

MEMORANDUM

TO: Public Safety Committee

FROM: Mary Costigan
Associate Corporation Counsel

DATE: September 5, 2008

RE: **Minutes of the Public Safety Committee Meeting held on July 8, 2008**

Councilor Marshall, Chair of the Public Safety Committee, convened the meeting at 5:30 p.m. with Councilors Duson and Donoghue present.

The Committee voted unanimously to approve the minutes of the June 10, 2008 meeting.

The Committee then took action on the following items:

Proposed Amendments to Chapter 28 Regarding the Issuance of Parking Tickets at the Jetport by Security Personnel

Mary Costigan explained that parking tickets at the Jetport are issued by jetport security officers. However, the ordinance does not give clear authority for them to enforce the parking regulations. Therefore, the proposed amendments to Chapter 28 would clarify that the security officers are authorized to enforce the parking regulations and issue parking tickets.

The Committee voted 3-0 to recommend the proposed ordinance amendments.

Repeal of the Entertainment License Dispersal Requirement

Doug Fuss, owner of Bull Feeney's and member of the Old Port Nightlife Taskforce spoke regarding the dispersal requirement. He stated that the dispersal requirement was one of the tolls that the police department has to control crowds. He said that 100 feet was a compromise reached by the taskforce. He stated that he supports the dispersal requirement, not as a way of limiting competition, but for safety by limiting the commingling of crowds from different bars at 1:00 am.

Jan Beitzer of PDD stated that she and the PDD Board are against repealing the dispersal requirement. She stated that since the requirement became effective, there have been seven vacancies on Congress Street that were filled with great mixed uses. She said there are plenty of opportunities and that the dispersal requirement is working well.

Deputy Chief Joe Loughlin of PPD stated that he is adamantly opposed to repealing the 100 foot dispersal requirement. He said that the requirement works and that there is a direct correlation to density.

Joe Redman of the PDD Board said he represents retail store owners and he is strongly against repealing the dispersal requirement. He stated that the customers of bars affect his

business and that he can't do business at night any more like he used to. He referred to an incident on Wharf St. which sent someone to Maine Med. And stated that a repeal would only hurt the city.

Councilor Donoghue asked Joe Loughlin why there are so many calls for service in Bayside and the Old Port. Joe replied that the calls in Bayside were related to the shelter and associated activities and the calls in the Old Port were related to the bars. He said that they know that police presence and dispersal works. Councilor Donoghue asked why there isn't the same deployment in Bayside that there is in the Old Port. Joe responded that Bayside is a whole different dynamic and the same deployment doesn't work in both places.

Councilor Duson asked Joe Loughlin whether, based on his experience, the dispersal requirement is working. He replied that it is working. He said that some establishments have closed and have been replaced with retail, which is a relief. Councilor Duson asked whether, in consultation with PPD, if someone could learn how to better manage an establishment to avoid problem behavior. Joe replied that yes, the education piece is very important.

Councilor Donoghue asked Joe Loughlin what creates a call for service. He replied that it is usually alcohol, drugs or bad management. Councilor Donoghue stated that he acknowledges that there is a problem, but feels it lies with bar management. He said he is in favor of a repeal and wants to work on bar management and the licensing of bar tenders. Joe Loughlin stated that the fact of the matter is that no matter how well a bar is managed, the density of people is still a problem. Councilor Donoghue stated that the difference between Congress St. and the Old Port is not density, but better bar management.

Councilor Skolnik asked whether anyone had ever applied for an entertainment license but had been turned down because of the dispersal requirement. Mary Costigan replied that the question was posed to Alex Murphy of the Clerk's office and that the answer was "not that we're aware of."

Councilor Marshall stated that the problem occurs when everyone leaves the bars at 1:00 am and recognizes it is difficult to handle. He said that PPD needs to do more to address the cause of the problem, i.e., overserving and overcrowding. Joe Loughlin replied that it is a manpower problem and that PPD does enforce overserving and overcrowding, with the help of the fire dep't, but they need more staff. He stated that they encourage the use of camera systems in the establishments. He said that density is the real problem. Councilor Marshall stated that he is interested in exploring other ways to get to the root of the issue. He would like to look at other communities to see how to professionalize the industry and to have a broader discussion in the committee as to what to do in the Old Port. He said that the dispersal ordinance has not proven to be effective.

Councilor Skolnik stated that there is a lot to the dispersal requirement. He said that all of the task force solutions were compromised solutions and that they should continue to look at it and monitor it, but recognize that the task force was a diligent and comprehensive effort.

Councilor Duson stated that the goal is to encourage business activity that contributes to the city and provides safety to its customers. She stated that dispersal and police presence, plus peer education is a better solution than forced increased police presence. She said that they should not repeal the requirement without an alternative plan. She has heard it is working and

things have improved and that where the Council has not re-issued licenses, they have been replaced by better managed facilities. She prefers the existing approach which is interactive and collaborative.

Councilor Donoghue stated that he thinks dispersal is the wrong solution. He asked whether they could set different occupancy limits than the state standards. Joe Loughlin stated that they could. He is interested in looking at lower capacity levels and licensing for service staff. He moved for repeal of the dispersal requirement.

Councilor Marshall stated that they needed good data in the committee before they send it to council. He said that bar owners want to get to the root of the problem before taking dispersal away. He moved to postpone the issue to get more information at the next meeting. He asked for the following information: 1) information on bar crowding; 2) information on licensing servers; 3) update on the information on the 2006 map so it reflects entertainment license holders only; 4) that the spread sheet with entertainment license holders be organized by street; and 5) information organized by ratio of calls associated with entertainment establishments to the number of establishments in a precinct.

The meeting was adjourned at 7:00 p.m.