

ORDINANCE #19-16:

AN ORDINANCE ADOPTING AN AMERICANS WITH DISABILITIES ACT SELF-ASSESSMENT AND TRANSITION PLAN

WHEREAS, the Americans with Disabilities Act of 1990 provides protection to all persons with disabilities in areas of employment and government services and;

WHEREAS, the Village of Pinehurst is required to have an Americans with Disabilities Act Self-Assessment and Transition Plan that must be reviewed and approved by the Civil Rights Division of the North Carolina Department of Transportation; and

WHEREAS, the Village of Pinehurst does not have a current Americans with Disabilities Act Self-Assessment and Transition Plan;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina, in the regular meeting assembled this 10th day of September, 2019, as follows:

SECTION 1. That the Village of Pinehurst Americans with Disabilities Act Self-Assessment Plan and Transition Plan is hereby adopted; said policy attached hereto as Attachment A and made a part hereof.

SECTION 2. This Ordinance shall be and remain in full force and effect from and after the date of its adoption.

THIS ORDINANCE passed and adopted this 10th day of September, 2019.



Attest:

Beth Dunn
Beth Dunn, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: Nancy Roy Fiorillo
Nancy Roy Fiorillo, Mayor

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney

Village of Pinehurst, NC
ADA Self-Assessment and Transition Plan



This document is available in the alternate format preferred by the requestor. All such requests should be sent to the ADA Coordinator as identified in this document.

August 2019

ADA Self-Assessment and Transition Plan

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This document was adopted by the Village Council of the Village of Pinehurst, NC on the 10th day of September, 2019 by Ordinance #19-16.

I. Introduction

The Village of Pinehurst is an incorporated municipality located in the Sandhills section of the State of North Carolina. The Village is primarily a residential community governed by a five-member elected body composed of a directly elected Mayor and four Council members who serve four-year staggered terms.

The Village operates under a Council-Manager form of government and provides a wide variety of services to the public including public safety (police and fire), planning and inspections, solid waste collection, street and right-of-way maintenance, public park operations and recreation programs.

As an incorporated municipality, the Village is required to have an Americans with Disabilities Act (ADA) self-evaluation and transition plan that must be reviewed and approved by the Civil Rights Division of the North Carolina Department of Transportation.

The ADA of 1990 provides protection to all persons with disabilities in areas of employment and government services. As such the self-assessment and transition plan must address all public buildings and structures, pedestrian facilities, programs, services, employment policies and practices. Where barriers are discovered, a plan to address those should be established and placed on a timeline for implementation. Implementation may include modifications to existing structures, construction of new structures, redesign of equipment, assignment of physical aides to those in need, augmenting traditional methods of communication, changing existing policies and procedures and/or creating new policies and procedures.

This document serves to demonstrate the Village's commitment to complying with all aspects of the ADA. The development of this plan is the result of input from multiple Village staff and a 30-day public comment period.

The 30-day comment period was initiated July 26, 2019 and concluded on August 26, 2019. The draft plan was posted on the Village's website with a link to the "Engage Pinehurst" page where the public could view the document and provide direct comment on the page or through other means including via email to the ADA coordinator, via telephone to the ADA coordinator or in person. Social media was also used to promote the 30-day comment period and 70 site visits to the document were recorded.

A. ADA Coordinator

The designated ADA Coordinator for the Village of Pinehurst, NC is the Assistant Village Manager of Operations, Jeff Batton (or his successor).

The ADA Coordinator may be reached in the following ways:

Phone: 910-295-1900	Fax: 910-295-4434
Email: ADACoord@vopnc.org	Mail: Village of Pinehurst – ADA Coordinator 395 Magnolia Road Pinehurst, NC 28374
In – Person: Village Hall 395 Magnolia Road Pinehurst, NC 28374	

B. ADA Policy and Statement

The Village of Pinehurst ADA Policy and Statement is as follows:



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 **Village of Pinehurst** will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The **Village of Pinehurst** 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 **Village of Pinehurst** will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the **Village of Pinehurst** 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 **Village of Pinehurst** 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 **Village of Pinehurst** 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 **Village of Pinehurst**, should contact the office of the **Assistant Village Manager of Operations/ADA Coordinator, 395 Magnolia Rd. Pinehurst, NC 28374** as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the **Village of Pinehurst** 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 **Village of Pinehurst** is not accessible to persons with disabilities should be directed to the **Assistant Village Manager of Operations/ADA Coordinator**.

The **Village of Pinehurst** 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.

C. Grievance Procedure

The Village of Pinehurst Grievance Procedure is as follows:



Village of Pinehurst Grievance Procedure under The Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Village of Pinehurst. The Village of Pinehurst's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**Assistant Village Manager of Operations/ADA Coordinator
395 Magnolia Rd.
Pinehurst, NC 28374**

Within 15 calendar days after receipt of the complaint Assistant Village Manager of Operations/ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Assistant Village Manager of Operations/ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Village of Pinehurst and offer options for substantive resolution of the complaint.

If the response by Assistant Village Manager of Operations/ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Village Manager or his/her designee.

Within 15 calendar days after receipt of the appeal, the Village Manager or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Village Manager or his/her 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 Assistant Village Manager of Operations/ADA Coordinator or his/her designee, appeals to the Village Manager or his/her designee, and response from these two offices will be retained by the Village of Pinehurst for at least three years.

II. Self-Assessment

The Village of Pinehurst Self-Assessment included four categories of evaluation: Buildings, Pedestrian Facilities, Employment Practices, Information Accessibility, and Programs & Services.

- A. **Buildings:** A three-person committee was appointed to conduct the ADA evaluation of all Village buildings. The committee included the ADA Coordinator, the Chief Building Inspector and the Buildings & Grounds Superintendent and the reference document was the 2018 NC State Building Code and ICC A117.1-2009 standards.
- B. **Pedestrian:** A four-person committee was appointed to review pedestrian facilities in the downtown area and within key areas of high public foot-traffic including parks. The committee included the ADA Coordinator, the Parks & Recreation Director, the Public Services Director, and the Buildings and Grounds Superintendent and the reference document was the 2018 NC State Building Code and ANSI 117 standards.
- C. **Employment Practices:** A two-person committee was appointed to review employment policies and practices. The committee included the ADA Coordinator and the Human Resources Director.
- D. **Information Accessibility:** A three-person committee was appointed to review the manner in which all communication related specifically to this plan was disseminated and the manner, means and methods in which all public information was made available. The committee included the ADA Coordinator, the Information Technology Director and the Communications Specialist.
- E. **Programs and Services:** The ADA Coordinator reviewed the programs and services the Village provides with each of the departments that provide services to the public.

Results of these reviews are presented in Appendix A and identify any deficiencies found.

III. Transition Plan

The transition plan found in Appendix B demonstrates the fiscal year the Village intends to invest the necessary funds to bring an item identified in the self-assessment into compliance with applicable ADA standards. The method used to comply will vary based on the item and the need of the individuals. For example, installation of raised dome detection devices for vision impairment will be virtually the same process and manner regardless of the road crossing however, printed material may need to be in braille, large print or audio based on the preferences of the individual needing to be accommodated.

The transition plan is meant to maintain flexibility in order to meet the varying preferences of those needing accommodations. Funding for the implementation of the Transition Plan is the responsibility of Village of Pinehurst, Village Council. The Assistant Village Manager for Operations, Jeff Batton (or his successor), is responsible for execution of the Transition Plan.

IV. Appendices

A. Self-Assessment Details

B. Transition Plan Details

Appendix A: Self-Assessment Details

Appendix A: ADA Self-Assessment - Facilities

	HD Parking Spaces	HD Curb cut	Entry Access	Door Way(s)	Restrooms	Water Fountains	Sidewalk Surface	Sidewalk Slope
Public Buildings								
Village Hall	Y	Y	Y	Y	Y	Y	Y	Y
Police Department	Y-needs van space	Y	Y	Y	Y	Y	Y	Y
Fire Station #91	Y	Y	Y	Y	Y	Y	Y	Y
Fire Station #92	Y-needs van space	Y	Y	Y	Y	Y	Y	Y
Public Services/Fleet Maint.	Y-needs van space	Y	Y	Y	Y	Y	Y	Y
Rec Room	Y	Y	Y	Y	Y	Y	Y	Y
HT Office	Building is listed on National Register of Historic Places and is contributing structure to National Historic Landmark Status							
Fair Barn/Harness Track	Y	Y	Y	Y	Y	Y	Y	Y
Welcome Center	Y	Y	Y	Y	Y	Y	Y	Y

	HD Parking Spaces	HD Curb cut	Entry Access	Door Way(s)	Restrooms	Water Fountains	Sidewalk Surface	Sidewalk Slope
P&R Facilities								
Wicker Park								
Splashpad	Y	Y	Y		Y	Y	Y	Y
Splashpad Shelter	Y	Y	Y		Y	Y	Y	Y
Restrooms	Y	Y	Y	Y	Y	Y	Y	Y
Timmel Pavilion	Y	Y	Y		Y	Y	Y	Y
Timmel Restrooms	Y	Y	Y	Y	Y	Y	Y	Y
Pergola	Y	Y	Y		N/A	N/A	Y	Y
Paved Trails	Y	Y	Y		Y	Y	Y	Y
Unpaved Trails	Y	N/A	N/A		N/A	N/A	N/A	N/A

Cannon Park								
Ballfields	Y	Y	N/A		Y	Y	N	Y
Restrooms	Y	Y	Y	Y	Y	Y	Y	Y
Shelter	Y	Y	Y		Y	Y	N	Y
Unpaved Trails	Y	Y	N/A		Y	Y	N/A	Y

West Pinehurst Park								
Disc Golf	Y	Y	N/A		N	N	N	N

Definitions:

Y - Yes; N - No; N/A - Not Applicable

HD Parking Spaces - Present and meets code requirements for quantity and distance from entrance

HD Ramps - Present and meets code for transition from parking space to sidewalk

Entry Access - No impediments from parking space to entrance

Door Way(s) - Meets code for door width and level transition across doorway

Restrooms - Fully meets code for accessibility and use

Water Fountains - Present and meet code

Sidewalk Surface - Meets code for surface and slope

Village Acres:

Spring Lake - All intersections
Gun Club at Longleaf NW
Gun Club - mid-block
Forest Dr.

Y	Y
Y	N
Y	N
Y	N

Hospital District:

Memorial Dr. at Hospital entrance
Memorial Dr. at PH Surgical entrance
Memorial Dr. at Cancer Center

Y	Y
Y	Y
N	N

Defintions:

Y - Yes; N - No; N/A - Not Applicable

HD Parking Spaces - Present and meets code requirements for quantity and distance from entrance

HD Ramps - Present and meets code for transition from parking space to sidewalk

Appendix A: ADA Self-Assessment - Employment Practices

All policies related to employment with Village of Pinehurst apply to all employees regardless of ADA status. Employee-related policies that will be reviewed are listed below.

Employee-Related Policy
Absenteeism/Tardiness
Drug Use and Alcohol Misuse
Employee Handbook
FMLA - Compliance
Fleet
Grievance
Safety Footwear
Safety Manual
Travel Expense and Reimbursement
Uniform
Work From Home
Workers' Compensation

Appendix A: ADA Self-Assessment - Information Accessibility

Communication Tool	Potential Impairment	ADA Accessibility Tools Available
Website	Visual/Hearing	Y
Printed Material	Visual	Y
Public Meetings	Visual/Hearing	Y
Email	Visual	Y
Telephone	Hearing	Y
Social Media	Visual/Hearing	Y

Definitions:

Y - Yes; N - No

Appendix A: ADA Self-Assessment - Programs and Services

Department	Services Provided	Accomodation Provided
Public Services	Street/Road Maintenance	N/A
	Solid Waste Services	Y
Planning & Inspections	Planning Services	Y
	Inspections	Y
	Permits	Y
Parks and Recreation	Atheltics	Y
	Recreation Programs	Y
	Trips	Y
	Special Events	Y
Police	All	Y
Fire/EMS/Rescue	All	Y

Definitons:

Y - Yes; N - No; N/A - Not Applicable

Appendix B: Transition Plan Details

Appendix B: ADA Transition Plan - Facilities

Year Listed is Budget Year to be Implemented

Public Buildings	HD Parking Spaces	HD Ramps	Entry Access	Door Way(s)	Restrooms	Water Fountains	Sidewalk Surface	Sidewalk Slope
Village Hall	C	C	C	C	C	C	C	C
Police Department	FY2021	C	C	C	C	C	C	C
Fire Station #91	C	C	C	C	C	C	C	C
Fire Station #92	FY2021	C	C	C	C	C	C	C
Public Services	FY2021	C	C	C	C	C	C	C
Fleet Maintenance	C	C	C	C	C	C	C	C
Rec Room	C	C	C	C	C	C	C	C
B&G Maintenance	C	C	C	C	C	C	C	C
HT Maintenance	C	C	C	C	C	C	C	C
HT Office	C	C	C	C	C	C	C	C
Fair Barn	C	C	C	C	C	C	C	C
Welcome Center	C	C	C	C	C	C	C	C

P&R Facilities	HD Parking Spaces	HD Ramps	Entry Access	Door Way(s)	Restrooms	Water Fountains	Sidewalk Surface	Sidewalk Slope
Wicker Park								
Splashpad	C	C	C		C	C	C	C
Splashpad Shelter	C	C	C		C	C	C	C
Restrooms	C	C	C	C	C	C	C	C
Timmel Pavilion	C	C	C		C	C	C	C
Pergola	C	C	C	C	C	C	C	C
Paved Trails	C	C	C		C	C	C	C
Unpaved Trails	C	C	C		C	C	C	C

Cannon Park								
Ballfields	C	C	C		C	C	FY2022	C
Restrooms	C	C	C	C	C	C	C	C
Shelter	C	C	C	C	C	C	FY2021	C
War Memorial	C	C	C	C	C	C	C	C
Unpaved Trails	C	C	C	C	C	C	C	C

West Pinehurst Park								
Disc Golf	C	C	C	C	Will be addressed when Park is developed			

Definitions:

- C - Compliant
- HD Parking Spaces - Present and meets code requirements for quantity and distance from entrance
- HD Ramps - Present and meets code for transition from parking space to sidewalk
- Entry Access - No impediments from parking space to entrance
- Door Way(s) - Meets code for door width and level transition across doorway
- Restrooms - Fully meets code for accessibility and use
- Water Fountains - Present and meets code
- Sidewalk Surface - Meets code for surface and slope

Village Acres:

Spring Lake - All intersections
Gun Club at Longleaf NW
Gun Club - mid-block
Forest Dr.

HD Ramps	Detectable Domes	Installation
Y	Y	C
Y	N	FY2024
Y	N	FY2024
Y	N	FY2024

Hospital District:

Memorial Dr. at Hospital entrance
Memorial Dr. at PH Surgical entrance
Memorial Dr. at Cancer Center

HD Ramps	Detectable Domes	Installation
Y	Y	C
Y	Y	C
N	N	FY2020

Definitions:

Y - Yes; N - No; C - Compliant
HD Parking Spaces - Present and meets code requirements for quantity and distance from entrance
HD Ramps - Present and meets code for transition from parking space to sidewalk

Appendix B: ADA Transition Plan - Information Accessibility

Communication Tool	Potential Impairment	ADA Accessibility Tools Available
Website	Visual/Hearing	C
Printed Material	Visual	C
Public Meetings	Visual/Hearing	C
Email	Visual	C
Telephone	Hearing	C
Social Media	Visual/Hearing	C

C - Compliant

Appendix B: ADA Transition Plan - Programs and Services

Department	Services Provided	Accommodations Provided*
Public Services	Street/Road Maintenance	N/A
	Solid Waste Services	Y
Planning & Inspections	Planning Services	Y
	Inspections	N/A
	Permits	Y
Parks and Recreation	Athletics	Y
	Recreation Programs	Y
	Trips	Y
	Special Events	Y
Police	All	Y
Fire/EMS/Rescue	All	Y

* All accommodations are provided in the manner prescribed by the requesting individual at no additional charge.