



TOWN OF BLACK MOUNTAIN
Planning and Development Services Department
160 Midland Avenue • Black Mountain, North Carolina, 28711
Phone (828) 419-9300 • Fax (828) 669-2030 • TDD 800-735-2962

MEMORANDUM

To: The Town of Black Mountain Board of Aldermen
From: The Planning and Development Services Department
Date: August 9, 2010
Re: The American with Disabilities Act Compliance

The Town of Black Mountain must take steps to update our compliance with ADA by both improving access to facilities and by formalizing our ADA program within operations. Recently, a citizen made us aware of an access problem at the Lakeview Senior Center and Clubhouse which we are currently addressing. This complaint also made us aware that our agency must improve our overall approach to local ADA policy in addition to improving facilities. This memo provides basic information about ADA requirements for local governments, summarizes guidance provided by the Department of Insurance, and provides an inventory of current facility needs and recommendations for your consideration.

The American with Disabilities Act and Local Government

The AMERICANS WITH DISABILITIES ACT of 1990 (S. 933[P.L.101-336]) was passed to “establish a clear and comprehensive prohibition of discrimination on the basis of disability.” Specifically, the Americans with Disabilities Act (“ADA”) gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion, *and* guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications.

Under ADA Law, the Town of Black Mountain has to take 5 action steps to implement ADA policies locally:

1. Designate an ADA Coordinator and make their contact information available.
2. Provide Notice of ADA Requirements
3. Establish a Grievance Procedure that provides “prompt and equitable resolution” of complaints.
4. Conduct a Self-Evaluation of policies and procedures, and

5. Develop a transition plan for compliance that lists barriers to programs, activities or services as well as actions and a schedule to address those barriers.

Recent Guidance from the Department of Insurance

In a 2009 update for local governments, the Department of Insurance recommended that communities establish priorities and “begin with facilities and programs used most often and/or by the largest number of people.” DOI guidance also states that a “State or local government's programs, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities.” This means that:

- A public entity must ensure that individuals with disabilities are not excluded from services, programs, and activities because existing buildings are inaccessible. If someone cannot access a program because of its setting, the Town should move and/or reschedule that program somewhere that is accessible to them. When choosing a method of providing program access, priority must be given to providing an integrated setting which encourages interaction among all users. Physical changes to a building are required only when there is no other feasible way to make a program accessible.
- When State or local governments design and construct new facilities, or alter existing facilities, they must do so in accordance with standards for accessible design adopted under the ADA (ADAAG) and which are reflected in the North Carolina and ICC Building Code.
- State and local governments must also make reasonable modifications in policies, practices, and procedures. This includes providing effective communication through the use of auxiliary aids and services when necessary to ensure equal access for individuals with disabilities, unless an undue burden or fundamental alteration would result.
- Barrier removal is an on-going obligation requiring commitments from entity leaders; coordination of compliance activities; involvement of people with disabilities; and institutionalization of compliance procedures.

Current Needs and Recommendations

As a first step toward improving our ADA compliance, the Town Manager directed our Building Inspections staff to evaluate all Town facilities and to compile an inventory of needs for improvements. The Board of Aldermen also budgeted funds in this fiscal year toward capital improvements of public facilities.

The Town has sought bids from three local contractors (Living Stone Construction – Sean Sullivan; Copperwood Builders – Ryan McClellan; Harrison Homes Enterprises, Inc. – Seth Harrison/Dana Bobilya) to address access needs at the Lakeview Clubhouse, Carver Community Center and the Town Hall bathrooms. Please note that the Town Hall bathrooms do meet the minimum requirements under the NC Building Code but are being considered to improve convenience and at the request of a citizen. At the direction of the Aldermen, staff can direct the selected contractor to look at other areas within the budget available this year.

Following is an inventory of recommended facility improvements and actions compiled by our Department.

Town Facilities and Program Improvements for ADA Compliance

Inventory of Facility Needs:

Lakeview Senior Center:

- * Water fountain needs to be 36" maximum for wheelchair accessible and 38" min. to 43" max. for standing persons (if one water fountain, there need to be two spouts, one at 36" and one at 43")
- * Urinal in men's room needs to be lowered to 17"
- * Update bathroom signs to include Braille
- * Toilet height in both men and women's restrooms needs to be 17" min. to 19" max.
- * Women's bathroom needs to be reconfigured to have a 5'x5' turnaround for wheelchair access
- * Front entrance needs a 5'x5' landing with ramp extending out with slope no more than 1:12

Lakeview Clubhouse

- * Women's restroom needs 5'x5' turnaround for wheelchair access (either move sink to outside restroom or cut into cleaning closet to extend bathroom)
- * Update bathroom signs to include Braille

Tennis Courts @ Lake Tomahawk

- * Sidewalk from parking lot to courts needs to be redone;

Bathrooms @ Lake Tomahawk

- * Urinal needs to be lowered to 17"
- * Sinks in both restrooms need to be lowered to 34"
- * Women's sign needs to be replaced

Carver Community Center

- * Front entrance needs a ramp from the rise down - slope no more than 1:12
- * Designated handicap parking in front lot
- * Need at least one handicap stall in both restrooms (60" turnaround, grab bars, toilet height 17" min. to 19" max.)
- * Update bathroom signs to include Braille

Grey Eagle Arena

- * Sinks in both restrooms need to be lowered to 34"
- * Update bathroom signs to include Braille

Recreation Park

- * Extend sidewalk at bathrooms to make 5' for turnaround requirements
- * Rail around open entrance next to bathrooms
- * Update bathroom signs to include Braille

Public Parking Lot on Broadway Street

- * Add 1 additional handicap parking space

Golf Course Pro Shop

- * Raise toilets in both men's and women's restrooms (17" min. to 19" max.)

- * Lower water fountain to 36" (if keeping only one water fountain, need to have two spouts, one at 36" and one at 43")
- * Handicap parking designation
- * Update bathroom signs to include Braille

19th Hole Snack Shop

- * Screen doors need to be replaced for easier use
- * Ramp at front entrance needs to be fixed
- * Threshold at inside door needs to be lowered to 1/2" or beveled with a slope no more than 1:12
- * Update bathroom signs to include Braille

Bromo Room

- * Need to construct a ramp for access into room
- * Reconfigure bathroom (urinal at 17", toilet 17" min. to 19" max., sink at 34" with 29" from bottom of floor to bottom of sink with 8" min. for knee clearance)
- * Update bathroom sign to include Braille

Ladies' Lounge

- * Ramp for access inside with slope of no more than 1:12
- * Reconfigure restroom (toilets 17" min. to 19" max., sink at 34" with 29" from bottom of floor to bottom of sink with 8" min. for knee clearance, stall door swing out, 60" turnaround, grab bars)
- * Update bathroom sign to include Braille

Clay Studio

- * Ramp for access with slope no more than 1:12
- * Handicap sign designation

Center for the Arts

- * Signage indicating handicap access from back
- * Update bathroom signs to include braille

Library

- * Second handicap space
- * Lower sinks in both restrooms to 34"
- * Lower urinal in men's restroom to 17"
- * Lower toilets in both restrooms (17" min. to 19" max.)
- * Update bathroom signs to include Braille

Fire Station 2

- * Urinal in men's restroom needs to be lowered to 17"
- * Showers need to have no threshold so that someone can roll into the shower
- * Update bathroom signs to include Braille

Police Department

- * Handicap signs need to be raised (from ground to bottom of sign 60")
- * Toilets in both restrooms need to be 17" min. to 19" max. with 16" min. to 18" max. from wall
- * Urinal in men's restroom needs to 17"
- * Sink in both restrooms needs to be 34"
- * Update bathroom signs to include Braille

Public Safety

- * Sink in men's restroom needs to be 34"
- * Men's toilet is 19 ½" - needs to be 17" to 19" max
- * Update bathroom signs to include Braille

Fire Department

- * Sinks in both restrooms need to be 34"
- * Toilet in men's restroom needs to be raised 17" min. to 19" max.
- * Women's restroom doors needs 32" width
- * Update bathroom signs to include Braille

Public Services

- * Urinal in men's restroom needs to be lowered to 17"
- * Handicap sign designation
- * Shower in men's restroom needs no threshold (flat for wheelchair to roll in)
- * Sink in women's restroom needs to be 34"
- * Update bathroom signs to include Braille

Program and Action Recommendations

1. Designate an ADA Coordinator for the Town and make their contact information available.
2. Seek advisory input from people with disabilities on Town policy and facility improvements.
3. ADA Coordinator should work with citizen advisors and the Human Resources Department and Town Manager to re-evaluate Town policies and procedures for their ADA compliance and to ensure that an appropriate grievance and complaint procedure is in place.
4. Proceed with physical improvements of existing facilities to the greatest extent possible within the given budget and continue to phase in improvements in subsequent years.
5. Continue to ensure that building renovation and improvements include provision for ADA compliance improvements (as was the case with the Town Hall and Pool projects).
6. Continue implementation of Pedestrian Master Plan to expand and improve sidewalk and greenway network, and improve wheelchair users' access to transit.
7. Provide Notice of ADA Requirements on Town Bulletin Board and the website with the ADA Coordinator's contact information.
8. Include a statement of accommodation within notices for public meetings and provide a means of contact for people to make arrangements for special accommodation if needed.
9. Document and maintain records of ADA compliance activities.
10. Recognize that ADA requirements are not directed solely at physical barriers; educate staff and public to the needs of differently abled individuals whose disabilities may not be readily apparent, and

develop appropriate policy & procedures, acquire technology and outside assistance as necessary to provide reasonable accommodations for a full range of potential disability .

11. Provide training to all employees so that they may be both sensitized to special needs of differently abled individuals and equipped to offer reasonable accommodation.