



**MINUTES OF THE  
MAYOR AND COUNCIL  
CITY OF DULUTH, GA  
JANUARY 12, 2009**

**Mayor Harris called the meeting to order at 5:30 p.m.**

**PRESENT:** Mayor Harris, Council members Dugan, Hall (arrived 5:45pm), Mundrick and Whitlock  
City Administrator, Department Directors, City Attorney

**ABSENT:** Councilmember Bomar

**I. EXECUTIVE SESSION – REAL ESTATE, PERSONNEL, POTENTIAL/PENDING LITIGATION**

**A motion was made by Councilmember Whitlock, seconded by Councilmember Mundrick, to adjourn to executive session at 5:30 p.m.**

**Those voting for:** Council members Dugan, Mundrick and Whitlock  
**Motion carried.**

*Council member Hall arrived at 5:45 p.m.*

**After the discussion, a motion was made by Councilmember Whitlock, seconded by Councilmember Mundrick, to return to regular work session at 6:15 p.m.**

**Those voting for:** Council members Dugan, Hall, Mundrick and Whitlock  
**Motion carried.**

**WORK SESSION OF THE  
MAYOR AND COUNCIL**

A work session was held prior to the regular scheduled meeting to allow the elected officials to discuss and ask questions of department directors regarding this evening's agenda items. Other items were discussed as follows:

Planning Director Cliff Cross requested Council to continue the discussion concerning the prospective hiring of a full time Building Official as an alternative to the continued use of MBIS North for Plan Review and Building Inspection Services. In his estimation, the results of a cost analysis still show that hiring a staff member to perform these functions is a financial benefit to the City as this person can also perform plan review services, stormwater duties and assistance with occupational tax enforcement. He feels that in hiring a part time building official, the plan reviews will still have to be sent to an outside source,

thereby giving away a revenue source as well. He explained the standard fee structure, and also noted that part-time is a concern because of turnover and the length of time it takes to become familiar with the City's development and zoning codes, city ordinances and design standards.

The options for cancellation of the current contract were discussed, as well as the potential for immediate hire of a full-time person. Mr. Cross noted that the current contract is based on a flat fee.

Councilmember Mundrick felt that now would not be the right time to add a full time official. He would prefer to review the contract and renegotiate it down, or utilize part-time or current staff since the building process is very slow at the moment.

The recommendations for stormwater management from consultants ISE were also mentioned, and Mr. Cross felt that this same staff position could handle that responsibility as well during down times of permitting/building.

*Due to time constraints, further discussion was schedule to be held upon adjournment from the regular meeting.*

## **MINUTES OF THE MAYOR AND COUNCIL**

**Mayor announced that the regular meeting had been called to order at 5:30 to hold an executive session.**

**INVOCATION:** Council member Whitlock

**PLEDGE:** Brennan Peabody, Troop 419

**WELCOME RESIDENTS:** Carriage Gate/Palisades

### **ANNOUNCEMENTS:**

PR/Marketing Director Alisa Williams announced that the 5<sup>th</sup> annual "State of the City" address would be held on January 27<sup>th</sup> at the Korean TV Station ballroom located at 4675 River Green Parkway, at noon. The cost is \$25.00 per person or \$175 for a table of eight.

### **I. CEREMONIAL MATTERS**

#### **1. 2008 EMPLOYEE OF THE YEAR – STEVE BEAUREGARD, INFORMATION TECHNOLOGY**

Mayor Harris announced that Steve Beauregard of the Information Technology Department was awarded the "Employee of the Year" for 2008 as voted by his peers. Other nominees included John Keating, Bobby Johnson, Jill Manders, Chuck Wilson, Chris Collins, Lori Edelkind, Anthony Griggs, and Susan Weber.

## 2. APPOINTMENT OF MAYOR PRO TEMPORE

The Charter of the City of Duluth states that the Council shall elect a Councilmember to serve as the Mayor Pro tempore at the first regular meeting of each year by a majority vote. Mayor Harris announced her recommendation to appoint Council member Jim Dugan as Mayor Pro tempore.

**A motion was made by Councilmember Mundrick, seconded by Councilmember Hall, to appoint Councilmember Jim Dugan as Mayor Pro tem for 2009.**

**Those voting for:** Council members Hall, Mundrick and Whitlock  
**Abstaining:** Councilmember Dugan  
**Motion carried.**

## II. CONSENT AGENDA

### 1. APPROVAL OF DECEMBER 22, 2008 MINUTES

### 2. ORDINANCE SETTING TIME AND PLACE FOR CITY COUNCIL MEETINGS AND WORK SESSIONS *[Exhibit "A"]*

Approval of this ordinance sets the City Council Meetings and Work Sessions for 2009.

Council Meetings will be held on the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of every month (with the exception of May 25<sup>th</sup>-Memorial Day (rescheduled for Tuesday, May 26<sup>th</sup>), and June 22<sup>nd</sup> for the GMA Annual Conference, (rescheduled to Monday, June 29th) at 7:00 p.m. in the Duluth City Hall Council Chambers located at 3167 Main Street, Duluth, Georgia.

Work sessions will be held at 6:15 p.m. before each regularly scheduled Council meeting in the Main Floor conference room at City Hall. Additional work sessions may be held as needed and/or upon adjournment from regular council meetings at the same location. Other work sessions may be duly called as needed and properly noticed. All meetings are open to the public, and the Mayor and Council welcome and encourage attendance at these meetings.

The annual Strategic Planning session will be held February 28th and March 1st, 2009 at the Lake Lanier Emerald Point resort in Gainesville, GA.

### 3. ORDINANCE - 2009 ELECTION - QUALIFYING DATES/FEES *[Exhibit "B"]*

Approval of this ordinance sets the qualifying dates and fees for the City of Duluth 2009 General Election as well as appointing election officials.

### 4. RESOLUTION - APPOINTMENT OF THE LEGAL ORGAN (NEWSPAPER) *[Exhibit "C"]*

Approval of this item appoints the "Gwinnett Herald" as the City's Legal Organ for 2009. This resolution shall not be construed to prevent the City from utilizing a newspaper of general circulation within the City of Duluth or Gwinnett County when authorized to do so by state or local law.

5. APPOINTMENT OF LAW FIRM FOR 2009

Approval of this item appoints the law firm of Thompson and Sweeny as the City's legal counsel for 2009, and authorizes the continuation of this appointment until such time as official action is passed to remove or change this appointment by a majority vote of Council.

6. APPOINTMENT OF 2009 ENGINEERING FIRMS OF RECORD

Approval of this item appoints the following engineering firms of record as recommended by the Planning Department:

1. Keck & Wood – Overall Engineering / Past Projects
2. Jordan, Jones & Goulding – Overall Engineering / Downtown Development
3. Pond & Company – Overall Engineering
4. Bron Cleveland – Grants, CIP Project Management
5. Williams & Associates – CDBG
6. United Consulting – Environmental
7. Wolverton & Associates – Traffic Engineering
8. Precision Planning- Long Range Planning & Development
9. Hayes, James & Associates, Inc. – Site Plans, Plan Review, Civil
10. Heath & Lineback Engineers Incorporated – Overall Engineering
11. KCI Technologies – Overall Engineering
12. Clark, Patterson & Lee – Site Plans, Plan Review

**A motion was made by Councilmember Dugan, seconded by Councilmember Hall, to approve the Consent Agenda as presented.**

**Those voting for: Council members Dugan, Hall, Mundrick and Whitlock**  
**Motion carried.**

III. NEW BUSINESS

1. RESOLUTIONS OF ABANDONMENT OF MUNICIPAL STREETS *[Exhibits "D" & "E"]*

In conjunction with the McDaniel property purchase authorized by Council on December 22, 2008, the Mayor and Council considered approval of two resolutions for the abandonment of a portion of Peachtree Road and a section of Jones Street (aka Railroad Avenue).

**A motion was made by Councilmember Whitlock, seconded by Councilmember Dugan, to approve the resolutions of abandonment as presented.**

**Those voting for: Council members Dugan, Hall, Mundrick and Whitlock**  
**Motion carried.**

**IV. MATTERS FROM COUNCIL/DEPT HEADS/CITY ATTORNEY**

1. CITY ADMINISTRATORS ANNUAL MERIT

**A motion was made by Council member Mundrick, seconded by Council member Dugan to adjust the salary of the City Administrator by a two step increase effective first pay period of October 1, 2008.**

**Those voting for: Council members Mundrick, Hall and Dugan**

**Those voting against: Council member Whitlock**

**Motion carried.**

**V. ADJOURNMENT**

**A motion was made by Councilmember Whitlock, seconded by Councilmember Mundrick, to adjourn at 7:10 p.m.**

**All for. Motion carried unanimously.**

**POST-MEETING WORK SESSION OF THE  
MAYOR AND COUNCIL**

1. LEASE OF DOWNTOWN PROPERTY

City Administrator Phil McLemore requested directive from Council as to leasing the property known as the old City Hall. The current lessees, the "Church Ladies" will vacate the building in February. Mr. McLemore read a request for lease of property he received from Ms. Stacie Stamper and asked Council for directive as to the desire of Council. He noted that the City Attorney recommended not leasing the space due to impending development.

Ms. Stacie Stamper, 2930 Fitzgerald Trace, Duluth came forward to address the Council, requesting the opportunity to lease the former City Hall council chamber area. She feels that the open floor space, on a visible street with signage and a paved lot for sales is perfect in every aspect to launch the "Design Divas of Downtown Duluth."

Ms. Stamper noted that her concept of a "co-op" idea, which would consist of 43 cooperative members in the interior design and landscape trade. She stated that if all goes as planned, this effort would serve as an incubator to nurture the cooperative members into thriving stand-alone Downtown Duluth Merchants. She stated that her goal was to become the interior design hub of North Atlanta, a niche desperately needing to be filled given the affluent neighborhoods in this area.

Ms. Stamper further explained that the cooperative members are all well respected and the best of the best in their fields. Tara Dillard celebrity garden designer, former host of the CBS show "A Garden View" and author of 5 books will represent the garden design and landscape business. Tracy Miller, Feng Shui expert has appeared on HGTV and traveled to the nation to lecture for Sherwin Williams and will be the

Feng Shui consultant, Annette Burnett, President of the Atlanta Chapter of American Society of Home Stagers and Re designers will lead our home staging and redesign business. Norma Williams owned and

operated a very successful Uniway for 30 years and will oversee the business affairs, managing the catalog library and customer orders. Ms. Stamper said she would be the marketing and creative behind the business and has served 6 years in the Oriental rug industry.

The inventory in the showroom will include affordable custom furniture and unique items, would host warehouse clearance sales, truck sales originating from North Carolina, art expos, Oriental rug events, and designer trade receptions, and conduct seminars monthly offering "Learn at Lunch", Thursday Ladies Night Out and Saturday morning classes.

Council member Dugan asked if she would be acting as a middleman for services, and she agreed, noting that her role is to identify the resources for the customers, such as scheduling appointments with upholsterers, lawn & garden specialists, etc. Her specialty is rugs. There are other consultants for paint, linen, specialties in home décor who will all meet by appointment only. Norma Williams and she will be staffing it, with interior designers, re-designers, and other professions represented under one roof. Right now she is looking to lease the former church sanctuary area, but could use other parts of the building if available. She would also like to have "Truck sales" (outside the building) if permitted. She plans to rotate the inventory on display.

Council member Mundrick asked for a business plan and copies of letters of commitment from the potential co-op members. Council member Whitlock said he would like a list of people she is working with to see their commitment, and to ensure they understand the terms of the co-op.

Ms. Stamper to provide business plan, letters of commitment from each business indicating they understand their role and agreement, and realizes that she must vacated as soon as the City is ready to move forward with redevelopment. She will send to the City Clerk before next Wednesday for inclusion into weekly report. The City Administrator will make the final decision as a formal vote of the Council is not required.

## 2. CONTINUATION OF DISCUSSION ON BUILDING OFFICIAL

To finalize discussions, Council asked questions on the current workload and responsibilities of staff, and what past factors were taken into consideration when the current contract was negotiated. Mr. Cross indicated that he has never seen a scope of services, and Mr. McLemore noted that the contract was entered into prior to his being Planning Director. Councilmember Whitlock pointed out the need to cut costs, but without giving away sources of potential revenue. Councilmember Mundrick suggested the following plan of action: 1) Go back to MBIS to renegotiate fees, 2) Look at fee structure regardless of who does the work, 3) Develop scope of work, whether employee or contracted out, and 4) Make final review during budget cycle.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Mayor Nancy Harris

ATTEST:

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City Clerk Teresa S. Lynn