



**WORK SESSION OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
APRIL 13, 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
CITY OF DULUTH, GA
APRIL 13, 2009**

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

INVOCATION/PLEDGE: Councilmember Dugan

WELCOME RESIDENTS: Chattahoochee Hills/River Mill

ANNOUNCEMENTS:

PR/Marketing Director Alisa Williams announced that the "Heart and Soul" Bus Tour would be arriving in Duluth on Friday, April 17th. This is the second time Duluth has been showcased; the first time was in 2003 after completion of the Town Green. She also announced that the 5th annual "Barefoot in the Park" event will be held May 9th and 10th, from 10am-6pm on Saturday and 12-5pm on Sunday. This year there will be a literary component to the festival.

Mayor Harris thanked the City Administrator and staff for the hard work on materials and meetings with the Citizens budget review committee.

Better Morning Atlanta, the local CBS affiliate station, will be in town on April 28th to shoot a documentary about Duluth, what makes us a great place to live, work and play. There will be a live broadcast on May 7th. Everyone is invited to come out and take part. Continue to visit our web site at www.duluthga.net for details and times.

Boy Scout Spencer Front of Troop 317 from Perimeter Church was recognized for attending the meeting to earn his Communications/Merit Badge.

I. CEREMONIAL MATTERS

1. APPRECIATION FOR SERVICE - FORMER BOARD/COMMISSION MEMBERS

Councilmember Whitlock announced that the Mayor and Council wished to recognize Ray Walker of the Ethics Board, Brad Hensch of the Planning Commission, and Mark Gary of the Downtown Development Authority for their valuable service on these boards.

Councilmember Bomar commented that Mr. Walker is the consummate engaged citizen. He is a cheerleader for the City and supports individuals and businesses whenever possible. He is an ethical individual beyond reproach and exemplifies the quality that is our goal for the city which is why he has been a great member of the Ethics Board.

Planning Director Cliff Cross said that Planning Staff and the Planning Commission would like to officially recognize and thank Mr. Hensch for his 17 years of outstanding service and contributions to the City of Duluth and its citizens. Specifically, serving as the Planning Commission Chairman, it is worth noting that Mr. Hensch has gained everyone's respect and confidence with his technical knowledge and his demonstrated ability to lead the Planning Commission. Furthermore, Mr. Hensch has gained the admiration of both the Planning Staff and his peers through his continuous demonstration to make well informed and educated decisions that have contributed to smart growth patterns within the region, while insuring consistency with the goals and visions set forth by the Citizens of Duluth. In addition, Mr. Hensch has also demonstrated the ability to utilize his experience and technical expertise in a professional, courteous but firm manner which will be sorely missed and difficult to replace.

Councilmember Whitlock thanked Mr. Gary for his service on the DDA, and noted that he came into the City already tied to a long-time Duluth family, and brought a strong passion and a lot of skill and talent to this very important board. The Council understands his moving forward toward larger commitments and appreciates his time and energy spent to serve Duluth and our citizens.

2. RECOGNITION FOR FAÇADE IMPROVEMENTS – EVERGREEN CENTRE & KROGER STORE #381

Councilmember Mundrick, the Mayor and Council recognized and presented plaques of appreciation to Ms. Yang Suk of the Evergreen Centre and Mr. Alfonso Delgado of the Kroger Store #381 in appreciation for recent improvements to their businesses located on Pleasant Hill Road. The recent modifications they have made greatly enhance the aesthetics of the area, contribute to the betterment of the community, and show community pride.

3. ATHLETIC RECOGNITION – LADY WILDCAT CHANTELE CURINTON

Councilmember Bomar, the Mayor and Council recognized Chantelle Curinton for her athletic accomplishments. Deemed the first female football player in Duluth, Chantelle played Wildcat football from 1999 until 2002, scoring touchdowns and participating on championship teams. Now a 16 year-old Duluth High School Student, her success has transferred to the softball field, where she is considered one of the top 6 players in Gwinnett County.

4. APPRECIATION – JEFF HOWARD OF DULUTH CHIC-FIL-A

Councilmember Hall, the Mayor and Council, and Parks & Recreation Director Kathy Marelle recognized Jeff Howard, Manager of the Duluth Chic-Fil-A for 10 years of support in sponsoring Senior Citizen activities and expressed appreciation for supporting annual park events.

II. CONSENT AGENDA

1. APPROVAL OF MARCH 23, 2009 MINUTES

2. ORDINANCE TO CHANGE POLLING LOCATION FOR MUNICIPAL ELECTIONS [Exhibit "A"]

Approval of this item approves an ordinance to change the polling place for City of Duluth municipal elections from the old City Hall at 3578 West Lawrenceville Street to the new City Hall, located at 3167 Main Street, effective this date and for all subsequent elections, and authorizes the City Clerk to submit changes to the US Department of Justice in accordance with Section 5 of the Voting Rights Act.

3. RESOLUTION–BANK OF AMERICA MASTER EQUIPMENT LEASE PURCHASE [Exhibit "B"]

Approval of this item authorizes the City Administrator to execute the financial agreement with Bank of America for financing the citywide software purchase. The agreement has been reviewed by the City Attorney, and replaces the paperwork previously executed on March 9, 2009.

4. RED CLAY THEATER MANAGEMENT AGREEMENT - BUTTON THEATRE [Exhibit "C"]

Approval of this item authorizes the Mayor or City Administrator to execute the Theater Management Agreement with Button Theatre, which has been reviewed and approved by the City Attorney, for management of the Red Clay Theatre through August 30, 2009.

5. APPROVAL OF TOWER CLOUD TELECOMMUNICATIONS APPLICATION [Exhibit "D"]

Approval of this item approves and authorizes an application by Tower Cloud for telecommunications as reviewed and approved by Georgia Municipal Association's franchise management department.

6. AUTHORIZATION FOR GROUNDS MANAGEMENT – DULUTH HISTORY MUSEUM (*withdrawn*)

7. AUTHORIZATION FOR LOGO CREATION & APPROVAL OF CITY TAGLINE – GOGO CREATIVE

Approval of this item approves a new tagline for Duluth submitted by GoGo Creative, Inc. and further authorizes GoGo to begin the process of producing the City's logo.

8. ORDINANCE TO APPOINT DOWNTOWN DEVELOPMENT AUTHORITY MEMBER [Exhibit "E"]

Approval of this ordinance accepts the Downtown Development Authority's recommendation to appoint Ron Osterloh to the position vacated by Mark Gary, term to expire 2012.

A motion was made by Councilmember Hall, seconded by Councilmember to approve item (s) 1 -5 and 7-8 of the consent agenda, and to postpone indefinitely item 6 for further discussion.

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

After approval of the Consent Agenda, Mayor Harris administered Oath of Office to Mr. Osterloh for his appointment to the Downtown Development Authority.

III. OLD BUSINESS

1. ORDINANCES OF ANNEXATION AND REZONING - M-2 TO C-2 - CASE A#0157-08
LIAN CONG ZHANG TAX PARCELS 6-261-054 and 6-261-061

[Postponed]

Mayor Harris announced that a public hearing was held before Council on March 23rd to consider ordinances of annexation and rezoning for Case A#0157-08 for approximately 1.2 acres of the property commonly known as 2933 Pleasant Hill Road (Parcel Numbers 6-261-054 and 6-261-061) into the City of Duluth. She called Planning Director Cliff Cross to come forward to explain.

Mr. Cross said that the major concern with this request was the conditions that were placed on the approval and the existing condition of the site, which already has multiple property maintenance violations. Council directive was to postpone the request to allow the applicant time to clean up the property in order to meet the standards as set forth by Duluth Code.

Mr. Cross further noted that staff visited the site earlier in the day, and although there has been some cleanup effort, there are still several items of concern. Therefore, Staff recommended further postponement in order for the applicant to address previously outlined concerns. He noted that the time period in which Council has to annex property would not be surpassed by this extension according to the City Attorney, (60 days only applies to 60% method of annexation).

Mayor Harris called for questions from Council.

Councilmember Bomar clarified for any members of the public who missed the March 23rd meeting that, should Council vote to approve annexation, the site would not be in compliance with City property maintenance provisions and would have to be cited immediately.

A motion was made by Councilmember Bomar, seconded by Councilmember Whitlock, to postpone the ordinances of annexation and rezoning for Case A#0157-08 until the April 27th Council meeting.

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

Motion carried.

IV. NEW BUSINESS

1. BID AWARD – CONSULTING FIRM - BUFORD HWY REDEVELOPMENT PLAN *[Exhibit "F"]*

Planning Director Cliff Cross noted that in late 2008, planning staff completed an RFP seeking proposals from consulting firms to assist the City in the development of the Buford Highway Redevelopment Plan. After receiving multiple responses, the selection committee identified and ranked four potential firms that were placed on a short list for consideration. The committee then reviewed the fee structure and presented their recommendation to Mayor and Council on February 9, 2009.

Staff was instructed to work with Design Workshop and Kimley-Horn to negotiate reduced pricing to the \$100,000 that was budgeted for completion of the plan, while remaining consistent with the proposed scope of the original RFP's. After working with both companies, staff recommends awarding the bid to Kimley-Horn, since their scope of services was more inclusive for the same dollar amount and would require less Planning staff assistance to complete the plan. Mr. Cross said that the strength of the other firm was primarily in the visual aids that were going to be incorporated; however, to meet the new negotiated costs, the visuals would have to be scaled back.

Funding for this project is planned as follows: \$25,000 transferred from PDP CA-01-09 line item 100-201/751052121 and \$25,000 from PDP CD-06-09 line item 100-506/425052222 to the remaining \$50,000 in CD-56-09 line item 341-42700/52.1200.

A motion was made by Councilmember Dugan, seconded by Councilmember Whitlock, to award the bid for engineering services for the Buford Highway Redevelopment Plan to Kimley-Horn as recommended by staff, not to exceed \$100,000.

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

2. AWARD OF BID – TAYLOR PARK PLAYGROUND

The Mayor and Council considered awarding the bid for the Taylor Park Playground, budgeted under PK-29-09. Eleven potential bids were received; seven of the eleven competitive bids were evaluated based on bid package documentation, references and similar projects. Each bid was reviewed by Robby Bryant from HDR as well as the Park and Recreation Board and staff, and two of the eleven vendors met the qualifications.

- *Verification that all required documentation was supplied in bid package* – Each of the top three bidders submitted a complete bid package.
- *References* (HDR and Duluth Staff called each listed reference. Evaluation forms were created to document the content of each call.) Exterior Concepts failed to supply more than one verifiable reference and therefore did not adequately comply with the bid.
- *Similar project experience* (HDR and Duluth Staff reviewed the list of similar projects that were submitted with each bid package based on relevance and content.) Each bidder submitted projects with similar features.

The three lowest bidders were: Exterior Concepts - \$251,584 (no verifiable references), Ed Castro - \$261,500 and Tri-Scapes -\$269,000. Based on the qualifications, staff recommended awarding the contract to Ed Castro for the bid amount of \$261,500.

Council member Mundrick said he would have liked to see a list including every bid that was submitted and wanted clarification to ensure that the lowest bidders were chosen for further review.

Robby Bryant of HDR came forward and outlined the process. First, all bids packages were checked for completion. The bids ranged from \$251,584 to \$400,000. The three lowest bidders were then selected. He then asked the contractors to provide five references and asked a series of 15 questions ranging from assigned personnel, whether they were general or subcontractors, budget figures, and on-time projects, etc. References were unavailable on the lowest bidder, but several great references were provided for the second lowest bidder, Ed Castro.

Questions were raised about the duration of the project. The City Attorney noted that the contract has not been finalized yet, and the Parks Director indicated that it would be take approximately 90 days for completion with a scheduled July/August finish depending on contract execution.

A motion was made by Councilmember Mundrick, seconded by Councilmember Bomar, to award the bid for the Taylor Park Playground to Ed Castro, not to exceed \$261,500.

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

3. ORDINANCE TO AMEND THE DULUTH CODE – ALCOHOL REQUIREMENTS *[Exhibit "G"]*

The Mayor and Council considered an ordinance to amend the Duluth Code regarding Alcohol requirements. Proposed changes are related to eligibility for license holders, bond requirements, and license fees.

The proposed amendment deletes the sections of Chapter 3 relating to restrictions on alcohol licenses to be issued where the City Clerk, the Mayor, City Council Members, Alcohol Review Board Members or one of the spouses of any of the foregoing persons has any interest in the license. Additionally, sections 3-625 and 3-674 (c) (5) would be deleted, thereby removing bond requirements for applicants seeking a license to sell alcohol for consumption on the premises. This amendment further changes alcohol licensing fees as follows: Adds an \$150 administrative fee in the event of change of ownership or management, adds license options and fees for "beer only" or "wine only," increases current fees for package beer and wine from \$750 to \$1,000 and consumption of beer and wine on premises from \$750 to \$1,000, and changes fees for consumption of Alcoholic Beverages for Malt Beverages, Wine and Liquors from \$3,000 to \$3,500.

Being no further discussion, a motion was made by Councilmember Whitlock, seconded by Councilmember Dugan, to approve, the ordinance to amend the Duluth Code – Alcohol requirements as presented.

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

V. MATTERS FROM CITIZENS

1. DONATION OF RED CLAY THEATRE URL ADDRESS

Ms. Shelly Howard of 3657 W. Lawrenceville Street, former manager of the Red Clay Theatre of Duluth came forward to state that she would like to donate to the City the former Red Clay Theatre URL address.

VI. MATTERS FROM COUNCIL/DEPT HEADS/CITY ATTORNEY

1. PUBLIC WORKS STAFF AND POLICE APPRECIATION

Council members Hall and Whitlock thanked the Public Works Staff and Police Department for taking care of the City during the turbulent weather this past weekend.

VII. EXECUTIVE SESSION

Mayor Harris called for a motion to adjourn into executive session to discuss real estate, personnel, and pending/ potential litigation.

A motion was made by Councilmember Bomar, seconded by Councilmember Hall, to adjourn to executive session at 7:40 p.m.

**All for.
Motion carried.**

After the discussion, a motion was made by Councilmember Mundrick, seconded by Councilmember Bomar, to return to regular session at 8:05 p.m.

**All for.
Motion carried.**

VIII. ADJOURNMENT

A motion was made by Councilmember Mundrick, seconded by Councilmember Bomar, to adjourn at 8:05 p.m. into work session.

All for. Motion carried unanimously.

Mayor Harris announced that upon adjournment of the regular meeting, a work session was scheduled in the Main Street Conference Room.

**POST COUNCIL MEETING WORK SESSION
APRIL 13, 2009**

1. ECONOMIC DEVELOPMENT DEPARTMENT DISCUSSION

City Administrator Phil McLemore reported that no change to the department would be brought before Council to consider at this time.

Approved this _____ day of _____, 2009.

Mayor Nancy Harris

ATTEST:

City Clerk Teresa S. Lynn