



TOWN OF BLACK MOUNTAIN

TRANSITION PLAN FOR COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

Town of Black Mountain
160 Midland Avenue
Black Mountain, NC 28711
(828) 419-9300
www.townofblackmountain.org

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A. INTRODUCTION

The Town of Black Mountain desires to ensure that all of its citizens and the general public have equal opportunity to participate in its programs and services. The Americans with Disabilities Act (ADA) gives civil rights protection to individuals with disabilities and guarantees equal opportunity for individuals with disabilities in employment, transportation, state and local government services, telecommunications, and in the goods and services provided by businesses.

The Town of Black Mountain is taking 5 action steps to implement ADA policies locally:

1. Designation of an ADA Coordinator and having their contact information available;
2. Providing Notice of ADA Requirements;
3. Establishing a Grievance Procedure that provides “prompt and equitable resolution” of complaints;
4. Conducting a Self-Evaluation of policies and procedures, and
5. Developing a transition plan for compliance that lists barriers to programs, activities or services as well as actions and a schedule to address those barriers.

With this Plan, the Town of Black Mountain desires to continually improve its services to citizens and comply with the ADA. The Town understands that while existing facilities may have met the accessibility requirements at the time of construction, these facilities may not meet the current standards. Therefore, the Town is providing a program to provide better access to buildings and facilities that meet the requirements of the most current accessibility codes.

1. Purpose of the Transition Plan

If a city with 50 or more employees decides to make physical changes to achieve program accessibility, it must develop a written plan that identifies the modifications that will be made. The plan should include timelines for completing these modifications. Interested parties, including people with disabilities and organizations representing people with disabilities, must at a minimum have an opportunity to participate in the development of the plan by submitting comments. A copy of the plan and a copy of the self-evaluation must be available for public inspection for three years after completion. (Source: U.S. Department of Justice, *The ADA Guide for Small Towns* (<http://www.ada.gov/smtown.htm>))

The Transition Plan provides an overview of policies and activities to comply with the ADA and to improve access to Town facilities and programs. This Plan was produced from a survey of existing architectural barriers for individuals with disabilities and with input from Town staff and citizens. The Town also conducted a Self Evaluation to identify barriers to access other than physical barriers and included the investigation of Town policies, practices, and procedures for compliance with ADA requirements.

The Transition Plan will provide the basis for the removal of identified physical barriers over the next fifteen years and be updated and evaluated on an on-going basis. It also sets out a program of continuous evaluation and improvement into the future.

2. The Americans with Disabilities Act (ADA) and Town of Black Mountain Policy

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, provides comprehensive rights and protections to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications. The goal of the ADA is to ensure equal opportunity by allowing full participation, independent living, and economic self-sufficiency for people with disabilities. The ADA prohibits all state and local governments and most private businesses from discriminating on the basis of disability.

The Town of Black Mountain works to ensure that all people with disabilities have access to Town programs, services, activities, and facilities. The Town shall therefore follow updated ADA guidance as provided through the Department of Insurance (most recently in 2009) which recommends 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.” Therefore, with the adoption of this Transition Plan, the Town Board of Aldermen adopts the following statement of policies:

- The Town will ensure that individuals with disabilities are not excluded from employment, services, programs, and activities because existing buildings are inaccessible. If someone cannot access a program because of its setting, the Town should move or reschedule that program somewhere that is accessible to them. When choosing a method of providing program access, priority will 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 the Town designs and constructs new facilities, or alters existing facilities, it will 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.
- The Town will 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.
- The Town acknowledges that barrier removal is an on-going obligation requiring commitments from Town leaders; coordination of compliance activities; involvement of people with disabilities; and institutionalization of compliance procedures.
- Though the ADA does not prescribe any standards for the evaluation of existing facilities, on-site assessments were made and will be made using the ADA Standards as they are appended in Title 28 of the Code of Federal Regulations, part 36 (from hereon referred to as the Americans with Disabilities Act Accessibility Guidelines), and the North Carolina Accessibility Code and State Building Codes.

- The Town Manager shall appoint the ADA coordinator. The designated ADA Coordinator's efforts shall comply with all applicable federal, state, and local laws. In addition to ensuring physical access to Town programs and services, the ADA Coordinator develops training programs, resource materials, and advises Town employees about how to integrate people with disabilities into Town programs and activities. Although the ADA Coordinator handles ADA issues as it solely relates to local government activities, the Coordinator is available to answer questions from both citizens and Town employees. The ADA Coordinator shall be responsible for processing complaints and for conducting evaluations of programs, services and facilities on a continual basis.
- While the ADA does not require the Town to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden, removing barriers to accessibility is both the law and a commitment on the part of the Town of Black Mountain. The Town is committed to making its facilities, programs, services, and events accessible to all of its citizens and the general public. The Internet in general and the Town's website in particular provide an alternative medium for accessing information about Town programs, services, and events and our website will meet federal accessibility standards (section 508 of the Rehabilitation Act).

The Town of Black Mountain ADA Coordinator may be reached at:

Black Mountain Town Hall
160 Midland Avenue, Black Mountain, NC 28711,
(828) 419-9373, or by email at: jennifer.tipton@townofblackmountain.org.

For questions or requests regarding accommodation from a specific Town Department, or for a specific meeting or activity, individuals are encouraged to contact the department directly or the numbers listed on Appendix I. A job description for the Town's designated ADA coordinator is found as Appendix II. This contact information will be included in meeting and program notifications and other public information relating to the Town of Black Mountain.

The Town of Black Mountain ADA coordinator will process and investigate grievance and complaints regarding accessibility in a timely manner and in accordance with Town grievance procedures. ADA Grievance and Complaint Forms are found as Appendix III.

B. Transition Plan Program*

1. ADA Title I: Employment

Title I requires employers with fifteen (15) or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others. For example, it prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment. It restricts questions that can be asked about an applicant's disability before a job offer is made, and it requires that employers make reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in undue hardship.

These requirements are reflected in the Town of Black Mountain Personnel Policy Manual:

Article V. Recruitment and Employment

Section 1. Statement of Equal Employment Opportunity Policy

It is the policy of the Town to foster, maintain, and promote equal employment opportunity. The Town shall select employees on the basis of the applicants' qualifications and without regard to age, sex, race, color, creed, religion or national origin. Applicants with disabilities shall be given equal consideration with other applicants for positions if such applicants can, with or without reasonable accommodation, perform the essential requirements of the position.

Section 2. Implementation of EEO Policy

All personnel responsible for recruitment and employment shall continue to review regularly the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable performance-related job requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of age, sex, race, color, creed, religion, national origin, or disability. Notices with regard to equal employment matters shall be posted in conspicuous places on Town government premises in places where notices are customarily posted. In addition, the Town will comply with the provisions contained within the Americans With Disabilities Act (ADA) as amended. It is the Town Manager's responsibility to insure compliance and make recommendations for actions to bring the organization into compliance.

All matters pertaining to ADA Title 1 are handled by the Town's Human Resources Department. Employment activities including the application process, testing, interviewing, hiring, job assignment, evaluation, discipline, medical examinations, compensation, promotion, on-the-job-training, layoff/recall, termination, leave, benefits, essential job functions, and job accommodations.

Personnel policies are evaluated and updated periodically by the Town's Human Resources Department. Information or concerns about Black Mountain Personnel policy should be directed to the Human Resources Director at (828) 419-9309.

Title I complaints may also be filed with the U.S. Equal Employment Opportunity Commission (EEOC) within 180 days of the date of discrimination, or 300 days if the charge is filed with a designated state or local fair employment practice agency. Individuals may file a lawsuit in Federal court only after they receive a “right-to-sue” letter from the EEOC.

Charges of employment discrimination on the basis of disability may be filed at any U.S. Equal Employment Opportunity Commission field office. Field offices are located in 50 cities throughout the U.S. and are listed in most telephone directories under “U.S. Government.” For the appropriate EEOC field office in your geographic area, contact:

www.eeoc.gov

(800) 669-4000 (voice); (800) 669-6820 (TTY)

2. ADA Title II: State and Local Government Activities

Title II covers all activities of state and local governments regardless of the government entity’s size or receipt of federal funding. Title II requires that state and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings). State and local governments are required to follow specific architectural standards in the new construction and alteration of their buildings. They also must relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with people who have hearing, vision, or speech disabilities. (See also Part D of this Plan.)

Public entities are not required to take actions that would result in undue financial and administrative burdens, but they are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided. Requests for Accommodations and Title II concerns or complaints are handled by the ADA Coordinator. The Grievance and Complaint procedure and form (Appendix III) are used when an individual has a specific grievance or complaint about a Town program, service, activity, or physical barrier.

The ADA Coordinator and the Planning and Development Services Department of the Town of Black Mountain will periodically evaluate facilities and programs to find opportunities for improvement. In 2010, the Town conducted a self evaluation of Town facilities (See Appendix IV) and made a report to the Town Board of Aldermen in July of 2010. As a result of that self evaluation and report, The Town took several action steps, including:

- 1) Convened a working group of citizens to assist with ADA Compliance,
- 2) Made extensive renovations on the Lakeview Center,
- 3) Made entrance improvements to the Carver Center,
- 4) Scheduled staff training in ADA compliance,
- 5) Formalized this Transition Plan for adoption.

a. Existing Facilities

In facilities that existed prior to January 26, 1992 and are not accessible, the Town may achieve program accessibility in several ways:

- Relocate the program or activity to an accessible facility,
- Provide activity, service, or benefit in another manner that meets ADA requirements, or
- Make modifications to the building or facility itself to provide accessibility.

Therefore the Town can relocate programs to accessible facilities and modify other facilities to achieve accessibility while avoiding expensive physical modifications of all town facilities. In 2008-2011, the Town re-modeled key facilities in order to accommodate various programs, meetings and classes while providing improved access:

- The new Town Hall building on 160 Midland Avenue has three meeting rooms and hosts the Town’s Governing Body Meetings, as well as the other Boards and Commissions. That building is also available for other meetings, trainings, and events with approval of the Town Manager.
- The Lakeview Center hosts the Town’s Senior Activities program and provides a large gathering room and kitchen for classes, trainings and meetings and may also be rented out for parties. It was re-modeled in 2010-2011 with allocations from the Town and with a generous gift from a private citizen in order to be more accessible.
- In 2010, entrances to the Carver Center were improved for wheelchair access.

These facilities host the majority of Town programs and can be used for re-location of other programs and events as needed. For information on the use of the Lakeview Center or Carver Center, contact the Town Recreation and Parks Department at:

Town of Black Mountain Recreation and Parks Department
101 Carver Avenue, Black Mountain, NC 28711
Office (828)419-9300, Fax (828)669-0731; TDD (800)735-2962

b. Renovations

However, when opportunities and funding are available to improve physical access to older buildings, the Town will pursue renovations for ADA compliance. Additionally, when the Town alters an area of a facility that contains a primary function area, the Town has the obligation for making the path of travel to the altered area, room or wing, as well as the bathrooms, drinking fountains and any public telephones serving that altered area accessible.

Primary function areas are those areas of a building that include the primary spaces for which the building was constructed (for example offices or meeting areas in a town hall, locker rooms in an athletic facility, or classrooms in a school or training center). The amount of money the Town must spend to provide an accessible path of travel is limited to 20% of the overall cost of the alterations. If the path of travel alterations can be done for less than the 20% limit, then only that expenditure is required. If all the required accessible features are already provided then no additional expenditure is needed.

c. Maintenance of Accessible Features

The Town must maintain in operable working condition those features that are necessary to provide access to services, programs, and activities- including elevators and lifts, curb ramps at intersections, accessible parking spaces, ramps to building or facility entrances, door hardware, and accessible toilet facilities.

Title II complaints may be filed with the Department of Justice within 180 days of the date of discrimination. In certain situations, cases may be referred to a mediation program sponsored by the Department. The Department may bring a lawsuit where it has investigated a matter and has been unable to resolve violations. For more information, contact:

U.S. Department of Justice, Civil Rights Division
950 Pennsylvania Avenue, N.W.
Disability Rights Section – NYAV
Washington, D.C. 20530
www.ada.gov
(800) 514-0301 (voice); (800) 514-0383 (TTY)

Along with other renovations, The Town remodeled the Town Parking lot at Town Hall to create new and additional parking spaces that accommodate handicapped parking. As part of the Transition Plan, the Town must continue to designate and establish handicapped accessible parking in all municipal lots as they are paved or improved. Additionally, parks and greenways must be designed to accommodate those with disabilities.

3. ADA Title III: Public Accommodations

Title III covers businesses and nonprofit service providers that are public accommodations, privately operated entities offering certain types of courses and examinations, privately operated transportation, and commercial facilities. Public accommodations are private entities who own, lease, lease to, or operate facilities such as restaurants, retail stores, hotels, movie theaters, private schools, convention centers, doctors' offices, homeless shelters, transportation depots, zoos, funeral homes, day care centers, and recreation facilities including sports stadiums and fitness clubs. Transportation services provided by private entities are also covered by Title III.

Public accommodations must comply with basic nondiscrimination requirements that prohibit exclusion, segregation, and unequal treatment. They also must comply with specific requirements related to architectural standards for new and altered buildings; reasonable modifications to policies, practices, and procedures; effective communication with people with hearing, vision, or speech disabilities; and other access requirements. Additionally, public accommodations must remove barriers in existing buildings where it is easy to do so without much difficulty or expense, given the public accommodation's resources. All building permit applications for public accommodations are evaluated for their compliance with current ADA and North Carolina Accessibility Code Standards.

Title III issues and complaints are handled by the Planning and Development Department and the Town Building Inspector, at (828) 419-9373, jennifer.tipton@townofblackmountain.org.

Complaints of Title III violations may be filed with the Department of Justice. In certain situations, cases may be referred to a mediation program sponsored by the Department. The Department is authorized to bring a lawsuit where there is a pattern or practice of discrimination in violation of Title III, or where an act of discrimination raises an issue of general public importance. Title III may also be enforced through private lawsuits. It is not necessary to file a complaint with the Department of Justice (or any Federal agency), or to receive a "right-to-sue" letter, before going to court. For more information, contact:

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Disability Rights Section – NYAV
Washington, D.C. 20530
www.ada.gov
(800) 514-0301 (voice); (800) 514-0383 (TT)

4. ADA Title IV: Telecommunications Relay Services

Title IV addresses telephone and television access for people with hearing and speech disabilities. It requires common carriers (telephone companies) to establish interstate and intrastate telecommunications relay services (TRS) 24 hours a day, 7 days a week. TRS enables callers with hearing and speech disabilities who use telecommunications devices for the deaf (TDDs), which are also known as teletypewriters (TTYs), and callers who use voice telephones to communicate with each other through a third party communications assistant.

In North Carolina, RelayNC and CaptelNC provide relay services through a variety of technologies and are funded by the North Carolina Division of Services for the Deaf and Hard of Hearing. These services may be accessed by dialing 7-1-1, or 800-735-2962, or through the internet at www.relaync.com. Title IV issues in the Town of Black Mountain are handled by the ADA Coordinator.

The Federal Communications Commission (FCC) has set minimum standards for TRS services. Title IV also requires closed captioning of federally funded public service announcements. For more information about TRS, contact the FCC at:

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554
www.fcc.gov/cgb/dro
(888) 225-5322 (Voice); (888) 835-5322 (TTY)

5. ADA Title V: Miscellaneous Provisions

Title V clarifies that both states and Congress are covered by all provisions of the ADA. It also provides for recovery of legal fees for successful proceedings pursuant to the Act and establishes a mechanism for technical assistance along with specific instructions to many federal agencies required to implement the Act. Additionally, Title V includes a provision prohibiting either (a) coercing or threatening or (b) retaliating against the disabled or those attempting to aid people with disabilities in asserting their rights under the ADA.

**Information for this Section of the Transition Plan is from the U.S. Department of Justice, The ADA Guide for Small Towns (<http://www.ada.gov/smtown.htm>)*

C. Transition Plan Development and Maintenance

1. Project Coordination

The ADA Coordinator as designated by the Town Manger is Jennifer Tipton, of the Planning and Development Department. She has participated with the Building Inspector in the evaluation of facilities and in meetings with the ADA Working Group. She will continue to work with the Building Inspector, Town Manager, Recreation and Parks Department and other Departments to implement the Transition Plan and to address access issues and provide Town information.

2. Field Survey

The ADA Coordinator and the Building Inspector provided an overall evaluation of Town buildings and immediately adjacent parking lots. A second independent contractor then followed through to price needed renovations. The Town staff then directed resources to those facilities that serve the most citizens and which have the most public programming.

3. City Staff Training Seminar

With the assistance of Disability Partners, the Town is hosting a staff training in April of 2011, and will continue to work with this valued resource to maintain a training program into the future. Training for Building Inspections and ADA program's management must also be pursued. It will be the responsibility of the ADA Coordinator and the H.R. Director to ensure that new staff that are in positions of working with the public receive training.

4. Data Collection and Maintenance

Now that the Town has a base line survey of facilities, this data must be periodically updated as part of the Capital Improvements Program. The ADA Coordinator, Building Inspector and Public Services Director shall seek priority ADA improvements as part of capital improvement planning on an annual basis.

5. Prioritization of Architectural Barriers

Current priorities of the Town on architectural barriers are:

- Improve accessibility of bathrooms in all public facilities.
- Improve entrances and parking to provide safe access from vehicle into building.

6. Quality Control & Check Code Review

Because ADA guidance from the State and the Federal government is occasionally updated, the ADA Coordinator must monitor ADA compliance information and continually monitor Town programs, information and facilities.

D. Plan Implementation

1. Capital Improvement Program

2. Management

3. Self Evaluation

ADA TRANSITION PLAN APPENDIX 1

ADA STATEMENTS TO BE INCLUDED ON FUTURE MEETING NOTICES, MAILINGS AND PUBLIC INFORMATION (PRESS RELEASES, BROCHURES, FLYERS, ETC.)

Board of Aldermen Meetings

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the American with Disabilities Act. Should you need assistance or a particular accommodation for this meeting please contact Town Clerk Darlene Whisenant at 419-9300 or by email at Darlene.whisenant@townofblackmountain.org.

Planning Board, ZBA, Historic Preservation, Housing Commission Meetings

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the American with Disabilities Act. Should you need assistance or a particular accommodation for this meeting please inform Rosa Hilbert at 419-9370 or by email at rosa.hilbert@townofblackmountain.org.

Greenway Commission, Parks and Recreation Commission

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the American with Disabilities Act. Should you need assistance or a particular accommodation for this meeting please contact the Parks and Recreation Department at 669-2052 or email Lori Williams at lori.williams@townofblackmountain.org.

Urban Forestry

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the American with Disabilities Act. Should you need assistance or a particular accommodation for this meeting please contact Pam Hoen at 419-9300, extension 664 or email pam.hoen@townofblackmountain.org.

General – Town Hall and Public Safety

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the American with Disabilities Act. Should you need assistance or a particular accommodation to access Town Hall or the Public Safety Building please contact the Town Clerk at 419-9300 or by email: Darlene.whisenant@townofblackmountain.org.

General – Parks and Recreation

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the American with Disabilities Act. Should you need assistance or a particular accommodation to access any of our Parks Facilities please contact the Parks and Recreation Department at 669-2052 or email Lori Williams at lori.williams@townofblackmountain.org.

ADA TRANSITION PLAN APPENDIX 2

Town of Black Mountain Americans with Disabilities Act (ADA) Coordinator Job Description

Basic Functions and Responsibilities

- Coordinates Town responsibilities to assure compliance with the Americans with Disabilities (ADA) Act, Sections 503 and 504 of the Rehabilitation Act of 1973, and other federal laws and regulations pertaining to persons with disabilities.
- Responsible for Town policies and procedures relating to persons with disabilities, implementation of transition plan, and evaluation of Town progress relating to its policies and procedures and state and federal laws relating to persons with disabilities.

Specific Job Duties

- Serves as the principal planning coordinator for programs, policies, and procedures relating to ADA compliance.
- Coordinates accommodations and resources to facilitate access for persons with disabilities.
- Ensures that appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries.
- Processes and investigates complaints alleging discrimination and non-compliance under the ADA and other applicable federal and state laws regarding discrimination on the basis of disability.
- Maintains current information regarding state and federal laws and regulations as well as the best practices of other municipalities and employers concerning the rights of persons with disabilities and ways of providing reasonable accommodations to persons with disabilities while maintaining program performance standards.
- Ensures that Town-related information is readily available on services, accommodations, policies, and demographics relating to persons with disabilities.
- Provides ADA Program and facility interpretation and advice on compliance to all sectors of the Town government.
- Provides information to the public on accommodations and access to Town facilities.

ADA TRANSITION PLAN APPENDIX 3
Town of Black Mountain
ADA Title II Grievance Procedure

Step 1. File the grievance

Complete the ADA Grievance Form, or prepare a written grievance that includes the following:

1. Name, address, and phone number of the person filing the grievance;
2. Name, address, and phone number of the person alleging the ADA violation, if other than the person filing the grievance;
3. Description of the alleged violation and the remedy sought;
4. If a complaint has been filed with the Department of Justice or other federal or state civil rights agency or court, provide, name of the court or agency, name and address of a contact person, and the date filed.

Step 2. Acknowledgement

Town of Black Mountain will send an acknowledgement within 12 working days of receipt of the grievance.

Step 3. Informal resolution

Within 60 calendar days of receipt, Town of Black Mountain will complete the investigation necessary to determine the validity of the alleged violation. If appropriate, the ADA Coordinator will arrange to meet with the grievant to discuss the matter and attempt to reach an informal resolution of the grievance. Any informal resolution of the grievance shall be documented in the ADA Coordinator file and the case will be closed.

Step 4. Written determination

If an informal resolution of the grievance is not reached in Step 3, within 75 calendar days of receipt of the grievance, a written determination as to the validity of the complaint, and description of the resolution, if appropriate, shall be forwarded by ADA Coordinator to the Town Manager for approval.

Step 5. Final determination and resolution

Town of Black Mountain shall communicate the determination and resolution to the grievant within 90 calendar days of receipt of the grievance, unless the Executive Officer authorizes additional time for further consideration of the grievance. Any authorized extension of time will be communicated to the grievant. Any request for reconsideration of Town of Black Mountain's response to the grievance shall be at the discretion of the Town Manager. If the grievant is not satisfied with Town handling of the grievance at any stage of the process, or does not wish to file a grievance through Town of Black Mountain's ADA Title II Grievance Procedure, the grievant may file a complaint directly with the U. S. Department of Justice or other appropriate state or federal agency.

Use of Town's grievance procedure is not a prerequisite to the pursuit of other remedies. The resolution of any specific grievance will require consideration of varying circumstances, such as the specific nature of the disability; the nature of the access to services, programs, or facilities at issue, 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 Town of Black Mountain. Accordingly, the resolution by the Town of Black Mountain of any one grievance does not constitute a precedent upon which Town of Black Mountain is bound or upon which other complaining parties may rely.

File Maintenance

Town of Black Mountain ADA Coordinator shall maintain ADA Grievance files for three years.

**Town of Black Mountain
ADA GRIEVANCE FORM**

Grievant:

Name: _____

Address: _____

Phone #: _____

Person Filing Grievance (if different from person completing this form):

Name: _____

Address: _____

Phone #: _____

Please provide a complete description of your grievance (attach additional pages if necessary):

Please specify the location of your grievance:

Please state the requested remedy to correct the alleged violation (attach additional pages if necessary):

Has the complaint been filed with a State/Federal Agency? Yes (see below) No

Name of Agency: _____

Contact Person at Agency: _____

Date Filed: _____

I certify that the above statement is accurate and filled out to the best of my ability and knowledge.

Signature

Date

Please complete form in black or blue ink.

Return completed form to:

Jennifer Tipton, ADA Coordinator

160 Midland Avenue, Black Mountain, NC 28711

Phone: 828-419-9373 ~ Fax: 828-669-2030

jennifer.tipton@townofblackmountain.org

**TOWN OF BLACK MOUNTAIN
ACCESSIBILITY ASSESSMENT**

Jimmy Lamm
★ 649-1344 (o)
768-5444 (e)

11-05-10

TOWN HALL:

Women's restroom: Toilet stalls met minimum ADA requirements for alternate stalls for renovation work when built.

- ~~Toilet seat in handicap stall needs to be raised (min. 17" h to max. 19" h).~~
- At least one section of the vanity (min 30" wide centered on a lavatory) needs to be lowered 1" (max. ht 34" to rim of sink). Insulate pipes
- Provide faucets w/ levered handles.
Recommendation: (this will bring restroom up to current ADA & building code compliance)
 - Remove toilet partitions.
 - Remove far end water closet.
 - Add new toilet partition.
 - Add new grab bars.

Men's restroom: Toilet stalls meet minimum ADA requirements for alternate stalls for renovation work when built.

- Toilet seat in handicap stall needs to be raised (min. 17" h to max. 19" h).
- At least one section of the vanity (min 30" wide centered on a lavatory) needs to be lowered 1 1/2" (max. ht 34" to rim of sink). Insulate pipes.
- Provide faucets w/ levered handles.
Urinal does not meet accessibility requirements, but since there is only one it is not required to do so (ADA 213.3.3).
Recommendation: (this will bring restroom up to current ADA & building code compliance)
 - Remove toilet partitions.
 - Remove far end water closet.
 - Add new toilet partition.
 - Add new grab bars.

LAKEVIEW CENTER:

Upper level:

General:

- Entrance door's threshold is too high (1/2" max. ht). Door is hard to open and will need to be adjusted.
- Widen door to stairs to 36".

Women's restroom:

- Water closet will have to be relocated (16" min -18" max from side wall). Existing water closet is 21 1/2" from side wall.
- Raise toilet seat (min. 17"h to max. 19"h).
- Sink will need to be relocated - ADA now requires 60" clear from the side wall of the water closet to any other fixtures.
- Door needs to be relocated to provide required clearance.
- A new opening will need to be added from the main room to the vestibule outside of the restroom. The vestibule is too small to provide required clearances if the door and door opening remain as is.
- Provide sign w/ Braille.

Men's restroom:

- Raise toilet seat (min. 17"h to max. 19"h).
- Remove urinal - ADA now requires 60" clear from the side wall of the water closet to any other fixtures.
- Sink will need to be relocated. Existing location does not have the adequate clearances.
- Door needs to be relocated to provide required clearances.
- The door from the main room to the vestibule outside of the restroom will need to be changed to a cased opening & widened. The vestibule is too small to provide required clearances if the door and door opening remain as is.
- Provide sign w/ Braille.

Kitchen:

- Provide an accessible sink & work area.
- Door to kitchen needs to be widened to 36".
- Door to exterior needs to be widened to 36".

Lower level:

General:

- Existing ramp and landing to entrance does not meet ADA. Remove and replace (see plan).
- Exterior doors need to open out instead of in.
- Door to office needs to be widened to 36".
- Remove existing water cooler and install new hi-lo water cooler.

Restrooms:

- Neither restroom meets ADA.
- Remove all plumbing fixtures.
- Remove common wall between restrooms and wall between women's restroom and storage.
- Rebuild restrooms (see plan).
- Provide sign w/ Braille.

Kitchen:

- Kitchen does not meet ADA. If a event is booked and handicap access is needed to the kitchen, ADA allows you to move the event to an alternate location that provides accessibility. The kitchen on the upper level will be made accessible.

CARVER CENTER:

General:

- Need new van accessible parking space w/ proper signage at side entrance to building.
- ~~HC parking spaces at rear entrance to building need to be reconfigured and signs added.~~
- ✱ The concrete pad at the side entrance to the building has about a 1" lip. This will need to be reworked to provide a smooth transition (1:12 max slope).
- All doors except entrance door to office area and doors w/ panic devices or push/pulls need to be changed to lever handles.
- Replace existing water cooler w/ a hi/lo water cooler or add a 2nd water cooler at proper height.

Women's restroom:

- Toilet stalls do not meet ADA requirements.
- One water closet will have to be removed and the toilet stalls replaced.
- Raise toilet seat (min. 17"h to max. 19"h) in handicap stall.

- One sink will have to be raised to 34" max rim ht. in order to provide adequate knee clearance (27" min) - insulate pipes.
- Provide faucets w/ levered handles.
- New mirrors need to be install at proper heights.
- Paper towel dispenser needs to be relocated.
- Provide sign w/ Braille.

Men's restroom:

- Toilet stalls do not meet ADA requirements.
- One water closet will have to be removed and the toilet stalls replaced.
- Raise toilet seat (min. 17"h to max. 19"h) in handicap stall.
- Urinals meet ADA requirements.
- One sink will have to be raised to 34" max rim ht. in order to provide adequate knee clearance (27" min) - insulate pipes.
- Provide faucets w/ levered handles.
- New mirrors need to be install at proper heights.
- Paper towel dispenser needs to be relocated.
- Provide sign w/ Braille.

Reducing the number of plumbing fixtures may create a problem with meeting the minimum number of required fixtures. With the limited use of the building this should not be a problem at the present.

The Montessori School:

- The restroom does not meet ADA and will need to be completely reworked. The school has access to only one restroom w/ one water closet & one sink. An additional restroom should be added. If a restroom is added both restrooms could be classified as unisex and therefore only the new restroom would have to meet ADA.
- All doors except doors w/ panic devices or push/pulls need to be changed to lever handles.

~~BATH HOUSE AT POOL:~~

General:

- Mats throughout are too high. Replace w/ ADA approved mats - maximum 1/2" h w/ tapered edges.

Women's restroom:

- Toilet stalls do not meet ADA requirements.
- Remove one concrete block partition
- Remove existing toilet stall doors at the two stalls adjacent to the removed block wall.
- One water closet will have to be removed. Add new stall front w/ 36" door.
- Raise toilet seat (min. 17"h to max. 19"h) in handicap stall.
- Add grab bars.
- Reset toilet paper dispenser below the grab bar.
- Raise one sink to 34" rim ht. in order to provide adequate knee clearance (27" min) - insulate pipes.
- Provide faucets w/ levered handles.
- Provide sign w/ Braille at both entrances.

Women's shower:

- Shower stalls do not meet ADA.
- Remove one existing concrete block partition.
- Raise the recessed floor on the two spaces adjacent to the removed block wall to level w/ the main floor.
- Raise floor drains.
- Replace one shower head w/ an ADA approved adjustable shower head.
- Provide lever handle on shower control.
- Add grab bars

Men's restroom:

- Toilet stalls do not meet ADA requirements.
- Remove one concrete block partition
- Remove existing toilet stall doors at the two stalls adjacent to the removed block wall.
- One water closet will have to be removed. Add new stall front w/ 36" door.
- Raise toilet seat (min. 17"h to max. 19"h) in handicap stall.
- Add grab bars.
- Reset toilet paper dispenser below the grab bar.
- Urinals meet ADA.
- Raise one sink to 34" rim ht. in order to provide adequate knee clearance (27" min) - insulate pipes.
- Provide faucets w/ levered handles.
- Provide sign w/ Braille at both entrances.

Men's shower:

- Shower stalls do not meet ADA.
- Remove one existing concrete block partition.
- Raise the recessed floor on the two spaces adjacent to the removed block wall to level w/ the main floor.
- Raise floor drains.
- Replace one shower head w/ an ADA approved adjustable shower head.
- Provide lever handle on shower control.
- Add grab bars

LAKE TOMAHAWK TENNIS COURTS:

General:

- Add 8' wide isle between 2 parking spaces and add van accessible sign.
- Add 4' wide sidewalk (approx. 37') to courts w/ smooth transition from the parking lot and onto the courts.
- Water fountain needs to be lowered.
- Widen sidewalk at lower water fountain.
- Recommend adding sidewalk to portable toilets if this location is to be used often.

LAKE TOMAHAWK PICNIC SHELTER:

General:

- Provide 4' wide asphalt or concrete walk from parking lot to shelter.

LAKE TOMAHAWK RESTROOMS:

General:

- Add 4' wide concrete or asphalt walk tying restrooms to picnic shelter (approx 290') w/ a 5'x5' space mid way.

Women's restroom:

- Lower sinks to 34" high - insulate pipes.
- Provide sign w/ Braille.

Men's restroom:

- Lower sinks to 34" high - insulate pipes.
- Urinal does not meet accessibility requirements, but since there is only one it is not required to do so (ADA 213.3.3).
- Provide sign w/ Braille.

~~LAKE TOMAHAWK STAGE:~~

- Provide a ramp to the stage.

LAKE TOMAHAWK GAZEBO:

- Provide a 4' wide concrete or asphalt walk from main walkway.
- Remove existing ramp (slope is greater than 1:12).
- Add new ramp (1:12 max slope) to gazebo. Ramp to have handrails each side w/ intermediate rail 4" off concrete. .

LAKE TOMAHAWK CROQUET FACILITY:

General:

- Add and pave 1 van accessible handicap parking space (approx 16'w x 25'l) - provide signage.
- Remove existing water cooler.
- Water cooler is not required - but if provided needs to be a hi/lo and not recessed unless the recess is widened to approx. 4'.

Women's restroom:

- Insulate pipes at sink.
- Provide sign w/ Braille.
- Remove all obstacles in the restroom to maintain proper clearances.

Men's restroom:

- Raise the seat of the water closet (17"-19")
- Insulate pipes at sink.
- Provide sign w/ Braille.
- Remove all obstacles in the restroom to maintain proper clearances.

GREY EAGLE:

General:

- Add a van accessible parking space
- Install a appropriate sign.
- Clean the joint between the asphalt and concrete leading to the entrance to provide a smooth transition. Repair as necessary.
- Lower water cooler (36" to spout).

Restroom #1:

- ADA required a 36" grab bar behind the water closet. This will require the sink to be relocated.
- Relocate the sink and set 34" max above floor - insulate pipes.
- Remove existing rear grab bar.
- Need new 36" grab bar and 18" vertical side grab bar.
- Reset toilet paper dispenser below the grab bar.
- Relocate soap & paper towel dispensers.
- Change lock to lever handles.
- Provide sign w/ Braille.

Restroom #2:

- ADA required a 48" wide space at the water closet - the existing space is 31".
- The restroom will need to be reconfigured and brought up to the current code.
- Relocate plumbing fixtures.
- Shift the door towards the exterior wall.
- Set sink 34" max above floor - insulate pipes.
- Add grab bars.
- Set toilet paper dispenser below the grab bar.
- Relocate soap & paper towel dispensers.
- Change lock to lever handles.
- Provide sign w/ Braille

RECREATION PARK:

General:

- Add and pave 2 regular handicap parking spaces & 1 van accessible space - provide signage.

- Provide 4' wide hard surfaced walk (concrete or asphalt) to concessions building & restrooms.
- Alternate option: Add concrete or asphalt handicap parking spaces adjacent to the restroom area and tie to ramp.
- Rework ramp - add rails.
- Widen sidewalk (5'-6" wide) in front of restrooms and add 36" high rail w/ intermediate rail 4" off concrete.

Women's restroom:

- Remove existing toilet partitions.
- Install new toilet partitions & grab bars per attached plan. Side grab bars will need to be set out a min of 2" - use wood trim.
- Reset toilet paper dispenser below the grab bar.
- Relocate sink and insulate pipes.
- Relocate the paper towel dispenser & soap dispenser.
- Provide sign w/ Braille.

Men's restroom:

- Remove urinal next to water closet.
- Remove existing toilet partitions.
- Install new toilet partitions & grab bars.
- Reset toilet paper dispenser below the grab bar.
- Urinal does not meet accessibility requirements, but since there is only one it is not required to do so (213.3.3).
- Relocate sink and insulate pipes.
- Relocate the paper towel dispenser & soap dispenser.
- Provide sign w/ Braille.

GOLF COURSE PRO SHOP:

General:

- Add 1 handicap parking space w/ van accessible access beside existing handicap space.
- Add handicap sign.
- Do not block the handicap ramp to the building w/ golf carts.
- Entrance concrete walk needs to be removed and replaced (set flush w/ floor level of building) Replace steps & ramp. Install handrail for each side of steps & ramp.

- Add extra water cooler or remove existing water cooler and add a hi/lo water cooler.
- Replace all door knobs w/ levered handles.

Women's restroom:

- Remove framing for return air duct - set return grille in ceiling of main room - rework ductwork.
- Swing door out.
- Add low wall against exterior wall - wall finish to be 16"-18" from centerline of water closet.
- Add grab bars.
- Insulate sink pipes.
- Provide sign w/ Braille.

Men's restroom:

- Relocate door to side wall - swing door out.
- Add low wall against exterior wall - wall finish to be 16"-18" from centerline of water closet.
- Add grab bars.
- Insulate sink pipes.
- Provide sign w/ Braille.

GOLF COURSE SNACK SHOP:

General:

- Add 1 handicap parking space w/ van accessible access
- Add handicap parking sign.
- Widen porch between snack shop & Men's Golf Asso. space to 5'.
- Add access ramp (1:12 slope). - this may require widening the cart path.
- Replace all door knobs w/ levered handles.

Restrooms:

- Water closets are set too close to side wall, also, ADA required a 36" grab bar behind the water closet (existing is 24" long).
- Relocate the sink and set 34" max above floor - insulate pipes.
- Remove existing rear grab bars
- Need new 36" grab bar and 18" vertical side grab bar.
- Reset toilet paper dispenser below the grab bar.

- Provide sign w/ Braille.

~~MEN'S GOLF ASSOCIATION:~~

General:

- Widen porch between snack shop & Men's Golf Asso. space to 5'.
- Add access ramp (1:12 slope). - this may require widening the cart path.
- Replace all door knobs w/ levered handles.
- Code requires 2 exits from the space, both will have to be accessible.

Restroom:

- Restroom is too small to meet ADA.
- Remove wall adjacent to the closet.
- Reframe room
- Relocate plumbing fixtures - add grab bars
- Install new vanity or sink w/ pipe insulation.
- Door to swing out from restroom.
- Add new tile floor and rework existing tile.
- Rework electrical

~~WOMEN'S GOLF ASSOCIATION:~~

General:

- Add 1 handicap parking space w/ van accessible access
- Provide minimum 5'x5' concrete pad at entrance door level w/ building floor.
- Provide ramp access (1:12) slope.
- Replace entrance door knob w/ levered handle.

Restroom:

- Restroom is too small to meet ADA.
- Remove right side wall of restroom and widen room.
- Swing door to handicap stall out.
- Add grab bars to code.
- Remove front wall & deepen the room.
- Add new vanity w/ knee clearances or sinks. Add pipe insulation.

- Swing door out.

PUBLIC SAFETY:

General:

- Replace all door knobs w/ levered handles.
- Add extra water cooler or remove existing water cooler and add a hi/lo water cooler.

Women's restroom: Toilet stalls meet minimum ADA requirements for alternate stalls for renovation work when built.

- Insulate pipes under vanity.
- Provide sign w/ Braille.
Recommendation: (this will bring restroom up to current ADA & building code compliance)
 - Swing the door out.
 - Remove toilet partitions.
 - Remove low water closet and replace w/ the existing handicap water closet.
 - Add new toilet partition & grab bars.
 - Remove one sink - shorten vanity.

Men's restroom: Toilet stalls meet minimum ADA requirements for alternate stalls for renovation work when built.

- Lower vanity to 34" to sink rim above floor - insulate pipes.
- Provide sign w/ Braille.
Recommendation: (this will bring restroom up to current ADA & building code compliance)
 - Remove toilet partitions.
 - Remove low water closet and replace w/ the existing handicap water closet.
 - RAdd new toilet partition & grab bars.
 - Remove one sink - shorten vanity.

FIRE DEPARTMENT:

General:

- Replace all door knobs w/ levered handles.

Women's bathroom:

- Remove lockers in front of restroom.

- Remove existing vanity & install wall hung lavatory. Insulate pipes.
- Raise toilet seat (min. 17"h to max. 19"h).
- Replace shower head w/ an ADA approved adjustable shower head.

Men's bathroom:

- At least one section of the vanity (min 30" wide centered on a lavatory) needs to be lowered 3/4" (max. ht 34" to rim of sink). Insulate pipes.
- Provide faucets w/ levered handles.
- Replace one shower head w/ an ADA approved adjustable shower head.

POLICE DEPARTMENT:

General:

- Replace all door knobs w/ levered handles.

Restrooms:

- None of the restrooms meet ADA, but the department has easy access to the restrooms in Public Safety.
- The plumbing fixtures in the holding cell do not meet ADA, but if an arrest is made of a person in a wheelchair, the Black Mountain Police's policy is to have an ambulance transport the person to the Buncombe County detention facility which can accommodate ADA.

PUBLIC WORKS:

General:

- Relocate existing handicap parking space.
- Add handicap ramp
- Add extra water cooler or remove existing water cooler and add a hi/lo water cooler.
- Replace all door knobs w/ levered handles.

Front restroom:

- Convert to unisex handicap single person restroom.
- Remove toilet partitions.
- Remove one water closet.
- Add 36" grab bar at rear of toilet.
- Lower one sink to 34" above floor - insulate pipes.

- Replace shower - 1/2" max threshold or add ramp (1:8 max slope).

LIBRARY:

General:

- Existing handicap parking space has too much slope (1/4" per ft is max permitted - existing space has approximately 5/8" per ft).
- Relocate handicap parking space to rear lot and add a 2nd handicap parking space w/ van accessible isle - install signage. Parking lot has between 26 & 50 spaces requiring 2 handicap spaces.
- The front entrance is accessible - but when handicap parking is relocated, the distance from the spaces to the front entrance will exceed 200' (200' is the max allowed distance per ADA). The middle entrance door to the library has a threshold that exceeds 1/2" in height & will have to be modified. If the door to the community room is open during library hours - this can be used handicap access to the library. Signage will need to be added marking it as the handicap entrance.

Restrooms:

- Front restrooms do not meet ADA but the rear restrooms do meet ADA. - Provide signage on nonconforming restrooms noting the location of compliant restrooms.

CENTER for the ARTS:

General:

- Existing handicap parking space has too much slope.
- Relocate handicap parking space to across the driveway and add a van accessible isle - install signage.
- Provide exterior signage to direct a handicapped person to the accessible entrance to the Center for the Arts. (the accessible entrance is at the rear of the building and not identified)
- Add extra water cooler or remove existing water cooler and add a hi/lo water cooler.

Restrooms:

- The restrooms on the lower level were not built to the code, however fully accessible restrooms are on the 2nd & main floor and can be accessed by elevator.

- Furniture should be removed from restrooms where blocking the requires clear floor space.

BROADWAY STREET - PUBLIC PARKING LOT:

General:

- Add 1 handicap parking space w/ van access beside existing handicap space.
- Add handicap parking sign.