

**ENNIS TOWN COMMISSION MEETING
OCTOBER 28, 2016
3:30 P.M.
ENNIS TOWN HALL**

Open Meeting: Mayor Pine was in attendance by phone and opened the meeting at 3:30 p.m.

Commission Present: Palmerton, Leavitt, Roberts and Bancroft.

MDT Sidewalk Project: Commissioner Roberts explained the events that led to having this meeting regarding the DOT sidewalk project. She read an email that was received on October 26, 2016 from Terry Voeller (MDT staff).

The email states that they cannot tie into the sidewalks that were built by the business owners because they are non-ADA compliant. The bid date of November 10, 2016 will not be pushed to a later date and they are forced to issue an addendum to the bid since they will no longer be able to bid the project as is. Their choice will be limited to eliminating the sidewalks on the southwest side or build the project that was originally applied for by the Town of Ennis. As the last record vote on this project by the Town of Ennis was removal of the sidewalks on the southwest side he is guessing the MDOT will abide by that decision when meeting Friday afternoon. He states in closing that as part of their decision making process they generally weigh very much the last formal vote by the Ennis Town Council.

It was noted that Mr. Heckler (Sugar High property owner) put in a ramp on his property but the section on private property is still non-ADA compliant, according to MDT personnel, and MDOT cannot tie into it.

It was stated that the DOT will build as per the original application or they will take out Segment #3 altogether.

John Heckler read his comments and gave a copy of them to the Commission and some other public in attendance. (Copy attached to these minutes.)

John White asked for the MDT email to be read again. Roberts read it again.

There was discussion on the email from MDT. It was said again that MDT has stated that this is the final decision. The Segment #3 portion of the sidewalk will be all or none.

John White encourages the Town to proceed with the project as originally submitted.

Jen Doney asked if the Town has received written notice from today's visit. She was told no, we don't have it in writing. It was given verbally during the inspection.

Heckler told the Commission when he was putting in the sidewalk the ramp was not done due to rainy weather and it was too muddy.

Bancroft said he spoke to Heckler after the sidewalk was in and told him the steps would not pass ADA requirements.

John White pointed out that as of September 14th the job on private property was incomplete.

Ann White asked, since Mr. Heckler is trying to get the sidewalks ADA compliant, if the Town can go back to MDT. It was reiterated that MDT has said the sidewalks will go in as originally planned or Segment #3 will be taken out of the project.

Jen Doney suggests the Town go with MDT's original plans. Both sidewalks will be in place and matter of safety is accomplished.

There was more discussion on MDT's position of "all or none". The Mayor stated he feels there should be a way to work this out.

The Mayor asked for specifics of what is not ADA compliant. Mr. Heckler said it is one section of sidewalk that is off approximately a quarter inch.

It was stated that there is more than one issue with the private sidewalks that don't meet the ADA requirements.

The Mayor asked for Commission comments.

Leavitt stated he has tried in the last 48 hours to make this work. He stated he has explored, for example, going with the MDT original plans and then try to go back later and re-do once the ADA compliance is done. Leavitt said it is his opinion that we should go with the original plans and deal with questions and concerns afterward. He does not want to lose the sidewalk on the west side of the highway.

Roberts explained, again, that MDT has to have a decision today. (Per MDT personnel.)

It was asked if MDT will be following State bidding laws.

Leavitt brought the discussion back to Commission comments and said this needs to be finished today so we need to stay on track.

Roberts told those in attendance that she wants them to know she is a member of Madison Byways and does, and will continue to, support public trails, walkways, etc.

Bancroft said he voted for the original plans to begin with.

Palmerton said we have already voted on this. She stated that some people, if not happy with a decision, think it is okay to bring up an issue again and vote again until they get the results they want. She didn't think that was how government was supposed to work.

Leavitt said the situation is such that a new decision needs to be made.

Roberts made a motion to rescind the Commission vote from February 25, 2016 with the exception of the last sentence in the motion that read: "To approve Segment #3 of the TAP sidewalk with the following adjustments: With approved easements, the sidewalk will leave DOT right-of-way when it reaches Chris DeMichelles (Deemo's Meats) property. The sidewalk will be constructed to run in front of the meat market and continue on in front of John Hecklers property (Sugar High) the return to DOT right-of-way for the remainder of Segment #3. In the event easements are not in place and sidewalks are not constructed by June 1, 2017 the town will initiate construction of sidewalks per MDT approval in the MDT right-of-way. I further move to upgrade from asphalt to concrete in Segment #2. Bancroft seconded the motion.

Roll Call Vote: Palmerton, No; Leavitt, Yes; Roberts, Yes; Bancroft, Yes. Motion approved.

Roberts made a motion to approve Segment #3 of the TAP grant application to be built as originally proposed. Leavitt seconded the motion. Roll Call Vote: Palmerton, No; Roberts, Yes; Leavitt, Yes and Bancroft, Yes. Motion approved.

Palmerton made a motion to adjourn. Bancroft seconded the motion. Roll Call Vote: All Commissioners voted yes. Motion approved.

The meeting was adjourned at 4:40 p.m.

Larry Pine, Mayor

Ginger Guinn, Clerk/Treasurer