



**NOTES OF THE WORK SESSION  
MAYOR AND COUNCIL  
CITY OF DULUTH, GA  
AUGUST 26, 2019**

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

**5:30 - PM CALL TO ORDER**

**I. PUBLIC COMMENTS**

No comments brought forward.

**II. CAMPAIGN FINANCE SOFTWARE TRAINING**

Greg Whiten with EasyVote Solutions (Easyfile) conducted training on the upgrades to the current software.

**III. DISCUSSION ITEMS**

**1. TAX ALLOCATION DISTRICT APPLICATION #5 - JOINT APPLICATION**

*{A}*

City Manager James Riker explained that the TAD process involves review of potential projects with TAD advisory Committee (formed by members of the City and Gwinnett County). Mr. Riker introduced Gary Mongeon from Bleakly Advisory Group to present a potential Tax Allocation District (TAD) joint application with the Downtown Development Authority.

Mr. Mongeon first reviewed the performance of the Duluth TAD #2 project, which has been one the most successful suburban TADs in Georgia and already exceeded the plan's 2022 forecasted digest. He reviewed options for reinvesting the incremental revenue for additional public improvements or reducing debt service, and recommended that Council consider TAD application #5, which seeks to authorize TAD funds for projects consistent with the Redevelopment Powers Act.

*Staff was authorized to proceed with filing a joint TAD application with the DDA as recommended.*

**2. PERSONNEL RECOMMENDATION – COURTS**

Pursuant to discussion at executive session on 3/11/2019, a committee was formed in order to redefine qualifications of Associate Judges and to determine the number of such positions. This committee discussed and recommended the appointment of two Associate Judges

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

### 3. DPAC – PAAF OVERVIEW/FUTURE PROJECTS

{B}

As required by municipal code section 2-272(e), the Duluth Public Art Commission presents an annual report with detailed accounting of Performing Art and Acquisition Fund (PAAF) monies raised and spent and/or earmarked for future expenditures.

Staff liaison Kristin McGregor and DPAC Chair Ashley Lynch presented the FY19 revenues (donations) and project expenditures, and touched on some proposed projects for the upcoming year. They presented fund balances and noted that a reserve was created for the Rogers Bridge project and a budget amendment to reduce FY20 expenditures will be recommended for Council approval in September. Additionally, the updated "Funding, Goals, and Procedural Guidelines" and governing ordinance were presented for review.

Mayor Harris felt that promotion of the arts should fall to the City's marketing department and expressed concerns about Performing Art. Councilmember Bomar asked about production of a physical art map. She also wanted to ensure that the committee intends to continue future updates on the Master Art plan, and pointed out the distinction between routine vs. non-routine "maintenance" as eligible PAAF expenditures.

*Staff was authorized to place proposed amendments on the next Council agenda for approval.*

### 4. ROGERS BRIDGE ART – LOAN PROPOSAL

The City of Duluth was offered two pieces of Rogers Bridge art on loan from owner Alma Summerour; a loan agreement was presented for consideration.

*Staff was authorized to place the loan agreement on the next Council agenda for approval.*

### 5. BOARDS AND COMMISSIONS – PADRC APPOINTMENT

Councilmember Bomar has resigned from her position as the City Council representative on the Parson's Alley Design Review Committee (PADRC). Staff recommended reassigning Councilmember Greg Whitlock as the voting representative, and subsequently appointing Mayor Harris to fill the alternate position.

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

### 6. INTERGOVERNMENTAL AGREEMENT/SPLOST PROJECT UPDATE

{C}

City Engineer Margie Pozin came forward to provide an update for all IGA SPLOST projects (2014 and 2017), with additional in depth discussion on the Main Street Multi-Use/Enhanced Sidewalk Project.

#### Under Construction:

- traffic signal at George Rogers Avenue and SR120, equipment is scheduled to arrive in January, 2020.
- The traffic signal Main Street at Rogers Bridge Intersection. The equipment is scheduled to arrive in September, should be substantially complete by the end of October and closed out by end of 2019.

#### Under Design:

- Bunten Road Sidewalk
- Pine Needle Sidewalks
- Main Street Enhanced Sidewalk (see attachment). As part of the 2017 IGA with Gwinnett County, this project is identified as a multi-use path along Main Street from Coleman Middle School to Peachtree Industrial Blvd. for pedestrians, cyclists, and other non-motorized options with a typical width of 10' to 14'. Discussion was held on public information meeting feedback and areas of concern (most notably

tree canopies). Project costs are significantly higher than original estimates from 2015. Items that were not considered with original budget (and not eligible for SPLOST expenditures) are lighting, landscaping, art and dog waste stations. Due to the significant cost of the project, it is likely the city will need to construct in two sections.

Cost figures were presented for all projects; approximately \$4,944,000 remains between 2014 and 2017 SPLOST IGA dollars. Mr. Riker explained that shifting of SPLOST dollars between projects is an option, as well as funding allocated through consideration of a future TAD.

*No decisions were made. Staff will bring back to Council.*

#### 7. QUIET ZONE (REDUCED WHISTLE) CONSIDERATION

{D}

City Engineer Margie Pozin presented railroad crossing "quiet zone" (QZ) regulations, and explained how one could be initiated in downtown Duluth. She outlined the requirements, safety measures, and coordination process. Norfolk Southern would support the initiative but now participate in the cost unless the City closed off the Brock Road crossing. A QZ study would cost approximately \$40,000. As a Quiet Zone would qualify as infrastructure improvements, TAD funding could be used to upgrade two of the three crossings (Hwy 120 and Brock Road). At this point, Council agreed that the design of the Davenport intersection should include the QZ requirements for future consideration, and to leave the two other intersections as part of the next TAD application.

#### 8. MODIFICATION OF SMOKING REQUIREMENTS—PARKS/RECREATION FACILITIES

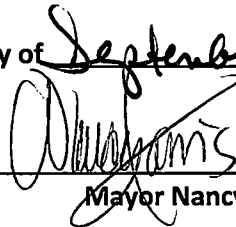
Article III of the Code of Ordinances addresses tobacco use in, at, or on any city-owned or operated indoor and or outdoor recreational facilities, including but not limited to restrooms, athletic fields, rivers, parks, walking/hiking trails, agency owned vehicles, and spectator and concession areas.

City Manager James Riker explained that recent passage of the Georgia Hemp Farming Act, HB 213 has impacted the enforcement of marijuana violations. The Office of the Solicitor General of Gwinnett County issued a memorandum, dated August 7, 2019, stating that due to the change in the law regarding allowable THC levels, they will no longer prosecute any misdemeanor marijuana cases with an arrest date on or after May 10, 2019. During a meeting on August 9, 2019, Gwinnett County District Attorney Daniel J. Porter advised that his office would review felony marijuana arrest on a case-by-case basis. It was recommended to add "playgrounds" to the language.

Staff was asked to review the enforcement language and appropriate signage, and authorized to place an ordinance on the next City Council agenda for authorization.

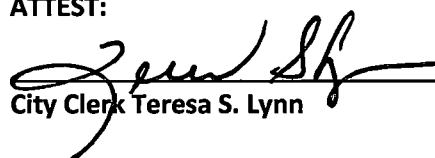
#### IV. ADJOURNMENT

Approved this 9 day of September, 2019.



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Mayor Nancy Harris

ATTEST:



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City Clerk Teresa S. Lynn