will be entitled "Have a Heart".

Speaker #20 – Kate Somerville; West End Resident:

She feels this is not necessarily a median issue but a street intersection issue. She feels it should be expanded and passed.

Speaker #21 – Thomas; State St Resident:

Thomas is also a member of the Homeless Prevention Task Force and is concerned about this issue. He supports the ordinance if it is in fact a safety issue but not if it is a panhandling / holding a sign issue. He stressed that being poor is unhealthy and being poor is unsafe.

Public Comment segment of the meeting was closed at 7:25 PM

Chair Suslovic addressed 2 questions that were raised during the public comment section. 1. Why isn't the Committee expanding the ordinance to include the side of roadways etc? 2. What else are we doing for assistance?

Chief Sauchuck responded that he has done extensive research on the ordinance and feels this is a better fit for Portland.

Doug Gardner responded to the assistance piece and gave a brief history of the Homeless Prevention Task Force. He explained that 100 individuals have been placed in subsidized housing.

Councilor Leeman placed a Motion to adopt to the full City Council, 2nd by Councilor Duson.

Councilor Leeman spoke that this is the 2nd time the Committee has addressed this issue and in that time has witnessed a lot of individuals out in traffic or standing on small medians and is concerned that someone is going to get hurt. She did not support this the first time around but feels that now is the time to address this issue.

Councilor Duson supports the ordinance as she too has witnessed the increase in activity on the medians. She has spoken with both panhandlers as well as local business owners and while she supports the ordinance change she probably would not support for an overall ban in the city.

The Committee addressed the issue of enforcement and Councilor Duson encourages people to make calls to service. Chief Sauchuck indicated that officers can now take immediate action if there is someone on a median and do not need a witness any longer. Their intent will be to move folks off the median not to hand out citations.

Councilor Coyne appreciates that the issue is back, he supported it before and continues to support it now.

Chair Suslovic thanked City Staff and the public for speaking out on the issue.

Motion was on the table, vote 4-0 Passed.

With no further business to attend to the meeting was adjourned at 8:00 PM. Chair indicated the item will go to Council at the July 15th meeting but encouraged folks to check back on the City website.