



**DRAFT MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
JANUARY 7, 2019**

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

ABSENT: Councilmember Jones

Mayor Harris called the meeting to order at 7:00 p.m.

I. PUBLIC HEARING

1. ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE – TA#2019-001/ORD#2019-001 {A}

Mayor Harris opened the public hearing.

Planning Director Bill Aiken came forward to explain the text amendment for Case TA#2019-001. The Federal Communications Commission (FCC) Ruling and Order (R&O FCC 18-133) will become effective on January 14, 2019. Local governments without specific regulations adopted and published in advance of January 14, 2019 may be subject to the FCC guidelines. The proposed amendment to the Duluth Unified Development Code (UDC) concerns modifications and/or changes to Section 343 “Wireless Telecommunications” and incorporates specific regulations pertaining to the location, design and fees associated Small Cell Wireless Facility deployment. The amendment may also include additional changes and/or modifications to other Sections of the UDC to accomplish consistency with the proposed changes in Section 343.

Mr. Aiken explained that the intent is to develop specific regulations for Small Cell Wireless Facilities:

1. Location;
2. Appearance (aesthetics, visibility, environmental, and safety standards);
3. Fees; and
4. Permitting Process.

The Planning Commission reviewed this matter earlier at their January 7, 2019 hearing. The Planning Commission and staff recommended approval of Case TA#2019-001 as presented in the attached ordinance.

Mayor Harris called from discussion from the Council. There being none, she called for questions/comments from the public.

No comments were received. Mayor Harris closed the public hearing and called for a motion.

A motion was made by Councilmember Bomar, seconded by Councilmember Carden, to approve the ordinance for case TA#2019-001 as presented.

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

II. NEW BUSINESS

1. ORDINANCE TO AMEND FEES – PLANNING AND DEVELOPMENT – ORD#2019-002 {B}

Planning Director Bill Aiken explained that staff has completed a review of the City's current fee schedule and is proposing updates to maintain Duluth's competitiveness in the region while accounting for the costs related to the time that is involved in reviewing the variety of applications and completing inspections. There are proposed reductions in permit amounts for mechanical/electrical/plumbing from \$60 to \$25, fences from \$100 to \$25, and residential roofing from 3% of cost to a flat \$25.

Mr. Aiken also explained the proposed fees associated with the small cell technology, which are consistent with the Georgia Municipal Association Master Right-of-Way agreement. In summary, there is a base application fee of \$500 for up to five sites, and \$100 per site additional cost. Annual location fee is \$500 per piece of equipment in the right-of-way (ROW). For new pole installation, fees are \$1,350 per pole per year with a 3% annual escalator (plus the \$500 per piece of equipment). The city does have some control of location (existing poles preferred) and design for aesthetics.

Councilmember Bomar asked if the proposed inspection fees are directly related to the actual costs. Mr. Aiken described which types of work require what types of inspection, and estimated that half of current homeowner improvements are completed without permitting at all. The department has dedicated a web page toward resident education and will highlight the requirements in an upcoming Duluth Life issue.

Councilmember Carden asked for clarification on the fencing permit requirements. Mr. Aiken said that surveys are not required since staff has GIS and utility locations on file. He noted that Informal diagrams are typically accepted for minor interior improvements, and all permits are sent to the County tax assessor's office monthly.

Councilmember Bomar wanted to make sure the City was not accepting liability through the inspection process; City Attorney Pereira said no.

Being no further comments, Mayor Harris called for a motion.

A motion was made by Councilmember Whitlock, seconded by Councilmember Kelkenberg, to approve the ordinance amending the Planning and Development fee structure as presented.

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

III. MATTERS FROM DEPT HEADS/CITY ATTORNEY

1. DISCUSSION OF ALLEY ABANDONMENT {C}

Economic Development Manager Chris McGahee came forward to explain. Staff recently identified a platted and unused alley extending from West Lawrenceville Street to the future hotel property. Staff would like to take the necessary steps to abandon this alley and dispose of the property to the adjoining property owners. A survey of the alley is attached showing potential abandonment impacts on the adjoining property owners. There are three tracts: 1) .092 acres, 2) .086 acres, and 3) .004 acres in parcels 6293 276, 6294 053 and 6294 054. If council agrees, staff and the City Attorney will prepare all necessary documents and notifications to fulfill the abandonment.

Being no discussion, Mayor Harris called for a motion.

A motion was made by Councilmember Bomar, seconded by Councilmember Whitlock to approve authorizing staff to proceed with the abandonment process as presented.

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

IV. MATTERS FROM CITY MANAGER

City Manager James Riker presented to the Mayor and Council a survey of an area around Hill and Hardy Industrial Blvd showing a portion of the road that was previously authorized to be abandoned in 1997. Gray Star is planning to redevelop this property and in order to execute the required document to be filed; this item will be placed on the next Council agenda to properly file the necessary documents with Gwinnett County.

V. ADJOURNMENT

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

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

The next scheduled meeting of the Mayor and Council is January 14, 2019 at 7:00 p.m.