



**WORK SESSION NOTES
MAYOR AND COUNCIL
CITY OF DULUTH, GA
JANUARY 22, 2024**

PRESENT: Mayor Whitlock, Council members Thomas, Doss, Graeder, and Holloway, City Manager, Asst. City Managers, Department Directors, City Attorney

ABSENT: Councilmember Harkness

Mayor Whitlock called the work session to order at 5:30 p.m.

I. PUBLIC COMMENTS

1. PROPERTY FLOODING AND DRONE CONCERNS

Mark Manual, 4011 Hooch Landing, Duluth Overlook Subdivision HOA president, came forward to request the city's help with flooding issues that have caused damage to not only his subdivision, but Rogers Bridge Park, and Encore Subdivision due to debris piling up in the creek channel.

Mr. Manual also spoke of his concerns with a gentleman who is flying a drone over the back of his home as well as others as late as 11:00 p.m. in the subdivision causing concerns among the residents. He reported on two separate occasions to the police.

II. DISCUSSION ITEMS/PRESENTATIONS/UPDATES

1. COMPENSATION - ELECTED OFFICIALS

City Clerk/Asst. City Mgr. Teresa Lynn came forward to present. As previously discussed, Section 2-13 of the Duluth City Charter provides for Compensation and Expenses of the Mayor and Council members to be provided by ordinance. Ms. Lynn provided an updated chart on compensation of surrounding jurisdictions. Staff requested Council direction on amending the Duluth Code of Ordinances, Section 2-27 - Elected Officials Compensation.

The Council authorized staff to place this item on the next Council agenda for consideration.

2. FINANCIAL UPDATE

Asst. City Manager/Finance Director Ken Sakmar presented an un-audited financial update of the City's general fund revenues and expenditures. The top ten revenue sources account for 92% of all revenues and the expenditures are at 40%. City operations have resulted in a surplus in the last six years. Staff is currently working with the auditors to complete the FY 2023 financial statement audit.

Most of the revenue sources are performing at or above budgeted amounts, and expenditures are slightly below budgeted amounts.

3. ORDINANCE TO AMEND CODE – TRASH BIN SERVICE

Director of Community Development & Engineering Margie Pozin came forward to present. In May, the City's residential trash collection process will change from the purple bag "pay as you throw" to an automated truck picking up waste from roadside rolling bins. Chapter 13 of the Duluth Code currently regulates trash collection by way of specialized plastic bags provided to designated outlets and to the City by the collector. This will change to a rolling bin provided by the collector, which needs to be placed in a certain location by a certain time of day, and stored in a non-visible place when not in use after collection is complete. These revisions need to be made in advance and will go into effect when the collection method changes.

Council authorized staff to prepare an ordinance and place on the February 12 agenda.

4. ORDINANCE TO AMEND UNIFIED DEVELOP. CODE – FENCES

Director of Community Development & Engineering Margie Pozin came forward to present. Ms. Pozin reported that staff has noticed a number of decorative residential fences being installed in front yards that do not meet code, but they enhance the aesthetic and value of the property. Staff does not see value in requiring these fences to be removed as they are an enhancement. The current code states the maximum height for a front yard fence is 3'. Any fence (elsewhere on the property) over 7' currently requires a permit. The maximum fence height allowed (with a permit) is 8'.

However, some new fences being built in residential front yards are taller than 3', decorative, and costly. Most citizens do not know there are codes governing fences, so these fences are being built without our knowledge. Code enforcement staff see the fences during general neighborhood inspections.

For residential developments (not individual property owners), the UDC requires that a fencing plan be submitted and approved prior to issuance of the development permit. In this manner the consistency, specifications, and conditions of the fences installed by the developer are controlled.

Staff would like to amend the text in the UDC to reflect a 4' maximum front yard fence and allow the Community Development & Engineering Director to have the authority to issue an administrative variance allowing a front yard fence to be built as tall as 5' if it's in the best interest of the City and if there is a compelling reason to allow it. Further, staff noted that sight distances will be considered when reviewing fence heights in a front yard, especially near an intersection.

The Council authorized staff to move forward with the public hearing processes (Planning Commission and City Council); preparing an amendment to the UDC text to reflect staff's recommendation above.

5. AMEND DEVELOPMENT AGREEMENT - SODO (BEXLEY)

City Manager James Riker presented. In 2019, the City Council, acting as the Redevelopment Agency, executed a development agreement with The Residential Group, LLC (TRG) later assigned to WMCI Atlanta IV-D, LLC., relating to reimbursement of TAD funds associated with the SODO (Bexley) project located at 3250 Buford Highway. WMCI Atlanta IV-D, LLC., desires to end the City's obligation to annual payments in exchange for payment of a discounted lump sum. Such a change requires an amendment to the Development Agreement. The agreement was reviewed by the City Consultant who recommends the city consider the discounted lump sum payment which is beneficial to the City and URA.

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

6. AMEND PATIO LEASE – FALLING RABBIT

Chris McGahee, Economic and Marketing Director presented. There are two surveyed patio areas for Falling Rabbit. AREA "A" is 1,105 Sq. Ft. AREA "AA" is 663 Sq. Ft. Falling Rabbit uses AREA A but has never used AREA AA. Woods Future Investments, LLC is requesting that AREA AA be removed from the lease. Staff recommend amending the lease to remove AREA AA from the lease and recalculate the lease amount based upon the 1,105 Sq. Ft.

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

7. GEMA MUTUAL AID & ASSISTANCE AGREEMENT

City Manager James Riker presented. The GA Emergency Management Act gives local governments the authority to make agreements for mutual aid assistance in emergencies, and through such agreements to ensure timely reimbursement of costs incurred by the local governments. The last Statewide Mutual Aid agreement with Gwinnett County was executed in 2020 and expires March 1, 2024.

Council authorized staff to place this item on the next Council meeting agenda for approval.

8. LOCALLY ADMINISTERED PROJECT (LAP) CERTIFICATION {B}

Director of Community Development & Engineering Margie Pozin presented. Every three years, the city has to apply for recertification of our Locally Administered Project (LAP) certification status. Ms. Pozin explained as part of maintaining certification, two employees are required to take five specific GDOT sponsored classes every three years, fill out a 33-page application, and be interviewed by GDOT. Without this certification, the City is not eligible to receive federal funding for transportation projects.

No action required at this time.

III. MATTERS FROM MAYOR & COUNCIL

Staff responded to questions raised about the emergency exit at the Pine Needle cul-de-sac, parking in the unincorporated area of the cul-de-sac, the completion of the turn lane on Davenport and the old city limit sign on Highway 120.

Mayor Whitlock reported he met with Congresswoman Lucy McBath and discussed possible funding to revitalize the Mt. Arat Church in the Hill Community for possible use as a historical museum. He also attended a meeting with Gwinnett County on the proposed transportation plan and how it will affect Duluth. He mentioned that the June 20th strategic planning conference may be a good time to revisit the City's Vision statement, and praised Councilmember Graeder for being a good Samaritan for staying with a family who was involved in a hit and run.

Mayor Pro tempore Marline Thomas and the Chief of Police attended the Public Safety Awareness event.

IV. ADJOURNMENT

The meeting adjourned at 7:30pm.

Approved this 12 day of February, 2024.


Mayor Greg Whitlock

ATTEST:


Asst. City Mgr./City Clerk, Teresa Lynn