



**DRAFT MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
FEBRUARY 11, 2019**

PRESENT: Mayor Harris, Council members Bomar, Carden, Jones, Kelkenberg and Whitlock, City Manager, Department Directors, City Attorney. *Councilmember Carden entered meeting at 6:45 pm.*

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 said it would be necessary to enter into an Executive Session for the purpose to discuss pending/potential litigation, personnel and or real estate matters.

I. EXECUTIVE SESSION

A motion was made by Councilmember Bomar, seconded by Councilmember Whitlock, to adjourn to executive session at 6:20 p.m.

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

After the discussion, a motion was made by Councilmember Kelkenberg, seconded by Councilmember Bomar, to return to regular session at 6:45 p.m.

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

INVOCATION OR MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

II. ANNOUNCEMENTS

1. AGENDA CHANGES (none)
2. UPCOMING EVENTS (calendar of events below)

III. CONSENT AGENDA

1. APPROVAL OF JANUARY 7TH /14TH MINUTES

2. 2019 EVENT CALENDAR AUTHORIZATION AND WAIVERS

Approval of this item acknowledges that the following events are deemed sponsored or cosponsored by the City of Duluth. Approval of this item also waives food service requirements per Section 26-2-370 of O.C.G.A., which exempts food vendors from having to obtain said permits provided that the event lasts 120 hours or less. The waiver applies to signage fees and signage location requirements provided that 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. Events labeled Open Zone will allow alcohol to be purchased from Licensed Merchants within the Downtown area and carried out as well as allow coolers to be brought into the designated area. All other events taking place in downtown fall under the Licensed Merchant Zone that allows alcohol to be purchased from the Downtown Licensed Merchants and carried out into the Downtown area. The following are scheduled events thus far:

March

Saturday, March 30 - Muddbugs & Music Festival (co sponsorship)

April

Saturday, April 13 - Rotary Car Show (co sponsorship)

Friday, April 19 & Saturday, April 20 - Neighborhood Night Market (co sponsorship)

Saturday, April 27 - Saturday, May 4 - Art Week

Saturday, April 27 & Sunday, April 28 - Art Festival (co sponsorship)

Tuesday, April 30 - Tweet & Go Seek

May

Wednesday, May 1 - Tree Art

Thursday, May 2 - Temporary Art/National Day of Prayer

Friday, May 3 - Lantern Walk/Art Walk/FTF

Saturday, May 4 - DHS Musical *Open Zone/DHS Football 5K

Sunday, May 5 - Margarita & Taco Festival (co-sponsorship)

Thursday, May 9 - Sunday, May 12 - Paint Duluth (co-sponsorship)

Friday, May 10 - Friday N Duluth (herein after referred to as "FND")

Saturday, May 11 - Fast Track 5K (co-sponsorship)

Friday, May 17 - FND

Saturday, May 18 - *Indie Green Festival (co sponsorship)*

Friday, May 24 - FND

Saturday, May 25 - Memorial Day Service

Friday, May 31 - FND/SummerStage Concert (Tribute Band) *Open Zone

June

Saturday, June 1 - *Spring Fling (co-sponsorship)*

Friday, June 7 - FND/Flicks on the Bricks

Saturday, June 8 - SummerStage Concert - Tom Petty Tribute *Open Zone

Friday, June 14 - FND

Friday, June 21 - FND

Friday, June 28 - FND/SummerStage Concert (Tribute Band) *Open Zone

July

Wednesday, July 3 - Duluth Celebrates America *Open Zone

Friday, July 5 - FND/Flicks on the Bricks

Friday, July 12 - FND

Friday, July 19 - FND

Saturday, July 20 - Whatever Floats Your Boat

Wednesday, July 24 - Back to School Bubblepalooza
Friday, July 26 - FND/SummerStage Concert (Tribute Band) *Open Zone

August

Friday, August 2 - FND/Flicks on the Bricks
Friday, August 9 - FND
Friday, August 16 - FND
Friday, August 23 -FND
Friday, August 30 - FND/SummerStage Concert (Tribute Band) *Open Zone

September

Wednesday, September 11 - 9/11 Tribute
Saturday, September 14 - Fall Festival Concert *Open Zone
Friday, September 27-29 - Duluth Fall Festival

October

Saturday, October 5 - Beer & Wine Festival (co sponsorship)
Sunday, October 6 - Deon Lewis Memorial HOPE 5K (co sponsorship)
Friday, October 11 (possibility of date change but will be a Friday in October) - STEAM
Saturday, October 12 - Smores N Snores
Saturday, October 19 - Rocky Horror Picture Show (RCMF)
Friday, October 25 - Howl on the Green

December

Saturday, December 7 - Deck the Hall
Saturday, December 14 - Cookies & Cocoa with Santa

3. AUTHORIZATION FOR SCORE OFFICE USE – ADDITIONAL HOURS

Service Corps of Retired Executives (SCORE) offers free business mentoring out of a small office space near the City Hall reception desk on Wednesday and Friday afternoons. SCORE would like to add an additional mentoring slot for J. Davidson Williams for Thursdays between 10:00 am and 12 pm (resume attached). Approval of this item grants SCORE the additional mentoring time slots as recommended by staff.

4. ORDINANCE TO APPOINT DULUTH PUBLIC ART COMMISSION {A}

Councilmember Bomar has resigned her Council representative position on the Duluth Public Art Commission. Councilmember Whitlock has agreed to serve in this capacity. Approval of this item approves an ordinance (O-2019-05) Councilmember Greg Whitlock to fill the unexpired term of Marsha Anderson Bomar, term ending March 31, 2022.

5. ACCEPT DONATION/ORD TO AMEND THE FY19 BUDGET – \$2,000 - STATE OF CITY {B}

The City of Duluth has received \$2,000 in donations from local businesses to support the Mayor's Annual State of the City Address held in January at the Red Clay Music Foundry. Approval of this item accepts the donations and approves a corresponding budget amendment (BA-FY19-16) to add \$2,000 to the Public Information/Marketing - Public Information Administration - Employee/Council & Community Relations line item 100-1080-1570-531703.

6. ORDINANCE TO AMEND THE FY19 BUDGET – \$1,335 - POLICE AUCTION {C}

Approval of this item approves an ordinance (BA-FY19-17) to amend the FY19 budget. Recently, a police vehicle and other equipment was sold at auction. The items were sold and after commission and fees, the City received \$1,335 from the auction company. In order to continue maintaining a vehicle fleet that is low maintenance and dependable, the Police Department is requesting the \$1,335 be added to the Police Vehicles - Consolidated Vehicle Maintenance - Vehicles line item.

7. ACCEPT DONATION/ORD TO AMEND THE FY19 BUDGET – \$3,000 - DFAL {D}

Approval of this item accepts a \$3,000 donation from the Duluth Fine Arts league for the maintenance cost of the DreamKeeper's public art located on the Town Green, and a corresponding budget amendment (BA-FY19-18) to add these funds to the Public Art - Spectator Recreation - General Repairs line item (209-6170-522210).

8. ACCEPTANCE OF DONATION - \$100 – PARKS & RECREATION

Approval of this item accepts a donation of \$100 from Suzanne Patrick /Omega Fitness 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.

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

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

I. PUBLIC HEARINGS

1. RESOLUTION TO ADOPT THE 2040 COMPREHENSIVE PLAN {E}

Mayor Harris opened the public hearing to consider a resolution to adopt the 2040 Comp Plan. Senior Planner Dan Robinson came forward to present.

The City of Duluth has completed a five-year update to its adopted Comprehensive Plan consistent with the procedures established by the Georgia Department of Community Affairs. The updated plan, FORWARDuluth, is an official statement of the City's vision for its future. It expresses the Duluth community's aspirations and goals for the city's future, while articulating a corresponding set of policies and recommendations to guide future decisions regarding land use, development and capital improvements.

Approval of this item will allow staff to transmit the updated Comprehensive Plan to the Atlanta Regional Commission and Department of Community Affairs for their review and acceptance.

The Duluth Planning Commission recommended approval of the updated Comprehensive Plan, as presented by staff at the February 4, 2019 hearing. Staff recommends approval of the updated Comprehensive Plan as shown on the attached resolution (R2019-06). Minutes from the Planning Commission and legal advertisement are also attached. *A final draft of the plan is available on the City's website.*

discussion

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

A motion was made by Councilmember Kelkenberg, seconded by Councilmember Whitlock, to approve the resolution of submission of the 2040 Comprehensive Plan to ARC and DCA as presented.

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

2. ORDINANCE OF REZONING – CASE Z#2018-007 - GREYSTAR {F}

Mayor Harris opened the public hearing to consider a request (Z#2018-007) from Greystar GP II, LLC (on behalf of the property owner, DKT Ventures, LLP) to rezone approximately 5.26 acres of property in Land Lot 293, 6th District, Gwinnett County, consisting of tax parcel 6293 376, from CBD (Central Business District) to PUD (Planned Unit Development District). The proposed rezoning request is for an entitlement to construct a 180 unit active adult community.

Senior Planner Dan Robinson came forward to present. The Duluth Planning Commission recommended approval of Case Z#2018-007 with conditions, as presented by staff at the January 7, 2019 hearing. Staff recommends approval of Case Z#2018-007 as shown on ordinance (O-2019-06). A detailed staff report, minutes from the Planning Commission and legal advertisement are attached.

discussion

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 Carden, to approve the ordinance of rezoning for Case Z#2018-007 as presented.

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

3. RESOLUTION - APPROVAL OF TAD PROJECT APPLICATION #3 – REDEVELOPMENT AGENCY {G, H}

Mayor Harris opened the public hearing to consider approval of Tax Allocation District (TAD) Project Application No. 3. City Manager James Riker came forward to summarize. The City of Duluth has received an application by Greystar GP II, LLC, for a redevelopment project generally located at 3221 Hill Street (aka Overture Duluth) located at the intersection of Hill Street and Hardy Street. The TAD financing request relates to eligible development costs associated with the project.

Gary Mongeon from Bleakly Advisory Group provided a summary of the application (see attached presentation). Specifically, the application seeks to reimburse Greystar from annual tax increments generated by the development for a period of 15 years or to a maximum of \$900,000, whichever occurs first. The reimbursement is for the following eligible development costs: site preparation, demolition, environmental remediation, transportation and sidewalk improvements, stormwater infrastructure and existing tenant relocation costs associated with this project.

The Tax Allocation District Advisory Committee (TADAC) met on January 9, 2019 and unanimously recommended approval of the project application. A resolution (R2019-07) and corresponding Development

Agreement approving this item is attached. Staff recommends Council approve the attached resolution and authorization for the Mayor to sign the Development Agreement.

questions/comments

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

A motion was made by Councilmember Kelkenberg, seconded by Councilmember Bomar, to approve the resolution authorizing use of tax allocation district financing for the project and further authorize the Mayor to execute the Development Agreement as presented.

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

II. NEW BUSINESS

1. RESOLUTION OF ABANDONMENT - WEST LAWRENCEVILLE ST ALLEY {}

Economic Development Manager Chris McGahee came forward to explain the request. The creation of the hotel plat left a remnant portion of the unused alley at West Lawrenceville. The Mayor and Council to consider a resolution (R2019-08) abandoning the unused alley as recommended by staff. The remnant tracts would then be offered to the adjoining property owners.

Discussion

A motion was made by Councilmember Bomar, seconded by Councilmember Carden, to approve the resolution of abandonment as presented.

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

2. AWARD OF BID – CITY HALL EXTERIOR CLEANING {}

City Manager James Riker summarized the request. In October of last year, staff issued an RFP for cleaning and sealing of exterior surfaces for City Hall. Seven bids were received on November 16, 2018. The base bid was for cleaning all surfaces with an alternate to provide a sealer once the cleaning was complete. The responses are as follows:

	Base Bid (clean only)	Alternate (sealer)	Total
Sheena Investments	\$80,667.40	\$16,837.80	\$97,505.20
Stuart Dean	\$37,150.00	\$ 39,950.00	\$77,100.00
A&D Painting	\$57,066.00	\$ 50,057.00	\$107,123.00
ADDCO Restoration	\$216,055.00	\$ 102,657.00	\$ 318,712.00
Tendon Systems	\$98,881.00	\$ 74,800.00	\$ 173,681.00
Midwest Maintenance	\$59,950.00	\$ 26,500.00	\$ 86,450.00
Intercontinental Service	\$64,200.00	\$ 53,900.00	\$ 118,100.00

All bid packages were checked for completeness and compliance with requirements of the Request for Proposal (RFP), which evaluated cost (60%), experience in like projects (30%) and project approach (10%). After reviewing the criteria, staff recommends awarding the contract to Midwest Maintenance in the amount of \$86,450.00. In addition, staff is requesting a 10% contingency be made available to the project budget. The

total budget requested at this time is \$95,095. Funding for this item will come from a City Council contingency request for \$38,965 and a line item transfer of \$56,130.

Discussion?

A motion was made by Councilmember Kelkenberg, seconded by Councilmember Whitlock, to approve the contract award to Midwest Maintenance in the amount of 86,450.00 with an allowable 10% contingency for 95,095 for the exterior cleaning of City Hall, pending execution of a City Attorney approved contract. Further to authorize staff to use budgeted contingency funds to accomplish this project.

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

3. ORDINANCE TO AMEND THE FY19 BUDGET – MAIN STREET MULTI-USE TRAIL DESIGN {K}

As part of the 2017 SPLOST, the Main Street Trail is proposed to connect the current trail terminus at Brock Road with the Sugarloaf Marketplace node at Peachtree Industrial Boulevard. Staff has negotiated a scope and fee for the design of this 1.5 mile stretch of trail. In addition to the traditional design of trail and walls, the following highlights are included:

- A 0.2 mile sidewalk spur on the NE side of Rogers Bridge Rd from Main Street to River Summit Drive
- Connectivity to the signal currently out for bid at Rogers Bridge Rd and Main Street
- Ability to construct the trail in two phases in the event construction budgets become restrictive
- In depth subsurface utility location to avoid delay and additional cost on construction
- Public involvement meeting(s) to engage the citizens who live or work nearby

Design fees (complete) are \$376,584 plus a 10% contingency of \$37,658 for a total of \$414,242 (round to \$415,000). Additional fees for the city engineer may include approximately \$35,000, for a total design budget of \$450,000. The County will cover 81% of this cost (\$364,500) and the City will cover 19% or \$85,500.

Approval of this item authorizes a budget amendment (BA-FY19-14) to add \$85,500 in 2017 SPLOST Transportation funds and \$364,500 In Gwinnett County Grant funds to the Main Street Multi-Use Trail - Parkways and Boulevards - Professional Services line item (CD-71). Upon approval of this budget amendment, staff will issue a notice to proceed to the design team.

Discussion?

A motion was made by Councilmember Whitlock, seconded by Councilmember Carden, to approve the ordinance to amend the FY19 budget as presented.

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

4. AWARD OF BID/ORDINANCE TO AMEND BUDGET – WILLBROOKE TRAIL & POCKET PARK {L, M}

The construction of a pocket park and trailhead at 3545 McClure Woods Drive is the next step in a multi-step process to connect the Willbrooke neighborhood to downtown Duluth. Nine bids were received on January 25, 2019 for construction of the park, the trail, and the traffic calming devices:

	Base Bid	Base + Alternates
A-1 Contracting	\$194,052.00	\$218,052.00
Archimetric	\$233,141.75	\$275,172.75

Excellere Construction LLC	\$249,300.00	\$280,130.00 (disqualified- incomplete package)
Tri Scapes	\$250,937.41	\$271,937.41
GA Development Partners	\$264,520.24	\$286,718.52
Site Engineering, Inc	\$306,712.00	\$372,812.00
Multiplex, LLC	\$379,068.00	\$424,068.00
Willow Construction, Inc	\$396,972.00	\$462,972.00
Construction 57, Inc	\$462,759.00	\$642,759.00

All bid packages were checked for completeness and compliance with requirements of the Request for Proposal (RFP). All but one package was complete. References were checked for the lowest two bidders and both checked out positively.

Staff is recommending award to the low bid, A-1 Contracting, in the amount of \$218,052. However, due to the large variability in bids, staff is requesting a 25% contingency be made available in the project budget, rather than a 10% contingency. Monies not used will return to the City's account.

Discussion

A motion was made by Councilmember Bomar, seconded by Councilmember Whitlock, to approve the award of a contract to A-1 Contracting in an amount not to exceed \$272,565 for construction of the park, the trail and traffic calming devices.

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

Motion carried.

Based on Council approval of the contract to A-1 Contracting, staff request approval of an ordinance (BA-FY19-15) to amend the FY19 budget. The budget amendment for this project includes:

- \$218,052 for the base bid and the alternates
- \$54,513 in construction contingency
- \$20,000 for materials testing and construction oversight
- \$5,000 for materials testing and construction oversight contingency
- \$10,000 for City Engineer administrative and oversight time, estimates

Total budget requested at this time is \$307,565. Funding for this budget amendment will come from unallocated 2017 SPLOST Transportation funds and be added to the Willbrooke Trail (CD-75) capital project.

Upon approval of this budget amendment, staff can contract with and give notice to proceed to the contractor.

Discussion

A motion was made by Councilmember Whitlock, seconded by Councilmember Bomar, to approve the budget amendment to add unallocated 2017 SPLOST funds of \$20,000 to the Willbrooke Trail - Sidewalks & Crosswalks - Professional Services line item and \$287,565 to the Willbrooke Trail - Sidewalks & Crosswalks - Site Improvements line item.

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

Motion carried.

III. MATTERS FROM DEPT HEADS/CITY ATTORNEY

1. ORDINANCE TO AMEND THE FY19 BUDGET– TAX ALLOCATION DISTRICT

{N}

During the Tax Allocation District (TAD) presentation at the February 1, 2019 Strategic Conference, Council was updated on the financial status of the TAD. The update included current and past financial performance, as well as an update to the forecast. During the current year, the TAD out performed the forecast, which the FY19 TAD budget was based on. For this reason, it is necessary to amend the TAD budget in order to more accurately reflect its performance and to meet TAD commitments.

Staff is requesting Council consider approval of a budget amendment (BA-FY19-19) to the following TAD budgeted line items:

Property Tax Revenue	\$116,215	Payments to Others	\$141,500
Interest on Delinquent Taxes	634	Intergovernmental Expenditures	9,336
Tax Penalty	687	Transfers to General Fund	36,512
Transfer from General Fund	69,812	TOTAL	\$187,348
TOTAL	\$187,348		

Discussion

A motion was made by Councilmember Whitlock, seconded by Councilmember Kelkenberg, to approve the ordinance to amend the FY19 budget as presented.

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

Motion carried.

2. ORDINANCE TO AMEND THE FY19 BUDGET - \$80,000 – ENGINEERING SERVICES

{O}

The City's in-house engineering services for capital projects are performed by an on-staff outside consultant. The consultant's time is tracked by project and the cost is allocated to the individual capital project as work is performed, based on approved invoices. Current policy calls for funds to be included in the project budget for these services, however, a few remaining legacy projects require funds to be added to the budget for engineering services. In addition, two grant projects require the City to pay 100% of the cost of these engineering services.

Prior approved SPLOST contingency funds for Transportation and Parks & Recreation capital projects have been exhausted and additional funds are needed. Approval of this item authorizes a budget amendment (BA-FY19-20) to add \$65,000 in unallocated 2017 SPLOST Transportation funds and \$15,000 in unallocated 2017 SPLOST Recreation funds to the SPLOST 2017 - Professional Services line item. These funds will be allocated to individual projects as invoices are approved.

Discussion

A motion was made by Councilmember Bomar, seconded by Councilmember Kelkenberg, to approve the ordinance to amend the FY19 budget as presented.

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

Motion carried.

IV. MATTERS FROM CITIZENS

V. MATTERS FROM COUNCIL

VI. MATTERS FROM CITY MANAGER

VII. ADJOURNMENT

A motion was made by Councilmember Whitlock, seconded by Councilmember Kelkenberg, to adjourn at 8:20 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 February 25, 2019 at 5:30 p.m.