



**MINUTES OF THE  
MAYOR AND COUNCIL  
CITY OF DULUTH, GA  
APRIL 9, 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. Item 3 of the Consent Agenda will be removed due to non-approval by the Gwinnett County Department of Transportation. No other items were discussed and no action was taken.

**Mayor Harris called the meeting to order at 6:25 p.m. and called for a motion to adjourn into an Executive Session to discuss pending/potential litigation, real estate, and or personnel matters.**

**I. EXECUTIVE SESSION**

**A motion was made by Councilmember Bomar, seconded by Councilmember Carden, to adjourn to executive session at 6:25 p.m.**

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

**After the discussion, a motion was made by Councilmember Whitlock, seconded by Councilmember Kelkenberg, 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**

Mayor Harris announced that Item 3 of the Consent Agenda would be removed from the agenda.

**2. UPCOMING EVENTS - [www.duluthga.net](http://www.duluthga.net)**

"Peach State Cornhole" - March 23-May 11 (Fridays), Town Green. 6-8pm

"Rotary Car Show" - Saturday, April 14, Main Street. 10am-2pm

"Duluth HS Football 5K" - Saturday, April 21. 8:30am-12:00 noon

"Art Week" - April 28-May 5. See website for details.

"Duluth Arts Festival" - April 28 (10am-5pm) and 29 (11am-5pm), Town Green.

"National Day of Prayer" - May 3, Town Green. 12-1pm

"Fridays N Duluth" - Food Truck Fridays - May 4 - September 21, Downtown Duluth. 6-9pm

Aurora Theatre presents "Hairspray" - May 5, Amphitheater Stage. 8pm. Premium tables with meal are available for sale; visit [www.duluthga.net/events](http://www.duluthga.net/events) for more information.

"Paint Duluth" Plein Air Event - May 10-13, throughout Duluth. Visit [www.paintduluth.com](http://www.paintduluth.com)

"Fast Track 5K" -May 26, Downtown Duluth. 8am

"Memorial Day Service" -May 26, Duluth Festival Center/Amphitheater Stage. 6pm

### **III. CEREMONIAL MATTERS**

#### **1. APPRECIATION – DULUTH PUBLIC ART COMMISSION SERVICE**

Councilmember Carden, the Mayor and Council recognized and presented appreciation plaques to board members for their years of service to the Duluth Public Arts Commission (DPAC): Arzell Thompson has served as a member of DPAC for three (3) years, Cindy Brown has served five (5) years, Katrina Stone has been a member for five (5) years, and G. G. Getz has served as a member, Vice-Chair and Chair on the board for the last five (5) years. They have all been instrumental members of DPAC and worked diligently in growing the art movement in Duluth.

#### **2. APPRECIATION – ALCOHOL REVIEW BOARD SERVICE – LUKE LIVINGSTON**

Councilmember Whitlock, the Mayor and Council recognized and presented a plaque in appreciation to board member Luke Livingston. Mr. Livingston served as a member of the Alcohol Beverage Review Board for 12 years and has been an instrumental member, working diligently on updating policies in keeping with redevelopment and maintaining safety for citizens through responsible alcohol regulations.

#### **3. RECOGNITION FOR DONATION – DULUTH FALL FESTIVAL**

Councilmember Kelkenberg, the Mayor and Council recognized and thanked the Duluth Fall Festival (DFF) volunteers for their recent donation of over \$120,000. The DFF volunteers work tirelessly each year to host the region's premiere festival, which allows Duluth to be enjoyed by over 100,000 visitors. Current and past DFF donations have helped beautify the downtown, purchase equipment, construct Parsons plaza, upgrade the Festival Center building, purchase decorative art pieces, construct parking areas and helped fund countless other projects.

#### **4. RECOGNITION – BROOKS COLEMAN**

Councilmember Bomar, the Mayor and Council recognized Representative Brooks Coleman. In 2014, the Mayor and Council began recognizing individuals whose commitment to serve the Duluth community is above and beyond with "Capture the Spirit" awards. These volunteers, business owners and citizens are passionate about our great city and committed to seeing it prosper. This is just a small token of our appreciation for all the hard work and dedication these individuals share because they love Duluth.

Brooks Coleman has served Duluth in so many ways. He has represented Duluth in the Georgia General Assembly for 26 years and chaired numerous committees during his tenure. He was a long time educator, principal and supporter of our children before his election to the House. Coleman Middle School was recently named in his honor. Brooks volunteers in numerous other ways and is a long standing member of the Duluth Fall Festival Committee. The City of Duluth greatly appreciates his years of service, commitment and passion for the people of the community.

#### IV. CONSENT AGENDA

1. APPROVAL OF MARCH 12<sup>TH</sup>/26<sup>TH</sup> MINUTES

2. AUTHORIZATION FOR CONTRACT – PUBLIC ART “DREAM BIG” MURAL {A}

Approval of this item authorizes the City Manager to execute a City Attorney approved contract with Brenda Ehly for a mural art project along the Hill Street retaining wall between SR 120 and West Lawrenceville Street, as recommended by the Duluth Public Art Commission and approved by Council on February 26th. The funding for this project is allocated in the Public Art Acquisition (PAAF) budget.

3. AUTHORIZATION FOR CONTRACT – PUBLIC ART “DULUTH IDENTIFIED” MURAL

*Removed from agenda. Not approved by Gwinnett County Department of Transportation.*

4. AUTHORIZATION FOR CONTRACT – PUBLIC ART “COSMIC TUNNEL” MURAL {B}

Approval of this item authorizes the City Manager to execute a City Attorney approved contract with Dylan Ross for a mural art project in the pedestrian tunnel at Bunten Road Park as recommended by the Duluth Public Art Commission and approved by Council on February 26th. The funding for this project is allocated in the Public Art Acquisition (PAAF) budget.

5. AUTHORIZATION FOR DESIGN/ORD TO AMEND FY18 BUDGET – SR120 & GEORGE ROGERS AVE {C}

The City has been granted permission by the Georgia Dept. of Transportation to install a traffic signal at SR 120 and George Rogers Ave/Duluth High School (City project# CD-46). At the March 26 work session, Council gave authorization to move forward with the design of this signal. A design consultant was selected from the City's list of on-call service providers and is ready to begin the project as soon as authorized. Design will take approximately 3 months to complete. Approval of this item authorizes staff to give a “Notice to Proceed” to the design consultants and approves a budget amendment to add \$4,085 in unallocated 2017 SPLOST Transportation funds and \$17,415 in Gwinnett County SPLOST matching funds to SR 120 Realignment – Traffic Engineering – Professional Services line item.

6. FISCAL YEAR 2017 AUDIT REPORT

The Fiscal Year 2017 Audit report was presented to the Finance Committee by Joel Black with Mauldin & Jenkins on March 20, 2018. Results of the audit were presented to the Mayor and Council on March 26. The audit report includes the City as a whole, the Downtown Development Authority, and the Urban Redevelopment Agency. The auditor issued an unqualified or “clean” opinion on the City's financial statements. However, the report does include two management comments related to segregation of duties and a property tax allowance for uncollectable taxes. Approval of this item accepts the audit report as presented.

## 7. AUTHORIZATION FOR BENEFITS CONTRACTS – EMPLOYEE INSURANCE

Insurance broker Matt Bidwell of MSI Benefits gathers and analyzes employee insurance renewal data for the City annually. As presented to the Finance Committee on March 20, 2018 and the Mayor and Council on March 26, and after extensive review, staff and the Finance Committee recommend changing the employee medical and dental insurance plans from Blue Cross Blue Shield (BCBS) to Cigna, and also changing the Life and Disability Insurance from Greater Georgia Life to MetLife. Approval of this item authorizes the City Manager to execute the contracts, effective June 1, 2018.

## 8. ACCEPTANCE OF DONATION – \$121,341 - DULUTH FALL FESTIVAL

Approval of this item accepts a donation in the amount of \$121,341 from the Duluth Fall Festival. The City of Duluth is very grateful to the Duluth Fall Festival. These funds will be used to support projects that will benefit the citizens of Duluth.

**A motion was made by Councilmember Whitlock, seconded by Councilmember Kelkenberg, to approve the Consent Agenda as presented with the removal of Item 3.**

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

## V. NEW BUSINESS

### 1. AUTHORIZATION FOR PROJECT DESIGN – ROGERS BRIDGE/MAIN ST INTERSECTION {D}

The intersection of Rogers Bridge Road and Main Street is one of the approved SPLOST projects listed on the Intergovernmental Agreement with Gwinnett County. The County will fund 81% of the project and the City will fund 19%. The project will need to proceed in phases as the most appropriate solution has yet to be decided. Phase I will be a concept phase that identifies and analyzes three potential solutions. A budget amendment is also required. At the conclusion of Phase I, staff will recommend a preferred alternative to move forward into construction plan phase. Therefore, Staff is requesting to move forward only with Phase I at this time for quote amount plus 10% contingency. Approval of this item authorizes staff to give Notice to Proceed to Wolverton & Associates, design consultant for Phase I of the improvements at the Rogers Bridge Road at Main Street intersection, which is estimated to take 3-4- months.

**A motion was made by Councilmember Kelkenberg, seconded by Councilmember Bomar, to approve this item to allow staff to give “Notice to Proceed” to the design consultant for Phase I of the intersection improvement project at Rogers Bridge Road and Main Street.**

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

### 2. ORDINANCE TO AMEND THE FY18 BUDGET – \$58,500 - ROGERS BRIDGE/MAIN ST INTERSECTION {E}

The Mayor and Council considered approval of a budget amendment to add \$11,115 in unallocated 2017 SPLOST Transportation funds and \$47,385 in Gwinnett County SPLOST matching funds to the Rogers Bridge Road and Main Street Intersection capital project to fund Phase I to identify and analyze three potential intersection improvement options. This budget amendment includes \$48,500 to hire a design consultant for Phase I of the project and \$10,000 for the City Engineer’s project time. The budgeted funds will be added to Rogers Bridge Road Main Street Intersection - Traffic Engineering - Professional Services line item.

**A motion was made by Councilmember Bomar, seconded by Councilmember Whitlock, to approve the ordinance to amend the FY18 budget as presented.**

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

3. AWARD OF BID – STREET SWEEPING CONTRACT {F}

Street sweeping is a required element of the City's MS4 permit, and must be done at least one time per year. The City also sweeps locally after events. Our previous contracted street sweeper (Ambrose) broke their contract with the City so we continued to use the sweeper we had on contract prior (Swift Sweep) as they agreed to honor their previous contract rates. On February 23, the City advertised for a new Sweeping Contractor with bids due on or before March 30. Three bids were received as follows:

Watt Commercial Sweeping - \$82.92 per edge/curb mile + \$475 per event = \$23,043.94 per year  
Pateco Services, LLC - \$80.00 per edge/curb mile + \$900 per event = \$26,208 per year  
Swift Sweep - \$89.75 per edge/curb mile + \$1,150 per event = \$30,664.91 per year

The above numbers are based on 226.35 total edge miles and nine (9) annual events that require post sweeping. Staff recommends moving forward with contracting phase with Watt Commercial Sweeping for \$82.92 per edge/curb mile and \$475 per event. Watt's references were checked by staff and were all positive.

Councilmember Bomar noted her preference of not only considering lowest bid and wanted to ensure staff did not foresee a quality difference among the three bids.

City Engineer Margie Pozin responded there was no reason to mistrust the positive references at this point, but that performance would be monitored.

Councilmember Whitlock asked if a motion should be made to allow staff to use the second low bidder if the awarded bidder failed to meet contract requirements. He noted that pricing is very similar per curb mile but very different "per event."

City Attorney Stephen Pereira said that any motion could include a provision; it would be harder to complete the work by someone else after entering into contract and have it breached. However, Staff has discretion in emergency situations.

**A motion was made by Councilmember Whitlock, seconded by Councilmember Carden, to award the bid to Watt Commercial Sweeping and further authorize the Mayor or City Manager to execute a City Attorney approved contract.**

**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-\$140,000 PARKING LOT MODIFICATIONS {G}

Mayor and Council considered approval of a budget amendment to add \$140,000 in unallocated 2009 SPLOST Parking Facility funds to the parking lot modification project (CA#24) behind the Main Street buildings from the Mathias Building to Pure Taqueria. In November, Council approved a bid award to Ohmshiv Construction for

modifications to the parking lot. However, during construction, certain unknown conditions were discovered requiring changes to the original contract. Mainly, poor soil conditions, buried debris, and the replacement of thin asphalt. In addition, scope changes were made to add additional lighting to the parking lot. Staff recommended approval of a budget amendment to added \$125,000 in unallocated 2009 SPLOST Parking Facilities funds to the Downtown Parking - Parking - Parking Lot - Site Improvements line item and \$15,000 to the Downtown Parking - Parking - Parking Lot - Professional Services line item.

**A motion was made by Councilmember Whitlock, seconded by Councilmember Kelkenberg, to approve the ordinance to amend the FY18 budget as presented.**

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

**2. ORDINANCE TO AMEND THE FY18 BUDGET– \$30,000–JOINT CITY/COUNTY PROJECTS {H}**

The Mayor and Council to consider approval of a budget amendment to add \$1,900 in unallocated 2017 SPLOST Transportation funds and \$8,100 in Gwinnett County SPLOST matching funds (\$30,000 total) to three joint City/County capital projects. (Main Street Multi-Use Trail CD-71, Pine Needle Intersection Improvements CD-73 and Bunten Road Sidewalks CD-74) As part of the 2017 SPLOST, the City signed an IGA with Gwinnett County to jointly fund certain capital projects. The funding is split, City 19% and the County 81%. Reimbursement for the 81% is requested once invoices are paid by the City. Currently the City Engineer is working to negotiate project scope and design with our on-call consultants. For this reason, staff is request \$10,000 in unallocated 2017 SPLOST Transportation funds be added to the following line items in each of the projects. \$10,000 to Main Street Multi-Use Trail - Parkways & Boulevards - Professional Services line item, \$10,000 to Pine Needle Intersection Improvements - Paved Streets - Professional Service line item, and \$10,000 to Bunten Road Sidewalks - Sidewalks & Crosswalks - Professional Services line item.

**A motion was made by Councilmember Carden, seconded by Councilmember Kelkenberg, to approve the ordinance to amend the FY18 budget as presented.**

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

**VII. MATTERS FROM CITIZENS**

Tracie Cason came forward and announced her candidacy for Superior Court Judge.

**VIII. MATTERS FROM COUNCIL**

Councilmember Bomar noted excessive trash left behind from vendors following the Muddbugs weekend.

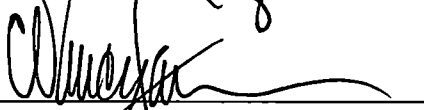
Councilmember Whitlock suggested posting of a sign near the artwork to discourage people from abusing the art displays.

**IX. ADJOURNMENT**

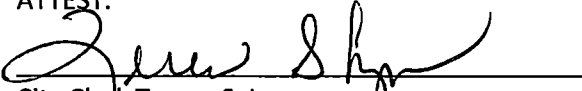
**A motion was made by Councilmember Kelkenberg, seconded by Councilmember Bomar, to adjourn at 7:31 pm.**

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

Approved this 14 day of May, 2018.

  
\_\_\_\_\_  
Mayor Nancy Harris

ATTEST:

  
\_\_\_\_\_  
City Clerk Teresa S. Lynn