



**MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
NOVEMBER 12, 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 (PROCLAMATION – PREMATURE AWARENESS MONTH) was removed. No other items were discussed and no action was taken.

Mayor Harris called the meeting to order at 6:17 p.m. and called for a motion to enter into an Executive Session.

I. EXECUTIVE SESSION

A motion was made by Councilmember Kelkenberg, seconded by Councilmember Whitlock, to adjourn to executive session at 6:17 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 Carden, seconded by Councilmember Whitlock, to adjourn from Executive Session and return to regular session at 7:00 p.m.

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

II. ANNOUNCEMENTS

1. **AGENDA CHANGES – *Item 3 of Consent Agenda removed.***
2. **UPCOMING EVENTS**

"Deck the Hall" - Saturday, December 1, 2pm-7pm. Bring in the holiday spirit in Duluth! Enjoy live music, beautiful decorations, kids' activities such as inflatables, face painting, games, ornament making, a snow playground, snow slide and more are on Duluth Town Green. Chat with City Council Members during City Hall's Open House from 4pm-5pm and check out the beautiful decorations. Light refreshments will be available. Don't forget to stop by and say hi to Santa. The event is brought to you by the City of Duluth & Duluth Fall Festival. It is free to the public!

"Cookies and Cocoa with Santa" - Saturday, December 15, 10 am-12pm, Red Clay Music Foundry. This event is designed to give our little ones a chance to tell Santa their last few wishes for Christmas. Arts and crafts are available for the kids (while supplies last) and children can bring letters to Santa to take back to the North Pole!

"NYE Dinner and a Show" - Monday, December 31, Ring in the New Year in Downtown Duluth with dinner and a show! Eddie Owen Presents: two shows from local Americana band ESOEBO (Eclectic Selections of Everything Besides Opera)! Ticket buyers will receive a promo code for a discount on dinner on NYE at participating Downtown Duluth restaurants. (5:30pm early show & 9:30pm late show with a champagne toast.) Check back soon for ticket links and a list of participating restaurants!

III. CEREMONIAL MATTERS

1. TEACHERS OF THE YEAR

The Mayor and Council recognized the following as "Teacher of the Year" for their respective schools:

Berkeley Lake Elementary -Dawn Frazer, 1st Grade Teacher
Burnette Elementary - Sandi Star, Gifted Ed. & Advanced Content Teacher Reading & Mathematics Grade 1-3
Chattahoochee Elementary - Cheryl B. Fletcher, 2nd Grade Teacher
Chesney Elementary - Michael S. Barron, 5th Grade Teacher
Coleman Middle - Chandra Harmond Brandel, Mathematics Teacher (Grade 6)
Duluth High - Jordan T. White, AP Human Geography and World Geography Teacher (Grade 9)
Duluth Middle - Melissa Dorsey, Language Arts Teacher (Grade 7)
Harris Elementary - Inna Arroyo, Kindergarten Teacher
Hull Middle - Shaunita S. Cochran, Social Studies Teacher (Grade 7)
Mason Elementary - Katie Vosburgh, 2nd Grade Teacher
Parsons Elementary - Ashley Bailey, 2nd Grade Teacher
Peachtree Ridge High - Meredith White, Spanish Teacher (Grades 9–12)

2. PROCLAMATION – RETIRED EDUCATOR’S DAY

The Mayor and Council proclaimed November 4, 2018 as Retired Educator Day in the City of Duluth. Retired Educator Terrie Adkins accepted the proclamation on behalf of the Retired Educators.

I. CONSENT AGENDA

1. APPROVAL OF OCTOBER 8, 22, 29 MINUTES

2. AUTHORIZATION FOR LEASE AGREEMENT – NORFOLK SOUTHERN RAILROAD {A}

Staff has been working with Norfolk Southern Railroad to extend our lease area to include sections of railroad property between the StreetSmarts building and the proposed library (see exhibit). Use of this area requires an annual payment of \$600.00. Following execution of the lease, staff intends to submit a landscape improvement plan for railroad consideration that would remove volunteer trees and vegetation and replace the area with maintainable landscape materials. Approval of this item authorizes the Mayor or City Manager to execute the lease agreement.

3. ORDINANCE TO AMEND THE DULUTH CODE – SALES/SOLICITATION

{B}

Approval of this item approves an amendment to the Sales and Solicitation Ordinance by removing all references to "Peddlers" amending sections pertaining to charitable or nonprofit organizations, adding language referencing crimes involving "theft, fraud or dishonesty" and by replacing the "Chief of Police" with the City Clerk for permitting of solicitors.

4. CERTIFICATION OF SPECIAL ELECTION RESULTS

As authorized by Senate Bill 17 and approved by City Council ordinance on August 13, 2018, a special election was held on November 6, 2018. Section 21-2-493(k) of the Georgia Election Code authorizes the Election Superintendent to certify the election results. The voter referendum question was as follows: "Shall the governing authority of the City of Duluth, Georgia be authorized to permit and regulate Sunday sales of distilled spirits or alcoholic beverages for beverage purposes by the drink from 11:00 A.M. to 12:30 P.M.?" Official results are:

YES	608
NO	166

Approval of this item amends Section 3-112(a)(1) of the Duluth Code, allowing for restaurants/hotels (consumption on the premises) sales of alcohol to begin at 11:00 am on Sundays, effective November 15, 2018.

A motion was made by Councilmember Kelkenberg, seconded by Councilmember Jones, to approve the Consent Agenda as presented.

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

II. PUBLIC HEARINGS

1. ORDINANCE OF REZONING – CASE Z#2018-003–PARCEL R7199-224 – PUD to O/I

{C}

Mayor Harris opened the public hearing and called forward Planning Director Bill Aiken to present.

Mr. Aiken summarized the request (Z#2018-003) from Paradise Evangelistic Association, Inc. to rezone a +/- 11.209 acre undeveloped property located on the northeast quadrant of the intersection of Old Peachtree Road and Sugarloaf Parkway (tax parcel R7199 224). The property is currently zoned Duluth PUD (Planned Unit Development District). The applicant is requesting a rezoning to Duluth O-I (Office-Institutional District).

Mr. Aiken explained that all applications are reviewed with a set of standards as outlined in the Unified Development Code. For this case, he felt that the three most important were: Is the use as proposed suitable with nearby properties? Would it adversely affect the surroundings? As currently zoned, does it have a reasonable economic use?

Mr. Aiken outlined the surrounding uses and explained that the request is to build a 60,000 sf structure proposed to be Influencer's Church, with a large parking lot and a detention pond. The current zoning is PUD which is suited for a large scale mixed use development. The O/I typically locates in close proximity to thoroughfares. The character area is Community Activity Center, which is typically dominated by businesses. Heavy industrial and places of public assembly are not the primary use but are not prohibited.

As far as the existing site conditions, Mr. Aiken said there are no streams or development barriers. There is a fairly lengthy zoning history. In 2003, the subject property was annexed into the City of Duluth as part of a larger +/-120 acre annexation and rezoning. Prior to the annexation into the City, the property was zoned R-100 by Gwinnett County. The annexation was accompanied with a rezoning application for PUD. Between 2004 and 2007, the residential portion of the PUD was developed into the 350 unit Sugarloaf Ridge neighborhood. The subject property remained undeveloped. In 2009, an amended site plan for the subject property was submitted and approved contained six buildings, restaurant and retail.

Proposed uses:

- Church Administrative Offices
- Retail uses common in large churches (bookstore or coffee shop)
- Influencers School Outreach
- Influencers Foster Care Outreach
- Nurses Appreciation Breakfast
- Influencers Conference

Potential Future Uses:

- Counseling Offices
- Medical Facility and Offices
- Influencers College (SACS accredited learning in partnership with Lee University)
- Music Programs
- Influencers Arts Academy

Mr. Aiken said the normal required parking would be:

Church Ratio: 1/5 seats
Church: 280 Spaces
Office: 4/1,000sf gfa
Office: 240 Spaces

The requested variance is:
Church Ratio: 1/2.95 seats
Church: 473 Spaces
Increase: 193 spaces or 68%

He described the architectural features for the proposed building. Additionally, he showed a location map and square footage for the nearby commercial and retail offices: Sugarloaf Market, Marketplace Village, Duluth Station, Kroger, Assi market, Business Park at Sugarloaf. When Revel (at Infinite Energy Center) is completed, will add 400,000 sf, 900 residential, 750,000 of office space. With that in mind, staff felt as though a church would naturally complement the existing mix of uses within a few mile radius.

The Duluth Planning Commission recommended Approval with Conditions of Case Z#2018-003 at the October 1, 2018 hearing. Staff also recommends approval with conditions of Case Z#2018-003.

The Mayor called forward the applicant.

Alex Brock with Smith, Gambrell and Russell, 1230 Peachtree St., Atlanta GA came forward representing Influencers Church. He explained the leadership, and said approximately 1,000 members of the church live locally and currently meet at Infinite Energy Center as temporary location. The church originated in Australia, and has four locations in the US around the Atlanta area. He described the site usage mainly for weekends with some weekday activity as well.

Mr. Brock felt that the impact to the surrounding area would be less traffic, noise, congestion from a church than with a commercial use. He described the traffic patterns and site access, as well as the concept of heavy landscaping in the front and modern architectural design for improved aesthetics. He also elaborated on the variance request for parking, noting the church membership is more of singles, or young professionals with a max of 2-4 people per vehicle and not a 1-5 ratio. However, he noted that the site layout hides the parking from street view.

Councilmember Whitlock asked if the project had been discussed with surrounding neighbors. Mr. Brock said there was limited feedback.

Councilmember Carden commented on the modern design and asked if it could be re-purposed for another type of tenant in the event the church was not there long term. Mr. Brock said that the church intends to use it and house administrative duties for the other locations, but that it probably could.

Councilmember Bomar reported that there are a number of other sites around the Duluth area that are already paved, such as defunct shopping centers. She said that this space is a unique greenfield and felt that there has been a new perspective with interest in dense residential areas. She asked Mr. Brock if the applicant had already investigated sites that already have a footprint.

Mr. Brock said yes, but this property is close to where they already meet and to where most of the constituents live.

Councilmember Whitlock said that the life of retail space is shorter, and that a church would be part of building a "community" therefore he agrees with its appropriateness. However, he does not want to see a "sea of asphalt either," and would like to see it broken up with trees etc.

Councilmember Kelkenberg agrees with the use but was a bit offended by some of the language in the application referencing a threat of lawsuit. Mr. Brock said it was standard language, not negative toward the City of Duluth, and included just to preserve rights.

Councilmember Bomar still felt that other land uses were more acceptable such as high-end townhomes, etc.

Councilmember Jones agreed that there could be a better use and said that the approved 2030 Comprehensive Plan didn't suggest a church in this location.

Councilmember Carden noted that the Comprehensive Plan was adopted in 2009 and may be outdated, and said the needs of the area would be changing a lot with the upcoming Revel project.

Mayor Harris called for questions/comments from the public.

A Lawrenceville resident came forward to address Councilmember Bomar's questions regarding repurposing existing inventory of space. She said she understands the hesitation about whether high-density would be a better use, but felt that the church will offer a community base most beneficial, bring health and vitality to the area.

A representative of the company noted that the applicant has investigated other options; they have looked at over 100 properties over the past five years. Many of them had zoning restrictions associated with existing shopping centers and did not allow churches. They were also outbid on the PGA SuperStore.

Cesar Cuenca of 2958 Dover Drive echoed a lot of what has already been said, but had concerns about the request for increased parking.

Grelauris Calcano of 4405 Village Field Place, Suwanee, noted that there are a lot of singles who attend and adequate parking is needed. She said that she is also a Gwinnett County Principal, and that the young professionals are committed to creating community going beyond what a normal Sunday morning church looks like.

Another church member came forward supporting the project and the aesthetics. He felt the architecture would shield the parking, and was in favor of creating enough additional parking based on current lifestyle trends, which take away the assumption that families all travel together for church services and activities.

Mr. Brock was asked if the parking was all impervious surface or if they were open to considering creative techniques for more natural space. He responded that they have not gone too far with hydrology studies yet but may incorporate ideas to improve runoff water quality, etc.

Councilmember Bomar questioned whether a traffic analysis was performed and noted that there will be much more activity than just on Sundays with what future uses are proposed.

Mr. Aiken said the applicant did meet with County DOT, which resulted in changes. The applicants confirmed that the activities would not typically take place during peak hours but rather be staggered and dispersed throughout the day for members' convenience.

There being no further comments or questions, Mayor Harris closed the public hearing and called for a motion.

A motion was made by Councilmember Whitlock, seconded by Councilmember Carden, to approve the ordinance of rezoning for Case #Z2018-003 as presented with conditions on file with staff.

Those voting for: Council members Carden, Kelkenberg and Whitlock

Those voting Against: Council members Bomar and Jones

Motion carried.

2. ORDINANCE OF REZONING – CASE Z#2018-004 –PARCEL R6290 322 – M-1 to C-2 {D}

Mayor Harris opened the public hearing to consider and called forward Bill Aiken, Planning Director to present.

Mr. Aiken explained the request (Z#2018-004) from Berkeley Summit, LLC to rezone a +/- 0.92 acre undeveloped property located on Peachtree Industrial Boulevard approximately 700 feet north of North Berkeley Lake Road (tax parcel R6290 322). The property is currently zoned Duluth M-1 (Light Industrial District). The Applicant is requesting a rezoning to Duluth C-2 (General Business District).

Mr. Aiken further described the property location and existing conditions for the subject site. The current zoning is M-1, which is typically industrial and auto related uses. A C-2 designation is compatible with surrounding zoning and usage. The character area is the Community Activity Center, does support C-2 as part of its implementation strategy.

Mr. Aiken outlined the site conditions, and said there is a stream that runs through the site with a 75' buffer; no variance request has been initiated. He reported that the typical standards that govern the exercise of zoning powers are reviewed as part of every rezoning case.

The Duluth Planning Commission recommended approval of Case Z#2018-004 at the October 1, 2018 hearing. Staff also recommended approval of Case Z#2018-004.

Mayor Harris called for discussion from Council. Being no comments, she called the applicant forward.

Bernard Robertson of 9505 Red Bird Lane, Johns Creek came forward to say it is a very narrow piece of property, which does not give many options for development. The proposed building is 8,200 square feet.

Councilmember Jones felt that this request made sense with the surrounding uses. Councilmember Bomar said she would anticipate the same quality of construction that the applicant has incorporated into other projects he has completed in the City.

Mayor called for questions/comments from the public. As there were none, Mayor Harris closed the public hearing and called for a motion.

A motion was made by Councilmember Jones, seconded by Councilmember Kelkenberg, to approve the ordinance of rezoning for Case #Z2018-004 as presented.

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

3. ORDINANCE OF REZONING – CASE Z#2018-005 – PARCEL R6290 066 – M-1 to R-100 {E}

Mayor Harris opened the public hearing to consider and called forward Planning Director Bill Aiken to present.

Mr. Aiken explained the request (Z#2018-005) from Berkeley Summit, LLC to rezone a +/- 0.77 acre undeveloped property located on North Berkeley Lake Road approximately 600 feet west of Peachtree Industrial Boulevard (tax parcel R6290 066). The property is currently zoned Duluth M-1 (Light Industrial District). The Applicant is requesting a rezoning to Duluth R-100 (Single-Family Residential District).

Mr. Aiken described the property and surrounding zoning and said the requested designation is consistent. As far as the character area, it would be commercial uses and offices as well as residential. The same stream divides this property and also has a 75' buffer. All zoning standards have been reviewed for compliance.

The Duluth Planning Commission recommended approval of Case Z#2018-005 at the October 1, 2018 hearing. Staff also recommended approval of Case Z#2018-005.

Mayor Harris called for discussion from Council. Being none, the Mayor called forward the applicant.

Bernard Robertson of 9505 Red Bird Lane Johns Creek came forward. He said this was the last piece of the former property and he planned to build one residential unit.

Mayor Harris called for questions/comments from the public. There being no further comments, she closed the public hearing and called for a motion.

A motion was made by Councilmember Bomar, seconded by Councilmember Kelkenberg to approve the ordinance of rezoning for Case #Z2018-004 as presented.

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

III. NEW BUSINESS

1. BID AWARD – GEORGE ROGERS AVENUE LANDSCAPING

{F}

Requests for bids for the George Rogers Avenue Landscaping Project were advertised (Duluth Website and State Procurement Registry) on 10/5/18 with bids due 11/6/18. Four bids were received as follows:

1. Brightview Landscape Services - \$78,640.10
2. Russell Landscape - \$87,467.87
3. Tri Scapes - \$150,203.27
4. The Dickerson Group - \$188,454.41

Staff has reviewed the bid packages and requested that Council approve awarding the project to Brightview Landscape Services in the amount of \$78,640.10. Staff anticipates a 10% contingency of \$7,865 and a construction oversight cost of \$7,085 for professional landscape architectural services, which brings the landscape construction budget to \$93,590.10. There are currently adequate funds left in the George Rogers project (CD-47) to cover this cost and therefore no additional allocation is requested/required at this time.

Councilmember Carden questioned the wide gap in the proposals and wanted to ensure they covered the same RFP.

Councilmember Bomar reported that she has worked with Brightview, and said they have been a quality contractor.

A motion was made by Councilmember Kelkenberg, seconded by Councilmember Whitlock, to award the bid for landscape services to Brightview Landscape services not to exceed \$93,590 and authorize the Mayor or City Manager to execute a city-attorney approved contract.

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

IV. MATTERS FROM CITIZENS

Ms. Angela Whitlock, resident of Snellville and member of Mr. Carmel Baptist Church in Duluth, came forward and requested information concerning replacement of the Church Street Park, Sewer vs septic, available grants for senior citizens for home repairs. Planning Staff will coordinate and work with Ms. Whitlock.

Cesar Cuenca of 2958 Dover Drive, Duluth came forward and said he feels that the City needs more passive parks. Councilmember Whitlock asked to connect with Mr. Cuenca on some of his concerns.

V. MATTERS FROM COUNCIL

1. APPRECIATION FOR SUPPORT

Councilmember Kelkenberg thanked the employees for the outpouring of support to he and his family during his recent illness as well as the recent loss of his mother.

2. COUNCILMEMBER APPRECIATION

Councilmember Carden noted that he is approaching the first anniversary of taking office, and he thanked the staff and elected officials for their mentorship, support and leadership this past year.

3. "DULUTH IDENTIFIED" MURAL

Councilmember Bomar reported on behalf of the Public Arts Commission, that Gwinnett County approved the mural on Peachtree Industrial and the artist has started the project.

VI. ADJOURNMENT

A motion was made by Councilmember Whitlock, seconded by Councilmember Jones, to adjourn at 8:45 pm.

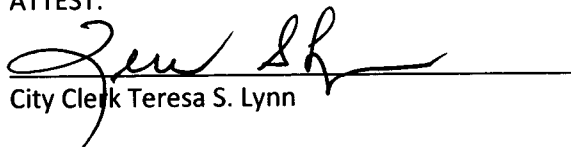
Those voting for: Council members Bomar, Carden, Jones, Kelkenberg and Whitlock
Motion carried.

Approved this 11 day of December, 2018.



Mayor Nancy Harris

ATTEST:



City Clerk Teresa S. Lynn

KM 11/15/18