



**MINUTES OF THE  
MAYOR AND COUNCIL  
CITY OF DULUTH, GA  
JUNE 11, 2018**

**PRESENT:** Mayor Harris, Council members Bomar, Carden, Jones, Kelkenberg, City Manager, Department Directors, City Attorney

**ABSENT:** Councilmember Whitlock

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 6:21 p.m. and announced that it was necessary to hold an Executive Session on Real Estate, Pending/Potential Litigation and or Personnel Matters.**

**I. EXECUTIVE SESSION**

**A motion was made by Councilmember Bomar, seconded by Councilmember Jones, to adjourn to executive session at 6:21 p.m.**

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

**After the discussion, a motion was made by Councilmember Kelkenberg, seconded by Councilmember Bomar, to return to regular session at 6:50 p.m.**

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

***Mayor Harris called for a Moment of Silence followed by the Pledge of Allegiance***

**II. ANNOUNCEMENTS**

1. AGENDA CHANGES (IF NECESSARY)
2. UPCOMING EVENTS - visit [www.duluthga.net](http://www.duluthga.net)

"Fridays N Duluth", Food Truck Fridays - May 3 - September 21. Downtown Duluth, 6pm-9pm.

Flicks on the Bricks Rainout – "Jumanji" rescheduled for Friday June 15<sup>th</sup>.

"Duluth Celebrates America" - Tuesday, July 3. Town Green, 5:30 pm - 10pm.

"Flicks on the Bricks" - July 6. Town Green, movie starts at dusk.

"Whatever Floats Your Boat" (rescheduled Rafting Event) - July 14. Rogers Bridge Park, 9am-4pm.

### III. CEREMONIAL MATTER/PRESENTATION

#### 1. DULUTH HS STUDENT "LEAD" PROGRAM – 2018 PROJECT PRESENTATION

Mayor Harris explained that this is the third year for the Student "LEAD" program in Duluth. Each year, the students have been asked to propose a project at the end of their school year. The first year, the students created a transitional program for new 6<sup>th</sup> grade students entering Coleman Middle School to connect them with the community. The second year, the group focused on activities and created planned events in Parsons Alley on "Take Over Tuesday," which the City has since adopted. This year's LEAD class proposed an evolved program to connect Duluth High School students to meaningful internships with key business members of the Duluth Merchants Association. They intend to create an informational program brochure and have planned a survey-based matching system to best pair the interests of students with needs of businesses.

Council was supportive of the initiatives.

### IV. CONSENT AGENDA

#### 1. APPROVAL OF MAY 14, 2018 MINUTES

#### 2. AUTHORIZATION FOR CONTRACT AMENDMENT – CITY MANAGER COMPENSATION {A}

Approval of this item authorizes Mayor Harris to execute the amended City Manager Employment Agreement, with changes to Section 6 and Section 10 of the City Manager's contract regarding increase in annual base salary and car allowance, effective July 1, 2018.

#### 3. ACCEPTANCE OF PUBLIC ART PARTNER DONATION – \$2,500 - CSC PROPERTIES, LLC.

Approval of this item accepts a public art partner donation in the amount of \$2,500 from CSC Properties, LLC, the developer for a new Popeye's located at 4280 Pleasant Hill Road, to be credited to account 209-371005 (donations).

#### 4. ACCEPTANCE OF DONATIONS/ORD TO AMEND BUDGET - \$350 – COMMUNITY CLEAN UP DAY {B}

On June 16th, the City will once again hold its annual Community Clean-Up Day for Duluth residents. The event will take place from 8am to 5pm at the Duluth Public Works facility located at 2450 Main Street. In support of this event, staff received donations of \$250 from Pond & Co. and \$100 from Wolverton & Associates to help offset the associated cost. Approval of this item authorizes a budget amendment to add \$350 to the Planning & Development - Planning & Development Administration - Community Betterment Program line item.

**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**  
**Motion carried.**

**V. PUBLIC HEARINGS**

1. SECOND PUBLIC HEARING - ORDINANCE TO ADOPT THE FY19 BUDGET {C}

Mayor Harris opened the public hearing to consider approval of an ordinance for adoption of the Fiscal Year 2019 City of Duluth Budget. Per the State Code of Georgia, the Mayor and Council to hold a public hearing to receive public comment on the proposed FY19 Annual Operating and Capital Projects Budget. A public hearing was held before the Mayor and Council on May 14th to receive public comments. Prior to the public hearings, staff and council reviewed the proposed FY19 budget in a budget workshop held April 30th which was duly noticed and open to the public.

City Manager James Riker came forward to give an overview of the FY19 budget, showing expenditures, revenue projections, and capital projects. He noted some updates to the budget since the initial draft was prepared, as follows:

- Increase Police Administration – Professional Services for anticipated increase in court solicitor’s hourly rate (last hourly rate increase January 1,2008)
- Incorporated employee health insurance changes made during May open enrollment
- Change employee COLA increase from 2% effective January 1, 2019 to 2% effective July 1, 2018 and an additional 1% effective January 1, 2019. 3% COLA has not been offered since 2013.
- The overall impact to budget is \$181,761

Mr. Riker noted that the General Fund budget comparison. The reserves needed to balance the budget have been decreased from \$2,027,102 in FY18 to \$1,070,063 in FY19. He summarized expenditures by department, and said that this year’s tax millage rate is proposed to be the same. He also highlighted some of the specific revenues and expenses and explained that the reduction in contributions to the pension plan are recommendations from an actuarial study, which is reviewed and presented to the Finance Committee in December. Mr. Riker outlined the dates of previous public meetings for budget review.

Mayor Harris called for discussion from Council, and from the public. There being no comments, the Mayor closed the public hearing and called for a motion.

**A motion was made by Councilmember Bomar, seconded by Councilmember Jones, to approve the ordinance adopting the FY19 budget as presented.**

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

2. ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE - TA#2018-002 {D}

Mayor Harris opened the public hearing; Planning Director Bill Aiken came forward to present. The Mayor and Council considered an ordinance to re-adopt the policies and procedures governing the calling and conducting of zoning public hearings as required by OCGA 36-66-4 and outlined in Section 1104.01 of the Unified Development Code (UDC).

Mr. Aiken outlined the procedures and notification process for zoning public hearings. Planning Commission recommended approval of Case TA#2018-002 as presented by staff at the June 4, 2018 hearing, and staff also recommends re-adoption of the policies and procedures governing the calling and conducting of zoning public hearings as presented in the attached ordinance.

A staff report, Planning Commission minutes and public hearing advertisements were presented for consideration.

Mayor called for discussion from Council or comments from the public. Being none, Mayor Harris closed the public hearing and call for a motion.

**A motion was made by Councilmember Kelkenberg, seconded by Councilmember Bomar, to approve the ordinance to re-adopt the policies and procedures governing the calling and conducting of zoning public hearings as outlined in Section 1104.01 of the Unified Development Code (UDC) as presented.**

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

3. ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE – ZONING POWERS – TA#2018-003 {E}

Mayor Harris opened the public hearing; Planning Director Bill Aiken came forward to present. The Mayor and Council considered an ordinance to re-adopt the standards governing the exercise of zoning power as required by OCGA 36-66-5 and outlined in Section 1104.02 of the Unified Development Code (UDC).

This case deals with a set of standards that applicants must meet for consideration of re-zonings, to adopt or amend the UDC or other “zoning” ordinances.

1. Is the proposal consistent with the purpose and intent of the ordinance or regulation under consideration?
2. Does the proposal further or is it compatible with the purpose and intent of the Comprehensive Plan?
3. Is the proposal required to adequately address new or changing conditions or to properly implement the Comprehensive Plan?
4. Does the proposal reasonably promote the public health, safety, morality or general welfare?

Planning Commission recommended approval of Case TA#2018-003 as presented by staff at the June 4, 2018 hearing, and staff also recommends re-adoption of the standards governing the exercise of zoning power as presented in the attached ordinance.

A staff report, Planning Commission minutes and public hearing advertisements were presented for consideration.

Mayor called for discussion from Council or comments from the public. Being none, Mayor Harris closed the public hearing and call for a motion.

**A motion was made by Councilmember Bomar, seconded by Councilmember Carden, to approve the ordinance to re-adopt the standards governing the exercise of zoning power as outlined in Section 1104.02 of the Unified Development Code (UDC) as presented.**

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

4. ORDINANCE TO AMEND THE UDC & ADOPTION OF OFFICIAL ZONING MAP – CASE TA#2018-004 {F}

Mayor Harris opened the public hearing; Planning Director Bill Aiken came forward to present. The Mayor and Council were asked to consider an ordinance to amend various sections the Unified Development Code (UDC) and re-adopt the official Zoning Map of the City of Duluth.

The first amendment for consideration involves “Principal Uses” allowed by zoning district, Table 2-C of the UDC for uses in the HC retail district affecting four NAICS codes.

The second recommendation is to amend Section 205.14(d)(1) regarding building facades in the Central Business District (CBD).

Mr. Aiken summarized a third amendment to Sections 312 and 1403 outlining requirements for automotive car washes that 50% of water utilized will be recycled, and adds some definitions.

Section 405.03 was recommended for amendment due to concerns with 18 wheel drivers who pull off the road and park in commercial shopping centers along Pleasant Hill. City Compliance Officers have discussed with store managers, etc. who would like to see these regulations enforced.

Councilmember Carden asked if there were any nearby truck stops on our side of the County.

Mr. Aiken responded that there were not; which is a need that the Atlanta Regional Commission (ARC) admits is currently greatly underserved along the I-85 corridor.

Gwinnett County has started down the same path, and their Planning staff has handed the issue over to the Gwinnett DOT about three months ago. They are currently completing a study to show appropriate locations, etc.

Councilmember Bomar said that ARC recently reported that Georgia DOT has reopened some of their previously closed truck stops. She asked what would happen if private property owners want to allow it and let people charge for it.

City Attorney Pereira said this is proposed as a matter of zoning, overnight truck parking would not be allowed on personal property and the enforcement would be against the property owner, not the truck drivers.

Mr. Aiken said this would not affect those parking for 2-3 hours, just for overnight and there would have to be signs posted to enforce.

The next amendment addresses Planned Unit Development requirements that are adjacent to other residential land uses and requires a 50 foot wide buffer.

Mr. Aiken explained that staff and the Planning Commission also recommended repealing and replacing Article 10 Erosion Control and Stormwater Management to reflect recent changes in state law.

The last amendment proposed to replace “Community Development” with “Planning and Development.”

Approval of this item also re-adopts the City of Duluth Official Zoning Map.

Planning Commission recommended approval of Case TA#2018-004 with modifications at the June 4, 2018 hearing, and Staff recommends amending and re-adopt the City of Duluth’s official Unified Development Code and the official Zoning Map as presented in the attached ordinance.

A staff report, Planning Commission minutes, Zoning Map and public hearing advertisements were presented for consideration.

Mayor Harris called for discussion from Council.

Several council members voiced concern over approving Section 405-3 and requested staff to coordinate efforts with Georgia DOT, Gwinnett County, ARC and Gwinnett DOT.

Mayor Harris called for questions/comments from the public. There being none, Mayor Harris closed the public hearing and called for a motion.

**A motion was made by Councilmember Jones, seconded by Councilmember Bomar, to approve the ordinance to amend the UDC for Case TA#2018-004 with a modification to strike the proposed amendment to Section 405.03 "Overnight Stay" and to approve the Official Zoning Map of the City of Duluth as presented.**

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

## **VI. NEW BUSINESS**

### **1. AWARD OF BID – SR 120 SIDEWALKS/BUFORD HWY TO CLAIBORNE DRIVE {G}**

Mayor and Council to consider awarding a bid for the SR120 sidewalk project, City project CD#66.

City Engineer Margie Pozin presented. In 2014, the City entered into an intergovernmental agreement with Gwinnett County to design and construct sidewalks on SR 120. Per the agreement, 81% of the costs to design, purchase right of way for, and construct this project will be borne by Gwinnett County, and 19% by the City of Duluth. Phase I (the section to the east) was designed first and advertised for construction with bids due on May 16, 2018. A total of nine bids were received as follows:

Ohmshiv Construction	\$ 982,217.15
CMES	\$ 990,638.00
CMEC	\$1,071,273.42
Archimetric Design & Construction	\$1,102,735.35
Construction 57, Inc	\$1,110,835.25
Georgia Development Partners	\$1,161,357.64
Tri-Scapes, Inc	\$1,273,750.80
Southern Premier Contractors	\$1,299,466.50
A1 Contracting	\$1,440,213.00

Per the bid package and the advertisement, it is the City's intention to award the construction to the lowest responsible bidder. Staff reviewed all bid packages and checked references for the lowest bidder. Staff recommends award to Ohmshiv Construction in the amount of \$982,217.15.

Should Council approval the award, additional matching funds of \$171,290 will be required for the City's 19% matching of the sidewalk construction cost. Staff recommends \$83,940 come from unallocated 2014 SPLOST Transportation funds and \$87,350 come from unallocated 2017 SPLOST Transportation funds. These funds will be added to the Abbotts Bridge Road Improvements - Roadway & Walkways - Professional Services line item.

Staff requests the Mayor and Council to consider approval of award to Ohmshiv Construction in the amount of \$982,217.15, and authorize a budget amendment to cover the City's share of matching funds for construction costs, CE&I costs, Engineering Services costs, and a contingency.

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

**A motion was made by Councilmember Bomar, seconded by Councilmember Carden, to approve awarding the bid for the SR 120 sidewalk construction project from Buford Highway to Claiborne Drive to Ohmshiv Construction in the amount of \$982,217.15, and further move to approve a budget amendment to add \$83,940 in unallocated 2014 SPLOST and \$87,350 in unallocated 2017 SPLOST to the Abbotts Bridge Road Improvements - Roadway & Walkways - Professional Services line item.**

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

2. AWARD OF BID – PUBLIC SAFETY PARKING LOT REPAIRS {H}

Mayor and Council to consider awarding a bid for the crack filling, seal coating and striping of the Public Safety Building parking lot. A total of four bids were received as follows:

Prime Paving - \$ 9,000.00  
Ed's Paving - \$ 17,000.00  
All -Brite Striping - \$ 14,000.00  
Ace Paving - \$ 24,899.76

Staff recommends award to Prime Paving Contractor, Inc. in the amount of \$9,000.

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

**A motion was made by Councilmember Kelkenberg, seconded by Councilmember Jones, to approve awarding of the paving project to Prime Paving in the amount of \$9,000.**

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

**VII. MATTERS FROM DEPT HEADS/CITY ATTORNEY**

Planning Director Bill Aiken announced the 2<sup>nd</sup> annual Community Clean-Up Day to be held on June 16<sup>th</sup> from 8am-5pm. In conjunction with Public Works and Marketing, the event has been advertised for several weeks, and donations have been received for food.

**VIII. MATTERS FROM CITY MANAGER**

1. Library meeting June 12<sup>th</sup> at GJAC meeting
2. GwMA Tuesday June 12<sup>th</sup> at Georgia Gwinnett College
3. Bid opening June 12<sup>th</sup> for HVAC system Festival Center Building

**IX. MATTERS FROM COUNCIL**

Councilmember Jones thanked staff for their work in last Saturday's outdoor event despite the weather challenges.

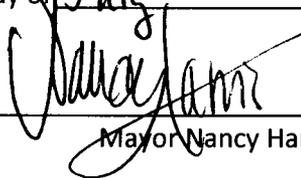
**X. ADJOURNMENT**

A motion was made by Councilmember Bomar, seconded by Councilmember Carden, to adjourn at 8:05 pm.

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

Motion carried.

Approved this 9<sup>th</sup> day of July, 2018.

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

ATTEST:

  
\_\_\_\_\_  
Deputy City Clerk Kristin McGregor

KM 7/9/18