



HEALTH AND HUMAN SERVICES DEPARTMENT

PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

SOCIAL SERVICES • PUBLIC HEALTH • OFFICE OF ELDER AFFAIRS • BARRON CENTER

Public Safety and Health & Human Services Committee

June 21, 2012
6:00 PM/ Council Chambers
City Hall

Meeting Minutes

Committee Attendance: Chair Suslovic, Co-Chair Coyne and Councilor Marshall.
Council Duson was absent.

City Staff Attendance: Doug Gardner; HHS, Ann Freeman; Corporation Counsel,
Mark Rees; City Manager, Amy Pulaski; Housing &
Neighborhood Services, Mike Bobinsky; Public Services.

AGENDA ITEM 1 – Review and Approval of Minutes from May 17, 2012 Meeting:

Meeting was called to order at approximately 6:10 PM by Chair Suslovic. A Motion was made to accept the Minutes from the previous meeting. All in favor, passed 3-0.

AGENDA ITEM 2 – Fire Chief Search Update:

City Manager Mark Rees updated the Committee on the Fire Chief search. 55 applications

were initially received this has now been narrowed down to 2-3 candidates with Mark interviewing in the next week. Mark foresees the process to be finalized with a candidate in a month.

AGENDA ITEM 3 – Community Development Block Grant Priorities Task Force Update:

Amy Pulaski addressed the Committee and gave an update on CDBG and the CDBG Task Force.

Amy then introduced Frank Gallagher the Chair of the Task Force Committee who spoke of the goals they have established. Chair Gallagher then thanked the Task Force for the work they are doing.

Councilor Marshall feels it's important to get back to the core needs of the City and recognized the hesitation of the city to make investments in economic development. Amy asked for a clarification of 'core needs'.

Councilor Marshall responded by saying he sees dwindling funds for shelters and feels they should rise to the top of the core needs.

This item will come back to the Housing Committee for their August meeting.

AGENDA ITEM 4 – Roadway Median Definition:

Chair Suslovic gave an overview and indicated a concern for panhandlers etc. who work on median strips in traffic. He wanted to clarify that this was not a panhandling issue but one of safety which the Police Dept. is bringing forward.

He then opened the meeting up to public comment.

***Chris O'Neil – Greater Portland Chamber of Commerce:
Chris would like to have specific examples of this.***

Public Comment was closed.

Chair discussed a few of the intersections where he sees panhandling occurring and subjects walking into traffic etc. The intersections are; Congress at St. John St, St. John and Park, Forest Avenue.

Motion to add language to legal definition from Chapter 25 Streets, Sidewalks and Other Public Places. This language to include "Police have the ability to move someone from the median strip. All in favor; 3-0. Will now move onto full Council.

AGENDA ITEM 5 – Sidewalk Snow Ordinance:

Chair Suslovic indicated that he was not going to be allowing for public comment at tonight's meeting but is looking for a Motion to forward to full Council for vote.

Mike Bobinsky Public Services Director addressed the Committee and indicated that the previous Ordinance called for all routes to enforce the removal of snow from the sidewalks, this will now give Public Services the ability to review routes and make changes based on conditions etc.

Councilor Marshall still feels property owners need to be responsible, he feels using the City Managers discretionary decision is enough and he is not comfortable supporting this.

Chair Suslovic feels these rules are not necessary and enforcement is by complaint only and no citations have been written. He will vote in favor tonight but feels it is going to be a challenge to full Council.

Motion to move forward to Council, 2nd Passed 2-1 with Councilor Marshall opposing.

This will be a 2 read item at Council, Chair warned not to bring forward without a clear plan to get it passed.

AGENDA ITEM 6 – Food Truck Ordinance Amendments, Rules and Regulations:

Chair Suslovic gave an update on the last meeting and thanked the Food Truck Task Force again for their work.

Ann Freeman from Corporation Counsel addressed the Committee and reviewed substantive changes; Chapter 14 changes were made to Zoning in Industrial Zones – this will be going to the Planning Board on June 26th. Also clarified the term 'Food Truck' as it relates to Street Vendors. Hadlock Field was specified in the changes. The current Ordinance now allows for 10-Midnight, this will change for after-hours operation 10:00 PM to 6:00 AM.

Meeting was open to Public Comment:

Doug Fuss – Owner of Bull Feeny's Restaurant and resident of the East End.

Doug addressed the committee and cited the Portland Downtown Board Meeting and issues that arose recently specifically the issue of fees as well as Personal Property Taxes and was

asking for a clarification how residence pay this tax and a non-resident business owner would not have to pay.

Chris O'Neil – Portland Chamber of Commerce:

Chris was attending this meeting as a proxy for Godfrey Wood and relayed some comments from the Chamber. In Regulations, Paragraph 1; indicates a photo is required, would they accept a rendering?

Paragraph 2, would like to see the parking rules added so everyone is aware.

Paragraph 3B pertaining to city owned lots, which or all?

Paragraph 7 & 9 what are the rules of engagement, need more specific how much time would be needed?

Speaker Michael, owns property at Middle and Market Street:

He addressed the Committee and indicated he was not alerted to any of the Task Force meetings and does not understand the food truck need in Portland. He wants to know what are the compelling reasons for it as it will take away from existing restaurants. He also feels it would be nice to know what is the environment and health impact. Availability of rest rooms and trash containments?

Speaker Kelly Irwin, Falmouth Resident also interested in owning/operating a food truck:

She agrees there should be a strong Maine based owner operator for the trucks. She feels it could be a positive economic boom to the area.

Speaker 6...

He feels there are plenty of vendors and food trucks are more seasonal. Most businesses need to make money in the summer months and food trucks will cut into this.

Speaker Mike O'Brien, Owner of Oyster Farm and Food Truck Task Force Member:

Mike will be putting together a food truck if the Ordinance passes. He feels the Ordinance addresses the issue of parking in front of a restaurant. He feels the impact will be felt from food carts more than restaurants.

Speaker William Troubh – Attorney representing Sea Dogs:

Mr. Troubh thanked the Committee for the changes made to include Hadlock Field in the Ordinance and indicated they support the new changes.

Speaker Sarah Sutton, Owner of a Food Truck in Fort Williams Park:

Sarah indicated she interested in moving her business to Portland if the Ordinance is passed but has questions concerning licensing and permits. She questioned the base station guideline as well as the street parking rules but feels strongly that food trucks are a positive way for restaurants to expand their businesses.

Speaker Stephanie from Cultivating Communities:

Stephanie gave a brief overview of the goal of Cultivating Communities which promotes healthy food access. They have been working with local farmers and are targeting low income groups. She would encourage expanding to residential areas and questioned if there would be a nonprofit fee for the food trucks?

Public Comment section of the meeting was closed.

Councilor Suslovic addressed the Personal Property Tax issue and indicated that is a State/Legislative issue, not a local Portland decision.

The hours of operation would be 6 AM- 10 PM, then 10 PM-6 AM with a special after hour's fee.

Parking regulations must follow all parking rules. After meters stop you can stay all night.

Councilor Marshall questioned why there was no definition of 'food service establishment'. Ann indicated it was in Chapter 11/Food Code. He also questioned how this Ordinance would affect ice cream trucks. Currently ice cream trucks are allowed in residential areas.

The Committee addressed Commander Rogers from Portland Police and questioned late night operations and the issues associated with late night fixed businesses. He indicated that police are 'concerned'.

Doug Fuss readdressed the Committee and indicated the policing of a problem food truck would be currently through NIMLOC and it would come up through licensing. NIMLOC would review and possibly involve police.

It was questioned of police if they would have the authority to close up a food truck if there was a situation that was getting out of hand etc.? yes, if there is a public safety hazard they are authorized to temporarily shut down.

The Committee agreed they do not want school parking lots utilized and want an Amendment indicating 'unless specifically prohibited or "with permission of the City..." A Motion was made to Amend to include ice cream trucks; 1-2 Not Passed.

Need an Amendment to add after hours fees which will increase from \$60 to \$200 fee. Also indicate police clearly have the right to shut down or relocate due to public safety. Both 2nd and Passed 3-0.

Committee then questioned if the fees and taxes are structured properly. Chair Suslovic indicated it was up to the Municipality where the truck is registered. The Committee then called Sarah Sutton to address the Committee again. She indicated she pays a \$4000 permit fee to the Town of Cape Elizabeth. She also used a comparison to Boston in which they have now designated dedicated parking spots just for food trucks.

Councilor Coyne is concerned with the late night safety and indicated there may need to be an Amendment when bars close and there is no plan in place to deal with.

Corporation Counsel can work with Police and include this in the Rules and Regulations.

Final piece is keeping outstanding parking tickets up to date in order to be licensed. This too can be added. Also the question of Base Stations was raised and if they are necessary?

Michele Sturgeon the Food Inspector for the City addressed the Committee and indicated that yes, they do need to have a base station.

Chair once again thanked the Food Truck Task Force and other public attendees.

Motion to pass as written with Amendments. 2nd 3-0 Passed. Will now be a 2 read item for Council. 1st read on July 2nd, 2nd on July 16th.

With no further business to attend to, the meeting was adjourned at 8:15 PM.