



**WORK SESSION OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
FEBRUARY 9, 2009**

**PRESENT: Mayor Harris, Council members Bomar, Dugan, Hall, Mundrick and Whitlock
City Administrator, Department Directors, City Attorney**

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 DISCUSSED:

1. RED CLAY THEATRE UPDATES

Councilmember Bomar noted that the committee has met with Button Theatre, and feels that it's in the best interest of the City to enter into a management agreement with Button. The agreement is currently being drafted by the City Attorney for review. Part of that agreement will recommend that Council extend the timeframe until the end of August to include summer activities. The new website is www.redclaytheater.com.

2. STRICKLAND HOUSE – PARKS & RECREATION BOARD RECOMMENDATION

Parks & Recreation Board Chairperson Wanda Bennewitz came forward to explain that the board met and considered a request from the Duluth Historical Society to consider using SPLOST funding to purchase the Strickland House to be used for the museum. They noted that it was an excellent presentation; however, the Board recommended focusing on the elements already included in the Park "Master Plan," and the SPLOST projects as previously established based on a set of criteria and the SPLOST committee recommendations. Ms. Bennewitz reported that the Board gave recommended alternatives for relocation of the museum, and although they feel it is a worthy endeavor, the Board did not support the purchase of the Strickland House using SPLOST funding.

**MINUTES OF THE
MAYOR AND COUNCIL
FEBRUARY 9, 2009**

Mayor Harris called the meeting to order at 6:30 p.m.

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

It was necessary to call for an executive session.

A motion was made by Councilmember Bomar, seconded by Councilmember Hall, to adjourn to Executive Session at 6:30 p.m.

After the discussion, a motion was made by Councilmember Mundrick, seconded by Councilmember Bomar, to adjourn to the regular meeting at 6:55 p.m.

INVOCATION/PLEDGE: Council member Hall

WELCOME RESIDENTS: Centurion Hills/Peachtree Walk

ANNOUNCEMENTS:

Mayor Harris congratulated Councilmember Bomar on the completion of her training and receipt of the "Certificate of Recognition" from the Georgia Municipal Training Institute during the GMA annual Mayor's Day conference.

Marketing Director Alisa Williams announced that the 8th annual Senior Valentine Dance would be held at Bunten Road Park on Saturday, February 14th at 6pm. She also announced that "Playing in Traffic," an improv comedy group, would be performing at the Red Clay Theatre every Friday night at 8pm, \$10 entry. The theatre will also host a black & white movie night, "Bringing Up Baby" on February 21st.

II. CEREMONIAL MATTER

1. PROCLAMATION – ARBOR DAY 2009

Mayor Harris proclaimed Friday, February 20, as "Arbor Day" in the City of Duluth for 2009, and noted that Duluth has been recognized as a "Tree City USA" for the 20th year.

III. CONSENT AGENDA

1. APPROVAL OF JANUARY 26, 2009 MINUTES

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

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

IV. NEW BUSINESS

1. ACCEPTANCE OF FY08 AUDIT REPORT

Bradley Carroll, Chairman of the Finance Committee presented a summary of the 2008 Audit Report to Council. Mr. Carroll explained that this was the second City audit that has been conducted by Mauldin and Jenkins. The City received an "unqualified" or "clean" opinion of its financial statements, which means we are following Generally Accepted Accounting Principles. There were small comments about segregation of duties, but these are very common occurrences in cities of our size where manpower is sometimes limited. Mr. Carroll noted that further testing was performed to ensure the integrity of the

processes in spite of this limited segregation, and no problems were identified. A copy will be on file in the Finance Department of the City Clerk's office.

A motion was made by Councilmember Whitlock, seconded by Councilmember Hall, to approve the FY08 Audit Report.

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

2. ORDINANCE TO AMEND THE FY09 BUDGET

[Exhibit "A"]

The Mayor and Council considered an ordinance to amend the FY09 Budget. In May 2008, the City's budget was amended for a contract with Motorola Communications to upgrade the police radio system. It was anticipated that the contract would be completed before the budget year end, but due to delays in installing the equipment, the contract was not completed as planned. Therefore it is necessary to carry forward the unspent funds of \$177,801 to the current years' budget to allow for payment of the final contact amount from Police Equipment 100-801-321053160.

In July 2008, the City filed an insurance claim as a result of fire damage to the men's restroom at Bunten Road Park. The restroom is now repaired and an insurance settlement of \$9,902 has been received by the City. Amendment is to record receipt of the settlement (Insurance Claims/Reimb. 100-38305) and payment of the contractors (Full Circle Restoration) invoice. (General Emergency Repairs 100-921-156554194).

As part of the City's goal to redevelop the downtown, the City's has entered into an agreement with McDaniel Enterprises, Inc. to purchase the buildings and land on parcels #6-293A-014 and #6-293-032 better known as Accessorize Again and Corley Insurance. The purchase is being added to CA-37-09 Downtown Redevelopment under General Fund Revenue (340-537-39136) and Building and Land (340-537-731054130).

A motion was made by Councilmember Mundrick, seconded by Councilmember Whitlock, to approve the budget amendment as presented.

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

V. MATTERS FROM CITIZENS

1. FORMER CITY HALL BLOCK RENTAL REQUEST

Ms. Stacie Stamper came forward and questioned Council's decision regarding rental of the former City Hall space for a design center. Coming forward in support of the request were Lauris Nance of 3380 Mill Valley Place, Dacula and Connie Holmes of 3495 Highgate Hills, Duluth, owner of Nature's Elegance. Ms. Stamper felt that the combined resources would bring in a lot of traffic through the area and noted that she has had widespread support of the Duluth Design Center as a co-op concept.

Councilmember Mundrick noted his preference to investigate other available downtown properties.

Ms. Stamper feels that space is ideal due to price and drive-by visibility, and said it was an advantage to establish the business first and then it would be fine to move when the block redeveloped. All co-op businesses would still be operating their own businesses or other work spaces and this is more of a “showcase” idea.

Council noted their reluctance since the City would have to spend money in operating and maintaining the building, including insurance, possible construction, and safety concerns due to loading of merchandise, and felt there would be more favorable locations, such as the Accessorize Again property if that becomes available soon.

2. GWINNETT COUNTY FIRE STATION CONCERNS

Peggy Harper of 2696 Peachtree walk came forward to express concern about safety from the four homes that back up to the new fire station at the corner of Bunten Road and Old Peachtree. She requested that a 10-12 foot berm with Leland cypress trees be considered to shelter the residences from the station. Councilmember Bomar asked if she had contacted Gwinnett County with this request.

Marsha Cross of 2636 Peachtree Walk came forward as well, and noted the same concerns. There is no fencing that separates the areas and others are worried that it poses a safety hazard for nearby children.

Planning Director Cliff Cross responded that he will discuss with the Fire Chief to determine if the City can enforce the tree and buffer landscape ordinance in this case, and see what he could do to assist.

3. MAINTENANCE OF STREETS

George Hodaker of 2776 Peachtree Walk came forward to ask how often his streets are cleaned. Public Works Director Audrey Turner said that they were swept at least once per year, based on 12 zones in the City.

4. SUPPORT FOR PARKS RECOMMENDATION

Matt Reeves of 2737 Winston Way, Duluth approached Council in support of the Parks & Recreation Advisory Board recommendation not to change the SPLOST allocation and advocated staying with the Master Plan process for the parks.

5. CHOCOLATE PERKS GRAND OPENING

Councilmember Bomar thanked all who came out in support of the Grand Opening of Chocolate Perks on Main Street.

VI. MATTERS FROM COUNCIL/DEPT HEADS/CITY ATTORNEY

1. CHATTAHOOCHEE ELEMENTARY PRESENTATIONS

Councilmember Hall announced that after he had been invited to present “City Council 101” to second graders at Chattahoochee Elementary, he was asked to return and speak with the third grade classes.

VII. EXECUTIVE SESSION - REAL ESTATE, PERSONNEL, POTENTIAL/PENDING LITIGATION

It was necessary to continue discussions from the earlier executive session.

A motion was made by Councilmember Bomar, seconded by Councilmember Hall, to adjourn to Executive Session at 8:00p.m.

After the discussion, a motion was made by Councilmember Bomar, seconded by Councilmember Dugan, to adjourn to the regular meeting at 9:45 p.m.

VIII. ADJOURNMENT

A motion was made by Councilmember Bomar, seconded by Councilmember Dugan, to adjourn from to Executive Session at 9:45 p.m.

UPON ADJOURNMENT, A WORK SESSION WAS HELD IN THE MAIN STREET CONFERENCE ROOM.

1. LIVING MEMORIAL DESIGN

Jon Erickson with Hill, Foley, Rossi presented two conceptual designs for the Living Memorial. Both have the common element of a wall with holes to let light come through, with a glass nameplate structure as designed by the winning Georgia Tech design entry, but one is contemporary and the other a bit more classical. What the architects need now is direction on the scope of the project, to list what needs to be refined and narrowed down. It was mentioned that to use exact names would be an ongoing maintenance issue, and recommended to use a more timeless approach.

The Council's consensus was that it needs to be simpler. There was direction to take it more toward a sculpture, and the water element can be scaled back so that it is more drought resistant. Mr. Erickson said the original concept of the holes with light could be changed to a hole through an obelisk or something, representing a group rather than each person. Phil McLemore mentioned the wind activated sculptures that he had seen in Colorado that were so detailed and interesting.

Councilmember Mundrick asked if the Arts Board had been formed yet and the Mayor said it has not. Mr. Erickson noted his preference to continue forward using some of the design contest elements on a smaller scale as discussed.

2. OCCUPATIONAL TAX INCREASE

Council addressed receipt of a letter of concern regarding the change in the Occupational Tax structure for this year. Councilmember Bomar said her recollection was the new figures were still below Gwinnett County's structure, and therefore seemed reasonable to her. City Clerk Teresa Lynn noted staff's initial recommendation of a \$10,000 cap amount on the tax itself, which was increased to \$12,500. Previously, there was a cap of \$2,000,000 on the revenue portion of the formula, and all businesses above that amount paid the same. The City Clerk was instructed to contact Gwinnett County again and other cities one more time to make sure that we are doing the same exact process, and report back through weekly report.

Councilmember Mundrick said he would also like to see how much has been generated vs. how much we anticipated, as well as the percentage of businesses affected. Ms. Lynn noted that final payments are not actually due until March 31st at which time she will be able to provide that particular data.

3. RFP FOR BUFORD HIGHWAY

Councilmember Bomar shared her understanding of how to go about selecting vendors to do projects based on a "qualifications-based selection process," which is: 1) ranking the technical proposal, 2) choosing your first selection, 3) negotiations with the first choice, and if you can't get the scope we want for the fee that is budgeted, you contact the second firm at that point. Mr. Cross said that the highest ranked vendor was over \$180,000 higher than the second, and therefore Staff contacted the second. Councilmember Bomar said that is simply bidding out to the lowest bidder, which is not what the Qualifications-based process is about. She commented that we want the best people on the job and give them the opportunity to make the numbers work for the best value for the citizens. Mr. Cross will review and report back.

4. LARGE PRIVATE EVENT POLICY

Council asked City Attorney Steve Pereira to discuss actions thus far. Mr. Pereira noted the distinction between private and sponsored or co-sponsored events. There is great concern for discrimination when renting out public property, and we can't even say we can distinguish between profit and non-profit. The City can however, regulate the time, manner and place that rentals may occur. The contract document regulates all that, but the "Policy" question is more about risks of doing business. Mr. Pereira noted that there are likely to be negatives arising from any event, but that staff has been questioning the benefits of doing these events vs. the risks involved with damage to property.

The criterion has already been developed for sponsored and co-sponsored events, which fall outside this policy. Council decided that private events on the Town Green would be limited to 500 people, for the benefit of the community, surrounding merchants, and to protect the area.

Approved this _____ day of _____, 2009.

Mayor Nancy Harris

ATTEST:

City Clerk Teresa S. Lynn