



Health & Human Services and Public Safety Committee Minutes

Tuesday, February 11, 2020, 5:30pm, Room 209, City Hall

Committee Attendance:

Belinda Ray, Chair (District 1), Tae Chong (District 3), Pious Ali (At-Large)

City Staff:

Kristen Dow, Director of Health and Human Services; Adam Harr, Executive Assistant for Social Services; Andy Downs, Director of Public Assembly Facilities; Mike Thompson, Fire Department Division Chief; Anne Torregrossa, Associate Corporation Counsel; Jason Grant, Life Safety Plan Review.

Meeting called to order at 5:35 PM.

AGENDA ITEM 1 – Announcements

- None.

AGENDA ITEM 2 – Approval of Minutes

- Councilor Chong moved to approve the minutes, Councilor Ray seconded and the minutes were approved unanimously.

AGENDA ITEM 3 – Sound Ordinance Amendment

- Amendment to the fee structure.
- 6 plans submitted so far.
 - o 2 hours to complete.
 - o \$150 fee appropriate and confirmed by a contractor
 - o Would likely do 12 a year.
- The fee is the only change being recommended by staff.

Committee Questions and Discussion

- Councilor Ching asked if there have been other changes or technology changes.
 - o No
- Councilor Ray asked where in the process the City comes in.
 - o Applicants submit a plan that is reviewed by business licensing and then there is a site plan review.
- Councilor Ray asked if people are using professional sound engineers and if that is required in ordinance.
 - o Some are and it is required in the ordinance. There have not been issues in the plans submitted.
- This is a one-time up front expense.

- Councilor Ray said the ordinance says we will implement a fee.

Chair Ray opened up for public comment at 5:40 PM but no one was here to comment.

Councilor Ching moved to accept the amendment, Councilor Ali seconded and the motion passed unanimously.

AGENDA ITEM 4 – Sprinklers

- 2009 adopted NFPA sprinkler requirements gave the option of sprinkling or creating a fire barrier between occupancy.
- Recent adoption of 2018 edition led to a phone call with the author at the NFPA who gave a different interpretation that gives more leeway.
- In one situation, our code would require sprinkling a new part of a building.
 - Our code requires sprinkling 1 and 2 families (state does not).
 - State Fire Marshal's office does not allow partial sprinkling.
 - Once we require a partial sprinkling, the state will require all if the building to be sprinkled.
 - This led to confusion.
- We want in the code that if you are sprinkling part, you are sprinkling all to remove ambiguity.
 - Once at council this caused concern on the EDUs.
 - This was pulled to talk about at the committee.
 - We are at the same place with the above still being true, but this committee wanted to review.
 - It will be helpful for next time what discussion topics and information the committee would like.
 - The staff is in support of sprinklers as they save lives but understand the committee wants more information.
- Councilor Ching asked for parallels.
 - If someone did lead abatement in one part of a house, is that required in all parts of a house.
 - Those are in other sections with different codes.
 - Once it goes to the State Fire Marshal's office that is the final authority.
 - Local can be more restrictive than the NFPA but not the IBC.
 - State Fire Marshal's office does not require sprinkling of 1 or 2 units at all but requires 3+ be sprinkled.
 - We could not say a 3 unit not be sprinkled.
 - We can be more restrictive but not less.
- A man wrote to Councilor Ray describing a 2 unit with a non-conforming 3rd unit that allowed him to convert the non-conforming unit but then stopped because he had to sprinkle and do water work for the entire building that was cost prohibitive.
- Two major sections of just housing and the cost barrier is high.
 - 1 and 2 units need a 12D sprinkler system. It is easier to install and uses a tank.
 - 3 units and above gets much more expensive (\$15,000-\$30,000).

- Legalizing existing swellings.
 - Most dwellings seen that if they had been done legally, most cases would have been required to be sprinkled.
- Councilor Ali asked recalled a story he was told about a person talking to the city and being told about the process and only learned about the sprinklers later one.
 - Is there a guide outlining the process?
 - This would be identified in the building permit stage.
 - Staff have been trying to give this information as soon as possible but it depends on who is spoken to.
 - There are educational materials on certain topics and this may be a good topic for that.
- Councilor Ray said permitting and inspections has been doing reorganizing and streamlining but noted that some old forms are still online.
- Councilor Ray asked if there is a way to count an ADU differently.
 - It may help if corporation council lays out what is required by the state and what cannot be touched and the options that are on the table.
 - Clearly Lay out legal limitations
 - Brainstorm options for smaller ones.
- Councilor Ray asked when the 1 and 2 unit requirement was adopted (before or after Noyes Street Fire) it was before but that is only for new construction.
- This is when adding a unit to an existing building, this would trigger sprinkling all because of the state, unless there is a way to grandfather.
- State has interpreted and adopted NFPA and we cannot be less that their regulations.
- Existing Single family adding one unit could be exempted by not going to the 3.
 - Trade off because new unit would not be sprinkled at all.
- Councilor Ray is interested in when the new unit is distinct form the rest of the building, it seems invasive to sprinkle the entire building.
 - Some units have gone into existing garages that were not attached to the garage but the code required them be attached which then triggered the sprinkling.
 - An approved fire barrier is an existing wall separating them so one can burin to the ground without spreading.
 - A fully detached would be sprinkled without requiring the main building but as soon as the garage is attached it would run into the state requirement.
- Councilor Ray asked that the fact that we go above and beyond and requirement is 1 and 2, is that going above and beyond.
 - Elsewhere requires it but the State is modified for the rural nature of Maine with municipalities being able to opt in.
 - Houses are so close in Portland that sprinkling requirements are good;
- Old code was written when sprinklers were not as widely available.
- Staff will:
 - Bring back other situations where an upgrade to one area would require an upgrade to an entire building.
 - State legal limitations.
 - Alternatives for a 1 and 2 family.
 - List of municipalities that have opted.
 - How many rural states are like us?

- There are more that do not require it than do.
- Density may help to explain.

AGENDA ITEM 5 – Committee Work Plan

- March 10th needs to be rescheduled.
 - Other March dates:
 - March 24th
 - The committee agreed to move the March meeting to the 24th.
- Second Week in April must be rescheduled.
 - April 28th works for the committee.
- Kristen explained the updates recommended by staff were not intended to take an entire meeting and a meant to be brief; the dates are flexible.
- Councilor Ray asked the members of the committee what the next priority issue to be taken up.
 - Councilor Chong said the first two: Homeless Shelter Zoning.
 - Councilor Ali agree those two are important and asked about vaping.
 - CDC passed flavor ban.
 - Staff recommendation would be for a total flavor ban for combustible and vapor to include menthol. Staff is ready at any time.
 - Councilor Ching would also say walkable cities.
- Councilor Ray asked what the walkable cities would entail.
 - An overview of what we have in place that would help the committee decide what to look at for moving forward.
- Councilor Ray looked at the recommendations and said there is a Joint meeting with the housing committee to look at lodging houses in April.
- Councilor Ray also likes small shelters for this year but knows planning board is busy with recode. This would need to be timed for after June so they have time to look at it.
- Councilor Ali asked it is possible to select two updates for whenever there will be a shorter meeting.
- March.
 - Sprinklers.
 - Not likely to have Homeless Services Center; maybe June.
 - Small Shelter zoning is possible.
 - Process to create the zones then went to the planning board.
 - Planning board was not comfortable until licensing created something that would deal with dense proximity.
 - Bring it back, see if the zones still make sense then come up with licensing.
 - Body Cameras are just an update.
 - Walkable communities would be ready.
- Councilor Chong asked about Wellness check/mental health and staying in homes.
 - Mental health was added to the end of the work plan; by October Public Health would look to take.
- Councilor Ching asked about the public health note.

- Public Health Note would require an explanation of how decisions made by the council would impact public health.
- This would impact the way people think about decisions, especially land use.
- Councilor Ching is concerned about how broad a public health note could be versus the defined scope of a fiscal note.
- Councilor Ali asked what our definition of Public Health.
 - It covers everything including emergency preparedness to all areas.
 - Staff can look at other communities and a tool others use.
- Councilor Ali told of a constituent whose health was impacted by reoccurring noise pollution.
 - What aspect of our sound ordinance would impact public health?
- Kristen noted that this was part of the marijuana ordinance discussion.
- Councilor Ray said this can be a question asked of public health to understand the impact.
 - It is not likely a priority but something the committee is interested in.
- The Committee is aligned with Council

AGENDA ITEM 6 – Nest Steps

- March will be Sprinklers and one of the following: Small Shelter zoning, wellness check or Walkable Cities (whatever staff is ready for) and updates.

Councilor Chong moved to adjourn, Councilor Ali seconded and the motion passed unanimously.

The meeting adjourned at approximately 6:30 PM.