



**WORK SESSION OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
AUGUST 24, 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 and no action was taken.

**MINUTES OF THE
MAYOR AND COUNCIL
AUGUST 24, 2009**

Mayor Harris called the meeting to order at 6:45 p.m., for the purpose to hold an Executive Session for the purpose of discussing Pending/Potential Litigation, Real Estate and or Personnel Matters.

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

A motion was made by Councilmember Bomar, seconded by Councilmember Dugan, to adjourn to executive session to discuss at 6:45 p.m.

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

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

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

INVOCATION/PLEDGE: Councilmember Mundrick

WELCOME RESIDENTS: Howell Park/Howell Glen

II. CEREMONIAL MATTERS

1. PROCLAMATION – NATIONAL PAYROLL WEEK

Councilmember Dugan announced that Mayor Harris proclaimed September 7-11, 2009 as “National Payroll Week” in the City of Duluth and presented to members of the American Payroll Association: Regina Haynes, John Hunt, Lucy Ramondetta, Doralee Allar, Todd Ohlen, Nancy Plaisted, and Sherry Pryor.

III. CONSENT AGENDA

1. APPROVAL OF AUGUST 24, 2009 MINUTES

2. WAIVER REQUEST/USE AGREEMENT - ROGERS BRIDGE PARK - 3-DAY BREAST CANCER

[Exhibit “A”]

Approval of this item approves a request for the use of Rogers Bridge Park as a campsite from October 23 – October 25, 2009 for the National Philanthropic Trust (NPT) 2009 Atlanta Breast Cancer 3 Day event at the request of organizer David Kramer. Staff recommends approval of the event, waiving section 10.5-40 of the Duluth code, and authorizing the Mayor to execute the contract. The Foundation will provide the required Site Liability Insurance Policy, and approved usage agreement for the Mayor and Council.

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. SIDEWALK IMPROVEMENT – CORNER OF MAIN AND W. LAWRENCEVILLE STREETS

A downtown merchant has requested permission to improve the sidewalk in front of the former Economy Pharmacy using a concrete cobblestone design. Staff’s concerns relate to the materials utilized and safety issues. Staff recommends that specs concerning the safety of materials used for pedestrian access be furnished and a possible waiver of liability obtained before granting permission. If the City were bidding the project, ADA and safety would be part of the design specifications.

Economic Development Manager Chris McGahee came forward to show two samples of “stamped concrete” that the applicant had brought as examples of possible use.

Council member Bomar stated that she felt the concept had merit but would like to see more specific drawings, exact materials with the types of friction pattern that would be safe enough to walk on without slippage.

Councilmember Dugan also liked idea but mentioned his concerns with ADA compliance and safety issues due to the proximity to the corner and busy streets.

Councilmember Bomar requested that at the time of the review, a plan to incorporate the relocation of the stop sign be considered by possibly incorporating an extension of the sidewalk to protect the stop sign (which would be the City's responsibility).

Planning Director Cliff Cross suggested that the applicant submit something formal for evaluation to the Core preservation District review board.

Councilmember Mundrick noted that two approvals would be necessary; one by the Core Preservation board for the design on the sidewalk, and the other approval by Council regarding the City right-of-way.

A motion was made by Councilmember Mundrick, to postpone the request indefinitely.

Councilmember Bomar asked for clarification of "indefinitely," and the response was that the timing is under the applicant's control-- until they provide formal information to the CPD-C board.

Councilmember Dugan requested an amendment to the motion to add it was postponed: until review of the CPDC and staff with relation to what they (applicant) bring forward.

Councilmember Mundrick amended his motion to say:" Until such time as the Director of Planning and Development places it back on the agenda after approval by the Core Preservation District review."

The motion as amended was seconded by Councilmember Whitlock.

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

V. MATTERS FROM CITIZENS

1. STREET STRINGS – VIOLIN ART PROJECT

Jennifer Freeman and Shelly Howard came forward to talk about the "Street Strings" Project. Over 200 violins were purchased for decoration, and will be placed on display in merchant windows and on the sides of buildings in the downtown. This project was intended to commemorate a visit by approximately 10 French violin makers who are coming to the USA to tour 3 cities. They will be visiting the Huthmakers of Duluth on September 11th and 12th.

Mayor Harris commended Ms. Freeman and Ms. Howard for bringing the whole community into this event.

VI. MATTERS FROM COUNCIL/DEPT HEADS/CITY ATTORNEY

1. ORDINANCE TO AMEND THE FY10 BUDGET

[Exhibit "B"]

The Mayor and Council considered an ordinance to amend the FY10 budget to reflect the following:

In April of 2009 the Mayor and Council approved a budget amendment to purchase \$179,923 in police equipment. Staff was able to obtain additional discounts from the vendor; \$2,925 was saved on the purchase of the equipment. Staff asked that the unspent funds of \$2,925 from the FY09 budget be brought forward and added to Police Equipment line item 100-807-322353160 in the Police Uniform PDP PD-07-01.

A motion was made by Councilmember Mundrick, seconded by Councilmember Hall, to approve the ordinance to amend the FY10 budget as presented and read by Mayor Harris.

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

2. CONTINGENCY REQUEST – 2004 PROPERTY TAXES – STEED PROPERTY, parcel 6-324-321

City Attorney Lee Thompson explained that the Mayor and Council were asked to consider approval of a contingency request in the amount of \$5,897.86 for property taxes associated with a lease/purchase agreement for green space property. Under the agreement, which was signed in 2004, the City was obligated to pay the taxes for that year.

A motion was made by Council member Hall, seconded by Council member Whitlock to approve contingency request as presented by Mr. Thompson [in the amount of \$5,898 to be transferred to CC-01, line item 100-504-15652227, Taxes on Purchased Properties].

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

3. ORDINANCE TO AMEND THE DULUTH CODE – SECTION 10-5-39 – PARK ACTIVITIES

The City has received several complaints recently from individuals and merchants regarding damages from lacrosse players who have hit the buildings several times and broken the glass out of a downtown merchant's business. Therefore, activities that could cause a risk of injury or damage to property (such as lacrosse and baseball for example) should be considered as prohibited in the Town Green area.

Approval of this item will authorize the City Attorney to prepare an amendment to the Duluth Code of Ordinances Article II, Section 10-5-39 "Prohibited Activities in Taylor Park and Town Green" by prohibiting activities such as lacrosse, baseball and golf, where the activity could result in damages to property or injury to individuals.

Council member Bomar stated that she understood the issue, and the need to protect the citizens and business owners, but asked that the Council weight carefully "Prohibiting" so that it does not prohibit "fun things" for families to do.

A motion was made by Councilmember Dugan, seconded by Councilmember Hall, to authorize the City Attorney to draft an amendment [regarding] prohibited activities.

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

4. APPRECIATION FOR OFFICER SAMUELS

Council member Whitlock commended Officer Randy Samuels on his "Our Creation" program and for giving his time to at-risk youth in the community. This program involves the formation of a mentoring group that gives positive direction, good advice, and provides opportunities for friendship among the teens.

5. DULUTH HIGH SCHOOL PEP RALLY

Council member Hall announced the Duluth High School's annual Pep Rally in the Town Green, Thursday August 27th at 7:00 p.m. The Duluth High School Band will be performing.

VII. ADJOURNMENT

A motion was made by Councilmember Bomar, seconded by Councilmember Hall, to adjourn at 7:25 p.m.

All for. Motion carried unanimously.

MAYOR HARRIS ANNOUNCED THAT A WORK SESSION WOULD BE HELD IN THE MAIN STREET CONFERENCE ROOM, AND INVITED THE PUBLIC TO ATTEND.

Approved this _____ day of _____, 2009.

Mayor Nancy Harris

ATTEST:

City Clerk Teresa S. Lynn