



CITY OF DURHAM | NORTH CAROLINA

Accessible Skate Park and Other ADA Success Stories

City of Durham
Case Study Presentation Application
Alliance for Innovation in Government

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The City of Durham is currently building a skateboard park that is designed to be accessible in Durham Central Park, located in our city's urban core. The success of this park is collaboration between citizens, various city departments, the designer, the contractor and a nonprofit entity, Durham Central Park, Inc.

The City of Durham Parks and Recreation Department held an initial community meeting to discuss the option of building a skateboard park. More than seventy-five (75) citizens attended a strategy session to support and to participate in designing elements they desired in a skate park. The General Services Department Project Management team worked closely with our park consultant/designer to provide access to various levels of the skate park and create accessible elements. The Public Works Department is supporting the development of the park by improving the public thoroughfares surrounding the site (crosswalks, sidewalks and curb ramps).

The successful creation of this skateboard park, the interdepartmental cooperation and the citizen input is a direct result of the City of Durham's efforts to improve its compliance with the Americans with Disabilities Act of 1990.

In 2004, the U.S. Department of Justice (DOJ) initiated an investigation of the City of Durham's compliance with the Americans with Disabilities Act of 1990 (ADA). The action was initiated after a Durham citizen lodged a complaint of alleged discrimination under Title II-State and Local Government. The complaint was received by the Civil Rights Division of the DOJ.

The complainant alleged that the City did not implement a Transition Plan or appoint an ADA Coordinator, and that several City-owned facilities constructed after January 26, 1992 did not meet ADA accessibility guidelines. While investigating the complaint, the DOJ conducted on-site surveys, interviewed citizens and employees and reviewed numerous documents.

The DOJ found that while the city was in compliance in some areas of the ADA, there were other items that needed immediate attention. For the City of Durham, accelerated compliance with the Americans with Disabilities Act (ADA) began when the city entered into a Settlement Agreement with the U.S. Department of Justice in September 2005. The city was now on a committed timeline to complete specific activities.

During the last four years the City has moved aggressively to complete all the items required in the Settlement Agreement. Simultaneously, it has also undertaken a number of other initiatives that have benefited people with disabilities in our community. The City of Durham has built internal systems and review structures that allow the needs of people with disabilities to be considered at the beginning of policy, programmatic or construction activities. Many of these methodologies are repeatable in other jurisdictions and can add real value for citizens with disabilities who wish to participate in their city government, navigate the streets in their community or just receive city services.

Innovation/Creativity

The Settlement Agreement placed a priority on the ADA compliance at the highest levels within the city administration and the City Council. This focus has allowed the city to streamline resources and work collaboratively across departmental lines to create innovative solutions to increase access for all citizens. In the case of the skateboard park, the City's priority on ADA compliance provided the framework for discussion of how a design will impact a person with a disability. This discussion is a critical new component for project development in Durham.

Other programs and activities related to accessibility are broad in scope and have provided unprecedented access for Durham's citizens. The City of Durham's Public Affairs and Technology Solutions departments collaborated on incorporating the latest technologies to allow citizens to access City Council Meetings and City information through the city's website. All City Council meetings are closed captioned both on large format TV monitors in the meeting room and online through Granicus streaming video. Citizens can request, in advance of any public meeting, alternate formats such as Braille or assistive listening devices such as portable amplification systems. The city has provided CDs and cassette tapes of meetings upon request. Digital recordings are now available of the City council meetings online.

Web site users who have difficulty reading online now have easier access of the City of Durham's website thanks to new software technology that reads web text out loud. Brousealoud, a new technology offered by Texthelp Systems, is available for free download from the City's website. When enabled by the user, it reads web text out loud, making content more readily available to people with learning disabilities and vision problems, as well as those for who English is a second language. Users of the Browsealoud program can have the text read in several languages, including English, Spanish, Dutch, French, German, Italian, Japanese, Korean, Portuguese and Russian. Last year more than 140 citizens downloaded the free software from the city's website.

Upon execution of the Settlement Agreement the City of Durham issued an RFP for ADA compliance. A consultant provided an Accessibility Study of our entire park system, site by site, and assisted with developing a transition plan to implement the Settlement Agreement. The City of Durham utilizes architects and engineers to design various capital improvement projects. The City also hired entities to conduct knowledgeable peer reviews for DDs and CDs. A majority of the City's \$110 million 2005 Bond Referendum is being delivered under the CMAR (Construction Manager at Risk) delivery process.

Citizen Outcomes

ADA Coordinator - The City also has a designated ADA Coordinator. This allows one person to be the responsible party for citizen questions that may arise. The ADA Coordinator works with ADA departmental liaisons to support the activities of the individual department and serve as a resource for citizens. The ADA coordinator serves as an advisor when requests for accommodation come from employees.

Citizen Committees - The community' expectation is that all citizens have access to City services and sites. The City of Durham has two separate citizen committees related to accessibility that continually provide advice, criticism and feedback. The first is the Mayor's Committee on Persons with Disabilities. The second is the Special Populations Recreation Advisory Committee. This committee specifically provides feedback regarding recreational activities. Both committees have a staff liaison responsible for routing comments and feedback to the appropriate staff member. Both groups meet monthly and engage in constructive dialogue to improve access to City government.

The Mayor's Committee for Persons with Disabilities - The City of Durham's Mayor's Committee for Persons with Disabilities serves as an educational and advocacy group for individuals with disabilities and meets monthly. The Committee corresponds with the Mayor, City Council, community leaders and agencies regarding the needs/issues of persons with disabilities in the areas of housing, education, recreation, transportation and employment. A major goal of the committee is to promote public awareness and sensitivity to the needs of persons with disabilities to break down existing barriers to their successful integration into all aspects of community life.

The City of Durham dedicated space and equipment for a Resource Center for the Mayor's Committee in 2003. Recently, the Resource Center was relocated to the first floor of City Hall and renovated for easy accessibility for anyone seeking information to maintain an independent, high quality of life. The center is staffed by volunteers from the Mayor's Committee.

October is celebrated Disabilities Employment Month. The Mayor's Committee's 2009 activities during this month will include: recognition of a business who has been diligent in providing employment opportunities for persons with disabilities; hosting the Assistant Commissioner of the Mayor's Office for People with Disabilities from Chicago to discuss the programs the two cities are offering for Persons with Disabilities and participating in the City of Durham's Parks and Recreation Department's Community Day activities for persons with disabilities. Additionally, The Mayor's Committee is co-sponsoring the premiere screening of a powerful, locally produced documentary, "A New Kind of Listening," at the Carolina Theater in Durham. This hour-long creative work includes cast members with disabilities and seeks to change one's beliefs about intelligence, disability and what it takes to be heard.

Job Placement for Persons with Disabilities - Vocational Rehabilitation (VR) is an employment program, managed by the State of North Carolina Division of Health and Human Services, designed to help people with disabilities obtain and maintain jobs whether they are just entering the workforce or changing careers. Job placement is highly dependent on the agency to develop and maintain relationships within the business community. To do this it is necessary to network with both large and small

companies, government agencies, medical facilities and any other entity that provides employment opportunities. Chronic underemployment and unemployment of people with disabilities is directly tied to obstacles such as:

1. Business community's focus on disability instead of ability
2. General fear of hiring the disabled
3. Fear of accommodations and possible costs
4. Lack of general understanding of various disabilities
5. Recent economic downturn

Even though these are real fears and obstacles, Vocational Rehabilitation's partnership with various businesses and government agencies has enabled more opportunities to be available for persons with disabilities as they seek employment.

VR partnered with the City of Durham to provide ADA training to all City employees in an attempt to reduce some of the obstacles outlined above. The City's Human Resources Department is notified when an applicant working with Vocational Rehabilitation applies with the City to ensure fairness in the hiring process. The VR's client application is reviewed and if they meet the job requirements are referred to the hiring department. This open line of communication is an example of how working together meets goals and provides job opportunities for people with disabilities.

Serving Special Populations (Parks & Recreation) - We believe that all citizens have the right to receive the same or similar programs and services, we will make every effort to provide reasonable accommodations for any/all programs and services we provide.

We have identified several programs and sites for planned inclusion such as the annual Special Olympics and Beep Baseball. This in no way means we intend to limit access at other locations, however, we have found it best to identify programs and sites that are most often requested and plan ahead to provide extra staff, accessible transportation, and improved physical access for children and adults with disabilities. Providing recreational services is a partnership between the City and citizens. We have developed the following shared expectations for success:

Because we wish to provide the highest level of recreation services to all of our citizens we will:

- Modify or adapt activities in a way that does not fundamentally alter the purpose of the activity.
- Provide accessible transportation, when transportation is provided for others.
- Arrange for the individual to meet staff prior to the program.
- Meet with the individual (or parent/guardian) to seek instructions and strategies to meet needs and promote success.
- Provide sign language interpreters upon request.
- Provide adapted equipment (when available).
- Provide trained staff at a 1:4 staff to participant ratio.

Participants wishing to be involved in DPR programs are required to:

- Provide information that will help DPR staff serve them fully.
- Provide a 1:1 care aid if they require: diaper changes, total assistance with toileting, or significant support with other activities of daily living (feeding, dressing, etc.), eyes-on supervision most/all of the time, and/or direct support to participate in activities or communicate needs and wishes.
- Provide adapted supplies and equipment that are specific to their needs and may not be available to DPR.
- DPR will work with the participant (and family) to determine if 1:1 support is needed. If so, the participant will be required to provide a suitable care provider in order to attend/remain in the program.

Serving Senior Populations (Parks & Recreation) - The DPR Mature Adults Unit provides services for a diverse group of citizens, ages 55 and better, throughout the City of Durham. Along with age-related deficiencies including loss of hearing, vision, flexibility, and mobility, the Mature Adults Unit encourages seniors with intellectual and all other disabilities to participate in our programs.

Our trips program often utilizes a wheelchair lift bus and/or van to include those who use chairs, scooters, or are unable to negotiate stairs. Our staff is very qualified to assist those experiencing disability in a group setting, seeing that everyone is well and equally served. Some of the tangible ways we accomplish this are that schedules and timelines are repeated multiple times, we use many visuals, and we encourage fellowship and community on all trips.

Durham Senior Games is an inclusive local Senior Games and annually has some participants who bring support staff with them so they can fully enjoy their events. Mature Adults Staff has been very effective role modeling appropriate behavior for the participants w/o disability so that everyone enjoys their events and feels like a part of the Senior Games community.

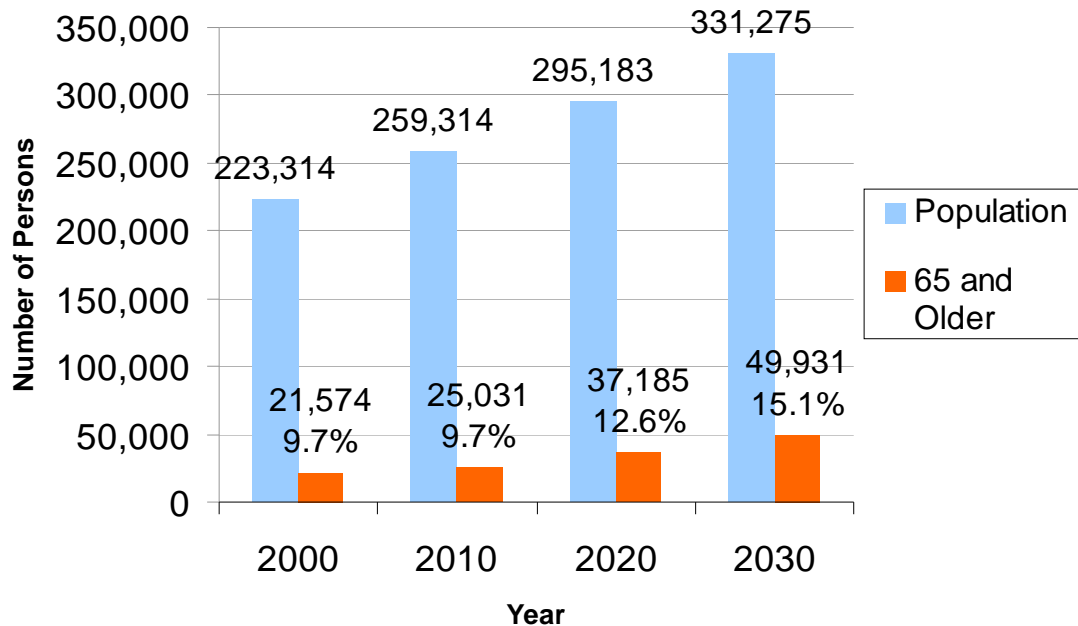
Mature Adults Staff has secured fitness instructors who are compassionate and knowledgeable of the needs of the 55+ population. Our eagerly awaited Senior Holiday party sold 850 tickets last year. They are able to modify and adapt yoga poses and various exercises so that everyone has a safe and productive experience. Whether someone has arthritis, osteoporosis, or moderate mental retardation, our instructors can safely assist them in class participation.

The DPR Mature Adults program provides a welcoming space for the 55+ population to participate in leisure in a number of ways and continues to make that known to those of all abilities.

Applicable Results and Real World Practicality

In Durham County from 2010 to 2030 there will be more than a 5% increase in the number of people over 65. Durham, like other communities, will have to think about how to deliver programs to 25,000 more citizens who are elderly than they do today. Many of these older citizens will have a certifiable disability.

DURHAM COUNTY POPULATION 65 YEARS AND OLDER



The Baby Boomers reaching retirement means those public entities providing services are going to have to get more creative about how they deliver programs to an older population. According to the National Association of Counties Newsletter, Vol. 30, No. 17, September 14, 1998:

- As people who are living longer and remaining active longer, Baby Boomers will probably change the definition of retirement, just as they have redefined the middle years.
- Sports, such as golf and tennis, will stay popular as they age, and many will look to **local governments** to provide these recreational activities and facilities.

The boomer generation is more active than their predecessors a generation ago, largely as a result of improvements in medicine but also due to financial independence and the technology boom.

According to the US Census Bureau:

- Nearly 20%, 1 in every 5 Americans (53 million) have some level of disability.
- 1 in 8 -- 33 million -- have a severe disability.
- 25 million had difficulty climbing a flight of 10 stairs
- 18 million had difficulty lifting a 10 pound bag of groceries.
- 14 million people had a mental disability.
- 7 million had difficulty seeing the words and letters in ordinary newspaper print (with glasses).

The Census Bureau definition of a person with a disability is one that has difficulty in performing functional tasks or daily living activities or meets other criteria, such as a learning or developmental disability. Persons with severe disabilities are defined as being completely unable to perform one or more of these tasks or activities, need personal assistance or have one of the severe conditions described in the report.

The City of Durham has a number of initiatives that increase accessibility for citizens of all age ranges and could be used as models by other agencies:

- Curb Ramp Requests – citizens can request curb ramps for locations adjacent to their residences via an online form or by calling Durham One Call and placing a service request. Ramps are guaranteed to be installed within six months. This allows citizens the mobility to purchase properties where they desire and have the necessary infrastructure improvements in a timely manner.
- Solid Waste Collection – the Solid Waste Department has an “Exempt List” which allows citizens to be certified with a doctor’s note as not able to move their cart to the curb for collection. The city will provide garbage/recycling removal by having the solid waste collector move the can to the curb, empty it and return it to its original location next to the house.
- ADA Training Program – more than 2,600 City employees have attended the two-hour training program about the ADA. The program covers the roles and responsibilities of the employee and the way the employee’s civil rights are protected under the ADA. New employees participate in the program during their orientation session. The curriculum for the training program was developed with Susan Adams, of the North Carolina Department of Health and Human Services. This training includes an assumed disability component that participants indicate is very valuable.
- Leases for Real Estate – physically modifying existing facilities for ADA compliance is expensive. Whether the city is the lessee or lessor, inclusion in written commitments in leases and other documents regarding accessibility improvements help to clarify responsibilities and avoid confusion. The City has developed standard language for this purpose.

- ADA Certification Letter Required for Construction – Prior to issuance of a Certificate of Occupancy the City/County Inspections Department requires a third party professional verification of ADA compliance on all commercial sites which include site plans. The certification letter is required to be from a design professional (preferably the designer of record), sealed by an Architect or Engineer, as a part of the inspections process. This policy provides an additional set of trained, highly professional “eyes” to aid in establishing and confirming accessible compliance at the time of the final inspections. The letter is required to confirm that the constructed site and building is in compliance with North Carolina State Building Code Volume 1-C Accessibility Code.
- Human Resources Policies - the City 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 Americans with Disabilities Act (ADA). Two specific policies were developed for this purpose to protect potential employees and to provide accommodation once they are hired.

PER 301 R-4 Recruitment & Selection: It is the policy of the City of Durham to assure that equal employment is afforded to all without regard to race, religion, age, sex, handicap, national origin, color, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, political affiliation or belief. The City of Durham believes that hiring qualified individuals based on education, experience, knowledge, skills and abilities to fill positions contributes to the overall strategic success of the City.

PER-341 Reasonable Accommodation: It is the policy of the City of Durham to adhere to the Americans with Disabilities Act (ADA). While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment unless reasonable measures are implemented to accommodate them. It is the policy of the City of Durham to provide reasonable accommodation to qualified individuals unless the accommodation would impose an undue hardship. In accordance with the ADA, accommodations will be provided to individuals with disabilities when such accommodations are directly related to performing the essential functions of the job, competing for a job, or to enjoy equal benefits and privileges of employment.

- Sign language interpreters are under contract and available for use by all departments including the Police.
- Written Communication Alternate Format - the City has a mandatory accessibility paragraph that is included with all written communications

(advertising, posters, zoning notices, RFP/RFQ, bids, agendas, etcetera) so citizens know who and how to access assistance.

Notice Under the Americans with Disabilities Act

The City of Durham will not discriminate against qualified individuals with disabilities on the basis of disability. Anyone who requires an auxiliary aid or service for effective communications, or assistance to participate in a City program, service, or activity, should contact the office of Stacey Poston, Acting ADA Coordinator, Voice: 919-560-4197 x254, TTY: 919-560-4809; Stacey.Poston@durhamnc.gov, as soon as possible but **no later than 48 hours** before the scheduled event.

- Annual Report to DOJ – The U.S. Department of Justice has indicated that they will use the City of Durham’s annual report as a model template for reporting compliance under future Settlement Agreements.

The Settlement Agreement, while challenging to implement, has created a positive change within the City of Durham organization. The mindset of creating accessibility for everyone, employees and citizens, is now a tangible goal for the City. The participation of all departments and all representatives of Durham’s City government has made rapid improvement possible. Everyone, top to bottom, employees to citizens, agencies to nonprofits, are responsible for the City’s collective success. The City of Durham skate park is a prime example of the new innovative thinking and acting, and the City of Durham is proud of the results.

Case Study Presentation

We anticipate our Presentation will include: Disability Awareness Activity, Skateboard Park Case Study, PowerPoint and Handout Materials.