

HEALTH AND HUMAN SERVICES DEPARTMENT



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

**February 12, 2013
5:30 PM / City Council Chambers**

Meeting Minutes

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

City Attendance: Doug Gardner; HHS, Trish McAllister; Corporation Counsel, Tammy Munson; Planning/Code Enforcement, Josh O'Brien; Oxford Street Shelter/HHS, Chuck Fagone; Planning/Code Enforcement.

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

Meeting was called to order by Chair Suslovic at approximately 5:30 PM. Motion was made to approve the Minutes, 2nd. All in favor. Passed.

AGENDA ITEM 3 - (taken out of order) Farmer's Market Rules and Regulations:

Trish McAllister introduced Janice Gardner from the City Clerk's office who read a statement from Clerk Kathy Jones outlining the City's support of the Farmer's Market Association taking over operations of the Market. Janice also gave a brief overview of how licensing is handled through the Clerk's office.

Trish recently met with individual farmers and gave an overview of the recent Annual Meeting which occurred on February 2nd.

Trish is recommending a start date to this in 2014 to avoid dual licenses.

Meeting was opened to Public Comment: Please note comments are a general summary not verbatim.

Speaker 1 – Hanne Tierny; Resident of Palmyra and current Chair of Farmer’s Market:

Hanne gave a brief history of the Committee and on behalf of the Association is asking the City to allow them to enter into this agreement.

Speaker 2 – Mary Ellen Chadd; South Portland Resident and new Secretary of the Market:

Mary Ellen gave an overview of her duties as Secretary and is in full support of the agreement.

Speaker 3 – David Cray; Fore Street Resident and Artist:

David has shown his work at the Farmer’s Market and is in attendance to speak on the Street Artists’ agenda item. He is questioning if the proposed Street Artist’s guidelines apply in the Market as well.

Speaker 4 – Jaime Berhanu; Former Secretary of the Market, Currently runs the SNAP Program:

Jaime gave an overview of the EBT Program at the Market and indicated it brought in a total of \$170k for the year 2012. Jaime supports the Association and is in support of them entering into this Agreement with the City.

Speaker 5 – Daniel Price; Resident of Freedom, ME :

Daniel is a Market participant and supports this proposal.

Speaker 6 – Carolyn Snell; Resident of Buxton, ME:

Carolyn has been a member of the Farmer’s Market for 30 years and currently the Membership Coordinator. She pointed out that in the past it was 1 person who was deciding upon membership approvals now all applicants are taken and the Board meets to discuss. She is in full support of the proposal.

Speaker 7 – Austin Chadd; Green Spark Farm:

Austin is in support of the proposal.

Public Comment was closed.

Trish readdressed the Committee to clarify that the proposed Ordinance change would be in effect for the 2014 Season. She also confirmed that the City has received their certificate as a non-profit.

Councilor Duson requested they consult with the Market as to that exact date but will leave the date blank in the meantime.

Motion to approve for City Council. 2nd by Councilor Duson. All in Favor. Passed 4-0.

AGENDA ITEM 2 – Street Artists Regulation Amendments:

Trish McAllister gave the Committee an overview of the proposed Street Artists Regulations Amendments and indicated this was a proposal brought forward by the Street Artists Task Force.

Inspector Chuck Fagone from Code Enforcement addressed the Committee. He indicated the primary issues they are requesting are a 12 square foot maximum for display space and a 4 foot passage for pedestrians. The issue of Bell Buoy Park was discussed with Chair Suslovic indicating that an area needed to be kept open for emergency waterfront response.

Tammy Munson Director of Inspection Services explained that her Department is in charge of enforcement and they started with voluntary enforcement taking a more educational approach. She indicated they have struggled with the issue of defining art. She does agree that the area in question at Bell Buoy Park has become extremely congested.

Meeting was opened to Public Comment.

Speaker 1 – Marrion Ladd; Founding member of Creative Coalition of Maine and Street Artist:

Marion feels that street vendors are essential to a vibrant Portland. She does not agree with making the spaces smaller, does not agree with forcing artists to register with the City and feels it's a First Amendment right that is being taken away. She does however agree that an emergency "avenue" be allowed thru Bell Buoy Park for waterfront response. She would like to see the current rules kept as they are.

Speaker 2 – Ron Slater; Fore Street Resident:

Ron is concerned that the 12 foot rule is too restrictive. He also believes the registration process is illegal to require registration and cited case law to back this up.

Speaker 3 – Doug Emerson; Allen Avenue Resident and Member of ASAP:

Doug explained he has been harassed and moved by a retail owner in the Old Port for being in the wrong place. He feels it's getting murky to start defining what is and what street art isn't.

Speaker 4 – William Hessian; Cumberland Avenue Resident, Member of Creative Community Coalition:

William feels the proposal is beneficial but does not agree with the artist registry. He wants people to come into Portland and be a part of the art community immediately without having to register.

Speaker 5 – Brice; Resident of Winter Street:

Brice was moved by the comment that a duct tape wallet is not art. He feels this should be decided by the buyer not by government.

Speaker 6 – Stefan Henniker; Falmouth Resident:

Stefan believes in happiness and does not agree with regulations.

Speaker 7 – Mike Shaughnessy; Professor of Sculpture at USM:

Mike believes street art is an important form of creative entrepreneurialism. It's a way for artists to test their work and marketplace to see what sells. You want to make Portland this place that is hospitable for them and encourages the Committee to keep the process open and vibrant – allow it to be spontaneous.

Speaker 8 -Zachery Heiden; Legal Dir. For American Civil Liberties Union of Maine:

Zachery has been working on this issue with the art community for 8 years. He indicated that a court would most likely consider the proposed registration as a form of content-based discrimination and because of that the City needs to satisfy a very high burden of proof that they've chosen the least restrictive solution to that burden. He is urging the Committee to vote against this.

Speaker 9 – Adrial Ferrera; Clark Street Resident:

Adrial appreciates the work of the Committee but wonders if the rules fit the problem?

Speaker 10 – Sandra Jones; Owner of “Something Fishy”, Exchange Street:

She was responsible for organizing a petition drive asking the City to crack down on street artists and allowing the Old Portland to become a flea market especially on cruise ship days. She finds her ability to make a living threatened by the street artists and feels she paid her taxes and paid her dues.

Speaker 11 – Bridget Doneghan; Portland Resident and Visual Illustrator:

Bridget does not support the new proposal.

Speaker 12 – Abbeth Russell; Cumberland Avenue Resident and Artist & Juggler:

Abbeth feels the new proposal is too restrictive. Artists do not just sell art for themselves but to make art accessible to everyone.

Speaker 13 – Beca Holly; Grant Street Resident:

Beca understands the concerns and supports the alternative proposal that is not as restrictive.

Speaker 15 – Frank Turack; Grant Street Resident and Part of the Task Force:

He feels “if it ain't broke, don't fix it”.

Speaker 16 – Jay York; Wilmont Street Resident:

Jay does not agree with the proposal.

Speaker 17 – Joe; Congress Street Resident:

He has only heard of 1 complaint in reference to Bell Buoy Park and does not agree with the registration process.

Speaker 18 – Seth; Anderson Street Resident:

Seth is opposed to the changes in the regulation and suggests the Committee look closely at the counter proposal.

Speaker 19 – Asher Platts; Grant Street Resident:

Asher does not agree with the proposal as written and instead offered the Committee a counter proposal supporting street closings etc. in order for artists to set up.

Speaker 20 – Meagan; Artist:

Meagan is opposed to the Amendments.

Speaker 21 – Tina; Boynton Street Resident:

Tina is opposed to this proposal and unsure why there was no representation by street artists on this Task Force.

Speaker 22 – Deana Drew; Gray Street Resident:

Deana feels that music and art are always the first programs to be cut during budget reductions and so she is encouraging the city to bring in local artists.

Speaker 23 – Dina; Lewiston Resident & Artist:

She sells her art in Bell Buoy Park and does not agree with this proposal.

Speaker 24 – Dan Hat; Summit Street Resident and Congress St Business Owner:

Dan supports the Arts feels it is broken and needs to be kept alive. There needs to be collaboration between artists, merchants and government.

Speaker 25 – Crystal Tripp; Artist and Business Owner:

She takes offense by the petition that was started by another business owner and feels we need to be appreciating the artists in Portland.

Speaker 26 – Dory Waxman ; Former City Councilor:

Dory was speaking on behalf of the Portland Downtown District and is supportive of the changes and recommendations of the Task Force.

Speaker 27 – Theresa Belanger: Resident of Augusta:

Theresa comes to Portland for the cruise ships and is a Bell Buoy Park vendor. She does not agree with any of the restrictions.

Speaker 28 – Rodney Belanger; Resident of Augusta:

Rodney is the husband of Theresa and does not agree with the restrictions. He feels that the artists that sell in Bell Buoy Park are also ambassadors for the city.

Public Comment was closed.

Chair Suslovic indicated the Committee will take up each proposed ordinance separately.

Councilor Leeman questioned why she did not receive a color coded map of the sidewalks in the downtown area. She needs to have an idea of where the artists would be able to set up.

Trish McAllister responded that Public Services do not have capacity to construct a non- compete style map.

Trish also expressed serious concerns about the registration process if this passes. The Task Force addressed this and they decided registration was a means to get the word out to the artists of the rules and regulations. There is no case law on this and she believes there will likely be a legal challenge. She feels the risk of litigation is very real.

The Committee debated. Councilor Leeman feels there is merit and would like more detail and would like to discuss this in an Executive Session.

A motion was put on the table regarding the registration process. Councilor Duson would like clarification of where artists will be allowed to set up in Bell Buoy Park. She feels we need to move forward with the proposal at least in part with the registration and cited Cambridge, MA as an example of a City with many street artists who has a vendor ordinance.

Councilor Duson agrees with the registration/permit process, does not agree with the limitations of space however does not want to allow for anyone to pose a public safety hazard on the sidewalks.

Chair Suslovic indicated he can support all 4 items and cited other First Amendment issues in the City such as protests etc. that we require a permit for. He also emphasized the City supports the Supreme Court definition of Art.

He further explained the 8' width requirement is trying to make it as easy as possible and is concerned with unimpeded access to sidewalks at all times for wheelchairs etc. to safely pass in back of people who may be looking at a vendor booth. Bell Buoy Park is a congestion nightmare but he is not as concerned with the overlay issue.

Councilor Leeman indicated she disagrees with all that was stated by the Chair. She would only agree with not allowing the blockage of public access. She indicated she would not support any other proposals and feels this is a First Amendment Issue.

Councilor Coyne applauded the artists that all came out in support and he appreciates the staff work. He also likes the idea of a registration in order to keep an eye on things. He is questioning if there is an area that would not impede public safety in Bell Buoy Park? Chuck Fagone responded that there needs to be a 20' wide corridor as an emergency aisle as Medcu needs to be able to back down to the boat ramp.

Chair Suslovic is recommending the following:

1. Motion to recommend the establishment of a register. 2nd by Councilor Coyne. 3-1 passed with Councilor Leeman in dissention.
2. Motion that Committee recommend maintaining a 4' clearance on all sidewalks. 2nd by Councilor Coyne. Chair will not support. Motion is withdrawn by Councilor Duson.

3. Committee agrees in concept regarding Bell Buoy Park but wants a defined safety zone. Chuck Fagone indicated it is from RiRas to the low wall in the park. Motion 2nd by Councilor Coyne. All in Favor passed 4-0.
 - Motion that street artists not perform in any way to impede safety. 2nd by Councilor Leeman. Passed 4-0.

Committee is requesting a map of all non-food establishments in downtown for the March meeting. Tammy Munson will put a map together.

AGENDA ITEM 4 – Emergency Shelter Support Policy Update:

Doug addressed the Committee and gave a brief history referring to the November 18th document. He then ran down the 13 recommendations for the Committee ranking the top 3 as; 1. Sober Shelter 2. Medical Respite, currently only 2 beds which are located at the Barron Center 3. Budgetary.

Josh O'Brien from the Oxford Street Shelter indicated that Oxford Street is going into its 2nd month with the new intake process and pointed out there has been a dramatic increase in housing placements.

Jon Bradley from Preble Street Resource Center and a member of the Homeless Task Force updated the collaborative work that has been accomplished. They now have a clinical staff member and are trying out a new Housing First option. Jon reviewed his report.

Tom Blackburn a Task Force member addressed the Committee and referenced his letter. He cautioned that the city needs to be critical of its resources and feels we need an independent review as we are not providing a quality of life at the Shelters. He questioned if this was the best way to spend our money and what are the actual outcomes. Being a Bayside resident he is questioning if it will stop the influx of homeless.

Meeting was opened to public comment.

Speaker 1 – Jim Devine; Congress Street resident and homeless advocate:

Jim indicated through his own struggles he has had a lot of community support and now supports the idea of a sober house.

Speaker 2 – Sarah; Portland resident and USM Student:

Sara referenced articles about homelessness and has a hard time with the stigmatism of homelessness.

Speaker 3 – Becca; Behavior Health Worker for State of Maine:

Becca is very grateful that we are taking up this cause. She feels not everyone who is homeless is helpless that some make the choice to do so.

Speaker 4 – Jean Emmons ; Resident of Deering Pavillion:

Jean is a resident of Deering Pavillion and recently discovered that there are currently 2 homeless residents residing at the facility. She does not feel this is a good place for them.

Speaker 5 – Steve Hirshon; Hanover Street Resident & President of Bayside Neighborhood Association:

Steve addressed the Committee and indicated he is greatly encouraged by the recommendations.

Speaker 6 – Crystal White; Falmouth resident and Master of Social Work student at USM:

Crystal believes one solution is smaller group homes and long term housing and acknowledges affordable housing is a very large problem. She also pointed out a large segment of the population that is under housed. She also read a letter from David Wagner, PhD professor of social work and sociology at USM and submitted the letter to the Committee that outlines his dissatisfaction with how little Portland seems to be doing in terms of low income housing and housing the homeless. He feels smaller 35 bed group homes would be far suitable in comparison to Logan Place and Florence House which are staffed by hard working but undertrained individuals not necessarily experts in homelessness, mental health and related fields.

Speaker 7 – Jenna; Portland resident:

Jenna likes the recommendations but is concerned with how this will be integrated. She feels that close support from Case Management Housing is a better choice.

Speaker 8 – Bill Burns; Resident of Williams Street:

Bill runs the Day Shelter at Preble Street and strongly recommends considering the substance abuse model.

Public Comment was closed.

Councilor Duson does not want to micro/macro manage the process and encourages staff to bring together baseline numbers up front. She would like to see all this information combined – Preble and Oxford Street. 6 months- 1 year of data. She would like to see baseline costs as well as projected costs of outcomes

Chair Suslovic supports the Temporary Sober Housing Concept and sees this as a priority. He would like to see the Home Team expand in both hours and location of service (off peninsula). There has been consisted feedback for behavioral issues and it might be worth looking into an independent/outside review.

Councilor Leeman would like to have more data on each issue.

Item to come back to the March 19th meeting with additional data.

With no further items to attend to the meeting was adjourned at 10:00 PM

**Next Public Safety/ HHS Meeting will be March 19th @ 5:30 PM
Council Chambers.**