

**FLORIDA BUILDING COMMISSION
ACCESSIBILITY ADVISORY COUNCIL
April 19, 2004**

Chairman Neil Melick called the meeting of the Accessibility Advisory Council to order at 9:05 at the Rosen Centre Hotel in Orlando, Florida. Members present were Chairman Melick, J. R. Harding, Johnny Long, Pam Dorwarth and Barbara Page. Staff present were Mary Kathryn Smith and Richard Shine.

Review of the Minutes of the March 1, 2004 Meeting:

Chairman Melick asked if there were any corrections or additions to the minutes as distributed. Dr. Harding moved to approve the minutes as published and following a second by Ms. Dorwarth, the vote of the Council was unanimous in favor of the motion.

Review of Applications for Waivers from Accessibility Requirements:

Tampa Bay Amphitheatre at the Florida State Fairgrounds, 4802 U. S. Highway 301 North, Tampa. John Fenn Foster, Mr. Peter Strauss and Mr. John Ahrens represented the applicant, which requested a waiver from providing vertical accessibility to all rows of seats in a new, \$17,000,000 seat auditorium. Accessible seats were provided at each section and each price range with horizontal dispersion at each level. Accompanying companion seats were also provided. The number of accessible seats planned exceeds the number required by code. Dr. Harding moved to recommend granting the waiver, provided all companion seats are moved to the ends of the rows. Ms. Dorwarth seconded the motion and the vote of the Council was unanimous in favor of it.

Tampa Museum of Art, 600 North Ashley Drive, Tampa: Chairman Melick recognized Mr. David Rolland, and Mr. Jose Gelats who represented the applicant. The application requested a waiver from providing vertical accessibility to all rows of seats in a new, 296 theater included in a 5-story \$44,000,000 cultural facility. The required number of accessible seats was planned and all seating locations were provided in the front section of the theater. As submitted, the plans did not indicate the required number of companion seats. Mr. Long suggested placing at least one accessible seat in the center of the front section. Dr. Harding moved to recommend approving the request, provided Mr. Long's suggestion is incorporated and all required companion seats are included in the plan. Mr. Long seconded the motion and the vote of the Council was unanimous in favor thereof.

News-Journal Lively Arts Center, 221 North Beach Street, Daytona Beach: Mr. Carlos Barrios and Mr. Mark Hose were recognized. The applicant requested a waiver from providing vertical accessibility to all rows of seats in a new, \$23,231,795 facility that included two theaters, one with a seating capacity of 850 and the other with 250 seats. In the large theater, accessible seats were designed for the front area as well as additional seats dispersed in the center of the theater; however, two additional accessible

seats were required and the appropriate number of companion seats were not provided. In the smaller theater, seats were designed for the sides, center and rear of the facility. All accessible seats were shown on the aisles with the companion seats adjacent to them. No cost estimates for supplying vertical accessibility were submitted and the applicant indicated it is structurally impractical rather than financially infeasible to provide access to every row of the theaters. Dr. Harding moved to recommend approving the waiver, provided the plan is redesigned to incorporate the required number of accessible seats and to place the companion seats on the aisles. Mr. Long seconded the motion and the vote of the Council was unanimous.

Stock Exchange Restaurant, 125 Basin Street, Daytona Beach: Chairman Melick recognized Mr. Mike Pinter and Mr. David Grande who represented the applicant. The applicant requested a waiver from providing vertical accessibility to two raised platforms in a restaurant that is undergoing a \$60,000 alteration. According to the building official, the platforms were constructed by the previous occupant of the building and the work was done without a permit. The primary work being done by the present tenant involved changes to the sprinkler system and major upgrades of finishes. Dr. Harding stated there was insufficient information presented and moved to direct the applicant to resubmit with a detailed analysis of the costs to substantiate disproportionate cost. Ms. Dorwarth seconded the motion and the vote of the Council was unanimous in favor of it.

Quantic Engineering and Logistics Corporation 8317 Front Beach Road, Panama City Beach. Mr. Michael Kolesar represented the applicant which requested a waiver from providing vertical accessibility to the second floor of an office building. He presently occupies approximately 3,600 square feet on the second floor with no means of vertical accessibility other than an exterior staircase. Because of business expansion, Mr. Kolesar planned to lease an additional 1,200 square feet on the accessible first level. An accessible unisex toilet room will be provided and the applicant indicated all amenities currently located in the upstairs offices will be duplicated on the first floor. The cost of the alteration was approximately \$2,000 and estimates of \$11,780 and \$13,210 were submitted as the cost to install a lift. Mr. Long moved to recommend granting the waiver because of disproportionate cost. Following a second by Ms. Page, the vote of the Council was unanimous in favor of the motion.

Community Park Concession Trailer, 200 West Highbanks Road, Debarry: Chairman Melick recognized Ms. Maryann Courson, who represented the applicant which requested a waiver from having to provide ramps to the service window of a trailer. The City purchased the trailer for \$26,254 to be used as a concession booth in a recreational park. Estimates of \$11,186 and \$12,921 were provided for the installation of aluminum ramps to be installed for access into the building. Ms. Courson said the City wished to provide equivalent facilitation to persons with disabilities by installing a “ring for service” bell as permitted under the ADA in lieu of adding the ramps. Ms. Dorwarth pointed out that the federal law requires an accessible path of travel to all Title II buildings. Mr. Long moved to recommend denying the request due to lack of

jurisdiction. He was seconded by Ms. Dorwarth and the vote of the Council was unanimous in favor of the motion.

Sutra Lounge, 109 S. W. 2nd Avenue, Fort Lauderdale: No one was present to represent the applicant, which requested a waiver from providing vertical accessibility to a mezzanine. A small, 375 square foot addition was made to the mezzanine which cost \$8,000. An estimate was provided that indicated it would cost an additional \$19,000-20,000 to install a lift. According to the application, all services and facilities available on the mezzanine are also provided on the first floor. Although not part of the application, staff noted that it appeared none of the toilet facilities in the building were accessible. Mr. Long moved to defer action on the application and was seconded by Ms. Dorwarth. Following brief discussion, the motion and second were withdrawn. Mr. Long then moved to recommend denial, but received no second. Ms. Dorwarth moved to defer and instruct the applicant to provide itemized details to substantiate disproportionate cost and to clarify the condition of the toilet rooms. Following a second by Dr. Harding, the vote of the Council was unanimous in favor of the motion.

Division of Administrative Hearings, 4500 North State Road 7, Lauderdale Lakes: Chairman Melick recognized Mr. Ira Shojaie as the applicant's representative. The applicant requested a waiver from providing vertical accessibility to a six inch platform being constructed as part of a \$425,000 alteration to an existing building. The platform will only be occupied by a judge who is a gubernatorial appointee and Mr. Shojaie stated in the event a judge either becomes disabled or if the Governor appoints a judge with a disability, vertical accessibility would immediately be provided. Dr. Harding moved to recommend granting the request since the area in question would be occupied by five or fewer employees with no public access. He advised the applicant of the potential need for an immediate retrofit and said if the waiver were granted, it would in no way relieve the applicant from obligations under other laws. Following a second by Mr. Long, the vote of the Council was unanimous in favor of the motion.

There being no further business to come before the Council, the meeting adjourned at 11:40 A.M.