



**NOTES OF THE WORK SESSION
MAYOR AND COUNCIL
CITY OF DULUTH, GA
JULY 22, 2019**

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

ABSENT: Mayor Harris, Councilmember Bomar

Mayor Pro tem Kelkenberg called the meeting to order at 5:30pm.

I. PUBLIC COMMENTS

None.

II. DISCUSSION ITEMS

1. APPOINTMENT OF 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. Accordingly, the municipal court requested Council re-appoint the Court's currently serving Chief Judge/Court Administrator.

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

2. ENVIRONMENTAL COVENANT FOR 3150 MAIN STREET

In 2015, the City enrolled the property located at 3150 Main Street (Parcel No. 6293-402) into Georgia EPD'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 Georgia Environmental Protection Division acceptance of a recorded environmental covenant.

The City's consultant, Katie Ross from Wenck Associates, came forward to provide an overall summary of the VRP process and language relating to the draft environmental covenant. The site was the former location of a dry cleaners, with prior evidence of a release of solvents into soil and groundwater. The consultants have performed a total evaluation of the site and prepared compliance status report for Georgia Environmental Protection Division (EPD), and further prepared an Environmental Covenant for the City's consideration.

She gave an overview of site testing results. There has been both soil and groundwater that exceed industrial standards. The property to the west does meet residential standards, and is therefore not restricted. She further noted that these covenants act as a restriction only, but are not prohibitive from future development. The asphalt parking lot is going to serve as pad (protection) for the site in its current status. The Covenant covers monitoring and maintenance if future development is desired. Groundwater use for extraction is prohibited.

If accepted, the covenants require performance of an annual inspection, installation of permanent markers on the back and front lots, notification to the abutting property owners and Gwinnett County. If development is desired, can excavate downward in the future with 30 days notice to the EPD. The property may be transferred and the Covenant would transfer as well. Future development with soil removal could terminate or modify the Covenant with satisfactory testing. Upon completion of these items, the Covenant is then recorded with the deed.

Ms. Ross concluded with providing the next steps, which are Council authorization to submit to EPD for final review, Issuance of public notice, preparations for monitoring, installing placards, and setting annual inspection dates.

City Manager James Riker noted that records have been kept on the cost for this project to date and this is the most efficient means to handle the issue. Mayor Pro tem Kelkenberg felt that the City is fortunate that the State is willing to work together going forward.

Staff was authorized to place this item on the next Council agenda for approval.

3. STORMWATER UTILITY FEE

As part of the City's Stormwater Asset Management & Capital Improvements Program, the City needs 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. Staff has previously provided the Mayor and Council with presentations on April 22 and July 8, and requests feedback on the proposed fees.

Planning Director Bill Aiken came forward to summarize. He highlight the project priority list and reported that over a five-year period there were 140 projects completed. Currently there are 107 projects to complete, with a price tag of 4.4 million. The project list has increased at faster rate than the City is able to complete.

He reviewed the current fee structure and explained the recommended increase to address the backlog of projects in the 15-year projection window. Detached single-family residences (DSFR) would go to \$62 flat fee; attached single-family residences (ASFR) to \$31, and non-residential would increase to a rate of \$62 for per 2,997 square feet.

Mr. Aiken said that \$851,000 was collected in 2018 and explained how the expenditures were allocated. Potentially, there is increased revenue of \$530,000 for FY20. Credits are available and staff will re-advertise those for residential and commercial application. He estimated what the program costs for the coming year would be based on growth and administration. He also showed comparisons of nearby jurisdictions.

Staff was authorized to place an ordinance to amend four sections of the Duluth Code to change Stormwater Utility Fees on the next Council agenda for authorization.

4. AMENDMENT OF BUNTEN ROAD PARK ALCOHOL ORDINANCE

The current alcohol ordinance prohibits the consumption of alcohol at Bunten Road Park. Parks Director Kathy Marelle came forward to explain the request.

The previous prohibition to alcohol was due to youth league activity in the park (7 days/week) and youth activities scheduled in the Activity Building. On June 12, 2019, the Parks Board met to discuss amending the current alcohol ordinance for the following reasons.

- a. Decline of park usage by youth athletic leagues
- b. Increase of adult activities such as Duluth F.A.B
- c. Increase of rental requests (large room facility) for social functions

The Board unanimously voted to amend the Bunten Park alcohol ordinance with the following stipulations.

- a. No alcohol rentals allowed during scheduled youth activities
- b. No alcohol served or consumed outside of the large activity room
- c. Servers must be licensed
- d. Police Officer must be present
- e. Beer and wine only
- f. Approved rentals for Community Service Organizations (Rotary, Kiwanis, Fall Festival, Duluth F.A.B.)
- g. No wedding receptions, graduation parties, or large private social rentals
- h. Rentals must follow the requirements for facility usage as stipulated in the current City Usage Agreement.

Councilmember Whitlock wanted to ensure there were no overlap between activities that are inside the building. Councilmember Carden asked if food trucks have ever been allowed in the City. Ms. Marelle said that it didn't seem like the right climate, but that concession stands are available. Councilmember Carden asked about limiting to Rotary or Kiwanis. City Attorney Stephen Pereira said limitations might be based on the size of groups, not necessarily limited to type of organizations. Councilmember Jones asked about availability for personal rentals and cleanup, etc. There would be payment for cleanup and facility attendant required, same as in rental clauses of other facilities.

Authorize Staff to recommend an amendment of the Alcohol Ordinance to the Alcohol Review Board.

5. ROGERS BRIDGE MEMORANDUM OF AGREEMENT

Rogers Bridge is eligible for the National Register of Historic Places therefore the City is required to mitigate the loss of the resource. A formal Memorandum of Agreement (MOA) must be executed by the Federal Highway Administration, the Georgia Dept. of Transportation (GDOT), the State Historic Preservation Officer, and the Cities of Johns Creek and Duluth. The MOA outlines the stipulations that must be met in order to move forward with removing and replacing the resource. Both Johns Creek and Duluth City Councils will review the draft MOA on July 22 and the final MOA will be available on July 25. Johns Creek's Mayor is scheduled to sign the MOA on August 5, at which time it will be delivered to Duluth Mayor Harris' signature on August 12. The document will then be forwarded to GDOT for additional routing.

City Engineer Margie Pozin explained that the City must also advertise the bridge for 30 days to determine if there is a responsible party who wants to acquire and keep the 228 foot truss in its entirety.

Staff was authorized to place the Rogers Bridge MOA on the next Council agenda for approval.

III. PRESENTATIONS/UPDATES

1. GWINNETT COUNTY SERVICE DELIVERY STRATEGY (SDS) UPDATE

Gwinnett County and its cities have initiated an update to the County's Service Delivery Strategy (SDS). City Manager James Riker gave a brief update. He reported on the anticipated timeline; the draft agreements will be sent to the cities by the beginning of August. There are two issues in particular 1) 911 for police cities, and 2) CSI services, Duluth is the only city in Gwinnett who provides this service locally. Items should be resolved by the end of October.

2. UPDATE ON US CENSUS COMPLETE COUNT COMMITTEE

Over the last few months, staff has been gathering information and developing a strategy related to forming and operating a US Census Complete Count Committee. City Manager James Riker listed activities to date, explained the purpose of the committee, presented a recommendation on forming the committee and a corresponding outreach/work plan associated with the upcoming US Census.

In February Duluth hosted a Georgia Municipal Association (GMA) seminar regarding the upcoming US Census and Complete Count Committee. In March, several council members attended the Gwinnett Municipal Association (GwMA) presentation on Complete Count Committees. Staff attended a meeting hosted by Gwinnett County to discuss timing and development of a work plan for outreach efforts in May. Most recently, this month staff participated in a conference call hosted by GALEO to hear about count strategies.

The purpose of the Count Committee is to count residents and increase response rate to above 80%. The strategy is to develop and execute an outreach program targeted to raise awareness among all residents using the knowledge, expertise and leadership of community residents and staff.

Mr. Riker said that the suggested roles of Council would be to 1) identify committee structures 2) approve outreach program and timeline. Each councilmember will appoint one Duluth resident or business owner person to an executive committee, who in turn will form subcommittees and oversee volunteers.

No funds were budgeted for this effort, however, staff will continue social media, ensure presence at city events, include with current outreach efforts such as LEAD, CBRA, etc. as well as conducting informational session with church liaisons ("one precinct" officers). These efforts continue now through April 2020.

3. DEVELOPMENT OF DOWNTOWN NOISE STANDARD

In April of this year, Council directed staff to investigate hiring an acoustical consultant to investigate development of a downtown noise standard. Council also directed staff to obtain a cost to perform sound intrusion tests between Red Clay Theatre and adjoining properties. City Manager James Riker reported that Staff obtained a quote from an Atlanta based company, Arpeggio, to conduct these tasks. The development of a "noise standard" was estimated at \$4,600 and a noise study for the Red Clay and vicinity is \$3,200.

Staff was authorized to proceed.

4. UNIFIED DEVELOPMENT CODE, PROPOSED TEXT AMENDMENTS

Planning staff has been working with the Duluth Planning Commission since 2018 to identify text within the Unified Development Code that could be amended to better promote the health, safety, morals, convenience, order, prosperity and the general welfare of the community.

Proposed text amendments to the Unified Development Code include

- Stormwater update – litter control, water wasting prohibitions, sanitary sewer regulations.
- "Use" table – simplify and combine.
- Definitions – occupancy loads for residential properties to allow flexibility.
- Parking regulations regarding 18 wheeler parking
- Telecommunications, small cell technology. New bill in effect October 1 that undermines what we recently did; updates are needed to remain in compliance.
- Sign regulations and design regulations that contradict each other.

The proposed text amendments will be heard by the Duluth Planning Commission on August 19, 2019 and forwarded to Council at the September 9, 2019 meeting. Staff welcomed input from the Mayor and City Council leading up to the hearing dates.

6. PLANNING & DEVELOPMENT UPDATES

Planning Director Bill Aiken provided the Mayor and Council with an update of land use cases, construction and permits.

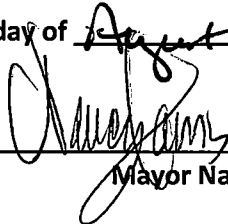
Residential: South on Main, Lennar, Sherwood Crossing, Gardendale, Glens @ Sugarloaf.

Commercial: Becknell Bldg (River Green), Goodwill of N. GA, Hotel, Magnolia Medical, 6S Brewery, addition for medical use on Rogers Bridge, Marketplace Village residential, Lidl for rezoning, downtown library, Everly (formerly Overture), Greysolon.

Mr. Aiken reported on other pending applications.

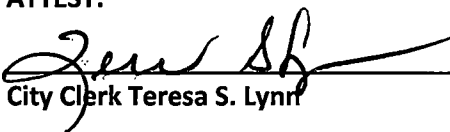
IV. ADJOURNMENT

Approved this 12 day of August, 2019.



Mayor Nancy Harris

ATTEST:



City Clerk Teresa S. Lynn