



**DRAFT MINUTES OF THE  
MAYOR AND COUNCIL  
CITY OF DULUTH, GA  
JANUARY 14, 2018**

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

**ABSENT:** Councilmember Bomar

A work session was held prior to the regular scheduled meeting to allow the elected officials to discuss this evening's agenda items.

Councilmember Whitlock agreed to take over as Council representative on DPAC. Other items were discussed but no action was taken.

**I. EXECUTIVE SESSION**

**Mayor Harris called the meeting to order at 6:30 p.m., and called for a motion to enter into an Executive Session.**

*Councilmember Bomar took part in the Executive Session discussion by conference call.*

**A motion was made by Council member Kelkenberg, seconded by Council member Whitlock to adjourn into an Executive session for the purpose to discuss pending/potential litigation, personnel and or Real Estate Matters.**

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

**After discussion, a motion was made by Councilmember Jones, seconded by Councilmember Whitlock to adjourn from Executive Session into regular session at 7:00 p.m.**

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

*Mayor Harris called for a Moment of Silence*

**PLEDGE OF ALLEGIANCE**

**II. ANNOUNCEMENTS**

1. AGENDA CHANGES (IF NECESSARY)

## 2. UPCOMING EVENTS

"The BDLTH Show" - Monday, January 28 at the Red Clay Music Foundry. Join us for the Mayor's Annual State of the City report. Doors open at 6:00pm; show begins at 7:00pm. Visit [www.duluthga.net/events](http://www.duluthga.net/events) for more information. Live streaming will be available via the City website as well.

### III. CONSENT AGENDA

#### 1. APPROVAL OF DECEMBER 1<sup>ST</sup>/10<sup>TH</sup> MINUTES

#### 2. RESOLUTION SETTING 2019 COUNCIL MEETING DATES & TIMES {A}

Approval of this item approves a resolution (R-2019-01) setting the City Council meetings and work sessions for 2019. Council meetings will be held on the second Monday of every month at 7:00 p.m. in the Council

Chambers of Duluth City Hall, located at 3167 Main Street, Duluth, Georgia, with the exceptions of January 28 (Mayor's State of City Address), May 27 (Memorial Day), and June 24 (Annual GMA Training). Agenda review work sessions will be held at 6:15 p.m. before each regularly scheduled Council meeting in the Main Street Conference Room.

Work sessions are scheduled on the fourth Monday of every month at 5:30 p.m. in the Duluth City Hall Community Room with the exception dates listed above. Fifth Monday work sessions held at 5:30 p.m. in the Duluth City Hall Community Room on April 29, July 29, September 30 and December 30. A work session of the Mayor and Council will also be held on Friday, February 1.

#### 3. ORDINANCE SETTING 2019 MILEAGE REIMBURSEMENT RATES {B}

Approval of this item adopts an ordinance (O-2019-03) setting the reimbursement rates at 58 cents per mile for business use of personal vehicles, and medical mileage for the flexible spending account reimbursement plan shall be calculated at 20 cents per mile, effective January 1, 2019.

#### 4. RESOLUTION TO APPOINT LEGAL ORGAN {C}

Approval of this item appoints the "Gwinnett Daily Post" as the City's Legal Organ for 2019. This resolution (R-2019-02) shall not be construed to prevent the City from utilizing a newspaper of general circulation within the City of Duluth or Gwinnett County when authorized to do so by state or local law.

#### 5. RESOLUTION TO AUTHORIZE DEPOSITORIES AND CHECK SIGNING AUTHORITY {D}

Approval of this item approves a resolution (R-2019-03) regarding check signing authority and depositories as per the Financial Policy.

#### 6. ORDINANCE - 2019 MUNICIPAL ELECTION APPOINTMENTS & QUALIFYING {E}

As per the requirements of the State Election Code Section 21-2-131, the governing authority of any county or municipality, not later than February 1 of any year in which a general primary, nonpartisan election, or general election is to be held; shall fix and publish a qualifying fee for each municipal office to be filled in the upcoming election. Such fee shall be 3% of the total gross salary of the office paid in the preceding calendar year including all supplements authorized by law. Approval of this ordinance (O-2019-04) sets the qualifying dates and fees for the City of Duluth 2019 General Election for November 5, 2019, as well as appointing election officials.

7. AUTHORIZATION FOR DPAC "HISTORY BENCH" SCULPTURE – GEORGE ROGERS AVE {F}

As presented to Council during the August 27 DPAC annual update and further coordinated with the George Rogers Avenue lighting and landscape plans, approval of this item authorizes placement of the oak tree sculpture/woodcarving project along the west side of George Rogers Avenue. The Duluth Public Art Commission has set aside Public Art Acquisition funding (PAAF) in this fiscal year and approved a "history bench" art project at their October 10, 2018 meeting. Approval of this item further authorizes the City Manager to execute the associated city-attorney approved artist and engineering contracts.

8. APPROVAL RESOLUTIONS – CITY OF DULUTH 457/401 PLAN TRUSTEE CHANGE {G,H}

Approval of this item authorizes two resolutions (R-2019-04, R-2019-05) which validate the change from Ascensus Trust to Reliance Trust as Trustees for the City's 457/401 Plans with One America.

9. APPROVAL OF QUITCLAIM DEED – HARDY STREET {I}

In 1997, the Duluth City Council held a public hearing and passed a resolution abandoning a portion of Hardy Street (formerly Hardy Industrial Boulevard). The attached quitclaim deed for .590 acres completes the action taken by the Council. Approval of this item authorizes the Mayor to execute the quitclaim deed consistent with the action taken by the Council in 1997.

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

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

**IV. NEW BUSINESS**

1. APPOINTMENT OF MAYOR PRO TEMPORE

The Charter of the City of Duluth states the Mayor Pro tempore will be selected by a majority vote at the first regular meeting of the Mayor and Council in each year. The Council shall elect a council member to serve as the Mayor Pro tempore, who shall assume the duties and powers of the Mayor during the Mayor's disability or absence. Mayor Harris will provide her recommendation for the appointment of the 2019 Mayor Pro tempore.

**A motion was made by Councilmember Jones, seconded by Councilmember Whitlock, to approve appointing Councilmember Kelkenberg as Mayor Pro tem for 2019.**

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

2. REDVELOPMENT AGENCY - TAD DEVELOPMENT AGREEMENT ASSIGNMENT {J}

In 2016, the City Council (acting as the Redevelopment Agency) executed a development agreement with The Residential Group (TRG) relating to reimbursement of Tax Allocation District (TAD) funds associated with the District at Duluth project. TRG is intending to sell the project and is requesting that the agreement be assigned to the new owner. The development agreement requires the assignment of the contract should the property

be sold. Approval of this item authorizes the Mayor to execute the assignment consistent with the development agreement.

**Acting as the redevelopment agency, a motion was made by Councilmember Kelkenberg, seconded by Councilmember Jones, to approve the assignment of the Development Agreement dated February 8, 2016 between the City of Duluth and TRG Duluth Village, LLC., to USPA District at Duluth, LLC following sale of the property.**

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

3. BID AWARD – WILLBROOKE TRAIL HOUSE DEMOLITION {K,L}

The demolition of 3545 McClure Woods Drive is the next step in a multi-step process to construct a pedestrian trail (CD-75) from the Willbrooke neighborhood to downtown Duluth. Six bids were received on December 17, 2018 for the demolition of 3545 McClure Woods Drive as follows:

\$22,000 – Complete Demolition Services  
\$34,000 – Wrecking Corp of America  
\$34,250 - TOA  
\$36,900 – K-Team  
\$47,750 – Earth 1st  
\$98,675 - CMEC

Staff recommends awarding the contract to Complete Demolition Services in the amount of \$22,000.

**A motion was made by Councilmember Whitlock, seconded by Councilmember Carden to approve the award of a contract to Complete Demolition Services in the amount of \$22,000 for the demolition of 3545 McClure Woods Drive.**

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

Staff further requested approval of an ordinance (BA-FY19-12) to amend the FY19 budget amendment to include \$22,000 (base bid for contract), \$11,000 (contingency, given the wide spread of bids and the potential for unforeseen scope change), \$2,740 (excavation & compaction observation and materials testing on new fill dirt brought on site), \$275 (CE&I contingency), and \$5,280 (City Engineer administration and oversight time, estimated) for a total of \$41,295.

**A motion was made by Councilmember Whitlock, seconded by Councilmember Carden to approve the ordinance to amend the budget to add \$41,295 in unallocated 2017 SPLOST funds to the Willbrooke Trail capital project (CD-75) for demolition and construction preparation.**

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

4. AWARD OF CONTRACT – ON CALL RIGHT-OF-WAY ACQUISITION SERVICES {M}

*Councilmember Whitlock recused himself from discussion and vote on this matter due to business relationship with two of the bidders.*

On November 2, 2018, the City advertised a request for qualifications for On- Call Right-of-Way Acquisition Services. This is to be a one-year contract, renewable annually, not to exceed five years. Qualification packages with sealed hourly rates were received from four teams on December 7, 2018. The packages were evaluated by three independent reviewers whose scores were then totaled as follows:

Columbia Engineering - 190 points  
Gresham Smith - 224 points  
THC, Inc. - 226 points  
Moreland Altobelli - 249 points

Staff recommends awarding the contract to Moreland Altobelli. Task orders for right of way and/or easement acquisition will be scoped, negotiated, and issued on an as-needed basis using the contract rates submitted in the sealed envelope.

**A motion was made by Councilmember Jones, seconded by Councilmember Kelkenberg, to approve an On - Call Right-of-Way Acquisition Services contract to Moreland Altobelli as presented.**

**Those voting for: Council members Carden, Jones, Kelkenberg**

**Those abstaining: Councilmember Whitlock**

**Motion carried.**

5. AWARD OF BID/ORD TO AMEND BUDGET – BUNTEN PARK BRIDGE RAILING REPLACEMENT {N,O}

The Mayor and Council considered awarding a bid for three Bunten Road Park bridge railing replacements, and erosion control and bank stabilization. Assistant Parks Director John Keating gave a presentation on the intended repairs. The wooden bollard bridge railings along the asphalt walking path have surpassed their life expectancy. The railings will be replaced with steel railings. Two of the three bridges will require substantial bank stabilization due to extensive erosion.

On December 18, the City received one submission from Ohmshiv Construction for \$92,600, which includes a base bid of \$69,600 and an addendum of \$23,000 for asphalt repair. Staff recommends Omshiv Construction for the Bunten Bridge Railing Replacement for an amount not to exceed \$111,120 of SPLOST funds, which includes a 20 % contingency for geo-tech testing and project unknowns.

**A motion was made by Councilmember Carden, seconded by Councilmember Whitlock to approve the award of contract to Ohmshiv Construction in an amount not to exceed \$111,120.00 as presented.**

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

**Motion carried.**

Staff also requested Council consider approval of an ordinance to amend the budget (BA-FY19-13) to add \$111,120 for construction and \$5,000 for construction oversight in 2009 SPLOST funds to the Bunten Park Bridge Replacement capital project (PK-36).

**A motion was made by Councilmember Whitlock, seconded by Councilmember Kelkenberg to approve the ordinance to amend the budget to add 2009 SPLOST funds of \$111,120 to the Park Improvements – Park Areas – Bunten Road Trail – Site Improvements line item and \$5,000 to the Park Improvements – Park Areas – Bunten Road Trail – Professional line item.**

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

**Motion carried.**

## V. MATTERS FROM CITIZENS

Douglas Young of 2605 Howell Trace came forward to speak about his business and the possibility of holding an Indie Green/Vegan Food, Art and Health Festival in downtown Duluth. He was instructed to work with the Events staff.

## VI. MATTERS FROM COUNCIL

Councilmember Carden asked about the status of publishing the new permitting fees. Planning Director Bill Aiken reported that the document is available in the Planning Department and has its own page on the website.

Councilmember Jones requested the information be included in an upcoming *Duluth Life*.

## VII. MATTERS FROM CITY MANAGER

- Request for Proposal (RFP) for Solid Waste program. Staff will bring back recommendation prior to contract expiration in April. Councilmember Jones would like to see a quote for yard waste to be picked up with regular service and not for an extra charge.
- Glass recycling program – Public Works Director reported that the collection bin is already ¾ of the way full
- Citizen's budget committee currently has 16 people registered and the LEAD class has 18 registered.
- Results of the RFP for power washing/cleaning of City Hall will be presented to Council in February.
- Previously, the pension contribution was lowered from 9% to 7% as part of our budget strategy. Finance Committee had asked for a re-evaluation at the midyear point. Staff has reviewed revenues vs. expenditures and feels that this percentage can be increased back to 8% for the duration of this budget year at a cost of \$45,000. Staff will review again during the FY20 budget process to determine if 8% is manageable for next year or perhaps restoring to 9%.

## VIII. ADJOURNMENT

**A motion was made by Councilmember Whitlock, seconded by Councilmember Kelkenberg, to adjourn at 7:30 pm.**

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

*There is no scheduled January work session due to the State of the City address on January 28 at Red Clay Theatre. The next meeting of the Mayor and Council will be on February 11, 2019 at 7:00 p.m.*