

**ADA ACCESSIBILITY REVIEW BOARD
MINUTES
October 27, 2009
Human Relations Conference Room
10:15 A.M.**

Disclaimer: The ADA Accessibility Review Board is a citizen board volunteering their time to give necessary feedback on projects of the City which may have an impact on Title II of The American's with Disabilities Act. The intent of the review is not to evaluate complete compliance with an accessibility standard, but to ensure overall programmatic accessibility. The Board is not presented all the information and is not given sufficient time for a thorough review. The Board's review is merely cursory and should only be considered a recommendation of the Board. The Board recommendation should not be considered a certification that the project meets ADA standards. The Board only reviews the project based on The American's with Disabilities Act Accessibility Guidelines and other U.S. Access Board guidance and does not address any local codes, such as any building codes or fire and safety codes. Any conflicts in local codes should be addressed by the appropriate parties.

CALL TO ORDER

Vice Chairperson Aldinger called the meeting to order at 10:30 a.m.

Board members present: Sarah Aldinger, John Faundeen (via teleconference), Page Hudson, and Eric Kritzmire.

Board member(s) absent: Doug Hoy, Matt Cain, and Dennis Theel

Staff present: Colwill and Garry

Guests present: Randy Bartunek, Director of Community Development & Public Parking Facilities and Gail Eiesland, Chief Assistant City Attorney.

APPROVAL OF MINUTES

Hudson moved to approve the minutes from the September 29, 2009, meeting. Kritzmire seconded. Motion passed by unanimous vote.

UNFINISHED BUSINESS

No unfinished business to discuss. Next meeting we can review the pictures from the renovations at the Orpheum.

NEW BUSINESS

Downtown Accessible Parking - Randy Bartunek

A Parking Board member approached Bartunek who was contacted by a downtown merchant about individuals who have accessible parking hang tags that park in metered spaces all day and is taking the space away from a potential customer.

Bartunek would like this Board's opinion on how to handle these kinds of situations. He received a policy from the City of St. Louis that issues parking permits for individuals with disabilities who can't handle coins to put in the parking meter that would allow them to park at a meter and still pay.

Colwill clarified that the issue is not regarding the designated accessible parking spaces, but those individuals who park at a meter with their accessible license plate or hang tag and are allowed by current interpretation of state law to park at a meter without having to put money in the meter. So the question is do we continue with the current policy or do we want to establish a new policy.

Aldinger wanted to know how many accessible spaces are downtown. Colwill speculated that there is probably one on each side per block and on the side streets. The only concern about the accessible spaces is if those currently parking in the metered spaces are no longer allowed to park for free, would they take over the designated accessible spaces.

Bartunek believes the current policy encourages people to get accessible parking hang tags so they can avoid paying for parking. He said there were thirteen vehicles on Dakota between Ninth and Tenth Streets with licenses or hang tags and only few had money in the meter. There is another area downtown with a similar number. These are employees of businesses located in these areas.

Faundeen wanted to know if the City would establish a length of time to allow those with hang tags to park at a meter without paying. Faundeen feels a time limit should be used before going with the permits. Bartunek said 2.5 hours is the most time on a meter downtown on Phillips Avenue. They wouldn't want anything longer or it would make it easier for employees to regularly feed the meter and remain in the same space all day. He also said individuals with accessible parking permits can't be limited to how long they can park in the space.

Colwill asked if what Bartunek was asking for was for individuals with a disability who would have trouble handling coins and who would frequently park downtown be required to purchase a permit from the City to allow them to park at a meter and the permit would cover the meter fee. Colwill doesn't see that the ADA requires that people with accessible parking hang tags be allowed to park for free.

There is no time limit for the designated accessible parking spaces.

Eiesland stated that there has been controversy in the jurisdictions where they have attempted to have those with accessible parking permits who park without paying be required to pay for leased and metered parking.

Bartunek reported on an instance when a car with the hang tag was parked at the meter but the adjacent parking ramp's accessible space was empty. He feels the reason the person was not parked on the ramp vs. the metered space was because they would have to pay to park on the ramp.

The Board also needs to consider employees who need an accommodation to park and with no lots in the vicinity are parking at the meters because they are nearest to the entrance where they work. Bartunek asked if part of the reasonable accommodation would be the employer would pay for the permit for the employee to park at the meter. This would require looking into.

Eiesland said we should contact the state of Nevada because they require people with accessible parking permits to pay for metered parking and leased spaces.

Colwill feels the state statute that doesn't allow for a time limit for accessible parking permits wasn't meant to allow unlimited parking but to allow a person with a disability enough time to take care of their business as they may take longer than someone without a disability and shouldn't be fined for that.

Aldinger wanted to know what was expected of the Board. Bartunek wants to know if this is something he should pursue. It didn't appear that anyone has any strong opposition for City staff to look into this further. Faundeen isn't in favor of charging a fee for a special permit for individuals with accessible parking permits to park at metered parking, though he is fine with further research.

Bartunek will continue the research by contacting some of the jurisdictions to see what they've experienced. The Board should consider contacting individuals or organizations connected with individuals with disabilities in these jurisdictions to see how these policies are working for them.

Faundeen asked if it would be feasible to send a letter to Sioux Falls residents who use an accessible parking hang tag to notify them of current policy. This can be looked into if we think it will help resolve the issue.

Heads up

Developers have asked if the City would allow that sidewalks that aren't interconnected or on an accessible route to post a sign that states 'no winter maintenance' and then not be required to do snow removal. This can be discussed further at a future meeting.

City Council & IBC

Aldinger asked if the rumor about the City Council resisting adopting the proposed changes to the IBC regarding Type A dwellings is true and if it is, is there something this Board can do to encourage them to reconsider. Colwill stated that the PVA offered their support of the amendments and would be there when it is presented to the Council, but is unsure when that will be on the Council's agenda.

Public Comment

No public comment

ADJOURNMENT

Having no further business, Hudson moved to adjourn; Kritzmire seconded and with all in favor the meeting was adjourned at 11:00 a.m.

Respectfully submitted by Carol Garry