

January 14, 2013

The Ellettsville, Indiana, Town Council met for a regular meeting on Friday, January 14, 2013, at the Fire Department Training and Conference Room. Scott Oldham called the meeting to order at 6:30 p.m. Dianna Bastin led the Pledge of Allegiance followed with a prayer by Phillip Smith.

Roll Call: Members present were Scott Oldham – President; Dan Swafford, Vice President; Dianna Bastin, David Drake and Phillip Smith. Sandra Hash, Clerk Treasurer, and Darla Brown, Town Attorney, were also present.

Supervisors Present were: Jim Davis, Jim Ragle, Tony Bowlen, Connie Griffin, Mike Farmer and Jeff Farmer.

Approval of Minutes

Scott Oldham entertained a motion for the approval of the minutes for the regular meeting on December 28, 2012. Dan Swafford so moved. Phillip Smith seconded. Motion carried.

Accounts Payable Vouchers

Dan Swafford entertained a motion for action to pay Accounts Payable Vouchers. Phillip Smith so moved. David Drake seconded. Motion carried.

Election of Officers

Dianna Bastin nominated Scott Oldham for President of the Town Council. David Drake seconded. Roll Call Vote: David Drake – yes; Scott Oldham – yes; Dianna Bastin – yes; Phillip Smith – yes; and Dan Swafford – yes. Motion carried 5-0.

Scott Oldham entertained a motion for Vice President of Town Council. Phillip Smith moved to elect Dan Swafford as Vice-President of Town Council. David Drake seconded. Roll Call Vote: David Drake – yes; Scott Oldham – yes; Dianna Bastin – abstained; Phillip Smith – yes; and Dan Swafford – yes. Motion carried 4-0 with one abstention.

Appointments:

Department Liaisons:

Police Department:	Scott Oldham
Fire Department:	David Drake
Street Department:	Dan Swafford
Utilities Department:	Phillip Smith
Grievance Officer:	Phillip Smith

Dianna Bastin commented she didn't know if a liaison was necessary for the Planning Department because they have two council members serving on it. Dan Swafford can be the liaison because he's on the Plan Commission.

Scott Oldham noted there's a democrat appointment on the Board of Zoning Appeals ("BZA") by the President. Sandra Hash advised there aren't any candidates and there's been a vacancy for a long time. Mr. Swafford asked if anyone wanted to serve on the BZA to contact them.

Scott Oldham also noted there's a republican appointment on the BZA for Geraldine McIntyre's term which ended on December 31, 2012. Her term on the Park's Board also expired on December 31, 2012. Mr. Swafford suggested they postpone the appointment until someone can talk to her.

Annual Appointments:

Dan Swafford made a motion to appoint Jim Davis to the Monroe County Ambulance Advisory Board and Monroe County Emergency Management Advisory Board. David Drake seconded. Motion carried.

David Drake made a motion to appoint Dan Swafford to the Monroe County Solid Waste Management Board. Phillip Smith seconded. Motion carried.

David Drake made a motion to appoint Sandy Hash to the Ellettsville Chamber of Commerce. Dan Swafford seconded. Motion carried.

Resolutions

Resolution 01-2013 Cancellation of Warrants (Old Outstanding Checks)

Sandra Hash explained the checks are over three years old and most are refunds or meter deposits. There is \$53 for water and \$30 for sewer. The checks were issued but never cashed. Mr. Oldham asked if the money went back into the General Fund. Ms. Hash replied it goes back into water operating and meter deposits.

Scott Oldham entertained a motion to pass Resolution 01-2013 Cancellation of Warrants (Old Outstanding Checks). Phillip Smith made a motion to pass Resolution 01-2013 Cancellation of Warrants (Old Outstanding Checks). Dan Swafford seconded. Roll Call Vote: Scott Oldham – yes; Dan Swafford – yes; Dianna Bastin – yes; David Drake – yes; and Phillip Smith - yes. Motion carried 5-0.

Resolution 02-2013 to Approve the ADA Transition Plan Along With a Presentation

Connie Griffin, Director of Planning, previously came before the Town Council in March 2012, at which time a history of the Americans with Disabilities Act (“ADA”) was presented. Over the last fiscal year, the Planning Department has undertaken a comprehensive evaluation of the Town’s facilities to identify barriers which may prevent people with disabilities from accessing the Town’s services. The Transition Plan is intended to be a living document that will be updated regularly and track ongoing achievements of compliance through these processes as well as outlining the progress to date and identify the steps necessary to bring the Town into compliance with ADA regulations.

The Federal Highway Administration (“FHWA”) ensures that recipients of federal aid and state and local entities responsible for roadways and pedestrian facilities do not discriminate on the basis of disability in any highway transportation program, activity, service or benefit they provide to the general public. They also ensure that people with disabilities have equitable opportunities to use the public right-of-ways. The ADA Standards for Accessible Design refer to the requirements necessary for architectural accessibility to people with disabilities. The FHWA recommends using the Public Right-of-Way Accessibility Guidelines (“PROWAG”) as the current standards.

State Departments of Transportation and Metropolitan Planning Organizations (“MPOs”) must certify that the transportation planning process is being conducted in accordance with all FHWA long range transportation plans and improvements comply with the ADA and Section 504. MPOs do not have oversight responsibility for ADA compliance of local communities. ADA compliance is a key component with all federal regulations, including transportation from the U.S. Department of Transportation.

For 2011-2013, the Town of Ellettsville received \$12,000 in funding to assist with the completion of the ADA Transition Plan. Eighty percent was funded and 20% was an in-kind match from the Town. This budget line has been depleted. A total of 1,382 hours or 92% of Denise Line’s time was spent on the ADA Transition Plan. The work on the plan included a great deal of research and she has produced an exceptional document which the Planning Department and the Town can be proud of.

Title II, Part A of the ADA states “. . . *no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity.*” The Department of Justice requires transition plans to include the following: (1) A list of physical noncomplying items, (2) A plan that outlines the

methodology for removing the noncomplying items, (3) A schedule for achieving programmatic accessibility and (4) The name of the responsible official for the plan's implementation. Transition plan objectives are as follows: (1) Identify barriers through self-evaluation, (2) Develop a plan to modify items that do not comply with a design and construction requirements of the ADA standards, (3) Generate projected costs to be used for integrating accessibility modifications into a plan for capital improvements and (4) Develop budget and timeline recommendations for making facilities accessible. Plan elements consist of (1) Current statement of policy for equal employment and opportunity, (2) Purpose, (3) Contact information, (4) ADA fundamentals, (5) Town services, programs and activities, (6) Grievance procedure, (7) Self-evaluation findings and compliance schedules, (8) Summary of inaccessible features and (9) Appendix and exhibits.

The ADA is a comprehensive civil rights law for people with disabilities. The Department of Justice enforces the ADA's requirements in three areas: Title I – Employment practices by units of state and local government; Title II – Programs, services and activities of state and local government; and Title III - Public accommodations and commercial facilities. Through lawsuits and both formal and informal settlement agreements, the Department of Justice has achieved greater access for individuals with disabilities in thousands of cases. The Department of Justice may not file a lawsuit unless it has first attempted to settle the dispute through negotiations. Public entities, however, are not required to make modifications when it would fundamentally alter the nature of the program, or result in an undue financial or administrative burden. This must be confirmed in writing with an explanation as to why a barrier cannot be modified.

There is funding for research, training, expansion of a program and books for the blind. Certain funding programs piggy-back one another such as the Safe Routes to School and the Heritage Trail. There is a way of getting some infrastructure projects done but through different mechanisms than grants.

In summary, the primary goal is to optimize accessibility and ensure equitable opportunities and the Transition Plan will advance this initiative. Thank you to all departments, supervisors and Town Council for their assistance. Special thanks to the Street Department because they received a majority of the questions. By being located in the same building, they were often asked questions throughout the day. Their historical knowledge of the community was really appreciated.

Dan Swafford thanked Denise Line for doing a great job. It was a lot of work.

Scott Oldham asked if there was anything that needs to be done in addition to the Transition Plan. Ms. Griffin replied there will be regular reviews and resolutions as things pass or are adopted. At this time, they are requesting to adopt the Transition Plan by resolution.

Sandra Hash asked what the timeline is to make the changes. Ms. Griffin answered the timeline for different issues will be situational. Minor projects can be handled quickly. Something that is more infrastructural will take longer. As long as there are not any complaints, issues won't come to the forefront of a priority. Accessibility issues will all be listed and they will be prioritized. As long as they're listed in the Transition Plan they will be brought up to ADA standards. Ms. Hash asked if it really wasn't a time limit but they're just striving to get it done. Ms. Griffin replied that's correct, they're just proceeding to make the Town as accessible as possible.

Dan Swafford asked Darla Brown if she had reviewed the Transition Plan. Ms. Brown replied she had and the form it is in is acceptable.

Scott Oldham entertained a motion to adopt Resolution 02-2013 to approve the ADA Transition Plan. Phillip Smith made a motion to adopt Resolution 02-2013 to approve the ADA Transition Plan. Dan Swafford seconded. Roll Call Vote: Scott Oldham – yes; Dan Swafford – yes; Dianna Bastin – yes; David Drake – yes and Phillip Smith – yes. Motion carried 5-0.

New Business

Duke Energy Request for Grant of Temporary Easement

Michael Farmer, Ellettsville Utilities, explained Dave Minnick of Duke Energy contacted him about acquiring a temporary easement at the Maintenance Building on the corner of Matthews and McNeely. They will be doing some work on their substation off of Main Street. They need to have a temporary substation to allow for the transfer of energy while they’re working on the main substation. They did this a few years ago while they set a couple of poles.

Scott Oldham entertained a motion to grant Duke Energy the temporary easement as requested. David Drake made a motion to grant Duke Energy the temporary easement as requested. Phillip Smith seconded. Roll Call Vote: Scott Oldham – yes; Dan Swafford – yes; Dianna Bastin – yes; David Drake – yes and Phillip Smith - yes. Motion carried 5-0.

Adjournment

Scott Oldham entertained a motion to adjourn. David Drake made a motion to adjourn. Phillip Smith seconded. Motion carried. Scott Oldham adjourned the meeting at 6:58 p.m.

Scott Oldham, President

Dan Swafford, Vice-President

Dianna S. Bastin

Phillip Smith

David Drake

Sandra Hash, Clerk Treasurer, IAMC, MMC