

Duluth



**MINUTES OF THE  
MAYOR AND COUNCIL  
CITY OF DULUTH, GA  
OCTOBER 8, 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. and called for a motion to enter into an Executive Session on Real Estate, Pending/Potential Litigation and or Personnel.**

**I. EXECUTIVE SESSION**

**A motion was made by Councilmember Kelkenberg, seconded by Councilmember Jones, to adjourn to executive session to discuss Real Estate, Pending/Potential Litigation and or Personnel Matters.**

**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 adjourn from Executive Session and return to regular session at 6:50 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)
2. QUILT RAFFLE - FUNDRAISER

Parks and Recreation Director Kathy Marelle announced tickets are available to purchase for a chance to win a quilt that was made and donated by the Spirited Quilters Guild. All funds raised will be donated to the Parks Youth Scholarship programs.

### 3. UPCOMING EVENTS

"STEAM/Art Walk/Food Trucks" - The Duluth school cluster will showcase their project-based learning projects and Duluth Fine Arts League will host an Art Walk, October 12, Town Green, 6:00-8:00pm.

"S'mores and Snores" Camping event at Rogers Bridge Park, October 13, Rogers Bridge Park, 6:00pm October 13 to 10:00am October 14.

"Howl on the Green" - Spooky fun for the entire family, October 26, Town Green, 6:00-10:00pm.

### III. CONSENT AGENDA

#### 1. APPROVAL OF SEPTEMBER 10<sup>TH</sup>/24<sup>TH</sup> MINUTES

#### 2. ORDINANCE TO AMEND THE FY19 BUDGET - \$33,440 - PINE NEEDLE DR/SR 120 {A}

As discussed at the September 24th work session, Mayor and Council approved the designer fees for Pine Needle Intersection construction plans (realigning the intersection with SR 120 to be closer to 90 degrees) for \$160,000 plus a 10% contingency of \$16,000 for a total of \$176,000. Per our IGA, Gwinnett County will cover 81% of this cost, and the City will cover 19%. The City's 19% share comes to \$33,440. Approval of this ordinance adds \$176,000 in budget expenditure funds to Pine Needle Drive Improvements - Paved Streets - Professional Services line item. Budget revenue funds will be added to Pine Needle Drive Improvements - Gwinnett County Grant \$142,560 and SPLOST 2017 \$33,440 line items for CD-73.

#### 3. ORDINANCE TO AMEND THE FY19 BUDGET - \$154,872 - BUNTEN ROAD SIDEWALKS {B}

As discussed at the September 24 work session, Mayor and Council approved the scope change for Phase I of the Bunten Road sidewalks and advised staff to move forward with design. Design fees for Phase I construction plans (From Old Peachtree Rd to Bunten Rd Park) are \$140,793, plus a 10% contingency of \$14,079 for a total budget of \$154,872. Per our IGA, Gwinnett County will cover 81% of this cost, and the City will cover 19%. The City's 19% share comes to \$29,426. Approval of this ordinance adds \$154,872 in budget expenditure funds to Bunten Road Sidewalks - Sidewalks & Crosswalks - Professional Services line item. Budget revenue funds will be added to Bunten Road Sidewalks - Gwinnett County Grant \$125,446 and SPLOST 2017 \$29,426 line items for CD-74.

#### 4. WAIVER REQUEST – SUGARLOAF TURKEY TROT

Approval of this item waives signage fee and location requirements. Signs will be erected throughout the City for promotion of the Annual WCSCC (Women's Club of Sugarloaf Country Club) Charities Turkey Trot. This is an annual race with almost 400 runners attending and proceeds going to four Duluth charities. The Turkey Trot will be held November 22, 2018 (Thanksgiving Day). The banners will be up from Nov 1, 2018 until Nov 26, 2018. There will be ten signs placed in locations used by Fall Festival and the Spring Arts Festival.

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

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

#### IV. PUBLIC HEARING

1. ORDINANCE OF REZONING – C-2 TO PUD – PROVIDENCE GROUP, CASE Z#2018-01 {C}

Mayor Harris opened the public hearing to consider an ordinance of Rezoning for Case Z#2018-01 and called forwarded Bill Aiken, Planning Director to present.

Mr. Aiken came forward to present. The purpose of this request is for the Mayor and Council to consider a request for Case Z#2018-001 from The Providence Group of Georgia, LLC to rezone a +/- 4.63 acre property located at 2355 Main Street, Duluth, Georgia 30097 (tax parcel 7205 012). The property is currently zoned Duluth C-2 (General Business District). The applicant is requesting a rezoning to PUD (Planned Unit Development District) to build 47 townhouses.

The site is currently undeveloped and contains +/-4.63 acres. A mixture of uses surrounds the property. To the north of the property is the Marketplace Village mixed-use development that is currently in the land development state. The area closest to the subject property will be a 126-unit age-restricted apartment development. To the east, across Main Street is the Heights at Sugarloaf and Sugarloaf Market PUD. There is an office/manufacturing building to the south across Main Street. To the west is a water pumping station owned by Gwinnett County Department of Water Resources. Not adjacent, but in very close proximity is the Riverbrooke neighborhood which has early 600 single-family homes.

Mr. Aiken explained that the Planning Commission recommended denial of Case Z#2018-001 at the August 6, 2018 hearing. Following the denial, staff met with the developer and worked through several of the concerns, and now supports the approval of this project.

The Unit Mix proposed 19 front and 29 rear-entry units. Mr. Aiken presented the site plan overview and showed elevations and architectural finish details for each dwelling type. He highlighted four other local projects that the developer has recently completed and noted the quality of those, but also attempted to encourage the developer to consider having floor plans with master on main.

Another concern was the location of the proposed driveway. Staff believes that the driveway would be safer if it was located on the northern and southern end of the property due to the site distances. The City's contracted engineers as well as staff from Gwinnett Department of Transportation agree that the proposed location is not the preferred location of the driveway. There is a minimum required sight distance of 390', which means a large area of vegetation is impacted. Driveway does meet minimum distance from nearest drive. He provided traffic count details and the anticipated impact.

Mr. Aiken gave miscellaneous details regarding detention pond screening, the Main Street pedestrian trail, pocket park, remnant land, common parking and park space. He discussed connectivity and privacy fencing, attractive community features such as benches, etc.

Another concern was that the City's Planned Unit Development Districts require a certain amount of open space. The applicant is proposing a dog park within the center of the street. The applicant is also counting a side yard and the grassed area at the entrance to the neighborhood as amenity area. Staff feels that the dog park meets the spirit and intent of the amenity requirement.

Mr. Aiken reviewed the requirements of the PUD, and noted that the proposed project does meet them as outlined in section 504.06 of the Unified Development Code. Even though each PUD proposal is reviewed under its own merit, it made sense to look at the most recent few years of development in the near vicinity of the Sugarloaf activity center to compare and contrast.

Due to the concerns having been addressed by the developer with planning staff, staff recommends approval with conditions of Case Z#2018-001. The conditions pertain to:

- Uses & Intensities
- Architecture & Design
- Landscape & Fencing
- Transportation, Roadways & Parking
- Street Lighting & Signage

Mayor Harris called for discussion from Council.

Councilmember Bomar mentioned a safety concern with not having a deceleration lane and a dedicated left turn lane and requested staff and developer to review for safety issues. Mr. Aiken responded that there is a deceleration lane from the PIB side. The plan will come back to the City after Gwinnett County review and it could be revisited.

Councilmember Whitlock asked about the sidewalks, if staff was comfortable with the Main Street vegetation buffer achieving the screening, as well as the community postal area. Mr. Aiken responded that there is a standard 5-foot sidewalk that ties into the 10-foot Main Street trail, which will also lead to a pocket park open to the public but is not city maintained. In addition to buffer, the applicant has committed to higher architectural standards on the rear units to accommodate the elevation change. The mail and package areas are regulated by the postal and delivery services; the City regulations address issues such as the location, visual appeal of architectural elements and keeping decorative features consistent.

Councilmember Kelkenberg asked who would be in charge of the maintenance of the pocket park. Mr. Aiken confirmed it would be entirely up to the HOA.

Mayor Harris spoke of her concerns with the lack of difference architectural designs with the front entry units being the same at Glens at Sugarloaf, the lack of units with masters on the main floor. She noted the entry site as indicated as option 3 on the site plan still appears to be unsafe, and wondered if an art pad could be installed in the pocket park. She also noted that designs with larger front porches encourage much more social interaction.

Mayor Harris called forward the applicant.

Attorney Dan Webb representing the applicant came forward, addressed the mail delivery area, the entrance drive issues, and pointed out the lack of sales for units with Masters on Main. He noted that the developer had built similar development which included "Masters on Main" and all of the units other than those with Masters on Main have sold.

Developer Warren Jolly of 3977 Sweetbottom Drive, Duluth came forward and reviewed the site plan. He noted that the front entries are bigger than the product in the Glens, and address the lack of sales for Masters on Main in his Alpharetta project. He also felt that the grade and materials would not support those designs. He gave other reasons why the entrance drive had to be relocated but still needed to be between the opposing drives.

Councilmember Whitlock also commented that he would like to see the facades much different from current homes even if the floor plans are the same. With Chelsea Walk, the developer decided to try the farmhouse look with painted brick. With townhomes, there is a big concern with maintenance. Regular brick has much less than painted brick or siding.

Council still had concerns about the elevation appearance and making sure there would be diversification within the neighborhood as well as variations from other recently constructed townhomes.

Mayor called for questions/comments from the public. 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 Kelkenberg, to approve the ordinance of rezoning with conditions for Case Z#2018-001.**

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

**Those voting against: Councilmember Jones**

**Motion carried.**

## **V. NEW BUSINESS**

### **1. LEASE EXTENSION – 60 DAYS - BIG JIM’S LANDSCAPING {D}**

As reported at the September 24 work session, Council was asked to approve an agreement granting a final 60-day time extension to an existing lease with Big Jim's Landscaping and authorize staff to take all necessary steps to assign the lease to Gwinnett County following transfer of the property for development of the library.

**A motion was made by Councilmember Whitlock, seconded by Councilmember Bomar, to approve the lease extension for Big Jim's Landscaping at a rate of \$600.00 per month for continued use of a .536 acre property generally identified as 3209 Main Street (tax id numbers 6293-011 and 6293-012), and to authorize staff to take all necessary steps to assign the lease to Gwinnett County following transfer of the property for development of the library.**

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

**Motion carried.**

### **2. RESOLUTION CLOSING PORTION OF MUNICIPAL STREET – OLD PEACHTREE ROAD {E}**

As summarized at the September 24<sup>th</sup> work session, the Mayor and Council of the City of Duluth have determined that a .311 acre portion of Old Peachtree Road (aka Main Street, aka North Peachtree Street) has ceased to be used by the public to such an extent that no substantial public purpose is accomplished by leaving the street open to the public as part of the municipal street system. The Mayor and Council were asked to approve a resolution to that effect.

**A motion was made by Councilmember Kelkenberg, seconded by Councilmember Whitlock, to approve the resolution determining that a .311 acre portion of Old Peachtree Road (aka Main Street, aka North Peachtree Street) has ceased to be used by the public to such an extent that no substantial public purpose is accomplished and further closing that part of the roadway as part of the municipal street system.**

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

**Motion carried.**

3. TRANSFER OF PROPERTY TO GWINNETT COUNTY – PUBLIC LIBRARY

As discussed at the September 24 work session, Council is asked to authorize the Mayor to execute a warranty deed and owners affidavit transferring four tracts of land totaling 1.78 acres for the construction of new downtown library. This transfer fulfills requirements on the previously executed Intergovernmental Agreement (IGA) with Gwinnett County.

Councilmember Jones asked if the maintenance of the property would be handled by Gwinnett County. City Manager James Riker stated that we would ensure the County maintains the property.

**A motion was made by Councilmember Whitlock, seconded by Councilmember Kelkenberg, to approve and authorize the Mayor and or City Manager to sign the attached owners affidavit and warranty deed transferring four tracts of land totaling 1.78 acres, generally described as a .507 acre portion of 3227 Main Street (Tax id # 6293 009), a .536 acre parcel generally known as 3209 Main Street (Tax id #s 6293 011 and 6293 012), a .424 acre parcel generally known as 3206 Main Street (Tax id #6293 041) and a .311 acre parcel previously closed section of Old Peachtree Road for \$10.00 consistent to Gwinnett County as contemplated in the IGA approved December 14, 2015.**

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

VI. MATTERS FROM CITY MANAGER

1. RFP issued for Power Cleaning City Hall Building
2. Installation of HVAC at Festival Center completed.
3. HVAC systems at City Hall restored and replaced
4. Next RFP will be for the balancing and testing of the HVAC units at the Police/Courts Building

VII. ADJOURNMENT

A motion was made by Councilmember Whitlock, seconded by Councilmember Bomar to adjourn at 8:10 pm.

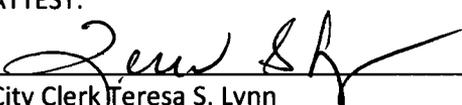
Those voting for: Council members Bomar, Carden, Jones, Kelkenberg and Whitlock  
Motion carried.

*The next scheduled meeting of the Mayor and Council is a work session for October 22, 2018 at 5:30 p.m.*

Approved this 12 day of November, 2018.

  
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Mayor Nancy Harris

ATTEST:

  
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City Clerk Teresa S. Lynn