



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Meeting Minutes - Approved COMMISSION ON PEOPLE WITH DISABILITIES

Thursday, December 20, 2007

4:30 PM

210 Martin Luther King Jr Blvd, Rm GR-27
City-County Building

PLEASE NOTE THE NEW LOCATION: Accessible entrance (automatic door opener, and drop off zone) on Wilson Street. Closest entrance to GR 27 on Carroll Street.

These minutes are draft until approved at a subsequent meeting of the Commission on People with Disabilities.

1. CALL TO ORDER / ROLL CALL

Chair Kathman called the meeting to order at 4:35 PM

Present: 8 -

Nancy R. Kathman; Paul E. Skidmore; Mary P. Conroy; Robert P. Monahan; Randy G. Black; Alice J. Fike; William J. Tangney and Marie I. VandeBerg

Absent: 1 -

Ken W. Pritchard

Excused: 1 -

Gregory B. Banks

Staff: Bennett, Nuñez

2. APPROVAL OF MINUTES

A motion was made by Black, seconded by Skidmore, to Approve the Minutes . The motion passed by voice vote/other.

3. PUBLIC COMMENT

There was no public comment.

A motion was made by Skidmore, seconded by Conroy, to take Item 12 out of order. The motion passed by voice vote/other.

PRESENTATIONS

12. [08491](#) Equal Opportunities Division (EOD) Presentation on Service Animals

Eric Kestin, Equal Opportunity Investigator/Conciliator 2

Kestin presented the following to the Commission:

- (1) An EOD (Equal Opportunities Division) activity overview, including enforcing non-discrimination, making presentations, giving trainings to businesses in Madison, and holding hearings in cases of discrimination for the members of protected classes (over 20) who live in Madison.**
- (2) That**
 - (a) service animals can be called companion or working animals;**
 - (b) there are no requirements that the animal be (i) identified as a service animal, or (ii) licensed or certified;**
 - (c) business owners can ask if the animal is necessary because the person has a disability, but cannot ask what the disability is;**
 - (d) the service animal must be allowed to go anywhere in the business that is open to the public;**
 - (e) if the animal is a danger, or acts like a pet, and is out of control, the business can ask that the animal be removed, but then must accommodate the person in another way to access their services;**
 - (f) the business must make the determination on a case by case basis, and at each interaction, and the business cannot expel the animal permanently;**
 - (g) the business is not responsible for the service animal, unless it provides the service for all animals;**
 - (h) businesses cannot charge a deposit or extra charge on the service/working animal, but may charge for damage if they charge other people who do not have service animals for damage;**
 - (i) other people's discomfort is not a reason for excluding the service animal, although the business can say that the animal is a service animal if questioned by another patron;**
 - (j) if a person does not look like a person with a disability, but has a service animal, then a business must assume the sincerity of the customer when he/she says that the animal is a service animal.**

Kestin also discussed complaints as follows:

- (a) A person can file a complaint with the EOD when the animal was excluded from an entity if the person is a person with a disability, the animal helps the person in some way, and the animal has been trained to be reasonably obedient.**
- (b) The EOD has received complaints regarding service dogs. They have had 10 cases with more and more people becoming aware of their rights, and thus filing more and more complaints.**

The Commissioners asked the following questions:

- (1) Would it be helpful for the animal to be marked in some way, to help with identification? Kestin responded that (a) it would be difficult to prevent fraud, as individuals could copy the marking; and (b) it would put an additional burden on the person with a disability.**
- (2) If animal had to be removed, who is responsible for the animal? Kestin responded that the person with the disability would have to remove the animal.**

Tangney stated that he (i) wanted to be on record as being in favor of marking on the animal, (ii) thought that a person in attendance for a person with a disability should not be charged admission.

Black reported that, outside of Madison, he was asked to sit in a particular area of a restaurant with his service dog, so as not to disturb the other patrons. Kestin stated that if happened in Madison, he could file a complaint with EOD. (3) If there is just a call, but no complaint filed with EOD, does the EOD follow up? Kestin stated that the EOD will not call the business.

Monahan asked if the EOD could discuss physical access as it relates to the age of commercial buildings at a future time. Kestin stated that the EOD would present or find a suitable presenter.

Mr. Kestin's contact information is: General office: 608-266-4910; Direct line: 608-266-4873.

REPORTS

4. [08116](#) Report from the Department of Civil Rights

For information only. No action required. Lucía Nuñez, Director, Department of Civil Rights, and Angela Bennett, Disability Rights and Services Program Coordinator: Actions taken since the last meeting. 10 minutes

Staff person Bennett made the report as follows:

- (1) The mayor's office political liaison, Mendoza, has asked that the CPD postpone action on the tax exemption for low income housing providers until after the language has been drafted and introduced.
- (2) The review of City hiring practices will be completed this month.
- (3) The DCR director is attending a meeting on snow-related issues. Staff asked the Commissioners to inform her if they were aware of any snow-related problems.

5. [08487](#) Report from the Chairperson of the Commission on People with Disabilities

For information only. No action required. Nancy Kathman: Actions taken since the last meeting. (3 minutes)

Kathman reported that the CPD discussed the following:

- (1) The property tax exemption for low-income housing providers.
- (2) Meeting ground rules.
- (3) Accessible housing goals: (a) with limited staff availability for public forums, (b) perhaps with a presentation from a neighborhood association member that has dealt with affordable housing development.
- (4) Automark presentation.

6. [08121](#) Report from the Executive Committee

For information only. No action required. Alice Fike: Actions taken since the last meeting. (3 minutes)

Fike reported on the content discussed in Item 5.

7. [08122](#) Report from the Parking Council for People with Disabilities

For information only. No action required. Mary Conroy: Actions taken since the last meeting. 3 minutes

Conroy stated that she could not be there; Tangney reported that there was no meeting because of lack of quorum.

8. [08489](#) Report from the ADA Transitt Subcommittee--For information only. No action required.

William Tangney: Actions taken since the last meeting. (3 minutes)

Tangney reported that the Subcommittee held their November and December meetings on the same date, before the Common Council approved his appointment, so he had no report. His first meeting will be in January.

9. [08125](#) Report from the Common Council

For information only. No action required. Ald. Skidmore: Actions taken since the last meeting. 3 minutes

Skidmore had nothing to report.

UNFINISHED BUSINESS

10. [08150](#) Accessible Housing Goal

Attachments: [Property Tax Exemption.pdf](#)
[Proposed Changes to Sec. 70.11.pdf](#)
[Mayor's Non-Profit Housing Tax Exemption correspondence.pdf](#)
[The War to Remain Tax Exempt.pdf](#)
[New Houses Build w Changes for Tomorrow.pdf](#)
[Summary of Accessible Housing Presentations.pdf](#)

Staff report: See DCR Report above.

Conroy reported:

- (1) There is a tape of S. Levine, the keynote speaker of the Mayor's Accessible housing conference.
- (2) He spoke about housing needs, and how he had to move from the residence

that he had to one that was accessible.

(3) There was discussion about policy, increasing the awareness of builders about the issue, and a summary of state laws.

(4) There were speakers at the conference that the CPD has heard already. Conroy suggested that Mr. Levine should be invited to be a presenter to the CPD.

Fike reported:

(1) In remodeling, some minor changes cost less than \$500.

(2) A housing unit does not have to be 100% accessible. It is possible to make floor plans accessible, with the bathroom and bedroom on the first floor, other members of the household can live upstairs, but the person with the disability is included in the family.

(3) Making houses visitable decreases isolation of people with disabilities.

(4) There was a discussion of a tax credit to entice builders to put in accessibility features.

(5) For those that have hearing loss, an open floor plan helps them be included because they can see what is happening, even if the person cannot hear.

Kathman stated:

(1) The CPD could continue to work on the ideas from the conference.

(2) The Milwaukee housing development representative discussed making the housing developments attractive, as well as accessible.

11. [08298](#)

2007-2008 CPD Meeting Ground Rules

Attachments: [2007-2008 CPD Meeting Ground Rules.pdf](#)
[Standing Rules of the Common Council.pdf](#)

The Commission briefly discussed asking the Common Council to make rules for committees and commissions.

The Commission discussed the following:

(1) having only six short ground rules,

(2) adopting Robert's Rules in general

(3) not adopting the rules from the Common Council,

(4) waiving the two or three minute limit for those who need interpretation, or have difficulty speaking,

(5) limiting the length of speaking time for members,

(6) having the public speak for 5 minutes at a noticed public hearing, and 3 minutes for public comment in a regular meeting,

(7) limiting discussions of items not on the agenda to the following: (a) discussing an item during public comment, (b) the commission placing an item on a future agenda, (c) not take action on the item during the meeting where it was not on the agenda.

A motion was made by Monahan, seconded by Skidmore, to Approve with Amendment(s) changing Rule 2 from 2 to 3 minutes, with the current statement about accommodations included. The motion passed by voice vote/other.

13. **NEW BUSINESS/FUTURE AGENDA ITEMS**

The Commissioners put the following on future agendas:
Snow removal: tips from staff; ask Al Shumacher to attend
Access to commercial buildings—EOD to expand presentation to general
access questions

14. **ANNOUNCEMENTS OF COMMUNITY EVENTS--For information only. No action required.**

Location of CPD Meetings: Beginning in February 2008, Full Commission meeting will be held in Room 103a, City-County Building (CCB)

CDP Exec. meeting: January 7, LL120, Madison Municipal Building (MMB)

Minority Affairs Committee: Celebrates Black History: January 9, 12-1:00 PM
Monona Terrace Lecture Hall

15. **ADJOURNMENT**

At 6:10, the meeting adjourned.

A motion was made by Fike, seconded by Black, to Adjourn . The motion passed by voice vote/other.