

1. Portland Disability Advisory Committee Meeting Materials 12 7 2016

Documents:

[PORTLAND DISABILITY ADVISORY COMMITTEE NOTES 11 16 17.PDF](#)
[DRAFT CITY MANAGER DISABILITY ADVISORY COMMITTEE.PDF](#)
[DISABILITY ADVISORY COMMITTEE BIBLIOGRAPHY W HYPERLINKS \(1\).PDF](#)

2. Portland Disability Advisory Committee Minutes

Documents:

[PDAC MEEETING NOTES 12.7.16.PDF](#)



November 16, 2016

Portland Disability Advisory Committee (PDAC)

Present: Haley Pass, Kayla Moore and guest (PSL Services-STRIVE), Cheryl Miner, Renee Berry-Huffman, Gina Tapp (HR Director), Karen Perry, Jill Johanning (Alpha One), Michelle Ames (Disability Rights Maine), Lisette Belanger (Disability Rights Maine), Jim Devine (Maine Equal Justice Partners), Rosanne Graef (West End Neighborhood Association), Karen McPhee (Recreation), and Alyssa Gagnon (Interpreter).

Presentation: Jon Jennings, Portland City Manager
Gina Tapp, HR Director

The purpose of today's meeting was to hear the presentation of the city manager's position for refining and defining the purpose of the Portland Disability Advisory Committee. At the September meeting, Julie Sullivan, Senior Advisor to the city manager, spoke to the members of the committee regarding her assignment by the manager to research and draft a document outlining the purpose, scope, membership, and officers of the Portland Disability Advisory Committee.

Julie stated that she would return in November to present her draft to the membership. In her place, Jon Jennings attended the November meeting to present the draft, address any questions or concerns that the attending membership had, and to ask that members review and comment on the proposed document. A copy of the proposal is attached to these notes.

Mr. Jennings addressed the group with the following background. The last city update with regard to the ADA as in 1993. He has since put money in his current budget to put out to Request for Proposals (RFP) to interested experts to complete a bid request to provide a comprehensive look at city-own property (exclusive of

the schools) and to share that information so that improvements can be made in a systematic manner.

Gina shared that to date, four companies submitted bids and she is pleased with the response. A committee will review the bids soon and select the most qualified bid.

Mr. Jennings told the committee members that he is looking to the committee to help to advise him on issues of policy and city issues that affect city residents with disabilities for goods, services, and related items under the ADA. The issues extend beyond sidewalks. The committee members are to be appointed by the manager in a formal process and this is in keeping with the spirit of the ADA. With regard to policy and issues, the manager stated that it is important that he be a part of the group process and that concerns will be brought before the city council for review and action.

The development of the draft document written by Julie Sullivan was completed after researching resources and similar documents published by other cities and ADA-related sources. Mr. Jennings is seeking committee input and copies of the resources were handed out with the draft. Members asked if the resource list could have a hyperlink to help members who have some challenges associated with computer searches. Gina will check on this. (Note: an updated resource list will be attached with these notes).

Education will also be a focus as the manager has found that some information related to inspections (as an example) have been incorrect. Therefore, education is needed to be sure that individuals or departments who are responsible for services related to ADA concerns are identified and trained in the tenets of the ADA. The Planning Department is one city department that has training on ADA compliance, and other departments are now slated to have training as well (Inspections and Permitting). This is critical as many of these departments have relationships in providing services to city residents.

Mr. Jennings noted that improvements in services and facilities to improve physical access is ongoing:

- Curb cuts are getting better and updated neighborhoods are benefiting
- Sidewalks are being improved. The city is looking at various materials to use rather than bricks that make walking safer.

- Public Works will have six new sidewalk plows and these will improve snow removal and safer walking conditions in the winter.
- Great things have happened with METRO and that is due to the hard work of the members.

The manager noted that his job is to listen to people and to help move issues forward for resolution. He was asked by Michelle what his role is and Mr. Jennings stated further that he wants to be involved on a quarterly basis by attending meetings and being available to any member who wishes to meet with him. He stated that he was pleased with the voting accessibility event that some of the members helped to promote and this showed good visibility by the committee.

Mr. Jennings would like to have ambassadors from the committee to help educate the Portland community (e.g. businesses and restaurants, etc.) about the issues around accessibility for and by as well and services sought out by community members who are disabled. Education will help to improve quality of life for all residents of Portland.

Some members mentioned various concerns – challenging street/sidewalk conditions on First Friday Art Walk, navigation of sidewalks in the summer with bikers, restaurants and increased city visitors; issues for street crossings (synchronizing lights). The manager told the group that he will be putting money into his Capital Improvement Program (CIP) for changing out the city's traffic light system for one that improves traffic patterns and gives pedestrians longer crossing times.

Members asked if documents that are shared (including the drafts) could be printed in larger fonts to assist those with vision limitations.

Mr. Jennings also wanted the committee to know that there is sensitivity around issues of access. The city now has hearing loops in the council chambers as well as Merrill Auditorium.

Comments from the group:

Renee: The proposal looks really great and she knows an individual in the community who was very involved in the drafting of the original ADA legislation who is watching the work of the committee. That person may have interest in joining the committee. Mr. Jennings would be willing to reach out to this person. Renee also noted that a grass roots organization can help to improve the lives of by

training and education (e.g. learning sign language, computer training, and larger font use).

Renee stated that some city department heads have been at meetings. She would like to see police, fire and EMS speak to the membership.

METRO training has been very well-received and feedback has been very positive. Mr. Jennings agreed and stated that this was due to the committee being involved.

Cheryl shared that there is a tree growing in the sidewalk on the main street of Peaks Island that makes walking difficult and could the tree be removed and the sidewalk replaced.

Mr. Jennings indicated that there are many passionate individuals about trees. He will have someone check the state of the tree and make some changes.

Additionally, Mr. Jennings noted the sidewalks on Cumberland Avenue will be replaced where the trees have disrupted the bricks. There will be new indigenous trees planted so that the sidewalks will remain in place.

Mr. Jennings ended the meeting by asking members to review the draft document and to bring their comments to the next meeting which will take place on December 7 (11 am in Room 24). He will be present to listen to the membership about any concerns they have.

Gina mentioned that that four bidders completed the process and will be under consideration for selection:

- Tindale Oliver
- EMG
- The Institute for Human Centered Design
- Disability Access Consultants

The meeting adjourned at 12 noon.

Respectfully,

Karen B. McPhee

DRAFT 11/14/16

City of Portland City Manager's Disability Advisory Committee

Purpose

To address issues of concern to individuals with disabilities and promote the full integration of people with disabilities into all aspects of civic life.

Access to civic life by people with disabilities is a fundamental goal of the Americans with Disabilities Act (ADA). To ensure that this goal is met, Title II of the ADA requires state and local governments to make their programs and services accessible to persons with disabilities. This requirement extends not only to physical access at government facilities, programs and events, but also to policy changes that governmental entities must make to ensure that all people with disabilities can take part in, and benefit from, the programs and services of state and local governments. In addition, governmental entities must ensure effective communication, including the provision of necessary auxiliary aids and services, so that individuals with disabilities can participate in civic life.

The City Manager's Disability Advisory Committee advises the City Manager on issues of importance to people with disabilities, and recommends policies, practices, and legislation in matters affecting people with disabilities.

The Disability Discrimination Act (1992) definition of disability encompasses physical, intellectual, psychiatric, neurological, sensory and learning disabilities, and also includes people with mental illness.

Scope

- Research local problems of people with disabilities and review quantitative and qualitative data
- Develop and maintain relationships with and help coordinate the activities of other local groups organized to meet the needs of people with disabilities
- Annually develop a work plan with measurable goals and activities and submit to the City Manager (no later than February 15)
- Review and make recommendations about policies, procedures, services and activities of departments and agencies of the City of Portland as they affect people with disabilities
- Review and monitor public facilities and services for compliance
- Provide opportunities for the public to comment on alternatives and proposals related to accessibility improvements under consideration and disseminate information to all interested, affected, and/or concerned groups and citizens about plans or decisions related to the Committee's work
- Handle issues or suggestions from citizens about access to public facilities and services
- Identify barriers that hinder disabled citizens' participation in civic life
- Provide an annual report to the City Manager at the end of the calendar year

Membership

The Committee shall consist of up to eleven members appointed by the City Manager who reside within the city of Portland and/or represent an area organization serving people with disabilities. The majority (51%) of members shall consist of people with disabilities. Initially, four members shall serve one-year

DRAFT 11/14/16

terms and seven members shall serve two-year terms. Thereafter, all members shall serve two-year terms, with half appointed in odd-numbered years and half in even-numbered years.

The process to appoint Committee members will be advertised on the City's web site and social media. Eligible community representatives will have an interest in and understanding of access and inclusion issues experienced by people with disabilities and a personal or professional link with area disability organizations and groups.

Interested applicants will be required to submit a brief application and meet with a City-staffed selection team.

The City Manager will designate a staff member who will attend all meetings and serve as a non-voting member.

If any member is absent from three regularly scheduled meetings in any one calendar year, a recommendation shall be made to the City Manager that s/he be replaced through the usual appointment process.

Regular meetings shall be held at least quarterly (4 times per year) with the City Manager; the Committee can meet more frequently. A quorum shall consist of the majority of members. Meeting minutes will be amended and approved at the next meeting. Special meetings can be called by the chairperson or by any four members. Decisions will be made by a majority of those members present.

Officers

The officers shall include a chairperson and vice chairperson who are elected annually by a majority vote of the committee.

The chairperson shall develop the agenda in coordination with the vice chair and the staff designee, preside over all meetings, ensure the adherence of the committee to its stated purpose and scope, and oversee the development and submission of the annual work plan and report to the City Manager.

The vice chairperson shall perform all functions of the chairperson in his/her absence.

The staff designee shall keep records of all meetings, attendance, minutes and correspondence; post public notice of all meetings on the City website; send notice of meetings and minutes of the prior meeting to the members at least fourteen (14) days prior to the meeting. All meeting minutes shall include the agenda and at least the main points discussed and decisions made for each item, as well as attendance.

City of Portland
City Manager's Disability Advisory Committee

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<http://www.ada.gov/comprob.htm>



**Portland Disability Advisory Committee
City Hall, Room 24
December 7, 2016
Meeting Notes**

Present: Christina Mailot, Jill Johanning (Alpha One), Rosanne Graef (West End Neighborhood Association), John LeMieux, Martin Margulis, Jim Devine (Homeless Voices for Justice), Mary MacKay (Interpreter), Karen McPhee (Recreation), Gina Tapp (Human Resources), Michelle Ames and Lisette Belanger (Disability Rights Maine).

Guests: Jill Johanning (Alpha One), Dylan Matthews, Ordinance Enforcement Officer (Portland Police Department), Chief Dave Jackson (Portland Fire Department/EMS), and Jon Jennings, Portland City Manager.

Meeting Chair: Gina Tapp, City of Portland HR Director

Meeting Notes

The meeting began with introductions for members of the group.

The meetings were moved, seconded and voted upon to accept.

Guest Speaker: Jill Johanning spoke about the Portland Pedestrian and Bike group who met with the new public works director, Chris Branch. The group discussed snow removal, the new equipment that has been purchased to clear sidewalks and a possible change in ordinances that will be for the peninsula area of the city.

Jill also spoke about the Aging Committee/Age Friendly Portland (Linda Weare of Elder Services at the Barron Center) regarding snow removal. Jill noted that the Age Friendly Business review conducted by Alpha One helps determine access and

age friendly businesses in Portland. Jill noted that there is a lot of overlap with this committee (PDAC) and would like to keep both involved with each other.

There were some questions from a member about the consequences for not removing snow and Jill indicated that the new equipment may help out with these concerns regarding removal.

A question was raised about an ordinance for sanding within 24 hours of a storm for individual homeowners. Jill was not sure about the answer to this question. She will, however, keep the group up-to-date on these initiatives.

Jon told the group that there may be a volunteer group to help with shoveling. Rosanne mentioned that bus stop shoveling could be assisted. Jon noted that he does talk with METRO about the issue. Also, the city has its six new sidewalk plows; he asked METRO to keep going with the shoveling and the city will assist the shoveling as they are able but there is not a current formal agreement.

Jon is also looking at the brick sidewalk issues. Christine asked about the cobblestones on Congress Square. Jon told her that the re-design of the Congress Square Park and that intersection for High, Congress and Free Streets will be a consideration in the new plan. There is a re-design committee meeting scheduled for December 15 at 5:30 in the Westin Hotel if people are interested

Guest Speaker: Dylan Matthews, Ordinance Enforcement Officer, Portland Police Department.

Dylan address the group and told him that he is attached to the Portland Police Department. He enforces all the ordinances with the exception of parking. He was asked to address bikes and skateboards on sidewalks. Dylan addressed the group regarding riding on the sidewalk. At this time, there is no specific ordinance other than when riding on the sidewalk, the rider must signal and give the right of way to the walker. The rider is not required to be off the sidewalk. Enforcement may not be a priority as priorities are dependent on the how many calls come into the station and these are given an order of priority. A change in the ordinance of riding on the sidewalk would require a change of the ordinance by the city council.

Dylan told the group that the follow up regarding a complaint may be a challenge. There were also questions regarding signage or the lack of it regarding smoking and other concerns as people may not know about the ordinances that the city has

passed. The Parks Director (Ethan Hipple) explained to Martin that his department may erect “temporary” signage but not permanent ones at this time.

Dylan mentioned that he works with the Park Rangers to address issues that occur like smoking on public sidewalks. There are some gray areas. Loitering is definitely something that he can address if people are not moving along on the sidewalk. Dylan also addressed concerns about bike riding in the public parks which is allowed.

Gina raised the issue about outdoor dining on the sidewalks which get crowded in good weather. Dylan works with the inspections department and he said he can help with this as he recognizes the concerns that people have with trying to get by diners on the sidewalk. Signs may help with penalties and fines noted on them for the smoking, riding, and other concerns about sidewalks.

Rosanne asked about bike inspections/licenses. At this time, there are no requirements for this other than bikes must have a horn, or audible signal and lights.

Members asked questions about signals at intersections, and audible directions. Jill noted that the Greater Portland Council of Governments has some temporary cameras for monitoring that might be used. Some crossing areas around the city can be problematic (e.g. High and Spring Streets). Jon Jennings noted that changing the timing is one way to help and to put No Red Turn for right hand turns at that area may help pedestrians.

Other challenging cross walks are Park and Forest Avenues, Ashmont at Forest Avenue from Belmont (near the Great Lost Bear), Preble Street and Marginal Way.

Jon noted that the signals are old and dated. They need modernization to help with traffic flow and safe pedestrian crossings. He is putting more funds into his budget to address these concerns. Jon will also speak to the police chief regarding service calls to see what the demand is for these issues.

Guest Speaker: Chief Dave Jackson spoke to the group regarding services of the fire department and emergency medical services (MEDCU). He made a note to have a department associate attend meetings. He asked if there were any questions related to fire/EMS services. A question was asked about sirens and the level of sound. The department works under laws that state that the fire department must

give audio and visual indicators to let people know that emergency vehicles are coming.

Can sound levels be reduced was a question raised. The chief indicated that not much can be done for this other than the need for getting peoples' attention is set by national standards. There is a military blast or an automated warning that must be given before reaching an intersection warning people that rescue vehicles are coming. Michelle noted that for the deaf community having the lights matters even with no sound. Lights on the scene or moving vehicles with lights is helpful if not too congested.

In response to a question about helping someone in an emergency situation like a fall – the chief suggested that it is not recommended to help that person get up. Rather, it is best to let EMS determine the nature of the injury and wait for emergency vehicles to arrive. Call 911 and stay with the person until rescue arrives. If the person who called 911 can wait until help arrives, that person can help direct the fire department/EMS get to the person quicker.

The chief shared that service animals are able to go to the hospital with the person but generally they are not allowed in the back of the ambulance. They can go with the family or occasionally with the police.

Michelle asked about having a loop system in Room 24. Jon said that there is some exploration about a new sound system for events.

Guest Speaker: Jon Jennings asked the committee for feedback about the proposed draft for the manager's Disability Advisory Committee. His desire is to move the committee towards policy making and assistance with issues that can be brought before the city council. Jon noted that \$125,000 is in the current budget for a comprehensive study of the city's buildings and spaces to address ADA compliance. A study has not been done since 1993. The important aspect of the committee is to help inform the city about policies that will address issues that concern persons with disabilities. He has the authority to appoint members to the committee. He may add more people as time goes on but wants to move the city forward in this important area.

Jon is open for feedback and discussion regarding issues from the committee. In turn, he can bring them before the council. He wants the city to be compliant with the ADA regulations. The format of the committee to advocate and advise.

Members noted that perhaps there can be subcommittees and a listening committee who has a voice. Michelle noted that in Portland Oregon there is a law that all TVs in public places, including restaurants, must have captioning. Jon responded “thank you” – these are the types of issues that may affect residents.”

Jon will move ahead to establish the committee and determine its leadership.

Two last announcements were made before adjournment:

Jim stated that there would be a community forum related to space concerns and other related issues at Preble Street from 9:30-11:30. There would be breakout groups and all are invited to attend.

Gina told the group that the Maine State Human Rights Center has recently published information about service dogs and assistance (comfort dogs). She will get out information to the group for further review.

The meeting adjourned at 12 noon.

Respectfully submitted,

Karen B. McPhee
Parks, Recreation and Facilities Management

Please Note:

1. The HR position for Workplace Diversity and Inclusion Specialist is now posted on the city’s website. To view, go to <http://www.portlandmaine.gov/1107/Current-Job-Opportunities>
2. The Maine Human Rights Commission has two publications that address the use of service dogs as well as the distinction between a service dog and an assistance (comfort) dog. To view, go to <http://www.maine.gov/mhrc/guidance/SvcAnimalHousing.pdf>
<http://www.maine.gov/nhrc/guidance/serviceanimal.PA.pdf>