

Duluth



Nancy Harris, Mayor
Marsha Anderson Bomar, Post 1
Kirkland Carden, Post 2

Billy Jones, Post 3
Kelvin J. Kelkenberg, Post 4
Greg Whitlock, Post 5

**WORK SESSION AGENDA
MAYOR AND COUNCIL
CITY OF DULUTH, GA
3167 Main Street
Duluth, GA 30096**

AUGUST 26, 2019

CITY HALL – COMMUNITY ROOM

5:30 pm

*The leaders and staff of the City of Duluth are dedicated to ensuring that Duluth is:
an Attractive Destination, a Quality Community, a World Class Government,
and promotes a Sustainable Economic Environment.*

5:30 - PM CALL TO ORDER (PLEASE NOTE THIS MEETING MAY LAST 3-4 HOURS)

I. PUBLIC COMMENTS

Five minutes per person, maximum 6 speakers. *Sign-up sheet available.*

II. CAMPAIGN FINANCE SOFTWARE – TRAINING

Greg Whiten with EasyVote Solutions (Easyfile) will conduct training on the upgrades to the current software. Members are to bring their laptops and ensure that Google Chrome is downloaded.

III. DISCUSSION ITEMS

1. TAX ALLOCATION DISTRICT APPLICATION #5

SUMMARY:

Gary Mongeon from Bleakly Advisory Group will provide a presentation outlining a potential Tax Allocation District (TAD) application. The TAD application #5 seeks to authorize TAD funds for projects consistent with the Redevelopment Powers Act.

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.

2. PERSONNEL RECOMMENDATION – COURTS

SUMMARY:

A committee was formed pursuant to discussion at executive session on 3/11/2019 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 along with redefining qualifications.

3. DPAC – PAAF OVERVIEW/FUTURE PROJECTS

SUMMARY:

As required by municipal code section 2-272(e), the Duluth Public Art Commission to present an annual report with detailed accounting of Performing Art and Acquisition Fund (PAAF) monies raised and spent and/or earmarked for future expenditures. Staff and DPAC Chair to discuss last year's project and review budget/plans for upcoming year. A budget amendment for reduction in expenditures will be recommended. Additionally, Staff recommends slight changes to the Implementation guidelines and governing ordinance.

4. ROGERS BRIDGE ART – LOAN PROPOSAL

SUMMARY:

The City of Duluth has been offered two pieces of Rogers Bridge art on loan from owner Alma Summerour. Draft of loan agreement is presented for consideration.

5. BOARDS AND COMMISSIONS – APPOINTMENT

SUMMARY:

Councilmember Bomar is resigning from her position as the City Council Representative on Parson's Alley Design Review Committee (PADRC). Staff recommends appointing Greg Whitlock from City Council Alternate to City Council Representative on PADRC as well as appoint Mayor Harris to the City Council Alternate position.

6. IGA SPLOST PROJECT UPDATE

SUMMARY:

Staff will provide an update for all Inter-Governmental Agreement SPLOST projects (2014 and 2017), with additional in depth discussion on the Main Street Multi-Use/Enhanced Sidewalk Project. Staff is requesting discussion and feedback on multiple projects to guide the design teams.

7. QUIET ZONES

SUMMARY:

Staff will present on the quiet zone regulations and how one may be applicable in downtown Duluth. After discussion, staff will require guidance from Council on whether or not to proceed with quiet zones.

8. MODIFICATION OF SMOKING REQUIREMENTS–PARKS/REC FACILITIES *City Mgr/Police Chief 15 min*

SUMMARY:

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.

Recent passage of the Georgia Hemp Farming Act, HB 213 has impacted 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.

IV. PRESENTATIONS/UPDATES

V. MATTERS FROM COUNCIL

VI. ADJOURNMENT

The next scheduled meeting of the Mayor and Council is September 9, 2019 at 6:00 p.m.

CITY OF DULUTH TAD #2:

UPDATED STATUS REPORT AND OPPORTUNITIES FOR INVESTING FUTURE TAX ALLOCATION INCREMENTS

Prepared for:
City of Duluth, Georgia

August 2019



PRESENTATION CONTENTS



- Review the City's options over the remaining life of Duluth TAD #2
- 2019 Tax Digest and existing TAD increment
- Updated TAD #2 increment forecast
- Potential uses of future TAD proceeds
- Illustrative Financing Scenario
- Recommendations for possible City TAD Application

THE ISSUE AND OPPORTUNITY

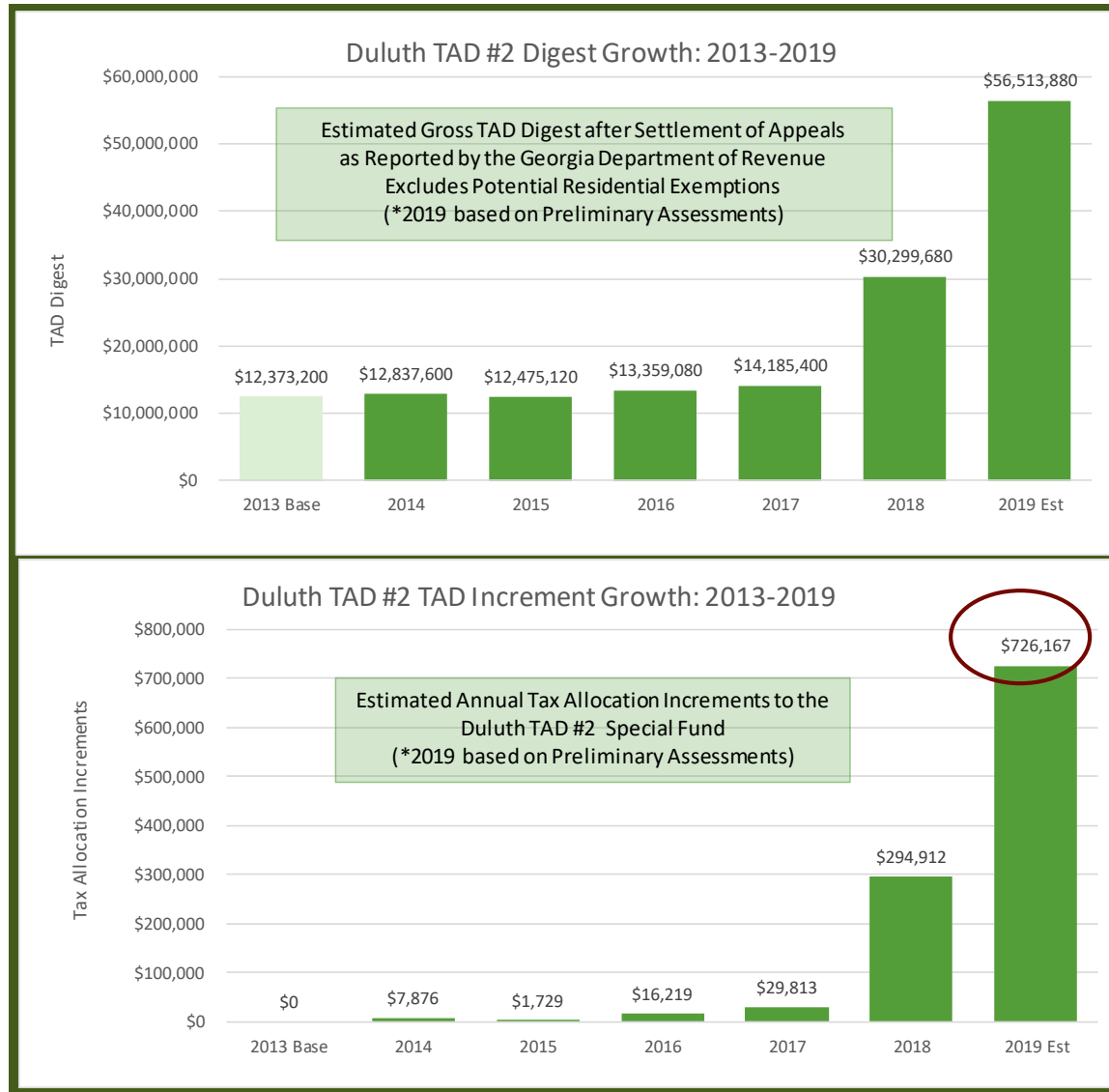


- As of January 1, 2020 there will be 23 years remaining in TAD #2
 - IF Duluth was to issue long term debt to support redevelopment, 20-year bonds are typically the most cost-effective vehicle, giving the City a 3-year window to consider this option
- To date, the City Council has approved \$4.9 million in TAD-funded projects, including a \$1.9 million reimbursement to the City for a master stormwater detention facility
 - Approved projects are being funded from annual TAD proceeds –no debt has been issued
- TRG Duluth II, LLC (The Residential Group) has submitted a TAD application requesting funds to support development of a 258-unit apartment community at Davenport Rd. & Buford Highway
 - The TADAC is scheduled to meet on October 9 to consider this application
 - If approved, TRG's request could increase the City's total commitment of TAD proceeds to roughly \$7.3 million of which, a portion has already been paid
- TRG's pending application presents the City Council with an opportunity to consider making its own concurrent application, and to consider alternatives to fund existing and potential future TAD commitments

STATUS OF TAD #2



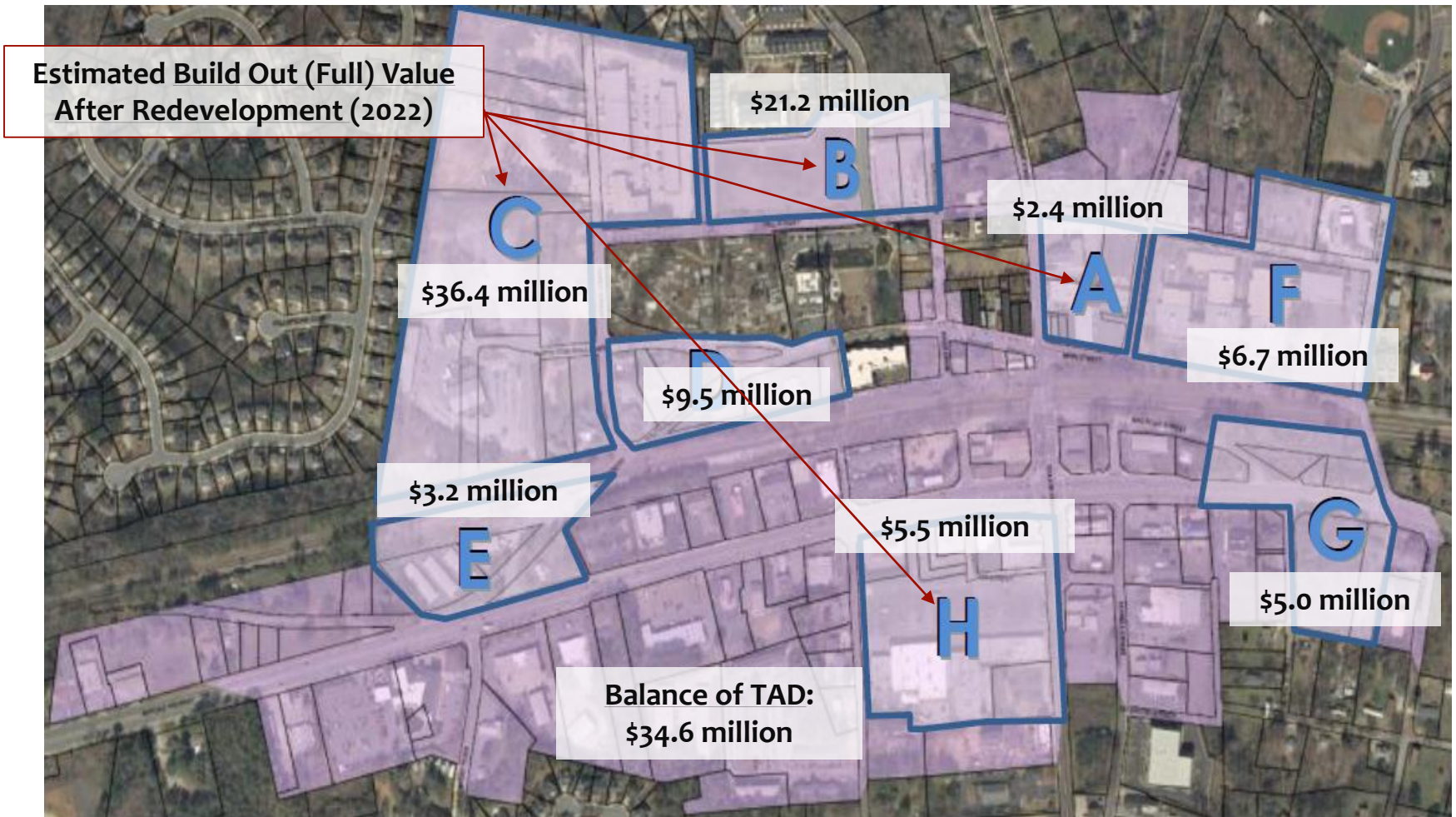
- TAD#2 is performing better than projections contained in the 2013 Redevelopment Plan – already exceeding the Plan’s forecasted 2022 digest (after redevelopment) by roughly \$10 million
- Based on preliminary 2019 assessment data, we estimate that TAD #2 should generate roughly \$725,000 in tax allocation increment in 2019
- Final total to be determined by residential exemptions and settlement of all appeals



TAD #2 REDEVELOPMENT PLAN PROJECTS



- The 2013 Redevelopment Plan identified 8 “Project Areas” with the potential to generate roughly \$90 million of investment and \$30.6 million in net digest growth. Projects have been approved, are currently under construction or have been completed in 4 of those 8 areas.



DULUTH TAD 2 PROJECTS IN PROCESS



■ 2013 Base Digest (Real Estate)

- 275 Parcels, 125 Acres, \$12.5 M Certified Base Digest

■ TAD Investments to Date:

■ Area A

- Now Parsons Alley, Dreamland BBQ and out parcels
- Completed taxable full value is estimated to approach \$7.0 million – 3x Plan Forecast

■ Area B

- Now Parsons Town Square TH, Courtyard by Marriott (under construction) and City parking deck
- Completed taxable value will exceed Plan Forecast with competition of the hotel

Area A: The Block	Value Estimates at Build Out		
Parsons Alley/Dreamland BBQ Project Estimates	Completed Market Value	Impact on Tax Digest	Incremental Digest Growth
Redevelopment Plan Forecast	\$2,326,750	\$930,700	\$888,780
2019 Estimate (Actual)	\$6,039,000	\$2,415,600	\$2,373,680
Updated Value Forecast	\$6,944,850	\$2,777,940	\$2,736,020

Area B: Hill Street (Partial)	Value Estimates at Build Out		
Courtyard by Marriott Hotel & City Parking Deck: Project Estimates	Completed Market Value	Impact on Tax Digest	Incremental Digest Growth
Redevelopment Plan Forecast	\$7,430,138	\$2,972,055	\$2,972,055
2019 Estimate (Actual)	\$94,400	\$37,760	-\$38,793
Updated Value Forecast	\$8,260,000	\$3,304,000	\$3,227,448

Area B: Hill Street (Partial)	Value Estimates at Build Out		
Parsons Town Square Townhomes: Project Estimates	Completed Market Value	Impact on Tax Digest	Incremental Digest Growth
Redevelopment Plan Forecast	\$12,737,379	\$5,094,952	\$5,094,952
2019 Estimate (Actual)	\$14,702,300	\$5,880,920	\$5,880,920
Updated Value Forecast	\$14,702,300	\$5,880,920	\$5,880,920

DULUTH TAD 2 PROJECTS IN PROCESS



■ TAD Investments to Date: (Continued)

■ Area C

- When completed, the taxable value of the South on Main and Greystar projects should be double the Plan Forecast for this area – with potential for additional development on other parcels

Area C: Hill & Main - (Partial)	Value Estimates at Build Out		
South on Main: Project Estimates	Completed Market Value	Tax Digest	Incremental Digest Growth
Redevelopment Plan Forecast	\$25,462,500	\$10,185,000	\$9,113,300
2019 Estimate (Actual)	\$4,013,200	\$1,569,600	\$115,103
Updated Value Forecast	\$41,737,280	\$16,694,912	\$15,240,415

Area C: Hill & Main - (Partial)	Value Estimates at Build Out		
Greystar Active Adult Apartments: Project Estimates	Completed Market Value	Tax Digest	Incremental Digest Growth
Redevelopment Plan Forecast	\$10,912,500	\$4,365,000	\$3,905,700
2019 Estimate (Actual)	\$2,400,000	\$960,000	-\$40,000
Updated Value Forecast*	\$27,600,000	\$11,040,000	\$10,040,000

■ Area H

- The Redevelopment Plan assumed Area H would redevelop commercially. The 2019 value of “The District” is more than 14x Plan Forecast

Area H: Proctor Square	Value Estimates at Build Out		
The District: Project Estimates	Completed Market Value	Impact on Tax Digest	Incremental Digest Growth
Redevelopment Plan Forecast	\$5,513,000	\$2,205,200	\$728,560
2019 Estimate (Actual)	\$80,705,500	\$32,282,200	\$30,805,560
Updated Value Forecast	\$80,705,500	\$32,282,200	\$30,805,560

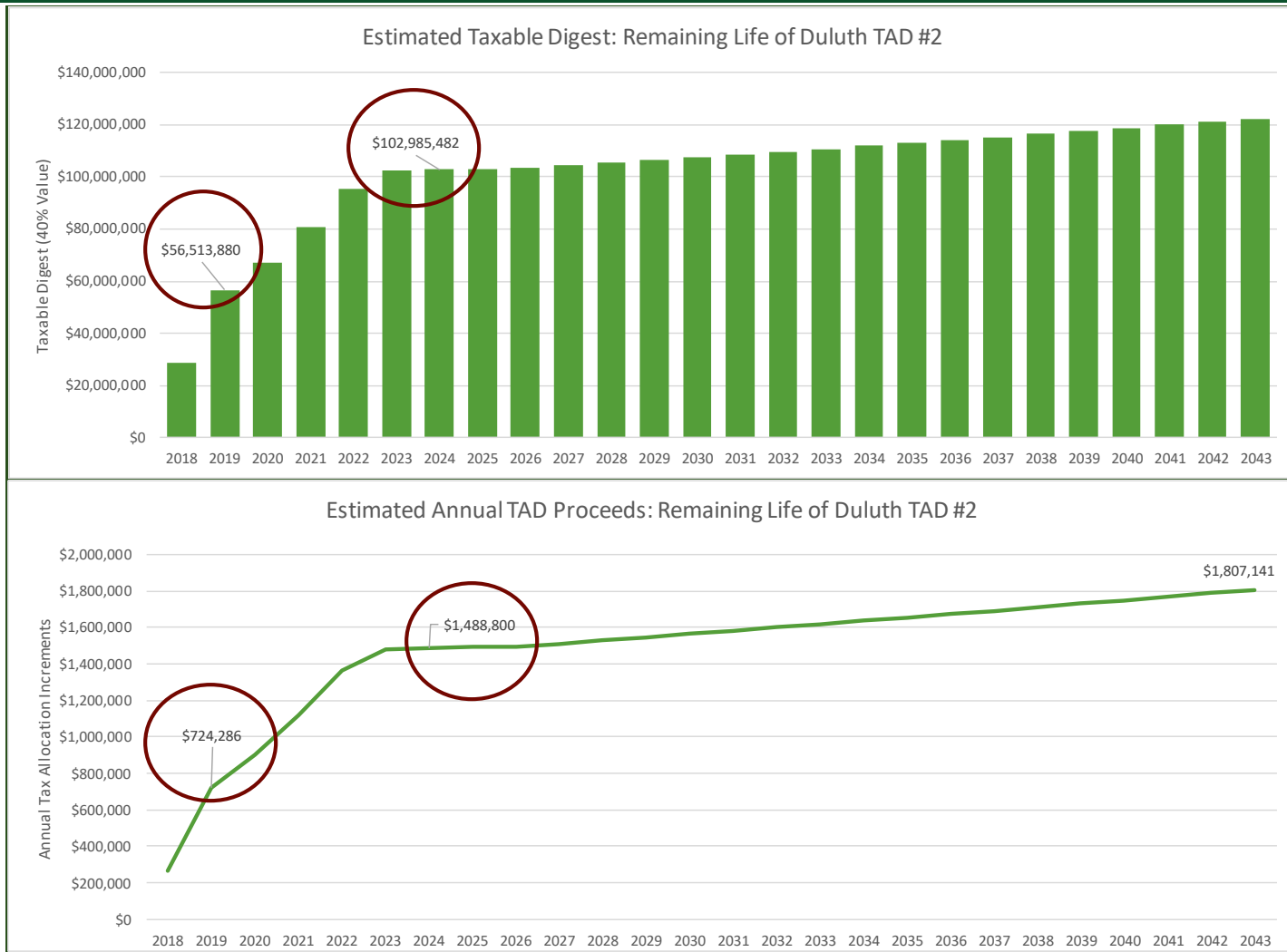
■ Balance of the TAD:

- The taxable digest value of the rest of TAD #2 has increased by \$3.9 million (30%) since 2013. Approving the pending TRG Duluth II application would substantially increase that amount.

UPDATED TAD #2 DIGEST FORECAST



- TAD #2 tax digest is estimated to exceed \$56.5 million in 2019
- Resulting TAD increment approaches \$725,000
- Updated tax digest of approved and pending projects should approach \$103 million by 2024-25
- Results in annual TAD increment of \$1.49 million at current millage rates

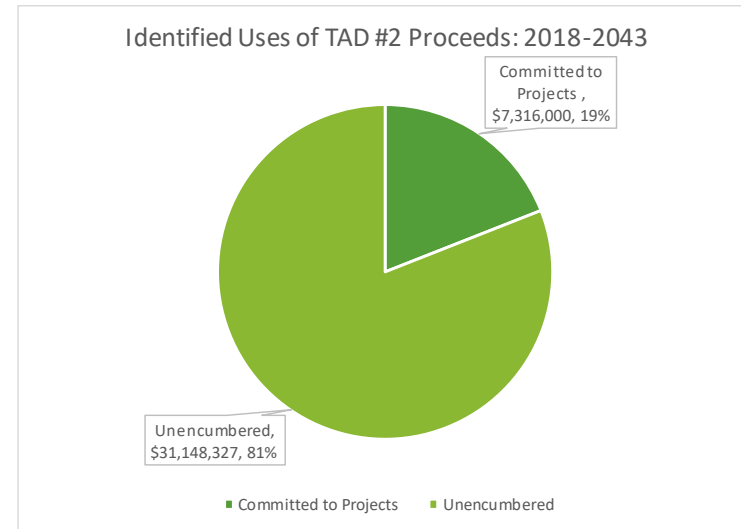


- Removing the TRG Duluth II project reduces cumulative TAD increment by roughly 14% and cumulative net revenues (after payments to TRG) by 9%

UPDATED TAD #2 DIGEST FORECAST

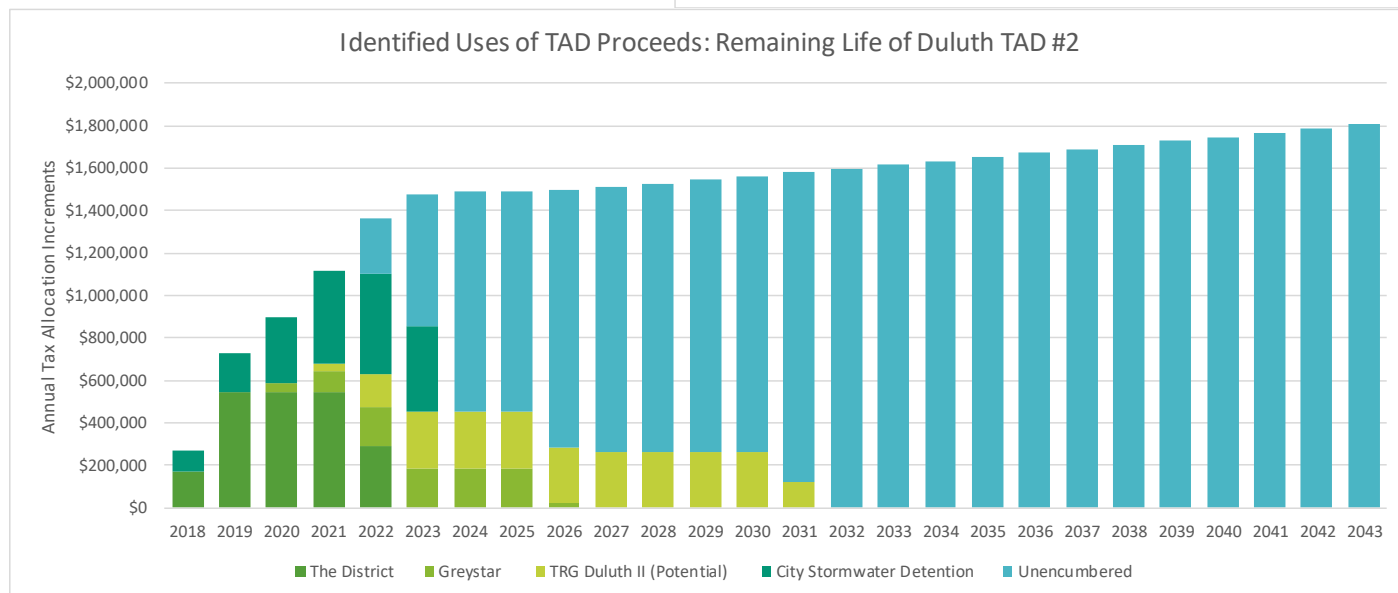


- **IF TRG’s pending application is approved, the City will have committed a total of \$7.3 million to TAD projects**
 - All existing/pending TAD obligations could be paid by 2031, 12 years before the termination date of TAD #2
 - Assuming no further applications are received, the TAD could produce another \$31.2 million in increment over its remaining life - not committed to any purpose



City Staff’s recommended Options

- “Bank” surplus TAD proceeds until future opportunities emerge
- Leverage future tax increments in one or more bond issues for identified purposes



POTENTIAL USES OF FUTURE TAD #2 PROCEEDS



- City staff have identified approximately \$33.5 million in potential uses that could be partially or entirely funded by future TAD #2 proceeds
- Proposed uses of TAD proceeds include:
 - Pre-paying the balance of pay-go agreements and previously issued City financing so future TAD revenues can be applied to debt service
 - Using TAD proceeds to fully or partially fund priority public improvements within the District
 - Setting up a revolving fund to acquire and hold key redevelopment sites for future disposition

Potential Uses and Maximum Budget Allowances: City-Sponsored Application: TAD #2	
Reimbursement of Previously Incurred City Redevelopment Costs	
Parsons Alley Financing [1]	
Master Stormwater Detention [2]	
Prepay Authorized PayoGo Reimbursements [3]	
Incurred Engineering & Administrative Costs [4]	
TOTAL COST	\$12,900,000
Public Infrastructure Improvements [5]	
Main Street Streetscape Improvements	
Davenport Rd. Intersection Improvements	
Quiet Zone Crossings	
Future Parking Expansion/Improvements	
TOTAL COST	\$8,900,000
DDA/Economic Development Projects [6]	
Revolving Fund for Property Acquisitions	
Environmental Remediation	
Master Stormwater Detention Facility #2	
TOTAL COST	\$11,700,000
TOTAL POTENTIAL USES - TAD #2 PROCEEDS	\$33,500,000

Notes:

- [1] Replace existing Parsons Alley note balance with 20-year financing.
- [2] Pre-pay balance of \$1.9 m City TAD reimbursement for Hill & Main master stormwater detention pond.
- [3] Seek to pre-pay remaining pay go agreements - possibly at a discounted rate.
- [4] Seek reimbursement for previously incurred A&E and other eligible TAD administrative costs.
- [5] Obtain low interest tax-exempt bond financing through the URA for public projects.
- [6] Obtain non tax-exempt financing through the DDA for property assembly of key sites and related purposes. TAD funded bond proceeds could be recovered in part from the resale of assembled parcels for redevelopment.

Sources: City staff and Bleakly Advisory Group, Inc.

ILLUSTRATIVE FINANCING STRATEGY

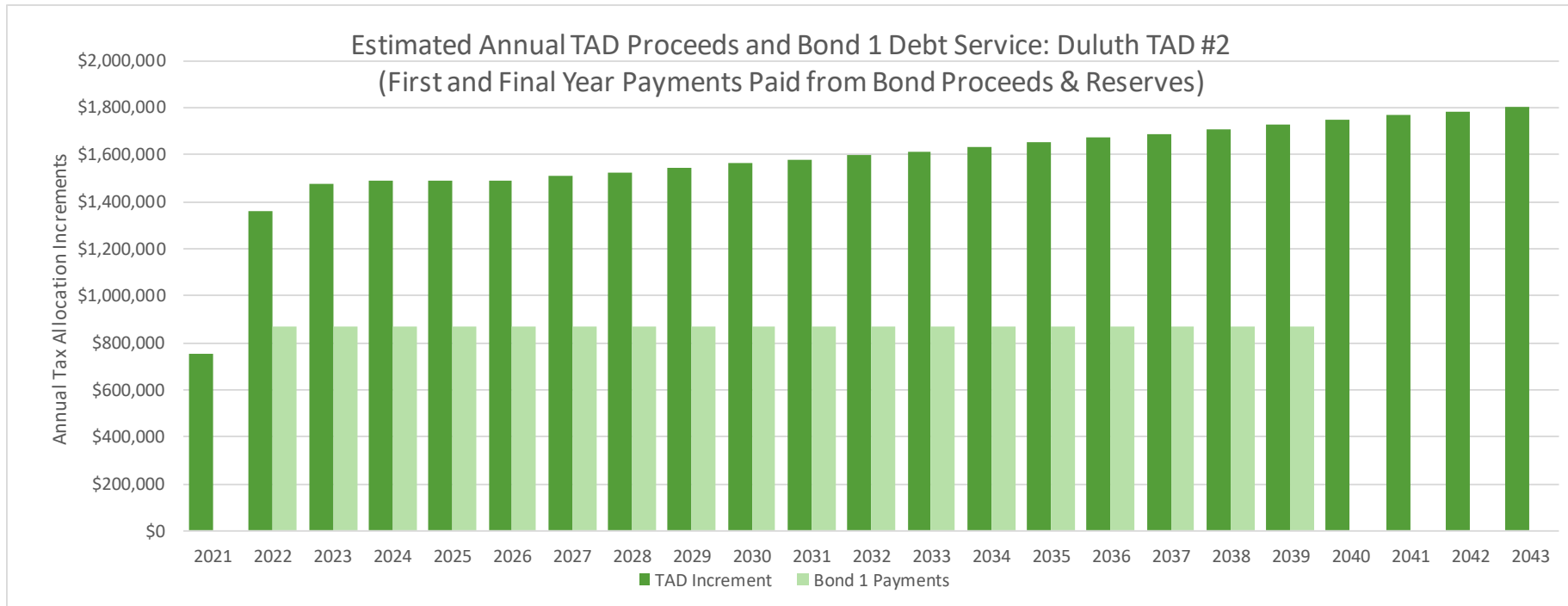


- BAG estimates that roughly 35% of identified redevelopment costs would qualify for tax exempt bond financing through the URA
- Financing is assumed to be acquired sometime in 2020, possibly backed by City guarantees to reduce interest costs
- 2021 payment is assumed to interest only paid from bond proceeds – PRN to be amortized over the remaining 19 years – final payment made from the DS reserve
- Any additional TAD debt incurred by the City would be issued subordinate to the repayment of this note
- Financing assumptions in table result in an annual debt service payment

Potential Uses of TAD Bond Proceeds URA Projects - Tax Exempt Public Infrastructure Bond	
Assumed Financing Terms	
Year of Issue	2020
Loan period in years	20
Interest Only Period (Years)	1
PRN Retirement Period (Years)	19
Interest Rate:	2.75%
Stabilized Debt Service Coverage Ratio:	1.00
Annual Debt Service Payment	\$869,000
Funding Sources	
Total Bond Issue	\$12,730,000
Capitalized Interest & Reserves	\$1,170,000
Issuance Costs	\$310,500
Net Proceeds Available for Projects (Rounded)	\$11,250,000
Potential Uses	
Streetscape, Intersection & Parking Improvements	\$8,325,000
Quiet Zone Crossings	\$600,000
Reimburse Balance - Master Stormwater Detention	\$1,776,000
Reimburse Balance - A&E and related Admin Costs	\$549,000
TOTAL TAD Fund Uses	\$11,250,000

- Bond #1 covers all public improvements and reimburses the City for the balance of its advance for stormwater detention

“BOND #1” DEBT SERVICE PROJECTION



- **Total Bond #1 debt service payments estimated at roughly \$16.9 million over 20 years**
 - \$15.6 million in debt service payments funded from future TAD increment, the balance of \$1.2 million is repaid from bond proceeds
 - Debt coverage approaches 1.6 in 2022 (assuming all pay-go agreements are pre-paid)
 - \$20.6 million in additional TAD revenues remain unencumbered after Bond #1 debt service is paid
 - Revenue forecast assumes no major TAD projects are approved beyond those already identified

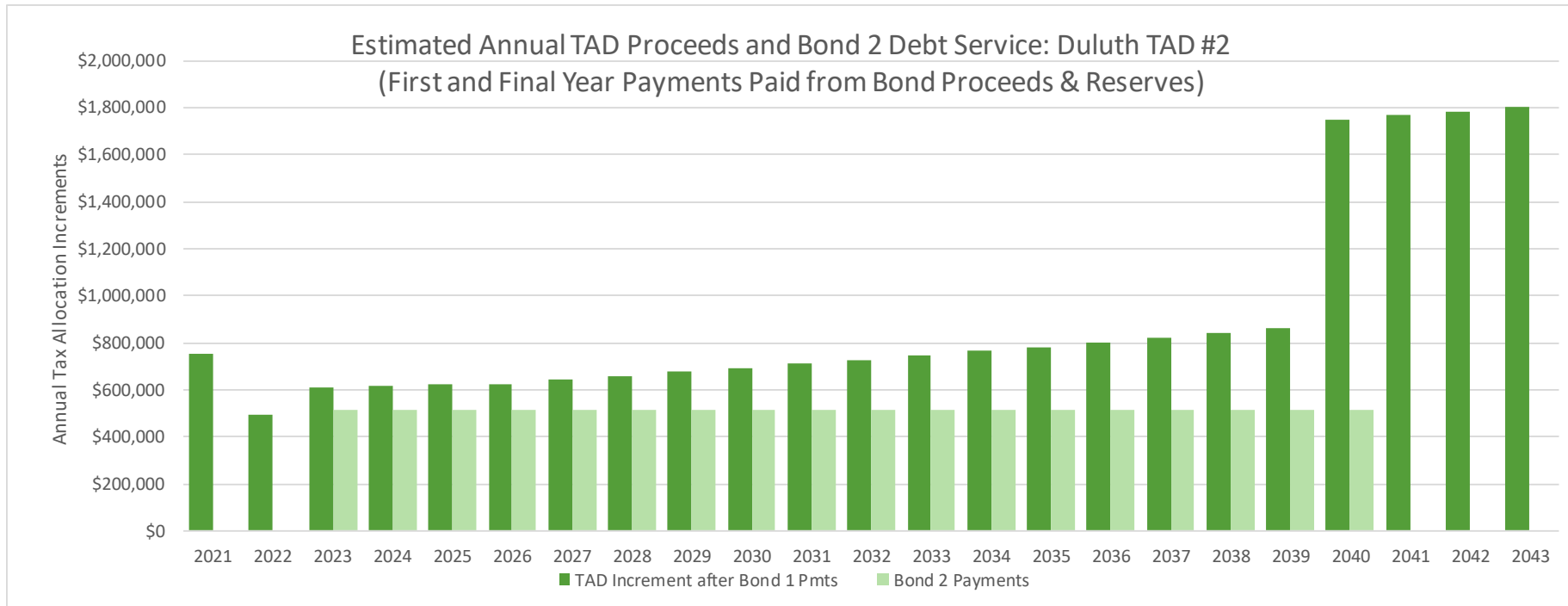
ILLUSTRATIVE FINANCING STRATEGY



- A portion of the remaining \$22.3 million (65%) of identified redevelopment costs could be financing via the DDA, likely at higher interest rates
- Under this scenario the City could issue a second bond in 2021 to retire all pay-go agreements (possibly including TRG Duluth II) and free up \$2.5 million in seed money for property acquisitions or other uses
- With additional projects – a final round of financing of minimum of \$2.0 million could be issued in 2024, running to the termination date of the TAD, allocated to refunding any outstanding City financing for Parsons Alley or to supplement funds for property acquisitions
 - Any other new projects approved prior to that date could increase that amount

Potential Uses of TAD Bond Proceeds	
DDA Projects - Taxable Economic Development Bond	
Assumed Financing Terms	
Year of Issue	2021
Loan period in years	20
Interest Only Period (Years)	1
PRN Retirement Period (Years)	19
Interest Rate:	4.75%
Stabilized Debt Service Coverage Ratio:	1.20
Annual Debt Service Payment	\$527,000
Funding Sources	
Bond Amount	\$6,500,000
Capitalized Interest & Reserves	\$840,000
Issuance Costs	\$158,500
Net Available for Projects Rounded	\$5,500,000
Potential Uses	
Retire Pay-go Agreements	\$3,000,000
Environmental Remediation	\$500,000
Stormwater Detention Pond #2	\$500,000
Property Acquisition - Revolving Fund	\$1,500,000
TOTAL TAD Fund Uses	\$5,500,000

“BOND #2” DEBT SERVICE PROJECTION



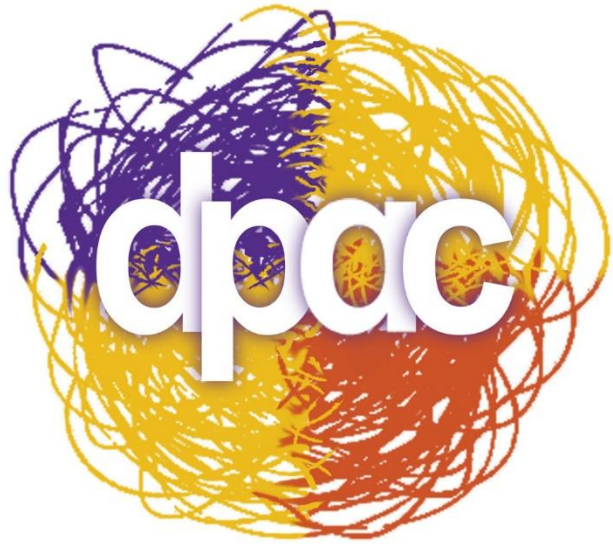
- **Total Bond #2 debt service payments estimated at roughly \$10.1 million over 20 years**
 - \$9.3 million in debt service payments funded from future TAD increment, the balance of \$820,000 is repaid from bond proceeds
 - Debt coverage in 2022 is 1.2 (subordinate to Bond 1 Debt Service payments)
 - \$11.2 million in TAD revenues remain unencumbered after deducting both Bond #1 and #2 debt service payments – creating flexibility to explore more options over the last decade of the TAD

POTENTIAL CITY TADAC APPLICATION



- Recommend authorizing staff to prepare an application to the TADAC - seeking approval to grant the City of Duluth flexibility to use remaining TAD proceeds to fund or partially fund (with other sources) up to \$33.5 million in eligible redevelopment costs, with the following provisions:
 - The City Council retains authority to determine priorities from among identified uses, as well as preferred funding mechanisms
 - The City seeks a 3-year window (until 12/31/2022) to commit TAD financing under this application – with the timing of specific debt issues to be determined by market conditions at the time of issuance. Any financing sought after 12/31/2022 will require TADAC approval
 - The City agrees that any new pay-go agreements, not specifically identified in this application, would also be subject to review and approval by the TADAC
 - The City Council reserves the authority to supplement TAD proceeds with other City sources or take other measures to achieve the most favorable terms possible, provided that such actions place no obligation on Gwinnett County

Questions?



Duluth Public
Arts Commission

PAAF Annual Report
August 2019

Detailed Fund Activity

July 1, 2018 - June 30, 2019

Revenue

DFAL – Dreamkeepers’ maintenance	\$3,000
Truck and Tap – developer donation	\$3,000
GoodWill of North GA – developer donation	<u>\$1,000</u>
Total FY19	\$7,000



(\$20,000)

Detailed Fund Activity

July 1, 2018 - June 30, 2019

Expenditures

Technical Services (engineering)	\$ 2,000
Advertising/Promotions (signage)	\$ 2,093
Site Improvements (projects)	
<i>Dream Keepers</i> – CherryLion	\$ 500
<i>Duluth Identified</i> – Mural	\$12,232
<i>Fanfare</i> – Red Clay window art	\$ 2,385
<i>Melody Lane</i> – Music Park	\$17,637
Total FY19	\$36,847
	(\$30,000)



Completed Projects



FY20 Approved Budget

Revenue

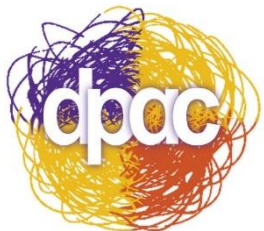
Donations	<u>\$ 5,000</u>
Total Revenues	\$ 5,000

Expenditures

Technical Services	\$ 1,000
Maintenance	\$ 2,500
Equipment Rental	\$ 250
Advertising/Promotions	\$ 1,000
Supplies	\$ 1,000
Site Improvements	<u>\$15,000*</u>

Total Expenditures **\$20,750**

**budget amendment required September*



Balance Sheet

August 2019

2018 Total Liabilities & Fund Equity	\$88,130.80
Assets	
Cash	\$18,133.21
Cash Reserved-Maintenance	\$13,150.00
*Cash Reserved-Rogers Bridge	\$25,000.00
Total Assets	\$58,283.21
Liabilities	
Accounts Payable	\$ 0.00
Fund Equity	\$58.133.21
2019 Total Liabilities & Fund Equity	\$58,238.21



FY2020 Activity



Revenue:

Developer meetings: Sherwood, Gardendale, Everleigh
Fundraiser options

Expenditures:

*Recommended reducing site improvements to \$10,000**
Earmarked \$25,000 for Rogers Bridge (FY21-22)

Maintenance of Art Inventory

Reviewing smaller proposals

Materials, signage



Continuing partner programs – “graffiti art” (parks)

**discontinued budgeted project; voted 8/14/19 reduce to \$10,000*

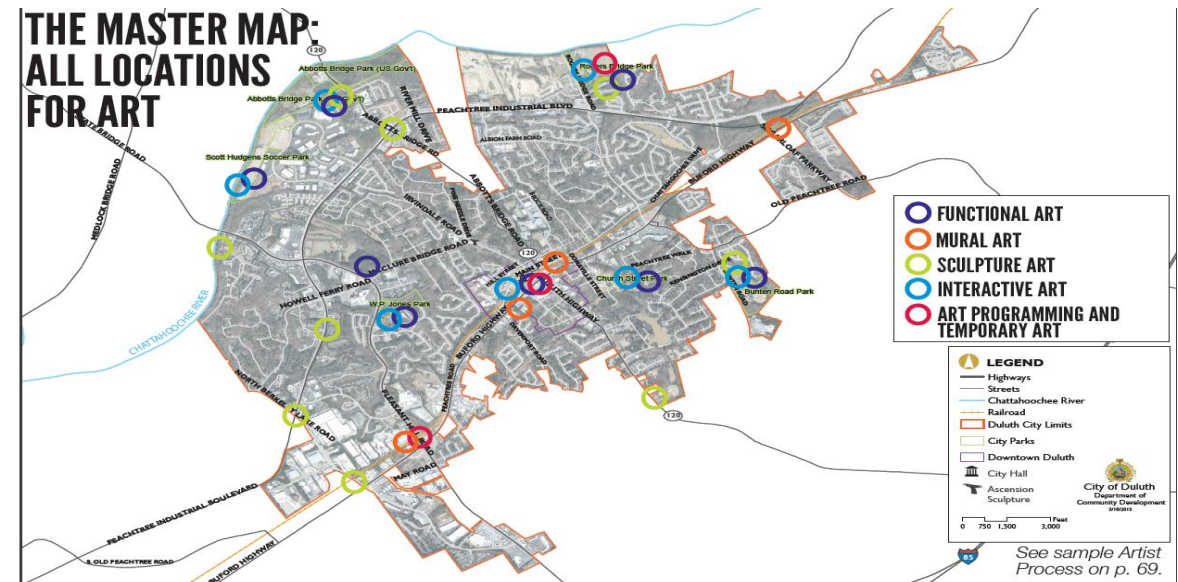


Long-Range Projects



-  Rogers Bridge Restoration Project
-  Upon dismantling, portions of the old bridge will be salvaged and incorporated into new art! One or more pieces – TBD.


 Continuous review of Master Plan



Exploring

 “Graffiti art” – facelift for utilities! Parsons Alley Block



 “Postcard” art options



 Partnerships for public art



All projects on City property come back to Council for future approval

Art Initiatives


- 🍷 Performance & interactive art
 - 🍷 *Poetry Slam – August 22*
 - 🍷 *“UNITY” project - TBD*
- 🍷 “Meet & Greet” Community Engagement
 - 🍷 *“Chalk Art” meet and greet event (Artober?)*
 - 🍷 *BRICK fundraiser event*
- 🍷 Community Outreach & Volunteerism
 - 🍷 *Draw Change – Empowering Children Through Art (other volunteer options?)*
 - 🍷 *Partnerships with other Art organizations*



Continuing Temporary Projects



Guideline Update


 Last approved by CC in March 2013 as “Funding, Goals and Implementation” Guidelines


(Since reviewed by Chair and Council representative)

 Change to “Funding, Goals and Procedural Guidelines”

 Update function of DPAC (master plan completed)

 Goals of DPAC

 Master Plan components the same (Performing Art Goals, Curatorial Goals, Programmatic Goals)

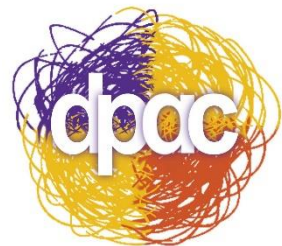
 Structure of Commission changed to update reduction in size, not required to be art professionals

 Staff membership to be assigned by City Manager

 City Manager shall approve any fundraising efforts

 Seek contributions for all permitted projects(not \$1M+, don't exclude single family)

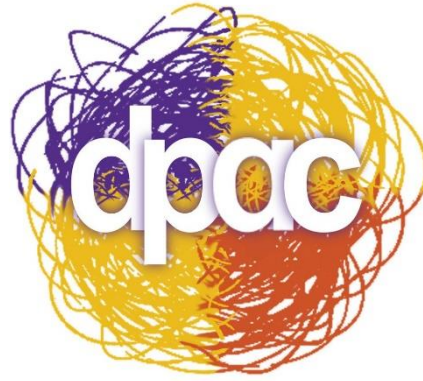
 Change reporting period to coincide with annual budget vs. prior to August 31st



Ordinance Update

- Implementation Guidelines were paraphrased for ordinance/codification as 2-270, 2-271 and 2-272
- Housekeeping item:
 - Sec 2-270 (a)
 - Delete last sentence “Members shall serve without pay” since 2-270(f) already says members shall serve without compensation.
 - Review for any other changes that carryover from or are inconsistent with updated Procedural Guidelines





Questions/Comments

City of Duluth Public Art Program Funding, Goals and Procedural Guidelines

Introduction

The City of Duluth created the Duluth Public Arts Commission (DPAC) in March 2013. The purpose of DPAC as stated in the Bylaws are:

- A. To present to the Mayor and Council strategic public art opportunities, activities and art appreciation based on the Public Art Master Plan,
- B. To encourage appreciation and awareness of, and participation in the arts among the Citizens of Duluth, and
- C. To encourage cooperation and coordination among individuals, organizations and institutions concerned with the arts in Duluth.

This document will address several specific DPAC goals:

- 1. Promote the training, development and performance of performing arts
- 2. Maintain and promote the City's existing public art collection
- 3. Commission, acquire and exhibit new public works of art.

The DPAC will support performing arts, promote public art projects, and encourage developers to install public art through direct usage of the Performing Art and Acquisition Fund (PAAF).

The Vision for Duluth's Public Art Program

It is the intention of this program to preserve the City's heritage, enhance its character and identity, contribute to economic development and tourism, add beauty and interest to public spaces and architecture and increase opportunities for the public to experience, and participate in the arts. This will be done through the performance, acquisition and installation of world-class public art.

The DPAC will commission and exhibit public works of art that give a voice to Duluth's unique traditions of civic design, architecture and urbanism, and strengthen Duluth as a place to live and do business. Performing arts schools, workshops, exhibitions, training and performances will be encouraged, engaged and supported as well, to make Duluth a center for the development, experience and performance of the arts.

The DPAC is tasked with refining and advancing public art goals for the City, which creates opportunity for substantive public engagement and solicitation of opinion. In this capacity, it also holds responsibility for the ongoing education and outreach efforts for all approved public art, including their development and public communication about the public art and the artist(s).

Elected officials and staff of the City of Duluth will be involved in the planning of public art, as well as responsible for its care and maintenance once fabricated and installed. City officials will cooperate with the DPAC facilitating performing art activities and maintaining media for future viewing. The municipal support and engagement is necessary to the sustainability of the program and an important form of redress for residents and taxpayers concerned about particular works of art.

Components of the Master Plan:

Performing Art Goals:

- Partner with existing performing arts businesses, schools and performing art venues
- Work to expand and support high school and local college performing art education and performance
- Fund and supplement funds to provide educational spaces and equipment
- Market teachers, schools, mentors, performers and performing art venues
- Engage and partner with public and private organizations and businesses to create performing art events
- Establish opportunities for a broad range of performing arts ranging from street performance to formal indoor performance
- Create a performing arts incubator program to provide grants for startup institutions, performers and organizations
- Fund performing art demonstration projects, promotional events and educational projects
- Cause to be documented performances to be readily viewable to the general public via audio/visual and social media

Curatorial Goals:

- Interpret Duluth's civic and architectural traditions, and its historic charm, with a fresh eye and contemporary voice;
- Enrich the public environments, such as civic spaces and pedestrian streetscapes, for citizens, employees and visitors to experience in Duluth;
- Extend the tradition of creating artistically designed public monuments at gateways throughout the City;
- Facilitate the introduction of artistically designed "civic infrastructure" that further defines with distinction the public realms of streets and squares;
- Promote the integration of works of art into the fine-grained details of public works and private development;
- Establish the City as a leader in the region's vibrant visual arts community and facilitate projects that are recognized nationally; and
- Reflect, with quality and sophistication, the international cultural and economic currents that are unique to Duluth.

Programmatic Goals:

- Organize significant permanent commissions in locations of high visibility and civic importance;
- Encourage developers to commission works of art that enhance the pedestrian experience of streets, sidewalks and public spaces;
- Create, when appropriate, new public art in new community facilities built and operated by the City;
- Build the necessary capacity and partnerships for mounting exhibitions and curating platforms for changing art in the pedestrian-centered downtown core;
- Establish a more predictable, dedicated stream of public art funding, (including direct fundraising efforts with approval from the City Manager);
- Develop ongoing planning and creative relationships with County and City agencies and civic organizations that shape the public and private realm;
- Promote an appreciation, understanding and awareness of visual arts in the public environment.

The Duluth Public Art Commission

- The membership of the Commission has been established by ordinance, approved by Duluth City Council and codified under Section 2-270 of the Duluth Code of Ordinances. One member of the Commission will be a member of Duluth City Council, appointed by ordinance.
- The City Manager will designate the appropriate City of Duluth staff member(s) who can offer input, guidance, procedural support and program management. Said members of the Commission are non-voting members. The DPAC will have formal and informal liaison relationships with the City Manager and City Council members.
- Board members with prior art experience is preferred but not required.
- The Chairperson and Vice Chair will be appointed by the Commission at the first organizational meeting of each calendar year by a majority vote. The board shall be subject to the same appointment and term limitations as are other standing boards in the City. The board shall ensure proper public notice of all board meetings and be subject to the open meeting and public records requirements.
- The Commission will hold periodic meetings at City Hall that shall be open to the public and subject to the public records act.

Performing Art and Acquisition Fund

The PAAF will be a separate, dedicated, interest bearing and revolving account established in the City General Fund into which public art donations are deposited, transferred, and used for the acquisition, commissioning, performance, exhibition and conservation of public art, as recommended by the DPAC and approved by the City Manager. The PAAF can also receive donations from individuals, businesses, developers, foundations and others in support of the City's Public Art program.

-Developer Contributions to the Art Acquisition Fund

As part of the development process, all applicants shall be referred to DPAC for the purpose of educating the applicant on opportunities for contribution to the arts as articulated in the Duluth Public Arts Master Plan. Developers shall be encouraged by designated members of the DPAC to voluntarily contribute an art project or amount of money equal to the value of one percent (1%) of new, non-City initiated, construction or renovation projects excluding projects that have their own master art plan.

This requirement to meet with the DPAC subcommittee applies to the construction or renovation of any profit or non-profit facilities, including, but not limited to, educational and/or medical facilities, non-city governmental operations that are not already obligated to participate in a public art program, commercial office and/or retail uses, hotels, mixed use or multifamily developments and other new construction not specifically delineated in these guidelines.

The city planning department shall initiate a process whereby prior to the issuance of any building permit the applicant must meet with the DPAC subcommittee. Donations shall not be required, nor shall there be any bias for or against a developer based on their decision regarding whether or not they participate in the art program. The purpose of the meeting shall be for education and awareness of the impact of art on the community and the economy.

Uses of the Performing Art and Acquisition Fund

PAAF may be used for:

- Artist fees and artist travel related to the training, education and performance of art open to the general public
- Artist fees and artist travel and expenses that are related to the City's commission or purchase of a public art
- Purchase of equipment to be used in performing arts
- Leasing of equipment and space for education, practice and performance
- Studies and planning documents to further the arts
- Promotions and marketing of activities associated with educational activities and performances
- Fabrication, storage, and installation of a commissioned work of art
- Acquisition of existing works of art
- Decorative, ornamental or functional elements that are designed by an artist selected specifically for the project and through the processes established in the guidelines, but not by a member of the pre-existing design team working on the related capital project (if applicable)
- Fees associated with the lease of works of art for temporary display
- Required permits and insurance during the fabrication and installation of the public art per contract
- Project consultants and contracted services
- Curatorial services
- Public art planning services
- Documentation and interpretive plaques
- Publicity for public art projects
- Education and outreach, including symposia and special events
- Conservation and non-routine maintenance of works in the City of Duluth Public Art Collection
- Establishing a capital replacement fund to replace major pieces of performing arts equipment

PAAF may not be used for:

- Mass produced work, with the exception of limited editions controlled by the artist
- Professional graphics, unless designed or executed by an artist or used in the development of collateral material for the City of Duluth's Public Art Program
- Routine maintenance
- City of Duluth staff costs

Management of the Performing Art and Acquisition Fund

Each year, the City Manager or Designee will assist the Commission in preparing the Public Art Annual Report, which presents a detailed accounting of monies spent or earmarked for future expenditures in the PAAF. The Annual Report should include the public art projects, related community and educational programs, and art conservation projects that were completed in the previous year, that are ongoing, or that will be initiated during the coming fiscal year. This presentation to Duluth City Council should fall within the regular annual budget cycle of the City.

Approved this 9th day of September, 2019.

Mayor Nancy Harris

Those councilmembers voting in favor:

Marsha A. Bomar, Post 1

Kirkland Carden, Post 2

Billy Jones, Post 3

Kelvin J. Kelkenberg, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

ARTICLE XII. - PUBLIC ART COMMISSION

Sec. 2-270. - Membership, appointment, terms.

- (a) The Duluth Public Arts Commission, hereinafter known as "DPAC" shall consist of six (6) regular members and one (1) member of the mayor and council. At a minimum five (5) members shall reside in the city limits of Duluth. Members shall serve without pay.
- (b) DPAC members shall serve four-year terms and the membership terms shall be staggered when possible.
- (c) Members of DPAC serve at the pleasure of mayor and council and may be removed and replaced by mayor and council with or without cause at any time.
- (d) Members of DPAC shall be subject to the same term limits as other boards in the city as set forth in section 2-49 of this Code.
- (e) DPAC members shall be subject to and comply with the code of ethics found in chapter 2, article X, of this Code.
- (f) DPAC members are volunteers and shall serve without compensation or reimbursement for personal expenses, unless specifically approved by the city council.

(Ord. of 3-11-13; Ord. of 10-14-13; Ord. of [3-12-18](#).)

Sec. 2-271. - Duties.

- (a) *Officers.* There shall be a chair and vice-chair of the commission. DPAC shall elect all officers from its membership for a term of one (1) year and shall determine responsibilities of the officers.
- (b) *Meetings.* DPAC shall hold regularly scheduled meetings; the commission shall determine the frequency, time and location of meetings. The commission shall provide notice of all meetings to the Duluth city clerk a minimum of forty-eight (48) hours prior to the meeting to ensure public notice requirements are met. All meetings shall be conducted in accordance with the Georgia Open Meetings Act and any amendments thereto. Meetings shall be held at a location within the corporate limits of Duluth that is open to the public and accessible to persons with disabilities. All minutes and records of the commission shall be public records and kept in the custody of the city clerk. A majority of the commission shall at all times constitute a quorum.
- (c) *Master plan.* DPAC shall prepare, maintain and update a public art master plan which identifies locations for public art in the city and identifies specific performing arts venues or locations for development thereof.
- (d) *Authorization of expenditures.* The chair of the DPAC or designee and the city manager or city clerk shall be jointly required to authorize expenditures of the performing art and acquisition fund pursuant to decisions of the DPAC. These expenditures shall be for art acquisition, performances, art programming, art education, fund raising and other purposes consistent with the promotion of public and performing art in Duluth.
- (e) *Creation of committees.* From time to time DPAC shall have the authority to create a study committee or task force to assist in matters consistent with duties associated with the commission. No committee or task force shall have voting power or authority to obligate funds from the Performing Art and Acquisition Fund (PAAF). The mayor or council representative to DPAC or their designee shall chair any committee or task force.

(Ord. of 3-11-13; Ord. of [3-12-18](#).)

Sec. 2-272. - Performing art and acquisition fund (PAAF).

- (a) *Accounting.* The performing art and acquisition fund ("PAAF") shall be a separate, special revenue fund as part of the city's overall fund structure into which public art donations and funding are deposited, transferred and used for the acquisition, commissioning, performance, exhibition and conservation of public art as recommended by DPAC and approved by the city manager or designee. The funds shall be included as part of the city's main operating account for banking purposes.
- (b) *Developer contributions.* The city planning department shall develop and institute a process whereby prior to the issuance of any building permit an applicant must meet with a DPAC subcommittee or member to discuss the value of public art. Applicants shall be encouraged, but not required, to donate one (1) percent of the value of new non-city initiated, construction or redevelopment projects to PAAF.
 - (1) Ten (10) percent of each donation, gift or contribution received by DPAC shall be designated and restricted to expenditures related to the routine maintenance, repair and cleaning of public art projects.
- (c) PAAF funds may be authorized for the following purposes:
 - (1) Artist fees and artist travel related to the training, education and performance of art open to the general public;
 - (2) Artist fees and artist travel and expenses that are related to the city's commission or purchase of public art;
 - (3) Purchase of equipment to be used in performing arts;
 - (4) Leasing of equipment and space for education, practice and performance;
 - (5) Studies and planning documents to further the arts;
 - (6) Promotions and marketing of activities associated with educational activities and performances;
 - (7) Fabrication, storage, and installation of a commissioned work of art;
 - (8) Acquisition of existing works of art;
 - (9) Decorative, ornamental or functional elements that are designed by an artist selected specifically for the project and through the processes established in the guidelines, but not by a member of the pre-existing design team working on the related capital project (if applicable);
 - (10) Fees associated with the lease of works of art for temporary display;
 - (11) Required permits and insurance during the fabrication and installation of the public art per contract;
 - (12) Project consultants and contracted services;
 - (13) Curatorial services;
 - (14) Public art planning services;
 - (15) Documentation and interpretive plaques;
 - (16) Publicity for public art projects;
 - (17) Education and outreach, including symposia and special events;
 - (18) Conservation, cleaning and routine maintenance of works in the City of Duluth Public Art Collection; and
 - (19) Expenses associated with art donations/sponsorships.
- (d) PAAF funds may not be used for:
 - (1) Mass produced work, with the exception of limited editions controlled by the artist.

- (2) Professional graphics, unless designed or executed by an artist or used in the development of collateral material for the City of Duluth Public Art Program.
- (3) City of Duluth staff costs.
- (e) *PAAF annual report*. Each year the city manager or designee shall assist DPAC in preparing an annual report to be presented to mayor and council which provides for a detailed accounting of all PAAF monies raised and all monies spent and/or earmarked for future expenditures.

(Ord. of 3-11-13; Ord. of [12-12-16](#); Ord. of [3-12-18](#).)

Secs. 2-273—2-279. - Reserved.



CITY OF DULUTH

Art Exhibit Release of Liability Form

1. Lender grants permission for The City of Duluth to reproduce his/her name, information describing the items on loan, and any other information he/she has provided for the purpose of display.
2. Lender agrees that the location, placement and duration of the items are solely within the discretion of the City of Duluth.
3. If Lender is not available on-site to display, re-pack or re-transport his/her of the items, he/she gives permission to the City of Duluth to do so on his/her behalf at his/her own risk and expense.
4. Release of Liability: The City of Duluth shall not be liable for any injury to Lender, their personnel, agents, employees or any third party for any damage or loss of the loaned items, equipment or other personal property arising out of the above displays, the mounting and/or any other activities involved in the preparation and/or presentation of the displays. Lender agrees to assume all risk of damage to or loss of his/her own art from whatever cause.
5. Indemnification: Lender shall indemnify, save and hold harmless the City of Duluth, its officers, directors, employees, volunteers from any and all claims, demands, causes of action and judgments, losses, costs and expenses, including but not limited to reasonable attorney's fees, arising due to the negligence of loaned items, their employees, agents or other personnel hereunder, including but not limited to any representation, warranty, term and/or condition of this Agreement, or for any injury to third parties resulting from the display.
6. Insurance: Lender shall be solely and exclusively responsible to insure properly and adequately their personal liability, work and property.
7. Waiver and Effective Nullity: Waiver by either party of any provision of this Agreement shall not operate or be construed as a waiver of any provision by such party at any time hereafter. The nullity of any provision hereunder shall not affect the validity or enforceability of the remaining provisions hereunder of the Agreement, which shall survive.

Lender Name: Alma Summerour

Address: 20577 Green Bay Rd, Beaverdam, VA 23015

Email:

Phone Number: 703-598-2859

Exhibitor: City of Duluth
Address: 3167 Main St, Duluth, GA 30096
Phone: 770-476-3434

Art Description: 2 wood framed pictures of Roger's Bridge. One in color and the other in pencil.
Location: Duluth City Hall
Duration: At Lender's discretion. Items will be available for pickup by Lender within two (2) business days of written notification. No shipping of items for return to Lender.

Lender Signature _____ Date _____

City of Duluth Representative _____ Date _____



(No artwork will be considered for display without this signed agreement.)

ORDINANCE
PARSONS ALLEY DESIGN REVIEW COMMITTEE

WHEREAS, to govern operations and common property which it controls, the City of Duluth created the DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR PARSONS ALLEY. The DECLARATION requires the creation of the Parsons Alley Design Review Committee (DRC).

NOW THEREFORE, the City Council of the City of Duluth hereby ordains that the following individuals be appointed as Parsons Alley Design Review Committee members of the City of Duluth, GA by replacing the unexpired term of Councilmember Bomar. Councilmember Whitlock is appointed from the City Council alternate seat to fulfill the City Council position and Mayor Harris is appointed to fulfill the City Council alternate position.

Greg Whitlock (City Council)	Expires 04/09/20	Term begin date: 2019
Nancy Harris (City Council Alt.)	Expires 04/09/20	Term begin date: 2019

IT IS SO ORDAINED this 9th day of September, 2019.

Mayor Nancy Harris

Those councilmembers voting in favor:

Marsha A. Bomar, Post 1

Kirkland Carden, Post 2

Billy Jones, Post 3

Kelvin J. Kelkenberg, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk