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The Work Session of the Mayor and Council of the City of Milton was held on February 9, 2009 at 6:00 PM, Mayor Pro Tem Tina D'Aversa presiding.

Council Members Present: Councilmember Karen Thurman, Councilmember Julie Zahner Bailey, Councilmember Bill Lusk, Councilmember Burt Hewitt, Councilmember Tina D'Aversa, Councilmember Alan Tart

Absent: Mayor Joe Lockwood/excused

Mayor Pro Tem D'Aversa led the invocation.

Mayor Pro Tem D'Aversa

- Work sessions are a more informal setting to update the Council on business items.
- No votes will be taken.
- Item number 3 on the agenda has been removed.
- Public comment is allowed that is germane to an agenda item.
- If someone wishes to speak they are required to fill out a public comment card and turn it into the City Clerk staff.
- Public comment will be allowed for a total of ten minutes per agenda item and no more than two minutes per person.
- Public comment will be heard at the beginning of each item.
- Once the item is called no other public comment cards will be accepted.

City Clerk Marchiafava read agenda item #1.

DISCUSSION ON A GRIEVANCE FORM FOR ADA DISABILITY COMPLAINT RESOLUTION

ADA Consultant Marie Latta

- The grievance procedure is a requirement under title two.
- Her purpose in developing it was to be in compliance with ADA, plus it gives the person who receives a call or complaint an opportunity to know how to handle the situation and stay within the boundaries of the law.
- They would better equipped to defuse any angry situations.
- It was reviewed by the attorneys and with several recommendations from him they very quickly came to a meeting of the minds on what the content should be.
- Would like guidance from Council on how they want to review it.

Mayor Pro Tem D'Aversa

- She attended a Milton Disability Awareness Committee Meeting last month.
- It was very informative.
- She thanked Ms Latta for being there and bringing this forward.
- Asked how this compared to what other municipalities are using and asked how the City of Milton compares with regard to disability awareness and our policies and procedures.
- Asked if we have a long way to go or if we are doing ok.

ADA Consultant Latta

- In comparison to other municipalities, the City of Milton is much more pro-active.
- Many local entities have not even addressed it.

- The address it only when they have a problem, so this city is miles ahead just by addressing the issue.
- There are some things that have not been addressed but the good thing is we are all here working on it.
- She thinks the city will be very strong and she wants to continue to train people on the go.
- She is open to feed back.
- She wants people to be informed so they understand the broader issues.
- They have talked quite a lot about preparing meeting the needs of deaf people if someone were to show up at a Council meeting.
- We are not ready right now but we are working toward it and people are aware of that.
- She feels real positive and has enjoyed working with this government because she has gotten total support.

Mayor Pro Tem D'Aversa

- Asked if we had a procedure in place that if they needed accommodations we could accommodate them.

City Clerk Marchiafava

- It is on all of the agendas to contact us if they need special accommodations.

ADA Consultant Latta

- The second part of that is what type of accommodations that they need.
- Chris Lagerbloom and Kelly in IT have talked about this.
- We would need real time captioning or sign language interpreters.
- Sign language interpreters are probable the most expensive.
- It also gets problematic if you do not know until the last minute that someone is coming.
- The real time captioning will be the most practical.
- We were looking at the new granicus system and whether or not there is a possibility of having real time captioning on the screen and we are not sure about it.
- The company she has worked with in the past is willing to come and give a demonstration at no charge.
- Asked if that would be something Council would be willing to do when they were available to see it.

Mayor Pro Tem D'Aversa

- A work session would be a good opportunity for that.
- It would be also be a good idea to find out what our sister cities are doing.

ADA Consultant Latta

- The other part of that would be people who are blind.
- In reading this it mentions that there would be in the grievance procedure available in braille.
- We can usually find someone and have the brail documents.

Mayor Pro Tem D'Aversa

- She has a student that is vision impaired and they have a brail class.
- He may be interested in translating it into brail for us.

ADA Consultant Latta

- Thinks that is a wonderful idea.

Councilmember Zahner Bailey

- At a number of our schools there are teachers and parents that sign so maybe we need to come up with a resource list for that.
- She is sure there are people that would love to be a part of that.

ADA Consultant Latta

- That is a very important point.
- We should have a resource list.
- It is important to have people we can call on at the last minute especially with the signing.
- We also need paid professionals in place in case we need them.
- She is getting ready to send the monthly list of what they have done and where they are going and that is an item on the list.
- We need to get that in place so when we say we can meet the needs, we are really ready.

Councilmember Lusk

- We started talking about training city employees to respond to phone request and appeals.
- Asked what we will do as far as after business hours.
- Asked how the call center is being trained.

City Manager Lagerbloom

- We are taking the approach that this is the level of service that Milton wants to provide twenty four hours a day, seven days a week whether City Hall is open or not.
- When we get to the training portion and the grievance process is in place, he will work with Pat Crook to make sure that this is facilitated for Milton residents no matter where or when the call is received.

ADA Consultant Latta

- One of the training handouts was about the Georgia Relay for phone communication between a hearing and a deaf person.
- It would be a good idea to have a session where we demonstrate.
- Electronic communication has eliminated some of the need but there still is some need because there a deaf people who do not have computers.
- Georgia relay is a third party communication system but for someone to answer the phone and find out it is Georgia relay and not know what to do, could throw them off and lose them time.

Mayor Pro Tem D'Aversa

- Would guess that the call center is not presently trained in the hearing impaired.

Councilmember Tart

- In the grievance procedure, item 14a, after the initial call is made to City Hall and we would say we will have our ADA Coordinator get in touch with you, he asked what the rationale behind the time frame of fifteen days to get back in touch with them is.

ADA Consultant Latta

- She personally feels it should be a quick turnaround but the fifteen days was at the recommendation of the attorney.
- She sees his point in that we said one day or forty eight hours and that were just impossible then it put it outside our guidelines and could create problems.
- They reworded it to say as soon as practicable.
- Her take is that as soon as a call comes in whoever takes the call should immediately let the ADA Coordinator know and the coordinator calls them back then.

City Attorney Jarrard

- They did not want to build in a standard so high they cannot attain it.
- The fifteen days is the recommendation by the Department of Justice with respect to ADA compliance.

- Obviously, you want to act faster than that but we want to make sure our policy complies with the requirements of the federal government.
- We could say we will use all means possible to respond within forty eight hours but in no event will our response be fifteen days or something like that.

Councilmember Tart

- That sounds good.
- He just does not want someone to read this and think we are giving two weeks for something that could be a critical complaint.
- It does not seem critical if we are giving it two weeks although in practice we would not do that.

Councilmember Thurman

- It looks like when we get the initial information from the complainant, all we are taking down is their name, address and phone number and nothing at all about what the complaint itself might be.
- She wonders if that was done purposefully or if there is a way to go ahead and get some information so you could have to correct person on the call when you call back.

City Attorney Jarrard

- The concern they had was they wanted to be in the position where the complaint was given to the ADA Coordinator as early in the process as possible because that is the person that is the most prepared and trained to deal with the issues.

Councilmember Thurman

- Her thoughts were if they had the basics, rather than have to go back and forth it might resolve the issue faster.
- This way the ADA coordinator has no idea what the complaint is until they call the complainant back, it would take more time to resolve.

City Attorney Jarrard

- When they reviewed it, their concern was there are fairly exacting federal regulations protocols on this and we wanted to try and match those as closely as possible so if it is reviewed, we can say we tried to complied exactly with the law.
- We did not want to set up a standard we might not be able to meet 100%.

Councilmember Zahner Bailey

- If we could just advise the call center to capture whatever is conveyed, it would be helpful.

Councilmember Hewitt

- Asked if we already had a grievance form in place or if it was a work in progress.

ADA Consultant Latta

- It is a work in progress.
- She had worked on a form but she had the whole laundry list on there and on the advice of the attorney, they recommended we not use that form so she will go back and create a form for the complainant.
- She will have that form in place by their next session.

Councilmember Tart

- He would also be in favor of giving the least amount of authority and responsibility to the call center or those answering the phone that is not specifically trained for this purpose.

Councilmember Thurman

- She does not want them to have any authority. She just wants them to be able to write down a brief description of the problem.
- They do not need to offer any advice.

Councilmember Tart

- His thought was that eventually the person answering the phone would be engaged in conversation.
- It is very hard to tell someone there is a certain way to react every single time regardless of how angry the person is or how accusatory they are.
- They will ask for clarification of facts.
- Basically they need to get the call and have someone call them right back.

Mayor Pro Tem D'Aversa

- Asked who the coordinator would be.

City Manger Lagerbloom

- They have not gotten to the point of identifying that person yet.

ADA Consultant Latta

- It was her understanding that the Mayor was the coordinator on paper.
- She personally thinks the City Manager is the person that should do that.
- They are more available, on staff and they are the ones at the helm with staff and would be the most knowledgeable about what is going on overall.
- There is training available in addition to on site sessions.
- There is a lot of material available on line and other ways.
- Thinks that is a decision that needs to made.
- We could start thinking in terms of outlining specific training.
- She thinks everyone should know how to handle situations and everyone should have a basic understanding of what the law is and the importance of it and then they will inundate the City Manager.

Councilmember Tart

- Asked if they need to amend the Resolution to appoint the ADA Coordinator.

City Attorney Jarrard

- Agrees they should do that.
- We will have to make sure how it was approved so we can have a re-approval that is of equal dignity with how it was approved the first time.

Councilmember Lusk

- Asked if they had developed a job description for the coordinator and are they looking at that person as just a point person or will this person be an expert in the ADA code.
- There are certainly enough resources out there for experts in the ADA code that a coordinator should be able to pick and choose or call upon any experts at any particular point and time.

ADA Consultant Latta

- She thinks a point person would be the way to go.
- She thinks it works best when it is relegated to a staff person in authority for the overall operations and handling things as they come up.

Councilmember Tart

- Asked if it would be the coordinator's job to reach resolution on the issue or is there a review board that hears the complaint.
- Ultimately depending on the gravity of the complaint it could result in a law suit and he assumes there would be some review board to decide on the issue.

City Attorney Jarrard

- He has not heard anyone reference going to that formality.
- Whether they need that much is another issue for another day.
- This city is so far ahead by establishing grievance procedures of what he is used to seeing.
- Typically what he is used to seeing is that people cannot get access to various facilities and there is no process.
- Typically whoever is working the front desk hears about it because there is no process.
- He thinks it would be better and more efficient to have the City Manger be the coordinator.
- He can make the correct recommendations.

ADA Consultant Latta

- Often in being proactive and sitting down to discuss things, problems can get solved.
- Most people just want to figure out the problem and solve it rather than filing suit.
- She thinks to go to the point of a review board would create problems because it would be very difficult to create a review board that is knowledgeable.
- The City Manager will be continuously trying to become more knowledgeable.

Mayor Pro Tem D'Aversa

- We have been proactive as a city so that goes a long way if we have a grievance but they would defer this through the City Manager back to the attorney anyway.
- She does not see the need to create an additional body.

Councilmember Lusk

- Would like to know what GMA has in place and other cities has in place.
- He does not think we are creating something from scratch.
- There are other policies and procedures in place to draw from.

ADA Consultant Latta

- That is a good point.
- If someone were to complain to the Department of Justice, they would ask them if they had gone to the city to try and resolve it first.
- She has a hard time thinking of them getting into such a negative situation that they could not resolve it.

Mayor Pro Tem D'Aversa

- She thinks having this document in place will go a long way and we are ahead of the curve.
- Need to make sure all of our staff is aware in case they get a call.

ADA Consultant Latta

- They are trying to examine all possible holes.
- Most people really do just want a solution.
- She thinks with the grievance procedure they will diffuse situations to they will never escalate.

Mayor Pro Tem D'Aversa

- So the City Attorney and the City Manager has some things they will review and get back to you with and there will be something that will come back to them that will more specifically spell out who will be the ADA Coordinator.

ADA Consultant Latta

- Community Development and Public Works are two areas where there are a lot of questions.
- The directors of both of those departments are knowledgeable and interested.
- She has not once experienced any negative feedback from them.

Mayor Pro Tem D'Aversa

- She also thinks they should look at what some of the other cities are doing.
- Anything that we can put on the web site to let people know what we are doing would be helpful.

ADA Consultant Latta

- Allie is waiting for the material to be provided to her.
- She would like to have links to all of the legal resources and the direct documents along with how to resources dealing with services for the deaf.
- Allie has been waiting at least a month for me to get all of this together.
- She would like Council's input on that.
- She would like to have a letter or something from the City officials addressing it and moving it forward.

Councilmember Zahner Bailey

- She thinks the message is that they do all care and they are proactively pursuing it as evidence by you as a consultant to the city.
- Be mindful that the web site material does not have to be perfect now but can continue to evolve.

ADA Consultant Latta

- Would like to have their help in identifying the deaf and blind population in the city.
- Typically, people who are deaf, if they do not feel included or wanted, they just do not show up.
- At this point we do not know where our deaf population is.
- We know about the children through the schools but there are also adults out there and we want them to know they are welcomed.

Mayor Pro Tem D'Aversa

- Olga who is blind and on our Disability Awareness Committee has been around a long time and may be able to help with software and other things we may need.

ADA Consultant Latta

- Olga also helped to format the form so someone who was blind could complete it on line.
- There are a lot of resources built into Microsoft software.
- She really appreciates the support of Council and staff so they can take all of the pieces and complete it.

Mayor Pro Tem D'Aversa

- Thanked Ms Latta for the presentation and all the hard work.

City Clerk Marchiafava read agenda item #2.

COUNCIL CONSIDERATION OF TERMINATION OF THE BRPH INCORPORATED CONTRACT

City Attorney Jarrard

- This is the contract the city had with BRPH to assist with the Comprehensive Plan as well as some other activities.
- The contract provides in paragraph 9 that the City of Milton has the right to terminate what is called for convenience which basically means for any reason that the City chooses.
- He thinks the City is at the point to do that.
- BRPH has been put on notice of our intention to take this action.
- There has been communication between Ms. Wakefield and BRPH so he would like Ms. Wakefield to tell Council why she is recommending termination.

Community Development Director Wakefield

- CPAC and staff feel they are at a point convenient to terminate the contract.
- The community assessment and the Citizen Participation Plan have been completed.
- They have completed the partial update.
- The only item left is the community agenda and there is no need for the full service of a consultant to assist in completion of that document.
- BRPH has undergone some radical changes and they no longer have a planning division.
- The project manager along with one of the planners is no longer employed with them so it is the perfect time to terminate the relationship and move forward with completing the plan.

Councilmember Thurman

- Asked what the financial impact would be for terminating the contract.

Community Development Director Wakefield

- We have already paid them \$62,420 for everything up until the community agenda.
- She has a letter dated February 9th from them acknowledging they have been paid in full and they have closed out the service.

Councilmember Thurman

- Asked how much the original contract was with them.

Community Development Director Wakefield

- \$78,000 was the original amount.

Councilmember Thurman

- Asked if Ms. Wakefield was comfortable that we got \$62,420 worth of value from them.

Community Development Director Wakefield

- Yes.

City Attorney Jarrard

- The contract provides that if we do terminate for convenience that we must pay the consultant up through the date of that termination and per the letter Ms. Wakefield received we will have.

Councilmember Thurman

- Asked CPAC Chairman George Ragsdale if he was comfortable with this.

CPAC Chairman Ragsdale

- He does not think that Ms. Wakefield is giving herself enough credit.

- The amount of money BRPH asked us to pay was \$10,000 more than that.
- They had asked for \$88,000 and not \$78,000 in total.
- Alice and Tom and got together and agreed that somewhere around 65 to 70% was a reasonable approximation of the value that they brought to us.
- The \$62,000 that Alice negotiated is 69% of the total amount that they had asked for so looking at it that way he would say yes.
-

Mayor Pro Tem D'Aversa

- What they provided was the research that was initially done, the updates to various documentation, the planning meetings and the coordination of things.

CPAC Chairman Ragsdale

- In hind sight it probably could have been written differently and they will use that hind sight to work with another consultant going forward.
- The problem with a lump sum contract is the cost for individual deliveries was not delineated in the contract.
- If you measured on the amount of time they put in, their primary project manager put in an inordinate amount of time.
- They can debate how much of that was value adding but they were not paid for his time.
- There were basically 3 or 4 deliverables, the one of which they did not do is the agendas that we still have to do so if you think about in terms of percentage of cost versus percentage of the work that is done, it is a reasonable approximation.

Councilmember Thurman

- Asked if we had everything we need from them to go forward.

CPAC Chairman Ragsdale

- Yes, they have all of the surveys and everything they needed from them to go forward.
- That is not to say that some of the things does not require some editing and re-doing but there is nothing more they need to get from BRPH.
- One of the critical pieces of the agenda going forward is the community visioning process and they feel even though they have great support from staff and they have great people on CPAC, they need someone that has done that before and led that type of process so they may need a consultant for that.

Councilmember Thurman

- Asked if they would be able to do that for the balance of what was left.

Community Development Director Wakefield

- She thinks so because the primary task for the new consultant would be to facilitate the community meetings.
- When it comes to putting the actual document together, it will be CPAC and staff.
- They are working on an RFP now.

Councilmember Thurman

- Asked what they officially needed to do to terminate the contract.

City Attorney Jarrard

- This will be an agenda item at the next regular meeting to be voted on.

Councilmember Lusk

- Asked where we stand on the schedule for this process and has the termination process has held us up from moving forward.

CPAC Chairman Ragsdale

- With respect to the schedule we need to meet as far as the state is concerned, we went from being under a lot of pressure to get something in by the end of last year to having essentially no pressure now to get the final piece in.
- We have until the end of this year and we expect to be finished and bring it before Council in August.
- With respect of whether the termination held us up, he does not think it did.
- Aside from hiring a consultant to manage the community visioning process there are two other pieces they will have to complete that will cost some money.
- One is completing the financial model.
- That is something they wanted to do using the model that CH2M Hill had and that is very close to being ready to roll out but there is some cost that was not included in the BRPH cost in the beginning.
- Secondly is the survey.
- CPAC spent a lot of time and energy on the survey and we are not happy with the results of the way the analysis was prepared.
- We think there is value in getting that analysis redone so there will be cost associated with doing that.

Councilmember Thurman

- Asked how much was budgeted for the total.

Community Development Director Wakefield

- \$200,000.

(Comments from the audience not picked up by the recorder)

Councilmember Zahner Bailey

- She is unclear from a contractual standpoint on whether or not some of those were part of what was to have been required by BRPH.
- Asked if the deliverable from them was they would provide survey results in a usable format.

CPAC Chairman Ragsdale

- If you look at the contract the answer is technically no.
- What they had in their mind and what we had in our mind with what the survey would be was not the same and he does not think that was reconciled before the contract was signed.
- They predicted 1 to 2 percent response rate but instead we had a 30% response rate.

Councilmember Zahner Bailey

- She assumes that survey data needs to be utilized during the next phase including the transportation enhancement.

Community Development Director Wakefield

- They are utilizing the data, it is just not in a user friendly way but they are using it.

Councilmember Zahner Bailey

- To be more specific, there is specific task that will come out of this that will take the data and put it into a user friendly format so it can be manipulated and utilized.

CPAC Chairman Ragsdale

- There is a specific task that could come out of it.
- At some point when they know what it will cost to get it to that point, they will come back before Council and ask if they want to spend that money or not.

Councilmember Zahner Bailey

- She feels strongly they need to use that data.
- It was her expectation from the BRPH contract that the survey process, to cost and time that went into citizens taking the effort to provide that input that we would get data back that would then be utilized.

CPAC Chairman Ragsdale

- That was not considered at the time they signed the contract.
- The whole idea of mailing it, paying for postage and everything else was not discussed until after they got into the “nitty gritty” of how the survey was going to be done.
- They spent the first five meetings of CPAC doing nothing but working on the survey.
- He thinks BRPH ran into a situation here that was more intense than what they expected with a lot more participation from the community.

Councilmember Zahner Bailey

- She is disappointed they do not already have it in a usable format and it would be ashamed not to proactively get it.
- Asked if we had all of the hard copies.

Community Development Director Wakefield

- We have all of them and Michelle has spent the last two weeks scanning them into the system so we do have every survey.

Councilmember Zahner Bailey

- She is unclear in regards to the financial model if it was part of the original BRPH contract.

CPAC Chairman Ragsdale

- There was a requirement in that contract for the financial model but after we engaged them and explained to them what we wanted the model to do for us it became obvious they did not have the capability to do that.
- They could have delivered a financial model but it would not have been what we wanted so we decided early on to take a different path.

Councilmember Zahner Bailey

- Asked if we could expect to get an additional out of contract cost for that or do we anticipate that as part of the service of CH2M Hill.

City Manager Lagerbloom

- He believes it will be an additional cost.

CPAC Chairman Ragsdale

- It will be additional cost because different resources are involved in developing that model.

Councilmember Zahner Bailey

- Before we embark, if we are looking at an additional cost that we do not wait until after it is done and then say “oh, by the way we have to pay this price.”

Councilmember Thurman

- It was included in the original budgeted amount that Council approved so it was not an additional cost above what was budgeted for.

Mayor Pro Tem D'Aversa

- We had the expectation that the survey and data collection as well as the analysis would be provided by BRPH because that is what the contract called for but it did not spell out what the survey would be.
- Those are the kinds of things we have to not do in the future.
- To Councilmember Zahner Bailey's point, we need to make sure as we go forward that we ask more questions and have things more outlined.

Councilmember Zahner Bailey

- Asked who would be reviewing the RFP that is going out in terms of the specifics of it.

CPAC Chairman Ragsdale

- Staff and CPAC have both reviewed it but beyond that he does not know.

Community Development Director Wakefield

- Staff and CPAC are working with the finance department to make sure we are following the procurement process, we will then send it to six or eight consultant firms.
- We do not expect it to be over \$50,000 so we just need a written bid from them.
- Within the RFP there are criteria on how they will be selected.
- They spelled out deliverable with deadlines so this is pretty specific for what they are asking for.

Councilmember Zahner Bailey

- Asked if Council could take a look at it as a matter of interest.

City Manager Lagerbloom

- Let him take a look at it and he will get back with her because he has not looked at it yet.

Councilmember Lusk

- Asked if the proposal was based on cost only.

Community Development Director Wakefield

- It will be evaluated on experience because we are asking of someone who has some pretty heavy experiencing in visioning.
- We are asking for past performances on similar projects and cost.

Councilmember Thurman

- So they will bring pictures in that are relative to our area.
- Last time they brought pictures of downtown Atlanta.

Community Development Director Wakefield

- They will be relative to the City of Milton.

Mayor Pro Tem D'Aversa

- Asked if there were any other concerns at this point that Council needed to know about.

CPAC Chairman Ragsdale

- The biggest concern he would have going forward would be to make sure they are comfortable owning the final product that will be submitted to the state but they have to get there in the most efficient way possible.
- They have plenty of time to talk about it but they need to work out what the process will look at so it is very clear what each party's role will be to minimize cost.
- CPAC will try very hard to coordinate with the transportation plan advisory committee as well because there is a lot of interplay between the two.

Councilmember Thurman

- Asked if they would try to have the community meetings before the summer break.
- That is extremely important to her.

CPAC Chairman Ragsdale

- The objective is to have it before summer break.
- They will not have the analysis back before then but having the meeting is the more important thing.

ADA Consultant Latta

- It has been her experience that consultants do not address the ADA element so she suggests that be brought up and find out what the expectations are.
- With the comprehensive plan as she went through it there was nothing so they are going back and chasing what should already be done.

Mayor Pro Tem D'Aversa

- We need to make sure instead of waiting until the end to get our committees involved to go ahead and make sure they are involved.

Community Development Director Wakefield

- Ms Latta reviewed the partial update and we made changes based on her suggestion.
- She talked to her about making sure she is part of the visioning process.

After no further business, the Work Session adjourned at 7:21 p.m.

Date Approved: March 2, 2009


Jeanette R. Marchiafava, City Clerk


Joe Lockwood, Mayor