



City of Portland
Portland Disability Advisory Committee Meeting Minutes
May 2, 2018

Bill Campbell, Jr., Chair of the Committee, convened the meeting of the Portland Disability Advisory Committee (PDAC).

Sign in

- In attendance: Michelle Ames, Lisette Belanger, Jessica Russell, Derek O'Brien, Ken Shapiro, William Campbell, Jr., Bud Buzzell, Karen Perry, Jill Johanning, Karen McPhee, Jon LeMieux, James Devine, Tom Grant, Chuck Fagone, Jon Rioux, Fred McKinley
- Absent Committee members: Haley Pass, Steve Leighton, Hanna Aistrop

Minutes of the March 7, 2018 meeting. Derek O'Brien moved to approve the minutes of the 3/7/2018 meeting and Karen Perry seconded. The remaining committee members in attendance voted unanimously to accept the minutes. No corrections were noted. Mandy indicated that she still needs to distribute the meeting minutes from the April, 2018 meeting for the Members to review.

Guest speakers, Jonathan Rioux, Inspections Director and Chuck Fagone, Code Enforcement Officer, from the Permitting and Inspections Department

*see the attached Permitting and Inspections Department Overview

The Permitting and Inspections department is a new department created 1.5 years ago that consists of several different areas of work:

- The permitting side performs 3,300 permits reviewed per year.
- The inspections side performs approximately 10,000 inspections per year ranging broadly from complaints to land use, construction, housing safety, and health inspections etc.

- The zoning administration and business licensing division processes 8,000 licenses per year.
- Housing Safety encompasses approximately 4,000 rental properties covering 17,000 units in the City.

Working both during the weekdays and weekends, the department also has the following responsibilities: performing active surveillance of all major events including 118 cruise ships this year; actively patrolling for winter issues such as dangerous ice and snow issues; and working with construction workers to perform sidewalk closures and Public Works to direct pedestrians to the other side of the side. If there's staging on a sidewalk, they are involved in the enforcement provisions to ensure appropriate signage. They additionally are engaged in reviewing sidewalk complaints in certain circumstances.

Permitting regulations

- Encompasses push carts, mobile food establishments, dining establishments, street vendors, cruise ships. When a violation is found, and staff is unable to gain voluntary compliance, the department has the ability to issue a ticket or summons on the spot.

Dangerous ice and snow issues

- Once the department learns that icicles are going to fall or snow or debris are coming off, they send an inspector to the site. The inspectors will often request that the meters (adjacent to the affected area) are bagged and work with Parking and Public Works to get the issue resolved. Such issues can become an urgent situation and they send a lot of people out and coordinate City efforts to resolve the situation.

Permitting Process

- A lot of streets are in a sloped angle and when they do a renovation to a downtown district building, they are involved in the ADA compliance from the threshold, to work on an accessible entrance and have challenges related to bricks, the slope, the construction of the building. Accessibility is a priority from the very conception of any project.

Building Access Design

- Done a lot of work with Jill Johanning

Complaint process

- In person, by phone, email (Fix It Portland), or regular mail are all ways to contact them
- Tyler Technologies is launching in the next week, which includes citizen self service portals to log in and see where they're at.

Restaurants and outdoor dining

- Karen Perry asked about Taco Escobar and Otto's on Congress Street
- John raised the broader question: the disabled community is unable to move if sidewalks are not safe, particularly if they are icy and snowy, and they can't go into the street to go around sidewalk obstructions.
- Bill Campbell said that the sidewalks have been a big issue with the Committee, particularly in the winter. For example, there is still a fence up blocking access to parts of Commercial and Hancock Streets. There are also hot restaurants like Duckfat and Eventide that have outdoor dining and he sees people going into the street to get by them due to inadequate sidewalk access.
- Four point path requirement
 - Chuck explained that there should be four feet between the establishment and any fixed object. They can do a walk through of the neighborhood to see if there are issues. They had complaints about Duckfat in the past and they corrected it.
 - Derek recommended that one of their inspectors navigate the City streets in a wheelchair.
 - Permitting and Inspections measures for 4 feet of clearance between any fixed object. Sometimes, they put in pegs that are spray-painted so that the restaurant knows where the barriers should be. They try to educate the restaurant workers on what their responsibilities are.
- They are actively going out and seeing outdoor dining and they have 7 cross-trained code officers who rotate a work schedule at every single event, which is a big change. They also added First Friday art nights to their patrols, and work with the the Police Department Cadets. They go out for every event that increases the number of pedestrians.

Jessica asked whether table heights are reviewed when they do inspections.

- Jon: they used to defer to the State Fire Marshall's office. Now the Planning department has received additional training and looks at it from the initial plan review process. The Statewide code will make this easier. Follow up is

performed with building inspectors. If someone sees a violation, he encourages people to forward it to his department (either in person, by phone, or via Fix It Portland). There have been a few instances this past year where the restaurant's plans were inconsistent with what is actually implemented. Easiest phone number for sidewalks is 874-8703.

They have 11 people in the field: 4 that doing housing safety for rental units; 4 that do building inspections; and 2 others that do bar and restaurant inspections. All code enforcement staff attended initial ADA training, one as recently as September 2017.

Continued brainstorming of PSA with Portland Media Center

- At the last meeting, Derrick recommended that each person state one word that captures their experience. Eg. Each person would say one word like 'barriers.' and have lots of different perspectives shared. We will want to provide some sort of script that encompasses our perspectives.
 - Mandy will invite Tom Handel to a future meeting and to follow up with Tom and the City's Communications Director about next steps.
- Change of date for October 2018 meeting: moved from October 3rd to **October 10th**, 11 am to 12 pm in Room 24 in the basement of City Hall
 - New business
 - Michelle Ames will not be here July 5th, but Fred McKinley will be here, who has been doing some contract work with Disability Rights Maine.
 - Ken Shapiro recommended that a group of PDAC members go out with the inspectors to share the challenges they experience around the City. Derek, Jessica, Bud, Karen, Ken all expressed interest.
 - Next meeting 6/6/2018 from 11 am to 12 pm in Room 24 in the basement of City Hall
 - Adjournment: the meeting concluded at 12:00 p.m.

Respectfully Submitted,

Mandy Levine
City of Portland Workforce Diversity and Inclusion Specialist

Portland Disability Advisory Committee
Permitting and Inspections Department Overview
May 2, 2018

Sidewalk Surveillance:

- Coverage on all major events that affect sidewalk congestion
- Weekdays & Weekends
- Winter issues
- Construction

Verifying Sidewalk Access Compliance via:

- Outdoor dining, Pushcart, Mobile FSE permit and inspections
- Street vendor, artist, cruise ship and major event sidewalk inspections(rotation schedule)
 - Issue summons for non-compliance
- Building permits/ renovations (adjacent to public ways/ sidewalks)
 - Site access inspection
- Emergency repairs
 - Inspections/ coordination with various departments
- Complaints

Types of Sidewalk Safety Complaints:

- Dangerous Ice/ Snow:
 - Public notification
 - Coordinate with Public Works on sidewalk closure/ directional signage), and parking (bag meters).
 - Hire a contractor to remove the dangerous condition
 - Notify area businesses and schools
 - Enforcement actions
- Unsafe exits, stairs, ramps, slope:
 - Construction/ Demolition (Properties adjacent to sidewalks)
 - "Safe for Pedestrians"
 - Encroachments into the public right-of-way
 - Safeguards during construction
 - Protection of pedestrians (signage, directional barricades, railings, dust, etc.)
 - Maintenance of means of egress system
- Building access not build to design standards

Sidewalk Safety Complaints related to Incident Disaster, Recovery, and Rebuilding:

- Initial Response:
 - Resources
 - Stabilizing

- Emergency Repairs
- Evaluation
- Full Inspection
- Recovery/ Rebuilding:
 - Permitting
 - Inspections

Land use complaint intake process (24/7):

- In person
- By phone
- Email
- Fix It Portland.
- Mail
- Interdepartmental

Codes:

- MUBEC adopting Chapter 11 Accessibility of the 2015 IBC now clarifies the enforceable code language, and accessibility requirements into the plan review process by local code officials in addition to the inspection for accessibility compliance that has always been required by the Maine Human Rights Act. Chapter 11 also clarifies that all public buildings are covered including religious facilities, private clubs, and most residential facilities which are all exempt from the Americans with Disabilities Act. Chapter 11 is more restrictive than the Americans with Disabilities Act on some accessibility requirements like access to the second floor of a building. Referring to ANSI A117.1 the building code also includes accessibility scope for the public right of way and addresses new technologies and elements that the ADA may not.
- IBC 2015 and IEBC 2015
- Maine Human Rights Act adopted pursuant to 5 M.R.S. Ch. 4 Fair Housing and Ch. 5 Public Accommodations
- Federal 2010 ADA Standards for Accessible Design

Note: The City is now performing delegated review for the Office of the State Fire Marshal per NFPA for construction permits only. Projects that require a SFM construction permit will need to apply for a Barrier Free Permit at the SFMO and submit a copy when applying for the City of Portland building permit.

Permitting

Application for New Commercial Structure and Additions Checklist (adjacent to public way/ sidewalk)

- "Certificate of Accessible Building Compliance"

Publications and Resources:

- Making the Build Environment Accessible
- Handouts / website