



**City of Portland, Maine
Public Safety / Health & Human Services Committee
February 10, 2016**

Meeting Minutes

Committee Attendance:

Chair Councilor Ed Suslovic, Councilor David Brenerman;
Councilor Belinda Ray

City Staff Attendance:

Dawn Stiles, Director of Health & Human Services; Vern Malloch, Assistant Chief of Police; Adam Lee, corporation counsel; Janice Gardner, Business Licensing Administrator

AGENDA ITEM 1 - Meeting Called to Order at 5:00pm

Chair Suslovic moved to accept minutes from the November 10, 2015 meeting. The motion was seconded and approved unanimously.

Agenda Item #2: Proposed New License for Breweries, Wineries and Distilleries (Action Item)

Janice Gardner provided overview of the backup material provided to illustrate the intent of this proposal is to provide a vehicle of City oversight for all businesses serving alcohol for consumption on premise and to make licensing of those businesses more equitable.

A discussion was had regarding the reason behind the creation of the license. City staff provided the reasoning listed above and mentioned that traditional restaurants and bars that serve alcohol have license requirements while tasting rooms at breweries, wineries and distilleries are currently serving alcohol and exempt from these requirements.

It was mentioned that the licensing cost may not necessarily be equitable and staff noted the difference in requirements made by the State and the City.

Chair Suslovic confirmed the proposal does nothing to change anything in zoning or codes and Adam confirmed this proposal only adds a new category to licensing.

It was clarified that if a business only brewed alcohol, they would not need a license from the City and this new classification is proposed to meet the new category [of tasting rooms] to keep administrators from requiring a full food service establishment license for a tasting room.

Janice also provided the background that 18 months ago she met with representatives of the State, Portland's Fire, Police and Health departments to discuss the viability of this license. A decision was made to move forward and language was drafted for the ordinance. Two meetings were held where business owners were presented with the proposal.

At 5:21pm the Chair opened the floor for public comment on this item.

- 1) Heather Sanborn, owner of Rising Tide provided her cautious acceptance of the fee and proposal because the zoning/planning departments are currently reviewing industrial areas. Current licensing in those areas is unclear for the time being. Heather would like this to be called a "Tasting Room" license to clarify what it really covers.
- 2) Constance Bowden of Sweetgrass Winery – they have a satellite location in Portland with no tables, food or music and full glasses are not sold. They would like exception for businesses like this that are not a bar.
- 3) Jill Perry of Allagash Brewing – we do not charge for tastings, is there an exception?
- 4) Tina Boney of Foundation Brewing echoes concerns of Heather
- 5) Adam (unknown last name) was starting a new brewery in the area and was hoping for clarity as his new business venture began.

Public Comment closed at 5:30pm.

Chair Suslovic heard from public comment that there is a request for exemption of businesses with a manufacturing location outside of Portland and an exemption for complimentary alcohol.

The Chair asked Adam what the relationship is with the zoning change and licensing. Adam clarified there is currently a discussion of accessory use in zoning for breweries.

Councilor Ray clarified her understanding of Heather Sanborn's concern for zoning and licensing and questioned the timing of how quickly a license category can be created by the council. Janice clarified the process could take 3 months given the current budget schedule. It was also clarified that zoning would clarify its interpretation and the council has the authority to then make any changes to the ordinance.

Chair Suslovic said if this committee recommends this item to the council, May 1st would be the earliest available opportunity for a license and asked what the impact depending on the planning department's interpretation. Janice said there is no impact because the businesses are already able to do work.

Chair Suslovic asked if tasting rooms should be excluded if production occurs outside the City of Portland. Janice clarified a tiered license creates a level of oversight not currently used by the City and is not seen as beneficial by the City and the same situation applies to those businesses providing complimentary alcohol. A further discussion was had regarding this issue and a change in the name of the ordinance was suggested to further describe the actual licensing of a tasting room.

The Chair motioned to recommend passage of the ordinance as originally proposed. The motion was seconded by Councilor Brenerman. Councilor Ray proposed an amendment to change the title to read "Brewery, Winery, and Distilling Alcohol Service License". Councilor Brenerman seconded the motion.

The amendment passed 2:1 with Councilors Ray and Brenerman voting in favor; Councilor Suslovic opposed.

The original motion passed unanimous, all in favor.

Tuck Obrien from the planning department arrived at this time and will issue a clarification memo in the next couple days re: accessory usage in industrial zones. The memo will not be a change to the ordinance, just a clarification of the current ordinance and will be effective immediately.

Agenda Item #3: PEARL Study, Maine Medical Center

Dr. Seder of Maine Medical Center provided a brief overview of a study that Maine Medical Center is applying to take part in through the FDA. As part of the application requirements MMC must engage in significant public notice of the study in order to achieve the FDA standard of community informed consent.

Community members are encouraged by MMC to participate in a survey available at www.mmc.org/PEARL. More regarding the study is available below:

The PEARL Study is a research study being done at Maine Medical Center in Portland, Maine with people who are brought to the emergency department in cardiac arrest. It will look at the safety and benefits of heart catheterization (heart cath) done within 90 minutes of hospital arrival in a certain group of patients that don't have certain findings on their ECGs. This study aims to answer the question: Does an early heart catheterization improve survival in this group of patients?

What is cardiac arrest?

Cardiac arrest is when the heart suddenly stops pumping blood. In adults, this may be the result of a heart attack. It is a major public health problem because survival rates are poor. Only 4 out of 10 people who have an out-of-hospital cardiac arrest make it to the hospital alive.

Who can take part in this study?

Patients who are brought to Maine Medical Center in cardiac arrest due to heart disease but do not have certain findings on their ECG test can take part in the study. Patients who are chosen for the study will be randomly assigned to either Group 1 or Group 2.

Both groups will be treated with the standard post-arrest treatment. This includes cooling of the body which can protect the brain from injury caused by cardiac arrest.

- Group 1 will have heart catheterization right away.
- Group 2 will have standard medical treatment which may include heart catheterization. The medical team will decide if this is best for the patient.

How will you get informed consent?

To be involved in a research study the Federal Drug Administration, or FDA, requires patients to give informed consent. Informed consent means that the patient understands the risk and benefits of taking part in the study and then chooses to be part of the study.

Patients who arrive in the emergency department during cardiac arrest are not able to give informed consent because they are unconscious. A family member or legal representative may give consent for the patient. If they cannot be reached, patients can still take part in the study under what is called an Exception from Informed Consent for Emergency Research. In this case, the patient's medical team can decide if the patient should be in the research study.

What if I do not want to be part of this study?

We will send you a bracelet to wear so that we know you do not want to take part. To get a bracelet or more information about this study please contact us at (207)-662-2066 or PEARL@mmc.org.

Public comment for this item was opened and closed at 6:22pm.

Chair Suslovic placed the PEARL study on the council agenda as a communication only with a written summary for March 7th.

Agenda Item #4: Workplan

The committee wanted to make sure their work plan matched overall council goals. Mayor Strimling was present for this discussion.

The committee agreed to quarterly updates on the following issues:

March/June/September/December: Employment and moving people from poverty to stability

April/July/October/January: Shelter/Homelessness

May/August/November: Substance Abuse - will be looking for P.D., F.D., and Public Health to participate

September: marijuana enforcement update which the committee will accept and forward as a communication to the full council in October as required by City Code.

October: They would like an update on the status of the new radio system. (September is an estimated go live date).

The committee would also like updates from the fire department and information on any proposed changes. The Police department will also have suggested changes coming up to the civil service ordinance related only to the hiring process at the police department.

The Mayor wanted to know from the committee and staff what, if anything else is recommended to do more for issues the committee is seeing in Portland. Where substance use is concerned, any suggested plans or solutions need to come to the committee and council and the Mayor re-iterated for folks not to be shy about budget requests to help solve the public health crisis related to overdoses in Portland.

With no further business to attend to the committee adjourned at 7:49pm.