



**MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
FEBRUARY 12, 2018**

PRESENT: Mayor Harris, Council members Bomar, Carden, Jones, Kelkenberg and Whitlock, City Manager, Department Directors, City Attorney

A work session was held prior to the regular scheduled meeting to allow the elected officials to discuss this evening's agenda items. No other items were discussed and no action was taken.

Mayor Harris called the meeting to order at 6:20 p.m.

I. EXECUTIVE SESSION

It was necessary to hold an executive session on Real Estate, Pending/Potential Litigation, Personnel.

A motion was made by Councilmember Whitlock, seconded by Councilmember Kelkenberg, to adjourn to executive session at 6:20 p.m.

Those voting for: Council members Bomar, Carden, Jones, Kelkenberg and Whitlock
Motion carried.

After the discussion, a motion was made by Councilmember Kelkenberg, seconded by Councilmember Bomar, to return to regular session at 6:40 p.m.

Those voting for: Council members Bomar, Carden, Jones, Kelkenberg and Whitlock
Motion carried.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

II. ANNOUNCEMENTS

1. AGENDA CHANGES (IF NECESSARY)

III. CONSENT AGENDA

1. APPROVAL OF JANUARY 8/16/29TH MINUTES

2. ORDINANCE TO AMEND THE DULUTH CODE – ALCOHOL BREWERS & WHOLESALERS {A}

As discussed at the January 29 work session, approval of this item approves an ordinance to amend various sections of Chapter 3 of the City of Duluth Code of Ordinance pertaining to Brewers, Breweries, and Wholesale alcohol distributors.

3. ORDINANCE TO AMEND THE DULUTH CODE – MAYOR & COUNCIL COMPENSATION {B}

As discussed during the January 29 work session, approval of this item approves an ordinance to amend Section 2-27 of the Duluth Code by adding the Gwinnett Municipal Association to the list of meetings/training eligible for compensation under the current pay structure for the Mayor and Council.

4. ACCEPT DONATION/ORDINANCE TO AMEND THE FY18 BUDGET – STATE OF CITY {C}

The City of Duluth received a donation of \$1,000 from a local business to support the Mayor's Annual State of City Address held in January at the Red Clay Music Foundry. Approval of this item accepts the donation and approves a corresponding budget amendment to add \$1,000 to the Public Information/Marketing - Public information Administration - Employee/Council & Community Relations line item 100-1080-1570-531703.

5. 2018 EVENT APPROVAL & WAIVER REQUEST

Approval of this item acknowledges that the following events are deemed sponsored or cosponsored by the City of Duluth. Approval of this item also waives food service requirements per Section 26-2-370 of O.C.G.A., which exempts food vendors from having to obtain said permits provided that the event lasts 120 hours or less. The waiver applies to signage fees and signage location requirements provided that the City Clerk and Public Works Director are given a list of where signs will be erected throughout the city for promotion of approved events. Events labeled Open Zone will allow alcohol to be purchased from Licensed Merchants within the Downtown area and carried out as well as allow coolers to be brought into the designated area. All other events taking place in downtown fall under the Licensed Merchant Zone that allows alcohol to be purchased from the Downtown Licensed Merchants and carried out into the Downtown area. The following are scheduled events thus far:

- March: 23rd- Cornhole League begins
27th- Young Professionals Social
29th- Book Talk & Signing
31st- Muddbugs & Music
- April: 14th- Duluth Rotary Car Show
21st- DHS Football 5K
28th-May 5th- Art Week
28th& 29th- Duluth Spring Arts Festival
- May: 3rd- National Day of Prayer
4th- September 21st- Food Truck Fridays
4th- Lantern Walk
4th- Spring Art Walk
5th- Summer Stage Concert- Aurora - Open Zone
10th-13th- Paint Duluth
19th- 3rd Annual Touch-a-Truck @ Notre Dame Academy
26th- Fast Track 5K & Memorial Day Service

June: 1st- Flicks on the Bricks
2nd- Rafting Event @ Rogers Bridge
9th- Summer Stage Concert- Michael Jackson Tribute - Open Zone

July: 3rd- Duluth Celebrates America - Open Zone
6th- Flicks on the Bricks

August: 1st- Back to School Bubblepalooza
3rd- Flicks on the Bricks
11th- Summer Stage Concert- Georgia Satellites - Open Zone

September: 7th- Flicks on the Bricks
11th- 9/11 Tribute
22nd- Fall Festival Concert - Open Zone
29th & 30th- Fall Festival

October: 6th- Beer Festival
12th- STEAM/Fall Art Walk
13th- S'mores 'N Snores @ Rogers Bridge
26th - Howl on the Green

December: 1st- Deck the Hall (Tree Lighting & Santa)
15th- Cookies & Cocoa w/ Santa @ Red Clay

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

**Those voting for: Council members Bomar, Carden, Jones, Kelkenberg and Whitlock
Motion carried.**

IV. PUBLIC HEARING

Mayor Harris opened the public hearing.

1. ORDINANCE OF REZONING – CASE Z#2017-004- PARCEL 6292 004 - WOOD/RAINES {D}

Planning Director Bill Aiken came forward to explain a request (Z#2017-004) from Ken Wood (on behalf of the property owner, Thomas E. Raines) to rezone approximately 10.187 acres of property in tax parcel 6292 004, from R-100 (Single-Family Residential District) and HC-A (Highway Commercial-Auto District) to PUD (Planned Unit Development District). The proposed rezoning request is for an entitlement to construct seventy-nine (79) attached single-family townhouses and a commercial outparcel.

Mr. Aiken outlined the current zoning and described surrounding uses and noted that the character area for the subject site is "Special Plan Area," Buford Highway Corridor. He highlighted "walkability" and bicycle mobility options, and pointed out that this area is starting to tie into the downtown and therefore can support higher density projects.

As it is a split zoning, Mr. Aiken noted what could be developed with the current zoning classification. The HC auto in the front consists of 3 acres, which could be a mechanic, car dealership, or other retail. R-100 zoning in the rear is single family residential, which would mean that this land could support 5-15 homes.

The Comprehensive Plan states that land uses and densities in this area should be consistent with Study Area "C" of the Buford Highway Corridor Redevelopment Study previously approved in 2010 (revised in 2013), which proposed that a mixed use development should become more dense, with commercial development along Buford Highway and an internal street network to reduce curb cuts as well as offer community greenspace. This project is consistent with the plan.

Mr. Aiken showed that the commercial boundaries make up 13% of the acreage and residential about 87%, but stated that the commercial portion of the proposed development is not anticipated to be developed at this time. When it is, the uses allowed would be limited to those allowed in C-1 (neighborhood business) with the addition of restaurants and Brewpubs. Drive thru restaurants will be prohibited. This proposal does not include the property in the center of this horseshoe. Mr. Aiken gave a conceptual drawing of what could possibly locate there if that property was to be combined in the future.

Mr. Aiken summarized the residential proposal with essentially two different styles of townhomes. There are 46 rear-entry homes in an urban style, and 33 front- entry, more consistent with single family design. The overall project is 8.9 units per acre which falls under the 12 units per acre as allowed. The minimum home square footage is 2,200, and minimum lot sizes are 1,500 for rear and 2,000 for front entry. Although that space is privately owned, the HOA will maintain all vegetation outside of the home.

The driveways, garages and parking were discussed, as well as sidewalks, walking trails, benches, and tree canopies. Mr. Aiken showed the circulation plan, discussed the road network and an internal north/south street that will provide connections to adjacent properties when developed, and said there are sidewalks on both sides except for in one small area. He showed the landscape plan and buffers from Ennfield, and also noted that the home elevations meet the standards of the downtown overlay district (DOD).

Mr. Aiken reviewed the request to explain how it adheres to all seven of the intentions outlined in Section 504.02 of the Unified Development Code for a Planned Unit Development. He also explained that consistency is needed with the Buford Highway Corridor redevelopment Plan:

- Retail/mixed-use building fronting Buford Highway and developing the remainder of the site with residential.
- Park or square located behind the retail/mixed-use portion of the site.
- *"From a market standpoint, planning for increased densities in this area is reasonable. The area adjacent to the Public Safety Building is an appropriate site for multi-family housing and townhomes".*
- Inter-parcel connections through streets and sidewalks.

The applicant understands that the standards proposed by Staff are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

At their January 16, 2018 hearing, the Planning Commission recommended approval of Case Z#2017-004 with conditions pertaining to: General Conditions, Uses & Intensities, Architecture & Urban Design, Landscape & Fencing, Transportation & Parking, Roadways, Stormwater Facilities and Street Lighting, and Signage. Since that time, at the request of neighboring community, the proposed wood privacy fence was replaced with decorative aluminum fence. Therefore, staff recommended approval of Case Z#2017-004 with conditions as shown on the attached ordinance.

Mayor Harris called for discussion from Council.

Councilmember Whitlock asked for clarification on the front loaded garage design.

Applicant Kenneth Wood of Peachtree Corners came forward representing property owner Thomas Raines of 3911 The Battery, Duluth GA. He explained that they have spent a lot of time researching the area and how best to approach this type of project. He complimented that planning staff and said that they had provided former plans and studies which was essential in showing what redevelopment was intended to look like in this area. He realized that they were outside the designation of downtown, but wanted to design to that level and include a divided entrance with a linear park effect and courtyard vista. Mr. Wood said that physically walking the field was invaluable and gave a completely different perspective for fencing/buffering, which are designed to include combinations of replanted areas and preservation areas. He also noted that there is a lot of water that comes from the north, and inundates the neighborhood. Including a pond in the middle of the site intercepts water from the north for Stormwater control. He then noted that the garages will not be white, but rather carriage door styles, of which the colors and tones of building will be matched.

Mayor Harris call for comments from the public. There being none, she returned to Council for questions.

Councilmember Bomar asked about the topography of the site and height of structures in relation to Ennfield.

Mr. Wood said that the property is more level near the back; there is a low point in the middle like a valley.

Mayor Harris asked about connectivity with Ennfield and was concerned that the commercial development, would look like a mini strip mall.

Mr. Aiken responded that there is very limited space available for cutting through existing homeowner property and that the main access on Buford is not far from where Ennfield opens to Davenport so it would not be of great benefit. Mr. Wood noted that the size of the commercial would attract more "boutique" type stores since there would not be a big anchor, more neighborhood type of retail.

Mayor Harris asked about lighting, the timeline of the project and price range.

Mr. Aiken said that the developer would submit a photometric plan at time of permitting which will be consistent with downtown lighting. Mr. Wood responded that, assuming approval this evening, there would be a 30 day period and plans submitted approximately March 15th, permits by July 1, and construction shortly thereafter. He noted that better summer/fall weather would provide expedience. Townhomes are expected to start at \$315,000 - \$330,000 with approximately \$15,000 in available upgrades, similar to those along Hill Street.

Councilmember Bomar questioned the size compared to the newer townhomes. Mr. Aiken reported that those downtown are 2,400 sf, and these are approximately 200 sf smaller of heated space, but the developer has some flexibility.

Mayor Harris asked if there would be enough parking.

Mr. Wood said there are adequate driveways lengths and a good range of parking distributed all around. IF it became an issue, the entry park could also have parallel spaces added. Mr. Aiken said the Code requires one guest space per five units, but this proposal already includes what the City would typically ask for, one space per two units. There is a much higher ratio and the HOA will have control over that. Other communities that have had trouble in the past have parking pads located in right of way. This strategy gets away from that model and the design is much more accommodating. It won't necessarily look or feel like public parking since it's directly in front of someone's house.

Councilmember Whitlock asked if the road that goes north and south could be extension of Davenport, and wanted to ensure the turnaround areas for fire trucks and school buses was adequate. He also wanted to ensure there were provisions to discourage rental properties vs. owner-occupied units.

Mr. Aiken responded that the pavement would not tie in until later but there is a grass paver area, and noted the County would be the ones to sign off on the provisions for emergency/school services. There is a provision that not more than 10% of the units can be rented.

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

A motion was made by Councilmember Kelkenberg, seconded by Councilmember Bomar, to approve the ordinance of rezoning for Case Z#2017-004 as presented.

Those voting for: Council members Bomar, Carden, Kelkenberg and Whitlock
Those voting against: Councilmember Jones
Motion carried.

V. NEW BUSINESS

1. AWARD OF BID – BUNTEN PARK {E}

The Bunten HVAC system has surpassed its operational performance life expectancy. Accordingly, staff issued a request for Proposal (RFP) for replacement of the system. The RFP also included a bid option (1) for refurbishing all PIU (Power Induction Units) and VAV (Variable Air Volume) boxes in lieu of replacement. The City received four (4) proposals, three (3) of which were deemed complete, as follows:

MSI- Mechanical Services, Inc:	\$375, 500.00 replacement	\$357,000.00 option 1
Galgon HVAC & Mechanical Services, Inc:	\$399,892.00 replacement	\$359,628.00 option 1
1st Mechanical Services, Inc:	\$409,000.00 replacement	\$402,500.00 option 1

Staff recommends the project be awarded to MSI- Mechanical Services, Inc. in the amount of \$375,500 for the project plus 10% contingency \$37,550 for a total not to exceed \$413,050 for the Bunten HVAC technology upgrade. Included in the proposed budget amendment will be an additional \$ 11,475 for construction administration for a total project budget of \$424,525.00.

Councilmember Jones asked if there was a timeline. City Attorney Stephen Pereira responded that the contract says within 120 days from notice to proceed.

A motion was made by Councilmember Whitlock, seconded by Councilmember Jones, to authorize the Mayor or City Manager to execute a City Attorney approved contract with MSI- Mechanical Services, Inc. for a total not to exceed \$413,050.00 for the Bunten Road HVAC technology upgrade as presented.

Those voting for: Council members Bomar, Carden, Jones, Kelkenberg and Whitlock
Motion carried.

2. INTERGOVERNMENTAL AGREEMENT – TRANSFER OF PROPERTY TO DDA {F}

The Mayor and Council considered entering an intergovernmental agreement with the Downtown Development Authority (DDA) to transfer 1.839 acres of property located along Hill Street and Ridgeway Road, for the development of a public parking deck with a limited service hotel.

A motion was made by Councilmember Bomar, seconded by Councilmember Kelkenberg, to approve the Intergovernmental Agreement with the DDA for transfer of property as presented, and authorize the Mayor or City Manager to execute the agreement.

Those voting for: Council members Bomar, Carden, Jones, Kelkenberg and Whitlock

Motion carried.

VI. MATTERS FROM DEPT HEADS/CITY ATTORNEY

1. ORDINANCE TO AMEND THE FY18 BUDGET - \$424,525 - BUNTEN PARK HVAC {G}

The Mayor and Council considered approval of a budget amendment to add \$424,525 in unallocated 2017 SPLOST Recreational Facilities funds to the Bunten Road Park Facility capital project for the replacement of the HVAC system. This budget amendment includes \$413,050 (\$375,500 contract award + 10% contingency) for the contract award to MSI Mechanical Services, Inc. and \$11,475 for construction administration.

Councilmember Bomar wanted to assure that that the initial MSI contract amount should stand; only if unforeseen circumstances come up would staff be authorized to pay the additional amount.

A motion was made by Councilmember Whitlock, seconded by Councilmember Carden, to approve a budget amendment to add \$413,050 in unallocated 2017 SPLOST Recreational Facilities funds to the Bunten Road Facility - Recreation Centers - Buildings (320028-6122-541300) line item and \$11,475 in unallocated 2017 SPLOST Recreational Facilities funds to the Bunten Road Facility - Recreation Centers - Professional Services (320028-6122-521200) line item.

**Those voting for: Council members Bomar, Carden, Jones, Kelkenberg and Whitlock
Motion carried.**

2. ORDINANCE TO AMEND THE FY18 BUDGET - \$160,000 – MOTOROLA SOLUTIONS {H}

The City of Duluth has received approval from the Gwinnett County 911 Advisory Committee to enter into a lease/purchase agreement with Motorola Solutions, Inc. for the purchase of a dispatch console system for the Duluth Police Department that will be reimbursed by the 911 Advisory Committee. Reimbursement is received based on an annual budget requests and quarterly submittal of actual expenditures. Budget requests are submitted in July of each year and payment is received in May of the following year, along with a true-up for the prior year's actual expenditures.

Staff included an estimate of these expenditures in its 2018 budget request to the 911 Advisory Committee. However, these payments were not included in the FY 2018 Police Dispatch departmental budget request. Staff is requesting \$160,000 in General Fund prior year reserves be added to the Police - Police Dispatch - Machinery (100-3000-3270-542100) line item for the lease/purchase down payment and quarterly payments.

A motion was made by Councilmember Carden, seconded by Councilmember Kelkenberg, to approve the budget amendment in the amount of \$160,000 as presented.

**Those voting for: Council members Bomar, Carden, Jones, Kelkenberg and Whitlock
Motion carried.**

VII. MATTERS FROM COUNCIL

Councilmember Bomar mentioned that Council should expect to be receiving some information from the Public Art Commission (DPAC) regarding murals.

VIII. MATTERS FROM CITY MANAGER

- Budget committee February 21st 6pm.
- First LEAD class
- Transportation issues - George Rogers (ponding), Buford Highway, (striping), Main St parking lot (weather and soil delays).

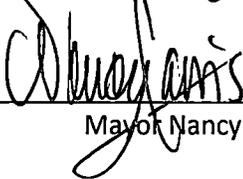
IX. ADJOURNMENT

A motion was made by Councilmember Whitlock, seconded by Councilmember Kelkenberg, to adjourn at 8:04 pm.

**Those voting for: Council members Bomar, Carden, Jones, Kelkenberg and Whitlock
Motion carried.**

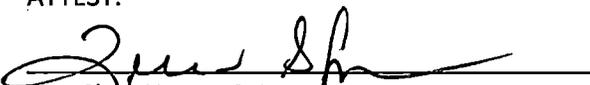
KM 2/15/18

Approved this 12 day of March, 2018.



Mayor Nancy Harris

ATTEST:



City Clerk Teresa S. Lynn