



RESOLUTION 23-10

**RESOLUTION APPROVING KEY BRIDGE FOUNDATION ADA MEDIATION
RESOLUTION AGREEMENT**

WHEREAS, the Town of Holden Beach strives to be a destination for all to live, work and play;
and

WHEREAS, Holden Beach is known as the family beach; and

WHEREAS, Holden Beach endeavors to provide facilities to accommodate all; and

WHEREAS, the Key Bridge Foundation has greatly assisted the Town of Holden Beach in its endeavor to promote a family friendly atmosphere in identifying and developing mitigation strategies that will provide more inclusive accommodations and access to the Town of Holden Beach.

NOW, THEREFORE BE IT RESOLVED, by the Holden Beach Board of Commissioners that the Key Bridge Foundation ADA Mediation Resolution Agreement be adopted.

This the 20th day of April, 2023.

1817

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk

KEY BRIDGE FOUNDATION ADA MEDIATION PROGRAM

RESOLUTION AGREEMENT

This agreement of complaint # 22 DRS-09-30 2NC505 entered into by the parties, Martha Myers (Complainant) and Richard Green, Richard Smith, and Brian Murdock obo Town of Holden Beach (Respondent) to settle the above-referenced complaint. Julia Sain participated in mediation as Complainant's Representative but not as a party to the Agreement and is not signing the Agreement. The parties agree that this document represents their mutual agreement about how they will resolve their differences. Further, this agreement constitutes a full, complete, and final settlement of all claims identified in the complaint by the complainant.

The mediation participants agree that the rules to mediate and contract to mediate are incorporated by reference in this agreement.

The complaint arose from: Complainant's concern about accessibility to the Beach and accessible parking.

No other terms to this agreement, written or oral, exist aside from the text of this agreement. The parties are entering into this agreement without any admission of discrimination, or any other unlawful acts.

NOW THEREFORE, the Parties agree as follows:

I. Main Issues Discussed in Mediation

Parties discussed the need to improve accessibility to the Beach as well as accessible parking.

Respondent's Obligations

- 1) **Jordan Blvd.** - (a). Remove existing ramp and replace with new section of sidewalk; (b). ensure access to sidewalk from all existing accessible parking spaces; (c). provide proper markings and signage.
- 2) **114 OBE Parking lot** - (a). In consultation with CAMA, as needed, identify potential ADA compliant surfaces that are firm, stable, and slip resistant to the maximum extent possible given the proximity to blowing sand; (b). Make the agreed upon surface improvements; (c). Install proper signage and markings.
- 3) **114 OBE Ramp** - Replace current wooden handrails on the ramp with round railings similar to those used at Sunset Beach.
- 4) **114 OBE Ramp** - (a). Improve the transition from the end of the ramp to the mat so as to eliminate existing dip and area of sand accumulation; (b). Extend the mat to the maximum CAMA permitted length; (c). Add options for wheelchair seating to eliminate beachgoers sitting on the mat which blocks access for other beachgoers.
- 5) **East End Parking Area** - (a). Explore options for procuring Town access so as to expand accessible parking for the East End beach area; (b). In consultation with CAMA, as needed, identify potential ADA compliant surfaces that are firm, stable, and slip resistant to the maximum extent possible given the proximity to blowing sand; (c) Make the agreed upon surface improvements; (d) Install proper signage and markings.

Agreement: Myers v Town of Holden Beach

- 6) **East End Beach Access** – (a). Explore options for procuring Town access so as to provide an accessible beach path for the East End beach area, (b). Explore the options for establishing an access path that is a firm, stable and slip resistant ADA approved surface, to the maximum extent possible given the proximity to blowing sand; (c) Install the agreed upon access path.
- 7) **Accessible Rest Rooms** - Provide accessible Rest Rooms at East End and 114 OBE.
- 8) **700 Block OBW parking** – (a). In consultation with CAMA, as needed, identify potential ADA compliant surfaces that are firm, stable, and slip resistant to the maximum extent possible given the proximity to blowing sand; (b). Make the agreed upon surface improvements; (c). Install proper signage and markings.
- 9) **801 OBW** – (a). Explore the options for establishing an access path that is a firm, stable and slip resistant ADA approved surface, to the maximum extent possible given the proximity to blowing sand; (b). Install the agreed upon access path.
- 10) **Pier Parking Lot** - (a). install a continuous mat from the end of the hard surface of the parking lot to the beach; (b). Extend the mat to the maximum CAMA permitted length; (c) Add options for wheelchair seating to eliminate beachgoers sitting on the mat which blocks access for other beachgoers.
- 11) **Respondent** will identify a town employee or hire an outside consultant to serve as the ADA compliance specialist for the Town.
- 12) **Respondent** agrees that (a) items 1-11 will be completed by MARCH 2025, prior to the beginning of the 2025 BEACH SEASON, with the possibility of a 6 month extension into FY 25-26, taking the completion date to October 1, 2025.
- 13) **Respondent** will provide, at a minimum, quarterly updates to the Complainant regarding status of completion of items 1-11.

II. Complainant's Obligations

N/A.

III. Joint Obligations

Town of Holden Beach representatives will meet with Complainant at the Jordan Blvd. on street parking location prior to beginning improvements outlined in Section I to review the plan.

The Respondent will develop, and review with the Complainant, a specific workplan identifying estimated intermediate timelines and personnel responsible for implementation.

The Parties agree that confidentiality of this Agreement is waived for purposes of sharing with a) Key Bridge Foundation, b) anyone who must help carry out its implementation and c) to comply with Section 143-318.11 of the North Carolina statute related to Closed Sessions. The fact that the participants used mediation to resolve the complaint is not bound by any confidentiality agreement unless the participants decide to the contrary.

The Parties agree to cooperate to implement this agreement. They further agree to abide by its terms. Any concerns about the implementation of the agreement should be communicated to the mediator or the Key Bridge Foundation.

Agreement: Myers v Town of Holden Beach

IV. Legal Review of Agreement

Complainant and respondent acknowledge that they have been advised to consult with an attorney or advocate prior to entering into this agreement. Each mediation participant will be given a reasonable period of time to decide whether the agreement terms sufficiently address the complaint filed with the U.S. Department of Justice.

V. Conditions for Implementation of Agreement

The parties agree that if all or part of the agreement is not implemented, the mediator will be contacted to continue mediation for the purpose of resolving any remaining issues. In the instance whereby both parties are not in agreement that the mediation should continue, and the conditions of the agreement are not implemented within a reasonable time period, the mediator will notify the Key Bridge Foundation. The Key Bridge Foundation will subsequently notify the U.S. Department of Justice that the case will be returned.



Martha Myers,
Complainant

03/28/2023

Date



Richard Green, Attorney, obo Town of Holden Beach,
Respondent

4-18-2023

Date



Richard Smith, Commissioner Town of Holden
Beach

4/20/23

Date



Brian Murdock, Commissioner, Town of
Holden Beach

4-18-2023

Date