



**DRAFT MINUTES OF THE  
MAYOR AND COUNCIL  
CITY OF DULUTH, GA  
OCTOBER 23, 2023**

**PRESENT: Mayor Harris, Council members Harkness, Thomas, Doss, Graeder, and Whitlock, City Manager, Department Directors, City Attorney**

A work session was held prior to the meeting to allow the elected officials to discuss this evening's agenda items.

**Mayor Harris called the meeting to order at 5:32 p.m.**

**I. EXECUTIVE SESSION**

It was necessary to hold an executive session on Real Estate, Pending/Potential Litigation, or Personnel, which is properly excluded from the Georgia Open and Public Meeting Law (O.C.G.A. 50-14).

**A motion was made by Councilmember Whitlock, seconded by Councilmember Graeder, to adjourn to executive session at 5:35 p.m.**

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

**After the discussion, a motion was made by Councilmember Graeder, seconded by Councilmember Harkness, to return to regular session at 5:40 p.m.**

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

**II. PUBLIC COMMENTS**

Coleman Binford, 4024 Chaderton Court, Tim Shields, 4034 Chaderton Court and Robyn Stalhut of 4016 Heathmoor Court came forward requesting help with stormwater infrastructure and the invasive flooding that has occurred multiple times in their neighborhood.

City Manager James Riker responded that staff would report results of hydraulic study of both Howell Glen and Richwood neighborhoods at the November 27 work session of the Mayor and Council. Both were developed with limited infrastructure.

### III. PUBLIC HEARINGS

1. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN – SMITH  
3587 ROGERS COVE – TAX PARCEL 7203 225 {A}

#### **Mayor Harris opened the public hearing.**

*Community Development/Engineering Director Margie Pozin came forward to review the public hearing process. She explained that the mayor will open a public hearing and then:*

- *Staff will explain the resolution under consideration.*
- *Mayor will call for discussion from the Council.*
- *Mayor will call for questions and comments from the public.*
  1. *Speakers will be asked to come to the podium, state their name and address for the record, and then state their comments.*
  2. *Those commenting in opposition to the resolution under consideration will have a total of 10 minutes to speak (all speakers combined).*
  3. *Those commenting in favor of the resolution under consideration will have a total of 10 minutes to speak (all speakers combined).*

*Mayor Harris will close the public hearing and call for a motion.*

Ms. Pozin clarified some of the terms for clarification and explained the differences between temporary vs permanent easement. Temporary easements are short term in nature and a “rental” of the property to construct an improvement. The property is returned to the owner in the same or better condition than before. Permanent easement requires a rental of the property for construction and then implies future restrictions for utility access to the property, but ownership remains with the property owner. Real property/Right-of-way acquisition is also called “fee simple” and the ownership and property rights do get transferred.

Ms. Pozin showed the subject property on the map. The Mayor and Council considered adoption of a resolution to approve use of eminent domain to acquire permanent sewer easement and temporary construction easements at 3587 Rogers Cove tax parcel 7203 225 for sewer infrastructure improvements.

Mayor Harris called for discussion from Council, being none, Mayor Harris called for questions/comments from the public.

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

**A motion was made by Councilmember Thomas, seconded by Councilmember Harkness, to approve resolution R2023-32 as presented authorizing the use of eminent domain to acquire the necessary easements at 3587 Rogers Cove for public purposes.**

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

2. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN – WANG  
3592 NORTH ST – TAX PARCEL 7202 039 {B}

Mayor Harris opened the public hearing.

The Mayor and Council considered adoption of a resolution to approve use of eminent domain to acquire .013 acres of permanent sewer easement and 0.18 acre temporary construction easements at 3592 North Street for sewer infrastructure improvements.

Pozin showed a map of the subject property.

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

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

**A motion was made by Councilmember Whitlock, seconded by Councilmember Graeder to approve resolution R2023-33 as presented authorizing the use of eminent domain to acquire the necessary easements at 3592 North St for public purposes.**

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

#### **IV. OLD BUSINESS**

1. FINAL APPROVAL - PLUMBING CODE REVISIONS {C,D}

On August 14, Council discussed the revisions to the plumbing code that were mandated by the Metro North Ga Water Planning District (MNGWPD) to promote efficiency and save water for the region.

Staff submitted the approved draft model findings resolution to the Department of Community Affairs (DCA) for review and received their acknowledgment on September 28. At this time, Council is being asked to approve the adoption resolution that will allow the new codes to be effective January 1, 2024, as required by DCA and MNGWPD.

Being no further discussion, Mayor Harris called for a motion.

**A motion was made by Councilmember Harkness, seconded by Councilmember Doss to approve resolution R2023-34 as presented.**

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

## **V. MATTERS FROM COUNCIL**

Councilmember Thomas encouraged everyone to vote either during the 3 weeks of advanced voting or on election day, November 7.

Councilmember Harkness encouraged everyone to come out to “Howl on the Green” this Friday evening.

## **VI. ADJOURNMENT**

**A motion was made by Councilmember Whitlock, seconded by Councilmember Thomas, to adjourn at 6:20 pm.**

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

*There is no 5<sup>th</sup> Monday work session on October 30<sup>th</sup>.  
The next scheduled meeting of the Mayor and Council is November 13, 2023 at 6pm.*