



**WORK SESSION OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
SEPTEMBER 28, 2009**

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

ABSENT: Mayor Harris

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.

Councilmember Mundrick explained his analysis of the Red Clay building demolition/reconstruction and roofing. He felt that the original RFP was very general, but that the second addendum was very good. The description of the work to be performed was not 'specification' related, partly because there are many unknowns with this project. The scope of work could have been defined a bit more clearly. He outlined the qualifications of the three bidders to perform the work for this project.

Mayor Pro tem Dugan noted that since the time that the bids were accepted, the building has developed quite a few more problems. Chris McGahee said the condition has deteriorated greatly in the past week due to all the heavy rains. Staff has closed and sealed off the entire old section, which is completely unusable due to dampness and extreme mold. Most of the areas in this part of the theatre are being used as office space, classrooms, as well as the bathrooms. In his opinion, the recent rains and flooding have pushed those areas of the building past the salvage point. The Council then agreed that the scope of the demolition was changed greatly and therefore, new bids would be necessary. Staff was directed to see if SPLOST funding would be available for a replacement building under the "recreation" heading.

Public Works Director Audrey Turner gave a quick recap on the damage to Frankie Lane, which resulted from too much water coming from several directions on Hwy. 120 at the same time. The rushing water tore out the existing headwall, existing pipe, and collapsed one full lane of the road. The pipe was one that the stormwater consultants previously identified as partially clogged. There is an additional pipe under Frankie Lane which is also partially clogged, and she feels it makes more sense to replace both sections of pipe at the same time. There are some issues with pipes under Hwy 120 that we have reported to DOT but they have not expressed concern with their part at this point. Ms. Turner said that of the three bids received, she is comfortable with recommending the low bid, and to pay for repairs from the emergency repair line item. Council agreed to add this item to the agenda so that the work can begin as soon as possible.

**MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
SEPTEMBER 28, 2009**

Mayor Pro-tem Dugan called the meeting to order at 7:00 p.m.

INVOCATION: Councilmember Bomar

PLEDGE: Scout Joseph Roche, Troop 419

WELCOME RESIDENTS: Harris Orchards/Village at Albion Farm

I. CEREMONIAL MATTER

1. RECOGNITION OF 2009/2010 DULUTH FAB BOARD

Parks and Recreation Director Kathy Marelle came forward to present the first Duluth “Fifty and Beyond” (FAB) Senior Citizen Advisory Board for the City of Duluth. This volunteer board assists the Parks department with planning senior citizen activities and guide participation of over 200 members of the Duluth FAB. They have volunteered to assist staff with department activities while promoting senior citizen involvement. Board members include: Cliff Curtis – Chairman, Ed Gutknecht – Vice Chairman, Herb Link – Secretary/Treasurer, Margaret Herman – Membership Services, Viola Macchio – Social Chairman, Joy Torrance and Marie Boone – Advisors. The board operates under the guidance of Beth Anne Woodruff, City of Duluth Special Events/ Senior Coordinator.

2. INTRODUCTION OF NEW CITY REPRESENTATIVES – WASTE SERVICES

Brad Martin, Municipal Marketing Manager for Republic Services of GA (United/Robertson Sanitation) came forward to introduce the new local management team from the Winder office representatives

3. APPRECIATION TO STAFF – DULUTH FALL FESTIVAL FLOAT & SAFETY

Mayor Pro tem Dugan extended thanks to City staff in making the “world class city float for the Fall Festival, which was a replica of the Town Green and the fountain. He noted that was made almost entirely out of recycled materials. He also thanked Public Works and the Police Department for keeping everyone safe.

II. CONSENT AGENDA

1. APPROVAL OF AUGUST 24th WORK SESSION NOTES, SEPTEMBER 14, 2009 MINUTES/NOTES

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

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

Motion carried.

III. OLD BUSINESS

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

The City has taken bids on demolition/roofing work on the end of the old Calvary Church/Red Clay building in preparation for the Highway 120 improvements. Due to the complexity and cost of this project it was advertised to meet the State public works projects requirements. Jon Erickson of Hill, Foley, Rossi was hired to help develop an RFP, drawings on the building for reconstructing an exterior wall and guidance on demolition, as well as review of the RFP responses.

Three bids were submitted and included information on prior experience, bonding, time schedule and basic cost breakdown. Additional questions were asked and more detailed breakdowns were submitted to more accurately compare the bids. Council asked for further validation on the RFP to ensure a fair comparison of the quotes as submitted. Since that time, there have been heavy rains and flooding all over the metropolitan Atlanta area, which have caused extensive damage in part of the area of the building that was not originally slated for demolition.

Councilmember Mundrick noted that it would not be worth going forward with the proposals that already came in due to a substantial change in scope of the work that is now necessary. He felt the best option would be to reject all bids and re-advertise the project to include tearing down the entire "old" portion of the building, which is everything to the left of the theatre and lobby (concession) area.

A motion was made by Councilmember Mundrick, seconded by Councilmember Whitlock, to reject all bids and direct staff to develop an RFP to tear down the entire old building structure.

Councilmember Bomar asked, in the interest of time and cost, if staff would look at putting together a design/build project, and look at various funding sources (potentially recreation/SPLOST) and all possible ways to fund such a project, as well as to look at GEMA for recovery.

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

IV. MATTERS FROM CITIZENS

1. CONCERN FOR BIDS

Marcus Hoge came forward to say that he was the legitimate lowest bidder for the Red Clay building demolition. He asked who would be considered for design bid.

Councilmember Bomar said that it would still be put out as public bid, but this is just a tool used to match design and construction, sometimes one can be started before the other is finished, which saves time.

Mr. Hoge said he has been in business since 1972, and he felt like there is a bias toward another local contractor.

Councilmember Bomar responded that the Council is most concerned that there is a good process in place and felt that the RFP was not adequate to get a proper comparison, which is the only reason for questioning the bids.

Councilmember Whitlock said the breakdowns of the work to be performed were not equal and therefore couldn't be properly evaluated; it had nothing to do with which contractors were lower, just seemingly substantial differences in the work that was outlined and quoted.

2. QUESTION REGARDING FALL FESTIVAL PARKING

Maxine Garner of 3182 Crestview Circle came forward to ask why two city parking lots were used for "paid" parking with the proceeds going to the Southeast Railroad Museum. She said they were charging \$10 for parking and wanted to know who authorized it and why that particular group was chosen to be the recipient.

Councilmember Bomar said it was not a decision made by City Council.

Staff was directed to check and report back.

V. MATTERS FROM COUNCIL/DEPT HEADS/CITY ATTORNEY

1. CONTINGENCY REQUEST –\$6,300 – AED DEFIBRILLATORS

The purchase of AED Defibrillators was approved via contingency request on the September 14th agenda. The cost included in that request was inadvertently for one unit rather than four. Therefore, an additional amount of \$6,300 is needed to purchase the additional three units. These will be placed in the Festival Center, Public Works Facility, and Red Clay Theatre. The 4th unit, approved last meeting, will be placed in City Hall.

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

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

Motion carried.

2. FRANKIE LANE – RFP/BID FOR DRAINAGE REPAIR

Public Works Director Audrey Turner came forward to explain that a 60" drainage pipe located under Frankie Lane failed due to all the heavy rain and flooding. It took out numerous trees, catch basins and one lane of the road. Emergency quotes were received for repairs as follows:

Taco Contractors	115,000.00
Jim Craig Cons	98,458.43
Alan Densmore	84,931.70

After analysis, staff recommended acceptance of Alan Densmore bid. Councilmember Bomar noted that she was comfortable with the review of material.

A motion was made by Councilmember Bomar, seconded by Councilmember Whitlock, to approve the recommendation of the Public Works Director to grant the contract to low bidder Alan Densmore.

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

Motion carried.

Councilmember Whitlock asked about the option of future bids remaining anonymous to appear not to show any type of favoritism when awarding a bid.

City Attorney Lee Thompson said it depends on the type of bid. For projects over \$100,000, they are competitive bids which are open and available for public inspection, with the award to lowest responsible bidder. The second type normally consists of an RFP, where criteria are evaluated and cost is not the sole factor. Although it is possible to have those numbered and not named, past performance is part of the evaluation and so it is not generally practical to withhold the name of the company.

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

A motion was made by Councilmember Mundrick, seconded by Councilmember Bomar, to adjourn to executive session to discuss at 7:35 p.m.

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

After the discussion, a motion was made by Councilmember Bomar, seconded by Councilmember Hall, to return to regular session at 8:25 p.m.

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

VII. ADJOURNMENT

A motion was made by Councilmember Bomar, seconded by Councilmember Hall, to adjourn at 8:35 p.m.

All for. Motion carried unanimously.

MAYOR PRO TEM DUGAN ANNOUNCED THAT THERE WILL BE A WORK SESSION HELD AFTER THE MEETING IN THE MAIN STREET CONFERENCE ROOM, AND THAT THE PUBLIC WAS INVITED TO ATTEND.

POST COUNCIL MEETING WORK SESSION CITY OF DULUTH SEPTEMBER 28, 2009

A work session was held after the Council meeting.

1) FLOOD DAMAGE REPORTS

Parks & Recreation Director Kathy Marelle reported that the damage at the Bunten Road Park Activity Building was minimal and requires mostly in-house repairs. The biggest problem is the bridge over the creek, where rushing water took out a fair amount of stone along the nature trail. She is waiting on bids to repair; one bid was for \$6,500. Most of the playground mulch was washed away and needs to be replaced as well.

Public Works Director Audrey Turner said that about six areas were flooded; all have been checked, nothing was found to be of major damage other than Frankie Lane. At Brookshire/Baronet, the road held up but is in need of repair very soon. The Town Green sinkholes were fixed but will need sod replacement. Councilmember Mundrick asked about the list of stormwater inventory and said the last he heard, we were still waiting for our consultant to go through all MS4 issues. He would like to get a status report soon, as the whole issue translates into whether we should add a stormwater utility, and Council has been waiting on the inventory/schedule and costs to make some decisions.

Planning Director Clifford Cross said that the inventory is complete, and Staff has been meeting with the consultants. Appropriate fees for each subdivision/resident and commercial business need to be determined depending on impervious surface, and so information is still in the preliminary stages. Councilmember Mundrick wanted to know what the costs are per year of what needs to be fixed, and how quickly things need to be fixed as well. From a Public Works standpoint, the worst ones have been identified as 'critical' and those were where staff has focused their energy.

City Clerk Teresa Lynn noted that all the department heads really had their hands full with the situations that developed due to the flooding, but that everyone "stepped it up" and handled matters very quickly, calmly and professionally.

Economic Development Manager Chris McGahee went to check on all the downtown merchants. New Dawn had a few new leaks but the old leaks were very troublesome. The front windows of Boudreaux started leaking on Saturday. Overall, there was not a huge concern but Red Clay suffered the worst.

Ms. Lynn reported five leaks at City Hall; most were minor but the Mathias crew has been working to identify and correct problems.

Mr. Cross said Planning has been assisting other departments with GIS information, etc. and information regarding detention ponds. From a GEMA standpoint, he has completed public assistance worksheets regarding the problems we had, identifying what our damage was to road systems and public/government facilities. He has provided the specifics and photos for initial review. For roadways, he sent information on the Frankie Lane damage.

Mr. Cross said he also included Bunten Park and Red Clay. According to the GEMA classification system, City Hall was "minor." Red Clay is "major," but he can change to "destroyed" if we need to. Councilmember Bomar noted that we have sufficient documentation to show that we thought most of the building's integrity could have been maintained and it was habitable before the storm. She asked that it be kept in the category where we would have the most likelihood of getting funding for the replacement area.

Mr. Cross noted that there may be more issues coming up in the next few months, such as sidewalks collapsing due to erosion, etc.

2) ECONOMIC INFRASTRUCTURE BANK

Councilmember Bomar reported that she attended a meeting where Gina Evans, head of the state infrastructure bank (CFO) was there primary purpose for meeting to talk about her vision for this concept. Last year, the legislature allocated \$28M to low interest loans (2%) for government entities with specific projects that would provide a guaranteed revenue stream to ensure the entity could pay them back. The idea is to encourage more applications that could be “bundled” in order to go out to the bond market. If they can reach \$100M in projects, there are greater options for lending sources. Municipal governments like ours and CIDs can apply for grants. They are leaning toward projects that have more of regional impact, such as collaborative projects. Councilmember Bomar referenced the proximity of the Gwinnett Place CID and noted that if a joint project could be identified, we could apply for partial grant/partial loan application.

Councilmember Bomar further stated that as of October 1st, the application is available. As for the cost of the application, fees awarded are supposed to cover cost, and there would be incentives to submit multiple applications per jurisdiction.

Councilmember Mundrick noted that the Rogers Bridge project and water line option would be a great example of a cooperative effort between Duluth, Johns Creek, and perhaps the counties.

3. FREE ALCOHOL (WINE) IN DOWNTOWN SHOPS

The Art Council has asked if the downtown merchants can serve wine in conjunction with their scheduled events. This has become a more prevalent practice in other shopping areas as well. Council agreed that it needs more discussion as some feel it is a disadvantage to those businesses who are lawfully licensed to sell alcohol and who follow the process of obtaining special event permits as well as pay for both licenses. There is also a disadvantage to recovering the license fees when some want to give it for free; who would go to those merchants and pay for their drinks if they can get it free somewhere else? Councilmember Bomar asked that everyone involved be notified when the discussion would take place in the interest of being fair to all parties concerned.

Approved this _____ day of _____, 2009.

Mayor Pro tem Dugan

ATTEST:

City Clerk Teresa S. Lynn