

# Duluth



**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 7<sup>TH</sup> /14<sup>TH</sup> 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 - S'mores 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.

Mr. Robinson outlined the major changes from the previous comp plan, which were the Housing and Transportation sections, Character Areas, and Future Land Use Map. He discussed the overview of new housing units per decade, the size analysis by number of bedrooms, and the lack of "executive" style housing (either "urban" or "estate") available today. He also reported the median home values in Duluth and noted that these figures are already on the rise due to recent construction.

As far as transportation, the previous sidewalk gaps prohibited walkability in certain areas, and staff has been working to identify potential street connections, eliminate dead ends, and offer pedestrian connections through existing neighborhoods. Additionally, in 2018 Gwinnett County adopted "Connect Gwinnett" which includes public transit plans through the City.

Mr. Robinson discussed the changes in Character Area identification and noted that they are proposed as less parcel-based and more geographically based. Staff focused on the intersections of Pleasant Hill Road/Peachtree Industrial Blvd, and Albion Farm/Rogers Bridge Road. He explained that in a "core neighborhood" character area, the improvements would be based on street/sidewalk connections, sewer expansion, and lifelong community policy changes (such as proximity to amenities such as the library, etc.) as well as looking at street extensions and again, dead end elimination. The "Chattahoochee Residential" district will focus on providing executive style homes along the river, the completion of the Rogers Bridge project and continuing to pursue trail connections. In the "Peachtree Retail" corridor, the aspirations are to encourage redevelopment of stand-alone commercial buildings, explore new uses for C-2 zoning districts, continue code compliance efforts, and encouraging large shopping centers to redevelop into mixed-use developments.

Mr. Robinson showed the Future Land Use Map that staff, the Planning Commission and Mayor and Council would be referencing when approving projects or rezoning requests in the future. He outlined the requirements of the DCA, which include community goals, a Short-term Work Program, a report of accomplishments, and a strength/weakness assessment.

The Duluth Planning Commission recommended approval of the updated Comprehensive Plan at the February 4, 2019 hearing. Staff recommends approval of the updated Comprehensive Plan as shown on the attached resolution (R2019-06). 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.

Councilmember Bomar noted she received the revised document later than expected and therefore had not been able to conduct another thorough review. Councilmember Carden wanted to ensure the document would be updated annually. Mr. Robinson confirmed that an annual review of the short-term work program would be performed. Councilmember Kelkenberg felt that it was an excellent plan for the future and that it has measurable goals to achieve. He feels that it is a living document and not something that would sit on a shelf. Mayor Harris pointed out that staff wrote this document internally, and did not have to hire an outside consultant to produce it.

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. He showed an aerial view of the property and explained the current property conditions, which include roughly 40,000 sf of industrial warehouse and 10,000 sf of office. It is almost 100% impervious surface. He showed the proposed site plan for the "Overture" which includes 172 units (four-story buildings), "flats" which are separate apartment units, and 5 detached garages.

The Unified Development Code has a list of requirements for Planned Unit Developments. One of them calls for 10% open space, which is a challenge for redevelopments to meet. Common space and amenities are also required at a ratio of 10% of total square footage programmed for non-residential uses. The proposed plan includes an internal courtyard for pool and gathering spaces, outdoor plazas, a 10,000 sf indoor gathering room, and is also very close to the Town Green, Main Street and Parsons Alley which are all within walking distance.

Mr. Robinson discussed the utility requirement, which says that a sanitary sewer is required. He noted that the development would be served by Gwinnett County water and sewer, and Stormwater would be treated by city-owned detention pond. The utilities will be underground. As far as the sidewalks and connectivity requirements of Section 504, all requirements are met. The applicant provided a traffic analysis as part of their zoning. Overture is expected to generate almost twice as many car trips, but not during morning peak time and would not be trucks and heavy machine traffic. The study did not reduce trip count due to pedestrian or carpool options.

Mr. Robinson showed the modern contemporary architectural design of the main apartment building, the flats (with their own basement floor rear-entry garages), the detached garages, and an aerial overall site plan, which demonstrates the setback and scale, and shows compatibility with surrounding uses. He also showed the amenity packages of other Overture projects to demonstrate their quality. As for the parking, 251 are proposed (1.4 spaces per unit) and 56 are enclosed parking spaces in five garages with gated access to main tenant parking areas.

Mr. Robinson noted that the required rezoning standards have been met. The Duluth Planning Commission recommended approval of Case Z#2018-007 with conditions, as presented by staff at the January 7, 2019 hearing. Therefore, Staff recommended approval of ordinance (O-2019-06) inclusive of conditions.

Councilmember Whitlock asked if there was a buffer between garages that back up to residential areas and asked if the exterior materials are uniform on all sides. Mr. Robinson responded that there are existing fences along property lines and confirmed that all sides are uniform on the garages.

John Roberson with Greystar Development of 1163 W. Peachtree Street, Atlanta and Melody Glouton of Andersen Tate and Carr came forward representing the applicant.

Councilmember Bomar asked about the per unit occupancy rate of their other properties. Mr. Roberson said that the model is a 55+ age restricted community and there are two others open in the metro Atlanta area. Of them, they average 60-65% one-bedroom models, 35-40% two bedrooms, no studios or three bedroom units, which also translates to the same percentage for car ownership. Councilmember Bomar also noted there were some concerns from Towne park place about the fence between the properties. Mr. Roberson said they had met recently and are working on approval of a design that will work for both.

Councilmember Jones noted that these are for rent apartment, and asked what the standard terms are. Mr. Roberson said that one-year leases are standard but 18-24 month leases are also available with this product.

Councilmember Carden asked about the deed restrictions for age and asked what would have to be done to take away the age limitation. Ms. Glouton noted that no onsite services are available that would allow for assisted living facility options, etc. and confirmed that legal action would be required.

City Manager James Riker noted that the conditions state, "if the owner pursues a change from the use described above, the owner shall be required to modify conditions of zoning by filing a new application for rezoning and therefore should be subject the zoning procedures and provisions of the UDC. The owner shall not cause to record an amended deed until the rezoning has been approved by the City Council."

Rob Ponder of 3146 Lakeview Drive came forward to speak in favor of this application, particularly likes the step-up approach to the elevations and offered attractive screening options.

David Rose of 3203 Hill Street also came forward to voice support. There is currently unwanted industrial traffic passing by very frequently and they would certainly welcome a change in use of the proposed site, and he and his wife look forward to having similarly aged neighbors.

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, Kelkenberg and Whitlock**

**Those voting against: Councilmember Jones**

**Motion carried.**

### 3. RESOLUTION - APPROVAL OF TAD PROJECT APPLICATION #3 – REDEVELOPMENT AGENCY

{G, H}

The City of Duluth 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. Mayor Harris opened the public hearing to consider approval of Tax Allocation District (TAD) Project Application No. 3.

Gary Mongeon from Bleakly Advisory Group came forward to provide a summary of the application. 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.

Mr. Mongeon discussed the City's role as the redevelopment agency, the specific contents of the TAD application, and the TAD policies and their goals. To review the application, the site and the project were explained in detail during the rezoning request. Valuation estimates were based on development budgets and rents of two previous local properties by this developer. Mr. Mongeon discussed construction costs by square footage and noted that this project should be valued very highly for tax purposes. With a projected full market value of 27.7 million, 11.1 million would be the taxable digest. Rents may have 30% higher than The District, but the estimates are made conservatively for projected values. He noted that the application is only asking for 2% of the project costs.

Mr. Mongeon further summarized the four main policies by which this TAD project application was evaluated.

- Policy 1 – consistent with redevelopment powers law and with TAD plan, project within Area (C) which was identified as residential. Project is also consistent with financing, requested "pay as you go" basis.
- Policy 2 – projected to fully repay requested cost reimbursement in less than 10 years. Annual TAD proceeds approach \$173,000 per year at completion and total 4.4 million over the remaining life of the TAD (24 years).
- Policy 3 – meets the financial needs based on high acquisition, demolition or remediation costs, inadequate infrastructure and includes high quality public amenities.

- Policy 4 – the Overture is expected to support a strategic private investment that should be a catalyst for further revitalization, removing vacant or economically obsolete buildings, contributes to a thriving mixed-use environment, and will substantially increase the tax digest (in this case, by more than 1000%).

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 was presented for consideration. Staff recommends approval and authorization for the Mayor to sign the Development Agreement.

There being no 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 {I}

Economic Development Director 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 are in parcels 6294 053, 6294 207, and 6293 276 would then be offered to the adjoining property owners.

**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 {J}

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.

The company will be using environmentally sensitive cleaning materials. The project is very labor intensive, and expected to take several months.

Councilmember Kelkenberg noted that this type of work normally identifies things that need to be repaired. He asked what part of those would be covered with this contract. Mr. Riker noted that it depends on the extent or severity of damage. The company will document through photos, which will be sent to Pond & Company for evaluation. Small processes like caulking would be handled at the time of cleaning. Masonry repairs would likely be beyond their scope. He noted that Midwest had good references for both cleaning and restoration of historical buildings and large educational facilities.

**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}

Mayor Harris explained that, 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.

**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, for \$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.

**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.

**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 outperformed the forecast, which the FY19 TAD budget was based on. For this reason, it is necessary to amend the TAD budget in order to 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		

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.

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**

Ted Mulherin of 2344 Limehurst Drive, Brookhaven came forward on behalf of GUIDE, and noted they the Police Department is on schedule to conduct the first alcohol compliance check for the year.

Rodney Kellum of 2337 Tallapoosa Drive came forward to introduce himself and explain his involvement as an inspirational speaker on fatherhood and family life. He summarized the mission of the "Healthy families initiative" and "The Dad Factor," and asked Council and staff for ideas on reaching volunteers, creating partnerships and corporate sponsors.

**V. MATTERS FROM COUNCIL**

Councilmember Bomar noted that she has worked with the Public Art Commission over the last few years, and now feels it is time to step aside. Councilmember Whitlock agreed to take over serving as the Council representative. She referenced some of the DPAC projects currently underway: the Musical instrument park at WP Jones, a new mural along Peachtree Industrial Blvd, and new artwork for the back of Red Clay Foundry on the railroad side.

Councilmember Bomar also reminded everyone about the upcoming Transit referendum. As a result of the "Connect Gwinnett" plan approved by County Commissioners to contract with Marta for added transit options, the citizens will now have the opportunity to vote on the matter. She encouraged everyone to educate themselves regarding this matter and encouraged voting in the March special election.

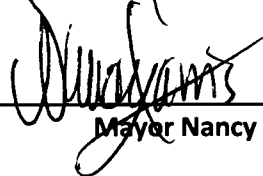
**VI. ADJOURNMENT**

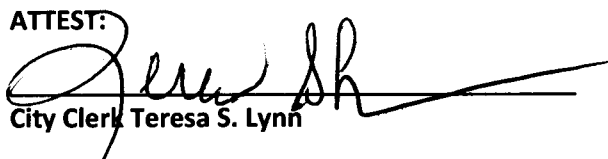
**A motion was made by Councilmember Whitlock, seconded by Councilmember Kelkenberg, to adjourn at 8:21 pm.**

**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.*

Approved this 11 day of March, 2019.

  
\_\_\_\_\_  
Mayor Nancy Harris

ATTEST:  
  
\_\_\_\_\_  
City Clerk Teresa S. Lynn