

**Wichita/Sedgwick County Access Advisory Board**  
**Wednesday, September 23<sup>rd</sup>, 2020**  
**Webex Conference Call System**  
**10:00 – 11:30 a.m.**

**Voting Members Present**

Brian Powers	Craig Perbeck	Crissy Magee	Dave Calvert
Chris Rea	Clark Stevens	Lisa Vayda	Michael Fowler
Dee Nighswonger	Dorsha Kirksey	Sean Beebe	Kate Bergamasco
Michelle Pryor	Nancy Duling	Raven Alexander	Rick Rader
Sanford Alexander	Brian Coon	Tricia Thomas	

**Voting Members Absent**

Brian Held	David Pracht	Dr. David Waldie	Randy Roebuck
Ronald Tracy	Steven Walters	Dr. Elvia Barraza	Ed Koon
Grady Landrum	Jayne Otis	Gary Janzen	Tiffany Nickle

**City/County Staff Present (Non-Voting Members)**

Jay Hinkel	Migwi Karugu	Taben Azad	Paul Gunzelman
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I. Welcome, Announcements & Introductions – Brian Powers  
Brian opened the meeting by welcoming all in attendance. All in attendance introduced themselves and which organization, city council, or county commissioner they represent.

II. Meeting Minutes  
A. August 2020 meeting minutes.  
Dorsha Kirksey made motion to approve the minutes, seconded by Nancy Duling.  
Passed unanimously

III. Committee Updates  
A. Transit  
Dorsha Kirksey: Last meeting, went over status of items from previous meeting. Presentation from Downtown Streets project, which is moving along. Looking at virtual engagement, information is online for project webpage. September 28<sup>th</sup> there will be a virtual town hall. Director working on a presentation for parking in downtown area. Q-Line, they have received 5 out of 7 electric shuttles, a few to be used in WSU. Restricted hours in Oldtown has had an impact for demand of services. Working on a scooter deal, there is a pilot for Veo ride scooters to be extended for six months.

Brian Powers: Were there any issues with the scooters in regards to injuries?

Dorsha Kirksey: No that wasn't discussed. Just mainly a discussion of contracts and pilots. Those of us with a safety issue concern will just have to continue to make that known.

Jay Hinkel: Scooters don't have any bells or horns on them.

B. Building

N/A

IV. New Business

A. Mask Ordinance

Sanford Alexander: Businesses aren't following list of exemptions, mainly the medical, mental or physical disability. We are concerned with behaviors in the community. Several instances to have communication with businesses that we've had problems with.

Brian Coon: The City is not the HR department for businesses.

Brian Powers: At our last meeting, Gary and Jay spoke on this.

Jay Hinkel: I don't see a clarifying letter. Hard for me to comment. Generally speaking, I agree with the position. The issue is that the city is not well positioned, because it is a politically charged entity, it is run by elected officials.

Sanford Alexander: We have a copy of letter. County communication has the intent that you should wear a mask if you can. A very similar issue to the service animal conversation.

Sean Beebe: Can the letter be read out loud?

Brian Coon proceeded to read the letter

Jay Hinkel: The current letter tells business the same introductory information. Issues I have with the proposed letter: under 2C. The City Manager, in my opinion, is not going to put himself in this position to state this. Maybe word differently or remove. Under Store Policies, I question the whole concept. My comments are for discussion and am open to whatever the Board's action is.

Sanford Alexander: I agree with what Jay is saying. The public is dealing with a lot of psychological issues on this issue.

Brian Coon: Removed and addressed some of issues that Jay mentioned.

Jay Hinkel: There is validity that signage should be portrayed that state that exemptions exist.

Craig Perbeck: What is purpose of Access Advisory Board in this process?

Sanford Alexander: We are asking Board to do is to encourage City and County is to be consistent.

Brian Coon: Intent is to send letter out to businesses that have been identified to have an issue with the ordinance.

Jay Hinkel: Might consider to send this to the County Manager as the City Manager is mentioned in here.

David Calvert: The ordinance exempts persons in addition to persons with disabilities. Under the ADA persons with disabilities may not be asked for proof of the disability. However, if they have a medical condition that is not a disability, it might be that they may ask for proof of that.

Brian Powers: Can we state in the letter the “why” for businesses who might be questioning the reasoning behind it.

Brian Coon: The letter might be more used as a reference that someone can take to a business in the situation that they run into an issue.

Lisa Vayda: I don't feel comfortable without a cover letter to this, personally.

Brian Coon: This letter by just the City Manager would address the majority of issues, but then later we can work on an additional document. This letter is very clear with what is allowed.

Craig Perbeck: My understanding is that anything that we send over, is a recommendation to the City or County.

David Calvert made a motion that this letter be provided to the City Attorney for legal approval and then to the City Manager for his signature with whatever legal recommendations the City Attorney has.

Dorsha Kirksey seconded the motion. Passed unanimously.

**A copy of the letter is attached at the end of the meeting minutes**

B. Orchard Park

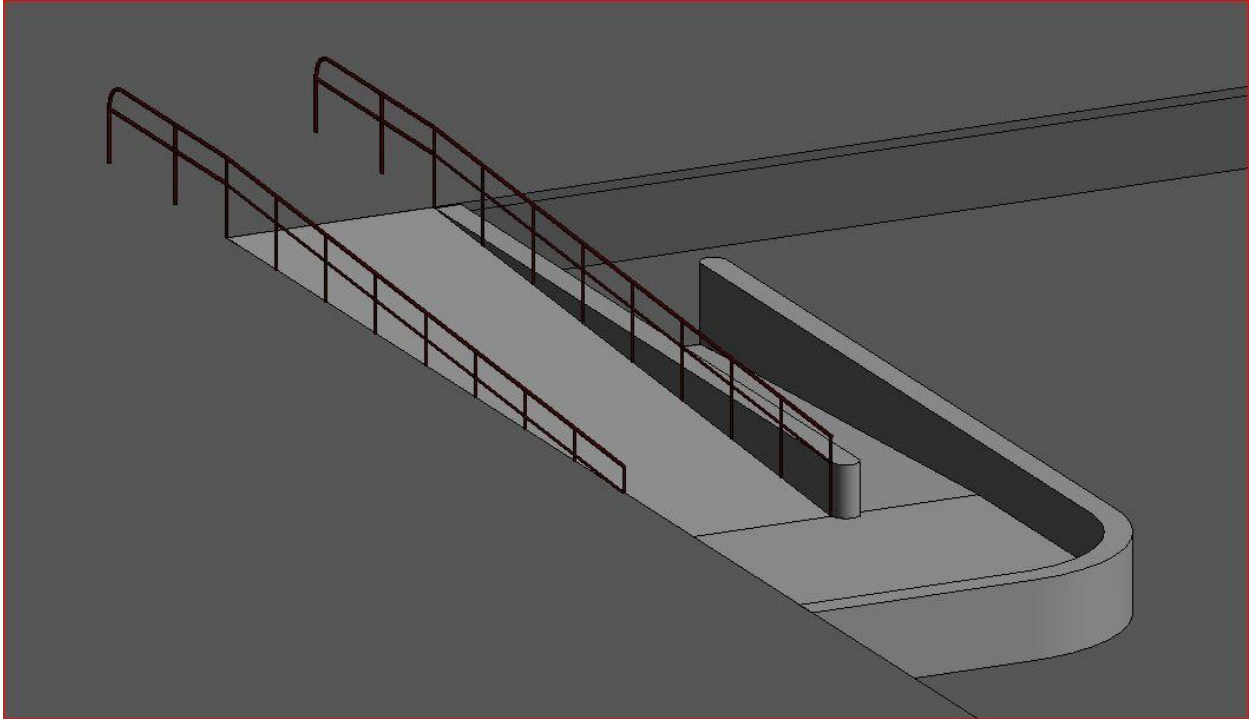
Brian Powers: There was an issue with railings at the Orchard Park construction on a ramp.

Jay Hinkel: The design of the pool was compliant. We're intending to create an amenity and make it more ADA user-friendly. The issue was putting the railings at a distance higher than required by ADA.

Brian Powers: Is there anything that we need to act upon for this?

Jay Hinkel: No, that was the purpose of the subcommittee.

**A visual design is attached below of the pool**



V. Old Business  
N/A

VI. Public Comments

Lisa Vayda: September 30<sup>th</sup> is Limb Girdle Muscular Dystrophy Awareness Day.

Trisha Thomas: A quick update from WAMPO, next Friday, October 2nd we are hosting an informational workshop to kick off the 2020 call for 5310 paratransit funding. Please visit [www.wampo.org/paratransit](http://www.wampo.org/paratransit) for more information. Or email me! [tricia.thomas@wampo.org](mailto:tricia.thomas@wampo.org)

Craig Perbeck: Any conversation about the braille plaque at Nafzger Park? If not, I'll follow up on that.

VII. Adjourn

The next meeting of the Wichita/Sedgwick County Access Advisory Board is scheduled for Wednesday, October 28<sup>th</sup> on a virtual meeting platform.

September 23, 2020

Dear Business Owner:

In an effort to reduce the transmission of the COVID-19 virus, the City of Wichita issued a municipal ordinance requiring the wearing of a face covering under certain conditions. To comply with the Americans with Disabilities Act (ADA), the ordinance contains specific exemptions for individuals if they have "a medical condition, mental health condition, or disability that prevents their wearing a face covering" (herein, "exempted individual(s)"). Accordingly, there are several important things to know about the City's face covering ordinance and these exemptions:

- 1) **When Face Coverings Are Required.** Wichita's municipal ordinance DOES NOT REQUIRE the wholesale wearing of face coverings, but only when adequate social distancing cannot be maintained. For the public, the Wichita ordinance only requires wearing a face covering when:
  - a. inside any indoor public space **where six-foot social distancing at all times is not possible;**
  - b. in line or waiting to enter an indoor public space;
  - c. obtaining healthcare services;
  - d. waiting for or riding on public transportation (including ride-share services); and
  - e. outside and unable to maintain six-foot social distancing with only infrequent or incidental moments of closer proximity.
- 2) **Enforcement.** Neither a business nor its employees have the authority to enforce violations of the face coverings ordinance. Any attempt to do so is done so at their own risk.
  - a. If there is an immediate hazard to life or property, please call 911.
  - b. An exempted individual is not an immediate hazard for simply not wearing a face covering.
  - c. An exempted individual is not acting illegally by not wearing a face covering.
- 3) **Store Policies.** Store or corporate policies, rules, guidelines, procedures, signage, or otherwise, requiring exempted individual(s) to wear face coverings is not supported by ordinance. **Signage stating that face coverings are required without exemption or exception should be removed.** Exempted individuals are NOT REQUIRED to provide the business proof of the disability.

Respectfully,

Robert Layton  
City Manager