



**DRAFT MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
APRIL 8, 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 6:25 p.m.

I. EXECUTIVE SESSION

It was necessary to hold an executive session on Real Estate, Pending/Potential Litigation, Personnel.

A motion was made by Councilmember Whitlock, seconded by Councilmember Kelkenberg, to adjourn to executive session at 6:30 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. **Motion denied.**

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

II. ANNOUNCEMENTS

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

“Melody Lane” Ribbon Cutting – April 10, 6:30pm, WP Jones Park

Annual Easter Egg Hunt – April 13, Bunten Park

Rotary Car Show - April 13, 10am-2pm, Main Street

Neighborhood Night Market - April 19 & 20; 6pm-12am & 3pm-12am, Duluth Town Green

Duluth Art Week - April 27 May 4, Duluth Town Green & Parsons Alley.

Duluth Spring Arts Festival - April 27 & 28, 10am-5pm & 11am-5pm, Duluth Town Green.

Fridays-N-Duluth - May 3-August 23, 6-9pm & 6-10pm, Duluth Town Green & Parsons Alley.

Duluth HS Football 5K- May 4, 7:45am-12pm, Duluth High School.
Margarita & Taco Festival - May 5, 12pm-6pm, Duluth Town Green.
Paint Duluth - May 9-May 12. (Plein Air event)
Fast Track 5K - May 11, 8:30am, Duluth Town Green
Indie Green Festival - May 18, 11am-6pm, Duluth Town Green.

III. CEREMONIAL MATTERS

1. RECOGNITION – SILVER KALEIDOSCOPE AWARD – DUSTIN GRAU

On behalf of the Mayor and Council, Councilmember Bomar recognized and presented a plaque to Dustin Grau for helping the City win the 2019 Silver Kaleidoscope Award from the Southeast Festivals and Events Association as Best Vendor/Supplier. Dustin is the owner of Dustin Grau photography and provides beautiful photographs of our events. Thank you Dustin for sharing your talents with us and congratulations!

2. APPRECIATION – SERVICE ON THE URBAN REDEVELOPMENT AGENCY

On behalf of the Mayor and Council, Councilmember Kelkenberg recognized and Steve Gaultney and Carey Odum for their loyal and dedicated service with the Urban Redevelopment Agency (URA). Both Steve and Carey were appointed at the time the URA was first established in 2003. Both are dedicated to the City's vision and goals and continue to remain actively involved in service to the community.

IV. CONSENT AGENDA

1. APPROVAL OF MARCH 11TH/25TH MINUTES

2. ORDINANCE TO AMEND FY19 BUDGET - \$13,442–POLICE AUCTION/SALE OF RIFLES {A}

Approval of this item approves an ordinance (BA-FY19-23) to amend the FY19 budget. Recently, the Police Department sold seven (7) vehicles at auction and several rifles to a local gun shop. The vehicles were sold at auction through GovDeals, Inc. and after commission and fees, the City received \$19,062. The rifles were sold to Gun Lobby, LLC and the City received \$5,200. The Police Department has requested the \$19,062 be added to the Police Vehicles - Consolidated Vehicle Maintenance - Vehicles line item, and the \$5,200 be added to the Police - Support Services Division - Police Equipment line item.

3. ORDINANCE TO AMEND FY19 BUDGET – \$2,000 – STATE DRUG FUND {B}

Last year, the Duluth Police Department filed a court order with the Superior Court of Gwinnett County for the forfeiture of a vehicle seized under the Georgia Controlled Substances Act. In October, a judge signed the order and the police department was awarded the vehicle with a value of \$9,500. Pursuant to a legal agreement between Gwinnett County and the cities within, (including Duluth) 10% of the value of the property shall be awarded to the Gwinnett County Police Special Operations Account or in this case \$950. Staff is requesting \$2,000 be added to the State Drug fund budget for these expenditures through June 30. Approval of this item authorizes a budget amendment (BA-FY19-24) to add \$2,000 in reserves to the Police State Drug Fund - Police Administration - Intergovernmental Expenditures line item.

4. AUTHORIZATION FOR CONTRACT – PUBLIC SAFETY HVAC TEST AND BALANCE {C}

As discussed at the March 25, work session, staff published a Request for Proposal (RFP) seeking bids to test and balance all HVAC systems at the Public Safety Building. The RFP also included a bid alternate price to

purchase and install fifteen (15) new controllers on existing Volume Air Valves (VAV) and Power Induction Units (PIU). Staff recommends awarding a contract to Five Seasons Mechanical, LLC in the amount of \$94,484 and further requests a 10% contingency in the amount of \$9,448 for a total project budget of \$103,932. As such, approval of this item authorizes the Mayor or City Manager to execute a city-attorney approved contract, and further authorizes an ordinance to amend the FY19 budget (BA-FY19-29) in which \$103,932 will be added to the Police - Police Administration - Maintenance Tech/Contracts line item, and funding will come from prior year General Fund reserves.

5. AWARD OF BID – 2019 ASPHALT REJUVENATION PROGRAM {D}

Part of Duluth's Pavement Preservation Program, Asphalt Rejuvenation is a method of applying a penetrating sealer to pavement to replace ingredients that are lost from the pavement over time due to exposure to sun and weather. Application of this treatment at the right time to the right road extends the service life of the road and helps reduce maintenance costs. The 2019 Asphalt Rejuvenation bid project was advertised on the City's website and the State Procurement Registry on 2/25/19 with bids due 4/2/19 and is funded by 2017

SPLOST. The City received one bid for this project from Pavement Technology, Inc. in the amount of \$89,148.97. Pavement Technology, Inc. is the only company authorized to supply and apply the patented "Reclamite" brand of rejuvenator in Georgia. Approval of this item awards the bid to Pavement Technology, Inc. in an amount not to exceed \$98,063.86 which includes 10% contingency, and authorizes the Mayor or City Manager to execute the contract.

6. ROGERS BRIDGE TRAILHEAD/RESTROOM/PARKING DESIGN {E}

As discussed at the March 25 work session, to prepare park amenities for future use in coordination with the completion of the Rogers Bridge, staff is proceeding with phase 1 of design, permitting, Geo-technical exploration, topographic survey, construction documents, and site determination for the Rogers Bridge Trailhead / Restroom facility and Parking areas. Approval of this item authorizes a budget amendment (BA-FY19-26) to add \$116,512 in 2009 SPLOST Recreation Funds to the Rogers Bridge Park - Park Areas - Restrooms - Professional Services line item (PK-33). This covers phase I design fees of \$105,920, plus a 10% contingency of \$10,592 for a not to exceed total of \$116, 512 for the Rogers Bridge Trailhead/ Restroom facility and parking areas design by Pond & Co. Staff will present facility design to Council for approval prior to completion of the facility construction documents.

7. ON-CALL PLAN REVIEW AND BUILDING INSPECTION SERVICES - NOVA {F}

As discussed at the March 25 work session, Planning Department solicited a Request for Qualifications to fill the vacant on-call plan review and building inspections service. The on-call service is utilized to aid in building plan reviews and construction inspections in Duluth. The department received Statements of Qualifications from six (6) companies. After reviewing their qualifications and contacting references, staff recommends entering into a one (1) year contract with Nova, including annual renewal options not to exceed five (5) years. Approval of this item authorizes the Mayor to execute the consultant contract RFQ CP 109-004 with Nova as the City of Duluth's on-call plan reviewer and building inspector.

8. ACCEPTANCE OF DONATION - \$2,750 – YOUTH SCHOLARSHIP FUND

The Parks and Recreation Department received a donation of \$2,750 from Allsouth Tubing, LLC to support their Youth Scholarship Fund. Approval of this item accepts the donation to be used to assist local youth with the cost of attending the Parks and Recreation summer camp.

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.

V. PUBLIC HEARING

1. ORDINANCE OF MODIFIED REZONING – Z#2019-001 MARKETPLACE VILLAGE {G}

Mayor Harris opened the public hearing to consider a request (Z#2019-001) from Duluth Marketplace WREG, LLC to modify the approved Master Concept Plan and Rezoning Conditions on a +/- 14.91 acre partially developed property generally known as "Marketplace Village". Said property is located at the southwest corner of Peachtree Industrial Boulevard and Main Street (tax parcel R7205 002). The property is currently zoned Duluth PUD (Planned Unit Development District) by way of rezoning ordinance Z#2016-003 dated March 13, 2017. The zoning is proposed to remain PUD. The applicant is requesting to modify the approved Master Concept Plan and Rezoning Conditions in order to allow for an increase in residential age-restricted units from 128 to 180, remove the commercial outparcel and +/- 7,000sf building proposed along Main Street and increase the size of the building proposed on the Peachtree Industrial Boulevard outparcel from +/- 4,000sf to +/-8,500sf.

The Duluth Planning Commission recommended Approval with Conditions of Case Z#2019-001 at the March 4, 2019 hearing. The Minutes from said hearing are attached. Staff recommends Approval with Conditions of Case Z#2019-001. A copy of the public hearing advertisement is attached.

Discussion.

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 for Case Z#2019-001 as presented.

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

Motion carried.

VI. NEW BUSINESS

1. ANNUAL EMPLOYEE MEDICAL AND DENTAL INSURANCE RENEWAL PROPOSAL {H}

Matt Bidwell with MSI Benefits and Susan Porteous with the Finance Committee came forward to present. At the March 28, 2019 meeting of the Finance Committee, Matt Bidwell with MSI Benefits Group discussed the annual renewal of the City's health and dental insurance. Mr. Bidwell explained that due to the City's recent higher than normal claims history since switching to CIGNA in June of 2018, CIGNA quoted an 11.79% increase in premium for the renewal. A quote was also obtained from Blue Cross Blue Shield of Georgia (BSBCGA) for a 9.09% premium renewal increase. Mr. Bidwell explained to the committee that although switching from CIGNA to BCBSGA would save the City \$43,554 in premium, he would not recommend switching at this time. He felt that by switching, the City would be viewed as only chasing a lower premium and it would hurt the changes of obtaining competitive quotes from other carriers next year. Switching would also require some

employees to change doctors and require additional staff time to implement that may not be offset by the overall savings.

In addition, a quote was also received from Kaiser Permanente for renewal of the City's health insurance at 17% below the current premium. However, this would require the City to offer two health insurance plans. One in which employees could only use Kaiser Permanente doctors and a second which would allow an employee to use out of plan doctors at a higher premium. Mr. Bidwell explained the only way to achieve the 17% savings would be for all employees to choose the Kaiser doctor plan. Mr. Bidwell also recommended renewal of the City's dental insurance with CIGNA at a 5% or \$6,253 increase in premium. Based on staff and Finance Committee review of the renewal quotes and a recommendation from Matt Bidwell, Finance Committee Chairwoman Susan Porteous will recommend renewal of the health and dental insurance with CIGNA, the City's current provider. The City's life and disability policies are two year policies and a not up for renewal until next year.

Discussion

A motion was made by Councilmember Kelkenberg, seconded by Councilmember Whitlock, to authorize the renewal of the City's Health and Dental Insurance with the changes as presented with CIGNA effective June 1, 2019.

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

2. FISCAL YEAR 2018 AUDIT PRESENTATION {I}

Finance Committee Chairwoman Susan Porteous presented the City's annual audit report. The audit was presented to the Finance Committee by Joel Black, with Mauldin & Jenkins at the committee's meeting held on March 28, 2019. The audit report includes the City as a whole, the Downtown Development Authority, and the Urban Redevelopment Agency. The auditor issued an unqualified or clean opinion in the City's financial statements. The audit report included one finding related to revenue recognition and related receivables. The report also included two management comments related to segregation of duties and cybersecurity. The Finance Committee and staff recommend Council accept the report as presented.

Discussion

A motion was made by Councilmember Whitlock, seconded by Councilmember Bomar, to approve the FY2018 audit report as presented.

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

3. SOLID WASTE CONTRACT RENEWAL – REPUBLIC SERVICES {J}

City Manager James Riker came forward to report on the contract renewal. At the March work session, Council directed staff to continue negotiations with Republic Services regarding a new solid waste contract. Attached is a new contract for Council consideration. The contract has the following points:

- Residential bag prices remain at current pricing
- City services at Public Work Complex have established limits of 10 free hauls per month
- Industrialized roll-off customers have an increase in haul rates and tonnage rates
- Frontend load dumpster customers have a slight increase in monthly rates
- Contract will have annual cost of living allowances capped at 4% per year

- Contract is for one year with annual renewal options for up to five years
- City will collect 5% franchise fee on all commercial services. No rebate will be collected on bag sales

Discussion

A motion was made by Councilmember Kelkenberg , seconded by Councilmember Jones, to approve the Mayor to execute a City Attorney approved contract as presented.

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

4. PROJECT AUTHORIZATION/ORD TO AMEND BUDGET–DOWNTOWN INFRASTRUCTURE PLAN {K,L}

Mayor Harris explained that staff is seeking permission to move forward with a task order for an on-call consultant to develop construction plans for the area between the Mathias Building and the future Library. In addition to the train viewing platform that will be included in this effort, staff believes the future site could accommodate a low-rise commercial building with adjacent parking. As part of their scope, the design team will collect topographic survey information, develop concepts for staff approval, and then move forward with construction plans and specifications for a pad-ready site.

The proposed cost for this task order is as follows:

Phase 1 - topo/util/tree surveys	\$6,522
Phase 2 - concept design	\$14,881
Phase 3 - construction document prep	\$39,777

The total task order value is \$61,180. To this, staff requests the addition of a 10% contingency of \$6,100 for a total budget of \$67,280. The rates used in the cost proposal are consistent with the unit rates in our on-call contract. Funding for this task is from a generous grant from the Fall Festival.

A motion was made by Councilmember Bomar, seconded by Councilmember Carden, to authorize the City Manager to execute a task order to develop the downtown parcels on Main Street.

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

Based on Council approval to move forward with the project to develop the downtown parcels on Main Street, staff requested approval of an ordinance to amend the FY19 budget. Approval of this item authorizes a budget amendment (BA-FY19-28) to added \$67,280 in donations from the Fall Festival to the Downtown Train Viewing Platform - Special Recreational Facilities - Professional Services line item.

A motion was made by Councilmember Kelkenberg, 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.**

VII. MATTERS FROM DEPT HEADS/CITY ATTORNEY

1. ORDINANCE TO AMEND FY19 BUDGET - \$1,430,500 – MUNICIPAL COURT REVENUE {M}

The City of Duluth's Municipal Court Fund is used to receipt court revenues and to payout "add-on" fees to third party agencies as required by Georgia law. This fund has experienced higher than expected revenues and therefore it is necessary to amend its current year budget. Staff request approval of an ordinance to amend the FY19 budget (BA-FY19-25). The budget amendment is requested for the following line items:

- \$12,310 Software Licenses (745-2000-523801)
- \$21,570 Peace Officers A&B (745-2000-572001)
- \$36,120 Peace Officers Training (745-2000-572002)
- \$16,290 Local Victim Assistance (745-2000-572003)
- \$38,330 Jail Construction (745-2000-572007)
- \$38,890 Indigent Defense Fund (745-2000-572009)
- \$ 7,630 Drivers Education Fund (745-2000-572010)
- \$42,920 Transfer to Technology Fund (745-2000-611013)
- \$1,216,430 Transfer to General Fund (745-2000-611000)

\$1,430,490 Court Fines (745-351170)

A motion was made by Councilmember Whitlock, seconded by Councilmember Bomar, 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 FY19 BUDGET – 317,500 – STORMWATER CARRY FORWARD {N}

The Mayor and Council considered an ordinance to amend the budget (BA-FY19-27). At June 30, 2018 the Stormwater Utility Fund had a prior year reserve of \$536,100. However, due to the majority of this fund's revenue coming from a single billing, and the potential need for funding of emergency repairs, policy requires a minimum fund balance reserve be maintained equal to 25% of the annual billing or \$218,600 at the end of FY 2018. This leaves funds of \$317,500 to be allocated for repairs in the current years budget. Staff is requesting \$317,500 be added to the Stormwater Utility - Stormwater Collection & Disposal - Repairs & Maintenance - Drainage line item.

A motion was made by Councilmember Bomar, 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.

VIII. MATTERS FROM CITIZENS

1. STORMATER CONCERNS – DONAVILLE STREET

Angela Whitlock 3033 Holland Drive, Snellville GA came forward to commend staff on assisting her previously with Hill community concerns. She referenced Stormwater issues near Friendship Church. Sidewalk construction has redirected the water and is impacting 2590 Donaville Street. Staff will check and contact Ms. Whitlock.

IX. MATTERS FROM COUNCIL

Councilmember Carden announced this month's "Connect Duluth" dinner April 11 at O4W Pizza, 6pm.

X. MATTERS FROM CITY MANAGER

- City Hall exterior cleaning complete.
- Upcoming NOW neighborhood cleanup dates are May 11 in the Chattahoochee Landing subdivision and May 18 at Public Works Complex from 8am-5pm

XI. ADJOURNMENT

A motion was made by Councilmember Whitlock, seconded by Councilmember Carden, to adjourn at 8:30 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 April 22, 2019 at 5:30 p.m.