

**MINUTES OF THE SPECIAL MEETING OF THE BOARD OF ALDERMEN  
AND THE MAYOR'S ADVISORY COUNCIL ON DISABILITIES  
CITY OF BRANSON, MISSOURI, SEPTEMBER 30, 2003**

The Board of Aldermen of the City of Branson, Missouri met in special session in the Council Chambers of the City Hall on September 30, 2003 at 5:30 p.m. with the following members present:

Mayor Schaefer presiding, Dick Gass, Stan Barker, Beverly Martin, and David Edie present. Ron Huff and Jack Purvis absent.

Mayor's Advisory Council on Disabilities members present: Walt Stone, Joni Milstead, Tom Etzell, Keith O'Neil, Beverly O'Neil. Rosemary Selfridge and Pat Cramer absent.

Also present were City Administrator Terry Dody, Assistant City Administrator Kevin Faught, City Attorney Dan Wichmer, Deputy City Clerk Lisa Westfall, Director of Engineering David Miller, Director of Communications Jerry Adams, Director of Public Works Larry VanGilder, Director of Planning and Development Don Stephens and Tim Trout.

Mayor Schaefer called the meeting to order with the "Pledge of Allegiance" and Don Stephens gave the invocation.

At this time the meeting moved to the Administrative Conference Room.

City Administrator Dody reviewed the history of the Advisory Council on Disabilities, and the reasons behind its formation, and explained that a meeting was held several weeks ago with the Mayor, Staff and members of the Disabilities Council and from that meeting came the need for this meeting. Mr. Dody outlined some of the topics which needed to be discussed: a) The roll of the Disabilities Council now with the addition of more city staff. b) Where we are currently with projects. c) The guidelines established by ordinance for the Disabilities Council. d) The function of the Disabilities Council in the future.

Chairman of the Disabilities Council Walt Stone highlighted some of the achievements and successes the Council has had in the past.

A copy of the ordinance number 95-059, which established the Council originally was handed out. Discussion surrounded the limitations of the Disabilities Council to only work on City of Branson public projects. The ordinance does not allow the Council to work with the private sector on ADA issues. City Attorney Wichmer discussed the issue, explaining that the only way the group could work on private sector issues was to create a private board through another organization outside the city's realm. At this point all private property ADA complaints must be

handled through the Department of Justice. Neither the city nor the Disabilities Council has jurisdiction in this area.

Joni Milstead discussed the need for visitors to have a liaison to go to for ADA concerns in the private sector. There is a need for a “human contact” for the guests to be able to get a hold of rather than being told to call Department of Justice. Branson needs to continue its hospitality to visitors, and that’s what the Council was trying to do. The Council did not realize they were creating a problem with the city when they ventured out into the private sector. Additional discussion was held on how current calls and complaints were handled.

Mayor Schaefer discussed the need for the Disabilities Council in the future on the new facilities that are going to be developed.

Administrator Dody stated that the architects and contractors would design all buildings under the ADA requirements. This committee in the past had gone into the new city construction and looked at it prior to being open to the public. The current ordinance states that this is their main function. Staff will look at it, but the committee may see something differently. It is their function to report on problems before opening of the facility, but currently there may be a gap of two to three years before any new city facilities are open.

Discussion was held regarding the need for the Disabilities Council meetings to be changed from monthly to possibly quarterly.

Mr. Dody discussed the Disabilities Council’s options of creating a non-profit corporation, creating an organization under the lodging and theater associations or working with the Southwest Council on Independent Living to see if they would support them.

Alderman Ron Huff joined the meeting at 6:08 p.m.

Beverly O’Neil discussed the need of seven members on the Council and the requirement to live inside the city limits.

Mr. Dody explained that the current ordinance requires seven members on the Council, but does not require them to live inside the city limits. The draft ordinance that was worked on a few years ago, but never passed has this requirement in it.

Mr. Dody and Mr. Wichmer discussed the option of the current Disabilities Council maintaining its existence under the city’s ordinance, but could additionally look to a private group to form under in order for them to be able to branch out into the private sector. They just could not be associated with the city while working with the private sector, but they would still exist to work with the city’s public facilities. Discussion was had on the confusion this would cause with the public. Alderman Gass stated that the organization would have to identify themselves stating what group they

are with when working on a problem with the public. Mr. Wichmer stated that they would have to work in the scope of what they are allowed to do depending on which organization they were identifying with.

Alderman Huff asked who on staff was watching over city programs and activities relative to ADA requirements.

Administrator Dody explained that Directors and staff receive on-going educational training on topics related to ADA. They are constantly being updated on changes and requirements of the laws.

Don Stephens stated that the current Disabilities Council has been extremely helpful. They were very active in getting the transition program in place in 1999. The plan is in place and on track with the five-year program. The building department currently follows the ANSI requirements and standards for review of current construction projects. Issues that come up after a construction project is completed are referred to the Department of Justice.

Alderman Edie asked about meeting the requirement of the ordinance concerning having a library of information on ADA requirements.

Mr. Dody stated that Tim Trout in the Building Department maintains the library of information and tapes.

It was agreed by those present, that the Mayor's Advisory Council on Disabilities needs to go back and discuss among themselves what they want to see changed. This would include but not be limited to such topics as the number of members on the Council, residency requirement and a requirement that a member of the Board of Alderman sit on the Disabilities Council also. Mr. Dody stated that a draft copy of the new ordinance would be distributed to members of both boards, and that all parties need to review the ordinance and bring any suggestions back to him by the end of October.

#### **EXECUTIVE SESSION:**

Mayor Schaefer entertained a motion to go into Closed Executive Session. Alderman Gass moved to go into Closed Executive Session pertaining to negotiated contracts pursuant to 610.021.12; and legal actions, causes of actions in litigation involving leasing, purchase and sale of real estate pursuant to 610.021.1 and 610.021.2 where public knowledge of the transaction might adversely affect the legal consideration therefore; and confidential or privileged communications between a public governmental body or its representatives and its attorneys. Motion was seconded by Alderman Huff. Voting aye: Gass, Barker, Martin, Huff, and Edie. Nays: none. Absent: Purvis. Motion carried.

#### **ADJOURN:**

**Alderman Barker moved to adjourn. Motion was seconded by Alderman Huff. Voting aye were: Gass, Barker, Martin, Huff, and Edie. Nays: None. Absent: Purvis. Motion carried. Meeting was adjourned at 7:08 p.m.**