



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

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. in order 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 Whitlock, seconded by Councilmember Kelkenberg, to adjourn to executive session at 6:20 p.m.

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 return to regular session at 6:40 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. COUNCIL RECOGNITION

Mayor Harris recognized and congratulated Councilmember Bomar for being recognized as one of the most Top 100 influential women in Engineering. She also recognized and congratulated Councilmember Kelkenberg for his election to Chair on the Gwinnett Municipal Association Board.

3. UPCOMING EVENTS

"Muddbugs & Music", March 30, 2019 from 12pm-8pm. Enjoy endless crawfish with exotic flavors, live music, a beer garden and more on Duluth Town Green! This family-friendly event is brought to you by Rock 100.5, Kicks 101.5 and the City of Duluth.

"Rotary Car Show", Saturday, April 13 from 10am-2pm. Main Street in Downtown Duluth. Visit www.duluthrotary.com for more information.

III. CONSENT AGENDA

1. APPROVAL OF FEBRUARY 11TH/25TH MINUTES

2. ORDINANCE TO APPOINT PLANNING COMMISSION MEMBERS {A}

Approval of this item approves an ordinance (O-2019-07) re-appointing Manfred Graeder as a regular member and Bernard Robertson as the alternate for the Planning Commission, terms in April 2023.

3. ORDINANCE TO APPOINT ZONING BOARD OF APPEALS {B}

Approval of this item approves an ordinance (O-2019-08) re-appointing Carey Fisher to the Zoning Board of Appeals in the role of Chairman. Due to Chairman Fisher reaching the maximum number of years served, this is a one-year appointment expiring in April 2020. Staff is also recommending the re-appointment of Verdi Avila as the alternate member of the Zoning Board of Appeals, term expiring in April 2023.

4. ORDINANCE TO APPOINT ASSOCIATE JUDGES {C}

The Duluth City Charter provides for the appointment of the municipal court judges, by ordinance. State law mandates that appointed municipal court judges be appointed for a term of not less than one year. OCGA 36-32-2. Such term is to be memorialized by agreement, ordinance, or a Charter provision. Approval of this item approves an ordinance (O-2019-09) to reappoint Margaret Gettle Washburn, Claude Mason, and Chung Hun Lee.

5. ORDINANCE TO APPOINT URBAN REDEVELOPMENT AGENCY {D}

Approval of this item approves an ordinance (O-2019-10) appointing Theo Sowah to the Urban Redevelopment Agency, term expiring April 2023.

6. RESOLUTION - FORWARDuluth - 2040 COMPREHENSIVE PLAN ADOPTION {E}

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, has been submitted to and approved by the Atlanta Regional Commission and the Georgia Department of Community Affairs. Approval of this resolution (R2019-09) will official adopt the updated Comprehensive Plan, which serves to express 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.

A motion was made by Councilmember Bomar, 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. NEW BUSINESS

1. AWARD OF BID/ORD TO AMEND FY19 BUDGET—TRAFFIC SIGNAL SR120/DULUTH HS {F,G}

The Mayor and Council considered awarding a bid for the addition of a signal at the intersection of State Route 120 (Abbotts Bridge Road) and George Rogers Ave at Duluth High School. As part of the 2017 SPLOST, this project is an integral part of the City's ongoing capital program. The project was advertised for construction on January 25, 2019 and on February 25, six bids were received as follows:

The Dickerson Group	\$296,255.75
Ohmshiv Construction	\$307,556.20
CMES	\$311,160.00
CMEC	\$329,325.26
American Lighting & Signalization	\$341,094.00
GTG Traffic Signals	\$366,500.00

Staff reviewed and tabulated all bids and reviewed all bid packages for completeness, and checked all references.

Staff recommends awarding the contract to The Dickerson Group, Inc. in the amount of \$296,255.75 and further requests a contingency be set aside in the project budget in the amount of \$29,625.00. The cost for materials testing is estimated to be \$6,000. The cost for the City Engineer's time during the construction phase is estimated to be \$20,000. The total budget requested for this phase of the project is \$351,880.75 rounding to \$352,000. Per our intergovernmental agreement with Gwinnett County, the City will be responsible for 19% of the project costs, or \$66,880.

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

A motion was made by Councilmember Bomar, seconded by Councilmember Whitlock, to approve award of the contract for the SR 120/Abbotts Bridge Road at George Rogers Avenue/Duluth HS intersection to the Dickerson Group in the amount of \$296,255.75 and further authorize the Mayor or City Manager to execute a city-attorney approved contract. She further moved to approve additional budget items as listed above to cover contingency, materials testing, and engineering time for a total project budget not to exceed \$352,000.

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

Based on Council approval of the above contract award, staff requested approval of an ordinance to amend the FY19 budget. The budget amendment for this project includes:

\$296,300 - Base bid
\$29,700 - Construction contingency
\$6,000 - Materials testing
\$20,000 - City Engineer administrative and oversight time

Total budget request of \$352,000; funding for this project is 2017 SPLOST funds of \$66,880 and Gwinnett County Grant funds of \$285,120. Approval of this item authorizes a budget amendment (BA-FY19-21) to add \$16,200 in Gwinnett County Grant funds and \$3,800 in 2017 SPLOST funds to the SR 120 Realignment - Traffic Engineering - Professional Services line item and to add \$268,920 in Gwinnett County Grant funds and \$63,080 in 2017 SPLOST funds to the SR 120 Realignment - Traffic Engineering - Infrastructure line item (CD-46).

A motion was made by Councilmember Whitlock, seconded by Councilmember Jones, 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. AWARD OF BID/ORD TO AMEND FY19 BUDGET–TRAFFIC SIGNAL MAIN ST/ROGERS BR {H,I}

As part of the 2017 SPLOST, the addition of a signal at the intersection of Rogers Bridge Road and Main Street is an integral part of our ongoing capital program. This project was advertised for construction on February 1, 2019 and on March 4, six bids were received as follows:

GTG Traffic Signals	\$248,000.00
Ohmshiv Construction	\$248,342.00
CMEC	\$269,325.00
American Lighting & Signalization	\$279,862.00
Construction 57, Inc	\$297,872.00
RJ Haynie & Associates, Inc	\$297,991.00

Staff reviewed and tabulated all bids and reviewed all bid packages for completeness. References were checked for the lowest responsive bidder.

Staff recommends awarding the contract to GTG Traffic Signals in the amount of \$248,000 and further requests a contingency be set aside in the project budget in the amount of \$25,000.00. The cost for materials testing is estimated to be \$7,000. The cost for the City Engineer's time during the construction phase is estimated to be \$20,000. The total budget requested for this phase of the project is \$300,000. Per our intergovernmental agreement with Gwinnett County, the City will be responsible for 19% of the project costs. This equates to \$57,000.

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

A motion was made by Councilmember Whitlock, seconded by Councilmember Carden, to award the contract for the Rogers Bridge Road at Main Street intersection to GTG Traffic Signals in the amount of \$248,000.00 and further authorize the Mayor or City Manager to execute a city-attorney approved contract. He further moved to approve additional budget items as listed above to cover contingency, materials testing, and engineering time for a total project budget not to exceed \$300,000.

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

Based on Council approval of the above contract award, staff requests approval of an ordinance to amend the FY19 budget. The budget amendment for this project includes:

- \$248,000 - Base bid
- \$25,000 - Construction contingency
- \$7,000 - Materials testing
- \$20,000 - City Engineer administration and oversight time

Total budget request is \$300,000. Funding for this project is 2017 SPLOST funds of \$57,000 and Gwinnett County Grant funds of \$243,000. Approval of this item authorizes a budget amendment (BA-FY19-22) to add \$16,200 in Gwinnett County Grant funds and \$3,800 in 2017 SPLOST funds to the Rogers Bridge Road/Main Street Intersection Improvements - Traffic Engineering - Professional Services line item and to add \$226,800 in Gwinnett County Grant funds and \$53,200 in 2017 SPLOST funds to the Rogers Bridge Road/Main Street Intersection Improvements - Traffic Engineering - Infrastructure line item (CD-72)

Councilmember Bomar stated that the installment of the signals may take up to 6-9 months.

A motion was made by Council member Jones, seconded by Council member Kelkenberg to approve the ordinance to amend the FY19 budget as presented.

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

V. MATTERS FROM CITIZENS

1. GUIDE, INC. – 2019 DULUTH COMPLIANCE REPORT

Alexis Cato OF 405 Phillip Blvd, Lawrenceville with GUIDE INC. came forward to speak about the partnership between GUIDE and the City of Duluth that was started ten years ago. This awareness and education program has been very instrumental in decreasing the rate of sales to underage and intoxicated persons. This commitment to community safety and selling responsibly led to a 100% compliance rate on the February 2019 police department checks. She said that Duluth has set the standard, and hopes that the City continues to maintain this level of education and compliance.

Robert Poyen of 4240 Pleasant Lake Village apartments came forward to suggest that lawbreakers/prisoners be required to pay restitution to victims.

VI. MATTERS FROM COUNCIL

Councilmember Bomar reminded everyone of the Transit Referendum and encouraged everyone to vote on March 19th. Advanced voting is open now through Friday March 15th.

VII. MATTERS FROM CITY MANAGER

City Hall exterior cleaning is underway and expected to take several weeks.

VIII. ADJOURNMENT

A motion was made by Councilmember Bomar, seconded by Councilmember Whitlock, to adjourn at 7:25 pm.


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

Approved this 8 day of April, 2019.



Mayor Nancy Harris

ATTEST:



City Clerk Teresa S. Lynn