

MEMORANDUM

ADA COMPLIANCE PUBLIC HEARING

November 15, 2012

6:30 p.m.

City Hall Council Chambers

The City of West Lafayette held a public hearing to hear feedback and comments of concern regarding the West Lafayette Americans with Disabilities Act (ADA) Self-Evaluations and Transition Planning, as requested of the public at the September 12, 2012, presentation.

City officials present were Mayor Dennis, Clerk-Treasurer Rhodes, Assistant Parks Superintendent and ADA Coordinator Ainsworth, Engineering Assistant Anderson, Councilor Burch, Human Resources Director Foster, Director of Development Poole, Fire Fighter 1st Class Redd, Assistant City Engineer Susong, City Attorney Associate Zach Williams.

Also present were David Meihls and Amy Moore of ADA Consultants of Indiana, LLC, the City's consultants on compliance with the 2011 ADA Requirements & Guidelines for facilities, programs, and services.

The sign-in sheet is attached.

Mayor Dennis apologized that he would need to be at another commitment this evening, so he would only be able to open the meeting. He said that David Meihls, the City's certified local expert, will be presiding over the meeting. Mayor Dennis said he anticipated that this meeting would be a constructive meeting. He explained that this meeting is Part II of the first meeting [November 15, 2012] and that attendees have done their homework. He stated, "We are trying to work collaboratively to continue to make this City one of the greatest places in the State of Indiana. We understand that there is work to be done, and work will be done, but it will be done on a logical and practical timeline. We are not in a position to just snap our fingers and turn something that needs improvement into perfection. It is a process. We need your help and input. There are some rules for that. This is not a battle to determine who is right and who is wrong. We'll take the information as you present it and we will move on. We are not going to gauge the severity or the appropriateness of the situation or the circumstance for the City. We want to be made aware of them, take the appropriate measures to get them documented, and that will go into our transition plan, so we can then move forward. Finally, respect, respect, respect. We all have opinions. Some of those opinions are directly in conflict with each other. The purpose of this meeting is to get the information shared, and then allow for us to move forward with that process. Above all, I want you to respect each other when sharing your opinions." Mayor Dennis turned the meeting over David Meihls and thanked everyone for attending. Mayor Dennis then left the meeting.

Mr. Meihls introduced himself and stated that we are here to receive comments and feedback so that the City can understand where it needs to focus efforts towards compliance. He summarized the work that has been done in the last year. Self-evaluations for existing facilities are expected to be complete by fall of 2013, and Title II evaluations of existing programs and services provided by the City are expected to be complete by spring of 2013. He stated that the sidewalk inventory process was complete, but wanted to make it clear that this was an inventory process and not an assessment process. The information from that inventory will be released in December 2012, and it will be included in the transition plan. Mr. Meihls opened the floor to the residents to receive feedback for known areas where the City may be lacking in offering full ADA compliance.

Jan Myers (1909 Indian Trail) stated, "David, I would appreciate if you would clarify the difference between sidewalk inventory and sidewalk assessment."

David Meihls stated, "OK, so, an inventory is to basically find out what it is we have here. The assessments that we're doing for the buildings are to find problems that we know we have to fix. The sidewalk is a little bit different because the sidewalks don't currently have a governing code that governs the sidewalks. They have a code that's in the proposed rule-making, and that's called the pedestrian right-of-way accessibility guidelines. But this is a proposed rule, so neither the federal government nor the State government can mandate that it gets followed. They recommend it, and the City of West Lafayette has been using these guidelines as our construction guidelines for the whole year. So, we're kind of ahead of the game in that aspect. But, it's because of these new proposed rules that has spurred the need for cities to determine what it is they have. So, it's the inventory. Once the inventory is collected and turned over to the residents it will be, what's required is that the residents then give their feedback with what it is you hope to see done with the sidewalks. There is no requirement to fix the sidewalks right now. It is a requirement to inventory them, because they have no governing code that they can enforce fixing them. So, the proposed rule is expected to become law very soon, and as it does municipalities will be then forced to go back and comply with this law, but it's not law yet. So, right now we're in inventory process. And that's why it's called an inventory process and not an assessment."

Mary Caccavo (Lafayette Hearing Center, owner) stated, "I am a little late to the party, but I hope you heard from some of my friends."

David Meihls stated, "Indeed I did."

Mary Caccavo stated, "OK, so, we heard about this and I had a colleague of mine come last time and listen to the program. We went back, we took your form asking for how people felt about how they were hearing in the community. We emailed them, we mailed them, we told people to put down where they thought they'd like to hear better, where they were having problems, send it you. Some sent it to us and we sent it on. I don't know how many responses you got."

Amy Moore stated, "Ten to twelve hard copies."

David Meihls asked, "Ten or twelve for this city?"

Amy Moore responded, "Yes."

David Meihls stated, "OK, because I know that that response actually generated a response from other communities as well."

Mary Caccavo stated, "OK, great. So, we just wanted to let you know that that's obviously a small percentage of people in the community that have difficulty hearing. Our solution for the problem is a lot simpler than what it is for people that are more physically challenged. And, if you want me to say what it is, I will, or I'll just..."

David Meihls stated, "Certainly, please, feel free to elaborate."

Mary Caccavo stated, "Well, if you've seen some of the community work that we've done, we've got a program called Looping Lafayette/West Lafayette. And we have done what we call 'looped' in St. Mary's and St. Lawrence church, so far. So, people that have hearing aids with telecoils would go into a facility, if this was looped, anyone that had a microphone, they would sit and they would turn on their telecoil. Then anyone who spoke into a microphone would stream right in their ear. So, they could be a long ways away from the speaker and sound just like this. So, we are

proposing a place like this, would actually draw more participants. I've actually been in this facility before and seen people, even with hearing aids on, trying to hear people up there. And, the Morton Community Center, because that's where they hold the WALLA programs, if you were to loop one or two rooms there, I think it would do so much in order to get people out, if in this community they could come and be more active, involved, because they wouldn't have to be worried about being embarrassed if they said something that was already said or if they misunderstood it. It would just open up a huge access to people. It's being done, it's all over Europe. We are really late to the party in this country, but anywhere in Illinois or Michigan – Michigan State Arena is looped. We need Purdue people who have a hearing aid go to a Michigan State game, they can hear, just go into the telecoil and they can hear the announcer right in their ear. You can go to many theaters; the Marriott Theater in Libertyville just was looped. I mean, on and on and on it goes. We're a little late in the State of Indiana, but we're trying to catch up. St. Mary's and St. Lawrence obviously was a big step, and the word is spreading, how wonderful it is. Now we're getting calls from entertainment venues, which is wonderful. We all know as we age, our cognitive ability starts to change, and if you can't hear that's going to make that go faster. So, a community this size, taking a step like that, it's cost effective; it's not really that expensive to do. And what we say is 'loops beget loops,' once somebody does it, then everybody wants to do it because they see that it will bring people out. It's not just the aging population. I see Purdue people come in, and I ask them 'How do you hear in your classroom?,' well, 'I don't. I get online, or I do these other things.' High school students who go to their graduation and can't even hear, or hear their own school play. It's not just older people. Certainly that's a big part of it, because that happens as we age, but there's plenty of young people out there who would benefit. In fact, I've found, we've gone out doing fundraising, and a lot of times it's the other younger families that step-up with a lot of the money, because it's the gift that gives forever. So, that's my two cents."

David Meihls stated, "Well, thank you very much for that. And I'd like to start off by saying thank you very much for reaching out to your patients and having them write in, because that's exactly what the intention of our last meeting was. That's great response. And I can tell you, we had a great response. If it was ten, from the City of West Lafayette, and so you know that information has been recorded. It will be included in the transition plan as public response, and I can tell you that although no definitive decisions have been made yet, and they won't be tonight, the City is absolutely considering all of the information. With the response that's been generated by generated by your questionnaire, and it will hold a lot of weight."

Pennie Ainsworth stated, "I'm the ADA Coordinator. I have contacted one of the gentlemen that will do the evaluation. He's going to come next month and evaluate this room, and also Morton. So, we are looking into that."

David Meihls stated, "Fantastic. I knew that there was going to be some more interest in that development."

Jan Myers stated, "Just to add to that, on the hearing: I have a mother who is 94 and she hasn't heard since she was 18 months old. So, I grew up with a mother that lip-read, far enough back my gray hairs show. I would urge that on the list you include the Lilly Center, the meeting room there. And the other thing is in all the meeting venues, be sure anyone speaking there is told to use the mic. I was in the Lilly Center yesterday. The speaker didn't even know about the mic and never used it. There were young children in there, who were all energetic about things, and noisy. And there were seniors there doing this, of course. And I decided to shut my mouth and not say 'up there in the cabinet is a mic.'" So, we also need to be sure all the facilities, people are using the mic."

David Meihls stated, "That's a great point, thank you. OK, well, I think that issue had some time before it will develop any further news. Is there any other issues that anyone would like to discuss about the City? Jan?"

Jan Myers stated, "I was going to let other people..."

David Meihls stated, "I know. Well, I think you've got the floor if you want it."

Jan Myers stated, "I really want to be sure, and I'm sorry that they Mayor will miss my comment, I'm glad that we do have a Mayor that was willing to go out on what I call my 'roundfeet walk.' Even the people from the feds (Department of Transportation Federal Highway Administration) who heard about it, and ask me 'how did you get a Mayor to do that? We keep trying.' So, will those of you pass that word onto him. We've also had one Council member who is here, Vicki, go out for a walk with me, and I've had a couple other Council members who say 'I want to understand what they're talking about,' so, we're trying to work out the reasons, the schedule, with that. And, also, I understand why we've been encouraged to have this transition plan. Now, just for the sake of a little history, not for David's sake, but for all of us when we say 'oh, we've gotten things done quickly,' please understand I grew up in a 4-H background, which means you're always working to make the best better. And sometimes, even the Mayor says, 'why do you keep pushing for the best?' Well, that's where I grew up and that's it. I would urge us to remember that the City's been under what we now call ADA since 1973 under the Rehabilitation Act, which is still in existence. It was only in 1970 when that act became ADA, as we now refer to it, and that now affect every facility, stores and so forth. So, I want us to remember that the City has really been under this for about 40 years, not the last couple. In the early 1990s, the City did create a transition plan. My concern is, that we as residents, and we have a lot of residents over 60, which means we're probably dealing with a great number of cataract or vision limitations. And I don't know, Mary Caccavo, whether you can confirm a statistic I was given the other day on hearing, that there are now more under-30 that have hearing loss than over-65 because of the loud noises. This came from a federal source but I don't know how they arrived at it.

Mary Caccavo stated, "That would be a stretch."

Jan Myers stated, "Well, it was an interesting way to remind us all those loud noises at concerts and such have added on. We are a community where visitors, because of the campus and the arts venues and the concerts that go on there, and the sports events, and graduation, we get a wide range of ages, abilities. The 2-year old doesn't go over the curb much better than I do with roundfeet. So, we're not just serving those with disabilities when we improve it. Also, Purdue is now in its either fifth or sixth year of having the Veterans with Disabilities short course in the summer, to become entrepreneurs, and the Village and the Mayor and I have shared emails on how much of the Village is either not signed right or not accessible down there. So, we have audience a lot larger than what's sitting in this room tonight or commonly represented and I urge us to remember that. What does concern me, is so many of the current plans seem to be vehicles before people. We put in a street, we resurface a street, we don't match it up with the curbing. I'm currently suffering a lot of what I call WW, wheelchair whiplash. When a street is resurfaced, and it is a requirement, the sidewalks have to have a curb, or a ramp, we haven't been doing that as a City, and we're not meshing the new surface with the ramps that are there. So, that's where I get my WWs, I just get shaken right out of the chair. To be more specific on it, and I'm not trying to jump back to 1973, I'm looking at very new construction or new things that have been done in the City, some in the last year. It amazes me, and incidentally, Ben, I've never heard from the construction company. Both the new Yeager Road and the new Cumberland are not accessible, fully accessible. And this is money we have just spent in the last few months, and they don't seem to be following up to get that corrected. From what I've seen at the Board of Works, we've been paying those bills, but..."

David Meihls asked, "Can you explain a little further, as to how it's not accessible?"

Jan Myers stated, "Yes, oh yes. There are not landing pads, like at the Yeager/52, so if you're on crutches, you're out walking, you're thrown right into 52. There's a landing pad that's to be there. It's very narrow and it just keeps ramping, it doesn't go to a landing pad. At the roundabout side of things, where there is the pedestrian crossing, they have included, what I will call, now I'm not the engineer on this so someone can give me the proper term on this, what I call the inside-curb that they put in. They've got it at Grant and Salisbury. They Mayor and I have driven over it, and he said 'Oh my God.' They did the same thing at the roundabout, they narrowed the sidewalk and put a flat curb there at the point it goes into a ramp. So that, and I had this happen to myself recently, I let someone with a stroller go by, forgot I was at one of these mismatched, and almost tipped myself. That is very common around this City. Call it whatever engineering term you want. We're also continuing to use return curbs, that means the sidewalks are not accessible. And by that, I mean rather than going the ramp down to a landing pad, it's ramping and curving at the same time, so that even two individuals on walkers, crutches, strollers, bicycles, can't be side-by-side. And I can give you examples, I've got some right here, older ones in front of City Hall. But we have some very serious ones, especially on Salisbury, the last two segments of Salisbury that were done. Robinson and River Road have a horrendous one on the north-west corner, that doesn't match anything, there's no landing pad. Nearly all, and it's the vast majority, but not all of our pads have pedestrian accusation devices, the buttons you push at curbs, are not compliant and never have been. They're the finger-tip variety, they are to be instead, and should have been since 1973, at least two inches across so that a service animal can use them, someone with hands as crazy as mine can push them with your elbow, or it might be someone with an amputation, you push them with canes or other things. And, while there are no sides of the four-part intersection, down there at Navajo and Salisbury, and I have requested that for 10 years. I've had two different policemen stop me there and say, 'Why are you crossing against the light?' I said, I can't press the button, and it isn't timed so it ever goes to pedestrian. So, as I did come here, I crossed on the red light because that's the only thing you can do. The fact that we don't have the landing pads, or landing areas at many, many of the intersections, means that anyone, I've had people tell me they won't go on certain streets with their children and trikes and wagons and such, because there's no way for them to stop when they get at an intersection. We have the intersection at Rose and Robinson reconstructed, now service animals can't use it because a service animal is not taught how to tell their owner you're at a T-intersection and I should stop and let you decide you're really turning left. There were several things that weren't considered in that new intersection that really are quite problematic. And there's no clue to the drivers, especially if they're coming up Robinson, that they're going to find pedestrians crossing on Rose when they make a right turn. There's signage – you can see I can go on and on and I've been doing this for a long time. I'm very pleased that the City is at least taking this seriously. It is not this side of the river that trapped me on a bridge, got another bone to pick with the other side of the river on that. But, right now, we're talking about this. I didn't check it this afternoon, but I bet I can take you straight up Salisbury, and we'll go to turn on what's supposed to be the trail, the north side of Cumberland, and it's not accessible because they put the big detour sign over the pedestrian walk, over the trail. Which means, if I was trying to go to the game, for a football game, I can't get there on my roundfeet, and it's also blocked all the other pedestrians that would be on there. There's plenty of grassy area, that sign could be there. I feel like I've personally trained all the surveyors, crews that have been around, and all the trimming crews. The other day I was down on Salisbury and the trimming crew was blocking the sidewalk, and I've learned to be very loud. And they went – . They never put it back there for several days thereafter. Back in the early 1990s on the transition plan, it was clearly identified that all the trails were to have edges. The City has known that in their own transition plan. No trail has ever been corrected, nor has any trail that's been built since then been done with edges."

David Meihls asked, "Can you elaborate just a little more?"

Jan Myers stated, "Visual or tactile edges. People with low vision have to have a tactile edge or a visual edge, a white stripe, leaving native plants growing there, there's several ways it can be made proper. We haven't been doing that. The Parks have put rails that block the view, especially the new rail at the new entrance off of Rose. I've got photographs I used at a session I taught at Purdue to graduate engineering students. I pull right up, and I walk in, and my sight is only wood, because they put a fence there. They're to have left that one clear. And there a number of places like that. Our trail maps are not readable by people with any limited vision. If anyone wants to try what I'm talking about, limited vision, put on sunglasses and smear a little Vaseline over the sunglasses and try to read. That'll give you the idea of a cataract pretty quickly, on that point. The celery bog viewing decks, platforms, I've heard them called different things, have a large step rather than a ramp, so that those are not accessible. When it comes, it's not only hearing as we've been mentioning in meetings, but many of the commissioned meetings and committee meetings that are being held in this room are around that table, or held downstairs, tables pushed together. The, I'll call them commissioned members, all sit around the table, face each other. The public, because these are public meetings, are invited in, have no chance to hear them because they're all talking to each other directly across the table. And, the configurations of meetings have to be more seriously thought about. Because it's not just here. Some people lip-read, and may not even know they're lip-reading, because they haven't gone to see you yet, Mary, to get good correction. But, there are a lot of people that are doing that, and can't hear, or people start whispering, and so forth. That concerns me a great deal. We spent a lot of money, somewhere around \$200,000, on what we call the fitness trail. Most of that money went into the track at the high school and some little stick-on signs that have worn off very quickly, and none of that sidewalk is accessible at all. That concerns me, that we call it a fitness trail, and we didn't do it. Since 1990, the Morton Center, has had its ramp built, and I will invite anyone to borrow my blue buggy and go up that ramp. It has never been from day one, properly built, and leave that at that. The Lilly Center does not have a door opener. In the last couple weeks now, they have reduced the amount of effort it takes to open it, rather than putting an open on, but the door does not hesitate. And, I tried recently to get in there several times, and I either run my chair, backing up trying to get the door to open, into the post that's supporting me, the roof structure. That needs a door opening, because then the next door in can't be open either."

David Meihls asked, "Is that an official request?"

Jan Myers stated, "Oh, all of these are official requests. But, that one I've been requesting since the day they built it, because they spent many tens of thousands of dollars in Hollywood theater lighting. I was a member of the theater, professional theater company for years, I have a background that confuses people. So, I look up there, and I know what it costs. It would've cost almost nothing to have the automatic door, which was already in the requirements way back when. At City Hall here, we have the entrance that has now been fixed a couple times, and now it has settled again, and it's greater than half an inch. It would cost about the labor to move the accessible entrance here on the west side, where I often have to have the Police Department let me in anyway, the parking's right there, a little bit of blue paint for the stripes, move this press-button over there, and it would improve everything, and we'd stop worrying about whether this front entrance is going to hang on or not. I think it said a lot the other day when it was announced in the headline in the newspaper, with Happy Hollow to be upgraded, what it was was to improve a parking lot. Going to spend \$36,000, and there's so much of Happy Hollow in trails and such that is not accessible or unsafe, that concerned me that we're thinking of Happy Hollow as an upgrade, and it turns out to be parking lots. A lot of the cities that have taken this seriously, and I realize Indiana almost on the bottom of the list of all 50 states for being serious about ADA, so it's hard to look around and see, well, we're behind this or that community. We're behind as a State. We're also in 50th place on obesity among teenagers, and pre-teens and so forth, our school age children

are the fattest in the U.S. That's a very sad thing to say. I would urge us that the City start looking at having it as one of its high priorities if not number one priority, that all our streets be complete streets. This is a website that anybody can go to. That means that includes pedestrians, bicyclists, as well as vehicles, and it's been adopted in many locations area-wide. Again, Indiana is not doing that. And also, high on their priority, it is to make the website, the City's website, accessible. I know there's some comments about it, but I can show you many ways to make that accessible, and I checked the announcement for this meeting, was, I think it was 32 errors of inaccessibility. So, the City probably is not in compliance with even public notice laws, State laws or something, because of the way our website is constructed. So, I'm very concerned about that as a resident and taxpayer. Obviously, I can go on and on. What I'm pointing out is, there's 10 years I've been standing at a mic talking about it, and I'm very concerned we've not taken any action. And when I heard the Mayor say we're going to document it for the transition plan, the transition plan, as I've been informed by the Clerk, as to have priorities, budget, and timelines. And if all of this is going to be is a bunch of nice little things we'll do someday, I think we should think again, especially as this State and this area of the State wants to be an economic development for high-tech, the day of brawn, strong muscles being what develops a community is now past. It's the brains, and a lot of these brains come with various packages, and not all of them roundfeet, but they may need some extra effort to get in and out. And I think if we're dead serious about economic development, then we've got to be even more serious about accessibility."

David Meihls stated, "Thank you for that, Jan."

Mary Caccavo stated, "I don't have anywhere the data she has. But, that's very good, Jan, that's very educational. But, one thing I'll throw in, I guess maybe for your report, is that as far as the looping goes, one of the things I might suggest is that definitely you would hope the City would come up with some funds for that. But, it's a little easier to get some private funds for something like that, because you're not talking the kind of money that you're talking when you're talking about, you know, redoing streets and sidewalks and so on, but, that in many communities, like we've had in our own community, sometimes families will donate money in memoriam of someone. So, you know, I have run into situations like that, where a spouse dies, or someone dies. And even like, you look around, some of the names on some of the buildings or places that you go, families have donated money towards putting things up. And that's also something to remember, that for the looping, that it can also be something that a family puts together in memory of a loved one, so outside there's a plaque or something that acknowledges that this was looped by the family of so-and-so in remembrance of them. I don't know if that's appropriate for a City plan, for suggestions or not, but it's just something to think about."

David Meihls stated, "I think all suggestions are welcome, so you know, we appreciate that. I think I would like to follow up with all of this just by saying, the City has a lot of work to do. You know, we are behind. The original ADA actually started in '64 with the Civil Rights Act, so we call it the ADA now, but there's many many components to it. So, yes, the City has acknowledged, we have a lot of work to do. And what we're in the middle of doing currently is assessing what work that is. And this is a part of that. And we're not completed with that. So, the transition plans will be finalized when all of the work is completed. It'll be a completed document that has components still to be finalized by next month. But, understand, that the City will have obligations to go through, once these evaluations of the buildings are completed, this is the element that the federal government is, it's the hot, now, issue. There's many things that the City has to work on, but funding is something that will be a challenge, I'm sure, for the City as it is obligated to make these alterations in the future. So, they will be forced. That's why they're asking for the input from the community, because they are going to be forced with allocating dollars that they're allowed to. You know the ADA is not intending to put any undue financial burden on any entity, the City included. So, because of that, they are going to be forced with allocating funds. You are in a City, that I would say, it's a little ahead of the game as far as spending money, knowing that there are deficiencies

with the sidewalks, currently in the City. The City has had a plan to put curb ramps over time, and I can tell you, doing this type of work throughout the State, this City is in really good shape as far as your sidewalks, that you have, go, comparative to other communities within the State. That's not so say that they're all 100% and not needing work. But, I just want everyone to understand, that there is a lot of work to be done in the future, and that's what this is all about, was getting everyone's input. So, I think it's all relative, and we appreciate all these comments, and the City will come together as a group and decide what direction to head. All of this information tonight will go into helping the City make those decisions. So, I thank you all for coming tonight. If there is anyone else who would like to make another comment –"

There was no further comment.

David Meihls stated, "Well, thank you very much for coming. We would like to invite you to please keep your eyes open for the public notices for the next public meetings for the sidewalk inventory presentation, as we will be once again asking for your comments on the sidewalk inventory. So, thank you very much."

The meeting adjourned at 7:09 p.m.

Respectfully submitted,



Judith C. Rhodes
Clerk-Treasurer

Dated: November 29, 2012