



**WORK SESSION OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
SEPTEMBER 14, 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
SEPTEMBER 14, 2009**

Mayor Harris called the meeting to order at 6:05 p.m.

INVOCATION/PLEDGE: Councilmember Whitlock

WELCOME RESIDENTS: Heritage Walk/Whitney Place

I. CONSENT AGENDA

1. APPROVAL OF AUGUST 24, 2009 MINUTES
2. ORDINANCE TO AMEND THE DULUTH ORDINANCE – PROHIBITED ACTIVITIES [Exhibit "A"]

Approval of this item approves an ordinance to amend the Duluth Code regarding activities that are prohibited on the Town Green/Taylor Park area.

3. ACCEPTANCE OF GRANT - \$12,653 – POLICE

Approval of this item accepts GMS Award 2009-DJ-BX-1041, Byrne Justice Administration Grant which is a local grant in the amount of \$12,653. This is 100% Federal Funds and will be applied as follows: PD-74-10 Account Code 32200.53.1600, CRIME PREVENTION /COPS - \$3,246.00 and TECHNOLOGY IMPROVEMENTS/CID \$9,407.

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

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

II. NEW BUSINESS

1. AUTHORIZATION TO RESCIND MOTION OF JANUARY 22, 2007 – RETIREE HEALTH BENEFITS

As recommended by the Finance Committee during their September 3, 2009 meeting, the Mayor and Council considered rescinding the motion made for item 3 under New Business during the January 22, 2007 Council meeting. This motion provided employees a combined pension and health care option at either age 60 with 25 years of service or age 62 with 20 years. Chairman Bradley Carroll of the Finance Committee explained during work session that other options are currently being explored.

Councilmember Bomar noted that no current employees have been affected under this plan.

A motion was made by Councilmember Mundrick, seconded by Councilmember Dugan, to rescind the motion made by Councilmember Dugan and seconded by Councilmember Hall on January 22, 2007 regarding retiree health insurance/retirement benefits.

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

2. AWARD OF BID – 3116 MAIN STREET DEMOLITION/ROOF (CALVARY/RED CLAY BLDG.)

Mayor Harris noted that there was a considerable discussion during the work session regarding this agenda item. The City has taken bids on demolition/roofing work on the end of the old Calvary Church/Red Clay building in preparation of Highway 120 work. Three bids were submitted and included information on prior experience, bonding, time schedule and basic cost breakdown.

Councilmember Whitlock did not feel that the proposals we have are “apples to apples” and not a fair comparison, and he asked for Staff to get further clarification.

Councilmember Dugan felt that it should be brought up again by the next Council meeting in light of the recent water damage occurring in the building. (The leak was later determined to be from a County water line and not a leak from inside.)

Councilmember Mundrick noted that it is not unusual to get a wide variety in figures in the bid process. He asked to see the RFP to determine if it was completely clear, and thinks we should only go back out to bid under extreme circumstances. He does not feel that companies will want to bid on jobs for the City if we continue going back out for new figures all the time. He feels that if it was a good RFP, Council should make an award based on the information we have.

Councilmember Whitlock referenced the discrepancies in the work covered, and feels that the scope of each submission is not the same. He was concerned that not directly addressing the differences in the proposals in terms of the work performed could be neglecting some key components of the project.

Councilmember Mundrick said that the City needed to concern itself mostly with the outcome of the project: Is it good, timely and done for most reasonable cost. It is not up to the City to determine how many people are needed to do it on time.

Councilmember Bomar agreed but said it needed to move forward at the next meeting.

A motion was made by Councilmember Whitlock, seconded by Councilmember Dugan, to postpone this item.

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

III. MATTERS FROM CITIZENS

1. QUESTIONS REGARDING CONFLICTS OF INTEREST

Shelly Howard of 3657 West Lawrenceville Street came forward to question the circumstances regarding what constitutes “conflicts of interest” for members of Council.

City Attorney Lee Thompson explained that State Law prohibits a Councilmember from voting on matters in which they have a direct personal financial interest, defined as personally beneficial to them or a member of their immediate family. Council members may decide that if there is an appearance of a conflict, they may abstain or recuse themselves, but they are not required to unless it falls under the definitions of state law.

IV. MATTERS FROM COUNCIL/DEPT HEADS/CITY ATTORNEY

1. CONTINGENCY REQUEST –\$56,289 – ATTORNEY FEES, TRAINING AND SAFETY

The Mayor and Council considered a contingency request to cover the city’s share for the current legal fees for the Service Delivery Strategy lawsuit as well as the cost of the mandated citywide HIPAA and FACTA training. Additionally this contingency request will also purchase 4 AED Defibrillators for emergency use at City Hall, the Festival Center, Public Works and the Red Clay Theatre.

Councilmember Mundrick commented that \$50,000 was attorney fees regarding the Service Delivery Strategy. He explained the problem with unequal taxation for city residents, who pay for approximately \$2 million dollars more than they receive in services.

A motion was made by Councilmember Mundrick, seconded by Councilmember Hall, to approve the contingency request as presented.

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

2. LINE ITEM TRANSFER - \$55,272 – IN-CAR COMPUTERS

The Mayor and Council considered a request by the Police Chief to transfer funds from the Vehicle Purchase line item 820/322354221 to Vehicle Equipment, 820/322354212 to continue the purchase of in-car computers to support the New World software. This money comes from the 2009 SPLOST.

A motion was made by Councilmember Dugan, seconded by Councilmember Bomar to approve the line item transfer as presented.

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

Motion carried.

3. ORDINANCE TO AMEND THE FY10 BUDGET - \$14,224 – INSURANCE FOR POLICE CAR

The Mayor and Council considered an ordinance to amend the FY10 budget to reassign funds received for an insurance settlement payment on a totaled police vehicle from the General Fund to the Vehicle Equipment line item 820/322354212.

A motion was made by Councilmember Mundrick, seconded by Councilmember Whitlock, to postpone this item indefinitely.

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

Motion carried.

4. CRIME STATISTICS RELEASED – CITY OF DULUTH LOWEST IN GWINNETT

Councilmember Mundrick commended the Police Department and the citizens for all the hard work involved with keeping Duluth one of the safest cities again this year. Statistics show that Duluth has the lowest crime rate in the County, and ranks 24th out of 28 cities in metro Atlanta for fewest overall crimes committed.

5. APPRECIATION FOR VIOLIN EXHIBITION AND STREET STRINGS

Councilmember Bomar thanked everyone involved with the very successful French Violin exhibition at Huthmaker's where dignitaries and violin makers visited Duluth for over a week, and for the Street Strings project to celebrate the visit. She was very impressed with meeting some of the famous craftsmen and women, who are renowned "artists" in their country and noted it was very impressive for a small city like ours to have something of this caliber.

6. FALL FESTIVAL CONCERT – SWINGING MEDALLIONS

Councilmember Dugan thanked all involved with the concert and noted that this year's Fall Festival would be coming up ON September 26th and 27th.

7. MUTUAL AID AGREEMENT – GWINNETT CITIES WITH POLICE DEPARTMENTS

City Administrator Phil McLemore explained that the local Police Departments have been working on an agreement to assist other cities with their resources. For example, Duluth has a forensic laboratory, Snellville has drug dogs, and different Police Departments have different strengths that they can offer to their neighbor cities. They are also going to work with the Sheriff's department to prepare for hazards, etc. and share resources. The City Attorney will review it and provide feedback.

V. ADJOURNMENT

A motion was made by Councilmember Whitlock, seconded by Councilmember Hall, to adjourn at 6:30 p.m.

All for. Motion carried unanimously.

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

Approved this _____ day of _____, 2009.

Mayor Pro tem Jim Dugan

ATTEST:

City Clerk Teresa S. Lynn