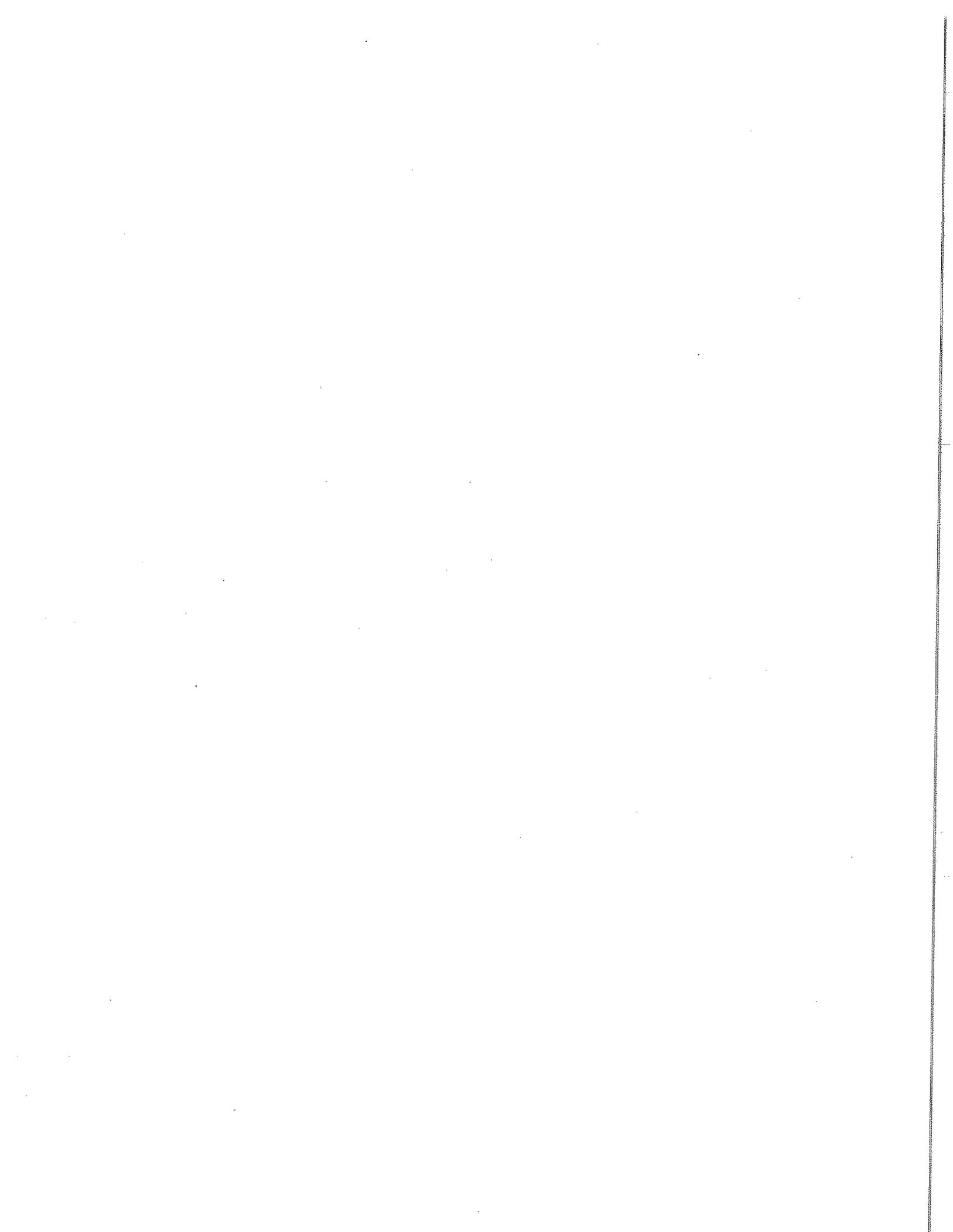


**City of Asheville
Parks and Recreation Department**

**Americans with Disabilities Act
Parks and Facilities Audit
and Transition Plan**

**Report of Audit Findings
and Recommendations**

**Prepared by
Recreation Accessibility Consultants
June 15, 2013**



All Site Conclusions and Recommendations

Background

A step-by-step approach will help the City of Asheville Parks, Recreation, and Cultural Arts Department address the deficits in the individual site reports. We recommend the following to accomplish the goal of making City programs more accessible to people with disabilities.

A Guide to this Section

There are approximately 6,950 access deficits identified in the 63 site reports. That is what is required by the ADA, the identification of every access deficit at every site and facility. For every deficit, a solution must be identified.

However, this section is all about the big picture. As discussed in the cover letter with this report, the City does ***not necessarily have to make every site accessible, or every element at every site accessible.*** It ***does*** have to make every program it conducts within its sites accessible.

We have attempted to identify some broad solutions, such as the refreshing of all accessible parking, as a way to address issues identified in the 63 site reports, and as a way for the City to manage compliance. This approach also gives the City flexibility within its compliance efforts to move resources so that they are applied with optimal impact.

The scope of our work does not include the design of a solution. Rather, it is performance based. For example, if a park restroom needs to be made accessible, we'll so recommend. We will ***not*** design a solution for the City that includes walls to be removed or plumbing changes. Those are tasks for City staff or contractors.

This is also about accountability. The adjustments to door closers, eliminating changes in level, and other recommended actions are ineffective if not maintained over time by City employees. We recommend the following to facilitate review:

First, read the final report cover letter to Seth Hendler-Voss. It describes the concepts and requirements invoked throughout the reports.

Second, read this Conclusion section. As mentioned above, this is a big picture review of the accessibility issues and our corrective recommendations.

Third, read the 63 site reports. Use your computer and you'll have instant access to the report for that site, the photo gallery, and the checklists.

Fourth, use your knowledge of sites and of your staffs' expertise. You know the City of Asheville Parks, Recreation, and Cultural Arts Department sites better than we do, and you certainly know the staff better than we do. Blend in what you know with what we recommend in the report. There is always another way to solve an access problem...perhaps you'll be the one to see that solution.

Common Issues

In our evaluation, some common issues arose. The common issues are also "big picture" items for the City and incorporate many of the specific site recommendations. Some of these common issues include availability of accessible parking, Maintenance of playground surfaces, and accessible routes to amenities throughout a site.

Maintenance

The City uses a conscientious staff to maintain its facilities and sites. However, over time, every facility and site yields to wear and tear. The recommendations below describe ways in which attention to maintenance can specifically address some access deficits.

1. **Provide training** to staffs regarding the features of an accessible route and how to ensure that it remains unobstructed and that park amenities (such as garbage cans or signs) are placed adjacent to the accessible route.
2. **Purchase some new tools.** The City should have enough battery-powered digital levels and tools to measure pounds of force for doors to equip some staff for occasional spot-checks. A great website for door gauges is:

<http://www.technologylk.com/crl-door-pressure-gauge-lk-HMC035.htm?src=froogle>.

Changes in Level and Gaps

The routes and sidewalks that make up the City's network of accessible routes are in fair condition. Wear and tear, settling, weather, and other factors combine to cause changes in level and gaps along portions of these accessible routes, making that portion noncompliant and a barrier to many customers with physical and sensory disabilities.

Removing changes in level and gaps has a significant universal design benefit too, as people with all types of conditions can more easily use these routes...staff pushing carts of supplies, parents with kids in strollers, and people using an assistive device such as a wheelchair, Segway, or walker.

3. **Eliminate changes in level.** Using the rationale that the most severe changes in level are the greatest barriers to access, make changes in level of greater than .75" the highest priority. Make changes in level of between .5" and .75" the second priority. Make beveling of changes in level of .25" to .5" the third priority. Make this a City work-plan task in the next two to three years.
4. **Add change in level of more than .25" to park maintenance safety checklists** in 2013. This will help identify and correct problems before they expand. Make or buy pre-measured shims and distribute to employees for their use and ease of measurement.

5. **Add inspections for gaps** of greater than .5" **to park maintenance safety checklists**. Identify and fill these gaps before they expand. **In the alternative, consider a resurfacing of segments of the route** which have deteriorated.
6. **Adopt** a policy about the use of other Other Power Driven Mobility Devices in City facilities and at City sites, and promote that policy to the general public. Every day, more people with limited physical mobility start to use a Segway or a similar machine.

Pursuant to the ADA title II regulation published September 14, 2010, this policy was to have been in place by March 15, 2011.

These assistive devices provide great benefits to people with disabilities and the sooner the City has a policy in regard to their use the better. The policy could, at a minimum, address times of allowed use (dawn to dusk), speed limits, off-limits areas, status of the user as a person with a disability, and minimum age.

It is important to note that a power driven mobility device is **not** a wheelchair. That device has a separate definition and is already allowed in facilities and parks.

The components of a policy are noted below. **The City is welcome to use some, all, or none of this, but a policy must be in place. We recommend at least the following statements:**

Definition: *Other power-driven mobility device* (OPDMD) means any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this policy.

Definition: *An electronic personal assistive mobility device* (EPAMD) is a device used by a person with a mobility impairment for ambulation. This definition does **not** include gasoline powered devices, golf cars, or riding lawn mowers.

Permission: The City of Asheville Parks, Recreation, and Cultural Arts Department authorizes persons with mobility impairments to use OPDMDs and EPAMDs in City facilities and sites subject to the following restrictions:

1. The operator of the device must be a person with a mobility impairment, and upon request by Department staff, shall produce proof of such within 72 hours;
2. The device, if used in a facility or in a park, is allowed in any area of the facility or park in which the general public is allowed, with the exception of employee only spaces, stairways, and identified hazardous areas;
3. The device, if used inside a facility, must be controlled by the operator. It:

City of Asheville Parks, Recreation, and Cultural Arts Department
Access Audit & Transition Plan
June 15, 2013 page 5

- A. may not exceed 4 mph;
 - B. shall be driven on the right side of the circulation route;
 - C. is prohibited from carrying another person on the frame, or any object on the frame that may make the device less stable; and
 - D. must not be operated in a dangerous or reckless manner that jeopardizes the safety of the operator, Department employees, or Department participants.
4. The device, if used in a park or outside, must be controlled by the operator. It:
- A. may not be operated between dusk and dawn unless equipped with headlights that are visible from at least 300';
 - B. may not exceed 6 mph;
 - C. shall not be driven into wet or ecologically sensitive areas which are posted as such;
 - D. shall be driven on the right side of the circulation route;
 - E. is prohibited from carrying another person on the frame, or any object on the frame that may make the device less stable; and
 - F. must not be operated in a dangerous or reckless manner that jeopardizes operator safety, employees, or Department participants.
5. The Department accepts no responsibility for storage of the device.
6. The Department accepts no liability for damage to the device, or injury to the operator, whether caused by the operator, another visitor to the facility or site, or any other circumstance.
7. The Department accepts no liability for damage caused by the operator of the device, or injury to others caused by the operator of the device.
8. The Department reserves the right to suspend the use of facilities or sites by the operator if doing so is in the best interests of the City and its residents.
9. The Department reserves the right to change, modify, or amend this policy at any time, as it would any other policy.
7. If the City has not yet addressed this issue we recommend the appointment of a committee, including City staff experts and persons with mobility impairments, to develop a policy or policy recommendations.

Obstructed Accessible Routes

Employees *may* see an accessible route as an empty 36" wide space in which a potted plant or garbage can is a perfect fit. However, that blocks or obstructs the accessible route.

8. **Provide training to park maintenance and other staffs** regarding maintenance of accessible routes in parks and in recreation facilities.

Employee Work Areas

The Department employs qualified and skilled people on a full time basis, making services available to residents. It also employs many more on a part-time or seasonal basis.

The Department likely already has employees with disabilities and in the future, will have *more* employees with disabilities, in all categories...full time, seasonal, and regular part time.

It is important to address access to work areas, and both the title II regulation and the work of the Access Board do so. In section 203.9 of the 2010 Standards for Accessible Design, the treatment of employee areas is made clear.

Generally, a person with a disability should be able to **approach, enter, and exit** the work area. This is addressed by requirements for accessible routes and accessible means of egress. Other factors are door width, thresholds, and changes in level.

Excluded from this exception are several types of common spaces in employee areas. Spaces such as the ones below must meet the access guidelines as they are excluded from the definition of employee-only areas:

- Corridors;
- Toilet rooms;
- Kitchenettes for dining use; and,
- Break rooms.

In short, the key issues are the accessible route, changes in level, doors and entries, and maneuvering space once within the work area.

This approach is effective so long as when the Department hires an employee with a disability, or a current employee acquires a disability, it will remove architectural barriers in work areas or make other accommodations.

The two recommendations below are important for all employees at all sites.

9. **Address accessibility in City personnel policies**, and note that, upon request by an employee, the City will make reasonable accommodations. This *may* include the removal of architectural barriers in work spaces.
10. **Require new construction, and alterations or additions** that include employee work areas to be designed and constructed so they are compliant with the 2010 Standards for Accessible Design.

Accessible Parking

The Department maintains approximately 925 standard parking spaces at parks and facilities, and approximately 89 more that are designated as accessible stalls. In correcting or refreshing its accessible stalls, the Department should address all of them at once to eliminate inconsistencies and come into compliance.

11. **Create a parking stall template.** A suggested template is below.

Parking Stall Dimensions

Accessible parking stalls are a minimum of 8' wide. An adjacent access aisle must also be a minimum of 5' wide. The access aisle should be diagonally striped.

Van accessible parking stalls are a minimum of 11' wide. An adjacent access aisle must also be 5' wide. ***In the alternative***, an acceptable dimension for a van accessible stall is an 8' wide stall with an adjacent 8' wide access aisle.

The collection of signs at each stall must include the US Department of Transportation R7-8 standard sign (the blue icon in a wheelchair). Below that must be the state fine sign. Unless the City of Asheville has adopted a higher fine by ordinance, the sign must note the state-adopted fine. Accessible parking spaces sized for van use must contain a third sign designating the space as "van accessible".

The 2010 Standards require one (1) out of every six (6) accessible parking spaces to be sized for and identified as "van accessible". We believe this is not enough. This belief was reinforced recently by a US Department of Justice settlement with St. Clair County in Illinois. The settlement required the addition of "van accessible" signs even when only one accessible space in a parking area was provided.

Finally, the bottom edge of the lowest sign at each space should be mounted a minimum of 60" above the finished grade so it cannot be obstructed by a parked vehicle.

We suggest that the signpost be located at the head of the accessible stall and that the curb cut and detectable warning run the distance of the access aisle.

Perhaps the most common error we see in accessible parking stalls and access aisles is the slope. The 2010 Standards limits the slope to ***not more than 2.08% in any direction.*** ***This is a challenging requirement that can take considerable effort to meet.***

Connection to the Accessible Route

The access aisles should connect to an accessible route. The maximum running slope for the accessible route is 5%, and to account for heaving and settling, we recommend 4%. The maximum cross slope is 2.08%.

Passenger Loading Zone

Where provided, a loading zone must have an access aisle adjacent and parallel to vehicle pull-up space. The loading zone access aisle is a minimum of 60" wide and 20' long. Confirm this template with the North Carolina Attorney General to ensure that loading zones will be compliant.

12. **Implement a plan to correct or refresh every accessible stall and loading zone** at every Department facility. Incorporate this task into other plans that require parking lot restriping or resurfacing. Make this a workplan task in the next two or three years.

Running Slope and Cross Slope

We saw running slopes steeper than permitted. However, due to the natural terrain of Asheville, that is to be expected. At some sites this was a minimal issue, but at other sites it was a significant variance.

Running slope variations can also occur when concrete settles, or when connections between new and old routes are off by fractions of an inch. Cross slope is equally important, as it serves drainage as well as access purposes.

13. **Adopt a policy** that in new construction and alterations the **running slope of the AR** shall not exceed 1:21, or 4.7%, even though the maximum allowed by the 2010 Standards is 1:20, or 5%. This allows room for field error.
14. **Adopt a policy** that in new construction and alterations the **ramp running slope** shall not exceed 1:13, or 7.7%, even though the maximum allowed by the 2010 Standards is 1:12, or 8.33%. This allows room for field error.

Exceeding the requirements of the 2010 Standards makes ramps easier to use for everyone, not just people with disabilities. This universal design approach is also a risk management tool.

15. **Adopt a policy** that in new construction or alterations the **cross slope of both the AR and the ramp** shall not exceed 2% or 1:50.

Detectable Warnings

The US Access Board suspended the detectable warning requirement in the late 1990's for a period of several years. It was restored in 2002, but it is not required in the 2010 Standards.

However, as a smart practice, we still recommend the use of detectable warnings. It is typical to see noncompliant detectable warnings in every community.

The detectable warnings at curbs **that are not compliant** are often a cross-cut of concrete, or a grid laid on wet concrete to create a diamond-shaped indentation. Over time these should be replaced.

16. As with parking, **develop a template for detectable warnings.**
17. In the same year that parking is refreshed, **implement a plan to correct or refresh every detectable warning** at every curb or crossing at Department facilities. If necessary, phase this out over a two or three year period.

Door Opening Force Requirements

In Department buildings and facilities, there are approximately 707 doors. Many have closer mechanisms. Some of these need **adjustment** to bring the pounds of force (lbf) necessary into compliance. The 2010 Standards specify 5 lbf for interior doors. The Illinois Accessibility Code specifies 8.5 lbf for exterior doors. Even though the 8.5 lbf for exterior doors is not a Federal requirement, we still recommend it as a smart practice.

However, some of the closers are just old and should be **replaced**. The wear and tear of 20 or more years erodes the closer effectiveness.

18. **Evaluate and determine the age of door closers.**
19. **Add door closer maintenance checks** to safety checklists for employees and for closers with 10 years of service or less, aggressively maintain them for effectiveness.
20. **Purchase and install new door closers** for all exterior doors (with closers 20 years old or more) and 50% of interior doors in 2015 or as soon as is possible.
21. **Purchase and install** new door closers for all remaining interior doors (with closers 20 years old or more) in 2016 or as soon as is possible.

Signage

Signs serve several valuable purposes. **First**, signs assist wayfinding in buildings, such as the City Hall.

Second, signs identify important permanent elements of facilities, such as restrooms and mechanical rooms.

Third, signs facilitate access by people with vision and physical limitations.

We did not notice a signage template.

The 2010 Standards require different treatment for 2 types of signs. Signs for **permanent spaces** (a bathroom or mechanical room), must have Grade 2 Braille and raised lettering. For **directional or informational signage**, only raised lettering is required. Do incorporate these requirements into signs in buildings and sites operated by the Department.

22. **Develop a sign template** in 2013 that describes where and in what facilities signs will be used. The template could include size of sign, mounting height, mounting location, size of characters, space between characters, contrast between characters and background, icons or symbols used, City information, and more.
23. **Implement the signage template and correct or refresh** Department facilities and site signage. Make this a workplan task in the next two or three years.

Bathrooms

Bathrooms are an essential part of a visit to a City of Asheville Parks, Recreation and Cultural Arts Department facility. Exercise, food and beverage, social activities, and more all rely on one of the oldest designs known to us. Making those facilities accessible is important.

Additionally, **portable toilets** placed temporarily at sports fields and event venues **must** be accessible and **must be served by an accessible route**. These are considered new construction when placed.

24. **Develop a bathroom template in 2013. Be sure to include temporary facilities such as portable toilets in the template.**

The template should address the toilet itself, grab bars, items in the stall such as toilet paper and hooks, the stall, operating mechanisms, mirrors, sinks, hand towels, hand dryers, and more.

25. **Include bathroom renovations** at facilities in the Department's Capital Acquisition and Replacement Plan.
26. **Consider the use of automatic flush controls.** These have environmental benefits and are also a great way to eliminate some accessibility problems.
27. **In the interim, implement non-structural modifications recommended in each section of this report**, such as lowering mirrors, remounting grab bars, changing the height of toilets and urinals, installing compliant stall hardware, and so forth.

These less costly changes on a site-by-site basis will serve your customers well until resources are available to renovate restrooms on a comprehensive scale.
28. **Make at least one portable toilet**, if they are provided at a site, accessible. They must be accessible and must be served by **an accessible route. Follow our single-user toilet checklist, and require accessible toilets from vendors.**

Lockers and Locker Rooms

Research shows that people with disabilities will refrain from using public facilities if they fear the site is not accessible or they'll be embarrassed in their attempt to use it. We all know the benefits of recreation participation.

If a person with a physical disability comes to a city swimming pool the tennis center or the Grant center, there are no designated accessible lockers or compliant showers. This deters a person with a disability from using the facilities.

29. ***Implement the locker room changes for the Aston Park Tennis Center, Grant Center, Malvern Hills Pool, Recreation Park Swimming Pool and the Walton St. Pool.***
30. ***Promote availability of accessible locker rooms once completed.*** Announce these changes to the community and see more participation by people with disabilities.

Alarms

In existing facilities where an aural or audible fire alarm system is provided, a visual alarm is not required unless the building was constructed after January 26, 1992 or has been upgraded since that same date.

If an alarm in an existing facility is audible only, it need not be modified to include a visual alarm until it is replaced or upgraded in the future.

31. ***Determine in 2013*** if systems have been upgraded or replaced since 1992.
32. ***Develop a plan in 2013*** for the installation of aural and visual alarms in renovations.
33. ***Retrofit construction that has occurred since 1992*** to include aural and visual alarms by the end of 2015.

Brochures

The facility guide in brochures is an important tool for residents and can be used to communicate about accessibility. Revise it to incorporate the access work Department staff completes and indicate in your grid where, for example, the accessible picnic areas and the accessible playgrounds are.

34. ***Update the parks and facilities guide*** to reflect access activity, and note which sites are accessible or will be made accessible.

Website

The title II regulation requires that all types of public communication used by the City be available to people with disabilities. Many people with vision impairments use websites every

day with the aid of technical equipment. The Department is required to evaluate its website and make necessary changes so that the website can be read by that type of equipment.

A link at the US Department of Justice website offers guidance on this. The City IT staff should become familiar with this issue. Go to <http://www.ada.gov/websites2.htm>.

A free resource exists for website evaluation. Search for Cynthia Says at the link below. After entering the City's web address, the tool will provide a detailed review of any web-access deficits. Go to: <http://www.contentquality.com/>.

35. **Evaluate the City's website** and make changes so information on the site is accessible to people with disabilities.

Unique Facilities

The City of Asheville Parks, Recreation and Cultural Arts Department operates many one-of-a-kind unique facilities. Per the DOJ program access test, these one-of-a-kind sites have a higher priority for access because they are not duplicated elsewhere at Department sites.

Because each of these facilities offers activities for the enjoyment of residents that are not replicated elsewhere, we recommend that each site be made accessible.

36. **Make corrections to the following sites by** implementing the recommendations in the respective site reports.

- **WNC Nature Center**
- **Asheville Municipal Golf Course**
- **Ashton Park Tennis Center**
- **Food Lion Skate Park**
- **McCormick Field**

37. **Advertise these accessible sites** in the City website and publications.

Historic Sites: Steven's Lee Gymnasium and City Hall

The **minimum required** of the Department by title II is that the "program" or opportunities at historic sites be accessible to residents. This is measured by the "program access test" described in section 35.150 of the title II regulation (see 28 CFR Part 35).

Additional guidance is provided for historic sites in both title II and the 2010 Standards for Accessible Design.

The Department **may choose** not to retrofit access improvements when doing so will "threaten or destroy" the historical significance of a site. This is a test that varies from site to site. The Department is urged to consult with the State Historic Preservation Officer (SHPO) as well as other historic agency officials regarding whether corrective work threatens or destroys the historic significance.

We urge the Department to in general do make as many corrections as it can, per the SHPO. Where corrective work cannot occur, the Department should use technology to create ways that people with disabilities can enjoy the history of its sites.

38. ***Make corrections to Steven's Lee Gymnasium and City Hall*** after consulting with the SHPO to determine whether changes threaten or destroy the historic significance of this site.
39. ***Develop alternative means of*** experiencing this site where site or structure changes would threaten or destroy the historic significance of the site.

Swimming

The ***minimum required*** of the City by title II of the ADA is that the "program" of swimming be accessible to residents. This is measured by the "program access test" described in section 35.150 of the title II regulation (see 28 CFR Part 35).

The City has three outdoor pools at Malvern Hills, Recreation Park and Walton Street. We recommend that Recreation Park Pool be made accessible, to the extent that doing so is technically feasible.

40. ***Make corrections to the Recreation Park Swimming Pool*** by implementing the recommendations in the site report.
41. ***Leave as is*** the pools at Malvern Hills and Walton Street, and when future alterations or renovations occur at these sites, make them accessible.
42. ***Advertise the accessible swimming pools*** in the City website and publications.

Golf Course

The ***minimum required*** of the City by title II of the ADA is that the "program" of golf be accessible to residents. This is measured by the "program access test" described in section 35.150 of the title II regulation (see 28 CFR Part 35).

The City has one golf course. We recommend that this site be made accessible.

43. ***Make corrections to Asheville Municipal Golf Course*** by implementing the recommendations in the site report.
44. ***Advertise the accessible golf course*** in the City website and publications.

Playgrounds

The ***minimum required*** of the Department by title II of the ADA is that the "program" of playgrounds be accessible to residents. This is measured by the "program access test" described in section 35.150 of the title II regulation (see 28 CFR Part 35).

For multiple similar sites, no guidance is given as to how many existing playgrounds should be made accessible. We recommend that at least one of every three be accessible.

Our evaluation included 29 playgrounds and 5 are accessible. **We recommend creating access to five (5) more.**

The Program Access Chart, along with the City of Asheville Playground Map at the end of this section, illustrates the areas where work is recommended so that every resident of the City is close to an accessible playground. [[City of Asheville Playground Map](#)]

45. **Make the corrections** so the following playgrounds **remain** accessible:

- **Aston Park and Tennis Center**
- **Azalea Park (2 to 5)**
- **Martin Luther King Jr. Park**
- **Recreation Park (5 to 12)**
- **Shiloh Park**

46. **Make the corrections** so the following playgrounds **become** accessible:

- **East Asheville Center**
- **Kenilworth Park**
- **Mountainside Park**
- **Recreation Park (2 to 5)**
- **Walton Street Park**

47. **Leave as is** the following playgrounds, and when future alterations or renovations occur at these sites, make them accessible:

- **Ann Patton Joyce Park**
- **Azalea Park (5 to 12)**
- **Burton Street Center**
- **Carrier Park (2 structures)**
- **Hall Fletcher Park**
- **Herb Watts Park**
- **Jake Rusher Park (2 structures)**
- **Lakewood Park**
- **Magnolia Park**
- **Malvern Hills Park**
- **Montford Recreation Center**
- **Murphy-Oakley Park**
- **Stevens-Lee Center (2 structures)**
- **Weaver Park**
- **West Asheville Center**
- **West Asheville Park**

48. **Advertise the accessible playgrounds** in the City website and publications.

Greenways

The **minimum required** of the Department by title II of the ADA is that the "program" of greenways be accessible to residents. This is measured by the "program access test" found in section 35.150 of the title II regulation (see 28 CFR Part 35).

For multiple similar sites, no guidance is given as to how many existing greenways should be accessible. We recommend that at least one of every three be accessible.

There are six (6) greenways and five (5) are accessible. **We recommend no new access.**

The Program Access Chart at the end of this section, along with the City of Asheville Greenways Map, illustrates the areas where work is recommended so that every resident of the City is close to an accessible greenway. [[City of Asheville Greenways Map](#)]

49. **Make the corrections** so the following greenway access **remains** accessible:
- **Carrier Park**
 - **French Broad River Greenway**
 - **Glenns Creek Greenway**
 - **Reed Creek Greenway**
 - **River Bend Greenway**
50. **Leave as is** the following greenways, and when future alterations or renovations occur at these sites, make them accessible:
- **French Broad River Park**
51. **Advertise the accessible greenways** in the Department website and publications.

Concessions

The **minimum required** of the Department by title II of the ADA is that the "program" of concessions be accessible to residents. This is measured by the "program access test" found in section 35.150 of the title II regulation (see 28 CFR Part 35).

For multiple similar sites, no guidance is given as to how many existing concessions should be accessible. We recommend that at least one of every three be accessible.

There are seven (7) concessions and three (3) are accessible. **We recommend no new access.**

The Program Access Chart at the end of this section, along with the City of Asheville concessions Map, illustrates the areas where work is recommended so that every resident of the City is close to an accessible concession. [[City of Asheville Concessions Map](#)]

52. **Make the corrections** so the following concessions **remain** accessible:

- **Aston Park and Tennis Center**
- **Azalea Park**
- **Shiloh Park**

53. **Leave as is** the following concessions, and when future alterations or renovations occur at these sites, make them accessible:

- **Malvern Hills Pool**
- **Roger Farmer Memorial Park**
- **Valley Springs Ball Field Complex**
- **West Asheville Park**

54. **Advertise the accessible** concessions in the Department website and publications.

Tennis

The **minimum required** of the Department by title II of the ADA is that the "program" of tennis be accessible to residents. This is measured by the "program access test" found in section 35.150 of the title II regulation (see 28 CFR Part 35).

For multiple similar sites, no guidance is given as to how many existing tennis courts must be accessible. We recommend that at least one of every three be accessible.

Additionally, when a facility is altered it must comply with the access requirements. If it does not comply, this should be a high priority for the City.

There are eight (8) sites with 27 tennis courts and four (4) are currently accessible. **We recommend creating access to five (5) more** tennis courts.

The Program Access Chart at the end of this section, along with the City of Asheville Tennis Map, illustrates the areas where work is recommended so that every resident of the City is close to an accessible tennis court. [[City of Asheville Tennis Map](#)]

55. **Make the corrections** so the tennis courts at sites below **remain** accessible:

- **Murphy-Oakley Park (3)**
- **Weaver Park**

56. **Make the corrections** so the tennis courts at sites below **become** accessible:

- **Malvern Hills Park (2)**
- **Montford Park (2)**
- **Shiloh Park**

57. **Leave as is** the tennis courts at the following sites, and when future alterations or renovations occur, make it accessible:
- **Aston Park and Tennis Center (14)**
 - **Kenilworth Park (2)**
 - **Montford Recreation Center (2)**
58. **Consider whether recent alterations** at Aston Park and Tennis Center met the access requirements effective at the time of alteration.
59. **Advertise the accessible** tennis courts in the Department website and publications.

Basketball

The **minimum required** of the Department by title II of the ADA is that the "program" of basketball be accessible to residents. This is measured by the "program access test" found in section 35.150 of the title II regulation (see 28 CFR Part 35).

For multiple similar sites, no guidance is given as to how many existing basketball courts must be accessible. We recommend that at least one of every three be accessible.

There are 18 sites with 28 basketball courts and 11 are currently accessible. **We recommend no new access.**

The Program Access Chart at the end of this section, along with the City of Asheville Basketball Map, illustrates the areas where work is recommended so that every resident of the City is close to an accessible basketball court. [City of Asheville Basketball Map]

60. **Make the corrections** so the basketball courts at sites below **remain** accessible:
- **Aston Park and Tennis Center (2)**
 - **Burton Street Center (1 of 2)**
 - **East Asheville Center**
 - **Lakewood Park**
 - **Magnolia Park**
 - **Recreation Park (3)**
 - **Walton Street Park**
 - **West Asheville Center**
61. **Leave as is** the basketball courts at the following sites, and when future alterations or renovations occur, make it accessible:
- **Burton Street Center (1 of 2)**
 - **Carrier Park (6)**
 - **Kenilworth Park**
 - **Malvern Hills Park**

- *Montford Park*
- *Montford Recreation Center*
- *Murphy-Oakley Park*
- *Roger Farmer Memorial Park (2)*
- *Shiloh Park*
- *Stephens-Lee Center*
- *Weaver Park*

62. **Advertise accessible** basketball courts in the Department website and publications.

Baseball Fields

The **minimum required** of the Department by title II of the ADA is that the "program" of baseball be accessible to residents. This is measured by the "program access test" found in section 35.150 of the title II regulation (see 28 CFR Part 35).

For multiple similar sites, no guidance is given as to how many existing baseball fields must be accessible. We recommend that at least one of every three be accessible.

There are 13 sites with 24 baseball fields and four (4) are currently accessible. **We recommend making six (6) more baseball fields accessible.**

The Program Access Chart at the end of this section, along with the City of Asheville Baseball Field Map, illustrates the areas where work is recommended so that every resident of the City is close to an accessible baseball field. [[City of Asheville Baseball Map](#)]

63. **Make the corrections** so the baseball field at site below **remains** accessible:

- *Valley Springs Ball Field Complex (4 of 5)*

64. **Make the corrections** so the baseball field at sites below **become** accessible:

- *Martin Luther King Jr. Park*
- *Ray L. Kisiah Park (4)*
- *Shiloh Park*

65. **Leave as is** the baseball field at the following site, and when future alterations or renovations occur, make it accessible:

- *Carrier Park*
- *Charlie Bullman Park (3)*
- *Lakewood Park*
- *Montford Recreation Center*
- *Murphy-Oakley Park*
- *Roger Farmer Memorial Park (3)*
- *Valley Springs Ball Field Complex (1 of 5)*

- *Walton Street Park*
- *Weaver Park*
- *West Asheville Park*

66. **Advertise the accessible baseball field** in the Department website and publications.

Athletic Fields

The *minimum required* of the Department by title II of the ADA is that the "program" of athletic fields be accessible to residents. This is measured by the "program access test" found in section 35.150 of the title II regulation (see 28 CFR Part 35).

For multiple similar sites, no guidance is given as to how many existing athletic fields must be accessible. We recommend that at least one of every three be accessible.

There are three sites with six (6) athletic fields and five (5) are currently accessible. **We recommend no new access.**

The Program Access Chart at the end of this section, along with the City of Asheville Athletic Fields Map, illustrates the areas where work is recommended so that every resident of the City is close to an accessible athletic field. [City of Asheville Athletic Fields Map]

67. **Make the corrections** so the athletic fields at sites below **remain** accessible:

- *Azalea Park (4)*
- *Memorial Stadium and Field*

68. **Leave as is** the athletic fields at the following sites, and when future alterations or renovations occur, make it accessible:

- *Kenilworth Park*

69. **Advertise the accessible** athletic fields in the Department website and publications.

Picnic Areas

The *minimum required* of the Department by title II of the ADA is that the "program" of picnic areas be accessible to residents. This is measured by the "program access test" described in section 35.150 of the title II regulation (see 28 CFR Part 35).

For multiple similar sites, no guidance is given as to how many existing picnic areas should be accessible. There are 18 sites with 32 picnic areas and 21 are accessible. **We recommend no new access.**

The Program Access Chart at the end of this section, with the City of Asheville Picnic Areas Map, illustrates the areas where work is recommended so that every resident of the City is close to an accessible picnic area. [City of Asheville Picnic Map]

70. *Make the corrections* so the following picnic areas *remain* accessible:

- *Aston Park and Tennis Center*
- *Azalea Park (2)*
- *Carrier Park (2)*
- *East Asheville Center*
- *French Broad River Park (Shelter)*
- *Hall Fletcher Park*
- *Haw Creek Park (2)*
- *Magnolia Park*
- *Malvern Hills (Park)*
- *Murphy-Oakley Park*
- *Murray Hill Park*
- *Recreation Park (3 of 5)*
- *Shiloh Park/Center*
- *Walton Street Park/Pool (2)*
- *Weaver Park*

71. *Leave as is* the following picnic areas, and when future alterations or renovations occur at these sites, make them accessible:

- *French Broad River Park (4 Picnic Areas)*
- *Jake Rusher Park (Gazebo)*
- *Malvern Hills (Pool)*
- *Montford Park*
- *Recreation Park (2 of 5)*
- *Riverbend Greenway/Park*
- *West Asheville Park (2)*

72. *Advertise the accessible picnic areas* in the Department website and publications.

Public Feedback

An integral part of the self-evaluation of sites and facilities, as well as the development of a transition plan, is the involvement of the public. A public forum should be scheduled after the Department has had some time to digest this report.

We would be glad to work with the Department on this at no charge, and we would return to assist in this process.

Transition Plan

The Department is required to have an ADA 35.150(d) transition plan. That plan must identify deficits, identify solutions, name a responsible employee to implement barrier removal, and list the date by which the work will occur. Our site reports do that.

Barriers should be removed as soon as is possible. Phasing the work to be done allows for continuous access work to occur and makes the best use of the resources of the Department.

In the view of DOJ, the recreation design requirements were available to the Department since 2004, if not earlier. Enforcement staff has said at meetings and in conversations that work should have already been underway to identify and remedy access deficits.

We recommend work in three phases. In the category titled Department Option, we note the work we believe need not occur. Should the Department's plans change, or should other resources become available, the corrective work needed at these sites is already known.

Conclusion

The Department has a wide variety of recreation facilities and sites. The skilled staff operates facilities and sites the community wants and enjoys. This report identifies some issues that are typical of a mature recreation infrastructure. The Department takes steps towards accessibility every year and that undoubtedly has helped.

The Department should review this report and determine to what extent it will act on our recommendations and the recommendations to be received from staff. Staff should review our transition plan, and determine how it will implement the recommendations.

It is important that access work occur every year during the transition plan.

Consistently, Department of Justice officials have said work must be completed as soon as is possible. Therefore, acting in good faith is critical. The Department should begin this year with the simple barriers we have called low-hanging fruit, and remove those barriers as soon as is possible.

While no one can say with certainty how long the Department should feel comfortable in stretching these projects, we'd suggest it be not more than a 3 year range after the access audit. That extends to approximately July 1, 2016.

Be certain to understand that the Department could be forced to accelerate its pace. Making access work a high priority is very important. Your strategy should definitely address the common issues identified in this report.

The Department should be commended for undertaking this task. Although this access audit and the subsequent transition plan are both mandated tasks, many of your neighbors have not completed these steps.

In closing, thanks again to the staff at the City of Asheville Parks, Recreation and Cultural Arts Department for their cooperation and spirit. All of the team at our firm enjoyed working with them. We acknowledged James Ball, Ricky Foster, and Seth Hendler-Voss for their efforts earlier, and we do so again here.

City of Asheville Parks, Recreation, and Cultural Arts Department
Access Audit & Transition Plan
June 15, 2013 page 22

Call me at Recreation Accessibility Consultants at (224) 293-6451 if there are any questions.
Thanks again for inviting us to work with the Department.

Submitted by



John N. McGovern, J.D., President
Recreation Accessibility Consultants LLC

JNM/CAPRCAD CONCLUSIONS 201301

