

Duluth



**MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
AUGUST 13, 2018**

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. Item 3 of the Consent Agenda moved to New Business, Item 9.

Mayor Harris called the meeting to order at 6:30 p.m., and announced it will be necessary to hold an Executive Session on Real Estate, Pending/Potential Litigation, and Personnel matters.

I. EXECUTIVE SESSION

A motion was made by Councilmember Kelkenberg, seconded by Councilmember Bomar, to adjourn to executive session at 6:30 p.m. for the purpose to discuss Real Estate, Pending/Potential Litigation and or Personnel 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 return to regular session at 6:55 p.m.

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

INVOCATION OR MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE: Boy Scout Troop 846; Mickey Armstrong, Henry Armstrong, Tegas Shah and Nicholas Vashakidze

II. ANNOUNCEMENTS

- 1. AGENDA CHANGES (IF NECESSARY)**
- 2. UPCOMING EVENTS - visit www.duluthga.net/events**

PLEASE NOTE: This and other city meetings may be audio and/or videotaped for broadcast, transcription and/or archival purposes. As set forth in the Americans with Disabilities act (ADA) of 1992, the City of Duluth government does not discriminate on the basis of disability in the admission or access to or treatment of employment in its programs or activities, and complies with the requirements contained in section 35.107 of the Department of Justice regulations. Any requests for reasonable accommodations required by individuals to fully participate in any open meeting, program, or activity of the City of Duluth government should be made seven days prior to the event. Inquiries should be directed to the ADA Coordinator in the Planning Department, located at 3167 Main Street, Duluth, GA. 30096, telephone (770) 476-1790.

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

"Tuesday Cornhole League", Join us for our 7-week summer cornhole league in Duluth on Tuesday nights! Season begins on Tuesday, September 4th, but you must be registered by August 27th. Season ends on October 23rd. Play times are 6:45, 7:30, and 8:15pm. All teams play a best of three series against an opponent at their same skill level. Choose from different skill levels- beginner, intermediate, or advanced. All teams participate in playoffs and qualifying teams represent their location at the CornholeATL City Tournament!
https://www.duluthga.net/community/2what_s_happening/upcoming_events/duluth_cornhole_league.php

"Friday Corn hole League", The Peach State Corn hole League is back for another awesome 8-week season at Duluth Town Green! All skill levels are welcome! Choose "Ringers (Competitive)" or "Dingers (Social)" division to match your level of skill and fun! The Fall League runs from August 24th to October 5th.
https://www.duluthga.net/community/2what_s_happening/upcoming_events/duluth_cornhole_league.php

"Flicks on the Bricks" featuring *Black Panther* - September 7. Town Green, Dusk.

"The Restoration Story of 9/11 Tribute", with guest speaker Moises Gomez representing the Port Authority of NY & NJ and painter/sculptor, Kathy Fincher. Tuesday, September 11, 2018:
11am-1pm: The Hudgens Center, TOLD WITH THE ORIGINAL PAINTING
6:00pm: Town Green, THE STORY OF THE MONUMENT
6:30pm: Red Clay Theater, PRESENTATION BY MOISES GOMEZ

Duluth Fall Festival "SummerStage Concert" featuring *Rupert's Orchestra* - September 22. Town Green, 8:00-10:00pm (Opening Act 6:30pm)

"Duluth Fall Festival"- September 29-30. Downtown Duluth, visit www.duluthfallfestival.org

III. CEREMONIAL MATTER

1. PROCLAMATION – NATIONAL PAYROLL WEEK {A}

Mayor and Council proclaimed the week of September 3rd through the 7th as National Payroll Week. This is in recognition of the payroll professionals who support the American system of paying wages, reporting worker earnings and withholding federal employment taxes. John Hunt accepted the proclamation.

IV. CONSENT AGENDA

1. APPROVAL OF JULY 9th/23rd MINUTES

2. ORDINANCE TO APPOINT MUNICIPAL COURT JUDGE {B}

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. Approval of this item approves an ordinance to appoint Charles L. Barrett, III as Chief Judge/Court Administrator of the Municipal Court of the City of Duluth until August 31, 2019.

3. ORDINANCE TO APPOINT DDA MEMBER (moved to New Business)

4. ORDINANCE TO APPOINT PARKS & RECREATION MEMBERS {C}

Approval of this item approves an ordinance to appoint Ryan Marcinik to the Parks & Recreation Advisory Board to fill the expired term of Sherry McCann with term expiring March 31, 2022, and Curt Linder to fill the unexpired term of Bob Bennewitz, with term expiring March 31, 2021.

5. ORDINANCE TO APPOINT DULUTH PUBLIC ART COMMISSION MEMBER {D}

Approval of this item approves an ordinance to appoint Abby Burton to the Duluth Public Art Commission to fill the unexpired term of Michael Robbins on the Duluth Public Art Commission, with term expiring March 21, 2020.

6. ORDINANCE TO APPOINT TAD ADVISORY COMMITTEE MEMBERS {E}

The TAD Advisory Committee City Council appointments have expired. 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." Approval of this item approves an ordinance reappointing Mayor Harris, Councilmember Whitlock and City Manager Riker as recommended by Council at the July work session.

7. ORDINANCE TO APPOINT ETHICS BOARD MEMBER {F}

Approval of this item approves an ordinance to appoint Ann Tiberghien to the Ethics Board, filling the unexpired term of Mayor Harris' appointee Jamie Espinosa, expiring March 31, 2022.

8. ORDINANCE TO AMEND DULUTH CODE – CHAPTER 7 – SALES/SOLICITATION {G}

As discussed at the July work session, approval of this item amends the Duluth Code of Ordinances, Chapter 7 Article X "Sales and Solicitation" by replacing references to the police department in sections 7-359, 7-361 and 7-363 and replacing with the City Clerk, and amending section 7-367(4) to set definitive times for prohibiting door-to-door sales rather than using "sunset."

9. ORDINANCE TO AMEND THE FY18 BUDGET– DOWNTOWN PARKING/PROF. FEES {H}

The City is currently working with a hotel developer to construct a two-story parking facility with a hotel on top in downtown. At this time, additional funding is needed to complete professional services associated with this project. Approval of this item adds \$5,711 in unallocated 2009 SPLOST Parking Facilities funds to the Downtown Parking Facility - Parking - Professional Services line item for this capital project.

10. ORDINANCE TO AMEND THE FY19 BUDGET – CARRY FORWARD PURCHASES {I}

Mayor and Council to consider approval of a budget amendment to carry-forward \$56,707 in FY 2018 budget funds to the current fiscal year for purchases made in FY 2018, but were not invoiced until FY 2019.

Staff is requesting funds be carried-forward for the following purchases:

1. Police Department - bullet proof vest for officers \$7,862
2. IT Department - council chambers recording equipment & access controls \$23,000
3. IT Department - additional software licenses for staff to view city cameras \$3,000
4. Public Works Department - two additional trash receptacles for downtown \$3,000
5. Public Works Department - work truck for supervisor \$19,845

Approval of this item adds general funds to the following line items:

- \$7,862 to Police Department - CID - Police Vests
- \$23,000 to City Clerk - IT Department - Computer Upgrades
- \$3,000 to City Clerk - IT Department - Software Licenses
- \$3,000 to Public Works Department - General Repairs
- \$19,845 to Public Works Department - Vehicles

11. ORDINANCE TO AMEND THE FY19 BUDGET – \$228,724.67 - LMIG GRANT FUNDS {J}

Approval of this item accepts \$228,724.67 as the City's share of the FY 2018 LMIG (Local Maintenance & Improvement Grant) grant from the Georgia Department of Transportation (GDOT). The grant is for road resurfacing projects and requires 30% matching funds of \$68,617.40, which will come from 2017 SPLOST funds. A project list was submitted to GDOT. Approval of this item also approves an ordinance to amend the budget to add the grant funds to the Transportation/Infrastructure Improvements capital project (ST-32).

12. AUTHORIZATION FOR CONTRACT – PUBLIC ART “DULUTH IDENTIFIED” MURAL {K}

Approval of this item authorizes the City Manager to execute a City Attorney approved contract with Katherine Burke for a mural art project along the southbound side of Peachtree Industrial Boulevard between Howell Ferry and North Berkeley Lake Roads as recommended by the Duluth Public Art Commission and approved by Council on February 26th, pending approval by the Gwinnett County Department of Transportation. The funding for this project is allocated in the Public Art Acquisition (PAAF) budget.

13. RESOLUTION – OPEN RECORDS OFFICERS DESIGNATION {L}

Approval of this Resolution, in accordance with the provisions of the Open Records Act found in O.C.G.A. 50-18-71 (b) designates the Open Records Officers for the City.

A motion was made by Councilmember Whitlock, seconded by Councilmember Kelkenberg, to approve the Consent Agenda items 1, 2, 4-13 of the consent agenda, and to transfer item 3 to New Business, Item 9 for discussion later in this meeting.

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

V. PUBLIC HEARINGS

Mayor Harris opened the public hearing.

1. ORDINANCE TO ADOPT THE 2018 TAX MILLAGE RATE {M}

The Mayor and Council considered approval of an ordinance setting the 2018 Property Tax Millage Rate. Each year, Gwinnett County Board of Tax Assessors is required to review the assessed value of taxable property in the County and when the trends of prices on properties that have recently sold in the county indicate there has been an increase in the fair market value of any specific property, the board of tax assessors is required by law to re-determine the value of such property and increase the assessment. This is called a reassessment. 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 FY19 budget tentatively adopted by the City of Duluth requires a millage rate higher than the rollback millage rate. Therefore, before the City of Duluth may set a final millage rate, Georgia Law requires that three public hearings be held to allow the public an opportunity to express their opinions on this increase.

Finance Manager Ken Sakmar came forward and gave a presentation regarding the proposed Property Tax Millage rate for 2018. Mr. Sakmar outlined the millage rollback process and explained how the rates are calculated. He noted that the Citizen's Budget Committee agreed that no current services should be reduced and made several specific suggestions/guidelines for the amount of the additional reserves that staff agreed were important to begin to implement with this year's budget; Expensive Maintenance Projects, HVAC replacement for Festival Center, Red Clay Theatre Building and City Hall, Exterior cleaning for City Hall, HVAC rebalancing for Public Safety Complex, seed funds for possible redevelopment, future technology improvements and emergency repairs.

Mr. Sakmar showed the millage rate history, outlined the current property tax exemptions offered as well as storm water credit options, he further noted that a resident with a home value of approximately \$200,000 would see an increase without homestead of approximately \$21.04 and with homestead \$20.51.

Mayor called for discussion from Council. Councilmember Kelkenberg noted that the deferred maintenance on the facilities happened during the recession in order to maintain and keep the employees employed. He noted that it is now time to start the process of maintaining the City's facilities.

Mayor Harris called for questions/comments from the public. Being none; Mayor Harris 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 City of Duluth 2018 tax millage rate at 6.551 mills as presented.

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

2. ORDINANCE OF REZONING – PARCEL 6293 021 - CASE Z#2018-002 – HRD TO CBD {N}

Mayor Harris opened the public hearing and called Dan Robinson, Senior Planner forward to present a request from City staff (Z#2018-002) to rezone approximately 0.167 Acres of property in Land Lot 293, 6th District, Gwinnett County, consisting of tax parcel 6293 021, from HRD (Historic Residential District) to CBD (Central Business District). The proposed rezoning request is to ensure consistency with Duluth's adopted plans by providing clear zoning regulations on a single tract of land that was recently platted with multiple zoning districts.

Mr. Robinson showed a map of the Ridgeway Road tract area, discussed the current zoning and the timeline for previous land assemblage actions in 2017 and 2018. These actions included closing of "Spring Street" and an unnamed alley, purchase of .167 acres from a neighboring parcel, and filing an exemption plat with Gwinnett County in order to combine the tracts into one parcel.

Planning Commission recommended approval of Case Z#2018-002, as presented by staff, at the July 16, 2018 hearing. Staff recommends approval of Case Z#2018-002 as presented.

Mayor called for discussion from Council. Being none, Mayor Harris called for questions/comments from the public. No comments were received; Mayor Harris closed the public hearing and call for a motion.

A motion was made by Councilmember Kelkenberg, seconded by Councilmember Jones, to approve the ordinance of rezoning for Case Z#2018-002 as presented.

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

VI. OLD BUSINESS

1. STREET LIGHTING – GEORGE ROGERS AVENUE

City Engineer Margie Pozin came forward to present. She explained that the Mayor and Council have already selected a lighting layout for the George Rogers Corridor. Staff was asked to provide layouts and costs for alternate wattages for the selected option. The 92W fixture is \$13.59 per fixture per month; seven (7) fixtures will cost \$95.13 per month. The 143W fixture is \$18.03 per fixture per month; seven (7) fixtures will cost \$126.21 per month for a total difference of \$31.08.

A motion was made by Councilmember Kelkenberg, seconded by Councilmember Bomar, to approve the design for the George Rogers lighting using the 143W fixture and allow staff to move forward with a contract with Georgia Power to install the lights as proposed.

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

VII. NEW BUSINESS

1. ORDINANCE – CALL OF SPECIAL ELECTION/CONTINGENCY REQUEST {O}

Mayor Harris explained that Georgia General Assembly passed SB 17 to provide local communities the option to allow the sale of alcoholic beverages for consumption on premises beginning at 11:00am on Sundays, by holding a referendum on November 6, 2018. Approval of this item approves an Ordinance authorizing the Superintendent of Elections to issue the Call and amends Section 3-112 of the Duluth Code regarding hours of sale. If approved, a contingency request in the amount of \$28,000 is required in order to cover the expenses necessary for advanced voting, printed election materials, translation services and attorney fees.

Council members Bomar and Jones recused themselves from the discussion and left the meeting due to being business owners of a restaurant which serves alcoholic beverages.

Councilmember Kelkenberg expressed that he felt the need to bring this forward in order to allow the City's restaurant owners the opportunity to take advantage and not fear loss of business for not being able to provide service. Mayor Harris expressed her support of the businesses, but felt that the costs associated with holding of a Special Election at the same time of the County's General Election forcing citizens to go to two polls to vote may be challenging.

Councilmember Whitlock said he believes it is important to move forward as soon as possible to keep our restaurants thriving and remaining a front runner in services and the entertainment industry. Councilmember Carden agreed and feels that such action keeps Duluth ahead of the curve.

A motion was made by Councilmember Carden, seconded by Councilmember Whitlock, to approve the ordinance calling for a special election on November 6, 2018 and amending the Duluth Code, and further approve a contingency request in the amount of \$28,000 from Contingency to the Elections line item in the FY19 budget.

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

2. ORDINANCE TO AMEND DULUTH CODE – CHAPTER 5 – BUILDING REGULATIONS {P}

Planning and Development Director, Bill Aiken came forward to present. He explained, as discussed at the July work session, the Mayor and Council to consider amending Chapter 5 of the Duluth Code of Ordinances, "Buildings and Building Regulations". The proposed amendment will combine the Duluth Building Code and the "Buildings and Building Regulations" Chapter of the Duluth Municipal Code into a single document. The proposed ordinance also serves to eliminate conflicting requirements between Duluth's currently adopted regulations as well as update information that is no longer accurate.

Councilmember Bomar said she agreed with the proposal, but questioned whether anyone currently under construction would be grandfathered in. Mr. Aiken confirmed.

A motion was made by Councilmember Jones, seconded by Councilmember Kelkenberg, to approve the ordinance to amend Chapter 5 of the Duluth Code as presented.

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

3. AWARD OF BID – EAST WHIPPOORWILL DRIVE IMPROVEMENTS

City Engineer Margie Pozin and Audrey Turner, Public Works Director came forward to present. The Mayor and Council considered approval of bid for East Whippoorwill Drive Improvements. (Legal notice is attached). Poor drainage is causing the road to fail and is also causing property damage; various attempts at repairs have been made over the years. The planned improvements should permanently repair the area. Those improvements include milling, slope readjustment to ensure proper sheet flow, berm removal preventing proper drainage, minor widening of a section of the road, and then paving of that section.

Seven companies were represented at the mandatory pre-bid conference. However, only one bid was received from Lori's Transportation and Excavation, LLC in the amount of \$48,211.25.

Following a review of the bid, one document was not included. However, the technicality is minor and staff believes it should not prevent the bid from being awarded. Staff recommends awarding the East Whippoorwill Drive Improvements Bid to Lori's Transportation in an amount not to exceed \$53,032.37 (base bid plus 10% contingency). Funds will come from 2017 SPLOST.

A motion was made by Councilmember Kelkenberg, seconded by Councilmember Whitlock, to approve awarding the bid to Lori's Transportation & Excavation, LLC in an amount not to exceed \$53,032.37 as presented, and authorize the Mayor or City Manager to execute the contract as approved by the City Attorney.

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

4. PROPERTY ACQUISITION OF 3545 MCCLURE WOODS DRIVE /ORD TO AMEND BUDGET {Q}

Mayor and Council are asked to consider approval of property acquisition and budget amendment in the amount of \$389,000 for the construction of the Willbrooke Trail. This initial request includes the purchase of

the property at 3545 McClure Woods Drive for \$330,000, real estate commission \$10,000, survey & design fees \$36,000 and City Engineer review \$13,000.

Staff anticipates additional funding request for demolition, traffic calming and trail construction once the design is complete, bids are reviewed and contracts are awarded.

Approval of this item adds \$340,000 in unallocated 2017 SPLOST Transportation funds to the Willbrooke Trail - Sidewalks & Crosswalks - Land line item and adds \$49,000 in unallocated 2017 SPLOST Transportation funds to the Willbrooke Trail - Sidewalks & Crosswalks - Professional Services line item.

A motion was made by Councilmember Bomar, seconded by Councilmember Whitlock, to approve the purchase of a .23 acre property located at 3545 McClure Woods Drive, zoned Planned Unit Development, from Dhaval and Aparna Sheth for the amount of \$330,000 and to authorize the City Manager and Mayor to execute all necessary documents associated with the agreement. Further, I move to approve, the ordinance to amend the FY18 budget as presented.

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

5. AWARD OF BID – BUFORD HWY/PLEASANT HILL ROAD INTERSECTION IMPROVEMENTS {R}

City Engineer, Margie Pozin came forward to present. She explained that solicitations for construction bids were advertised on June 22, 2018. On July 24, three bids were received and publicly read aloud. The bids are as follows:

Ohmshiv Construction, LLC	\$773,095.25 (base), \$41,975 (add alt 1), \$41,690 (add alt 2)
Construction 57, Inc.	\$786,825.50 (base), \$86,100 (add alt 1), \$74,145 (add alt 2)
CMES	\$851,813.00 (base), \$154,850 (add alt 1), \$31,450 (add alt 2)

Add alternates listed above were included for larger trees (add alt 1) and additional shrubs (add alt 2) as the budget allows.

The construction budget for this project as set up by ARC and GDOT is \$930,000. This includes all materials and labor, all inspections and materials testing, and any add alternates the City decides to include. 80% (\$744,000) of this budget is reimbursable by GDOT, and 20% (\$186,000) is from the City's budget.

The low bid contractor has add alternates of \$41,975.00 for larger trees, and \$41,690.00 for additional shrubs. The combined total bid is \$856,760.25. Independent CE&I Services required for this contract will cost \$4,950.00. A 10% contingency for each is \$85,676.03 and \$495.00, respectively. Total construction budget is \$947,881.28. Council may choose to approve the full amount or elect to include either the larger trees OR the additional shrubs (or neither add alternate). Staff recommends including only the additional shrubs at this time so as to remain within budget.

The Mayor and Council considered approval of the award of the contract for Buford Highway at Pleasant Hill Road Interchange to Ohmshiv Construction, LLC in the amount of \$814,785.25 (base bid + add alt 2). In the event contingency money is unused at the time landscaping is ordered, staff can direct part of that money toward the purchase of larger trees.

Councilmember Bomar noted that with an 80-20 match, if we do not spend the total funding for the project in this interchange, the funds will have to be given back.

Councilmember Carden inquired about a higher density of shrubs vs the larger trees if an add alternate were selected. Councilmember Bomar explained that her experience has been that a higher density of shrubs is not required as the shrubs will grow and fill out over time, and a larger tree would be better.

A motion was made by Councilmember Bomar, seconded by Councilmember Whitlock, to approve the award of the construction contract for improvements to the Buford Highway / Pleasant Hill Rd interchange to Ohmshiv Construction, LLC, as recommended by staff in the amount of \$814,785.25.

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

Finance Manager Ken Sakmar came forward to explain that the Project cost include the following: \$814,785.25 (construction) + \$4,950 (CE&I and materials testing) + \$81,973.53 (10% combined contingency) + \$20,000 (estimated for engineer's time). Total project request is \$921,708.78. This rounds to \$922,000. The budget for this project, currently includes ARC and GDOT construction grant funding of \$744,000 and City SPLOST matching funds of \$186,000. However, the budget does not include the estimated \$20,000 for the City Engineer's time. (Note: City Engineer's time is not reimbursable by the GDOT contract.)

A motion was made by Councilmember Whitlock, seconded by Councilmember Jones, to approve the budget amendment to add \$20,000 in unallocated 2014 SPLOST funds to the Buford Highway / Pleasant Hill Rd interchange - Interchange Landscaping - Professional Services line item.

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

6. ORDINANCE TO REGULATE MULTI-FAMILY HOUSING

{S}

Planning and Development Director Bill Aiken came forward to present. As discussed at the July work session, the Mayor and Council to consider adopting a Multi-Family Inspection Ordinance and incorporating it into Chapter 5 of the Duluth Municipal Code, "Building and Building Regulations". The program's objectives are to Ensure properties are being properly maintained, prevent the decline of older complexes, and identify potentially dangerous living conditions. The target date for initial compliance is January 1, 2020.

Councilmember Jones noted that he is a multi-family property owner, but his units do not fall under these requirements.

Councilmember Whitlock wanted to make sure there would not be any conflicts of interest for a "third party vendor," to ensure that multi-family structure owners can't have ownership in an inspection company. He also asked what the actual monitoring process would be. Mr. Aiken outlined the steps and noted they would be tied to receiving their occupational tax certificate.

Councilmember Kelkenberg wanted to ensure that tenants were not unduly penalized and that fines were appropriate.

A motion was made by Councilmember Carden, seconded by Councilmember Kelkenberg, to approve the Multi-Family ordinance as presented.

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

7. INTERSECTION IMPROVEMENTS – ROGERS BRIDGE ROAD/MAIN STREET DESIGN {T}

City Engineer Margie Pozin came forward to present. She explained improvements to the Rogers Bridge Road at Main Street intersection are included in the City's current SPLOST list and in an Intergovernmental Agreement with Gwinnett County whereby the County pays for 81% of the projects cost and the City pays for 19%. Step one of the project included developing and analyzing three potential solutions to improve or mitigate the sight distance issues. Council was introduced to three concepts at their regular meeting on July 9th which were a roundabout, realignment, or traffic signal.

Ms. Pozin presented the feedback received from the public and requested direction from Council on confirming the preferred alternative. She mentioned the goals of the project:

- Mitigation of sight distance
- Tying to the future pedestrian trail
- Reducing accidents
- Staying within a budget
- Generally accepted by public
- Pedestrian friendly

The other metrics to consider are:

- Cost
- Number of parcels affected
- Design and Right-of-way acquisition duration
- Construction duration
- Additional sidewalks
- Additional pedestrian guidance

Most of the public felt that they preferred a roundabout. Those that preferred the signal did so due to a lower price tag, faster construction time, and the best safety for bicycles and pedestrian, and allows the trail to be constructed as well. A small number of people felt that changing the grade would be the least disruptive, but in the engineer's opinion that would be the most.

Ms. Pozin explained that the cost factor was not presented to the public during the initial comment periods. She also noted that the more expensive projects could be accomplished with a shift in previously identified SPLOST funding, for Bunten sidewalks and Pine Needle Drive, and with constructing half of the Main Street trail.

Councilmember Bomar felt that the formerly identified SPLOST projects might not be so heavily impacted if the trend continues whereby we collected more than anticipated. She feels that a larger factor in this decision is to note how many vehicle experiences are most positively impacted. While sidewalks on Bunten Road are needed, they already exist on one side so it is a safe pedestrian experience at this point. The Pine Needle intersection has been impacted and less travelled by the opening of George Rogers Avenue, and decreased the urgency of the initial project. She felt that many more people will be impacted by making this intersection safer.

Councilmember Kelkenberg felt that a roundabout would be the best long term solution.

Councilmember Jones felt that the timing was more important to address the safety issue.

Gwinnett County has noted they would support a signal which could be either permanent or temporary while a roundabout design was in process.

Councilmember Whitlock questioned how a roundabout design would change the walkway/path and was concerned about a crosswalk that doesn't attach to anything. Ms. Pozin said that all designs would connect to the walking trail and that the other crosswalk would lead to a small ramp but confirmed it would not be to a sidewalk.

Councilmember Carden reported on the feelings of many in his neighborhood who felt that the roundabout was most aesthetically pleasing, but getting cars safely from point A to point B was priority. He asked staff to report on which SPLOST projects service the most amount of people of the proposed SPLOST projects that would be postponed.

A motion was made by Councilmember Jones, seconded by Councilmember Whitlock, to approve a preferred alternative of the signal and allow staff to move forward with the project.

Those voting for: Council members Carden, Jones, and Whitlock

Those voting against: Council members Bomar, Kelkenberg

Motion carried.

8. APPROVAL OF "ON-CALL" CONTRACTS – MATERIALS TESTING/PROFESSIONAL SERVICES

The Mayor and Council considered approval of three on-call materials testing contracts. On June 15, 2018, the City released a request for qualifications (RFQ) for consultants to provide materials testing services on an on call basis for a one year term. This one year contract would be renewable for four additional one year terms. Qualification packages were received from six firms on July 16, 2018. An evaluation committee made up of staff from Planning, Engineering, and Public Works independently reviewed and scored each of the six qualification packages using a scoring matrix that matched the evaluation criteria in the RFQ. Evaluation was purely qualification based. However, hourly rates were submitted from each firm in sealed envelopes which will be opened after contract award. Staff recommends contract awards to the top three scoring firms:

1. Willmer Engineering, Inc. (scored 283 out of 300)
2. Terracon Consultants, Inc. (scored 272 out of 300)
3. MC Squared, Inc. (scored 247 out of 300)

Should Council approve these awards on August 13, contracts and award letters will be forwarded to the winning firms on August 14. It is anticipated work will begin on or around October 1, 2018

Councilmember Bomar wanted to make sure we had enough work to split between three firms rather than just selecting two. Staff confirmed three firms would make sense for the type and amount of work we believe we will have.

A motion was made by Councilmember Kelkenberg, seconded by Councilmember Bomar, to approve the award of on-call contracts for materials testing to Willmer Engineering, Terracon Consultants, and MC Squared as recommended by staff.

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

Motion carried.

9. ORDINANCE TO APPOINT DOWNTOWN DEVELOPMENT AUTHORITY *(moved from Consent)*

Approval of this item approves an ordinance to appoint Richard Meehan to the Downtown Development Authority to fill the unexpired term of Rob Ponder, with term expiring March 31, 2020.

Councilmember Carden stated the reason for voting against this appointment was not due to the qualification of the recommended appointee, but he felt that a more diverse makeup in the occupational makeup of the Authority members should be considered and by having someone on the Authority which represents the real estate market should be reviewed for future appointments.

A motion was made by Councilmember Whitlock, seconded by Councilmember Jones, to approve the ordinance to appoint Richard Meehan to the Downtown Development Authority to fill the unexpired term of Rob Ponder, with term expiring March 31, 2020.

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

VIII. MATTERS FROM COUNCIL

Councilmember Kelkenberg asked that the City add to its public service announcements the location/area in the City's Police Department where drugs can be brought for disposal.

Councilmember Carden announced several events being held that may be of interest to the Mayor and Council and public.

1. August 19th- Atlanta Pakistani Day at the Infinite Energy Center @ 12:00 pm - 10:00 pm
2. August 25th - Community Day – Mt. Carmel Missionary Baptist Church @ 1:00 pm - 4:00 pm
3. September 22nd – “STRAP” Youth Offender Program – Duluth Public Safety Center @ 9:00 am - 12:30 pm point of contact is Deputy Cooley (770) 978-0918.

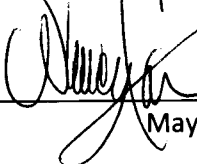
Councilmember Jones mentioned that several Duluth businesses were voted as “Best of Gwinnett” as well as the Duluth Town Green.

IX. ADJOURNMENT

A motion was made by Councilmember Whitlock, seconded by Councilmember Carden, to adjourn at 8:50 pm.

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

Approved this 10th day of September, 2018.



Mayor Nancy Harris

ATTEST:



Deputy City Clerk Kristin McGregor