



City of Wilmington, North Carolina
Americans with Disabilities Act (ADA)
Transition Plan
Updated October 2, 2019



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I. EXECUTIVE SUMMARY

Title II of the Americans with Disabilities Act (ADA) regulates programs, activities, and services provided by state and local governments. As such, the City of Wilmington must comply with this section, which states: “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities, of a public entity, or be subjected to discrimination by any such entity,” (42 USC § 12132; 28 CFR § 35.130).

On November 10, 2009, the City of Wilmington entered into an ADA Settlement Agreement with the United States Department of Justice (USDOJ). USDOJ oversight was completed in or around 2012. Since that time, the City has used the Settlement Agreement document as guidance and evidence of its self-assessment.

On June 27, 2018, the City of Wilmington received a compliance review request of its transition plan from the North Carolina Department of Transportation (NCDOT). NCDOT is responsible for monitoring sub-recipients of federal-aid highway funds, Americans with Disabilities Act (ADA) 28 CFR § 35.130(b)(1)(v) and with regard to Title II of the ADA and Sec. 504 of the Rehab Act with respect to both federal and state funded projects and programs that the sub-recipients implement.

Upon review, the NCDOT found that the City of Wilmington needed an updated Transition Plan pursuant to 28 CFR § 35.150(d)(1), et al., which requires that municipalities are required to perform regular self-evaluations and generate ADA Transition Plans. Furthermore, 45 CFR § 27.00(c)(2)(v) requires a municipality to establish a system for updating and reviewing its evaluation and plan. To date, the City of Wilmington has been referring to its Settlement Agreement with the USDOJ as guidance for ADA compliance. This document will now serve to provide the public with regular updates about the City’s self-evaluations and continued compliance with ADA regulations.

As of April 5, 2019, the City of Wilmington had inventoried and corrected the facilities at issue in the USDOJ Settlement Agreement, as well as reviewed some of the facilities that have come into use since that time. This document includes those inventories, and further provides a complete inventory of all other vertical and pedestrian facilities per the requirements of 28 CFR 32.150(d)(3)(i) and 28 CFR 35.105(a).

ADA self-evaluation, transition planning, and implementation will be a continuous effort for the City of Wilmington. The City is committed to reviewing the ADA Transition Plan annually, with oversight of the City Manager, and updating the ADA Transition Plan every three (3) to five (5) years, with assistance from City staff. Involvement of other community leaders and support organizations is, and will continue to be, a critical part of the ADA transition process as well.

II. INTRODUCTION

A. Transition Plan Need and Purpose

The Americans with Disabilities Act (ADA) is a civil rights law prohibiting discrimination against individuals based on disability. It was enacted on July 26, 1990 and was amended in 2008 with the ADA Amendments Act. The ADA consists of five (5) titles outlining protections in the following areas:

- I. Employment
- II. State and local government services
- III. Public accommodations
- IV. Telecommunications
- V. Miscellaneous Provisions

Title II of ADA pertains to the programs, activities, and services provided by public entities. The City of Wilmington must comply with this section of the Act, as it specifically applies to public service agencies. Title II of ADA states that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity” (42 U.S.C. § 12132; 28 CFR § 35.130).

As required by Title II of ADA (28 CFR 35 § 35.105 and § 35.150), the City of Wilmington has conducted a self-evaluation of vertical and pedestrian facilities on public property and within public rights-of-way. Further, the City developed this Transition Plan to detail methods to be used in working toward additional and continued compliance with ADA accessibility requirements in the future.

B. ADA and its Relationship to Other Laws

Title II of ADA is companion legislation to two previous federal statutes and regulations – the Architectural Barriers Act (ABA) of 1968, and Section 504 of the Rehabilitation Act of 1973. The ABA is a federal law that requires facilities designed, built, altered, or leased with federal funds to be ADA accessible. The ABA marks one of the first efforts to ensure access to the built environment.

Section 504 of the Rehabilitation Act of 1973 is a federal law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any federal department or agency. Title II of the ADA extended this coverage to all state and local government entities, regardless of whether they receive federal funding or not.

C. Agency Requirements

Under Title II of the ADA, the City of Wilmington must meet these general requirements:

- Must operate programs so that, when viewed in their entirety, the programs are accessible to and useable by individuals with disabilities [28 CFR § 35.150].
- May not refuse to allow a person with a disability to participate in a service, program, or activity simply because the person has a disability [28 CFR § 35.130 (a)].

- Must make reasonable modifications to policies, practices, and procedures that deny equal access to individuals with disabilities unless doing so would result in a fundamental alteration in the program [28 CFR § 35.130(b)(7)].
- May not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate or different measures are necessary to ensure that benefits and services are equally effective [28 CFR § 35.130(b)(iv) and (d)].
- Must designate at least one responsible employee to coordinate ADA compliance [28 CFR § 35.107(a)]. This person is typically referred to as the ADA Coordinator. The public entity must provide the ADA Coordinator's name, office address, and telephone number to all interested individuals [28 CFR § 35.107(a)].
- Must provide notice of ADA requirements. All public entities, regardless of size, must provide information about the rights and protections of Title II of the ADA to applicants, participants, beneficiaries, employees, and other interested persons [28 CFR § 35.106]. The notice must include the identification of the employee serving as the ADA Coordinator, and must provide this information on an ongoing basis [28 CFR § 104.8(a)].
- Must establish a grievance procedure. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints [28 CFR § 35.107(b)]. This requirement provides for a timely resolution of all problems or conflicts related to ADA compliance before they escalate to litigation and/or the federal complaint process.

D. [ADA Policy and Designation of Responsibility](#)

The City of Wilmington does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities.

Jonathan Batts, City ADA Coordinator, has been designated by the City Manager to coordinate with the non-discrimination requirements contained in Section 35.130 of the Department of Justice Regulations.

Dave Mayes, City ADA Compliance Officer, has been designated by the City Manager to review complaints, in conjunction with the City Attorney's Office, regarding the City's ADA programs and accessibility.

The City ADA Coordinator and the City ADA Compliance Offer may be contacted in the following ways:

City Manager's Office, City Hall

102 North 3rd Street
 Post Office Box 1810
 Wilmington, NC 28402

Jonathan Batts, ADA Coordinator

(910) 341-7810 or (910) 341-5876

Information concerning the provisions of the Americans with Disabilities Act and the rights provided thereunder are available from the above-named coordinator.

Training is an important tool for ensuring compliance with ADA requirements. Responsible parties will identify resources and opportunities for agency employees, at various levels, to receive ADA-related training appropriate to their job functions.

III. PUBLIC OUTREACH

The City of Wilmington recognizes that public participation is an important component in the development of this transition plan. Input from the community has been gathered and used to help define priority areas for improvements within the jurisdiction of the City of Wilmington.

Public outreach for preparation of this document has consisted of distribution to the following supporting agencies:

- Cape Fear Disability Commission
- Disability Resource Center
- Services for the deaf and hard of hearing

This document is also made available to the public on the City of Wilmington's website at <https://www.wilmingtonnc.gov/departments/general/ada-policy>.

IV. SELF-EVALUATION

A. Overview

Under Title II of the ADA (28 CFR Sec. 35.105), public entities are required to perform a self-evaluation of their current services, policies, and practices with regard to accessibility. The goal of the self-evaluation is to verify that, in managing its programs and facilities, the agency is providing accessibility and not adversely affecting the full participation of individuals with disabilities.

The intent of the ADA self-evaluation is to review the agency's entire public program, including all facilities on public property and within public rights-of-way, in order to identify any obstacles or barriers to accessibility that need to be addressed. The general categories of items to be evaluated include:

- Communications, Information, and Facility Signage
- Public Buildings and Spaces – offices, parking areas, parks, and other types of publicly-accessible spaces.
- Pedestrian Facilities and Public Rights of Way – sidewalks, curb ramps, bicycle/pedestrian trails, and traffic control signals, located within City rights-of-way.

Public entities are required to provide an opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments [28 CFR Sec. 35.105(b)].

Furthermore, a public entity that employs 50 or more persons is required, for at least three years following the completion of the self-evaluation, to maintain on file and make available for public inspection:

- A list of the interested persons consulted;
- A description of the areas examined and any problems identified; and,
- A description of any modifications made.

B. Interested Persons Consulted

City of Wilmington Staff conducted the self-evaluation in various areas of Communications, Information and Facility Signage, Building Facilities and Related Parking Lots/Facilities, and Pedestrian Facilities/Public Rights-of-Way. Staff included representatives from various Departments and Divisions of the City, to include Building Management Division, Parks and Recreation Division, Traffic Engineering Division, Public Affairs Office, and City Attorney's Office.

Descriptions of areas examined, problems identified, and any modifications made are listed in the following sections: [Communications and Information](#), [Public Buildings and Spaces](#), [Pedestrian Facilities and Public Rights-of-Way](#).

C. [Process and Findings](#)

The City of Wilmington completed a self-evaluation of its services, programs, activities, and facilities on public property and within public rights-of-way with regard to accessibility. Detailed inventories and findings from this review are provided under the headings of [Public Buildings and Spaces](#) and [Pedestrian Facilities and Public Rights of Way](#).

V. COMMUNICATIONS, INFORMATION, AND FACILITIES SIGNAGE

A. Overview

Title II of the ADA includes the following requirements regarding Communications.

General (28 CFR Sec. 35.160)

- A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.
- A public entity shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.
- In determining what type of auxiliary aid and service is necessary, a public entity shall consider the requests of the individual with disabilities.

Information and Signage (28 CFR Sec. 35.163)

- A public entity shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.
- A public entity shall provide signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each accessible entrance of a facility.

Other examples of important communication items for devices include Accessible Pedestrian Signals (APS) used at intersections, and signs, pavement markings, and other traffic control devices used to provide advance warning and positive guidance near construction, maintenance, or utility work areas or zones that impact sidewalks, crosswalks, or other pedestrian access routes. The section labeled [Pedestrian Facilities and Public Rights-of-Way](#) of this transition plan provides additional information about communication items related to pedestrian facilities and public rights-of-way.

The City strives to achieve inclusion from all interested parties in activities by:

- Ensuring that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others and promotes that availability for request for accommodations at any City meeting, event, public hearing, etc., by inclusion on all public notices and advertisements that accommodation is available upon request.
- Auxiliary aids and services are available, with notice, to afford individuals with disabilities an equal opportunity to participate in, and to enjoy the benefits of, agency services, programs, or activities.
- Efforts to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.

Services available are sign language interpreters, readers, Braille, large print text, etc., available upon request.

- Signage at all inaccessible entrances to each of the agency's facilities, directing users to an accessible entrance or location at which they can obtain information about accessible facilities.
- Signage within buildings are to be designed to provide the most accommodation as possible without further intervention.
- Provision of telecommunications devices for the deaf (TTY) Communication System and promotes its availability on official communications to include City stationary, business cards, and City website.

B. [Website Accessibility](#)

The City of Wilmington is committed to providing access to our website for individuals with disabilities. We recognize the importance of making our web site accessible by everyone, regardless of their level of ability or disability.

Individuals with disabilities, who are members of the public, seeking information or services from the City are to have access to and use of information and data comparable to the access and use provided to the general public, unless an undue burden would be imposed on the City. Upon request, all information contained on this site can be made available in an alternative format, or arrangements can be made by the City's ADA Coordinator to meet the needs of individuals with disabilities.

C. [Government Television Channel](#)

The City's government television channel, GTV8, has the ability to provide closed captions for individuals viewing live meetings held in city hall that are cablecast on Spectrum cable. The City provides captions for all live regularly scheduled City Council and Planning Commission meetings that are held in City Hall. Due to budgetary constraints, the City is limited to approximately 120 hours of coverage in a single fiscal year.

VI. PUBLIC BUILDINGS AND SPACES

A. Overview

The City of Wilmington is responsible for the following publicly accessible buildings, public parking facilities, community centers, and parks:

City Staff Operated Buildings	City Parks and Community Centers
City Hall and Thalian Hall	1898 Park
Coastline Convention Center – Railroad Museum	Anne McCrary Park
Coastline Convention Visitor Center	Archie Blue Park
Communities in Schools	Beaumont Park
Community Arts Center	Bicentennial Park
DREAMS City Lot Complex	Bijou Park
Fire Headquarters	Boxing and Physical Fitness Center
Fire Station 10	Cameron Park
Fire Station 15	Church and Nun Park
Fire Station 2 (Empie Park)	Claude Howell Park
Fire Station 3	Dram Tree Park
Fire Station 5	Empie Park
Fire Station 6	Freedom Walk Park
Fire Station 7	Greenfield Lake Parks and Gardens
Fire Station 8	Halyburton Park
Fire Station 9	Haneman Park
Fit for Fun Center	Hanover Heights Park
IT Offices	Hemenway Park
M. Hemenway Community Center	Hilton Park
Martin Luther King Center	Inland Greens Golf
Municipal Center	Innis Park
Multimodal Transportation Center (under constr.)	JEL Wade Park
Ops Center Fleet Operations	Kennedy Park
Ops Center Traffic Engineering	Legion Stadium and Sports Complex
Park Administration Building	Maides Park
Parking Deck at 2nd and Market	MarStella Park
Parking Deck between Princess & Chestnut	Mother’s Park
Parking Lot at Market Street	Northside Park and Earl Jackson Pool
Parks Storage and Urban Forestry Office	Nunalee Park
Public Services and Storm Water Administration	Olsen Park
Solid Waste Office	Optimist Park
Storm Water and Facility Operations	Piney Ridge Nature Preserve
Street Maintenance Department	Portia Mills Hines Park
Wilmington Convention Center	Riverfront Park
Wilmington Convention Center Parking Deck	Robert Strange Park and William Murphy Pool
Wilmington Police Headquarters	Southgate Park
Wilmington Police SE Command Center	Sunset & Adams Park
	Thomas B. Lilly (Forest Hills) Park
	Tower Park
	Wallace Park
	Wilmington Municipal Golf Course

In recent years, the City has implemented many access improvements to public facilities, including:

- Community Arts Center
- Fire Headquarters
- Fit for Fun and Boxing and Physical Fitness Centers
- Greenfield Parks and Amphitheatre
- Legion Sports Complex
- Maides Park
- MLK Community Center
- Wilmington City Golf Course
- Wilmington Police SE Command Center

* Note that this is not all-inclusive of improvements completed during this period.

For a comprehensive list of changes to City facilities since 2012, see the document [City Staff Operated Buildings](#).

The City has conducted a detailed accessibility evaluation of each of its building facilities and related parking lots/areas, based on ADA guidance, North Carolina State Building Code, and other established resources. Findings of this evaluation are provided under [Public Buildings and Spaces](#).

B. [Inventory and Findings](#)

For purposes of ADA accessibility with regard public buildings and spaces, see the documents at the following links: [City Staff Operated Buildings](#), [Public Parking & Comm. Centers](#), and [Public Parks, Sports Facilities](#).

Alternatively, you may click on the following link and search by address:

[Public Buildings - GIS Maps](#)

As a note when reviewing the above information in relation to dining surfaces, Section 226.1 of the 2010 ADA Standards for Accessibility mandates that “where dining surfaces are provided for the consumption of food or drink, at least 5 percent of the seating spaces and standing spaces at the dining surfaces shall comply with [section] 902.” Section 902 provides sizing and measurement guidelines for dining surfaces. As a result, where dining surfaces (i.e. benches, stools, and picnic tables) are listed in [Public Parks and Sports Facilities](#) as “compliant,” that indicates that they meet the requirements of both sections 226.1 and 902.

C. [Improvement Schedule](#)

Moving forward, the City of Wilmington plans to implement improvements for items that have been identified as potential obstacles to accessibility. A detailed evaluation of the short and long term implementation actions can be found below.

D. [Procedures for Updates and Repairs](#)

The City strives to proactively repair and update accessibility features for Public Buildings and Spaces pursuant to the 2010 ADA Standards for Accessibility.

If the City's Public Services Division is notified of a facility accessibility noncompliance or disrepair, that issue is inspected within five (5) business days. Items that can be addressed by City Staff within current operating budgets are placed on a list to be completed as soon as possible. Items that require additional budget funding are listed as future Capital Improvement Projects or future operating budget requests to be addressed within five (5) years.

The City adheres to the requirements and exceptions of 28 CFR 35.151 with regard to new construction and alterations. Exceptions to repairs or updates are subject to structural impracticability, historic property feasibility, disproportionality, and technicality.

E. [Implementation Strategy – FY2021](#)

Facility accessibility noncompliant features for FY2021 are included at the following link: [Buildings Implementation Plan](#).

F. [Implementation Strategy – Long Term](#)

Facility accessibility noncompliant features through FY2025 are included at the following link: [Buildings Implementation Plan](#).

Additional accessibility noncompliant features are included in the City's Capital Improvement Projects (CIP) Plan to be addressed within the next five (5) years, depending on budgetary approval and restraints. Click below to view the City's current Capital Improvement Projects (CIP), which are part of the City's annual budget.

[City of Wilmington Adopted Budget FY2020](#)

VII. PEDESTRIAN FACILITIES AND PUBLIC RIGHTS-OF-WAY

A. Overview

As part of the self-evaluation process, the City of Wilmington has conducted an inventory and evaluation of pedestrian facilities within its public rights-of-way, which consist of approximately:

- 400 miles of sidewalks (this is a calculation of both public and private sidewalks, although the City only maintains public sidewalks).
- 1,047 ADA mats
- 31 miles of multi-use paths
- 217 traffic control signals, 41 of which are City owned, and the remainder of which are NCDOT

The City of Wilmington utilizes three methods for upgrading pedestrian facilities to current ADA standards:

1. Scheduled street and utility improvement projects. All pedestrian facilities impacted by these projects are upgraded to current ADA accessibility standards.
2. Revolving sidewalk and ADA accessibility improvement fund. This program is captured within the Capital Improvements Project (CIP), and associated improvements are identified and implemented on an annual basis by Wilmington Transportation and Engineering staff.
3. External coordination – North Carolina Department of Transportation (NCDOT) and Wilmington Urban Area Metropolitan Planning Organization (WUAMPO). These external agencies maintain long-range planning and capital programming documents for a majority of the City's transportation network. Coordination is necessary to ensure that planning and programming documents align with ADA compliance priorities.

In recent years, the City has implemented many accessibility improvements (sidewalk, wheelchair ramps, and signalized pedestrian crossings) to pedestrian facilities, including, but not limited to:

- 12th Street
- 15th Street
- 23rd Street
- 2nd Street
- Brunswick Street
- Greenfield Street
- Independence Boulevard
- Martin Street
- Oleander Drive
- Racine Drive
- Ringo Street
- Spartan Road
- Water Street

- Willard Street

A detailed evaluation of these facilities with regard to accessibility compliance is provided under [Inventory and Findings](#).

B. [Inventory and Findings](#)

For purposes of ADA accessibility with regard to location of pedestrian sidewalks, curb ramps, and traffic signals, see the documents at the following links: [Entrance Routes and Ramps](#), [Intersections – Since 2011](#), and [City-Owned Traffic Signals](#).

Alternatively, you may click on the following link and search by address:

[City of Wilmington Public Services – Curb Ramps, Sidewalks, and Traffic Signals](#)

C. [Improvement Schedule](#)

Moving forward, the City of Wilmington plans to implement improvements for the items that have been identified as potential obstacles to accessibility.

D. [Procedures for Updates and Repairs](#)

The City strives to proactively repair and update accessibility features for Public Buildings and Spaces pursuant to the 2010 ADA Standards for Accessibility.

- Accessible Routes – Section 206 of the 2010 ADA Standards for Accessibility provides the requirements and exceptions allowed for Accessible Routes.

If the City's Public Services Division is notified of a pedestrian accessibility in non-compliance or disrepair, that issue is inspected within five (5) business days. If the City's Public Services Division is notified of a facility accessibility in non-compliance or disrepair, that issue is inspected within three (3) business days. Items that can be addressed by City Staff within current operating budgets are placed on a list to be completed as soon as possible within the current fiscal year. Items that require additional budget funding are listed as future Capital Improvement Projects or future operating budget requests to be addressed within the next one (1) to five (5) years.

For citizen requests for additional pedestrian facilities, the City Traffic Engineering Division will evaluate the location as soon as possible after all necessary information relating to the request has been received. For approved projects with an estimated cost of less than \$50,000.00, the accommodation will be considered within one year, provided that it can be performed within the department's operating budget. Approved projects with an estimated cost of over \$50,000.00 will be submitted as part of the City's Capital Improvements Projects (CIP) plan.

The City adheres to the requirements and exceptions of 28 CFR 35.151 with regard to new construction and alterations, in addition to the requirements and exceptions for Accessible Routes as provided in section 206 of the 2010 ADA Standards for Accessibility. Exceptions to repairs or updates are subject to structural impracticability, historic property feasibility, disproportionality, and technicality.

E. [Implementation Strategy – FY2021](#)

The following facility accessibility non-compliant features are included in the City's Capital Improvement Projects Plan to be addressed in Fiscal Year 2021 (July 2020 - June 2021):

Greenfield Street from 3rd to 17th Streets

Castle Street from 3rd – 15th Streets

Harbour Drive from 17th Street to Troy Drive

St. Andrews Drive from 17th Street to Chippenham Drive

F. [Implementation Strategy – Long Term](#)

Accessibility incompliant features are included in the City's Capital Improvement Project to be addressed within the next five (5) years, depending on budgetary approval and restraints. Click below to view the City's current Capital Improvement Projects (CIP).

[City of Wilmington Adopted Budget FY2020](#)

VIII. PUBLIC NOTICE OF ADA REQUIREMENTS AND GRIEVANCE PROCEDURE

Under the Americans with Disabilities Act, each agency is required to publish its responsibilities with regard to ADA compliance.

If users of the City of Wilmington's facilities and services believe the City has not provided a reasonable accommodation, they have the right to file a grievance. In accordance with 28 CFR Sec. 35.107(b), the City has developed a grievance procedure for the purpose of the prompt and equitable resolution of citizen complaints and/or concerns. This grievance procedure is outlined below.

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act. 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 City of Wilmington. The City of Wilmington's Personnel Policy governs employment-related complaints of disability discrimination.

The grievance should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant, in addition to the location, date, and description of the problem.

Alternative means of filing grievances, 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 complainant and/or his/her designee as soon as possible after the problem or incident giving rise to the grievance, but no later than sixty (60) calendar days after the alleged violation to:

Jonathan Batts, ADA Coordinator

City Hall
102 N. 3rd Street
P.O. Box 1810
Wilmington, NC 28402

Click here to access the [ADA Grievance Form](#) on the City's website, or you may create your own, provided it contains the required information.

Within fifteen (15) calendar days after receipt of the written grievance, the ADA Coordinator or his designee will meet with the complainant to discuss the grievance and any possible resolutions. Within fifteen (15) calendar days of the meeting, the ADA Coordinator or his designee will respond in writing, and where appropriate, in format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Wilmington and offer options for substantive resolution of the grievance.

If the response by the ADA Coordinator or his designee does not satisfactorily resolve the grievance, the complainant and/or his/her designee may appeal the decision within fifteen (15) calendar days after the receipt of the response to the City Manager or his designee.

Within fifteen (15) calendar days after receipt of the appeal, the City Manager or his designee will meet with the complainant to discuss the grievance and any possible resolutions. Within fifteen (15) calendar days after the meeting, the City Manager or his designee will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the grievance.

All written grievances received by the ADA Coordinator or his designee, appeals to the City Manager or his designee, and responses from these two offices, will be retained by the City of Wilmington for at least three years.

IX. PROGRESS MONITORING AND TRANSITION PLAN MANAGEMENT

This Transition Plan is considered a living document that will continue to be updated as conditions within the City evolve. A review of the complete document (main body and appendices) will be conducted at least once per year by the ADA Coordinator, in consultation with the City Attorney's Office the Public Services Division, and any other necessary departments, to identify any need for updates. The results of every yearly evaluation will be presented to the City Manager. Updates to links or attachments may be made more frequently as needed.

The City of Wilmington recognizes that ADA compliance is an ongoing responsibility which will require monitoring to identify not only current accessibility issues but also future accessibility issues that may be encountered. For example, facilities that currently meet ADA requirements could fall out of compliance due to factors such as damage, disrepair, or changes within public rights-of-way. Therefore, an annual review of the status of the on-going monitoring/inspection program will correlate with the formulation of the yearly Capital Improvement Plan and any other departmental budgets, as necessary.

City employees and community stakeholders are encouraged to report any accessibility concerns or deficiencies that are identified.