

Monday, March 05, 2007
Rochester City Council Meeting
Issue: **Proposed Impaired Child Signing Ordinance**
Not In Agreement: Brad Trahan-Rochester Resident

Mayor Brede, Council President Hanson, Member's of the City Council, and City Staff,

Before I go into detail my disagreement with regards to the issue at hand on the Proposed Impaired Child Signing Ordinance, I first want to explain to you why I am taking the stance and approach that I have.

If each of you can reference back to when you ran for your position on the City Council, each of you did so I presume because you felt you wanted to make a difference-you wanted to get more involved. You formed your campaign committees and your team went out to round up support by means of financial donations, lawn sign placement locations, volunteers to go neighborhood to neighborhood and so on. You wanted to get the most support you could and get the most votes you could so each of you could represent our city in the way you are today!

That's exactly what I have done here with regards to the issue at hand minus the financial donations! I believe in a cause and a cause that I will fight for until I'm on the other side of the dirt.

I'm not a person that has asked a lot out of this council. You saw me only twice before; Once when our LGA was going to get cut and there was concern our police and fire could lose some jobs. I organized a rally in support of our Public Safety and ALL City Employees for that matter and not one city employee lost their job that year. The second time you saw me was in 2005 oddly enough-talking about "Autism Signs".

Back in February 2005 I was in front of most of the member's of this City Council to ask for an agreement that families or organizations as it relates to autism, if requested, could get an "Autistic Child" sign on their property. The basis of this request was because it's not uncommon for children with autism to dart and dash and if this "tool" could possible save a child's life, why wouldn't we do it.

That night was more of a commentary and there were no votes taken or ordinance drafted. However, now looking back-I've learned my lesson and should have made sure something more concrete was in place so I wouldn't have to be here at later date-yes, two years later.

I should mention that after that February 2005 meeting, Council President Hanson received e-mails from two (2) families that requested signs on or about March 2nd, 2005. Both signs were granted and I was thankful to the City Council for that. In all honesty-I thought this was a done issue. It should be noted that the only reason I was here in 2005 was because there were some City Staff and a Council Member who didn't believe a sign was needed or "met the requirements set forth by the state to honor such a request."

In Council President Hanson's 2007 State of the City Address I took two quotes from his address that I feel really apply to the issue at hand here this evening. I quote, "Rochester remains the best places in America to live, work, and invest" and I quote again, "If my years of public service have taught me anything it is that we are better off when we find common ground and work together for the benefit of all."-Source-City of Rochester website.

I sincerely believe Council President Hanson believes that today, however-this Ordinance "Proposed Impaired Child Signing" is far from Council President Hanson's own words of belief. Where are families with Autism-Blind-Deaf "better off" with this proposed ordinance? Where is the "common ground" that Council President Hanson talks about? Finally, other than allowing me to speak at

tonight's Council Meeting, I'm struggling to find where we are "working together for the benefit of all." If this proposed ordinance goes through-is that really "working together"?

I wasn't aware of such an ordinance until a Rochester Post-Bulletin reporter called me on this and asked me several questions about it. The reporter wrote about it and it was a story that ended up hitting the Associated Press. In the mean time-I tried to research this "\$200 fee" that I learned about with negative results. I'm pretty disappointed to even have to be here tonight. It's pretty well known in this community that Brad Trahan is pretty involved in autism. This Ordinance is clear about stating "autism". Although I must take responsibility to watch our local government agenda now and in the future, I do take responsibility for missing this in the February 5th, 07, agenda. It still would have been nice to be approached to ask my feelings about it. I don't think that is too much to ask.

As one Rochester citizen told me after this all came to light, "Bradley-I never followed local politics as close. For your sake-I will do a better job of it now."

It's ironic how this came too and what I have learned. I learn that a family moves to Rochester from LaCrosse, WI and that family makes a simple request to have a "Blind Child" sign placed at their residence in September 2006. It wasn't until October 31st, 06 where the City was kind enough to reply and reject this family by a member of Rochester Public Works. In that letter-one of the reasons this family was rejected in this writer's opinion was "Unfortunately, the novelty effect soon wears off the, the signs become just another part of landscape, and the signs no longer attract the attention of motorists who regularly pass them." What that writer needs to understand and what this sitting council needs to understand is that families with children and individuals with Autism-Blind and Hearing Impaired to not believe for one-minute that our loved one's and it's resources to help them are "novelty effects". They are human beings and we want to use any tool out there to protect our loved one.

Nonetheless this issue gets addressed w/Council Member Means at your December 11th, 06 meeting where a vote was taken and the motion carried 6-1 to allow this family to have a "Blind Child" sign placed on their property. The one Nay vote-Council Member Nowicki. Some comments from you the council at that meeting; Council Member Means-Putting up a sign does not necessarily give a false sense of security even though it may have a minimal impact on driver behavior but does send a message THAT WE CARE ABOUT OUR CITIZENS. Council Member Carr-The sign should be permitted, as it is a legitimate warning. Council Member Marcoux-We haven't been consistent with saying No. The requests and needs are there! Council Member Nowicki-The problem run into previously and across the United States is that the proliferation of signage. The problem is the more signs you put up, the more they are ignored and fade into the background. My reply to that comment is simple-by assessing a \$200 fee for families that make such a request for Autism-Deaf-Blind is trying to "force us to fade into the background" however; we will not allow that anymore! And another persons thoughts on Council Member Nowicki's remarks, "I love how Nowicki's reason is that he thinks there are too many signs nationwide. While he may be correct in his assessment of excessive signs, that doesn't mean that, a blind/autistic/deaf child sign is not necessary. Should we take down the "slippery when wet" signs, or the "falling rock" signs? Maybe we should remove the "pedestrian crossing" signs as well. While we're at it, let's remove the speed limit signs also. People should just know what the speed limit is. Just like rescue personnel should know where children with special needs live? It is not Nowicki's job to put a stop to excessive signage. He is charged with making decisions based on the greater good. And as far as charging \$200 goes, that is wrong! Isn't that what we pay property taxes for?"

Speed up to your February 5th, 2007 meeting where Consent Agenda Item D-21 prepared by Mr. Gary Shannon, Rochester Public Works is titled, "Impaired Child Signing Ordinance". Now remember Council-it's my understanding that this proposed Ordinance is one of facts for you to vote on if you haven't already. But it states that there is a Blind Child sign INSTALLED IN 2006 at a particular residence. However, I learn from that father this, "This is a bit odd, they list my address as having a sign installed in 2006?"

Funny, I drive it everyday and have never seen the sign, nor a phone call from city traffic". If that's the case, then why does this Proposed Ordinance that is to come before you say this sign was INSTALLED in 2006? Isn't that a misrepresentation of facts and a flat out lie?

The Ordinance itself-I can say I have received a great deal of support since making this public. One citizen's comment via e-mail-"Brad-I could not agree with you more. I was amazed, astounded, at a loss for words when I read the article in question that reflected that the families would have to pay \$200.00 for a needed sign. Typical, pay taxes and every time you need something or utilize a service you pay again. Bureaucratic Crap. Go get em Bradley."

As this Ordinance is drawn up and proposed, the City would assess a \$200 fee to families with Autism-Deaf-Blind who make such a request. But as we learned from the P-B article that the City was being gracious to us families because that \$200 "was only half of what it cost to make and install said sign." Another supporter's comment, "What are they made out of GOLD? Unbelievable.... the council is flat out WRONG on this one... why is that the city looks to have to raise money every chance they get. What are my local taxes going for?"

I too question the dollar amount to make such a sign. I learned from this from a person I do not even know, "Looks to me like they're looking to make a profit off of these signs. I know a lot about the sign business that includes street name, stop, yield, do not enter, overhead guide, Well you get the idea. The cost of a standard size stop sign (36") with a pole is \$40 - \$50. If you add a fee to install the sign (\$25 - \$50) you are at \$75 - \$100. I would say for two signs it is not unreasonable.

"There are signs on the market addressing deaf, paralyzed, blind already being installed all over the country. I haven't heard of any assessment fee being implemented. I would equate these safety issues to those around schools and playgrounds. **It would be for the betterment and safety of the community.**"

It astonishes me to this day that this Ordinance was even drafted and is considered. Unfortunately, there is a mind-set with at least one City Staff Public Works employee and at least one active City Council Member who believe families are just requesting these signs to decorate their yard. No to date-again, No one to date has answered my question about how these signs could also "not help" our Police-Fire-Ambulance responders. I received a call from a EMT in a small town around Rochester. He said, "Brad-keep up this fight. I am in a EMT in Chatfield and I guarantee you this, if I EVER saw one of those signs that indicates Autism-Deaf-Blind, by all means that would absolutely change how I would handle that situation going in the house and looking for someone." This is just not for "motorists" to slow down-it does have a dual purpose. However-again, we have some mindsets that refuse to understand and get that!

Under Proposed Ordinance 74.05 Specials Signs-it reads, "These signs shall be provided for children that are under 16-years of age." Again-I am just amazed at what "lack of thought and empathy" that went into this ordinance. So the City would now limit the age of such a sign?

So tell me-when Reece, my son with severe autism reaches the age of 16, does that mean he will be cured from autism? When our Blind individuals reach the age of 16-does that mean they now will see? When our Hearing Impaired individuals reach the age of 16-does that mean they will then be able to hear? I am completely embarrassed for whoever put this together. Here is another thought on the age limit issue by a parent, "Brad-I agree with all your points and feel the charge is totally inappropriate. My son is 21 and does live at home with me. I think that signs should also be available (without charge!) saying Caution - Person with Autism (appropriate for young adults). I would be more than happy to express the need for signs even after a person is 15. What, do they think the running and unawareness of danger goes away after 15? It does not! I believe my son was 16 when he left Century High School and was missing for 4 hours. An aide was sitting right next to him and he managed to leave the classroom and then the building without anyone noticing." Council-it is my wife's and mine HOPES and DREAMS to hopefully have Reece be able to live in our home as long as he can! Part of

his school is at Jefferson, which then goes to Kellogg and finally Century High School. So your going to tell families that if an individual that is 16 or older and has these special needs that they can't be eligible? Where is the "benefit for all" in that with regards to Council President Hanson's 2007 State of the City Address? And it's noted that families would be expected to pay an annual \$5 fee to the City to basically cover "Administrative Expense of Renewing such permit".

Council-as I am working on a State level project w/regards to getting families-not just autism but for families to get in my proposal 6-month notification when their TEFRA runs out so it allows them time to get appointments set up that usually take 3-5 months to get set up from the standard 3-months families are getting now, Minnesota Attorney General Lori Swanson wrote me via U.S. Mail on this situation and states, "Unfortunately, your experience is just one more symptom of a health care system that is broken. All too often parents and others face bureaucracy and red tape just to obtain the necessary services." In my opinion-these signs for Autism-Deaf and the Blind are necessary and here we are again facing that "red tape" the Attorney General spoke about to obtain such services.

Finally in my view-I believe such ordinance would violate the American Disabilities Act in reference to Title II-Local Government. A. Title II of the ADA prohibits discrimination against qualified **individuals with disabilities** in all programs, activities, and **services** of public entities. **It applies** to all State and **local governments, their Departments and** agencies, and any other instrumentalities or special purpose districts of State or local governments.

Further more- Sec.36.207 Places of public accommodation located in **private residences**.

(a) When a place of public accommodation is located in a private residence, the portion of the residence used exclusively as a residence is not covered by this part, but that portion used exclusively in the operation of the place of public accommodation or that portion used both for the place of public accommodation and for residential purposes is covered by this part.

(b) The portion of the **residence** covered under paragraph (a) of this section extends to those elements used to enter the place of public accommodation, **including the homeowner's front sidewalk**, if any, the door or entryway, and hallways; and those portions of the residence, interior or exterior, available to or used by customers or clients, including restrooms.

Information from the ADA handbook to State and Local Governments states: The Cost of Doing Business The **expense** of making a program, **service**, or activity accessible or providing a reasonable modification or auxiliary aid **may not be charged to a person with a disability requesting the accommodation.**

Council-views may different but I feel I have supplied enough evidence of concern that such Ordinance would violate terms in the American Disabilities Act under Title II-State and Local Government. If this council makes and allows signs for other areas as stated due to a result of emotional and political pressure, then why is it that you are penalizing families that have children and individuals with specials needs? Are you assessing any other organization or group such fees? I would be very curious of an audit of the city's financials of this! Domestic animal crossings-Children at Play-Advisory Safe Speed Signs-Shutting a Bridge Down for the 4th of July fireworks-All a "**Service**" to our community and that same "**service**" should be given to families with Autism-Blind-Deaf or you are clearly violating the American Disabilities Act, under Title II-State and Local Government.

I will have to leave here tonight respecting any such decision this council makes moving forward with regards to said Ordinance, however, I would hope that this council would also respect my position that

if this Proposed Ordinance moves forward as written with the fee structure(s) and age limit, I will prepare carefully and proceed to file a complaint with the United States Department of Justice at the Federal Level overseeing the American Disabilities Act as well as the Minnesota State Attorney General, the Disability Law Center and the Human Rights Commission. That is not a scare tactic-I would honor that and do it so we can bring conclusion to this. I hope it doesn't come to that but as this city knows itself-when you believe in something-you fight for it and you exhaust all avenues given to you by law to get your final answer. I am prepared to do just that!

I'm very passionate about this and I have always said that our special need, Autism, is no greater or no less important than any special needs out there. Joanie and I could have just sat back and done nothing since we have our sign already. However, that was the last thing that came to our mind. We immediately said that we need to address this and address it immediately. As it relates to autism-if this is a first of it's kind in the nation-great-isn't that what Rochester is all about? Aren't we about making and setting a working model for other's to follow? If so then this proposed ordinance is a very bad example of one to follow. As one person put it to me, "Brad- I learned that many of the city's signs are made right in their shop off of Civic Center Drive This makes me sick to think that they are possibly looking to profit on the matter!"

I make a final request that this council take immediate action in this proposed ordinance to drop the fee charge to families with Autism-Deaf-Blind that make such request to have a sign placed in their yard as well as any annual fee as well as any age limit.

"If my years of public service have taught me anything it is that we are better off when we find common ground and work together for the benefit of all."-Council President Dennis Hanson.

Regards,

Brad Trahan
2570 Colleen Street NE
Rochester, MN 55906