



MINUTES OF THE CITY COUNCIL REGULAR MEETING
CITY OF NEW PORT RICHEY

NEW PORT RICHEY CITY HALL COUNCIL CHAMBERS
5919 MAIN STREET, NEW PORT RICHEY, FLORIDA

February 7, 2023

7:00 PM

ORDER OF
BUSINESS

1. Call to Order – Roll Call

The meeting was called to order by Mayor Rob Marlowe at 7:00 p.m. Those in attendance were Deputy Mayor Mike Peters, Councilman Peter Altman, Councilman Matt Murphy and Councilwoman Kelly Mothershead.

Also in attendance were City Manager Debbie L. Manns, City Attorney Timothy Driscoll, City Clerk Judy Meyers, Finance Director Crystal Dunn, Fire Chief Chris Fitch, Public Works Director Robert Rivera, Police Chief Bob Kochen, Community and Development Director Dale Hall, Library Director Andi Figart, Technology and Innovations Director Robert Greene, Parks and Recreation Director Terri Moore and Human Resources Manager Bernie Wharran.

2. Pledge of Allegiance

3. Moment of Silence

4. Approval of January 11, 2023 Work Session and January 17, 2023 Regular Meeting Minutes

Motion was made to approve the minutes as presented.

Motion made by Matt Murphy and seconded by Mike Peters. The Motion Passed. 5-0. Ayes: Altman, Marlowe, Mothershead, Murphy, Peters

5. Presentation of Years of Service Award to Police Chief Kim Bogart

6. Swearing-In of New Police Chief: Robert P. Kochen

7. Proclamation - Irish American Heritage Month (By Title Only)

Mayor Marlowe read the proclamation by title only.

8. Vox Pop for Items Not Listed on the Agenda or Listed on Consent Agenda

Mayor Marlowe opened the floor for public comment. The following people came forward:

- Stephen Blanchard, 5100 Providence Cir., NPR spoke regarding golf carts crossing US 19 and the results of the meeting with FDOT last week. He also spoke regarding ADA ruling for wheelchairs and mobility aids.
- Jenny Sue Rhoades, 6527 Channelside Dr., NPR spoke regarding golf carts crossing US 19.
- Kimberly Cox, 7336 Ashmore Dr., NPR, spoke regarding the new police chief, transparency and accountability.
- George Romagnoli, 6235 Florida Ave., NPR spoke regarding the \$25k payment on the consent agenda for building inspection services. He also spoke regarding building official positions.
- James Adamiak, 6814 Lassen Ave., NPR spoke regarding the MLK Day event in Sims Park. He also stated he sent Mayor Marlowe information regarding the citizens review board.
- Bertell Butler, IV, 5335 Bellview Ave., NPR spoke regarding a recent death of a student in Polk County and the safety of city streets. He suggested to increase police presence at school during arrival and dismissal times.
- Shinikki Whiting, 5755 Indiana Ave., NPR spoke regarding the new police chief.
- Marlowe Jones, 6141 Pine Hill Rd., PR spoke regarding the new police chief, accountability and transparency.

With no one else coming forward for public comment, Mayor Marlowe closed Vox Pop. City Manager Manns stated two applications are being prepared at this time to present to FDOT for crossings at US 19 and Gulf Drive and Marine Parkway. She stated it will take a couple of weeks to complete the application. She stated FDOT has stated they will expedite the application once it is received. City Manager Manns stated the crossing at Main Street does not look favorable at this point.

- a Speakers must identify themselves prior to speaking by stating their name and full address for the record. Speakers shall address the City Council as a whole and refrain from addressing individual members of the City Council or the City staff. Speakers shall afford the utmost courtesy to the City Council, to City employees, and to the public, and shall refrain at all times, from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.

9 Consent Agenda

Motion was made to accept the Consent Agenda.

Motion made by Matt Murphy and seconded by Mike Peters. The Motion Passed. 5-0. Ayes: Altman, Marlowe, Mothershead, Murphy, Peters

- a Purchases/Payments for City Council Approval

10 Public Reading of Ordinances

- a Second Reading, Ordinance No. 2023-2268: TDR Revisions

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced Community & Development Director Dale Hall who then presented the item to Council. He stated the City's TDR program allows for transfer from city owned land into to the coastal high hazard area. This ordinance amendment will allow for private property owners to transfer rights. He stated it also takes out the requirement of the conditional use permit. City Attorney Driscoll then highlighted the changes to the ordinance between the first and second readings. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the ordinance upon its second and final reading.

Motion made by Mike Peters and seconded by Pete Altman. The Motion Passed. 5-0. Ayes: Altman, Marlowe, Mothershead, Murphy, Peters

- b Second Reading, Ordinance No. 2023-2269: Amendment to Chapter 12 of the LDC RE: Detached Garages

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns stated that the purpose of this agenda item was to conduct a second and final reading of an ordinance that would allow detached garages to be built in front yards with certain conditions. She stated that there were some modifications based on discussions at the first reading. She stated that the recommendation is still to allow detached garages to be situated in the front yard of properties. City Manager Manns stated the restrictions have been expanded somewhat and include:

- The structures must be contained within the existing setback of the property
- The garage must be architecturally compatible with the existing principal structure
- The front entry must be unobstructed including stairway, porch and landing
- The architectural compatibility is defined to include facade, roof and windows
- A free vision zone is also to be retained
- No variances will be allowed for the reduction of the front yard setback

Upon opening the floor to public comment, George Romagnoli, 6235 Florida Ave., NPR came forward and asked for clarification on subsection c about garages in the front yard. He stated we need to look at it a little more as we write the policy to implement this ordinance. With no one else coming forward Mayor Marlowe returned the floor to Council. City Attorney then highlighted the changes to the ordinance from first reading. Motion was made to approve the ordinance upon its second and final reading.

Motion made by Mike Peters and seconded by Kelly Mothershead. The Motion Passed. 5-0. Ayes: Altman, Marlowe, Mothershead, Murphy, Peters

11 Business Items

a 2023 Sanitary Sewer Manhole Lining Project

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve a proposal from Concrete Conservation, Inc. for sanitary sewer manhole rehabilitation in several areas of the City. The proposal is in the amount of \$199,873.96. Mr. Rivera stated that 52 manholes have been proposed to be lined. The majority of which are in the Magnolia Valley Neighborhood west of Rowan Rd. and north of Massachusetts Ave. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented. Councilman Murphy stepped out of the meeting before the vote was called.

Motion made by Pete Altman and seconded by Mike Peters. The Motion Passed. 4-0. Ayes: Altman, Marlowe, Mothershead, Peters Absent: Murphy

b 2023 Sewer Improvements – Task Order No.17 Engineering Services

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve Task Order No. 17 from Stroud Engineering Consultants, Inc. in the amount not to exceed \$124,500 for engineering services for the 2023 Sewer System Improvements Project. She then introduced Public Works Director Robert Rivera who then made a presentation to Council. Mr. Rivera stated that the scope of the project is separated into two main components. Component one is sanitary sewer force main construction in the Tanglewood Terrace 1 neighborhood. Approximately 2,100' of eight-inch force main will connect at the existing lift station located on Maplewood Dr. and tie into the existing eight-inch force main at High St. The existing six-inch force main will be capped and abandoned. The second component of the work involves the rehabilitation of the existing sewer lift stations located on Maplewood Dr. and on River Rd. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Pete Altman and seconded by Kelly Mothershead. The Motion Passed. 4-0. Ayes: Altman, Marlowe, Mothershead, Peters Absent: Murphy

c Amendment to Interlocal Agreement with Pasco County for Animal Control Services

This item was deferred until the February 21, 2023 City Council meeting.

d Board Appointment: Bertell Butler, IV, Parks and Recreation Advisory Board

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to consider the appointment of Bertell Butler, IV to the Parks and Recreation Advisory Board. If approved, Mr. Butler's term will be for three years and will be up for renewal on February 7, 2026. Upon opening the floor to public comment, Wayne Scott, 5500 Riva Del Place, Kimberly Cox, 7336 Ashmore Dr., NPR, Kate Connolly, 5508 Vermont Ave., NPR, Judith Allen, 5940 Grand Blvd. all came forward to speak on Mr. Butler's behalf. Mr. Butler came forward to speak on his own behalf. With no one else coming forward Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented. Councilman Murphy rejoined the meeting before the vote was called.

Motion made by Pete Altman and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Marlowe, Mothershead, Murphy, Peters

e Discussion Regarding the Re-establishment of a Charter Ordinance Advisory Board

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to conduct a discussion related to the re-establishment of a Charter Ordinance Advisory Board. She stated the Charter Ordinance Advisory Board was established with the purpose to provide recommendations to City Council for revisions, additions and amendments. She stated that the ordinance was established in February 1989 and contained elements that defined the board and its functions. City Manager Manns stated that if City Council determines that it would like to establish a Charter Review Board, it would need to determine whether or not it would like to do any work regarding the Charter Ordinance Advisory Board Ordinance to determine if it still meets current thinking and if not a decision needs to be made as to whether or not Council would like to move forward with a Charter Review Advisory Board. Upon opening the floor to public comment, the following people came forward to speak:

- Bertell Butler, IV, 5335 Bellview Ave., NPR came forward to speak to encourage opening the Board up to high school seniors or those in local colleges.
- Judith Allen, 5940 Grand Blvd., NPR came forward to state the main function and focus of this is to ensure that ordinances that are passed adhere to federal laws. She stated we need more citizen involvement.
- Kimberly Cox, 7336 Ashmore, NPR came forward to state the last time the charter was reviewed she was in high school.
- Kate Connolly, 5508 Vermont Ave., NPR came forward to thank Council for bringing this item forward.

With no one else coming forward Mayor Marlowe returned the floor to Council. Mayor Marlowe stated that the existing Charter has at least one scrivener's error and is missing a review schedule. He stated once the committee gets done with that they could start to review the ordinances. Councilman Murphy stated it has been a long time and worth looking at. Deputy Mayor Peters stated a look at the ordinance could be where we start. He stated he was unsure if a lengthy review of the Charter would provide any in depth important revisions. Any amendments would have to be put on a ballot. He stated the Charter we have has served the city well. Councilman Altman stated that the previous board went through the Charter line by line and made recommendations on changes. He stated that somehow in the process we hold public discussions about the Charter before Council picks their selections for the board. He stated to him the Mayor position could be an exception to the term limit rule. Councilman Altman stated citizen involvement is critical. He stated a lot of things we have already just have to be reminded. Councilwoman Mothershead stated we need to look at the ordinance first then have the discussion about forming the committee. Mayor Marlowe suggested scheduling a work session to discuss the ordinance further.

12 Communications

Mayor Marlowe stated Representative Yeager has offered to file a Bill if FDOT does not want to do anything about golf carts crossing US 19. He referred to Mr. Romagnoli's suggestion about sharing a building official with Port Richey and City Manager Manns stated that it has been looked into by staff and would not be feasible. Mayor Marlowe spoke regarding a conversation he had with a resident and alley parking and suggested an article for the next newsletter. He referred to Mr. Butler's comments about road diets and wider sidewalks and he stated that is something we need to look at as a city. He stated that one section on Madison needs to be addressed. Councilman Murphy agreed that it is busy in that area especially by the high school. He stated he would like to see something along the stretch of Madison between Main and Louisiana. He stated he will be attending the next MPO meeting this Thursday. Councilman Altman stated that he noticed the low speed limits on US19 coming back from St. Pete. He stated he knew we held back on Montana's paving due to the bicycle trail and he asked if Montana is going to stay off the plan. He stated it is the state streets and other areas where parking is a problem. Councilman Altman stated the whole issue of parking that has been brought before Council by consultants should be looked at. He stated we have known for a while that there is no ROW on Madison near Gulf Drive. There was an attempt to go door-to-door and only one person said yes. He stated that he brought up Lemon and Lime as the collision center is now completed and River Rd. is going to be used more frequently. He stated the program at Sip did not have anyone from Public Works there. He stated as he looks at those streets he doesn't understand why we cannot have a lane for parking. He stated he continues to raise the issue so we can have a discussion on how to move these things along. Deputy Mayor Peters stated that he is happy to have discussions about parking. He is concerned about it too. He stated we have made two major improvements to lots. Deputy Mayor Peters stated that there are still some spaces available on busy nights. He stated that there are other neighborhoods where wide streets are not available. He stated that traffic is a regular issue. Deputy Mayor Peters stated road diets are a viable choice for some locations. He stated that he attended the ribbon cutting this past Sunday at the Hacienda. He stated he spoke with a representative from Florida Sports Coast regarding several publications who are interested in writing articles about the city. Councilwoman Mothershead stated she also attended the ribbon cutting on Sunday and Thomas Meighan's great-great niece was in attendance. She stated she agreed with Mr. Butler about youth involvement in the city. She stated she would like to see a youth Citizens Academy at some point.

13 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 9:03 p.m.

(signed) _____
Judy Meyers, CMC, City Clerk

Approved: _____ (date)

Initialed: _____



ADA

U.S. Department
Civil Rights



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ADA Requirements - Wheelchairs, Mobility Aids, and Other Power- Driven Mobility Devices

January 31, 2014

People with mobility, circulatory, respiratory, or neurological disabilities use many kinds of devices for mobility. Some use walkers, canes, crutches, or braces. Some use manual or power wheelchairs or electric scooters. In addition, advances in technology have given rise to new devices, such as Segways, that some people with disabilities use as mobility devices, including many veterans injured while serving in the military. And more

advanced devices will inevitably be invented, providing more mobility options for people with disabilities.

This publication is designed to help title II entities (State and local governments) and title III entities (businesses and non-profit organizations that serve the public) (together, “covered entities”) understand how the new rules for mobility devices apply to them. These rules went into effect on March 15, 2011.

Covered entities must allow people with disabilities who use manual or power wheelchairs or scooters, and manually-powered mobility aids such as walkers, crutches, and canes, into all areas where members of the public are allowed to go.

Covered entities must also allow people with disabilities who use other types of power-driven mobility devices into their facilities, unless a particular type of device cannot be accommodated because of legitimate safety requirements. Where legitimate safety requirements bar accommodation for a particular type of device, the covered entity must provide the service it offers in alternate ways if possible.

The rules set out five specific factors to consider in deciding whether or not a particular type of device can be accommodated.

Wheelchairs

Most people are familiar with the manual and power wheelchairs and electric scooters used by people with mobility disabilities. The term “wheelchair” is defined in the new rules as “a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion.”

Other Power-Driven Mobility Devices

In recent years, some people with mobility disabilities have begun using less traditional mobility devices such as golf cars or Segways®. These devices are called “other power-driven mobility device” (OPDMD) in the rule. OPDMD is defined in the new rules as “any mobility device powered by batteries, fuel, or other engines... that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices... such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair”. When an OPDMD is being used by a person with a mobility disability, different rules apply under the ADA than when it is being used by a person without a disability

Choice of Device

People with disabilities have the right to choose whatever mobility device best suits their needs. For example, someone may choose to use a manual wheelchair rather than a power wheelchair because it enables her to maintain her upper body strength. Similarly, someone who is able to stand may choose to use a Segway® rather than a manual wheelchair because of the health benefits gained by standing. A facility may be required to allow a type of device that is generally prohibited when being used by someone without a disability when it is being used by a person who needs it because of a mobility disability.



For example, if golf cars are generally prohibited in a park, the park may be required to allow a golf car when it is being used because of a person's mobility disability, unless there is a legitimate safety reason that it cannot be accommodated.

Requirements Regarding Mobility Devices and Aids

Under the new rules, covered entities must allow people with disabilities who use wheelchairs (including manual wheelchairs, power wheelchairs, and electric scooters) and manually-powered mobility aids such as walkers, crutches, canes, braces, and other similar devices into all areas of a facility where members of the public are allowed to go.

In addition, covered entities must allow people with disabilities who use any OPDMD to enter the premises unless a particular type of device cannot be accommodated because of legitimate safety requirements. Such safety requirements must be based on actual risks, not on speculation or stereotypes about a particular type of device or how it might be operated by people with disabilities using them.

- For some facilities – such as a hospital, a shopping mall, a large home improvement store with wide aisles, a public park, or an outdoor amusement park – covered entities will likely determine that certain classes of OPDMDs being used by people with disabilities can be accommodated. These entities must allow people with disabilities using these types of OPDMDs into all areas where members of the public are allowed to go.
- In some cases, even in facilities such as those described above, an OPDMD can be accommodated in some areas of a facility, but not in others because of legitimate safety concerns. For example, a cruise ship may decide that people with disabilities using Segways® can generally be accommodated, except in constricted areas, such as passageways to cabins that are very narrow and have low ceilings.



- For other facilities – such as a small convenience store, or a small town manager’s office – covered entities may determine that certain classes of OPDMDs cannot be accommodated. In that case, they are still required to serve a person with a disability using one of these devices in an alternate manner if possible, such as providing curbside service or meeting the person at an alternate location.

Covered entities are encouraged to develop written policies specifying which kinds of OPDMDs will be permitted and where and when they will be permitted, based on the following assessment factors.

Assessment Factors

In deciding whether a particular type of OPDMD can be accommodated in a particular facility, the following factors must be considered:

- the type, size, weight, dimensions, and speed of the device;
- the facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- the facility's design and operational characteristics (e.g., whether its business is conducted indoors or outdoors, its square footage, the density and placement of furniture and other stationary devices, and the availability of storage for the OPDMD if needed and requested by the user);
- whether legitimate safety requirements (such as limiting speed to the pace of pedestrian traffic or prohibiting use on escalators) can be established to permit the safe operation of the OPDMD in the specific facility; and
- whether the use of the OPDMD creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations.

It is important to understand that these assessment factors relate to an entire class of device type, not to how a person with a disability might operate the device. (See next topic for operational issues.) All types of devices powered by fuel or combustion engines, for example, may be excluded from indoor settings for health or environmental reasons, but may be deemed acceptable in some outdoor settings. Also, for safety reasons, larger electric devices such as golf cars may be excluded from narrow or crowded settings where there is no valid reason to exclude smaller electric devices like Segways®.

Based on these assessment factors, the Department of Justice expects that devices such as Segways® can be accommodated in most circumstances. The Department also expects that, in most circumstances, people with disabilities using ATVs and other combustion engine-driven devices may be prohibited indoors and in outdoor areas with heavy pedestrian traffic.

Policies on the Use of OPDMDs

In deciding whether a type of OPDMD can be accommodated, covered entities must consider all assessment factors and, where appropriate, should develop and publicize rules for people with disabilities using these devices.



Such rules may include –

- requiring the user to operate the device at the speed of pedestrian traffic; identifying specific locations, terms, or circumstances (if any) where the devices cannot be accommodated;
- setting out instructions for going through security screening machines if the device contains technology that could be harmed by the machine; and

- specifying whether or not storage is available for the device when it is not being used.

Credible Assurance

An entity that determines it can accommodate one or more types of OPDMDs in its facility is allowed to ask the person using the device to provide credible assurance that the device is used because of a disability.



If the person presents a valid, State-issued disability parking placard or card or a State-issued proof of disability, that must be accepted as credible assurance on its face. If the person does not have this documentation, but states verbally that the OPDMD is being used because of a mobility disability, that also must be accepted as credible assurance, unless the person is observed doing something that contradicts the assurance. For example, if a person is observed running and jumping, that may be evidence that contradicts the person's assertion of a

mobility disability. However, it is very important for covered entities and their staff to understand that the fact that a person with a disability is able to walk for a short distance does not necessarily contradict a verbal assurance – many people with mobility disabilities can walk, but need their mobility device for longer distances or uneven terrain. This is particularly true for people who lack stamina, have poor balance, or use mobility devices because of respiratory, cardiac, or neurological disabilities. A covered entity cannot ask people about their disabilities.

Staff Training

Ongoing staff training is essential to ensure that people with disabilities who use OPDMDs for mobility are not turned away or treated inappropriately. Training should include instruction on the types of OPDMDs that can be accommodated, the rules for obtaining credible assurance that the device is being used because of a disability, and the rules for operation of the devices within the facility.

For more information about the ADA, please visit ADA.gov or call our toll-free number.

ADA Information Line 800-514-0301 (Voice) and 1-833-610-1264 (TTY) M-W, F 9:30 a.m. – 12:00 p.m. and 3:00 p.m. – 5:30 p.m., Th 2:30 p.m. – 5:30 p.m. (Eastern Time) to speak with an ADA Specialist. Calls are confidential.

For people with disabilities, this publication is available in alternate formats.

Duplication of this document is encouraged.

January 31, 2014

Related Content

State/local governments and businesses must allow a person with a disability who uses a *wheelchair or other manually powered mobility aid* into all areas where members of the public are allowed to go.

A person with a disability who uses a golf cart or other powered option must be allowed to enter businesses and government facilities unless it can be shown that a particular type of device cannot be safely used.

Wheelchairs and Manually Powered Devices

Wheelchairs are manually operated or power-driven devices designed primarily for people with disabilities to get around.

Manually powered devices also include:

- Walkers
- Canes
- Crutches
- Braces

Other Powered Options

Other options include any mobility device powered by batteries, fuel, or other engines that may be used by people with disabilities to get around. These include:

- Golf carts



How the ADA regulations refer to golf carts, ATVs, and other powered options

In the ADA regulations, other powered options are referred to as *other power-driven mobility devices*, or *OPDMDs*.

Factors to Consider

Businesses and government facilities must consider the following factors when deciding whether another powered option can be used:

- Type, size, weight, dimensions and speed of the device
- Pedestrian traffic in the facility
- Design and operational characteristics of the facility, which can include:
 - Indoor or outdoor facility
 - Square footage
 - Furniture placement and density
 - Storage availability
- *Legitimate safety requirements* for operation
- Risk of serious harm to environmental, natural, or cultural resources
- Conflicts with federal land management requirements



More about *legitimate safety requirements*

Businesses and governments can impose legitimate safety requirements for operating the OPDMD within a facility.

For example, a cruise ship may decide that people with disabilities using Segways® can generally be accommodated, except in constricted areas, such as passageways to cabins that are very narrow and have low ceilings.

Safety requirements must be based on actual risks, not on speculation or stereotypes about a particular type of device or how it might be operated by people with disabilities using them.

Learn more in ADA Requirements: [Other Power-Driven Mobility Devices \(OPDMDs\)](#).

After considering these factors, an agency or business might establish a policy that:

- Requires users to operate devices at the speed of pedestrian traffic
- Identifies locations where devices cannot go
- Provides instructions for going through security screening (if necessary)
- Indicates if storage is available for the device

Asking Someone About Their Mobility Device

If a person with a disability enters a business or government facility using a cart or other powered option:

- ✓ You may ask that they provide “credible assurance” that the device is used because of a disability.

You must accept any of these types of credible assurance:

- A valid, state-issued disability parking placard
 - Other state-issued proof of disability
 - A statement from the person that the cart or other powered option is used because of a disability, unless the person is observed doing something that contradicts this statement
- ✗ You may not ask about the nature or extent of someone’s disability. This is also true if someone is using a wheelchair or other manual mobility aid.