



**WORK SESSION NOTES
MAYOR AND COUNCIL
CITY OF DULUTH, GA
JULY 23, 2018**

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

Mayor Harris called the meeting to order at 5:30pm.

(NOTE: There will be a recess of the work session to a Special Called meeting at 6pm to consider an ordinance to amend the FY19 budget and hold a public hearing on the 2018 Tax Millage rate.)

I. PUBLIC COMMENTS

None brought forward.

II. DISCUSSION ITEMS

1. APPOINTMENT – CHIEF JUDGE/COURT ADMINISTRATOR

The Duluth City Charter provides for the appointments of 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 charter provision. The Mayor and Council considered the re-appointment of Chief Judge/Court Administrator Charles Barrett.

IMPACT TO BUDGET: N/A

Staff was authorized to place the ordinance on the next Council agenda for consideration.

2. BOARD APPOINTMENT – DOWNTOWN DEVELOPMENT AUTHORITY

Staff and DDA Chairman Ron Osterloh interviewed (3) prospective DDA Board Members to fill the unexpired term of Rob Ponder. The applicants were Amy Fuchs (Realtor), Tom Turner (Retired Economic Development Professional), and Richard Meehan (Consulting Engineer). It was the recommendation of Chairman Osterloh that Richard Meehan be appointed to fill the unexpired term of Rob Ponder, with term expiring April 2020.

IMPACT TO BUDGET: mandatory DDA training, \$600 (budgeted)

Staff was authorized to place an ordinance on the next Council agenda for authorization.

3. BOARD APPOINTMENT - PARKS & RECREATION BOARD

Staff and Co-Chairperson Sharon Parris interviewed (7) prospective Park Advisory Board candidates to fill the expired term of Sherry McCann and the unexpired term of Bob Bennewitz. The applicants were Richard LaScala

(Retired Business with fund raising experience), Ryan Marcinik (Business, sales), Curt Linder (Engineer, Youth Athletic Board), Abby Burton (Communications), Cathy Ramadei (Retired Government Analyst), Dana Musselman (Human Resources), Carter Marlor (Restaurant Manager). Interviews were conducted at Bunten Road Park or W.P. Jones Park and applications for the candidates are attached.

It was the recommendation of co-chairperson Sharon Parris and the Park Advisory Board to recommend Ryan Marcinik to fill the expired term of Sherry McCann, and Curt Linder to fill the unexpired term of Bob Bennewitz.

IMPACT TO BUDGET: N/A

Staff was authorized to place an ordinance on the next Council agenda for consideration.

4. BOARD APPOINTMENT – DULUTH PUBLIC ART COMMISSION

The Duluth Public Art Commission has a vacancy to be filled for the unexpired term of Michael Robbins, term expiring March 31, 2020. Commission member Eddie Owen and staff liaison Kristin McGregor interviewed three candidates, Tamara Stone, Tom Todaro, and Abby Burton. At this time, Abby Burton has been recommended to fill the position. Ms. Burton is a life-long Duluth resident, graduate of DHS, and a young professional with marketing/public relations background.

IMPACT TO BUDGET: N/A

Staff was authorized to place an ordinance of appointment on the next Council agenda for approval.

5. BOARD APPOINTMENT - TAD ADVISORY COMMITTEE

The TAD Advisory Committee City Council appointments have expired. Staff is seeking council input on appointing two members of the Council to serve on the committee. The enacting ordinance identifies the membership of the committee as follows:

"The Duluth TAD Advisory Committee, hereinafter known as "DTADAC" shall be made up of five (5) regular members. Members shall include two (2) members of the Mayor and Council, appointed by the Mayor and Council; the City Manager or his/her designee; the Chair of the Gwinnett County Commission or his/her designee and Gwinnett County's Director of Planning or his/her designee."

IMPACT TO BUDGET: N/A

Staff was authorized to place an ordinance reappointing Mayor Harris and Councilmember Whitlock on the next Council agenda for adoption.

6. BOARD APPOINTMENT - ETHICS BOARD

Each elected official appoints two representatives to this board. Jamie Espinosa has submitted his resignation from the City's Ethics Board. Mayor Harris' nominee to fulfill Mr. Espinosa's unexpired term is Ann Tiberghien.

IMPACT TO BUDGET: N/A

Staff was authorized to place the ordinance of appointment on the next Council agenda for approval.

7. ORDINANCE TO AMEND THE DULUTH CODE – CHAPTER 10 – LITTERING

City Clerk Teresa Lynn came forward to explain that Staff has received several complaints from residents who voiced their concerns on animal waste that is not being properly disposed of by owners on public streets, sidewalks, walking paths, etc. Staff conducted research of surrounding municipalities who currently have language in an ordinance which addresses "disposal of animal waste and enforceability." Sandy Springs, Brookhaven and the City of Decatur currently have language in their Code which addresses, disposal of animal waste and language for police to cite if proof is provided. Staff discussed with the City Attorney and if the intention is to take a more active enforcement role in this area, an amendment to Section 10-3 of the City's Littering Ordinance is recommended to insert the following language

"It shall be unlawful for any person dog owners to leave any feces left by their a dog or other pet within their custody and control on sidewalks, gutters, streets, lots, public parks, or other public areas and public properties. Dog Animal waste should be immediately removed by placing it in a closed or sealed container and disposing it in a trash receptacle, sanitary disposal unit, or other closed or sealed refuse container. The only exclusion applies to subsection shall not be enforced against visually impaired individuals using a guide dog."

IMPACT TO BUDGET: N/A

Council requested that more PR be done before pursuing an ordinance that is difficult to enforce.

8. BUILDING CODE UPDATE – AMEND DULUTH CODE, CHAPTER 5

Planning Director Bill Aiken came forward to detail proposed amendments to Chapter 5 of the Duluth Municipal Code, "Buildings and Building Regulations." He gave the history of regulations as previously adopted in 1982, 1983, and 1997.

Mr. Aiken explained that the new Building Official was hired May of 2018, and he has been reviewing forms, applications, processes and codes for building construction. The proposal is to readopt chapter 1 of the Building Code and incorporate the text into the Code of Ordinances of the City of Duluth, to ensure consistency with Municode as well as the current mandatory construction codes adopted by DCA, and improve the customer's experience and efficiency by providing clear procedures.

IMPACT TO BUDGET: Municode supplement (Budgeted under City Clerk)

Staff was authorized to place an ordinance on the next Council agenda for adoption.

9. MULTI-FAMILY INSPECTION ORDINANCE

Planning Director Bill Aiken came forward to provide an update on the proposed Multifamily Inspection Ordinance since the presentations to Council in February and March. He outlined the objectives again, and reported having attended a "Crime Free Multifamily Housing" training session in May with a representative from the Police Department. He explained that Staff is working with the Atlanta Apartment Association for review/comment on proposed new regulations, which apply to properties containing four (4) or more residential rental units. Each owner of such a rental property must show that 20 percent of the units are inspected each year, provided all units shall be inspected every five (5) years at a minimum.

Staff would also like to see a phased approach to achieving the "Crime Free" designation.

IMPACT TO BUDGET: N/A – inspection costs are covered by the owners

Staff was authorized to place the ordinance on the next Council agenda for adoption.

THE WORK SESSION WAS RECESSED AT 6:00 pm TO CALL THE SPECIAL CALLED MEETING TO ORDER. ITEMS OF DISCUSSION WERE AN ORDINANCE TO AMEND THE FY19 BUDGET AND THE FIRST PUBLIC HEARING ON THE 2018 TAX MILLAGE RATE. THE WORK SESSION RECONVENED AT 6:45 pm.

10. PARKING IN RESIDENTIAL DISTRICTS

{A}

Planning Director Bill Aiken came forward to provide a presentation detailing the provisions of Chapter 8, Article III of the Duluth Municipal Code, "Stopping, Standing and Parking". He shared the concerns that have been expressed by various homeowner associations and residents to staff, and feels that there may be potential amendments needed to promote and protect the safety, convenience, order and general welfare of the citizens of the City.

IMPACT TO BUDGET: N/A

After discussion, Council agreed that following up with each HOA on their individual solution would be the best approach as there is not one uniform policy decision that would benefit all of the neighborhoods who have voiced concerns. Mr. Aiken and Mr. Riker to follow up and report back on each subdivision.

11. ORDINANCE TO AMEND DULUTH CODE - SALES/SOLICITATION

City Clerk Teresa Lynn requested an amendment to the Duluth Code of Ordinances, Article X - Sales and Solicitation replacing in sections 7-359, 7-361 and 7-363 the Chief of Police and replacing with the City Clerk. The applications, permitting and fees are now being issued through the City Clerk's office. Staff is also recommending that Section 7-367(4) be amended to set definitive times rather than using "sunset."

IMPACT TO BUDGET: N/A

Staff was authorized to place the ordinance on the next Council agenda for adoption.

III. PRESENTATIONS/UPDATES

1. SENATE BILL 17 – "BRUNCH BILL" – SPECIAL ELECTION

{B}

City Clerk Teresa Lynn came forward to explain the request. Georgia General Assembly passed SB 17, also known as the "Brunch Bill" to allow local communities an opportunity to hold a referendum on November 6, 2018. A majority of affirmative votes would allow the sale of alcoholic beverages beginning at 11:00am on Sundays for "consumption on premises." Current law allows for Sunday sales to begin at 12:30.

Staff conducted research, and the only city who is definitely calling a special election solely for this referendum is Peachtree Corners.

IMPACT TO BUDGET: Would require contingency request, approximately \$25,000

Because they are restaurant owners/alcohol licensees, Councilmembers Jones and Bomar left the discussion. A majority the remaining Council members were in favor of authorizing the Superintendent of Elections to prepare and issue "Call" to conduct a Special Election.

2. APARTMENT SUPPLY & DEMAND ANALYSIS

Economic Development Specialist William Corbin came forward to present. Due to recent interest from developers, the City commissioned Noell Consulting Group to perform a supply/demand market analysis last year. As there was an update this month, Staff reported on the information which is projected for 2018-2022. The overall picture is that there are a greater demand for "Class A" apartments as there is less oversupply. Job growth is expected to slow but building "walkable" communities with close proximity to downtowns will hold their value long term.

Economic Development Manager Chris McGahee also emphasized the importance of enacting the proposed multi-family ordinance, which requires upkeep of the existing inventory to protect the values of new projects as well. City Manager James Riker explained what "Class A" means and also noted that it did not include the "over 55" living category.

IMPACT TO BUDGET: N/A

3. GEORGE ROGERS AVE LIGHTING/LANDSCAPING

{D}

City Engineer Margie Pozin came forward to present. Project closeout documents have been submitted to GDOT for consideration and it's time to move into the next phase of completion for George Rogers Avenue. Once GDOT approves the closeout, we can implement lighting and landscaping plans. There is approximately 160,000 left over for this project.

As the road was built with 10 foot trails on either side of the road, it was designed to be a pedestrian area and therefore needs lighting. Staff has worked closely with Ga Power to develop five potential alternatives.

- 1. Roadway Lighting (all one side)
- 2. Shepherd Crooks (all one side)
- 3. Post Top Lighting (both sides)
- 4. Hybrid (Roadway + Post tops on both sides)
- 5. Roadway Lighting (both sides)

Councilmember Bomar noted that the Public Art Commission is considering an art project for this area as well. Councilmember Whitlock suggested keeping the landscaping simple, as it should not be a distraction to drivers in the roundabout.

City Manager James Riker also mentioned the disturbance in the adjoining property buffers that needs to be landscaped as well.

IMPACT TO BUDGET: (Lighting) Fees for up front capital costs and ongoing monthly fees related to usage.

After discussion, Council agreed with Option 5 but would like to see a coverage diagram with using 140 watt and 160 watt bulbs to make the final determination. After the lighting options are selected, Ms. Pozin can then report on how much is left to start the landscape plan.

4. PLANNING & DEVELOPMENT UPDATES

Planning Director Bill Aiken provided the Mayor and Council with an update of land use cases and permits for the month of July.

IV. MATTERS FROM COUNCIL

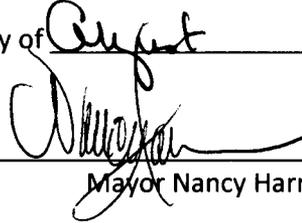
Councilmember Carden would like to see guidelines/permits for cutting residential trees. He reported that other neighboring cities have such regulations, mostly to prevent clear cutting. Council was supportive of staff researching this matter.

Mayor Harris reminded Council that the City Manager's mid-year evaluation comments were due.

V. ADJOURNMENT

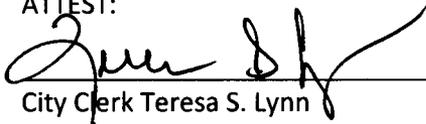
The second tax millage public hearing is scheduled to be held August 13th at 10:00 a.m. in the City Council Chambers. The next scheduled voting meeting of the Mayor and Council is Monday, August 13 at 7:00 p.m. in the City Council Chambers, at which time the third tax millage public hearing is scheduled to be held.

Approved this 13 day of August, 2018.



Mayor Nancy Harris

ATTEST:



City Clerk Teresa S. Lynn