



**MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
MARCH 9, 2009**

Mayor Nancy Harris called the meeting to order at 6:15 p.m.

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

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

Mayor Harris announced that it would be necessary to adjourn to Executive Session to discuss Pending/Potential Litigation, Real Estate and Personnel Matters with the City Attorney.

A motion was made by Councilmember Bomar, seconded by Councilmember Mundrick, to adjourn to executive session at 6:15 p.m.

All for. Motion carried.

After the discussion, a motion was made by Councilmember Bomar, seconded by Councilmember Mundrick, to return to regular session at 6:22 p.m.

All for Motion carried.

**WORK SESSION NOTES
MARCH 9, 2009**

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. BUFORD HIGHWAY REDEVELOPMENT PLAN RFP

The Council directed Planning Director Cliff Cross and the City Administrator to negotiate with Design Workshop on reducing costs associated with the Buford Highway Redevelopment Plan, in order to accommodate budget restraints. Staff will perform some of the duties assigned to the project to reduce costs.

6:45:PHOTOS Council Chambers

INVOCATION/PLEDGE: Council member Whitlock

WELCOME RESIDENTS: Charleston Bay/Pittard Hill Point

ANNOUNCEMENTS: Upcoming events and activities:

- Red Clay Magic! Friday, March 13 and Saturday, March 14 at 8pm.
- Red Clay welcomes *Banks and Shane* with Mike McDonnell, Sunday, March 15th at 7pm.

II. CEREMONIAL MATTERS

1. PRESENTATION OF DONATED PHOTOGRAPHS – LIGHTSCAPES PHOTOGRAPHY

Council member Bomar introduced Mary Buck of Lightscares Photography, who donated over 80 photos and slides that she had taken from 2000 to 2002 which portray Main Street, the Town Green, and other significant sites in the downtown in their pre-development stages. Ms. Buck has been very involved with various school groups and community events in Duluth, and continues her photo journaling.

2. PROCLAMATION – REXALL GRILL CELEBRATES 40TH YEAR

Mayor Harris proclaimed March 9th as REXALL GRILL DAY and presented a proclamation to owner Gail Herrin. Councilmember Hall added that it was one of the first places visited over 19 years ago when he moved to Duluth, and thanked the Rexall for being a true landmark with cheerful customer service.

III. CONSENT AGENDA

1. APPROVAL OF FEBRUARY 23, 2009 MINUTES

2. AUTHORIZATION FOR FINANCING – BANK OF AMERICA

[Exhibit "A"]

Approval of this item authorizes the City Administrator to sign the lease and any other necessary documents pertaining to the financing deal of the New World software purchase, which was authorized by Council on December 22, 2008.

3. RESOLUTION – ENGAGING LAW FIRM FOR SERVICE DELIVERY DISPUTE

[Exhibit "B"]

Approval of this item approves a resolution to engage the law firm of Smith, Welch, and Brittain to represent the City in response to Gwinnett County's action for mediation to settle a dispute on Service Delivery. The Resolution proposes that all of Gwinnett Cities join together in the dispute resolution.

4. ACCEPTANCE OF PROPERTY – WEST LAWRENCEVILLE STREET

[Exhibit "C"]

Approval of this item accepts a donation of property from Christopher and Becky Brannon located on West Lawrenceville Street (tax parcel #6-294-056) consisting of 989 sq.ft. valued at \$5,800 based on tax records. Mr. Brannon lives out of state and does not want to continue paying taxes on property he has no use for. He suggested that if the City was going to need property along W. Lawrenceville for installing sidewalks that it would benefit the City to have this parcel. Mr. Brannon only asks that the City pay the taxes for this year in return for the parcel, which is \$73.71 for County taxes and \$12 for the City.

5. ORDINANCE TO APPOINT ALCOHOL REVIEW BOARD MEMBERS [Exhibit "D"]

Approval of this item approves an ordinance to reappoint current members of the Alcohol Review Board: Nathan Benard, Kim Belloni and Mike Welch, and Slade Lail as Alternate 2 for two-year terms ending 3/31/11.

6. ORDINANCE TO APPOINT CONSTRUCTION BOARD OF APPEALS MEMBERS [Exhibit "E"]

Approval of this item approves an ordinance reappointing Jeff Fagan and Kirby Pate to the Construction Board of Appeals with terms ending on March 31, 2012.

7. ORDINANCE TO APPOINT CORE PRESERVATION DISTRICT REVIEW – RESIDENTIAL [Exhibit "F"]

Approval of this item approves an ordinance appointing John Bell as the ZBA member for a one year term (to coincide with his ZBA term) as a member of the Core Preservation District – Residential board, and also appoints Mark Granger to a three year term, expiring March 31, 2012.

8. ORDINANCE TO APPOINT CORE PRESERVATION DISTRICT REVIEW – COMMERCIAL [Exhibit "G"]

Approval of this item approves an ordinance appointing Ed Gulesarian as the DDA member of the Core Preservation District – Commercial board to fill a vacancy, and John Bell to replace Art Salus, said terms to expire 3/31/10.

9. ORDINANCE TO APPOINT ETHICS BOARD MEMBERS [Exhibit "H"]

Approval of this item reappoints current members of the Ethics Board for additional two-year terms as follows: Terrie Adkins, Sunny Ramsay, Tonya Borders, and Ida Richardson. It also appoints two new members, Priscilla Crowgley as Mayor Harris' nomination, and ~~Elise Whitworth as recommended by Councilmember Boma~~. (Struck during motion.)

10. ORDINANCE TO APPOINT FINANCE COMMITTEE MEMBERS [Exhibit "I"]

Approval of this item approves an ordinance to reappoint Finance Committee members Jay Tutt and Susan Holland as alternate, terms to expire March 31, 2011. Approval also appoints Mayor Harris as a member of the governing body to replace Councilmember Jim Dugan.

11. ORDINANCE TO APPOINT MUNICIPAL COURT JUDGES [Exhibit "J"]

Approval of this item reappoints Kathryn Schrader, Margaret Gettle Washburn, and Lyle Porter as Associate Municipal Court Judges, for the City of Duluth for a one year term, said terms to expire on the second Monday in March, 2010.

12. ORDINANCE TO APPOINT MUNICIPAL COURT SOLICITORS [Exhibit "K"]

Approval of this item reappoints Russell Bryant as Court Solicitor and Sandra Hicks as Associate Court Solicitors for 2009, said terms to expire on the second Monday in March, 2010.

13. ORDINANCE TO APPOINT PARKS AND RECREATION ADVISORY BOARD [Exhibit "L"]

Approval of this item approves an ordinance to reappoint Randy Marcus, Paula Bender, Billy Jones and Wanda Bennewitz for two year terms on the Parks & Recreation board, terms expiring March 31, 2011.

14. ORDINANCE TO APPOINT PLANNING COMMISSION MEMBER [Exhibit "M"]

Approval of this item approves an ordinance appointing Kelvin Kelkenberg as a regular voting member of the Planning Commission, for a three-year term, to expire March 31, 2012.

15. ORDINANCE TO APPOINT URBAN REDEVELOPMENT AGENCY [Exhibit "N"]

Approval of this item approves an ordinance reappointing Carey Odum to the Urban Redevelopment Agency, term to expire in 2013.

16. ORDINANCE TO APPOINT ZONING BOARD OF APPEALS MEMBERS [Exhibit "O"]

Approval of this item approves an ordinance reappointing Alana Moss and Carey Fisher as members of the Zoning Board of Appeals, terms to expire March 31, 2012. It also appoints John Bell to fill the unexpired term of Kelvin Kelkenberg until 03/31/10.

A motion was made by Councilmember Dugan, seconded by Councilmember Whitlock to approve the Consent Agenda as presented with the exception of the exclusion of Elise Whitworth as Councilmember Bomar 's [appointee to Ethics Board] from Item number 9.

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

Council member Mundrick provided further explanation regarding Item 3 of the Consent Agenda pertaining to the "service delivery" dispute. Over the past several years, Duluth and other cities in Gwinnett County have been trying to negotiate with the County for a reduction for city taxpayers, since the cities provide some of the same services that the County provides only to citizens in unincorporated areas, yet the tax ratio for County taxes is the same for all. This means that residents who live inside any city's limits are essentially being double-taxed. The cities in Gwinnett are asking for a reduction for their residents based on the fact that some cities provide services such as police, etc.

Councilmember Mundrick further noted that the timeframe had run out for negotiations and the County decided not to extend the discussions but instead, decided to sue the cities. Item 3 of the consent agenda retains a joint attorney for defending the cities in this matter.

IV. ADJOURNMENT

**A motion was made by Councilmember Hall, seconded by Councilmember Mundrick to adjourn at 7:15 p.m.
All voted for. Motion carried.**

Mayor Harris announced that upon adjournment, an additional work session would be held to discuss DDA appointments.

**POST COUNCIL MEETING WORK SESSION NOTES
MARCH 9, 2009**

1. DOWNTOWN DEVELOPMENT AUTHORITY APPOINTMENT

A general discussion was held on filling the vacancy on the DDA left by Mark Gary's resignation. A discussion was held on the merits of including professionals such as engineers as opposed to rounding out the board with individuals who are well qualified but have a vested interest directly in the downtown.

Councilmember Mundrick felt it would be appropriate to ask DDA to make a formal recommendation to Council to consider appointing on the March 23rd agenda.

Work session adjourned at 7:30 p.m.

Approved this _____ day of _____, 2009.

Mayor Nancy Harris

ATTEST:

City Clerk Teresa S. Lynn