

**RESOLUTION NO.1, 2013**

**A RESOLUTION OF THE COMMON COUNCIL OF THE  
CITY OF WABASH, INDIANA AMENDING THE ADA TRANSITION PLAN  
FOR THE CITY OF WABASH**

**WHEREAS**, the Common Council of the City of Wabash, Indiana, desires that the City be accessible to all persons including those with disabilities; and

**WHEREAS**, the Common Council of the City of Wabash, Indiana desires to be compliant with all federal and state laws concerning accessibility for those with disabilities, including but not limited to the Americans With Disabilities Act (ADA); and

**WHEREAS**, the Common Council of the City of Wabash, Indiana previously adopted a resolution creating an ADA Transition Plan; and

**WHEREAS**, the Common Council of the City of Wabash, Indiana desires to amend the ADA Transition Plan to provide further specifics;

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council for the City of Wabash, that the following ADA Transition Plan be adopted:

**ENACTMENT OF ADA REQUIRED COORDINATOR, NOTICES, GRIEVANCE PROCEDURE, DESIGN STANDARDS AND TRANSITION PLAN FOR THE CITY OF WABASH, INDIANA**

**I. ADA Coordinator:** The ADA Coordinator for Wabash City Indiana is the Mayor's Executive Assistant. The incumbent Executive Assistant is Andrea Vancamp.

**II. Public Notice:** Public Notice notifying the public of the City's commitment to the requirements of the ADA, including the name and contact information for the ADA Coordinator and the grievance procedure for ADA related complaints shall be posted in prominent places within the City or its facilities as determined from time to time by the ADA Coordinator and shall also be on the City's official Website. The form of the Notice is attached hereto.

**III. Grievance Procedure:** Any person who believes that he or she has been discriminated against or unfairly hindered or treated in the provision of services, activities, program, or benefits by the City of Wabash, Indiana because of a recognizable disability shall be entitled to submit a grievance to the City using the following procedure:

**Step 1. Initiation of the complaint.** A grievance shall be made with the ADA

Coordinator. The grievance may be in writing on a form provided by the City; it may be submitted over the telephone to either the ADA Coordinator or City Hall receptionist, or it can be submitted by fax or e-mail. The grievance should be submitted as soon as possible but no later than sixty (60) days after the alleged violation. The Complainant should provide the following information in order to assist in a rapid and complete resolution:

- a. Name, address, and telephone number of the person submitting the grievance.
- b. Name, address and telephone number of the person who was unfairly treated or hindered due to their disability if different from the person described in Paragraph #1.
- c. The date, approximate time, and place of the unfair treatment or hindrance.
- d. A brief description of the complainant's disability.
- e. A brief description of how the complainant was unfairly treated or hindered.
- f. The names, addresses and telephone numbers of any witnesses.
- g. The relief that the complainant is requesting.

If enough information to resolve the complaint is not received, the ADA Coordinator shall follow-up to obtain the necessary information from the Complainant. If the Complainant fails to provide a telephone number, address or e-mail to which a request for further information or a response to the complaint can be sent, the ADA Coordinator may deny the Complaint.

## **Step 2. Initial response.**

**a. Valid Complaint; Easy remedy:** The ADA Coordinator shall review the complaint. If the Coordinator believes that the complaint is valid and that there is an easy remedy, the Coordinator shall take those steps necessary, including notifying appropriate city personnel, to accomplish the remedy. A letter advising the Complainant of the action to be taken shall be sent to the Complainant and upon completion of that action a follow-up letter shall be sent notifying the Complainant of the completion of the action.

**b. Valid complaint; Remedy requiring expenditure of funds or more complex action:** If the ADA Coordinator believes that the complaint is valid but that the remedy is either difficult to accomplish, requires budgetary considerations, or requires official action from a city board, commission, department head or other entity of the city, the ADA Coordinator shall forward the complaint to the appropriate board, commission, department head or other entity and direct that person or entity to evaluate the complaint and determine what action that person

or entity is prepared to take to remedy the complaint. The ADA Coordinator shall send a letter to the Complainant advising the Complainant of the action the ADA Coordinator has taken. The board, commission, department head or entity, if it determines that the complaint is valid and can be remedied, shall notify the Complainant of the action it plans to take and a timetable for that action. If a remedy will take more than 60 days to accomplish, the board, commission, department head or other entity shall explain to the Complainant why it will take longer than 60 days to remedy.

**c. Non-valid complaint:** If the ADA Coordinator determines that the complaint is not valid, or if the ADA Coordinator forwards the complaint to a board, commission, department head or other entity and that entity determines that the complaint is not valid, a letter shall be sent to the Complainant telling the Complainant that the City intends to take no action with regard to the complaint giving a reason why it has determined that no action is necessary. The letter shall also advise the Complainant that the Complainant has a right to appeal the decision on the complaint to the Board of Public Works and Safety (BOW) by requesting a hearing. A form for such request shall be included with the letter. Such an appeal must be filed within thirty (30) days of the mailing of the letter and the letter shall inform the Complainant of this deadline. Upon receipt of an appeal request, the ADA Coordinator shall schedule that hearing as an agenda item at the next convenient BOW meeting that is at least 7 days but not more than 21 days from the date of receipt of the request. The ADA Coordinator shall send a letter not less than five days prior to the BOW meeting to the Complainant advising the Complainant of the date, time and place of the hearing.

**d. BOW Action.** The BOW shall hear the Complainant's appeal. If the BOW believes that the complaint is valid and can be remedied without requiring a special appropriation or other budgetary action, the BOW shall order such action be taken. If the BOW determines that the complaint is valid but cannot be remedied without budgetary action, the complaint shall be forwarded to the next scheduled City Council Meeting. If the BOW determines that the complaint is not valid, it shall notify the Complainant by letter. If the BOW did not explain its action to the Complainant at the BOW meeting, it shall include the reasons it has denied the appeal and a statement that the decision of the BOW is a final decision and that if the Complainant desires a further appeal, the Complainant should consult a lawyer to determine if there is an appropriate legal action to be taken.

**e. City Council Action.** If the BOW forwards the complaint to the City Council, the Council shall hear the recommendation from the BOW and take any information from the Complainant it desires. If the Council decides that it does not believe the complaint is valid, it shall notify the Complainant by letter. If the Council did not explain its action to the Complainant at the Council meeting, it shall include the reasons it has denied the appeal and a statement that the decision of the Council is a final decision and that if the Complainant desires a further appeal, the Complainant should consult a lawyer to determine if there is an appropriate legal action to be taken. If the Council finds that the appeal should be granted, the Council will advise the Complainant of such and shall tell

the Complainant of how and when the Council will appropriate any necessary expenditure to accomplish the remedy.

**Step 3.** Once a Complainant has been advised of a final action, if the Complainant is not satisfied, the Complainant should consult with legal counsel and determine if there is any appropriate legal action that can be taken. All complaints and all responses thereto shall be retained by the City for at least three years.

#### **IV. Design Standards.**

**a. Adopted Standards.** The City of Wabash, Indiana hereby adopts the ADA 2010 Standards for Accessible Design and 2011 Guidelines for Pedestrian Facilities in the Public Right-of-Way.

**b. City Facilities Inventory.** An inventory of the City facilities that require improvements to meet ADA standards is contained in a binder prepared by Randall Miller & Associates and is incorporated by reference herein.

**b. Streets and Sidewalks Inventory.** An inventory of City Streets, Sidewalks and other Pedestrian Facilities in the Public Right-of-Way requiring improvements to meet ADA Standards is contained in a second binder prepared by Randall Miller & Associates and is incorporated by reference herein.

#### **V. Transition Plan.**

**a. The Plan.** The Transition Plan is contained in a third binder prepared by Randall Miller & Associates and is incorporated by reference herein. A copy of this resolution is contained in that binder also.

**b. Implementation Official.** The Wabash City Street Commissioner is the current local project administrator (LPA) for all Indiana Department of Highway projects and the official responsible for the implementing the City's Transition Plan. The current incumbent is Scott Richardson.

**c. Implementation Schedule.** The implementation of the City's ADA Plan consists of several different approaches.

(1) The city has adopted an ordinance committing \$75,000.00 per year to be used to upgrade sidewalks, intersections and remove dangerous trees having an adverse impact on sidewalks, intersections, and the public streets.

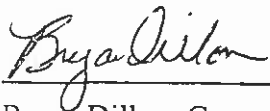
(2) The city will ensure that any project involving street, sidewalk or intersection repair will include upgrading the same to ADA standards. The three such projects currently in

progress and expected to be implemented either in 2013 or 2014: North side of Canal Street from Wabash Street to Paradise Springs (2013); Honeywell Pool (2014); Alber Street from Colerain to Euclid (2014).

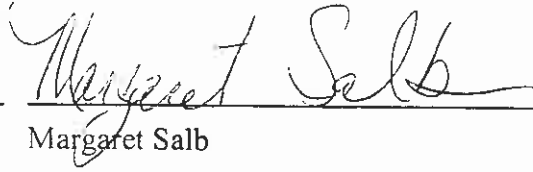
(3) The city will create a task force that will meet within 30 days of the passage of this resolution. The task force will include public input from the public meeting held March 26, 2012, January 28, 2013, and the public members of the task force and will develop criteria by which all intersections, sidewalks and public facilities will be evaluated. The task force will make a recommendation to the City Council no later than 30 days before the start of the budget planning process for 2014 of the top priority projects so that City Council can include in the budget process any upgrades additional to what were included in subparagraphs (1) and (2) above. This task force shall meet each year to update the priority listing and its recommendations as to upgrades after getting input of any finished projects and any changes in ADA standards.

**d. Public Input.** The ADA Coordinator shall maintain a record of the public comments submitted concerning the Transition Plan and shall supply such comments to the task force each year prior to its meeting.

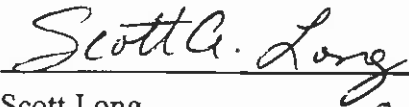
Passed by the Common Council of the City of Wabash, Indiana this 28<sup>th</sup> day of January, 2013.



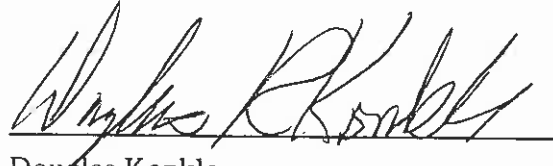
Bryan Dillon, Council President



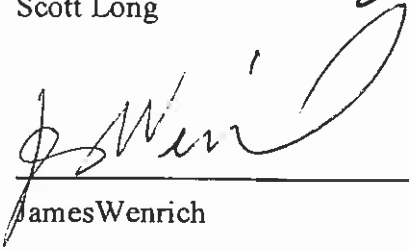
Margaret Salb



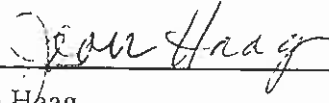
Scott Long



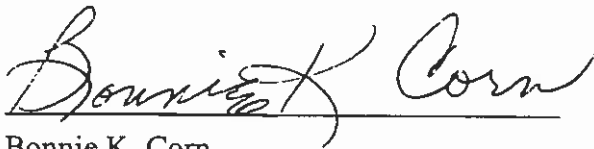
Douglas Konkle



James Wenrich

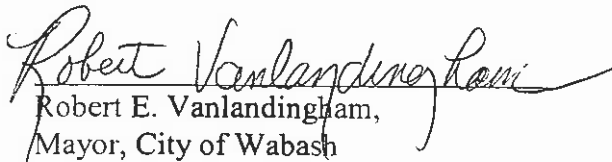


Joan Haag

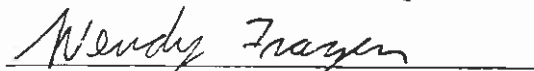


Bonnie K. Corn

APPROVED this 28<sup>th</sup> day of January, 2013.

  
Robert E. Vanlandingham,  
Mayor, City of Wabash

ATTEST:

  
Wendy Frazier,  
Clerk-Treasurer, City of Wabash