



**WORK SESSION OF THE  
MAYOR AND COUNCIL  
CITY OF DULUTH, GA  
JUNE 22, 2009**

**PRESENT: Mayor Harris, Councilmember's 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. BRANDING/LOGO**

Public Relations & Marketing Director Alisa Williams requested directive as to the direction Council wished to pursue on continuing Phase 5, 6, 7, and 8 of the contract with GoGo Creative Design. Ms. Williams stated that she felt Phase 6 (Brand Launch Website) could be handled internally as well as Phase 8 (Brand Launch Tools). However, she felt that Phase 5 (Brand Launch Marketing Plan) as well as Phase 7 (Design Way finding Signage) would require someone with that expertise.

Council directed Ms. Williams to continue with the contract with GoGo on Phase 5 and to seek quotes on Phase 7.

**2. LIBRARY MEETING**

Mayor Harris requested meeting with Gwinnett County Commissioner Shirley Lasseter and Steve North to discuss a possible library site. This meeting will be Monday June 29th, 6:00 p.m. in the Community Room and is a joint work session of the Council and Downtown Development Authority.

**3. TAYLOR PARK - MAIN ST. DUMPSTER ENCLOSURE**

Council authorized the City Administrator to contact the contractor building Taylor Park Playground in attempts to complete both projects at the same time.

**4. RED CLAY MANAGEMENT CONTRACT**

Economic Development Manager Chris McGahee was instructed to set schedule for the negotiations for the long-term management contract.

**5. LANDSCAPING FOR UNDERPASS AREA – ENTRANCE TO CITY**

The Buford Highway and Pleasant Hill Road underpass needs landscaping and better signage. Staff was asked to contact Rudy Bowen with the State Department of Transportation (DOT) to ask if the State included landscaping in the final design before releasing to Gwinnett County. Other options to pursue would be Gwinnett County DOT or a Gwinnett Tech Landscaping/Horticultural design class.

6. CONSTRUCTION BOARD OF APPEALS – REPLACEMENT OF MEMBER FAGAN

Planning Director Cliff Cross was authorized to prepare an amendment for Council review through the weekly report.

7. COMPLAINT STATUS – NOISE AND BALL DAMAGE - DULUTH HIGH SCHOOL

Planning Director Cliff Cross said that he is working with the complainant regarding excessive/frequent noise and explained that the school use of the amplification systems has to go through the Conditional Use process.

**MINUTES OF THE  
MAYOR AND COUNCIL  
CITY OF DULUTH, GA  
JUNE 22, 2009**

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

**INVOCATION/PLEDGE:** Councilmember Whitlock/Lance Hasson Troop 317

**WELCOME RESIDENTS:** Grove Park/Woodehaven

**ANNOUNCEMENTS:**

“Duluth Celebrates America” will be held at Scott Hudgens Park in RiverGreen on Friday, July 3<sup>rd</sup>. Gates will open at 4:00 pm; two bands will provide live entertainment beginning at 6:00 pm, and fireworks will begin at 9:30pm.

**I. CEREMONIAL MATTER**

1. RECOGNITION – STAFF AND CITIZEN’S BUDGET COMMITTEE

The Mayor and Council recognized the Citizen’s Budget Committee and Finance Staff, and presented Certificates of Appreciation for the hard work that went into preparing the FY10 budget.

**II. CONSENT AGENDA**

1. APPROVAL OF JUNE 8, 2009 MINUTES

2. ORDINANCE TO AMEND THE DULUTH CODE – PENALTY SURCHARGE/USER FEES [Exhibit “A”]

Approval of this item approves an ordinance to amend Chapter 1, Section 1-6 of the Duluth Code, allowing the courts to impose a \$30 surcharge as provided for in the Charter.

3. PARTICIPATION RESOLUTION – FEDERAL EMERGENCY MGMT AGENCY [Exhibit “B”]

Approval of this item approves a resolution which is a requirement of the Federal Emergency Management Agency for multi-jurisdictional mitigation plans, which will in turn be included in the Gwinnett County mitigation planning process documentation.

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

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

**III. PUBLIC HEARINGS**

1. ORDINANCE FOR MODIFICATION OF SPECIAL USE PERMIT - CASE SUP#0124B-09  
WELL SPRING LIVING 3089 DULUTH HIGHWAY TAX PARCEL 6-264-024B  
[Exhibit “C”]

Mayor Harris opened the public hearing and called on Planning and Development Director Cliff Cross to come forward to present Case SUP#0124B-09 which is a modification of the previously approved Special Use Permit to allow for the expansion of a permitted Personal Care Home within the Office-Neighborhood (O-N) zoning district. Mr. Cross explained the request to modify the previously approved Special Use permit (SUP0124-05) under Condition 2 of the original Special Use Permit which required the following;

2. Future expansion of the building size will require a new application and review for a Special Use Permit, as per Section 1902.B.5.

The current development is contained within a site consisting of approximately 2.4 acres located at 3089 Duluth Highway (Tax Parcel ID # 6-264-024B). The expansion of the current use will consist of the following:

1. 1,555 square foot building addition; and
2. 58 square foot attached porch on said addition; and
3. A 12’ wide internal drive; and
4. Parking area containing 14 new vehicle spaces (not visible from street.)

Mr. Cross showed the floor plan of the area, and said the expansion would accommodate a reception area, counseling rooms, a training room, multi-purpose/community room, and an accessory dining area. Not expanding the number of residents who will be housed. He showed the elevation of the exterior, which will match the existing structure. The land use for the subject site is consistent with the combination of adjoining uses. There is a significant amount of vegetation which will help shield the site from neighboring properties.

Staff and the Planning Commission recommended approval with the following conditions:

1. Residency shall be restricted to no more than 12 clients and no more than 4 staff members residing on-site. Additional non-residing clients may be served as occupancy certificates and sufficient parking allow.
2. If the use (personal care home) is discontinued or abandoned for three (3) months, the special use permit shall be voided by default.
3. A waiver of section 1210.D.3 remains in effect. This section of the code originally required a separation of 1,000 feet from a daycare, school and church.
4. The site plan, floor plan and architectural plans for the expansion as built shall be substantially the same as those presented to City Planning Staff with the application for special use permit associated with this request.

Councilmember Bomar commented that she had received calls from people who are involved with the organization in support of the request.

Applicant Mary Frances Bowley came forward to thank the City, and said that they have been embraced whole-heartedly by this community. She is grateful that the Wellspring residents have been able to work with other groups to volunteer, and have been given opportunities to interact with positive influences. Through involvement with those groups and running the Wellspring store on Buford Highway, this expansion also enhances their ability to serve women and in turn help the community.

Mr. Matt Reeves came forward in support of the request and said that he and his wife Suzette serve on the Board for Wellspring and are strong advocates for the program.

There being no further comments or questions, Mayor Harris closed the public hearing and called for a motion.

**A motion was made by Councilmember Bomar, seconded by Councilmember Mundrick, to approve the ordinance as presented for case number SUP #0124B-09.**

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

2. ORDINANCE TO AMEND THE DULUTH ZONING ORDINANCE – FINES – CASE T#0126-09  
*[Exhibit "D"]*

Mayor Harris opened the public hearing and called forward Planning & Development Director Cliff Cross.

Mr. Cross said that during the budget committee meetings, a suggestion was made to review the fee structure. Once those changes were made, subsequent adjustments were necessary to the current fine schedules within the City of Duluth's Property Maintenance and Sign Ordinances. He asked the Mayor and Council to considered a request to amend Section 1704 (Penalties for Violation) of the City of Duluth Zoning Ordinance to ensure that these are consistent with the various other code/ordinance violations that are currently implemented by the Planning Department. The suggested change raised the minimum fine from not less than \$25 to not less than \$250, and the maximum was adjusted from \$250 to \$1,000.

Councilmember Bomar asked if the current penalty structure has been effective in reducing violations, and if not, if raising the penalty fee structure amount would be effective to negate unwanted actions and reduce the number of occurrences before going to court.

Mr. Cross stated that he believes that by changing the penalty fee structure would be more effective in speeding up the process as well as bring attention to the seriousness of the violation.

There being no further comments or questions, Mayor Harris closed the public hearing and called for a motion.

**A motion was made by Councilmember Whitlock, seconded by Councilmember Dugan, to approve the Ordinance to Amend Section 1704 of the City of Duluth's Zoning Ordinance for case number T#0126-09 as presented.**

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

#### **IV. NEW BUSINESS**

##### **1. ORDINANCE - CITY OF DULUTH FISCAL YEAR 2010 BUDGET ADOPTION** *[Exhibit "E"]*

The Mayor and Council held a public hearing to receive comments on the proposed FY10 budget on June 8<sup>th</sup>. Council was presented a balanced budget of \$42,648,393 which includes operating expenses of \$15,763,830, debt service \$2,210,570 and Capital Expenditures of \$24,763,993. This represents a reduction in operating expenses from FY09 of \$3,174,940.

The Mayor and Council considered an ordinance adopting the FY10 City of Duluth operating budget, with stated revenues based on a projected millage rate of 5.191.

Council member Mundrick commented that the Citizens budget committee did an excellent job of considering the options to balance the budget and ranking them. There were other revenue enhancements and cuts made, and the city employees felt a direct cut. Capital projects were deferred until future years, and SPLOST funds were moved forward to pay current rather than future expenses. The millage rate has been reduced over the last 15 years but next year will be more difficult and there may have to be an increase at that point or the City may be forced to make more severe service cuts. He also pointed out that, although the city tax ratio is the same, if property values are also unchanged, residents will still see an increase in the tax bill because the State is no longer supplementing approximately \$40 in HTRG credit.

**A motion was made by Councilmember Mundrick, seconded by Councilmember Hall, to approve the ordinance adopting the Fiscal Year 2010 City of Duluth operating budget as presented.**

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

##### **2. ORDINANCE TO AMEND FY10 BUDGET – \$365,903.95 - ADDITIONAL 2005 SPLOST FUNDS** *[Exhibit "F"]*

The Mayor and Council considered approval of an ordinance to amend the FY10 Budget by bringing forward the additional 2005 SPLOST Funds in the amount of \$365,903.95 to be allocated for expenditures to the following projects:

Transportation (street resurfacing) -	\$138,468.19
Public Safety (license tag recognition, in car cameras, etc) -	\$224,830.16
Recreation (Taylor Park Playground) -	\$2,605.60

The total additional SPLOST was \$1,065,139.90 of which Council previously approved expenditure of \$179,923 for Public Safety Equipment under the FY09 Budget, and \$479,312.95 is earmarked for Administrative Facilities Debt Payment that will be allocated in the FY11 Budget.

Councilmember Mundrick explained that this time period is the end of a four year SPLOST cycle, and we don't know exactly how much is going to be generated when we approve the initial budget revenue figures. Fortunately, the City ended up with more than we anticipated.

**A motion was made by Councilmember Dugan, seconded by Councilmember Whitlock, to approve the ordinance to amend the FY10 budget as presented.**

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

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

1. STAFF APPRECIATION

Councilmember Hall thanked Public Works for their hard work on the Flags and Marker program, and also thanked Parks & Recreation for their excellent Summer Day Camp Program.

**VI. ADJOURNMENT**

A motion was made by Councilmember Bomar, seconded by Councilmember Dugan, to adjourn at 7:45 p.m.

All for. Motion carried unanimously.

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

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Mayor Nancy Harris

ATTEST:

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City Clerk Teresa S. Lynn