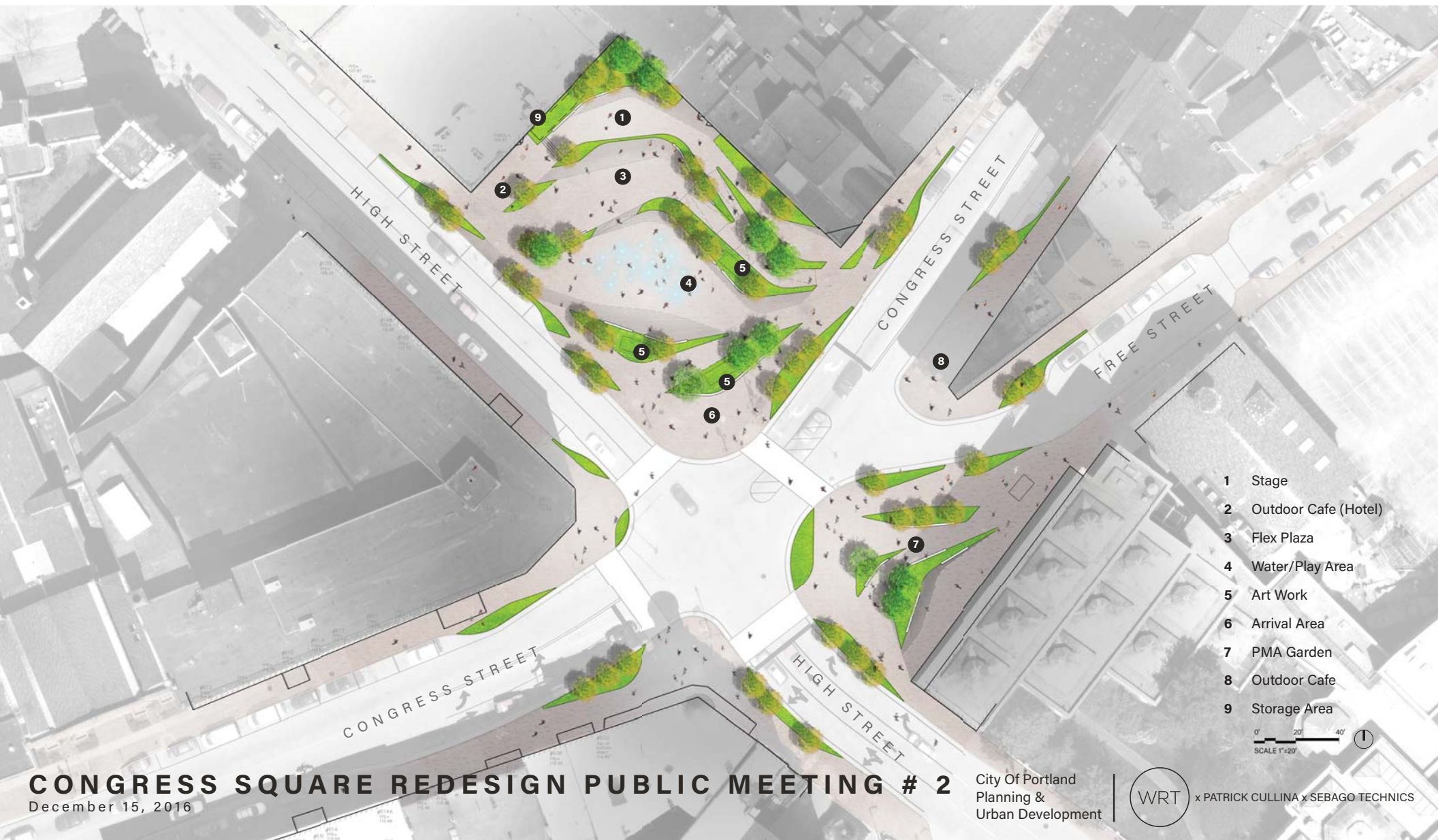


1. Portland Disability Advisory Committee

Documents:

[2017 WORKSHOP SHORT -CONGRESS SQUARE.PDF](#)
[PDAC NOTES 1.4.17 W GT REVISIONS.PDF](#)
[AD II 2015 MINI \(3\).PDF](#)

CONCEPT SITE PLAN



- 1 Stage
- 2 Outdoor Cafe (Hotel)
- 3 Flex Plaza
- 4 Water/Play Area
- 5 Art Work
- 6 Arrival Area
- 7 PMA Garden
- 8 Outdoor Cafe
- 9 Storage Area

0' 20' 40' 
SCALE 1"=20'

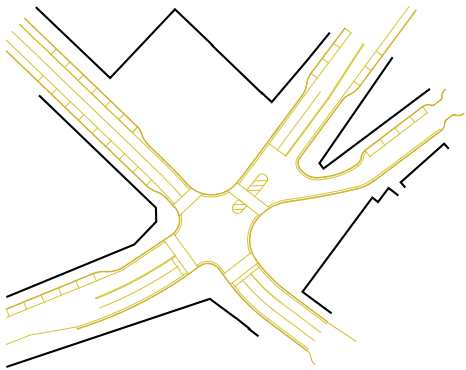
CONGRESS SQUARE REDESIGN PUBLIC MEETING # 2

December 15, 2016

City Of Portland
Planning &
Urban Development

 x PATRICK CULLINA x SEBAGO TECHNICS

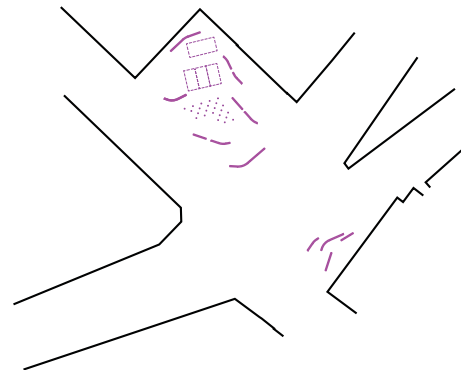
LAYERS



Roadway



Green Islands

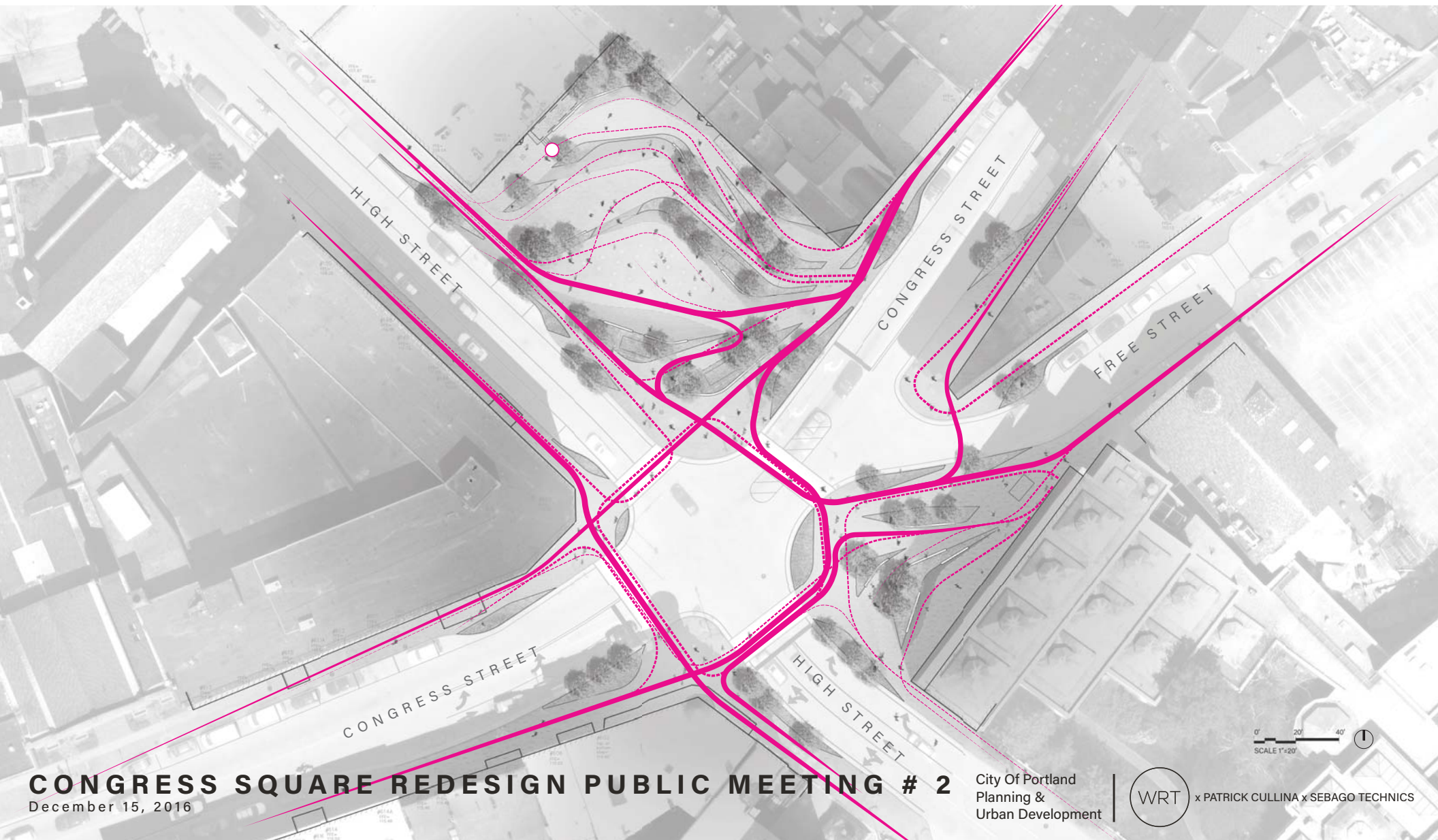


Seating+Space Planning



Canopy

CIRCULATION & ACCESSIBILITY



CONGRESS SQUARE REDESIGN PUBLIC MEETING # 2
December 15, 2016

City Of Portland
Planning &
Urban Development

WRT x PATRICK CULLINA x SEBAGO TECHNICS



CONGRESS SQUARE REDESIGN PUBLIC MEETING # 2

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City Of Portland
Planning &
Urban Development



x PATRICK CULLINA x SEBAGO TECHNICS



CONGRESS SQUARE REDESIGN PUBLIC MEETING # 2

December 15, 2016

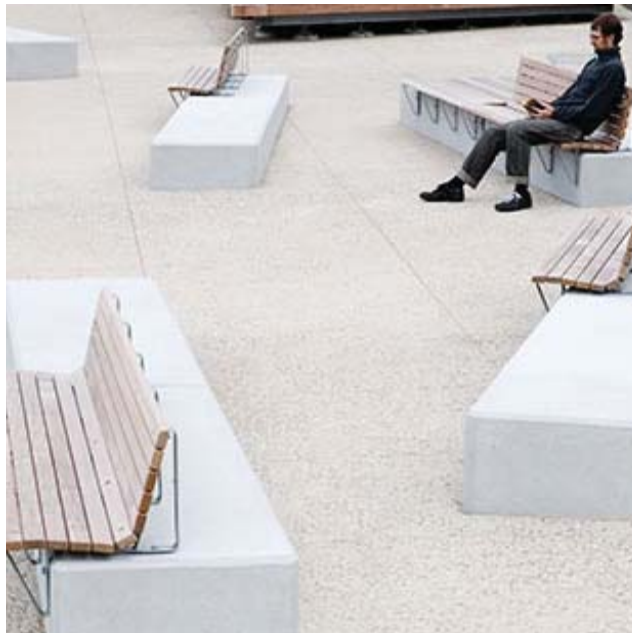
City Of Portland
Planning &
Urban Development



x PATRICK CULLINA x SEBAGO TECHNICS

ELEMENTS

Seating



ELEMENTS

Water Feature



Interactive Water Jets



Mist/Fog



Scrim Pool





**Portland Disability Advisory Committee
City Hall, Room 24
January 4, 2017
Meeting Notes**

Present: Rosanne Graef (West End Neighborhood Association, John Lemieux, Jim Devine and Tania Tonos (Homeless Voices for Justice), Caitlin Cameron (City Planning Department), Kayla Moore, Haley Pass and Guests (STRIVE), Michelle Ames (Disability Rights Maine), Lizette Belanger, Karen Perry, Jill Johanning (Alpha One), Bud Buzzell, Karen McPhee (Recreation), Gina Tapp (City Human Resources), and Jane Hecker Cain (Interpreter).

Speakers: Jill Johanning, Alpha One
ADA and Title II, Public Services

Caitlyn Cameron, Urban Designer, City Planning and Urban
Development Department
Congress Square Redesign Project

Gina Tapp, City Human Resources
Updates on Accessibility Proposal Process
Portland Disability Advisory Committee Re-organization
Martin Luther King Dinner Attendance Interest

Meeting Chair: Gina Tapp, City Human Resources Director

Meeting Notes

The meeting began with introductions for members of the group.

The meeting minutes for December 7, 2017 were approved. It was noted that Karen Perry was omitted from the list of attendees for that meeting.

Guest Speaker: Caitlin Cameron

Topic: Congress Square Redesign

Caitlin spoke to the group about the proposed redesign of Congress Square. Handouts were given for the Public Meeting #2 so that members could see what the design for the area looks like. There is a design team and an artist working with the Planning Department for the conceptual design of the space. These individuals have come to Portland to do some workshops and get input regarding their designs.

Caitlin came to the meeting today to give an overview of the project and to get feedback from the group about the space. The design will be on the city's website for people to look at.

- The vision of the space is to identify themes and create a space that will improve pedestrian ways that are in the center of the Arts District, as well as improve accessibility for a variety of users.
- Green space creation is important and the use of organic shapes and forms are part of the process as there should be a balance of hard and soft spaces.
- There will be no steps or barriers.
- The space will be open to users and accommodate events like dancing and movie nights.
- The space will have water features.
- The design team wants the space to be attractive even when events are not going on.

Questions from the group:

Bud: What is the start date?

Caitlin: I am not sure as the concept has to be confirmed by the city and then fundraising is needed to help the project move forward.

John: I have a concern about weather (snow) on the grades without steps. Maybe the design could have a step or two to avoid falling on snowy surfaces.

Caitlin: That is a good point.

Jim: There is a history and he is aware of it that accessing the space and the arts center for individuals who are homeless has created some issues due to the lack of available public bathrooms in the area. He wants the space to be open to all who wish to access it including the homeless.

Caitlyn: I appreciate the concern and want the space open to all. The goal is that all will feel welcomed in the space. The Friends Group is also concerned about the behaviors (e.g. urinating in public). Perhaps there may be some options for public bathrooms.

Tania: How will the space be integrated in First Night for the Arts?

Karen Perry: Peoples' comments on the new design that she has heard is that they are turned off and they have preconceptions but the park.

Caitlin: Why are they afraid?

Karen Perry: They feel that there is too much interference from the city in the planning process. They don't want it to go back. There are many people feeling this way.

Caitlin: Let's talk later to discuss this to get some more feedback.

Roseanne: Maybe some handholds to help on the grades with balance in bad weather might be helpful.

Jill: Can address the maintenance with whoever will maintain the grades.

Michelle: How can things be set up for the hearing impaired? What are the options? A running board or visual space to help with captioning?

John: This could be a design feature that is built in.

Rosanne: Captioned speech.

Bud: What about movies in the park?

Caitlin: Will check into it. Captioning can be turned on.

Karen P: Concerned about the size of the stage. Maybe it is too small.

Caitlin: Will look into this.

Bud: Are meetings open to the public (regarding the space)?

Caitlin: Yes.

Karen P: There was one on December 15. Maybe there will be another.

Caitlin: Said the team or she can come back to speak to the group with more reading materials.

Michelle: When will this happen?

Caitlin: The design team will be having a few meetings in the spring.

John: Is there a working budget?

Caitlin: Not sure. The price will be shared by the design team once established.

These will be a street design (for the intersection of Congress, Free and High Streets) and maybe the project will be set up in stages. The cost will be a million.

Jim: This is a long term effort. What is the Interim Plan?

Caitlin: Friends of Congress Park will keep things moving. The clock that is in the park will be moved but the site is not determined.

Roseanne: What about the restrooms? This is an issue that needs to be addressed as restaurants are not allowing the public to use theirs.

Karen P: There are concerns about the food trucks.

Caitlin: The Friends want the food trucks to have a presence in the park. The concerns might be noise and space. Parking may take place on the street near the park.

Karen P: People want food they can afford.

Caitlin: Any business can apply for outdoor dining. Anyone can apply, but they do not always get a permit. The city has the right to say no – it is a public space. There is a process for applications.

Jill Johanning presented an overview of the Americans with Disabilities Act (ADA) as it relates to Title II, Public Services. This was a presentation to help members understand the city responsibilities as a local government.

- There are five parts of the ADA:
 - o Title I – Employment
 - o Title II – Public Services (local government responsibilities)
 - o Title III – Public Accommodations
 - o Title IV – Telecommunications

o Title V – Miscellaneous Provisions

The ADA states that services must be non-discriminatory, have effective communication, provide program access, and equal employment.

There is no “grandfathering” under the ADA.

- Program access includes equal opportunity to be in programs
- Policies and protocols are advertised
- Accessible
- Modifications are reasonable and accommodations must be made including reading materials.
- Programs can involve relocation so that access is made. For example pools. Program activities need to be accessible and activities can be presented in another manner.
- Jill will make copies available through Karen McPhee when the notes are posted so that people will have information to review.
- Modifications – safety considerations are important so that all people are safe.
- An ADA coordinator is required by law when there are greater than 50 employees in public services.
- There is a person who is assigned to respond when a complaint about the ADA is made and this helps with compliance of the law.
- Anyone can file a complaint. (Note: Complaints can also be registered with the Department of Justice).
- Transition Plan: The city must have a plan to make programs accessible.
- Effective communication: Tape, Braille, interpretive services, help with filling out forms are part of the ADA under Title IV.
- Service Dogs: Service dogs and miniature ponies are considered service animals if they have had specific training to help the person with a disability. There is also related information about wheelchairs and other mobility devices.
- The town/city must show that it is making efforts for inclusion, access, and training to assist persons with disabilities. Policies must be non-discriminatory. Codes Department can be involved in “new construction” to be sure that compliance is in place with requirements for access. The Maine Human Rights Commission can be contacted by a person who has concerns

but it is a small organization with limited resources. The agency usually handles housing and employment issues, and prioritized needs.

- For further information about Title II, here is a link that you may find helpful: https://www.ada.gov//regs2010/titleII_2010/title_ii_primer.html
-

Gina:

- A committee has met to review bids by companies that put in a bid for the City's ADA Self-Assessment project.
- The selected group will look at the city's operations and access policies.
- This must be done in compliance with ADA regulations.
- The Purchasing Department is working on a letter for the city manager to sign. The survey is going to cover not just the physical access to City facilities (such as entrance doors), but also policies, and will include ways to get feedback from the public. This group will have an opportunity to meet with the company to share concerns.

Michelle: Movie theatres must offer closed captioning under equal access (ADA – Title III). There must be 4-6 hearing devices depending on facility size. This is a new update.

Gina:

- The HR Department is moving ahead with an application for interested individuals who would like to apply for the committee membership.
- The Martin Luther King Breakfast is now a dinner at the Holiday Inn by the Bay on January 16. If there are interested members, please let me know.
- Sherri Mitchell from Bangor, a Native American, will be the guest speaker and there will be presentation by the Phoenix Chorale.

Interested members who want to attend the dinner: Karen Perry, Bud Buzzell, Michelle Ames (who will sit with the interpreter's table), Lisette Belanger.

- Gina will meet with interested members at a reserved table. Gina will also send out details to those interested with the details of the event.

Karen P: Asked that acronyms be spelled out in the minutes.

New Business:

Jim – to share:

At the last meeting (December 7), Jim announced that on December 8, there was a meeting held at Preble Street to address service issues at Preble Street. Today he handed out a notice regarding a follow up meeting On January 5 at the Soup Kitchen at Preble Street.

Tania: There is a need for signage near Preble and Oxford Streets that alert drivers that there are individuals who are deaf and/or handicapped who are in the area. Bike riders who are deaf frequent that area (approximately 5 of them). Could a sign or signs be put up?

Gina: Storm cancellations for meetings. Check the city's web page for cancellations which will be in red. The next meeting is February 1 at 11 am.

The meeting adjourned at 12:15 pm.

Respectfully,

Karen McPhee

An aerial photograph showing the Washington Monument as a tall, grey, rectangular structure. To the left of the monument is a winding, dark blue lake surrounded by green grass and trees. A paved path leads from the bottom towards the base of the monument, where a group of people is gathered. The overall scene is a mix of natural and urban elements.

Americans with Disabilities Act

Title I – Employment

No Design Guidelines

Title II – State and Local Governments

New Construction and Alterations -

ADAAG

Existing Facilities – Program

Accessibility

Title III – Public Accommodations and Commercial Facilities

New Construction and Alterations -

ADAAG

Existing Facilities –

Readily Achievable Barrier Removal

Title IV and V – Telecommunications and Misc.

No Design Standards



TITLE II

- 1) General Nondiscrimination
- 2) Equally effective communication
- 3) Program Access
- 4) Employment



HISTORIC PRESERVATION (35.151(B)(3)/36.405)

No GRANDFATHERING

If it is not feasible to provide access to an historic property that will not **threaten or destroy the historic significance of the building or facility**, alternative methods of access shall be used to meet



TITLE II: PROGRAM ACCESS

EQUAL OPPORTUNITY
MUST BE PROVIDED
THROUGH
REASONABLE
MODIFICATIONS TO
POLICIES, PRACTICES,
AND PROCEDURES



PROGRAM ACCESS

Reasonable Modification of Policies and Procedures

Only “reasonable”
modifications are required.

Any modification that would
result in a “fundamental
alteration” -- a change in the
essential nature of the entity’s
programs or services -- is not
required.



PROGRAM ACCESS

Examples:

- relocate the program or activity to an accessible facility,
- provide the activity, service, or benefit in another manner that meets ADA requirements, or
- make modifications to the building or facility itself to provide accessibility.



MODIFICATIONS

Considerations:

Staff should assess whether he or she can provide the assistance that is needed without jeopardizing the safe operation of the public program or service.



ADA COORDINATOR

50 or more employees
(includes part time, not contractors)

Required to have

- a grievance procedure
- designate at least one employee to coordinate ADA compliance



ADA COORDINATOR

Familiar with the requirements of the ADA

To coordinate the government entity's efforts to comply with the ADA and investigate any complaints

The contact for individuals with disabilities

- to request auxiliary aids and services, policy modifications, and other accommodations
- to file a complaint



TRANSITION PLANS

The 1991 ADA required ALL public entities to evaluate ALL of their services, policies, and practices and to modify any that did not meet ADA requirements.

Not required again under 2010, but ENCOURAGED

EFFECTIVE COMMUNICATION

Auxiliary aids and services must be provided where necessary to ensure effective communication unless the aid or service would result in an undue financial and administrative burden.

Title II must give “primary consideration” to persons choice unless doing so would cause undue financial and administrative burdens.

Examples of auxiliary aids and services for people who are blind include:

- qualified readers,
- taped texts,
- audio recordings,
- Brailled materials,
- large print materials
- assistance filling out forms



COMMUNICATION ELEMENTS & FEATURES

The rules allow for flexibility in determining effective communication solutions.

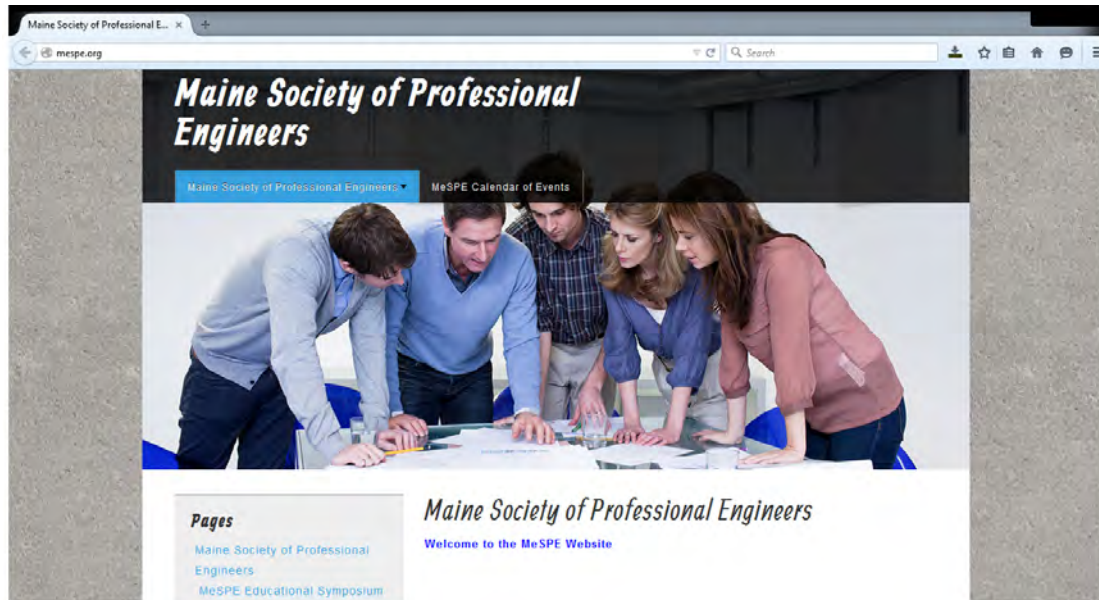
Goal:

To find a practical solution that fits the circumstances, taking into consideration the nature, length, and complexity of the communication as well as the person's normal method(s) of communication.





WEBSITE



Title II entities with inaccessible websites may comply with the ADA's requirement for access by providing an accessible alternative, such as a staffed telephone line, but the alternative must provide an equal degree of access in terms of hours of operations and range of information, options, and services available.

The Department of Justice has issued an advanced notice of proposed rulemaking for standards for making the services, programs, or activities offered by state and local governments to the public via the Web accessible.



LAWS in MAINE

Attitude:

Show good faith
that the municipality and
all employees are trying
to comply to make
the programs and services
accessible to ALL.

Plan for success,
and think ahead.

PLAN FOR SUCCESS

Local disability commissions or committees

Adopted a general ADA nondiscrimination policy, or specific policies on other ADA topics.

Staff also need instructions about how to access the auxiliary aids and services needed to communicate with people who have vision, hearing, or speech disabilities.



PLAN FOR SUCCESS

Training staff on the ADA

Conducting self-evaluations of the accessibility of policies, programs and facilities

Developing a transition plan to remove barriers to ensure ADA compliance

