



**MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
DECEMBER 10, 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 7:00 p.m.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

I. ANNOUNCEMENTS

1. AGENDA CHANGES (none)
2. UPCOMING EVENTS - www.duluthga.net/events

"Cookies and Cocoa with Santa" - Saturday, December 15, 10 am-12pm, Red Clay Music Foundry, This event is designed to give our little ones a chance to tell Santa their last few wishes for Christmas. Arts and crafts are available for the kids (while supplies last) and children can bring letters to Santa to take back to the North Pole!

"NYE Dinner and a Show" - Monday, December 31, Ring in the New Year in Downtown Duluth with dinner and a show! Eddie Owen Presents: two shows from local Americana band ESOEBO (Eclectic Selections of Everything Besides Opera)! Ticket buyers will receive a promo code for a discount on dinner on NYE at participating Downtown Duluth restaurants. 5:30pm early show & 9:30pm late show with a champagne toast.

"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.

II. CEREMONIAL MATTERS

1. PROCLAMATION – RICK CASE BIKES FOR KIDS

{A}

Mayor and Council presented a proclamation for "Bike for Kids" Day to Tammy Baker of Rick Case Automotive group for December 10, 2018.

2. PUBLIC ART DONATION – \$3,000 - TRUCK AND TAP DULUTH

As part of the Duluth Public Art Commission initiatives in the City, developers are asked to become voluntary Public Art Partners by donating up to 1% of project costs to the Public Art Acquisition Fund. Mitchel Jaffe and Cliff Crider of the newly constructed *Truck and Tap* located at 3137 Main Street will attend the meeting to present their donation to DPAC Chair Ashley Lynch and Council representative Marsha Bomar.

III. CONSENT AGENDA

1. APPROVAL OF NOVEMBER 12TH/26TH MINUTES

2. ORDINANCE TO AMEND THE FY18 BUDGET – \$5,651 – POLICE CARS {B}

Approval of this item approves an ordinance to amend the FY18 budget. Recently, several pieces of police equipment were sold at auction, including a vehicle, engine block, auto lift and trailer. The equipment was sold and after commissions and fees, the City received \$5,651 from the auction. In order to continue maintaining a vehicle fleet that is low maintenance and dependable, the Police Department is requesting the \$5,561 be added to the Police Vehicles - Consolidated Vehicle Maintenance - Vehicles line item.

3. AUTHORIZATION FOR PUBLIC ART PROJECT – “MELODY LANE” AT WP JONES PARK {C}

As discussed during the November 26 work session, approval of this item authorizes the Duluth Public Art Commission to install a musical instrument park at WP Jones Park in the location as shown on the attached exhibit, and further waives any permitting fees associated with the installation of "Melody Lane."

4. ACCEPTANCE OF DONATION - \$4,250 - ORDINANCE TO AMEND FY19 BUDGET {D}

The City of Duluth has received \$4,250 in donations from local business to support the Mayor's Annual State of the City Address to be delivered in January at the Red Clay Music Foundry. Approval of this item accepts the donations and approves a corresponding budget amendment to add \$4,250 to the Public information/Marketing - Public Information Administration - Employee/Council & Community Relations line item 100-1080-1570-531703.

5. ACCEPTANCE OF DONATION – PUBLIC ART ACQUISITION FUND

Approval of this item accepts a \$3,000 donation from Truck and Tap, to be credited to the Public Art Acquisition Fund (PAAF), account 209-6170-541200.

6. ACCEPTANCE OF DONATION - \$7,542 – DULUTH FALL FESTIVAL

Recently the City of Duluth received a donation from the Duluth Fall Festival Committee to offset some of the expenses incurred prior to and after the annual Fall Festival. Approval of this item accepts the donation.

7. ACCEPTANCE OF DONATION - \$100 – PARKS YOUTH SCHOLARSHIP

Approval of this item accepts a donation for \$100 from Menchie's Frozen Yogurt to support the Parks Youth Scholarship program. The donated funds will be used to assist in supporting opportunities for deserving youth to participate in the Parks and Recreation Summer Camp. The City wishes to thank Menchie's Frozen Yogurt for this donation.

8. AUTHORIZATION FOR CONTRACT AMENDMENT/LINE ITEM TRANSFER – CITY MANAGER COMP

{E}

Approval of this item authorizes Mayor Harris to execute an amendment to the City Manager’s Employment Agreement by amending Section 6 of the City Manager’s contract regarding increase in annual base salary to \$160,811.00, and to extend the term of the contract until December 31, 2019. It further authorizes a line item transfer to move funds from account number 100-1040-1330-531701 to 100-3000-3221-5111000.

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

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

IV. NEW BUSINESS

1. AWARD OF BID – FULL DEPTH RECLAMATION

{F}

The Mayor and Council considered approval of bid for 2018 LMIG Project - Full Depth Reclamation of River Summit Drive and Thornbrooke Court, with an alternate of Thornbrooke Place. Project was also advertised on Duluth website and State Procurement Registry on 10/19/18 with bids due 11/29/18. LMIG (Local Maintenance and Improvement Grant) is provided by the Georgia Department of Transportation and is funded by the motor fuel tax.

The project was bid as a base bid and with alternates. The City received four bids as follows:

Shepco Paving	Base Bid: \$377,594.00	Alternate: \$213,156.00
Blount Construction	Base Bid \$448,688.09	Alternate: \$284,123.91
Stewart Brothers	Base Bid \$410,000.00	Alternate: \$197,500.00
Atlanta Paving & Concrete	Base Bid: \$47,918.95	Alternate: \$43,462.45

Following a complete review of each bid package, one (1) bidder did not bid on the project correctly and one (1) bidder failed to provide all required documentation. Of the remaining two (2) bids, staff recommended awarding the 2018 LMIG Full Depth Reclamation bid to Stewart Brothers in an amount not to exceed \$700,915. This includes 10% contingency and up to \$32,665 to MCSquared (on-call provider) for construction oversight, engineering review and materials testing. This funds the base bid and one alternate; funds will come from LMIG and 2017 SPLOST.

A motion was made by Councilmember Bomar, seconded by Councilmember Carden, to approve awarding the bid to Stewart Brothers for Full Depth Reclamation of three streets in Duluth, plus contingency and Professional Services in an amount not to exceed \$700,915.00, as presented and authorize the Mayor or City Manager to execute the contract as approved by the City Attorney.

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

2. AUTHORIZATION FOR LIGHTING AGREEMENT – GA DEPT OF TRANSPORTATION

{G}

The Mayor and Council considered a resolution to enter into a local government lighting project agreement (LGLPA) with the Georgia Department of Transportation for the SR 120 widening project currently being

designed by GDOT (from SR 141 in Fulton Co to PIB in Gwinnett Co). This agreement would allow GDOT to include the design and construction of said lighting on the SR 120 widening project.

City Engineer Margie Pozin explained that the proposed lighting will be considered street lighting, but there are pedestrian amenities on both sides of the roadway. This section would include 41 light poles, which are cobra heads on mast arms. She estimated that it would cost approximately \$400 per month for power. There is a subdivision along this portion of SR 120, Abbott's Point, which will have a median break to allow left hand turns but at this point there are no plans for signalization.

A motion was made by Councilmember Whitlock, seconded by Councilmember Kelkenberg, to approve the resolution allowing the City to enter into an agreement with Georgia DOT to include lighting on the SR 120 corridor as part of their widening project.

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

3. CO-SPONSORSHIP REQUESTS—ATL NIGHT MARKET & MARGARITA/TACO FESTIVAL {H}

Staff was approached by two organizations seeking co-sponsorship for events planned in 2019. As a reminder, approval of an event to be co-sponsored generally waives location rental fees, security and clean up fees, and food service requirements per Section 26-2-370 of O.C.G.A. (which exempts food vendors from having to obtain said permits if the event lasts 120 hours or less). Co-sponsorship waivers also apply to signage fees and signage location requirements if the City Clerk and Public Works Director are given a list of where signs will be erected throughout the city for promotion of approved events.

The first co-sponsored request is from the Atlanta International Night Market (AINM). AINM is seeking co-sponsorship of an event titled "Duluth Neighborhood Night Market." Although no road closures are associated with this event, the applicant has requested closure of the paver lot.

The second event application by Atlanta Creative Events is for a Margarita & Taco Festival. This request includes road closure for a portion of Main Street and the paver lot.

Council wanted to ensure that a parking plan for each event would be submitted and approved by event staff.

A motion was made by Councilmember Kelkenberg, seconded by Councilmember Carden, to approve co-sponsorship of the Duluth Neighborhood Night Market, April 19 & 20 - with additional set up day April 18 and closure of the paver lot.

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

A motion was made by Councilmember Bomar, seconded by Councilmember Kelkenberg, to approve co-sponsorship of the Duluth Margarita & Taco Festival, May 5 with closure of a portion of Main Street and the paver lot.

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

V. MATTERS FROM DEPT HEADS/CITY ATTORNEY

1. UPDATE ON SMALL CELL DEPLOYMENT

{I}

Staff provided Mayor and Council with a presentation on a recent Ruling and Order (R&O) released by the Federal Communications Commission (FCC) related to Small Cell deployment (FCC 18-133). By its own terms, the R&O is to become effective 90 days from publication in Federal Register, which makes the effective date January 14, 2019. Local governments are encouraged to consider specific fees, time limitations and design guidelines for Small Cell technology in preparation for its deployment.

Planning Director Bill Aiken explained the recommended Georgia Municipal Association (GMA) right-of-way license agreement recommendations, which would require:

- \$500 per site per year for pole attachments to existing poles;
- \$1,350 per site per year with a 3% annual escalator for new poles;
- \$500 per year for any other carrier that locates on the new pole.

There is mounting opposition to the R&O and a potential delay to the January 14 effective date due to a motion filed by the National League of Cities. Mr. Aiken further explained how the R&O acts in favor of the telecom companies, what fees are recommended by the FCC and the appearance (aesthetics, visibility, environmental, and safety standards) of the equipment.

Mr. Aiken gave illustrations of co-location on streetlights and utility poles already in place might look like, and suggested that Council review and take any desired action regarding aesthetic standards and the financial model on January 14.

Review time should also be addressed. Planning Commission will review on January 7; Council would like to review the recommendations that day also.

2. COMPREHENSIVE PLAN UPDATE – REQUEST FOR COMMENTS

Staff provided a presentation on the draft Comprehensive Plan Update, FORWARDuluth, consistent with the procedures established by the Georgia Department of Community Affairs for the preparation, transmittal and review of the required 5-year plan update.

Planning Director Bill Aiken explained the need to brief the community on the contents of the plan, provide an opportunity for residents to make final suggestions, additions or revisions, and notify the community of when the plan will be submitted to the Atlanta Regional Commission for review.

Staff recommends approval of this item to allow staff to submit the draft plan to the Atlanta Regional Commission and make it available for public review for a period extending from December 11, 2018 to January 17, 2019. A steering committee will hold its last meeting on January 24 before presentation to the Planning Commission on February 4 and Council on February 11.

The goals for the update are to create a document that is attractive, “cutting edge,” easy to read and ambitious yet obtainable. Staff expects it will meet or exceed all of the DCA standards and procedures for Local Comprehensive Planning. It should also provide a wealth of up-to-date data on the City of Duluth, reimagine the Character Areas and Future Land Use maps, and update the Short Term Work Program with implementation for the next five-years. Lastly, the Comp Plan update will strengthen the sections pertaining to Housing and Transportation.

The document is available digitally for review.

<https://www.yumpu.com/en/document/view/62271493/forwardduluth-2040-comprehensive-plan-121018-draft>

Mayor Harris invited any public comments.

Angela Whitlock of Snellville GA came forward to ask about the "Hill" community being part of the comprehensive plan. Staff confirmed.

VI. MATTERS FROM CITY MANAGER

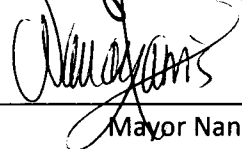
- Delayed opening for weather
- Employee holiday party at Bunten tomorrow
- Duluth TAD meeting in January

VII. ADJOURNMENT

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

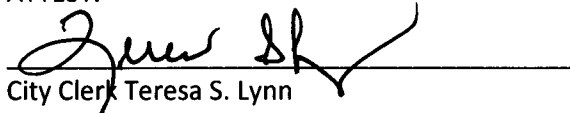
Those voting for: Council members Bomar, Carden, Jones, Kelkenberg and Whitlock
Motion carried.

Approved this 14 day of January, 2019.



Mayor Nancy Harris

ATTEST:



City Clerk Teresa S. Lynn