

Memorandum

from

Office of Human Rights

To: Board of County Commissioners

From: Paul Valenti, Director of Human Rights 

CC: Robert LaSala, County Administrator
Jim L. Bennett, County Attorney
Carl Harness, Assistant County Administrator
Tim Burns, Director of Consumer Affairs & Justice
Michelle Wallace, Sr. Assistant County Attorney
Carl Brody, Sr. Assistant County Attorney

Date: August 17, 2012

Re: Proposed Ordinance Requiring ADA Signage for Self-Serve Gas Stations

Background:

I previously provided the Board of County Commissioners several memoranda summarizing the genesis of this proposed ordinance, as well as its substantive provisions as originally drafted.

On July 24, 2012, the proposed ordinance was the subject of public hearing and consideration by the Board. At that time, members of the Board, as well as members of the public, raised several questions and concerns. Staff was instructed to revise the proposed ordinance to address the same.

Staff met with those members of the public present at the public hearing on July 24, 2012, spoke with the point person on this issue for gas retailers, and assessed the comments and questions of the Board. Synthesizing this input to achieve the greatest common ground, a revised ordinance – including a “red-lined” or “marked-up” version indicating the proposed changes from the original - has been provided to you by County Attorney Bennett.

To facilitate the Board’s consideration of the revised ordinance, I will highlight the substantive changes in the proposed ordinance now before you. In those instances

where there was not agreement on the proposed changes among the members of the public in attendance at the public hearing on July 24, 2012, and the point person on this issue for gas retailers, I will identify and summarize for the Board the competing points-of-view raised¹.

Summary of Substantive Changes

Section 2(a) has been revised to strike the word "Voluntary" from the definition of "Assurance of Voluntary Compliance"

No objection has been raised to this proposed change.

Section 4(a) has been revised to require the signage mandated by the ordinance to read that in addition to obtaining assistance by calling a working number inside the station, a person may also obtain assistance by honking or signaling.

This proposed change reflects the input received from Ms. Angel Watson at the public hearing on July 24, 2012. Obviously, therefore, she supports this change.

As the ADA currently requires gas retailers to provide assistance to persons with disabilities upon honking or signaling², staff had no objection to this proposed change – hence its inclusion.

Mr. Ben Ritter and Rev. Robert Swick, who were also present at the public hearing on July 24, 2012, object to this change. They stated the additional language is redundant to the obligation to render assistance upon honking or signaling which already exists under the ADA. They also suggested that incorporating this language would render the ordinance (and the signage mandated by the ordinance) inconsistent with similar ordinances passed in sister counties, which they hope will serve as a model for statewide legislation. They believe having uniformity amongst such ordinances adopted by various counties throughout Florida will enhance the chance for success of statewide legislation.

Mr. Bill Mitchell, CEO of Rally Stores and the point person on this issue for gas retailers, also objects to this proposed change. As with Mr. Ritter and Rev.

¹ I have made every effort to fairly and objectively summarize the input received on the proposed changes to the ordinance before you. It is likely that one or more of those persons who provided comments to the proposed revisions to the ordinance will speak before the Board at the public hearing on August 21st.

² The ADA requires assistance to be provided only when the gas retailer has two or more staff persons on duty. Nothing in the proposed ordinance changes this minimum staffing requirement.

Swick, Mr. Mitchell suggests the inclusion of this language is redundant to the obligations which already exist under the ADA.

Section 4(a) has also been revised to require the signage mandated by the ordinance to read "Complaints? Contact the Pinellas County Office of Human Rights."

This proposed change also reflects input received from Ms. Watson at the public hearing on July 24, 2012 – though she suggested an actual phone number for the Pinellas County Office of Human Rights be provided.

Mr. Ritter and Rev. Swick object to inclusion of this language. As with the requirement that the mandated signs include language regarding "honking" or "signaling", they are concerned that adding this language would render the ordinance (and the signage mandated by the ordinance) inconsistent with similar ordinances passed in sister counties, which they hope will serve as a model for statewide legislation. They also note that gas pumps are currently mandated to have a sticker from the State Department of Agriculture which contains a phone number members of the public can call with complaints.

Mr. Mitchell also objects to this change.

Staff believes there is a benefit to advising members of the public of the appropriate agency to contact if assistance is not provided to persons with disabilities. We believe, however, that providing a specific number is ill-advised, primarily because the phone number to the Pinellas County Office of Human Rights has changed in the past, and may again change in the future.

As a result of the two changes to the signage mandated by the proposed ordinance referenced above, Section 4(a) has also been changed to require the mandated signage be twenty-five (25" sq.) square inches in size.

Staff recommends the size of the mandated signage be increased from fifteen (15" sq.) square inches to twenty-five (25" sq.) square inches in size to insure visibility of the additional wording now proposed.

Ms. Watson has no objections to this proposed change. I believe she would also be comfortable with keeping the original size of the mandated sign if this is the Board's desire.

Mr. Ritter and Rev. Swick object to this proposed change as well. They believe the size of the sign mandated by the ordinance should be consistent with ordinances passed in sister counties, for the reasons previously indicated.

Mr. Mitchell also objects to this proposed change. He indicated that a larger sign may prove difficult to locate on a gas pump given other signage in place, and given the increased prevalence of digital and/or video screens on gas pumps. If this change were to be adopted, however, he would ask the Board consider allowing gas retailers the option of placing the mandated sign on the pump – if feasible – or on canopy support columns.

While staff recommends the twenty-five (25" sq.) square inch signs, we note that the interested parties appear to agree that a sign that is fifteen (15" sq.) square inches in size is acceptable, and would not object to the adoption of this standard should the Board desire.

To assist the Board, attached as Exhibit A are mock-up examples of what a (15" sq.) square inch and twenty-five (25" sq.) square inch sign might look like.

Finally, Section 4(a) has been changed to provide that the height of the signage mandated by the ordinance be located between 48" and 54" to the baseline of the character of the text of the sign.

This proposed change also reflects input received from Ms. Watson at the public hearing on July 24, 2012.

Staff worked with Ms. Watson, Mr. Ritter, and Rev. Swick to arrive at this height requirement. We measured this height in their presence, and it met with their approval. We believe this is an appropriate change.

Mr. Ritter and Rev. Swick were present when we measured this height requirement, and I do not believe they object to this proposed change.

I do not believe Mr. Mitchell objects to this height requirement either, but again suggests that the Board consider allowing gas retailers the option of placing the mandated sign on the pump – if feasible – or on canopy support columns.

Section 8(c) has been revised to indicate that the responsibility for reducing any complaints arising under the ordinance to writing belongs with staff at the Pinellas County Office of Human Rights.

This proposed change also reflects input received from Ms. Watson at the public hearing on July 24, 2012.

Staff understands that some persons with disabilities may have difficulty in the physical act of preparing a written complaint, as well as insuring the necessary information which should be contained within a written complaint is provided. We believe it appropriate that the Pinellas County Office of Human Rights be responsible for developing the format and content of complaints which may be filed under the proposed ordinance.

There have been no objections to this proposed revision.

Finally, staff has received various written comments to the proposed ordinance. For the Board's convenience and review, they are attached to this memo as follows:

- Exhibit B - Comments from Ms. Watson (including an electronic version of a letter from Mr. Wayne Webber, President of the Florida Gulf Coast Paralyzed Veterans of America in support of the revisions recommended by staff);
- Exhibit C - Comments from Mr. Ritter and Rev. Swick;
- Exhibit D - Comments from Mr. Mitchell (Mr. Mitchell has indicated he may also send the Board more formal correspondence – not in my possession as of the writing of this memorandum. He may also be present at the public hearing on August 21, 2012); and
- Exhibit E - Other comments from the public.

A copy of this memorandum will be provided as a courtesy to Ms. Watson, Mr. Ritter, Rev. Swick, and Mr. Mitchell.

I thank you for your continued attention to this matter, and remain available at 464-4882 should you have questions.

Exhibit A

Assistance Available –
Honk, Signal, or Call 727-555-HELP



Complaints? Contact the Pinellas
County Office of Human Rights

Assistance Available - Honk,
Signal, or Call 727-555-HELP



Complaints? Contact the Pinellas
County Office of Human Rights

Exhibit B

Valenti, Paul V

From: lccpraise@aol.com
Sent: Tuesday, August 14, 2012 3:44 PM
To: Jmarroni@pinellascounty.org; Brickfield, Neil; Roche, Norm; Bostock, Nancy; Latvala, Susan; Seel, Karen; Welch, Kenneth
Subject: Gas Pumping Assistance

Dear County Commissioners,

Your Staff did a wonderful job on the Recommendations they will present to you on the 21st. Please accept their recommendations, with my thanks for all their good work. I met with Tim Burns, Paul Valenti, an Attorney for the Commission, Ben Ritter and Bob Swick after public comment at your request.

The Staff Recommendations reflect the dedication they have to develop a better Ordinance for Pinellas County Residents than Hillsborough or any other county in the State. I believe we have now set the bar for future State legislation!

I would have preferred a local compliance number, but do understand the number might change, so Staff is recommending: "Complaints? Contact Pinellas County Office of Human Rights."

They will present mock ups of the 15" sign option and a 25" sign (total square inches, not height/width) I don't have a preference, whatever looks good to you.

In Pinellas, we did it once and we did it right - we will serve more people and have better enforcement in our Gas Pumping Assistance for Persons with Disabilities Ordinance. I am proud of my local government- this is why I live in Pinellas. Please adopt the Staff Recommendations as presented.

Thank you,

Angel Watson
lccpraise@aol.com

Valenti, Paul V

From: lccpraise@aol.com
Sent: Friday, August 10, 2012 4:16 PM
To: Valenti, Paul V
Subject: Re: ADA Gas Pumping Assistance Ordinance

Blessings to you!

Wish I'd spoken to either Tim Burns or you before I read this, apologies, but you might get calls from Multiple Sclerosis and Spinal Cord Injury Outreach members as well as from the Commissioners asking for the Compliance number and Honk Call Signal language. I didn't get a reply after several phone calls to you, so moved forward.

I copied Paralyzed Veterans President letter to the Commissioners to you (below), I think you've got everything covered except an actual phone number instead of contact office of human rights to call for compliance, and I'm not sure if the fine on the first offense is in there. I'm having difficulty tracking Chapter 2, Article VIII of the Pinellas County Code to see if there is that fine table the attorney was speaking about, I believe she said \$189.00 first offense...etc., do you know if it's in there?

Another issue is Awareness, particularly the PVA President, Wayne Webber, (letter below) is concerned about (Ben touched on it a bit at our meeting) how do people with disabilities and the Gas Stations know the Ordinance and its effective date? I believe the attorney that was there mentioned newspaper ad notification, I did pass that along. I'm not sure if it's appropriate in the Ordinance, they just want assurance of some kind of outreach. If you email it to me, I can bring it to them before our August 16th meeting. I can also present these changes.

Will you forward this email to Tim Burns or whoever you're working with so they know of PVA's thoughts?

Please let me know if there's a phone number instead of Contact Office of Human Rights and a fine on first violation that can go in final copy ASAP, so I can let PVA, SCION, MS Society, Post Polio, etc. know.

Thank you so much for all your wonderful work on this, **Angel Watson 637-1067**

Dear Pinellas County Commissioners:

8/9/12

Florida Gulf Coast Paralyzed Veterans would like to clarify their position on the Gas pumping assistance for Persons with Disabilities Ordinance:

1) To benefit all Pinellas County Citizens, **Section 4 Accessibility Requirements** should *delete "and wording such as "Call for Assistance" or "Assistance Available upon Request""* and replace with "Honk, Call, Signal".

2) The *"sign, decal or sticker, no smaller than fifteen (15) square inches, on the front of all gasoline pumps clearly stating the telephone number for the Gas Station Retailer, the international symbol of accessibility (ISA)"* should also have "If no service" and a compliance number, hopefully, a local Pinellas County number.

3) PVA has a concern about educating the gas stations about the ordinance, and educating people with disabilities of the assistance the ordinance allows Pinellas County residents: **"Section 3 Administration. For the purposes of this subdivision, the powers herein delegated, shall be jointly administered by the Pinellas County Office of Human Rights and the Pinellas County Department of Justice and Consumer Services"** Would this be an appropriate place to add "Notification of Gas Stations and People with Disabilities" (suggestions: mailings, newspaper advertisements, radio, news, etc)?

We gratefully appreciate any assistance you can provide to reach these goals, and for thank you for finally solving a situation that has plagued people with disabilities for many years. With the above mentioned additions it is an Ordinance that is enforceable for all people with disabilities.

Sincerely,

Wayne Webber
President Florida Gulf Coast Paralyzed Veterans of America

Angel Watson

Lccpraise@aol.com

-----Original Message-----

From: Valenti, Paul V <pvalenti@co.pinellas.fl.us>
To: Gentlben <Gentlben@aol.com>; RBSemperFi <RBSemperFi@gmail.com>; lccpraise <lccpraise@aol.com>; brucem <brucem@heronholdings.com>; bruce <bruce@risseroil.com>
Cc: Wallace, Michelle A <mwallace@co.pinellas.fl.us>; Burns, Tim L <tburns@co.pinellas.fl.us>; Brody, Carl E <cbrody@co.pinellas.fl.us>
Sent: Fri, Aug 10, 2012 11:46 am
Subject: ADA Gas Pumping Assistance Ordinance

Mr. Ritter, Ms. Watson, Rev. Swick and Mr. Mitchell:

Attached is a revised version of the ADA Gas Ordinance resultant from the input received when the ordinance first went to public hearing. As you will see, almost all of the changes suggested at the public hearing have been incorporated.

This is scheduled to go before the Board August 21, 2012 at 6 PM. You may, of course, comment on the ordinance at that time. I would ask, if you would be kind enough, that you also provide me with your thoughts by Wednesday of next week.

Thanks you for your continued participation as we advance this ordinance.

Regards,

Paul Valenti
Director, Pinellas County Office of Human Rights
400 S. Fort Harrison Ave., 5th Floor
Clearwater, FL 33756
Phone - 727-464-4880
Fax - 727-464-4157
pvalenti@co.pinellas.fl.us

From: officeofhumanrights@co.pinellas.fl.us [mailto:officeofhumanrights@co.pinellas.fl.us]
Sent: Friday, August 10, 2012 12:10 PM
To: Valenti, Paul V
Subject: Message from KMBT_C280

Exhibit C



TAMPA BAY VETERANS ALLIANCE

We Honor Veterans Past, Present, and Future, through EDUCATION, APPRECIATION, AND ASSISTANCE.

August 15, 2012

John Morroni
Chairman

Pinellas County Board of County Commissioners
315 Court Street
Clearwater, FL 33756

Via email to jmorroni@pinellascounty.org and USPO

Dear Commissioner Morroni,

I am writing to you on behalf of the Tampa Bay Veterans Alliance and Tampa Bay area citizens with disabilities concerning Pinellas County's proposed Gas Pumping Assistance Ordinance for Persons with Disabilities. I am pleased that you have scheduled a Public Hearing on August 21 to discuss, and hopefully pass an ordinance that will benefit our senior population and citizens with disabilities who require gas pumping assistance.

However, your proposed ordinance is now significantly different from the original Ordinance that was first proposed and heard on July 24. I am concerned with the major changes/additions from your original proposed ordinance that are now contained in **Section 4. Accessibility Requirements:**

1. Honking & waving, etc.;
2. Placing decals in a limited range of 48" - 54" from the ground;
3. Adding a complaint component;
4. A larger decal/sticker - 25 square inches, vs. 15.

In my opinion, and in the opinion of other members of the disability community, these proposed amendments to Pinellas County's original Gas Pumping Assistance for Persons with Disabilities Ordinance are not needed.

Comments on the above:

1) Honking & waving, etc: When the ADA was enacted in 1990, "Honking and Waving" were suggestions for drivers with disabilities, but not required on signage at gas stations. History has proven that honking and waving, ect. does not work. The ADA and the US Department of Justice (800-514-0301) have no requirements for signage wording on gas pumps, nor for heights of signage on gas pumps.

Today, unlike in 1990 when the ADA was signed, according to surveys taken, almost everyone owns a cell phone. An article published in March of 2010 stated that over 285 million Americans are mobile subscribers, which is about 91 percent of the total population. Owning a cell phone is a safety issue for drivers with disabilities. For those who don't own, there are agencies that will provide free cell phones and mobile phone service to those who qualify financially.

See article at the end of this letter: **Wireless survey: 91% of Americans use cell phones**

We are a nation of Good Samaritans. The ADA has had a noticeable positive effect on the American Public. The average American citizen is now more aware of the needs of our elder citizens and individuals with disabilities. If your cell phone battery goes dead, or if you go out on the road and forget to take your cell phone with you, when you pull up to a pump, you can ask someone who is going inside the gas station/convenience store to ask an attendant to come out and pump gas for you. This procedure should work, whether you own a cell phone or not.

I recommend deleting the Honking & Waving amendment requirement.

2) Placing decals in a limited range of 48" - 54" from the ground: The six inch range of 48" - 54" from the ground is too restrictive for placement of decals on gas pumps. I suggest deleting a range requirement. History has shown that phone number decals are being appropriately located on gas pumps in the Florida counties where similar ordinances have been enacted.

3) Adding a complaint component: There is no need to add a Complaint Component on the Gas Pumping decal because the orange Florida Department of Agriculture decal, which is required to be placed on each and every gas pump in the state of Florida, displays a consumer complaint toll-free phone number: 800-435-7352. This number allows a caller to connect with an intake person in Tallahassee to file a complaint.

Note: The phone number on the Ag sticker is very small and is difficult to read from the driver's seat. The statute that regulates the size of the sticker to 8 square inches needs to be amended so that the phone number can be enlarged. Recommend that appropriate action be taken with the Florida Department of Agriculture to increase the size.

- **Florida S 526.141 (5)(a) states:** "Every full-service gasoline station offering self-service at a lesser cost shall require an attendant employed by the station to dispense gasoline from the self-service portion of the station to any motor vehicle properly displaying an exemption parking permit as provided in s. 316.1958 or s. 320.0848 or a license plate issued pursuant to s. 320.084, s. 320.0842, s. 320.0843, or s. 320.0845 when the person to whom such permit has been issued is the operator of the vehicle and such service is requested. Such stations shall prominently display a decal no larger than 8 square inches on the front of all self-service pumps clearly stating the requirements of this subsection and the penalties applicable to violations of this subsection. The Department of Agriculture and Consumer Services shall enforce this requirement."

View statute at:

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0500-0599/0526/Sections/0526.141.html

Ag decals are usually placed on top and in the center of gas pumps, which is higher than the 54" proposed height limit proposed by Pinellas County for their Gas Pumping decal.

To start a complaint process, a complainant can call the number on the Ag decal and press # 4 to be connected with an intake person in the Consumer's Assistance Center. Upon request, the Center will send a Complaint Form to the caller. A complainant may also obtain a Complaint Form by going online to: www.800helpfla.com.

In the left hand column, click on: **FILE A COMPLAINT**. Print out **CONSUMER COMPLAINT FORM s.570.544(3), F.S.** Fill it out, sign and send to Tallahassee. After receiving the complaint, the Department will send a notice to the gas station. The station will have 30 days to correct the problem or to respond.

4) A larger decal/sticker - 25 square inches, vs. 15: Because Florida already has a customer complaint number on all gas pumps, Pinellas does not need to add a "complaint statement," nor the words "Honk, Signal - - ." Thus, a 25 square inch decal is not needed. A 3" x 5" decal would suffice.

Background:

Since December of 2011, Hillsborough, Pasco, Broward and Miami-Dade have all passed Gas Pumping Assistance ordinances. West Palm Beach will hold a Public Hearing on their ordinance on September 11. All ordinances are similarly worded. They require a decal/sticker large enough (15 square inches) to display the ISA Symbol, a phone number, and wording "Call for Assistance" or "Assistance Available Upon Request." The wording and the Symbol are white on a blue background. There is no height range requirement, and no consumer complaint notice. This new program is working very well in these counties. The new program allows gas stations to comply with both federal and Florida state laws without forcing an undue burden on the gas station retailers.

Placing phone numbers on gas pumps was an initiative originated by the Florida Gulf Coast Paralyzed Veterans of America. In April of 2010 this idea was discussed at a meeting in Tampa with several organizations that represented Persons with Disabilities. Representatives from RaceTrac and the Tampa-based JH Williams Oil Company were present. Former MacDill Air Force Base Commander Brigadier General "Chip" Diehl was also present, representing Wounded Warriors.

Although there is no one perfect solution for getting gas pumped at self-service gas stations, everyone agreed that phone numbers would work for the vast majority of drivers with disabilities. Immediately following this meeting, the JH Williams Oil Company posted phone numbers on a few of their gas pumps and the street sign at their CITGO gas station/convenience store on Adamo Drive and 19th Street in Ybor City. Their pilot program worked well. A few months later they added phone number decals to all of their pumps. Tampa Mayor Pam Iorio subsequently presented an award to the JH Williams Oil Company for their successful initiative.

In July of 2011 the Florida Gulf Coast PVA collaborated with the Hillsborough County Veterans Council. Together, they brought the idea of phone numbers on gas pumps to the attention of Hillsborough County Commissioner Sandra Murman. Through her efforts, Hillsborough County unanimously passed their Gas Pumping Assistance ordinance on December 7, 2011 - the first of its kind in the nation. As you know, several other counties have adopted similar ordinances.

There is a good possibility that this will become a Florida State Statute in the 2013 legislative session. However, if Pinellas County passes an ordinance with requirements that are significantly different from the other four counties' ordinances, there is a concern that we will lose consistency in the state of Florida next year when a State Ordinance is proposed. This could possibly affect efforts in other states to create ordinances that are consistent with Florida counties' existing successful ordinances.

It makes common sense for Pinellas to do what the other four Florida counties have successfully achieved, to become a uniform standard, rather than risk discord and the threat of opposition by the business community. I recommend that Pinellas County pass their "Gas Pumping Assistance for Persons with Disabilities Ordinance" with the elimination of the above #1 - #4 amendments. By doing so, you will be doing a service to the community of Persons with Disabilities that will be acceptable to the business community.

Sincerely,

Ben Ritter
Director of Community Outreach, Veterans with Disabilities
Tampa Bay Veterans Alliance
P.O. Box 1078
Clearwater, FL 33757-1078

CC: Paul Valenti pvalenti@co.pinellas.fl.us

Article - Wireless survey: 91% of Americans use cell phones:

The US wireless industry is still growing, as over 90 percent of Americans are ...

by [Chris Foresman](#) - Mar 24 2010, 7:28pm EST

As the CTIA kicked off its annual conference in Las Vegas yesterday, it also released the results of its [semiannual US wireless industry survey](#) for the last half of 2009. Even in the face of the largest economic recession since the Great Depression, results show that the wireless industry continues to grow as a vast majority of the US population is using a mobile phone.

The survey of wireless carriers revealed that over 285 million Americans are mobile subscribers, about 91 percent of the total population. That's up 15 million over the same time last year, and growth has slowed somewhat due to market saturation. Those 285 million callers used 1.12 trillion minutes of talk time in the last half of 2009, up 3.4 percent of the same period in 2008. That breaks down to an average of 6.1 billion minutes used per day, or about 21 minutes per person per day.

Wireless service revenues totaled \$77 billion for the last half of the year, up slightly from last year. But the real growth is coming from wireless data services—mobile Web, text messages, and other non-voice services. In the latter half of last year, revenue for wireless data service totaled over \$22 billion, nearly a third of overall wireless services revenue and up 26 percent year-over-year.

The survey revealed that 257 million "data-capable" devices are active on US carriers' networks. However, roughly 50 million of those are smartphones capable of more advanced wireless services than SMS, MMS, and WAP browsing. Another 12 million are 3G-enabled laptops. Those devices are responsible for the majority of data service revenues.

"With wireless connections now equal to more than 91 percent of the U.S. population, mobile broadband is pivotal to ensuring all Americans are 'digitally literate,'" Steve Largent, president and CEO of CTIA, said in a statement. "Mobile broadband will increasingly play a vital role in people's lives."

CTIA didn't reveal specific numbers on data use, but it did reveal that Americans traded 822 billion text messages—5 billion per day—for the second half of 2009, and over 1.5 trillion for the whole year. MMS messaging is more than double year-over-year for the last half of 2009, with 24.2 billion photos, videos, and audio clips moving from one mobile phone to another in just six months.

During a [keynote presentation](#) at the CTIA conference yesterday, AT&T Mobility CEO and current CTIA chairman Ralph de la Vega also said that the US is tops globally in a number of categories, including number of 3G subscribers, number of smartphones activated, and number of mobile applications purchased.

View above article at:

<http://webcache.googleusercontent.com/search?q=cache:a2Zd1r8e5JsJ:arstechnica.com/telecom/news/2010/03/wireless-survey-91-of-americans-have-cell-phones.ars+stastistics+the+number+of+americans+who+own+cell+phones&cd=2&hl=en&ct=clnk&gl=us&source=www.google.com>

Valenti, Paul V

From: Rev. Robert Swick [rbsemperfi@gmail.com]
Sent: Saturday, August 11, 2012 1:40 PM
To: Genltben@aol.com
Cc: Valenti, Paul V; Theresa.Jones@stpete.org; joed@disabilityachievementcenter.org; jenfrench04@gmail.com; maryt@disabilityachievementcenter.org
Subject: Re: Pinellas County's proposed Gas Pumping Assistance Ordinance

Ben,

As mentioned, I'm in FULL agreement. Will file a letter on TBVA stationary supporting yours.

PEACE!!

† *Father Bob*

Rev.Fr. Robert "Bob" Swick

Priest - Chaplain - Advocate†

Chairman/CEO

Veterans Alliance - Veterans Helping Veterans

727-641-1181



On Sat, Aug 11, 2012 at 12:57 PM, <Genltben@aol.com> wrote:
Bob,

As discussed, in my opinion, the proposed amendments to Pinellas County's original Gas Pumping Assistance For Persons With Disabilities Ordinance are not needed.

Since December of 2011, four Florida Counties - Hillsborough, Pasco, Broward and Miami-Dade - have all passed Gas Pumping Assistance ordinances. Their ordinances are similarly worded and apparently are working well without significant complaints from consumers or the gas station retailers.

(Note: On September 11, West Palm Beach will hold a Public Hearing on their Gas Pumping Assistance ordinance. Their wording is similar to the other four counties. I will send their proposed ordinance to you in a subsequent email.)

Pinellas County's proposed Gas Pumping Assistance Ordinance was first presented at a Public Hearing on July 24. It will be heard again on August 21 at 6:00 p.m. at the County Courthouse and will include additional verbiage that would be required to be placed on the decal. These additions include:

- 1) "Honk, Signal, or Call for Assistance" or "Assistance Available – Honk, Signal or Call."
- 2) Placing decals in a limited range of 48" - 54" from the ground.
- 3) Adding a complaint component: "Complaints? Contact the Pinellas County Office of Human Rights."

4) The additional verbiage would require a larger decal/sticker - 25 square inches, vs. 15.

If Pinellas incorporates and passes their ordinance with these proposed amendments, their ordinance will have requirements that are significantly different from the other four counties' ordinances. There is a concern that if these changes are incorporated, we will lose consistency in the state of Florida next year when a State Ordinance is proposed. This could possibly affect efforts in other states to create ordinances that are consistent with the four Florida counties' existing successful ordinances.

We want Pinellas to do what the other four Florida counties have achieved so that we will have a uniform standard, rather than risk discord and the threat of opposition by the business community. That's what happened in Illinois this year when the MS Society attempted to pass a State Gas Pumping Assistance Statute. The Oil Industry Lobbyists objected and prevailed. We don't want this to happen in Florida.

Comment:

1) When the ADA was enacted in 1990, "Honking and Waving" were suggestions for drivers with disabilities, but not required signage at gas stations. The ADA and the US Department of Justice ([800-514-0301](tel:800-514-0301)) have no requirements for signage wording, nor for heights of signage on gas pumps. History has proven that honking and waving, ect. does not work. Today, unlike in 1990 when the ADA was signed, according to surveys taken, almost everyone owns a cell phone. Owning a cell phone is a safety issue for drivers with disabilities. If you have the resources to own and drive a vehicle, you should be able to afford a cell phone. If you don't, there are agencies that will provide free cell phones and mobile phone service to those who qualify financially.

We are a nation of good samaritans. The ADA has had a noticeable positive affect on the American Public. The average American citizen is now more aware of the needs of individuals with disabilities. If your cell phone battery goes dead, or if you go out on the road and forget to take your cell phone with you, when you pull up to a pump, you can ask someone who is going inside the convenience store to ask an attendant to come out and pump gas for you. This procedure should work, whether you own a cell phone or not.

2) The six inch range of 48" - 54" from the ground is too restrictive for placement of decals on gas pumps. Note the location of the decals in the photo, below. On this gas pump, the bottom of the orange Florida Department of Agriculture decal is 64" from the pavement. There is no range on the other counties' ordinances. I would suggest deleting a range requirement.

(Comment: The Ag decal should be larger to allow drivers to be able to read the phone number from the driver's seat. Ag decals are usually placed on top and in the center of gas pumps, which is higher than the 54" proposed height limit proposed by Pinellas County for their Gas Pumping decal/sticker.)

3) There is no need to add a Complaint Component on the Gas Pumping decal because the Department of Agriculture decal has a consumer complaint toll-free phone number on each and every gas pump in the state of Florida. This number allows a caller to connect with an intake person in Tallahassee to file a complaint.

To start a complaint process, a complainant can call the number on the Ag decal: [800-435-7352](tel:800-435-7352). Press # 4 to be connected with an intake person in the Consumer's Assistance Center. Upon request, the Center will send a Complaint Form to the caller.

A complainant may also obtain a Complaint Form by going online to: www.800helpfla.com. In the left hand column, click on: **FILE A COMPLAINT**. Print the form, fill out, sign and send to Tallahassee.

After receiving the complaint, the Department will send a notice to the gas station. The station will have 30 days to correct the problem or to respond.

4) Pinellas does not need to add a "complaint statement," nor the words "Honk, Signal - - ." Thus, a 25 square inch decal is not needed. A 3" x 5" decal would suffice.

Bottom line: Use the KISS formula.

Please feel free to forward this information to interested parties.

Respectfully submitted,

Ben Ritter
Co-chairman
Tampa Mayor's Alliance for Persons with Disabilities;
Advocacy Director
Florida Gulf Coast Paralyzed Veterans of America
15435 North Florida Avenue
Tampa, FL 33613

Photo - Taken August 6, 2012 at the Circle K, corner of West Fletcher Avenue and North Boulevard, Hillsborough County. Note: The bottom of the orange Ag decal is 64" from the pavement. The "Assistance Available Upon Request" decal is well within viewing range from the driver's seat.



Photo - Close-up of the Ag decal/sticker:



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Excerpt from Pinellas County's proposed ordinance:

Section 4. Accessibility Requirements.

(a) Within ninety (90) days of enactment of this subdivision, all Gas Station Retailers shall be required to prominently display a sign, decal or sticker, no smaller than -twenty-five (25) square inches, on the front of all gasoline pumps clearly stating the telephone number for that Gas Station Retailer, the international symbol of accessibility (ISA), and wording such as “Honk, Signal, or Call for Assistance” or “Assistance Available – Honk, Signal or Call”. The sign, decal or sticker must also include the statement “Complaints? **Contact the Pinellas County Office of**

Human Rights", must be on a blue background with white text, and shall be 48 to 54 inches above ground level from the baseline to the character of the text. The telephone number indicated on the sign, decal or sticker shall be operational and answered directly by an attendant of the Gas Station Retailer during the hours the Gas Station Retailer is open for business to the public.

Excerpt from Hillsborough's ordinance - passed on December 7, 2011:

SECTION 1. ACCESSIBILITY REQUIREMENTS.

(A) Within ninety (90) days of enactment of this Ordinance, all gas station retailers shall be required to prominently display a sign, decal or sticker, no smaller than fifteen (15) square inches, on the front of all gasoline pumps clearly stating the telephone number for that gas station retailer, the international symbol of accessibility (ISA), and wording such as "Call for Assistance" or "Assistance Available upon Request". The sign, decal or sticker must also be on a blue background. The telephone number indicated on the sign, decal or sticker shall be operational and answered directly by an employee of the gas station retailer during the hours the gas station retailer is open for business to the public.

Excerpt from West Palm Beach's ordinance - Scheduled for a Public Hearing on September 11, 2012:

Section 6. Accessibility requirements.

(a) Attendants at all Gasoline Station Retailers shall at all times be able to communicate with persons requiring assistance.

(b) Self-service Gasoline Station Retailers with two (2) or more attendants on duty shall require an attendant to provide refueling assistance to Persons with Disabilities when such service is requested.

(c) Gasoline Station Retailers shall be required to prominently display a sign, decal, or sticker, no smaller than fifteen (15) square inches (3 inches in height by 5 inches in length), on the front of all gasoline pumps clearly stating the telephone number of that

Gasoline Station Retailer, as well as the existence of the international symbol of accessibility ("ISA"), and wording such as "Call for Assistance" or "Assistance Available upon Request." The sign, decal, or sticker must also be on a blue background. The telephone number indicated on the sign, decal, or sticker shall be operational and answered directly by an attendant on duty during the hours the Gasoline Station Retailer is open for business to the public.

(d) In the event that assistance is requested during times when a second attendant is not present at a Self-service Gasoline Station, the Gasoline Station Retailer is not required to provide the requested assistance. In such instances, the attendant on duty shall inform the person who requested assistance that the attendant is not able to provide such assistance because there is only one (1) attendant on duty.

Exhibit D

Valenti, Paul V

From: Bruce Mitchell [bruce@risseroil.com]
Sent: Tuesday, August 14, 2012 7:08 PM
To: Valenti, Paul V
Subject: RE: ADA Gas Pumping Assistance Ordinance

Hello Paul...

Thank you for sending ordinance in advance of board meeting....I have concerns about the size 25 sq inches....some pumps have so much labeling now...take the time to look the next time you fuel up....for some pumps do not have the space available....I will check out the size of Hillsboro..
also, I think best to keep it simple and do what Hillsboro did with signage...just phone number and Call for Assistance....maybe have someone from your department ask Hillsboro is this working for them ?? I believe if you add the statement about "Complaints? Contact.....," would not someone disabled know to contact Human Rights ?? too much information on signage.....
Also, Paul, everyone that fuels up will take that message as they can call about the high price of gas, no cell phone reception, beer prices too high, dirty pumps ...etc, etc..... I know you know how that works :)
And why have "Honk, Signal "on signage..we are placing the signage there for them to call....too many words.....
Most sites have call button which has worked time and time again..so what about going back to my first suggestion....only need a phone number if no call button...or if call button cannot be reached..then phone number posted....

I do like that you give the retailer time to correct the problem....and the AC agreement...and glad to see we have a little leeway in placement of signage..

Paul..tomorrow, I will call you and we can discuss some more....

take care..bruce...

From: Valenti, Paul V [mailto:pvalenti@co.pinellas.fl.us]
Sent: Friday, August 10, 2012 11:46 AM
To: Genltben@aol.com; RBSemperFi@gmail.com; lccpraise@aol.com; Bruce Mitchell; Bruce Mitchell
Cc: Wallace, Michelle A; Burns, Tim L; Brody, Carl E
Subject: ADA Gas Pumping Assistance Ordinance

Mr. Ritter, Ms. Watson, Rev. Swick and Mr. Mitchell:

Attached is a revised version of the ADA Gas Ordinance resultant from the input received when the ordinance first went to public hearing. As you will see, almost all of the changes suggested at the public hearing have been incorporated.

This is scheduled to go before the Board August 21, 2012 at 6 PM. You may, of course, comment on the ordinance at that time. I would ask, if you would be kind enough, that you also provide me with your thoughts by Wednesday of next week.

Thanks you for your continued participation as we advance this ordinance.

Regards,

Paul Valenti

Exhibit E

August 12, 2012

Mr. Neil Brickfield, Pinellas County Commissioner
c/o Mr. Patrick Adamson
padamson@pinellascounty.org

Dear Mr. Brickfield,

This letter is in regards to the proposed Gas Pump Ordinance for Persons with Disabilities. I understand this proposal will go before the Pinellas County Board of Commissioners along with a public hearing on August 21. On that date, I will be in London representing Team USA at the 2012 Paralympic Games. In lieu of my absence, I hope you will accept this letter as my voice at the public hearing.

As a Pinellas County resident, Chairperson of the Committee to Advocate for Persons with Impairments (CAPI) in the City of St. Petersburg and an active wheelchair user, I feel compelled to provide my input on this proposed ordinance. (Please note that my comments are personal and do not represent the collective views of CAPI members). My comments are coming to you not only from personal experiences of traveling throughout the state of Florida and the country, but also from a disability advocate who actively interacts with members of the disability community. I believe this is a useful and effective ordinance for Pinellas County. As a quadriplegic, technology has given me the ability to independently drive. Unfortunately, the technology has not been developed to allow persons with my level of disability to independently refuel a vehicle. This ordinance provides a reasonable solution to this issue not only for me, but the thousands of Pinellas county residences and visitors with disabilities. I hope you and the Board can appreciate the impact of this ordinance.

The proposed ordinance, I believe, needs some amendments, particularly in 'Section 4. Accessibility Requirements'. Below are areas of concern and my input on them:

- 1) "Honk, Signal, or Call for Assistance" or "Assistance Available – Honk, Signal or Call." verbiage on the gas pump sticker should be amended. From experience, honking is not an effective way to gain refueling assistance. It simply creates noise pollution. A more effective verbiage is "Call for Assistance" or "Assistance Available Upon Request".
- 2) Placing decals in a limited range of 48" - 54" from the ground is too restrictive. I believe that in order to achieve participation from the business community, this limit should be eliminated.
- 3) Eliminate the complaint component: "Complaints? Contact the Pinellas County Office of Human Rights." A complaint process already exists through the Department of Agriculture with the State of Florida. This process and a phone number are prominently displayed on every gas pump. With limited county resources and staff members who already have a heavy workload, it is not feasible to create a new complaint process within Pinellas County. An effective means is already in place.
- 4) With the elimination of the additional verbiage cited above, the decal/sticker sign may remain at 15 square inches. An increased size to 25 square inches is not necessary.

With these suggested amendments, the ordinance embraces an effective means to implement a necessary service without an undue burden on the business community. In addition this verbiage is present in Gas Pumping Assistance ordinances in four other counties in the State of Florida. The counties of Hillsborough, Pasco, Broward and Miami-Dade all have similar ordinances. With this in mind, I believe this will work in Pinellas County too.

If you have any questions regarding my comments on this issue, please feel free to contact me at 813.362.0149 or via email at jenfrench04@gmail.com. Go Team USA!

Warm Regards,

Jennifer French



Valenti, Paul V

From: kseaman2@tampabay.rr.com
Sent: Tuesday, August 14, 2012 4:50 PM
To: Valenti, Paul V
Subject: compliance with ada

We all need to remember those of us who are able to help and assist those of us that are fellow citizens not making a third class out of persons with disabilities Large print for those who drive in with visual impairments, they can drive also. Fines should be listed on the pumps along with the phone numbers of the establishment and the person to call to complain at the state level .This e-mail was sent from my friends computer my name is John D'Aiello and thank you for caring.

Valenti, Paul V

From: kseaman2@tampabay.rr.com
Sent: Tuesday, August 14, 2012 4:40 PM
To: Valenti, Paul V
Subject: GAS PUMPS

It is imperative that there is a phone number on the pumps of the service station or convenience store. If those with disabilities can not get the attention of the attendants inside of the stores, the phone number is indeed of great value to the person asking for help for gas. Also the fines should be listed to alert everyone that a person with a disability has worth and not a feeble third class individual. The commissioners numbers should be in large print on the pumps as well as all the information to coincide with the American With Disabilities Act. Which would include even those with limited vision. Or those visually impaired. Why ? There are different disabilities. Even are moms and dads may have arthritis and can't pump thier own gas. We all are aware that Florida has the largest population of seniors as well as those with disabilities. Lets do the bright thing it will be us one day. Let us do it right this time, and think of the future. The kids getting out of school with disabilities who drive and their friends. And , They could be riding with someone who has no speaking voice and this may be their personal assistant who may drive for them but can't talk. We need to think of all disabilities.