



**MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
MAY 14, 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 Bomar, 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 Whitlock, to return to regular session at 6:58 p.m.

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

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

II. ANNOUNCEMENTS

1. AGENDA CHANGES (IF NECESSARY)
2. UPCOMING EVENTS – www.duluthga.net/events

"Fridays N Duluth" - Food Truck Fridays, May 3 - September 21, Downtown Duluth. 6pm-9pm

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

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

"Flicks on the Bricks" - June 1, Town Green. Dusk

"Whatever Floats Your Boat"- Rafting Event at Rogers Bridge, June 2. 9am-4pm

SummerStage Concert featuring "Who's Bad" (Michael Jackson Tribute band), June 9, Festival Center Stage. 8pm. Premium tables available for purchase; visit www.duluthga.net/events

III. CEREMONIAL MATTERS

1. RECOGNITION – DISTINGUISHED BUDGET AWARD

Councilmember Whitlock reported that, for the seventh year in a row, the Government Finance Officers Association (GFOA) has awarded the City of Duluth the "Distinguished Budget Presentation Award." This year the award was received for the City's fiscal year 2017 budget document. The budget document is judged by three government accounting professionals in four overall categories: as a policy document, a financial plan, an operations guide, and as a communications device. Overall, the City's budget document received high marks in all categories. In addition, the budget document also received "Special Capital Recognition," meaning that in the area of capital expenditures and their operating impact, all three reviewers rated the document as outstanding for this criteria. Finance Manager Ken Sakmar recognized staff member Sarah Yamada for her exceptional work on this year's project.

2. APPRECIATION FOR TERESA LYNN – 49TH ANNUAL IIMC MUNICIPAL CLERKS WEEK

Councilmember Bomar announced that the International Institute of Municipal Clerks, a professional non-profit association with members in the US, Canada, and 15 other countries announced its 49th Annual Municipal Clerks Week from May 6-May 12 2018. In recognition for the vital services provided for local government and the community, the Mayor and Council expressed appreciation to Teresa Lynn as she enters her 26th year with the City of Duluth. Prior to that, she was a clerk in Hazlehurst GA for 15 years, and has selflessly given over 40 years total to this profession in the state of Georgia, recognized by the Georgia Municipal Clerks and Finance Officers Association as "Clerk of the Year" in 2010.

IV. CONSENT AGENDA

1. APPROVAL OF APRIL 9TH/23RD MINUTES

2. RESOLUTION – COMMUNITY DEVELOPMENT BLOCK GRANT RENEWAL {A}

Every three years, Gwinnett County, as the lead entity for the Gwinnett Urban County Community Development Block Grant (CDBG) Program, is required to re qualify as an Urban County along with each of its municipal partners. Approval of this item authorizes the Mayor to execute an agreement that allows for continual participation in this program.

3. ORDINANCE TO AMEND THE FY18 BUDGET - \$6,416.27 {B}

The City received an insurance settlement of \$6,416.27 from our insurance company for a Public Works vehicle involved in an accident that the other driver was determined to be at fault. These fund will be used by staff to repair the damage vehicle. Staff is requesting that \$6,416 be added to the Public Works - Public Works Administration - Repairs and Maintenance - Equipment line item to repair the vehicle.

4. ORDINANCE TO AMEND THE FY18 BUDGET - \$100 – FESTIVAL CENTER REPAIRS {C}

Approval of this item authorizes a budget amendment to added \$100 to the Public Information/Marketing - Festival Center - Building Maintenance/Cleaning line item. While here on location, a film crew rented the Festival Center for gathering of the film crew and equipment storage. Unfortunately, the walls in the Festival Center were damaged and now need to be repaired. Funds were withheld from their security deposit to cover the cost of the repairs.

5. APPROVAL OF INSOLVENT LIST – AD VALOREM TAXES {D}

These outstanding taxes are business inventory/personal property taxes that the City's Code Compliance and Tax Officials recently found to be vacant or closed. Per Chapter 2, Article 1, Sec 2- 4 of the Duluth Code, approval of this item grants insolvency status to property tax accounts determined to be uncollectible for years up through 2017 in the base amount of \$6,121.64 plus penalties and interest for a total of \$6863.80. Accounts are considered insolvent only after every effort to collect them has been exhausted, which includes processing late notices, returned mail investigation, cross checks with the Gwinnett County' s Tax Assessors' real and personal property tax files, City and County Occupational Tax records, and other internet research.

6. ACCEPTANCE OF DONATION - \$4,080 – DULUTH FALL FESTIVAL

Approval of this item accepts a donation in the amount of \$4,080 from the Duluth Fall Festival which will be used to support projects in the City. The City wishes to thank them for their donation.

7. ACCEPTANCE OF DONATION - \$1,000 – POLICE BANQUET

The City of Duluth Police Department has received a \$1,000 donation from a local merchant to support the recently held annual police banquet. Approval of this item accepts the donation.

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

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

V. PUBLIC HEARINGS

1. ORDINANCE OF REZONING–Z#2017-003 (C-1 to PUD) – PRIME INTEREST DEVELOPMENT {E}

Mayor Harris opened the public hearing to consider a request (Z#2017-003) from Marty Orr of Prime Interest Development (on behalf of the property owners: Star Home Enterprises, Charles Southerland and Good Samaritan Presbyterian Church) to rezone approximately 6.1 acres of property in Land Lot 293, 6th District, Gwinnett County, consisting of three (3) tax parcels: R6293 073, R6293 214 and R6293 200 from C-1 (Neighborhood Business District) to PUD (Planned Unit Development District). The proposed rezoning request is for an entitlement to construct fifty-five (55) attached single-family townhouses.

Mr. Aiken showed the location map and outlined the transportation mode percentages in the area. He outlined what current development would allow as a C-1 zoning and discussed the character area. This property is also located in the Downtown Overlay District (DOD); the purpose of which is to encourage new development and redevelopment adjacent to the CBD (Central Business District) that follows the compact development pattern, architectural styles, and mix of uses found in the CBD. The DOD is intended to allow the downtown area to extend across Buford Highway by supplementing the base zoning regulations within the overlay district.

Mr. Aiken outlined the existing conditions of the property and discussed the stream buffer, topography, open space and connectivity features. The streets will be private. The applicant has stated that he does not intend to build sidewalk past the edge of the subject property. This will leave a gap of about 10 feet to the existing sidewalk on the AT&T property. The parking spaces are planned for 1 space for 2.39 units, 23 spaces overall.

The elevations submitted to the City have been reviewed against the requirements of the Unified Development Code (UDC) for downtown development. At least the ground level must be brick. Front entry and rear entry have similar elevations for architectural consistency.

Mr. Aiken explained the review of the request, and noted that it adheres to all of the applicable PUD development requirements as listed in section 504.02 of the UDC. He discussed the property value and taxation methodology as reported by the Gwinnett County Board of Tax Assessors. The main influence of property values and taxes is supply and demand.

No official traffic study has been submitted but staff has made projections on trip generation increase, and discussed the standards governing the exercise of zoning power. The Planning Commission recommended approval of Case Z#2017-003 with amended conditions as presented at the May 7, 2018 hearing.

Mayor Harris called for discussion from Council.

Councilmember Carden asked for clarification on the County assessment process, how this would affect the nearby residents, and how the traffic counts were determined. He wanted to ensure that a full traffic study would be required. He also asked about impervious surface increase and the detention pond location. Lastly, he mentioned concerns regarding pedestrian safety.

Mr. Aiken responded that the County assessments are defined by use and classification, and recent comparable sales, not proximity. There is a positive overall effect on the area due to the high standard of development, architecture, and site planning, but this development is not anticipated to affect the neighboring communities as there are no shared roads for ingress or egress. The traffic count was handled by the police department; staff analyzed the data and made some basic assumptions using standard traffic engineering guidelines. He confirmed that prior to land development, a formal study would be presented. The detention pond will be underground and collect all the Stormwater in an underground vault. There are sidewalks going down Howell Street for pedestrian safety and improvements are being investigated.

Councilmember Bomar clarified that the typical traffic study looks at existing vehicular flow at peak times and intersections, but does not take into account sight distances or pedestrian traffic. She would like to ensure those variables are included in the study.

Councilmember Whitlock asked about the remnant parcel and whether or not Hwy 120 was slated for widening. He also questioned the topography and soil runoff control, and raised concerns about pedestrians cutting through private property to access the new businesses at the District.

Mr. Aiken said the remnant will be approved aesthetically, as it is a "gateway" to downtown, whether it's cleared, graded and/or landscaped, subject to transportation improvements. There are no current plans to widen this section of Hwy 120. As for erosion control, any site larger than one acre is required to comply with certain provisions and the City will inspect regularly throughout the construction process.

Mayor Harris called the applicant forward.

Mr. Kenneth Wood of 350 Research Court came forward to further elaborate on the request. He said that this project sets the standard as an entryway to the downtown with good walkability, ample public space, passive amenities, and double sidewalks for pedestrian safety. As far as traffic, they have positioned everything to be connected inside and made the entrance as far north as possible for safety.

Mr. Wood noted that this project is a catalyst to bring sewer into the area because there are no connections in the area and there are topographic challenges. They plan to work very closely with the City on making it work.

A pocket park over 120 linear feet is included, with programming of green spaces, and there will be a streetscape feel. He also feels that developments in or near downtowns are not creating the traffic. Concentrating them closer to downtown makes them more pedestrian based, and the architecture was carefully chosen to complement the downtown style.

Mayor Harris called for questions/comments from the public.

Rodney Harris of 1312 Nicholson Place, Suwanee came forward in opposition to the project. He noted that he is a long time Duluth resident, and expressed concern for increase in taxes in the "Hill area" noting that any increase would push many families out of the area. He feels there have not been affordable housing options in Duluth for a long time, and he said that the continuous addition of new, expensive construction threatens the black population in Duluth.

Ms. Penny Poole of Tucker GA came forward and explained that she attends Friendship Baptist Church and also has family in the area. She echoed Mr. Harris' concerns, and said that gentrification of neighborhoods causes families to get "priced out." She disagreed with concept that comparative analysis of residential options would not affect property tax assessment values. She was very concerned that no one spoke up for the constituents. She said the study was incomplete; items such as impacts on the environment and skyline were not included and will be intrusive.

Caesar Pointer of 4958 Dover Drive came forward to comment. He said he lives near BB Harris Elementary and wants his property to increase in value and gain equity. He feels that development has historically only been on one side of the downtown, so he is in favor of redevelopment on the opposite side of Buford Hwy. He compared Duluth to Norcross, who he feels are only concentrating paying attention to "one side of the tracks," and was generally in support although he does have concerns for the traffic study and intersection with Hwy 120.

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

A motion was made by Councilmember Bomar, seconded by Councilmember Whitlock, to approve the ordinance of rezoning for Case Z#2017-003 with conditions 1-18 as presented, and to amend condition 19 as follows:

#19: The developer shall submit a complete Traffic Impact Study to the City of Duluth prior to the issuance of any development permit. The Study must at a minimum address the following requirements as described in the scope of the Traffic Impact Study: data collection, evaluation of existing conditions, determination of site traffic, analysis of future conditions and a safety analysis which includes but is not limited to sight distance studies and evaluating intersection realignments on Howell Street at Duluth Highway to determine the feasibility of and need for a 90 degree intersection. The developer shall make all improvements recommended by the traffic impact study, provided the improvements are approved by or required by the City of Duluth and/or Georgia Department of Transportation. The required improvements shall be included as part of the development permit.

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

2. FIRST HEARING - CONSIDERATION OF FISCAL YEAR 2019 BUDGET

Mayor Harris opened the public hearing to receive public comment on the proposed FY 2019 Annual Operating and Capital Projects Budget per the State Code of Georgia. Prior to this public hearing, staff and council reviewed the proposed FY 2019 budget in a budget workshop which was properly noticed and opened to the public.

City Manager James Riker presented the strategic vision statements of the City and the proposed balanced FY 2019 budget. The ordinance adopting the FY 2019 budget will be presented for consideration on Monday, June 11, 2018 at a regularly scheduled meeting of the Mayor and Council.

The Mayor called for discussion from Council. Councilmember Jones asked about the COLA percentage and start dates. Mr. Riker will report back closer to June 1 to gauge the revenues at that time in order to make a better recommendation.

Mayor Harris called for questions/comments from the public. Being none, the Mayor closed the public hearing. **No motion was necessary.**

VI. NEW BUSINESS

1. AWARD OF BID/ORD TO AMEND FY18 BUDGET – CITY HALL HVAC UNIT

{F,G}

The rooftop HVAC unit that serves the second floor of City Hall has developed a leak in one of the coils. The unit is approximately 11 years old and has a life expectancy of 15 years. Given the location of the leak repair of the unit is extremely complicated and thus replacement is recommended. Accordingly, staff solicited three (3) bids for replacement of the unit. The bids received are as follows:

Classic Air:	\$ 44,345.00
Coolray:	\$ 46,450.00
Shumate:	\$ 48,654.00

Staff recommends approving a contract with Classic Air in the amount of \$ 44,345.00 for the original contract and an additional amount of \$ 4,434.50 (10% contingency) for a total of \$ 48,779.50. A budget amendment is also required.

A motion was made by Councilmember Bomar, seconded by Councilmember Kelkenberg, to approve awarding the bid to Classic Air not to exceed \$48,779.50 and a corresponding budget amendment to add \$48,780 in unallocated 2014 SPLOST Administrative Facilities funds to City Hall Building - General Government Buildings - Buildings line item.

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

VII. MATTERS FROM DEPT HEADS/CITY ATTORNEY

1. AUTHORIZATION FOR CONTRACT/ORD TO AMEND FY18 BUDGET – BUNTEN BRIDGE RAILINGS {H}

The wooden bridge railings at Bunten Park designed in 1998 have decayed and have surpassed their life expectancy. Staff proposes removal of the wooden railing with replacement of new metal railings similar to the bridge railings installed at the W.P. Jones bridge and the Bunten tunnel bridge. A meeting was held with Pond

& Company to discuss design of the metal railings for the three (3) Bunten bridges located on the asphalt walking trail.

Staff recommends approving a contract with Pond & Co in the amount of \$6,850 to design the bridge railings, along with construction documents for public bid and an additional \$1,000 for bid advertising for a total of \$7,850.

A motion was made by Councilmember Whitlock, seconded by Councilmember Bomar, to approve a contract with Pond & Company as recommended and authorize a corresponding budget amendment to add \$7,850 in unallocated 2009 SPLOST Recreational Facilities funds to the Park Improvements - Park Areas - Bunten Road Trail - Site Improvements line item.

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

VIII. MATTERS FROM COUNCIL

1. DPAC – MURALS

Mayor Harris and Councilmember Bomar referenced the Bunten Park tunnel mural. A more formal announcement/activity is being considered.

2. ROGERS MILL/CARRIAGE GATE CLEAN-UP DAY

Councilmember Carden announced a neighborhood clean-up event and pool party on May 19th & 20th.

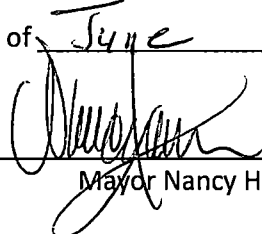
IX. ADJOURNMENT

A motion was made by Councilmember Kelkenberg, seconded by Councilmember Whitlock, to adjourn at 8:35 pm.

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

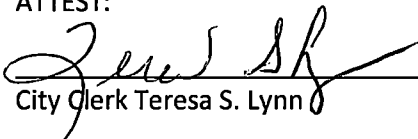
KM 5/16/18

Approved this 11 day of June, 2018.



Mayor Nancy Harris

ATTEST:



City Clerk Teresa S. Lynn