



**MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
JANUARY 13, 2025**

PRESENT: Mayor Whitlock, Council members Harkness, Thomas, Doss, Graeder, and Holloway, City Manager, Asst. City Managers, 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. No other items were discussed, and no action was taken.

Mayor Whitlock called the meeting to order at 6:00 p.m.

INVOCATION OR MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

I. APPROVAL OF MEETING AGENDA

A motion was made by Councilmember Graeder, seconded by Councilmember Doss, to approve the January 13, 2025 Council agenda as presented.

**Voted For: Council members Harkness, Thomas, Doss, Graeder, and Holloway
Motion carried.**

II. APPROVAL OF MINUTES

A motion was made by Councilmember Harkness, seconded by Councilmember Holloway, to approve the December 7 and December 9, 2024 meeting minutes as presented.

**Voted For: Council members Harkness, Thomas, Doss, Graeder, and Holloway
Motion carried.**

III. ANNOUNCEMENTS

1. UPCOMING EVENTS – www.duluthga.net/events

Check the City of Duluth website calendar for January/February meetings. Community events resume in the spring.

IV. MATTERS FROM CITIZENS

No comments were made.

V. CONSENT AGENDA

1. RESOLUTION – 2025 MEETING DATES & TIMES {A}

Approval of this item approves resolution R2025-01 to set and publicize regularly scheduled Mayor and Council meetings for 2025 in accordance with Georgia law.

2. ORDINANCE SETTING 2025 MILEAGE REIMBURSEMENT RATES {B}

The IRS announced that the business standard mileage rate for transportation expenses paid or incurred beginning January 1, 2025, will be .70 cents per mile. In addition, the 2025 standard rate for miles driven for medical or moving purposes will also increase to .21 cents per mile. Approval of this item adopts ordinance O2025-01 setting the reimbursement rate at .70 per mile for business use of personal vehicles, and medical mileage for the flexible spending account reimbursement plan, shall be calculated at .21 cents per mile, effective January 1, 2025.

3. RESOLUTION TO APPOINT LEGAL ORGAN {C}

Approval of this item approves resolution R2025-02 naming the “Gwinnett Daily Post” aka The Times Journal Inc., as the City’s Legal Organ for 2025. 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.

4. RESOLUTION – DEPOSITORIES & CHECK SIGNING {D}

Approval of this item approves resolution R2025-03 regarding check signing, investments and depositories as per the Financial Policy.

5. DESIGNATION OF OPEN RECORDS OFFICERS {E}

Approval of this item as per Open Records Act O.C.G.A. 50-18-71(b) designates the Assistant City Manager/City Clerk or his/her designee as the Open Records Officers to receive written requests on behalf of the City, and approves resolution R2025-04 listing the 2025 designees.

6. ORDINANCE SETTING QUALIFYING DATES AND FEES

{F}

The State of Georgia requires that municipalities fix and publish qualifying fees pursuant to O.C.G.A. § 21-2-131 by February 1 of the year in which the relevant election is to be held. The 2025 election will be held on Tuesday, November 4, 2025. Qualifying fees are 3% of the total gross salary of the preceding year (Georgia Election Code 21-2-131 (a) (1) (A)). Approval of this item approves resolution O2025-07 setting the qualifying dates for 2025 and fees for Councilmember Posts 1, 2 and 3, at \$180.00.

7. ORDINANCE APPOINTING MUNICIPAL COURT SOLICITOR

{G}

Pursuant to the Duluth City Code, Section 2- 208, the Mayor and Council are authorized to appoint a solicitor of the municipal court of the city. The solicitor shall be appointed by the Mayor and Council and shall serve at the pleasure of the Mayor and Council. Solicitor Armond has resigned as of December 19, 2024. Assistant Solicitor, Ms. Kelsey Wiley has accepted the offer as head Solicitor effective January 6, 2025. Ms. Wiley is thought very highly of and has honorably and efficiently served in our courts as an Assistant Solicitor since May 13, 2024.

If approved, this action will entail a raise in pay from \$145 per hour, to \$525 per court session. An analysis of and comparison of pay rates indicates that this could result in an estimated increase in pay of up to \$9,800 per year. Staff is recommending changing from an hourly rate to a flat fee per session, based on current practices and a survey of surrounding courts. The last change in pay for the Solicitor position was several years ago. The compensation of the solicitor shall be on an flat fee per court session basis and the rate shall be fixed by the Mayor and Council on an annual basis during the regular budget process. Approval of this item approves ordinance O2025-02 appointing Ms. Kelsey Wiley as presented.

8. ORDINANCE TO AMEND BUDGET - \$80,000 – TRASH ENCLOSURES {H}

In November, City Council and the Downtown Development Authority (DDA) approved an Intergovernmental Agreement for construction of additional trash enclosures in the downtown area. Subsequently, the City Council approved a contract with IP Construction, LLC in the amount of \$54,000 to construct the four new trash enclosures. Staff anticipates additional project costs for construction oversight, testing and change orders and is requesting \$80,000 to complete the project. Approval of this item authorizes ordinance BA-FY25-19 to amend the FY25 budget to add \$80,000 to Downtown Parking - Solid Waste Disposal - Machinery line item.

9. APPROVAL OF CONTRACT FOR PUBLIC ART PIECE

{I}

Approval of this item authorizes the mayor to execute a contract with Metaldozer Machine Works, Inc. for purchase of a public art piece for placement in front of the Red Clay Theatre. The large microphone art piece titled “Let your voice be heard” will be installed once the theatre renovations are complete.

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

Voted For: Council members Harkness, Thomas, Doss, Graeder, and Holloway
Motion carried.

VI. PUBLIC HEARINGS

1. PROPERTY REZONING – CASE A2024-002- TAX PARCEL R7204 577

Mayor Whitlock opened the public hearing to consider a property rezoning action for 2516 Main Street and called forward Margie Pozin, Director of Community Development & Engineering to present.

Ms. Pozin explained that her presentation covers all three public hearings associated with this request. The City of Duluth is the applicant, requesting the annexation and rezoning of 2516 Main Street (Parcel ID R7204 577). The Planning Commission heard the case at the January 6, 2025, meeting and recommended approval.

The first public hearing relates to the proposed rezoning of the property from Gwinnett County M-1 to City of Duluth M-1, light industrial. The property consists of approximately 4 acres. The property is bound by C-2 to the east, a planned unit development to the north and additional M-1 light industrial to the west and to the south. Ms. Pozin defined the character area of the property. The property is located along the western edge of the Sugarloaf activity district and the City's Comprehensive Plan looks at this as a self-sufficient activity center for retail and office and a variety of residential types that serve as a northern gateway into the city. The future land use map envisions these as commercial retail and office, but that is not the current use as it stands currently and wouldn't be the use that the city envisions for the immediate future. No action on the rezoning will take place until after the annexation ordinance is considered and approved.

The second public hearing will relate to the proposed annexation and the third public hearing will relate to the ordinance of rezoning.

Mayor Whitlock called for discussion from Council.

Councilmember Graeder clarified for the public that the property being consider for rezoning and annexing belongs to the City of Duluth.

Mayor Whitlock called for questions/comments from the public.

Being no comments, Mayor Whitlock closed the public hearing.
No motion required.

2. ORDINANCE OF ANNEXATION – CASE A2024-002

{J}

Mayor Whitlock opened the public hearing to consider the ordinance of annexation for Case A2024-002 – 2516 Main Street.

The City of Duluth is the applicant, requesting the annexation of 2516 Main Street (Parcel ID R7204 577). The Planning Commission heard the case at the January 6, 2025 meeting and recommended approval.

Mayor called for discussion from Council.

Being no discussion, Mayor Whitlock called for questions/comments from the public.

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

A motion was made by Councilmember Harkness, seconded by Councilmember Thomas, to approve ordinance O2025-03 for Case A2024-002 to annex 2516 Main Street, parcel ID R7204 577, as presented.

**Voting for: Council members Harkness, Thomas, Doss, Graeder, and Holloway
Motion carried.**

3. ORDINANCE OF REZONING – CASE Z2024-006

{K}

Mayor Whitlock opened the public hearing to consider an ordinance of rezoning for 2516 Main Street (Parcel ID R7204 577) from Gwinnett County M-1 to City of Duluth M-1.

Mayor Whitlock called for comments/discussion from the Council and Public.

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

A motion was made by Councilmember Doss, seconded by Councilmember Holloway, to approve ordinance O2025-04 for Case Z2024-006 to rezone 2516 Main Street (Parcel ID R7204 577) from Gwinnett County M-1 to City of Duluth M-1 as presented.

**Voting for: Council members Harkness, Thomas, Doss, Graeder, and Holloway
Motion carried.**

4. RESOLUTION TO AMEND THE COMPREHENSIVE PLAN - TA2024-017

{L}

Mayor Whitlock opened the public hearing to consider a resolution to amend the Comprehensive Plan under Case TA2024-017.

Director of Community Development & Engineering, Margie Pozin presented. The corresponding resolution R2025-05 is presented for consideration to update the Character Area Map and the Future Land Use Maps within the current Comprehensive Plan per the annexation and rezoning of 2516 Main Street (Parcel ID R7204 577). Planning Commission heard Case TA2024-017 at the January 6, 2025 meeting and recommended approval. Staff also recommended approval as presented.

Mayor Whitlock called for discussion from Council. Being none, Mayor Whitlock called for questions/comments from the public.

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

A motion was made by Councilmember Thomas, seconded by Councilmember Graeder, to approve resolution R2025-05 for Case TA2024-017 to amend the Comprehensive Plan as presented.

**Voting for: Council members Harkness, Thomas, Doss, Graeder, and Holloway
Motion carried.**

5. ORDINANCE OF SPECIAL USE – CASE SU2024-005- AUTISM CENTER {M}

Mayor Whitlock opened the public hearing to consider an ordinance of Special Use for Case SU2024-005 for 4375 River Green Parkway, Suite 150 (Parcel ID R6325 064) to allow for a pediatric behavioral therapy office.

Director of Community Development & Engineering, Margie Pozin presented. She explained that the applicant is Elliston LLC doing business as the Elevation Autism Center at 43 75 River Green Parkway. It's currently in the M-1 light industrial district and the request is to allow the approval of a private school also functioning as a behavioral center in that zoning district. The subject property is just under six acres, but this would only be one of the suites which represents a little over 9,000 square feet.

The character area in our comp plan is part of the River Green employment district serving as an economic engine for the city and a major regional distribution hub for office space. The future land-use map envisions this area as commercial retail and office. The center operates both a one-on-one therapy and early learners' program between the hours of 8:30 and 3:30. They have a maximum of 40 students, and they are proposing a staggered drop-off and pickup.

River Green has its issues with school drop-off and pickup in terms of peak hours, especially in the morning and so theirs would be staggered to accommodate the volume. Staff has put the drone up for a visual study to look at the traffic flow and found that the additional 40 cars would not likely cause significant impact.

Ms. Pozin explained that there are conditions that would be attached to this request. They would need to get their occupational tax certificate within three months and are not allowed to change the use discontinue or abandon it for three months or extend it or change it in any way, or else the use would be terminated. They have to follow signage and lighting requirements from the UDC. They must keep the property in a state of good repair at all times and need to submit a drop-off and pick up circulation plan to staff. They are not permitted to create overflow parking that results in parking or stopping or standing within the public right-of-way just like the other schools. Special uses are a privilege and not guaranteed.

The Planning Commission recommended approval with these conditions and staff also recommends approval with these conditions.

Mayor Whitlock called for discussion from Council.

Councilmember Doss asked if the applicant is currently operating any part of their business there now and looking to open a school or if this was just new use for this location. It was confirmed that they are only renting out a suite in that building at this time.

Mayor Whitlock called forward the applicant.

Adam Kay of 335 Royal Burkdale Court, Duluth, GA 30097 came forward and agreed to all conditions and clarified there would be no other after hours activities. He also addressed the traffic flow concern. The school would have much lower density for the number of spaces leased and operating hours would be staggered so that drop off and pick up times would vary from the other schools in the area.

The mayor called for questions/comments from the public.

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

A motion was made by Councilmember Thomas, seconded by Councilmember Doss, to approve ordinance O2025-05 for Case SU2024-005 as presented.

Voting for: Council members Harkness, Thomas, Doss, Graeder, and Holloway
Motion carried.

6. ORDINANCE OF SPECIAL USE – CASE SU2024-006- SHORT TERM RENTAL {N}

Mayor Whitlock opened the public hearing to consider a request from applicant Sarah Ward for a special use permit for her home at 2666 Peachtree Walk (Parcel ID R7201 167) to allow for a short-term rentals.

Director of Community Development & Engineering, Margie Pozin presented. She explained that the current zoning is R-100 which is single-family residential district. The request is to have R-100 with a special use to allow for short-term rental in a single-family residential district. The property is about three-quarters of an acre, and all of the surrounding properties are R-100. The subject property is part of the established neighborhood character area in the Comprehensive plan, intended to be low-density residential

The applicant does reside in the residence full-time. The room in the house is rented out as a supplement to her longer-term rentals, which are generally two to three months long. This was not a complaint driven scenario; however, this activity was located online through our code enforcement's research on the Airbnb websites. The conditions for approval include a requirement to get an occupational tax certificate within three months, and if the use changes or if it is discontinued for three months, extended or changed in any way it goes away.

Ms. Pozin explained that in order to keep it active while Ms. Ward has longer-term rentals, she would leave it on the Airbnb site so that it is not an abandoned use for 90 days but would not necessarily be actively renting it on an Airbnb site. There are standards within the UDC that go along with having a short-term rental and therefore they do not need to be spelled out as conditions; they are already part of the code and address items such as floor plans, environmental health approvals, keeping certain information on file with the city as well as keeping certain information posted within the unit. And again, keeping the property in good repair at all times.

The Planning Commission heard the case at the December 2, 2024 meeting and recommended denial. Staff is recommending approval with conditions.

Mayor Whitlock called the applicant forward to answer questions.

Ms. Sarah Camille Ward of 2666 Peachtree Walk came forward. She stated that she did not intentionally act against the code and once she realized, she complied with all the requirements except for applying for an occupational tax certificate based on the Planning Commission saying to hold off until approval.

Ms. Ward has lived in this home as a primary residence with a homestead exemption since February 2022. She noted that she has a three-year-old son and specifically purchased the home because of the school district. She loves the area and has no intentions of disrupting the neighborhood or using her residence for primary business purposes. Due to a personal change of circumstance, she listed the property on "furnished finders" primarily catering to traveling nurses and

medical students. As she works in real estate, she does have them sign a legal form lease with a security deposit, etc. and holds the escrows.

Ms. Ward said occasionally there will be a window of 30 to 60 days when it's not rented and that's when she would consider Airbnb just to bridge that gap, and again, she has a young child and very strict rental rules concerning quiet times, with no more than two occupants, no filming crews and no on-street parking.

She reiterated her desire to stay in her home but acknowledged the community concerns and offered the option of adding an additional condition where the special-use permit is only valid if the person that owns the home does hold a homestead exemption to ensure protection of property. She noted that she had specifically talked to her adjoining property owner neighbors to see if they had any concerns and got no hesitation from them.

Councilmember Harkness asked Ms. Ward if she only has one renter at a time.

She responded that was her preference, but while it was on Airbnb it was really popular because her rate was reasonable and many of the people that were traveling were either going to a concert at Gas South Arena or speaking at a conference there. There have been three different stays where it was two people in their 20s or 30s, but with one vehicle parked in her driveway. She noted that there is actually enough room for 4-5 cars to park in the driveway.

Mayor Whitlock called for questions/comments from the public.

Mr. Richard Jones of 2705 Peachtree Walk came forward and spoke in opposition. He feels that the "residence" requirement seems unenforceable.

Mr. Cory Youngblood of 3342 Dogwood Lane came forward and spoke in support. He noted all the exterior improvements that Ms. Ward had already completed since moving in, and said there have been no adverse effects of her having renters.

Ms. Amber Youngblood of 3342 Dogwood Lane also came forward in support and said that there were never any activities that were unfriendly to neighbors or caused any issues.

Mrs. Jackie Aiken of 3322 Dogwood Lane came forward to speak in opposition, and noted that a similar situation had happened at her family property in North Carolina, which has turned into absentee landlords and unruly renters.

Mayor Whitlock asked for clarification on the SUP and whether it remained with the applicant or with the property.

City Attorney Stephen Pereira responded that if the special-use permit was tied to the homestead exemption and residential requirement, it wouldn't be specific to this applicant.

Mary Todd Jones of 2705 Peachtree Walk came forward and spoke in opposition of the request, with concern about setting a precedent for the neighborhood.

Ms. Ward responded that she intends to retain ownership of the home, has every interest in upholding the community standards and as she works in real estate, and is very aware of how this special use permit with partial short-term rental would be much different than a full rental property.

Councilmember Thomas noted it is a delicate balance between the rights of the owners and concerns of the neighborhood. She has full confidence in our staff to monitor and to be able to enforce their rules to maintain our communities.

Mr. Pereira clarified if a new person moved in and was not renting out for 90 days, then the special use would go away. Any new owner would then have to come back and reapply.

Mayor Whitlock wanted to also reiterate that Council is charged with responsibility of trying to make the best decision for the best use of the property regardless of individual circumstances.

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

A motion was made by Councilmember Holloway, seconded by Councilmember Graeder, to approve ordinance O2025-06 granting special use permit for 2666 Peachtree Walk (Parcel ID R7201 167), with conditions as presented and additional condition as follows:

The property shall maintain homestead exemption, and proof of homestead exemption shall be provided to the Community Development and Engineering department on a yearly basis.

**Voting for: Council members: Thomas, Graeder, and Holloway
Voting against: Council members Harkness and Doss
Motion carried.**

VII. 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 each year. The Council shall elect a council member to serve as the Mayor Pro tempore. The Mayor Pro tempore shall assume the duties and powers of the Mayor during the Mayor's disability or absence. Mayor Whitlock will provide his recommendation for the 2025 appointment.

A motion was made by Councilmember Holloway, seconded by Councilmember Doss, to appoint Councilmember Marline Thomas as Mayor Pro tem for 2025.

Voting for: Council members Harkness, Thomas, Doss, Graeder, and Holloway
Motion carried.

VIII. MATTERS FROM DEPT HEADS/CITY ATTORNEY

Public Works Director Audrey Turner commended her staff for working hard to keep the roads clear during the recent winter weather event.

IX. MATTERS FROM MAYOR & COUNCIL

Councilmember Thomas echoed the sentiments but also expressed gratitude to the police department for keeping the city streets and residents safe during this weekend snow/ice storm. She also expressed gratitude to the events staff for providing great events and looking forward to starting back up in March 2025.

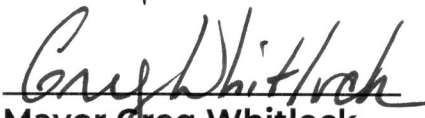
Mayor Whitlock noted that it was an honor for Duluth to be recognized in Southern Living Magazine for quality and diverse Underrated food city,

X. ADJOURNMENT

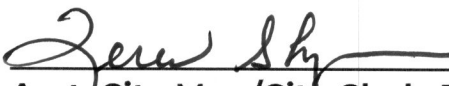
A motion was made by Councilmember Harkness, seconded by Councilmember Doss to adjourn at 7:10 pm.

Voting for: Council members Harkness, Thomas, Doss, Graeder, and Holloway
Motion carried.

Approved this 10 day of February, 2025.


Mayor Greg Whitlock

ATTEST:


Asst. City Mgr./City Clerk, Teresa Lynn