



**WORK SESSION OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
FEBRUARY 23, 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. No other items were discussed.

**MINUTES OF THE
MAYOR AND COUNCIL
FEBRUARY 23, 2009**

Mayor Harris called the meeting to order at 7:00 p.m.

INVOCATION: Council member Mundrick

PLEDGE: Scout Will Kahrs, Citizenship in Community Badge

WELCOME RESIDENTS: Sweetwater Park/Baxley Ridge

ANNOUNCEMENTS: Upcoming events and activities:

- A Night with the Ladies of Button at Red Clay Theatre--a journey through the best of Broadway. Saturday, February 28 at 8pm, tickets are \$15.
- Red Clay Theatre presents the Border Collies, Duluth's own contemporary Celtic Band, on Saturday, March 7th. Two shows, "youth" show at 4pm, "grownups" at 8pm.
- Red Clay Magic! Joe M. Turner presents classic sleight-of-hand and mental magic with charm and wit to create a sophisticated adventure in fun and mystery. Suitable for all ages and audiences. Friday, March 13 and Saturday, March 14 at 8pm, tickets are \$10.
- Red Clay proudly welcomes *Banks and Shane* with Mike McDonnell as they present a tribute to The Kingston Trio. Sunday, March 15th at 7pm, tickets are \$20.
- New Dawn Theater presents "One Flew Over the Cuckoo's Nest" February 19th – March 8th

I. CEREMONIAL MATTERS

1. APPRECIATION FOR 2008 SPONSORS

Mayor Harris and Downtown Manager Elizabeth Rudin presented a plaque of appreciation for 2008 sponsorship to Bill McCargo of Cisco. Other 2008 event sponsors were: Gwinnett Community Bank, Flagstar Bank, Whole Foods, and Allstate.

2. PRESENTATION OF ARBOR DAY AWARD – 20 YEAR RECOGNITION

Councilmember Hall announced that a ceremonial flag and 20 year recognition award for being a “Tree City USA” were presented to Council. Duluth is one of only ten cities who have earned this distinction.

II. CONSENT AGENDA

1. APPROVAL OF FEBRUARY 9, 2009 MINUTES

2. RESOLUTION ADOPTING EMERGENCY OPERATIONS PLAN

[Exhibit “A”]

Approval of this item authorizes the Mayor to execute a resolution to adopt the revised Emergency Operations Plan (EOP) which is a countywide agreement in which Duluth agrees to partnership in a formal unified command structure governing multijurisdictional incidents. The plan is mandated by Federal authorities for disasters and homeland security incidents. Neither the City nor the Chief gives up the authority over city resources, but instead commits to work together with other agencies under MOU (mutual aide agreements). Each EOP address a different aspect from the Federal guidelines.

3. AUTHORIZATION FOR LAWFUL ACCEPTANCE OF LEGAL DOCUMENTS

Approval of this item authorizes the City Administrator, City Clerk or his/her designees to accept service of Civil Action and other related legal documents for the City of Duluth.

A motion was made by Council member Bomar, seconded by Council member Mundrick to approve the Consent Agenda as presented.

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

III. NEW BUSINESS

1. RESOLUTION/WAIVER REQUEST – PARCEL 6-261A-080 - PLEASANT HILL ANIMAL HOSPITAL

[Exhibit “B”]

The Mayor and Council considered approval of a resolution granting a waiver to the Pleasant Hill Animal Hospital for relocation of the existing legal non-conforming sign.

Planning & Development Director Cliff Cross came forward to explain the request, which is in accordance with the provisions set forth in Section 1009 (6) of the Sign Ordinance and requires City Council approval for relocation of legally established legal non-conforming signs. In addition, the applicant is also requesting a variance to Section 1009.6.5 of the Duluth Sign Ordinance to allow for the height of the proposed sign to be built at a height of 14 feet. Changes to the Buford Highway/Pleasant Hill interchange and the installation of a sound barrier are the factors leading up to this request.

Mr. Cross showed a map of the subject area, which is zoned C-2, located at 2982 Pleasant Hill Road and owned by William Allen. The requested sign is a “pole” type with a skirt around it, and is very similar to

the previous sign except for the height. Mr. Cross explained that Planning Staff supports approval of the resolution as it meets the eight conditions as outlined:

1. The affected sign did carry legally established non-conforming rights at the time that the road improvements were done.
2. The sign will be placed within 2,000 feet of the original sign location.
3. The sign face of the relocated sign shall be no larger than that of the originally affected sign.
4. The sign owner received compensation from the DOT only for costs related to relocating and reconstructing the affected sign.
5. The applicant is requesting to build the sign at a total height of 14' due to the presence of a sound wall that was installed during road improvements. At any height lower than 14', the sound wall would obstruct view of the sign.
6. A variance application has been filed containing written permission for placement of the sign by the owner of the property, who is also the applicant.
7. The proposed location is not in the CPD-R, CPD-C or CBD nor is it located within 1,000 feet of such.
8. No additional rights are being granted. If approved, this sign will operate under legal, non-conforming rights and be subject to all requirements of Section 1009 of the Duluth Sign Ordinance related to Non-conforming Signs.

Mr. Cross also recommended adding other landscaping for a screening effect.

Councilmember Dugan asked if Council could legally request landscaping, and City Attorney Stephen Pereira responded that it would be appropriate to impose conditions as part of the variance approval.

A motion was made by Councilmember Bomar, seconded by Councilmember Whitlock, to approve the resolution for the Pleasant Hill Animal Hospital with one additional condition, that the "applicant must provide adequate landscaping subject to approval of the Planning Department."

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

2. AUTHORIZATION FOR PURCHASE - \$70,000 – NORFOLK SOUTHERN, RIGHT-OF-WAY
[Exhibit "C"]

The Mayor and Council considered the purchase of land approximately 7,200 square feet (.165 acres) of right-of-way from Norfolk Southern Railroad, located in land lot 6-293. This purchase has been previously considered by the Downtown Development Authority and the City Council, and both have agreed that it is necessary for the Highway 120 road widening plan. Council was asked to authorize the expenditure of \$70,000 from the 2001 and 2005 SPLOST Funds for the purpose of purchasing this property as shown on attached survey and legal description, included in budget line item 323-42210-54.1400 titled "Highway 120 Realignment."

A motion was made by Council Member Hall, seconded by Council member Dugan, to approve as presented.

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

IV. MATTERS FROM CITIZENS

1. ADDRESS CONFUSION – BAXLEY RIDGE/HIGHLANDS OF DULUTH

Ms. Dallas Hamilton, resident of “Highlands of Duluth” came forward and expressed concern about her home address being listed with a Suwanee address vs. Duluth, and wanted to know if the City could provide assistance in getting it changed. She noted that her address does not show up as valid on GPS systems, on MapQuest or other direction-finding websites, and most importantly, concern that emergency services can’t locate her address properly either. Being located physically inside Duluth city limits, she would like for her postal address to be changed to Duluth. Planning Director Cliff Cross said that he would work with the Planning Director in Suwanee to petition the Post Office to change their zip code boundaries.

V. MATTERS FROM COUNCIL/DEPT HEADS/CITY ATTORNEY

1. ORDINANCE TO AMEND THE DULUTH CODE – PENALTY SURCHARGE *[Exhibit “D”]*

The Mayor and Council considered approval of this amendment to Chapter 1, Section 1-6 of the Duluth Code, allowing the courts to impose a \$10 surcharge to civil “penalties” as provided for in the Charter.

Councilmember Bomar explained that a separate account will be set up for the accumulation for these dollars to offset the cost of the new software system, that this is not money that would be spent for any other purposes, just the retirement of the debt to provide this technology.

Councilmember Dugan further noted that this is not a revenue generator but is necessary to cover the operational costs associated with running the programs.

A motion was made by Council member Dugan, seconded by Council member Mundrick, to accept the recommendation to approve this item for operational cost surcharges to be added at a \$10 charge for civil penalties as provided by the Charter, with the stipulation that a separate account be setup for this expenditure and the tracking of it.

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

2. POLICE/FIRE AND FIRST RESPONDERS APPRECIATION DAY – GWINNETT ARENA

Council member Hall expressed his gratitude to the Police officers Manders and Purvis for bringing the “mounted patrol” to the Gwinnett Arena prior to the Gwinnett Gladiators game last weekend.

3. BOARD MEMBER - HOME FIRE

Council member Bomar announced that the home of Alcohol Board member Keith Wyatt was destroyed by fire Sunday. She expressed gratitude to the fire, EMS and Duluth Police Department for their excellent handling of the situation, and further encouraged residents to leave emergency contact information with their neighbors or the Duluth Police Department during vacation time or other absences.

VI. ADJOURNMENT

Being no further business, Mayor Harris called for a motion to adjourn from Regular Session and announced that a work session would be held in the Main Street conference room to discuss the City's budget.

A motion was made by Council member Bomar, seconded by Council member Hall to adjourn. All for. Motion carried.

**POST COUNCIL MEETING WORK SESSION
FEBRUARY 23, 2009**

1. BUDGET CONCERNS – PROJECTED REVENUE SHORTFALL

The Mayor, Council, Department Heads and Budget & Accounting Supervisor discussed concerns for both the FY09 current year budget, projections for FY10, and financing for the New World software. Revenues are a major concern, as shortfalls require prior year reserves to be brought forward to balance the budget. These reserves will not be available for FY10. City Administrator Phil McLemore explained where staff has recommended cuts for the current year, and discussed other areas that have been identified as potential savings. It was noted that more decisions would be made during the annual strategic conference.

Approved this _____ day of _____, 2009.

Mayor Nancy Harris

ATTEST:

City Clerk Teresa S. Lynn