



HEALTH AND HUMAN SERVICES DEPARTMENT

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City of Portland, ME Public Safety / Health & Human Services Committee

January 8, 2013 Meeting Minutes

Committee Attendance: Chair Suslovic, Co-chair Leeman & Councilor Duson .
Councilor Coyne was unable to attend.

City Staff: Doug Gardner; HHS, Trish McAllister; Police.

AGENDA ITEM 1: Meeting Called to Order and Minutes from October 2012 Meeting Reviewed:

Meeting was called to order by Chair Suslovic at 5:37 PM. A motion was made to accept the Minutes from the October 2012 meeting. All in favor. Passed 3-0.

AGENDA ITEM 2: Street Artist Regulation Amendments:

Chair Suslovic gave an overview of the Amendments and introduced Trish McAllister / Counsel for the Portland Police Department. She outlined the list of Rules and Regulations proposed such as artists registering with the City Clerk's office, displaying their registrations, and off limit areas such as Bell Buoy Park adjacent to the Casco Bay Lines.

Councilor Leeman expressed concern that a restriction of Bell Buoy Park was being proposed. She has observed the artists setting up and feels the energy is good and exciting and is also attractive to tourists. Trish explained the rationale was related to too much congestion when cruise ships are in port together with traffic from Casco Bay Lines. It is becoming a safety hazard and she has received many complaints.

Chair Suslovic clarified that the areas surrounding Bell Buoy Park are still open to vendors.

The Committee discussed which areas of Portland would be excluded based on the sidewalk sizes and Trish referred to her handout that listed the 8' sidewalks in Portland. Councilor Leeman questioned the override restrictions of retail establishments and feels that would leave few open and available spaces. She would like to see a map as soon as possible. Mike Bobinsky is going to look into a map and will make one available ASAP.

Meeting was open to public comment: Please note the remarks are a summary, not verbatim.

Speaker 1 – Abbeth Russell – Cumberland Avenue Reside & Street Artist:

Abbeth feels the restrictions will close off all venues to artists. She also feels that requiring artists to register with the city will impede traveling artists and she does not like the direction this is going in.

Speaker 2 – April – Clark Street Residence and Street Musician:

She feels restricting Bell Buoy Park is a 1st Amendment issue and is setting a dangerous precedence.

Speaker 3 – Miles – Huntress Street Resident and Street Musician:

Miles does not like the City counting street artists and does not agree with the proposal. He moved to Portland because of the atmosphere here, he has been able to play music on the streets here which he was not able to do in other places he has lived.

Speaker 4 – Valley Street Resident:

He has been an artist for 61 years and does not agree with requesting artists to register. He feels traveling artists will not know where to go to register, and feels it is not a good idea. Portland is a beautiful city and we shouldn't change this.

Speaker 5 – Mary Ladd – Stone Street Resident and Street Artist & Musician:

Mary feels the proposed changes are too restrictive.

Speaker 6 – Arthur Fink – Peaks Island Resident:

Arthur feels the restrictions are unduly restrictive. Police are not capable of determining what is dangerous on a sidewalk and does not feel this Amendment can be crafted into a workable document.

Public Comment was closed.

Chair Suslovic gave the history of the Street Artist Task Force which was organized 10 months ago and explained the proposed changes to the Ordinance came out of the Task Force recommendations. He addressed the issue with Bell Buoy Park and again clarified it was just the Park itself not the sidewalk surrounding it.

Councilor Leeman addressed the 1st Amendment Issue regarding the issuance of permits. The Task Force wanted a communication tool between the committee and the artists. It is a means to communicate rules etc. to the artists, we're not applying fees or caps. Cheryl questioned if street musicians would be required to register, Trish indicated no they would not. Cheryl responded that she feels we're applying rules to 1 group and questioned how the First Friday Art Walk would be affected. Trish responded that the Congress Street corridor would be open to artists.

Councilor Duson appreciates the work the Task Force has completed but is unwilling to believe the full Council will look at this as presented without a map but does not want to hold it up at the Committee level for a map. She wants reassurance this is not more restrictive than non - artists.

Councilors Duson and Leeman both agree the following should happen:

1. Color coded map of areas being discussed and affected
2. Graphic Format
3. Fire Departments staging area
4. Comparison chart of non- artist street vendors
5. More legal information – what are other cities doing?
6. List of Task Force members
7. Information posted online

A motion was presented to postpone until February meeting. All in favor. 3-0.

AGENDA ITEM 3 – Smoking in Public Parks:

Doug Gardner addressed the Committee and explained they are seeking to expand several amendments. He addressed the issue of Riverside Golf course and explained that Corporation Counsel had recently ruled that it is indeed a park and would fall under the category as such.

The Amendments have retained the primary enforcement requirements that require an area to be appropriately assigned as prohibiting smoking before enforcement can take place as well as providing a warning to an individual violating a smoking ordinance before that individual can be cited.

The purpose of this proposed amendment is to protect residents and visitors from involuntary exposure to secondhand smoke, thus using the list of locations that require a permit to hold an

event to define the locations covered is logical as it is reasonable to assume that the public will gather in larger groups in these areas.

Meeting was open to public comment.

Speaker 1 – Arthur Fink, Peaks Island Resident:

Arthur feels there is a gaping hole in the parks and public spaces that have been recognized and that is the Casco Bay Lines terminal as well as the enclosure on Peaks island. He questioned the Committee as to why they are not included in the Amendment.

Speaker 2 – Mark Riley, Olympia Street Resident:

Mark is pleased the Ordinance is being discussed but is not happy with the language that is being stricken. He also questioned if the City will start to enforce the no smoking at Riverside Golf Course.

Speaker 3 – Jan Beitzer, Park Street Resident/Director Portland Downtown District:

Jan is happy this is being addressed and supports all public spaces being smoke-free.

Meeting was closed to public comment.

Chair Suslovic wanted confirmation from staff that Riverside Golf is covered under the current ordinance. Doug affirmed this. He also wanted to address the issue at Casco Bay Lines and believes it is covered under State Law as State defines “enclosed spaces”. He feels it’s a gray area and would like to include it, however would need to notify islanders before doing so.

Both Councilors Leeman and Duson would support this. The issue will be discussed at a future meeting.

A motion to move to full Council, 2nd and all in favor – passed 3-0

AGENDA ITEM 4 – Farmer’s Market Rules and Regulations:

Trish McAllister once again addressed the committee and explained this item is being brought forward by the Farmer’s Market Association who would like to take over the day to day responsibilities of the market from the City. Licensing would then be up to the Association.

Meeting was open to public comment.

Speaker 1 – Edward Peterson, Yarmouth resident and 4th generation farmer:

He believes the Portland Farmer's Market is one of the best in the country and does not understand why this needs to be amended.

Speaker 2 – Robin Beckwith, 30- year farmer:

She feels the farmer's market has been successful because an outside source has been governing. She does not agree with self-governing or a 3rd party source.

Speaker 3 – Larry Bruns, Scarborough resident, :

He is in support of the changes. Feels the city has always been hands off governing and now wants to streamline the process.

Speaker 4 – Joel Thomas, North Yarmouth resident:

Joel suggests a 3rd party board that isn't the Association. He suggests a trial period as long as the process is open.

Speaker 5 – Dick Piper, Owner of Piper Ranch:

He feels the 'Buy Local' is getting lost and that this is not the norm south of Portland.

Speaker 6 – Jill Fecteau, Owner Serendipity Acres.

She is concerned with having a Board of Directors.

Public Comment was closed.

City Clerk Kathy Jones addressed the committee and explained her office does not have the resources to enforce the market. The item was brought forward by the Farmer's Market Association. She feels it would be better run by the Association who are there on a day to day basis.

Councilor Leeman asked for examples of disputes within the market. Kathy explained it is usually over space. She also explained that Larry Bruns is responsible for the day to day operations of the market.

Larry readdressed the Committee and explained his style of management. He assured the Committee that he resolves all issues as they happen. Councilor Leeman questioned how he was going to be inclusive of those who are not part of the Association. Larry indicated any member who chooses to opt out of the Association will not be excluded from selling at the market. They will however still be expected to pay the \$100 to the City each year.

Councilor Duson pointed out that the Association is not incorporated and there isn't a Board of Directors or Executive Committee. She questioned if the Association understand the legalities.

Kathy Jones the City Clerk clarified that the Association will still need to come to the City yearly if bylaws are changed or altered. She distributed copies of the bylaws to the Committee.

Councilor Duson feels the basic rules and laws need to be set up by the City first and should include a 5-year lease. Councilor Leeman proposes some type of formal report each year with the City Clerks being the 'conflict managers' for the Market.

Chair Suslovic questioned how this will change things functionally and also questioned how we can cancel or terminate for convenience. The Committee discussed this and it was agreed the Association should be the starts of the Market. Economic Development could work with them as well.

A motion was proposed to postpone until the February meeting. All in Favor 2-1 with Chair Suslovic dissenting. Cheryl would like to see a structural procedure put in place and asserts this needs some city involvement because a fee is involved. Councilor Duson agrees and wants to see the market succeed.

AGENDA ITEM 5 – Emergency Shelter Support Policy Update:

Josh O'Brien, Director of Oxford Street Shelter addressed the Committee and indicated they have been working with Homeless Voices for Justice and Preble Street in order to formulate and adopt a Client Support and Services Policy. The Policy went into effect on January 1st

Chair Suslovic recognized that staff has desired to do a similar policy in the past with much resistance and was curious what had changed.

Josh indicated a few issues came into play in order to make this work. Homelessness has grown in the past few years and the partners have been working much closer together then in the past. Also HUD has changed its engagement requirements, as well as the HPRP Program which opened the way for a new Engagement Policy.

Meeting was opened to Public Comment.

Speaker 1 – Tom Blackburn, Member of the Homeless Task Force:

Tom indicated his concerns that he requested financial reports from Preble Street and it was denied, he feels there needs to be an independent Assessment and we should be asking for a Minority Report. He suggests it be put out to bid.

Speaker 2 – Jan Beitzer, Portland Downtown District:

Jan supports the comments by Tom Blackburn.

Speaker 3 – Adam Nemitz, Forest Avenue Resident and former OSS resident:

Adam believes there should be an assessment through focus groups. Rents in Portland are high in relation to GA. He also feels the overflow for women is a difficult situation.

Public Comment was closed.

With no further business to attend to the meeting was adjourned at 8:45 PM.