

City Council Workshop
January 26, 2015
6:30 P.M.
City Council Chambers

Councilors Present

Linda Cohen, Mayor
Brad Fox
Thomas Blake
Patricia Smith
Maxine Beecher
Melissa Linscott
Claude Morgan

Staff Present

Jim Gailey, City Manager

MINUTES

Mayor Cohen opened the meeting and welcomed all in attendance. She reminded folks that members of the public are invited to comment on each item as it comes before the Council for a period of no more than two (2) minutes. All questions or concerns would be made through the Chair and if they wished to address the City Council they would be asked to please raise their hand and upon being recognized would state their name and address for the records.

- 1. Amending Chapter 14, “Licenses, Permits and Business Regulations, Generally,” Regarding Disorderly Lodging Establishments**
- 2. Police Policy Update**
- 3. City Off-street Parking**

1. Amending Chapter 14, “Licenses, Permits and Business Regulations, Generally,” Regarding Disorderly Lodging:

Jim Gailey, City Manager explained that during the course of Comprehensive Plan Implementation Steering Committee, City Council and staff discussions about ways to improve the Thornton Heights neighborhood, the Police Department was asked to look at calls for service to all hotels, motels and other lodging establishments in the City. A few lodging establishments had significantly more call for service than others. At a March 2014 City Council workshop, one or more Councilors inquired whether it might make sense for the City to enact a disorderly hotel/motel ordinance, similar to the one adopted for disorderly houses (codified in Ch. 5 of the Code of Ordinances) in 2011.

The Police Department and the Corporation Counsel discussed different approaches to trying to reduce nuisance type behavior (loud music, parties, alcohol, and abusive language, etc.) at hotels, motels and other lodging establishments in the City. The Police Department would like to encourage calls to it regarding disorderly conduct that unreasonably disturbs the neighborhood, the guests of the lodging establishment or individuals in the vicinity of a lodging establishment. It was determined that a disorderly hotel/motel ordinance would likely *discourage* calls for service. As an

alternative approach, staff is proposing that the issue of disorderly lodging establishments be addressed by amending the licensing ordinance.

The proposed changes to Chapter 14 include the following:

1. The lodging establishment license renewal will be granted by the City Council, not the City Clerk.
2. A The lodging establishment renewal license may be granted after the City Council takes into consideration compliance from prior years, and may add conditions to any future license that would correct, abate or limit cited past problems.
3. A condition for lodging establishment license renewal may include requiring principals of the licensee or its management company and/or day and night shift managers to complete a training program conducted by the Police Department within six months of the date of the license renewal. The training program is aimed to educate those regarding state and local laws in addressing disruptive persons. A list of those completing the training program will be given to the City Clerk. If the training program is not completed, other than for good cause, the license may be suspended or revoked by the City Council.

Having the City Council hear lodging establishment license renewals would make licensure a more public process. Please note that unless the City can articulate some objective standard for only sending certain lodging establishment license renewals to the City

Council, all renewals would need to go to the City Council so all renewal applicants are all treated the same. Note that having a certain number of Police Department calls for service has been ruled out as being such a standard. A list of current lodging establishment licensees is included in the materials.

Representatives of the Police Department and the Corporation Counsel were present at the Workshop.

Chief Edward Googins South Portland discussed the newly passed ordinance of “Disorderly Homes” and gave an update of how well this was working out and appreciated the work that has been done on this.

Sally Daggett, Corporation Counsel discussed the public process and having to come to Council for renewal of licenses and how the Police Chief would have a fresh look at each renewal for updates as well.

Public Comment Opened:

Patricia White 7 Orchard Street asked about the process of the licensing and going back and forth from the City Clerk’s office to the City Council and back again.

Ed Palmer Sable Oaks Manager discussed the levels of calls that come in and what constitutes a call for an emergency, as they are not all bad. He liked the idea of training for people and keeping the communication open.

Avantha Spanas Main Street had concern for the lodging businesses that do not have issues and may chance looking their renewals with a public process. She had concern that folks might speak against a particular one.

S. Galley 675 Main Street agreed with Ms. Spanas and felt that each place is individual and can not be looked at across the line with all. She felt that this was not solving the problem, and agreed with the need to improve numbers, solve issues and work together on both sides here.

Public Comment Closed:

Mayor Cohen asked about licenses and this process of going to Council then to the City Clerk, she also discussed the training and if this would just be implied on the application that they did so.

Sally Daggett, Corporation Counsel discussed offering training to any lodge owners and how they are more than willing to work together and to help all.

Councilor Smith felt the need to look into inspecting more often and asked what happens if they are in bad shape or with no water, etc. and how would they know if this is the case and how do we help with this process?

Jim Gailey explained that there is a process in place with Code Enforcement in which they follow through with a checking in and reporting back.

Councilor Fox asked about number two (2) lodging granted licenses and adding conditions to cover complaints that they might have received.

SallyDaggett discussed licenses, details, and guidelines of what establishments would need to do for their renewal. She further discussed real issues vs. bad behavior here and with some of the newer places it is hard to say as they have not been around for very long compared to the others who have.

Councilor Beecher asked if the calls go to the police first and then where to from that point?

Sally Daggett discussed issues such as public health, safety and welfare which already have the language in there to address such areas.

Councilor Blake appreciated this process but did not agree as it singles out certain businesses. He felt the need to communicate to the business more one on one and going to the Council with each issue is the wrong process. He felt that we have the staff to take care of this and it is not with the local government. He urged the dealing with the problems now and not pushing them off to others. He added that these issues are inside the hotels and felt that this is too much to pinpoint each single one and not looking at all of the area businesses such as restaurants, stores, etc. and not adding yet another layer. He felt the need to communicate with all and do a better job with being supportive.

Councilor Linscott was on the fence with this and asked for more information on the process and how this flows.

Chief Googins discussed the current process with a call in regarding a complaint which triggers an investigation, reports, etc. He asked if there was a full list enclosed in the packet and further discussed providing training as well as being open to more.

Jessica Hanscombe, Licensing Administrator explained that the list was up-to-date as of June 2014 and was an accurate full list which was enclosed.

Sally Daggett discussed requiring all new applicants to go through the training and further added that they are trying to not be so heavy handed by offering this first.

Chief Googins felt that all of the establishments are clearly managed quite well and added that they will hold accountable those who slip. He added that there is training now upon request.

Councilor Morgan had no problem tweaking ordinances and codes as they are meant to be helpful in this area of hotels with problematic concerns. He felt that they are not making laws to punish but to help teach and inform a message to society, looking at intervening before it becomes much worse. He asked if they had heard a cry of help from management, an interest in dialogue and continuing communications as he felt that with no issue it would seem weak and asked what type of crime is needed here to warrant the activity.

Chief Googins explained that they have heard from some folks and explained that it would be criminal behavior, prostitution, drugs, etc. He would like to lay out a plan to follow through with folks on this and hold to their own to follow through.

Sally Daggett discussed the renewal process which is laid out in the Ordinance. She added to revoke their license they would need to have a reason here to do so. She added that it is all in here to follow and enclosed is lodging information as well.

Councilor Morgan felt that Ordinances are created for safety and that there is no need to use if following the rules of the Ordinance. He felt the need for more communication, bring this to the table, talk more about this and would support but would like to see language on what might happen if called to a meeting for possible suspension; to the Council level.

Councilor Linscott felt that this needed more teeth to go further, not just having training and check a box stating that they have had this but more follow through here.

Councilor Beecher did not feel the need for training unless they meet the number of calls.

Councilor Blake felt that there was a lot to bring to the table here and cautioned against discriminating as crimes occur all over the city not just at hotels. He asked if there were other businesses that they offered such trainings to. (Yes) Discussion ensued on having options if rules were not compliant and Chapter 14 gives Staff the ability to do this. He had concern in regards to singling out certain businesses here with new rules.

Councilor Fox shared the same thoughts regarding discriminating but also had heard concerns from residents in the area as to not being tough enough in some ways. He agreed on dealing with the problem at hand.

Councilor Smith felt bothered by crimes over in this part of the City and felt the need to curb this type of behavior. She felt the need for some action, to keep folks safe and not to just sit idle. She

was ok with taking the Chief's lead here for the greater good and added that they needed to act on this before when they had received prior reports regarding health and safety issues.

Mayor Cohen felt that when neighbors hurt other neighbors and crimes are occurring as well as nuisance issues anything that we can do to help them, to make things stronger should be done. She discussed tweaking the renewals and if the City Clerk passes on that there are issues on one or two those could go to City Council but not all.

Sally Daggett discussed working on the language, (beefing it up) work on licensing that apply to these to see if they are ok with the Council. She thought that is was strong but can have more wording added to this.

Councilor Smith agreed with more strength in the wording and further discussed not having all renewals go to Council if they were ok.

Councilor Morgan asked about a timeline, guidelines on what can change as he would not want to see this dragged out further and urged to move forward.

Councilor Blake added that he would like to see the language be more "general" toward all businesses, hotels, motels, lounges, restaurants, etc., have staff continue with their work and not having it all on the Council.

2. Police Policy Update: Jim Gailey, City Manager explained that the City Council has invited the Police Chief to present his Department's policies on large group demonstrations and the training officers receive in preparedness if such an event takes place within our community. Chief Googins and Lt. Frank Clark both presented on the topic.

Chief Googins discussed the Police policy on major events that could happen within the City. He presented a report which outlined what could potentially happen with if a major event occurred within the City and that is with a good crew of officers. He further discussed the qualifications of becoming an officer, getting into a class and graduating from the academy as well as the training after. He discussed certain areas that Police are trained for, the specific work that they will do as well as updates on policies that are being used by South Portland Police Departments currently and include, communications with the public, crowd management, tasers.

Frank Clark Lt. South Portland Police discussed the use of tasers only in extreme forceful situations and the training that the officers go through. He added that out of 36,000 calls three (3) were complaints of use of force.

Public Comment Opened:

Mr. Rose 57 Buchanan Street urged them to bring back Community Policing, and felt that there was no need for large equipment such as MRAP He further discussed rehab for crimes and related this to the "Hunger Games".

Russell Lunt Brigham Street referred to the Baltimore Ave. tree issue and how well this was handled and added that the Portland Pipeline did not get them tasers and felt that this is a great City and a great Police Department.

Bob White 7 Orchard Street thanked Chief Googins and Lt. Clark for their work and asked about this information being available online? He asked about the free speech upload law and non-violent/non-bias demonstrations.

Katherine Chapin Beaufort Street thanked all of the police for their hard work here; she was a social worker and understands the many issues that they deal with.

Gregory Lewis 153 Mussey Street referred to a news article about engaging protesters and would like to see that here, he did feel that the Police do a good job and further discussed some oversights as well as not liking the use of the MRAP vehicles.

Barbara Sikos Harbor Place asked about the use of the vehicles and what they do with it as well as what else we received and why.

Public Comment Closed:

Chief Googins explained that this is a surplus program in which they can apply for such items. They have received uniforms, gloves, service truck, plow truck, etc. He added that the MRAP is an essential piece of equipment for a tactical team and there are no weapons in this. They deploy a robot to search a building that could have very dangerous situations inside and he understands that this is a hard one. He added that all of this information is not online but may explore doing this; they do not want to compromise work that has been done and or is being done. He further added that cooperative protests can be peaceful, large, unbiased individuals at which they would not sue the M-wrap.

Councilor Fox asked if the department writes its own policies and if so who reviews them? He asked about State mandated ones, which ones need to be addressed and writing their own. He further discussed use of force policy with State law governance, deadly force, tasers and being armed. He further discussed how fast this happens with a third party, split seconds, tasers used on unarmed person unwilling to be arrested or resisting and fighting. He liked the idea of community policing and discussed a bridge protest, mutual aide and the make-up of the Police Force in South Portland having only 6 women and very few people from other ethnicities.

Councilor Beecher thanked Chief Googins and Lt. Frank Clark for a great presentation.

Councilor Blake discussed Amy Berry, Community Policing, Jeff Lebeck being a camp counselor, and that out of 53 applications there are 2 at the Academy. He felt that need for a proactive workshop where the Police Department could work on mental health training and responding to real life training.

Councilor Morgan thanked the entire department for their service, liked the idea of bicycle patrol which will be forthcoming. Further discussed the armored vehicle and how it can get closer to a criminal or situation and be used as protection, a sense of guarding themselves and protecting the public with the MRAP being plated armor. He felt that this was a good thing being gifted large items like this and agreed with Councilor Blake on having communication more often as things can change constantly with this. He felt that this was good use of material and that they are driving policy here and understands with these types of gifts from the government it is a very fast turnaround.

Councilor Smith thanked the department for an informative presentation and training; she learned a great deal of information. She asked about possible language barriers and about demonstrations peaceful vs. non peaceful.

Councilor Linscott understood the risks of law enforcement careers and appreciates the work that they do for the citizens. She discussed the national level and all that is going on, the culture in the Police Department and her appreciation of them.

Mayor Cohen added that she has seen a wide prospective of the Police force, personally, her career, Civil Service Commission and thanked them all for their hard work and dedication. She discussed not publicizing their strategies as there can be changes in current life issues and new ways of talking to people about this as well.

3.City Off-street Parking: Jim Gailey, City Manager explained that recently the City Council discussed off-street parking and traffic circulation in the Knightville neighborhood. This past fall the City constructed 32 public parking spaces adjacent to Waterman Drive. As a spin-off to the Knightville parking discussion, the City Council discussed further the possibilities of having winter overnight parking in municipal parking lots.

Public Comment Opened:

Barbara Sikos Harbor Place asked what the spaces would solve and would like to look at the whole Knightville area. She also asked if the Council agendas could go out Wednesday rather than Friday as that is so close to Monday.

Melanie Wicker D Street added that there did not seem to be anyone there parking during the day and for overnight parking they would need to work on getting this filled.

Public Comment Closed:

Councilor Blake added that the intent was to have employers have their employee's park in this lot. He discussed further information and getting more feedback from staff as well.

Jim Gailey discussed evaluating parking by employees in all areas, alternative to parking on side streets and three parking areas that are being looked that would not effect municipal activities/city building during daytime hours.

Councilor Beecher asked about school lots and gathering information from them, she further discussed how close they are and being able to walk.

Councilor Linscott asked about the Willard Beach parking lot and discussed the snow removal issue as well. She asked about other areas in Knighville and would like at more information, evaluate what we know and ask for feedback. She also added that the overnight ban can be hard at times.

Councilor Smith discussed parking issues, Hinckley Park, Bug Light as well as demands and needs of these lots.

Councilor Morgan felt that with parking there are no easy solutions, options are needed and looking at things we "can do" rather than things we "can't do". He asked about possible shuttles.

Councilor Blake agreed the need for more information as he has further questions as well.

Councilor Smith discussed the overnight ban not being all nights possibly just on snow storm days?

Mayor Cohen added that she had dealt with this many times in Portland, allowing parking maintaining lots and having more cars to park. She agreed that this is a very hard issue and that they do need more information and wondered about allowing overnight parking for ½ of the lot.

The City Council Workshop Adjourned at 9:50 p.m.