



**MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
JANUARY 11, 2021**

PRESENT: Mayor Harris, Council members Bomar, Thomas, 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.

Other topics of brief discussion:

- Moving to Red Clay for next Council meeting to assure distancing
- Citizens budget committee will stay as scheduled in February
- LEAD program will be postponed until this Fall
- Event calendar – "real" events currently set for May but staff monitoring feasibility
- Excess trash on PIB
- DFAL Cricket project

Mayor Harris called the meeting to order at 6:00pm.

Mayor Harris called for a Moment of Silence followed by Pledge of Allegiance

I. ANNOUNCEMENTS

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

II. CONSENT AGENDA

1. APPROVAL OF DECEMBER 14/28 MINUTES
2. RESOLUTION - 2021 COUNCIL MEETING DATES & TIMES

{A}

Approval of this item approves resolution R2021-01 to set and publicize regularly scheduled Mayor and Council meetings for 2021.

3. ORDINANCE SETTING 2021 MILEAGE REIMBURSEMENT RATES {B}

The IRS announced that the business standard mileage rate for transportation expenses paid or incurred beginning January 1, 2021 will be .56 cents per mile, down 1.5 cents from 2020. In addition, the 2021 standard rate for miles driven for medical or moving purposes will also decrease to 16 cents per mile, down from the 17 cents-per-mile rate in effect during 2020. Approval of this item adopts ordinance O2021-01 setting the reimbursement rates at .56 cents per mile for business use of personal vehicles, and medical mileage for the flexible spending account reimbursement plan shall be calculated at .16 cents per mile, effective January 1, 2021.

4. RESOLUTION TO APPOINT LEGAL ORGAN {C}

Approval of this item approves resolution R2021-02 naming the "Gwinnett Daily Post" as the City's Legal Organ for 2021. This resolution shall not be construed to prevent the City from utilizing a newspaper of general circulation within the City of Duluth or Gwinnett County when authorized to do so by state or local law.

5. RESOLUTION AUTHORIZING DEPOSITORIES & CHECK SIGNING {D}

Approval of this item approves resolution R2021-03 regarding check signing authority and depositories as per the Financial Policy.

6. ORDINANCE TO APPOINT DOWNTOWN DEVELOPMENT AUTHORITY {E}

Approval of this item approves ordinance O2021-02 appointing Fred Butler to the Downtown Development Authority (DDA) to fulfill the unexpired term of Bill Weaver (term ending 2022).

7. ORDINANCE TO APPOINT URBAN REDEVELOPMENT AUTHORITY {F}

Approval of this item accepts the resignations of Fred Butler and Theo Sowah from the Urban Redevelopment Authority and approves ordinance O2021-03 appointing Mayor Nancy Harris to fulfill the term of Theo Sowah; appoints Councilmember Kelvin J. Kelkenberg to fulfill the term of Fred Butler and furthers re-appoints Brandon Odum, term ending March 2025.

8. ORDINANCE-2021 MUNICIPAL ELECTION APPTS & QUALIFYING {G}

Per the requirements of State Election Code Section 21-2-131, the governing authority of any municipality, not later than February 1 of any year in which a general primary, nonpartisan election, or general election is to be held; shall fix and publish a qualifying fee for each municipal office to be filled in the upcoming election. Such fee shall be 3% of the total gross salary of the office paid in the preceding calendar year including all supplements authorized by law. Approval of this item approves ordinance O2021-04 sets the qualifying dates and fees for the City of Duluth General Election for November 2, 2021, as well as appointing election officials.

9. ORDINANCE TO AMEND THE DULUTH CODE – HARDY ST PARKING {H}

Approval of this item approves ordinance O2021-07 amending the Duluth Municipal Code, Chapter 8, Article III, Section 8-66(b) to prohibit on-street parking along Hardy Street in downtown Duluth.

10. ORDINANCE TO AMEND THE FY21 BUDGET - \$10,336 - VEHICLES {I}

Approval of this item authorizes ordinance BA-FY21-18 to amend the FY21 budget. Recently, a police vehicle and a public works vehicle were sold at auction, after commission and fees we received \$10,336.11. Police vehicle sold for \$7,200 and the public works vehicle sold for \$3,136.11. Staff is requesting these funds be added back to the individual department budget to purchase new vehicles. The Police Department is requesting \$7,200 be added to the Police Vehicle - Consolidated Vehicle Maintenance - Vehicles line item and the Public Works Department is requesting \$3,136 be added to the Public Works - Public Works Administration - Vehicles line item.

11. ORD TO AMEND FY21 BUDGET \$350,000 - ROGERS BRIDGE RESTORATION {J}

As discussed at the December 28th work session, \$350,000 in unallocated 2017 SPLOST Transportation funds are being added to the Rogers Bridge Park bridge restoration. These funds will be used as part of the City's share of matching funds for this project. In addition, existing 2014 and 2017 SPLOST Parks and Recreation matching funds will be reallocated to the Rogers Bridge Park restroom project. Approval of this item approves ordinance BA-FY21-19 to added \$350,000 in unallocated 2017 SPLOST Transportation funds to the Rogers Bridge Park - Transfer from SPLOST 2017.

12. APPROVAL OF CONTRACT REASSIGNMENT – ROGERS BRIDGE {K}

On 12/31/20, Development Planning and Engineering, Inc. (DPE) was acquired in whole by Thomas and Hutton (TH). DPE currently has two active contracts with the City of Duluth. Both contracts have an Assignment Clause allowing the contract to be assigned to the new company, providing the City approves that change. As the same staff will be working on the same scopes of work from the same office, staff has no objection to the reassignment of the contracts from DPE to TH. Approval of this item authorizes the Mayor or City Manager to execute the reassignment document allowing DPE (now TH) to continue their work for the City under these two contracts for PK-33. The two contracts include Rogers Bridge Construction Engineering and On-Call Professional Services.

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

**Voted For: Council members Bomar, Thomas, Jones, Kelkenberg and Whitlock
Motion carried.**

III. PUBLIC HEARINGS

1. ORDINANCE OF SPECIAL USE--CASE SU2020-005 C&H ART STUDIO {L}

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

Mr. Aiken stated that the purpose of this public hearing is to consider a request (SU2020-005) from Chin-Cheng Hung, owner of C&H Art Studio LLC, for Special Use approval to operate an Art Studio in a 1,875 square foot retail condo space within an 11,200 square foot retail condo building. The subject property is +/- 4.55 acres in Land Lot 324 of the 6th District, Gwinnett County, consisting of tax parcel R6324 001 located at 4317 Abbots Bridge Road, Suite 1, Duluth, Georgia 30097.

Mr. Aiken said that the parcel has split zoning, which was common in this area in the 1980s. There are three buildings on the property; the front is zoned C-2 and the rear two are in the M-1. The proposed rezoning is suitable given the use and development of adjacent and nearby properties. In the same building, there is a dance studio and a dentist office. The site is bound to the North by a used car dealership, to the east by Abbots Bridge Road. Across Abbots Bridge Road is an undeveloped commercial property that is part of the Rivers Edge PUD Development. The site is bound to the south by an undeveloped property zoned C-2 (General Business District) and adjacent to the River Green business park.

The Future Land-Use and Development section and supporting Character Area Map of FORWARD Duluth (aka as the Comprehensive Plan, 2040) identifies the Character Area of this property as River Green Employment District. A Special Use to operate an Art Studio in the River Green Employment District is consistent with the spirit and intent of the Comprehensive Plan.

Mr. Aiken reported that C&H Art studio provides art instruction to prospective middle and high school students who are pursuing higher education in art as well as emerging and professional artists who would like to advance their artistic excellence and creativity. They are currently serving students from Fulton County, Forsyth County, Gwinnett County, Cobb County, DeKalb County, and Metro Atlanta areas.

As the proposed rezoning is not anticipated to adversely affect the existing use or usability of adjoining or nearby properties, nor is it expected to cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools, the Duluth Planning Commission recommended approval of Case SU2020-005 with conditions, as presented by staff at the December 7, 2020 public hearing. Staff also recommends approval.

Mayor called for discussion from Council.

Councilmember Kelkenberg asked for clarification on the "Hours of Operation." Mr. Aiken explained that the City does not monitor or document actual hours of operation for the particular use.

Mayor Harris called the applicant forward. Mr. Chin-Cheng Hung came forward to answer questions.

Councilmember Bomar asked if he had any questions or concerns about the conditions as presented. Mr. Hung said he did not.

Being no further comments, the Mayor closed the public hearing and called for a motion.

A motion was made by Councilmember Bomar, seconded by Councilmember Kelkenberg, to approve ordinance O2021-05 for Case SU2020-005 as presented.

**Voted For: Council members Bomar, Thomas, Jones, Kelkenberg and Whitlock
Motion carried.**

2. ORDINANCE OF REZONING – CASE Z2020-005 MAIN ST PERSONAL TRAINING {M}

Mayor Harris opened the public hearing and called on Planning Director Bill Aiken to present request (Z2020-005) from Matthew Garber, on behalf of G&R Property Management, LLC. The applicant seeks to rezone +/- 0.963 acres of property in Land Lot 204 of the 7th District, Gwinnett County, consisting of tax parcel R7204-004, from M-1 (Light Industrial District) to C-2 (General Business District). The owner intends to operate a Personal Training Center on the property.

Mr. Aiken described the property location and noted that this stretch of Main Street was originally known as Waterworks Road and more recently as Chattahoochee Drive until 2017. The property was annexed into the City of Duluth on March 27, 2000 as C-2. In 2001, the property was rezoned from C-2 to M-1 to allow HVAC contractor Lane Heating & Air to operate in a single 8,750 sq. foot office/warehouse building for office and warehouse. The property also contains a number of parking spaces surrounding the building as well as an existing cellular tower located nearest to the railroad tracks.

The rezoning is suitable given the use and development of adjacent and nearby properties. The site is bound to the north by Main Street. Main Street will contain a 10' enhanced sidewalk in the future connecting the Western Gwinnett Bikeway and the Sugarloaf Activity District to Downtown Duluth. The site is bound to the east by an undevelopable tract of land owned by the City of Duluth zoned M-1. The tract of land contains a stream with associated buffers and significant topography. The site is bound to the south by the Norfolk Southern railroad. The property is bound to the west by a tract of land zoned C-2 containing a 7,500 sf single-tenant building used as office/warehouse.

The proposed rezoning is not anticipated to adversely affect the existing use or usability of adjoining or nearby properties. In fact, it is anticipated that the downzoning from M-1 to C-2 will allow for development and uses along Main Street that are more compatible with the present day and future pedestrian traffic in this area. Rezoning is not expected to cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The future land use and development section and supporting Character Area Map of FORWARDduluth (AKA as the Comprehensive Plan, 2040) identifies the Character Area of this property as Sugarloaf Activity District. The C-2 zoning district is appropriate for implementation of the Sugarloaf Activity District Area.

The Duluth Planning Commission recommended Approval of Case Z2020-005 as presented by staff at the December 7, 2020 public hearing. Staff also recommends approval.

Mayor Harris called for questions from Council. Councilmember Kelkenberg asked if there were conditions. Mr. Aiken responded they were related to the Fire Marshal and inherently inclusive of the process.

Mayor Harris called the applicant Matthew Garber forward to answer questions. Being none, Mayor Harris asked for public comment.

As there was no public comment, Mayor Harris closed the Public Hearing and called for a motion.

A motion was made by Councilmember Bomar, seconded by Councilmember Thomas, to approve, ordinance O2021-06 for case Z2020-005 as presented.

**Voted For: Council members Bomar, Thomas, Jones, Kelkenberg and Whitlock
Motion carried.**

IV. NEW BUSINESS

1. APPOINTMENT OF MAYOR PRO TEMPORE

The Charter of the City of Duluth states the Mayor Pro tempore will be selected by a majority vote at the first regular meeting of the Mayor and Council in each year. The Council shall elect a council member to serve as the Mayor Pro tempore, who shall assume the duties and powers of the Mayor during the Mayor's absence. Mayor Harris will provide her recommendation for the appointment of the 2021 Mayor Pro tempore.

A motion was made by Councilmember Jones, seconded by Councilmember Whitlock, to appoint Councilmember Bomar as Mayor Pro tem for 2021.


**Voted For: Council members Bomar, Thomas, Jones, Kelkenberg and Whitlock
Motion carried.**

V. ADJOURNMENT

A motion was made by Councilmember Kelkenberg, seconded by Councilmember Whitlock, to adjourn at 6:30 pm.

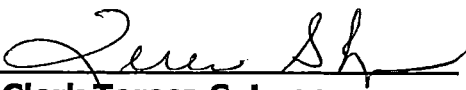
**Voting for: Council members Bomar, Thomas, Jones, Kelkenberg and Whitlock
Motion carried.**

Approved this 8 day of February, 2021.



Mayor Nancy Harris

ATTEST:



City Clerk Teresa S. Lynn