



**MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
AUGUST 12, 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 taken.

Mayor Harris called the meeting to order at 5:35 p.m. and called for a motion 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 Kelkenberg, seconded by Councilmember Bomar, to adjourn to executive session at 5:35 p.m. for the purpose to discuss pending/potential litigation, personnel and or real estate matters.

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

After the discussion, a motion was made by Councilmember Bomar, seconded by Councilmember Whitlock, to adjourn from Executive and convene to regular session at 5:55 p.m.

Those voting for: Council members Bomar, Carden, Jones, Kelkenberg and Whitlock
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 - www.duluthga.net/events

Thursday Live - live music in Parsons Alley and on Main Street every Thursday from 6-9pm, June-August.

Fridays-N-Duluth presents Food Truck Friday, August 16, 23

Fridays-N-Duluth presents "Block Party on Main" - August 30 featuring *The Baha Men*

9/11 Tribute-September 11

Duluth Fall Festival Concert-Saturday, September 14 featuring *Electric Avenue*

Duluth Fall Festival-September 28 & 29 - www.duluthfallfestival.org

III. CONSENT AGENDA

1. APPROVAL OF JULY 8, 22, 29 MINUTES/TAX MILLAGE HEARINGS

2. ORDINANCE TO APPOINT MUNICIPAL COURT CHIEF JUDGE

{A}

Approval of this item authorizes the re-appointment of Charles L. Barrett, III as the Chief Judge/Court Administrator for the City of Duluth Municipal Court, per OCGA 36-32-2.

3. ORDINANCE TO AMEND THE DULUTH CODE – CHAPTER 3 ALCOHOLIC BEVERAGES

{B}

The Parks & Recreation Advisory Board met on June 12 to discuss allowing alcohol consumption in the Community Room of “the Max” building at Bunten Road Park, and recommended expanding the facility usage agreement to allow consumption of beer and wine for adult functions and facility rentals, subject to conditions. The Alcohol Review Board met on July 25 to review the request and address several minor housekeeping changes as well. Therefore, approval of this item approves ordinance O2019-18 amending the following sections of Chapter 3 of the Duluth Code:

- 3-341 to allow alcohol at the Max
- 3-204 to clarify a five-year lookback period on background checks for alcohol license applicants
- 3-103 to extend the requirements for “registered agents” to reside in Gwinnett County to residing in the State of Georgia
- 3-270 changing the title to remove “Happy Hour” and clarify the language on subsection 3

Staff and the respective boards recommend approval of the amendments as presented.

4. APPROVAL OF ENVIRONMENTAL COVENANT – 3150 MAIN ST – PARCEL 6293-402

{C}

In 2015, the City enrolled the property located at 3150 Main Street (Parcel No. 6293-402) into Georgia Environmental Protection Division’s Voluntary Remediation Program (VRP) in order to address the property’s environmental matters. The VRP process will be completed upon submittal of the final environmental compliance report and GaEPD acceptance of a recorded environmental covenant. Approval of this item authorizes Mayor Harris to execute the environmental covenant as presented.

5. ORDINANCE TO AMEND THE DULUTH CODE - STORMWATER UTILITY FEE

{D}

The City of Duluth implemented a Stormwater utility in 2011 in order to generate a funding source for making improvements to the City’s aging stormwater infrastructure. As part of the Stormwater Asset Management & Capital Improvements Program, staff has conducted thorough assessments and determined a course of action for needed improvements. In order to develop a sustainable funding model that will allow the City to make strategic, timely, and cost conscious decisions about repairs to the City’s stormwater infrastructure over the next 15 years, an increase is recommended. Approval of this item will amend Chapter 15 of the Duluth Municipal Code by establishing that one (1) equivalent residential unit (ERU) equals two thousand nine hundred ninety-seven (2,997) square feet of impervious surface area, that the cost of one (1) ERU shall be equal to \$62.00 annually and that an attached single-family residential (ASFR) shall be charged at a rate of .05 ERU (\$31.00 annually). As previously discussed on April 22, July 8 and July 22, staff recommended that the rate changes take effect immediately and be represented on the 2019 Property Tax bills.

6. APPROVAL – MEMORANDUM OF AGREEMENT – ROGERS BRIDGE

{E}

As part of the environmental process for the replacement of Rogers Bridge over the Chattahoochee River, a Memorandum of Agreement (MOA) must be signed by the City of Duluth, the City of Johns Creek, the Federal Highway Administration, Georgia DOT, and the State Historic Preservation Office (SHPO). Once all signatures are complete, the MOA will become part of the environmental document. Approval of this item authorizes the Mayor to execute the agreement as presented for city project PK-33.

7. ORDINANCE TO AMEND FY20 BUDGET – \$23,639 - POLICE VEHICLES {F}

Approval of this item authorizes an ordinance (BA-FY20-03) to amend the FY20 budget. Recently, the Police Department sold three vehicles at auction, after commission and fees they received \$12,620. In addition, the Police Department received an insurance settlement of \$11,018.43 for a police vehicle that was involved in an accident our insurance carrier determined to be a total loss. In order to continue maintaining a vehicle fleet that is low maintenance and dependable, the Police Department is requesting the \$23,639 be added to the Police Vehicle - Consolidated Vehicle Maintenance - Vehicles line item.

8. ORDINANCE TO AMEND FY20 BUDGET - \$50,000 – PROFESSIONAL SERVICES {G}

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 capitol project as work is performed, based on approved invoices. Prior approved SPLOST contingency funds for Transportation capital projects have been exhausted and additional funds are needed. Approval of this item authorizes an ordinance (BA-FY20-04) to amend the FY20 budget. Staff is requesting \$50,000 of unallocated 2017 SPLOST be added to the SPLOST 2017 Professional Services line item to later be allocated to individual projects as invoices are approved.

9. PURE TAQUERIA PATIO LEASE {H}

Pure Taqueria's Patio space has been surveyed and marked. An assignable lease agreement has been created. The term is 12 months and includes a price escalation clause. Approval of this item authorizes the City Manager to execute the agreement as presented.

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. PUBLIC HEARING

Mayor Harris opened the public hearing.

1. ORDINANCE TO SET THE 2019 AD VALOREM TAX MILLAGE RATE {I}

City Manager James Riker came forward to present. Each year, Gwinnett County Tax Assessors are required to review the assessed value of taxable property in the County. This is called the reassessment process. When the total digest of taxable property is prepared, Georgia Law requires that a rollback millage rate must be computed that will produce the same total revenue on the current year's new digest that last year's millage rate would have produced had no reassessments occurred.

The City of Duluth is considering maintaining the same millage rate as last year, which is 6.551 mills. Since that millage rate is higher than the roll back rate, three public hearing are required to allow the public an

opportunity to express their opinion on this increase for the record. Georgia Law also requires that the City publish a "Notice of Property Tax Increase" in the legal organ when the tentative adopted millage rate exceeds the rollback millage rate. The notice includes the current year's digest and a five-year history of taxes levied. This year the City's current millage rate exceeded the rollback millage rate by 0.473 mills.

The first public hearing was held at 10:00 am on July 22, 2019 and the second was held at 5:30 pm on July 29. This is the final public hearing.

Mr. Riker explained how the reassessment of "The District" was an example of a property increasing from a worth of five million to over 80 million in a few short years. He also explained what the anticipated additional revenue was programmed for in the Fiscal Year 2020 budget. As the digest is growing, that means that the number of residents and businesses are also growing, creating an additional need for services.

Mr. Riker also mentioned the Citizen's budget committee review for this year and their desire to increase Code enforcement efforts, recycling, ride share options, etc. With the approved FY20 budget, these final assessment figures show revenues and expenses much more in line with each other, not requiring prior year reserves to balance. Therefore, Staff recommended setting the 2019 millage rate at 6.551 mills.

Mayor Harris called for any questions or comments from Council and the public. Being no comments, she closed the public hearing and called for a motion.

A motion was made by Councilmember Bomar, seconded by Councilmember Whitlock, to approve the ordinance setting the 2019 Tax Millage rate at 6.551.

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

V. MATTERS FROM COUNCIL

Councilmember Bomar asked Parks Director Marelle how the summer camp season went. Ms. Marelle responded that it was an excellent year with 10 weeks of camp, and complimented both her temporary and full-time staff for the season.

Mayor Harris extended appreciation for Judge Barrett for his desire to be reappointed for another year.

Councilmember Bomar thanked Public Works and Events staff for doing an excellent job programming and cleaning up after city events.

VI. EXECUTIVE SESSION

A motion was made by Councilmember Whitlock, seconded by Councilmember Jones, to adjourn to executive session at 6:20 p.m. for the purpose to discuss pending/potential litigation, personnel and or real estate matters.

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

After the discussion, a motion was made by Councilmember Bomar, seconded by Councilmember Whitlock, to adjourn from Executive and convene to regular session at 7:15 p.m.

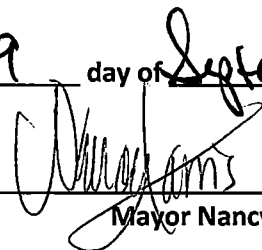
Those voting for: Council members Bomar, Carden, Jones, Kelkenberg and Whitlock
Motion carried.

VII. ADJOURNMENT

A motion was made by Councilmember Kelkenberg, seconded by Councilmember Jones, to adjourn at 7:15 pm.

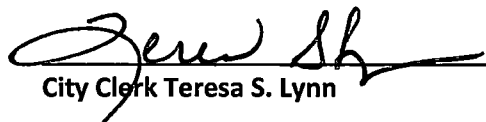
Those voting for: Council members Bomar, Carden, Jones, Kelkenberg and Whitlock
Motion carried.

Approved this 9 day of September, 2019.



Mayor Nancy Harris

ATTEST:



City Clerk Teresa S. Lynn