

# City of Frankfort ADA Transition Plan

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Department of Building  
Services

May 2014



## Over View

Title 11 of the American with Disabilities Act (ADA) requires all Cities with more than 50 employees to appoint an ADA Coordinator to evaluate and monitor the City's compliance with ADA. For the City of Frankfort, that person is Building Inspector Sam Payne.

Title 11 of the ADA applies to the operations of City Government, and specifically addresses access to City programs and services. This may include public portions of the building or structures, parks, streets, sidewalks, trails, etc. located on City property. The access is for those who may be mobility impaired, hearing impaired or mentally impaired.

The City of Frankfort's transition plan includes contact information for the City's ADA coordinator, this plan contains a listing of known ADA accessibility issues and associated action plans to address them. The plan also includes a complaint procedure and form for use by the public.

This plan to be brought to the Frankfort City Council / Board of Works for

Approval on May 2 2014

**NOTICE UNDER THE AMERICANS  
WITH DISABILITIES ACT**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the **City of Frankfort, Indiana**, will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

***Employment:*** The **City of Frankfort, Indiana**, does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

***Effective Communication:*** The **City of Frankfort, Indiana**, will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in **Clinton County, Indiana**, programs services and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments .

***Modifications to Policies and Procedures:*** The **City of Frankfort, Indiana**, will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the **City of Frankfort, Indiana offices**, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the **City of Frankfort, Indiana** , should contact the office of the **ADA Coordinator**, Sam Payne, as Building Inspector, is the current ADA Coordinator and may be contacted as follows:

Sam Payne, ADA Coordinator  
301 E. Clinton Street  
Frankfort, Indiana 46041  
Tel: 765-654-5278  
Email: spayne@frankfort-in.gov



CITY OF FRANKFORT  
COMMON COUNCIL

RESOLUTION NO. 12-14

A RESOLUTION ADOPTING THE AMERICANS "WITH  
DISABILITY ACT (A.DA), DESIGNATING THE ADA  
COORDINATOR, AND ADOPTING FORM OF  
NOTICE AND GRIEVANCE PROCEDURES

"WHEREAS, the Federal government enacted the American s with Disabilities Act of 1990 (A.DA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

"WHEREAS, in compliance with Title II of the ADA, the City of Frankfort is required to name an ADA Coordinator; and

"WHEREAS, in compliance with Title II of the. ADA, the City of Frankfort is required to adopt a grievance procedure for resolving complaints alleging violation of Title II of the. ADA and

WHEREAS, in further compliance with Title II of the ADA, the City of Frankfort is required to post the ADA Coordinator's name, office address, and telephone number along with the ADA Notice and ADA Grievance Procedure on its website; and

WHEREAS, in compliance with Title II of the ADA, the City of Frankfort is required to adopt the 2005 Guidelines for Accessible Public Rights of Way, and the 2010 Americans with Disabilities Act Standards for Accessible Design, including but not limited to any enforceable standards or updates required by future changes to Title II of the ADA;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FRANKFORT, INDIANA as follows:

SECTION I. The Building Inspector of the City of Frankfort is designated as the ADA Coordinator for the City of Frankfort, Indiana; that Sam Payne, as current Building Inspector, shall serve as current ADA Coordinator.

SECTION II. The Notice under the Americans with Disabilities Act, a copy of which is attached hereto as Exhibit "A", is adopted as the City of Frankfort Notice under the Americans with Disabilities Act (ADA).

SECTION III. The City of Frankfort Grievance Procedure under ADA, a copy of which is attached hereto as Exhibit "B", is adopted by the City of Frankfort as the grievance procedure for addressing complaints alleging discrimination on the basis of disability in the provisions of services, activities, programs or benefits.

SECTION IV. In compliance with the Federal law described above and Indiana laws pertaining thereto, the Common Council of City of Frankfort resolves to post the required information regarding the ADA Coordinator, Notice under the ADA, and the City of Frankfort Grievance Procedure under the ADA on its website and at such other locations as may be determined from time to time.

SECTION V. The City of Frankfort adopts the 2005 Guidelines for Accessible Public Rights of Way, and the 2010 Americans with Disabilities Act Standards for Accessible Design, including but not limited to any enforceable standards or updates required by future changes to Title II of the ADA.

SECTION VI. This Ordinance shall be in full force and effect from and after its adoption by the Common Council.

Passed and adopted by the Common Council of the City of Frankfort on the date of its introduction, this 10th day of December, 2012.

CITY OF FRANKFORT  
COMMON COUNCIL

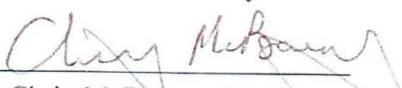
BY: Chris McBarnes  
Chris McBarnes, President

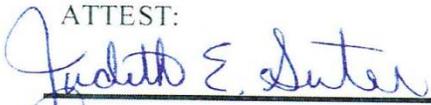
ATTEST:  
Judith E. Suter  
Judith E. Suter, Clerk-Treasurer

The **City of Frankfort, Indiana**, will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Dated: December 10, 2012

CITY OF FRANKFORT  
COMMON COUNCIL

BY:   
Chris McBarnes, President

ATTEST:  
  
Judith E. Suter, Clerk-Treasurer

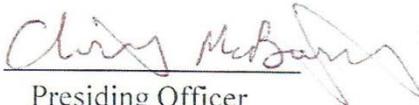
Within 15 days after receipt of the appeal, the Board of Public Works and Safety of City of Frankfort, Indiana or its designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 days after the meeting, the Board of Public Works and Safety of Frankfort, Indiana or its designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Sam Payne, ADA Coordinator or her designee, appeals to the Board of Public Works and Safety of Frankfort, Indiana or its designee, and responses from these two offices shall be retained by City of Frankfort, Indiana for at least three years.

**COMMON COUNCIL**  
**CITY OF**  
**FRANKFORT**

The foregoing Grievance Procedure has been approved and agreed to by the Common Council of the City of Frankfort by Resolution this 10th day of December, 2012.

CITY OF FRANKFORT  
COMMON COUNCIL

  
Presiding Officer

ATTEST:

  
\_\_\_\_\_  
Judith E Suter, Clerk Treasure

## **NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT**

**In** accordance with the requirements of Title II of the Americans with Disabilities Act of 1990. ("ADA"), the City of Frankfort will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities.

*Employment:* The City of Frankfort does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U . S. Equal Employment Opportunity Commission under Title I of the ADA.

*Effective Communication:* The City of Frankfort will generally, on request. Provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally. The City of Frankfort's programs, services and activities include qualified sign language interpreters. Documents in Braille and other ways of making information and communications accessible to people who have speech, hearing or vision impairments.

*Modifications to Policies and Procedures:* The City of Frankfort will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services and activities. For example, individuals with service animals are welcomed in City of Frankfort offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication or a modification of policies or procedures to participate in a program, service or activity of the City of Frankfort should contact the office of Building Inspector Sam Payne at (765) 654-5278: [spayne@frankfort-in.gov](mailto:spayne@frankfort-in.gov) as soon as possible. but no later than 48 hours before the scheduled event.

The ADA does not require the City of Frankfort to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

Complaints that a program, service or activity of the City of Frankfort is inaccessible to persons with disabilities should be directed to Sam Payne (765) 654-5278: [spayne@frankfort-in.gov](mailto:spayne@frankfort-in.gov)

The City of Frankfort will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aid s/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are inaccessible to persons who use wheelchairs .

## ***Introduction***

This document is intended to serve as a guide to further the vision, mission and core values for the City of Frankfort by outlining key actions for making the transportation system in the City accessible. The vision, mission and core values are as follows:

### ***Vision***

The City of Frankfort is committed to upholding public needs and collaboration with internal and external partners to create a safe, efficient and sustainable transportation system for the future.

### ***Mission***

The City of Frankfort will provide the highest quality, dependable multi-modal transportation system through ingenuity, integrity, alliance and accountability.

### ***Core Values***

Maintain safety as a priority Enhance trust with transparency and accountability Promote collaboration, research and innovation Value diversity and cultural capital through inclusion and opportunity Commit to employee well-being, development and success Recognize that employees are integral to Frankfort's success.

## ***Program Staffing***

Managing and implementing the ADA Transition Plan requires a multidisciplinary approach encompassing policy development, outreach, technical support and oversight. These responsibilities required by CFR 35 .107 will be managed by **Building Inspector Sam Payne**.

The ADA Coordinator and the 504 Section Coordinator will work to ensure no persons with disabilities are discriminated against in any of the City's services and/or programs. The ADA Coordinator is responsible for addressing grievances as they are received and tracking the overall progress of the implementation of the Transition Plan. The ADA Coordinator also is responsible for the investigation of all formal grievances. The ADA Coordinator is responsible for developing policy and procedures to integrate Title II requirements into practices to ensure the obligations of ADA and the Transition Plan are met. The ADA Coordinator will also function as chair of the internal ADA committee and co-chair of the ADA stakeholders' group.

The ADA Coordinator develops policy and provides technical support for design and construction at a project level. In addition to providing support for projects, the Coordinator also will be Available to assist in implementing design options that address accessibility complaints.

Frankfort's Board of Works and Building Inspector ensure all City policies and projects are ADA complaint.

## ***Grievance Procedure***

Under the Americans with Disabilities Act, users of facilities and services have the right to file a grievance if they believe reasonable accommodations have not been provided.

Under the grievance procedure, a formal complaint must be filed within 180 calendar days of the alleged occurrence. Frankfort officials will act or respond only to grievances made through the grievance process identified in Appendix B. The criteria used in the *Request Prioritization Form* as seen in Appendix C assists the City in prioritizing potential projects and grievances.

### ***Current City Programs***

The City of Frankfort has been working and will continue to work with a disabilities access consultants to find ways to mitigate barriers for those with disabilities within existing City facilities. The City of Frankfort's primary goals in this Plan are to provide accessibility to public accommodations and commercial facilities for people with disabilities. Currently the City of Frankfort includes adequate funds in its 50/50 sidewalk program to help replace and improve the City's multi-use path, sidewalks, ramps and crosswalks.

### ***Capital Improvements***

The City's Bicycle and Pedestrian Plan Map (Appendix C), indicates where all multi-use paths and sidewalks are required. All new projects completed by the City (facility rehabilitation, new construction, parks, and ROW) comply with ADA standards.

City Standards: each City project includes ADA requirements and all privately developed projects are inspected by the City's Building Inspector to verify they comply with the City's requirements and ADA standards.

New Construction: New street and/or sidewalk/path construction or repairs require that sidewalk/paths be constructed to ADA standards.

### ***Alterations to Facilities***

Any improvements done to existing City facilities are to comply with ADA standards. This type of work will occur as a result of an existing facilities annual review improvement recommendation or to fulfill a grievance.

Existing Sidewalk/Multi-use Paths: **inspection performance. Grievances/execution**

Removal of sidewalk obstructions: evaluations of existing sidewalks and paths will be done in accordance with the review of the ADA priority areas to ensure clear paths are provided to the City's and ADA standards.

### ***Priority Area***

The City of Frankfort's ADA Transition Plan includes all City-owned facilities, parks and sidewalks' high priority areas. These high priority areas will be reviewed for ADA compliancy every three years. The City's remaining areas outside of the high priority areas will be reviewed for the purposes of new City projects. Scheduled maintenance projects or upon the filing of a grievance.

Frankfort's core area has the highest density of public facilities, special districts and commercial.

## ***Appendix A*** **ADA Program** **Contacts**

*ADA Coordinator*  
Building Inspector Sam Payne  
City of Frankfort  
Building Services  
Department 301 East Clinton  
Street  
Frankfort, IN 46041  
765-654-5278  
Fax: 765-659-5375  
Email: [spayne@frankfort-in.gov](mailto:spayne@frankfort-in.gov)

*504 Section Coordinator*  
Building Inspector Sam Payne  
City of Frankfort  
Building Services  
Department 301 East Clinton  
Street  
Frankfort, IN 46041  
765-654-5278  
Fax: 765-659-5375  
Email: [spayne@frankfort-in.gov](mailto:spayne@frankfort-in.gov)

## ***Appendix B*** **How to File a Grievance**

The procedure to file a grievance is as follows:

- I. A formal written grievance should be filed using the City's *ADA Grievance Form*. Upon request, reasonable accommodations will be provided in completing the form or filing the grievance. The grievance shall include the following information:

- Name address phone number and email of the person filing the grievance.
- Name, address and phone number of the person alleging the ADA violation, discrimination, or request, if other than the person filing the grievance. a description and location of the alleged violation, discrimination, or request and the remedy sought.

information regarding whether a complaint has been filed with the Department of Justice or

other federal or state civil rights agency or court.

If a complaint has been filed, the name of the agency or court where the complaint was filed, and the date the complaint was filed.

2. Receipt of the grievance shall be acknowledged in writing to the grievant within 15 working days of receipt of the grievance
3. Within 60 calendar days of receipt, the ADA Coordinator will conduct the investigation necessary to determine the merit of the grievance.
4. A written determination and where appropriate, in a format accessible to the complainant, such as large print, Braille or audiotape of the grievance shall be issued by the ADA Coordinator and a copy forwarded to the grievant no later than 90 days from the date of the City of Frankfort's receipt of the grievance.
5. The grievant may appeal the written determination. The appeal must contain a statement of the reasons why the complainant is dissatisfied with the written decision and must be signed by the complainant or by someone authorized to sign on the complainant's behalf. A notice of receipt shall be sent in writing within five days of the receipt of the appeal. Such appeal shall be in writing and filed with the City of Frankfort's Clerk-Treasurer's Office to be placed on the City of Frankfort's Board of Public Works and Safety's agenda within 30 days after the ADA Coordinator's determination has been mailed to the grievant.

All hearings before the Board of Public Works shall be open to the public. The grievant, the grievant representative, the ADA Coordinator and any persons whose interests are affected shall be given the opportunity to be heard.

At the conclusion of the hearing at which a continuance is not granted, the Board of Public Works may reverse, affirm or modify the written determination appealed from and may make such order, requirement, decision or determination as justice would require. The Board's determination and findings of fact shall be recorded.

Any person, whether or not a previous party of appeal, shall have the right to apply to the appropriate court for a writ of *certiorari* to correct errors of law.

6. If the grievant is dissatisfied with the City of Frankfort's handling of the grievance at any stage of the process or does not wish to file a grievance through the Frankfort's ADA Procedure, the grievant may file a complaint directly with the United States Department of Justice or other appropriate state or federal agency.

The evaluation and written determination of a resolution of a grievance will consider various circumstances, including but not limited to, the specific nature of the disability; the nature of the access to services, programs, or facilities at issue and the essential eligibility requirements for participation; the health and safety of others; and the degree to which an accommodation would constitute a fundamental alteration to the program, service or facility or cause an undue hardship to and available funding. Accordingly, the resolution of any one grievance does not constitute a precedent upon which is bound or upon which other complaining parties may rely.

Note: Except for the complainant's appeal deadline, any of the other deadlines listed above may be extended at the discretion of the ADA Coordinator, the Mayor or the Mayor's designee provided notice of such an extension is given to the complainant.

Destinations in the City. The core area consists of the City Hall (Old Stoney), Ivy Tech College, downtown businesses, public library and many other businesses. Therefore the central area of the City of Frankfort is the primary area of concern for the City's ADA accessibility and is identified as a high priority area.

### ***Priority Area Identification***

The Priority Area identified in this Plan was indicated by first locating the public facilities and major commercial areas within the City of Frankfort. As each facility or area was indicated, a buffer of one quarter mile and one half mile were identified around it to represent the facility's walk shed. As these buffers were implemented, the core district was easily identified as high importance for accessibility. It is the City of Frankfort's goal to provide access within the Priority Area to the public facilities and commercial destinations within each area. To do so, key missing links, barriers and obstructions within the Priority Area will be evaluated and resolved as they are identified.

### ***Priority Thoroughfare Identification***

The City of Frankfort consists of a variety of streets providing access to each other and various destinations. To help prioritize projects within the City, primary streets must be identified.

All arterials, parkways and urban collectors as identified by the City's Thoroughfare Plan Map 1 will be considered primary thoroughfares. The pedestrian facilities along the primary thoroughfares will be reviewed every three years. All other streets will be reviewed as needed in response to a grievance filing or upon request.

***File Maintenance***

All written complaints received by the ADA Coordinator or his designee appeals to the Mayor or his designee and responses from these two offices will be retained by the City of Frankfort for at least three years.

## Grievance Form

<b>Complainant Information:</b>	
Name:	
Address:	
Daytime Phone:	
Email:	
<b>Location Information:</b>	
Address (if known) or Intersection:	
Location Description:	
<b>Nature of Grievance:</b>	
<input type="checkbox"/> Sidewalk, Ramp	
<input type="checkbox"/> Crosswalk , Pedestrian Signal	
<input type="checkbox"/> Building Access	
<input type="checkbox"/> Programming	
<input type="checkbox"/> Other	
Describe the Grievance/Complaint/Problem:	
Date of Incident, If Applicable:	
Has the complaint been filed with the Department of Justice or another federal or state civil rights agency or court? (D Yes/ D No)	
If a complaint has been filed, name the agency or court where the complaint was filed, and the date the complaint was filed.	
<b>For Local/ADA Coordinator's Use Only</b>	
Date Received by ADA Coordinator	
Date of Initial Contact with Grievant	
Date of Meeting or Site Visit	
Date Assigned to Department Head/Who	
Date Returned from Department	
Date ADA Coordinator's Decision Mailed	
Date Appeal Received by Clerk Treasurer's Office	
Date on Board of Public Works and Safety Agenda	
Date of Board of Public Works and Safety Decision	

## DISABILITY RESOURCE LIST

**Note:** Inclusion in this resource list does not constitute endorsement by King County Government, nor does omission imply non-endorsement. Our goal is to provide you with information on some key resources available. Please contact us if you know of a useful resource missing from this list.

### Department of Building Services

301 E Clinton St, Frankfort Indiana 46041

Room 107

Phone 765-654 -5278

Fax 765-659-5375

spayne@frankfort -in.gov

### ADA Technical Assistance Hotline (U.S. Department of Justice)

Provides free technical assistance and informational materials to people with disabilities, businesses, state and local Government agencies, and the general public on rights and responsibilities under Titles II and III of the ADA

800-514-0301 or TTY 800-514-0383

Web: [www.ada.gov](http://www.ada.gov)

### Job Accommodations Network (JAN)

An international consulting service that provides information regarding the ADA, job accommodations and the employability of people with disabilities.

P.O. Box 6080

918 Chestnut Ridge Road, Suite 1

Morgantown, WV 26506-6080

JAN ADA Information 800-526-7234 V/TTY;

800-ADA-WORK (232-9675) V/TTY ;

web: <http://askjan.org/>

### US Department of Justice (DOJ)

[www.usdoj.gov/crt/ada/adahom1.htm](http://www.usdoj.gov/crt/ada/adahom1.htm)

### US Department of Transportation

[www.fta.dot.gov/civilrights/civil\\_rights\\_2360.html](http://www.fta.dot.gov/civilrights/civil_rights_2360.html)

### Equal Employment Opportunity Commission

[www.eeoc.gov/facts/fs-ada.html](http://www.eeoc.gov/facts/fs-ada.html)

### Federal Communications Commission

[www.fcc.gov/cgb/dro](http://www.fcc.gov/cgb/dro)

### Architectural and Transportation Barriers Compliance Board (Access Board)

[www.access-board.gov](http://www.access-board.gov)

### Office of Disability Employment Policy, U.S. Dept. of Labor

(formerly President's Committee on Employment of  
People with Disabilities)

[www.dol.gov/odep](http://www.dol.gov/odep)

