



**DRAFT MINUTES OF THE  
MAYOR AND COUNCIL  
CITY OF DULUTH, GA  
OCTOBER 9, 2023**

**PRESENT: Mayor Harris, Councilmembers Harkness, Thomas, and Whitlock, City Manager, Department Directors, City Attorney**

**ABSENT: Council members Doss and Graeder**

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 Harris called the meeting to order at 5:35 pm.**

**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 Thomas, to adjourn to executive session at 5:35 pm.**

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

**After the discussion, a motion was made by Councilmember Thomas, seconded by Councilmember Whitlock, to return to regular session at 6:00 pm.**

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

**MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

## II. ANNOUNCEMENTS

1. AGENDA CHANGES (none)
2. UPCOMING EVENTS – [www.duluthga.net/events](http://www.duluthga.net/events)

Duluth Live every Thursday & Friday 5-8pm and Sunday 2-5pm through November. Enjoy live music and various street performers in Parsons Alley and the Activity Lawn.

Duluth Farmers & Artisan Market every 2<sup>nd</sup> and 4<sup>th</sup> Sunday, March through November. 2pm-5pm. Town Green. Seasonal local produce, baked goods, flowers, other homemade items. Live music, themed photo-ops, and free kid's activities in Parsons Alley.

Duluth On Tap October 14, 12-5pm. Downtown Duluth. Get ready to raise your beer steins and dance the Polka, because Duluth on Tap is back and bringing the spirit of Oktoberfest to Downtown Duluth! Mark your calendars as we transform Town Green into a lively Bavarian celebration. Want to take home one of the coveted Duluth on Tap glass boots?! Compete in our costume contest or one of our Oktoberfest games. This year's Oktoberfest games will include pretzel eating, beer stein holding, sausage tossing and a costume contest. Entertainment will include Sherry & Larry from 12-1:30pm and LynneMarie and the Nashville Polka Guys from 2:30-5:00pm on the Main Stage, DJ Jessica It's All Good in Parsons Alley and free axe throwing on Town Green.

Howl on the Green October 27, 6pm-10pm. Downtown Duluth. Family-friendly event! Bring your kids, friends and furry pets for a night filled of fun, sweet treats, great food, and out-of-this-world entertainment on Duluth Town Green! The event turns into fright at dark as fire dancers make their way through the crowds and mystical creatures emerge, while aerialists hang from the Festival Center Stage and dancing iconic characters light up the night!

## III. CEREMONIAL MATTER

1. PROCLAMATION – SPECTRUM AUTISM SUPPORT

{A}

Mayor Harris and Councilmember Thomas recognized the volunteers and board members of the Spectrum Autism Support Group for their many contributions to the community and congratulated them for 25 years of service.

## IV. MATTERS FROM CITIZENS

Ms. Angelika Domschke of 33754 Ennfield Way, Duluth, came forward expressing concerns about the stormwater issues in her neighborhood and moving them up the priority list.

Ms. Rae Saidman of 3845 Bridlewood Drive, Duluth, came forward to discuss the urgent need for the pickleball court complex at Bunten Road Park to meet today's demand. She offered her assistance in problem solving to meet the demand prior to the two-year projection for the project.

Mr. William Owens of 2615 Highbrooke Trail, Duluth came forward with stormwater concerns for his property and his neighbors.

## **V. CONSENT AGENDA**

### 1. APPROVAL OF SEPTEMBER 11/25<sup>TH</sup> MINUTES

### 2. APPROVAL OF AGREEMENT – AFUSA/SCOTT HUDGENS {B}

The City of Duluth has had a successful long-standing usage agreement with West Gwinnett /Atlanta Fire United Soccer Association (AFUSA) since 1999. Prior to the City acquiring the use of the Scott Hudgens Park, the soccer association operated seasonal soccer play for the Duluth/ Gwinnett County area. The City has benefited from the years of partnership with the development of quality youth soccer programs, park maintenance, and park infrastructure improvements. Atlanta Fire United Soccer Association (AFUSA) maintains the City Park maintenance and operational standards for the park. In addition to park improvements, AFUSA maintains the City standards for park landscape, athletic playing fields and quality soccer league play. As discussed during the September 25 work session, approval of this item accepts staff recommendation to execute the proposed usage agreement for the Scott Hudgens Park beginning December 29, 2023 and continuing until December 28, 2028. AFUSA shall have an option to renew said agreement for an initial period of five years followed by a second option to renew for a five year period.

### 3. GWINNETT CO HAZARD MITIGATION PLAN UPDATE {C}

Gwinnett County authors and maintains a Hazard Mitigation Plan that serves 14 of the 16 cities and the unincorporated areas within the County, which was last updated in 2020. To conduct the 2023-2024 update, cities were asked to update specific sections of the plan to provide current data. In the event of a natural or technological disaster, Gwinnett County, and by extension, FEMA, would have updated inventories of assets, emergency response and recovery information, and updated demographics. Participation in the plan also allows the City eligibility to receive grant funds benefiting emergency preparedness, emergency response, and cleanup efforts when such grants become available for application. Approval of this item approves the 2020 Plan with updates, and authorizes staff to forward these updates to the County for inclusion in their overall Plan.

4. ORDINANCE TO AMEND CH. 7 – ARTICLE VIII – MASSAGE {D}

As discussed at the September 25 work session, approval of this item approves ordinance O2023-23 removing fingerprinting requirements for therapists and clarifying allowed zoning for massage establishments.

5. SIGNAGE WAIVER – SUGARLOAF WOMENS CLUB TURKEY TROT

Approval of this item waives signage fee and location requirements. Signs will be erected throughout the City for promotion of the Annual WCSCC (Women's Club of Sugarloaf Country Club) Charities Turkey Trot. This is an annual race with almost 400 runners attending and proceeds going to four Duluth charities.

The Turkey Trot will be held November 23, 2023 (Thanksgiving day). The banners will be up from Nov 1, 2023 until Nov 27, 2023. There will be ten signs placed (in locations used by Fall Festival).

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

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

**VI. PUBLIC HEARINGS**

1. ORDINANCE OF REZONING – CASE Z2023-003 – RICK CASE MAZDA {E}

Mayor Harris opened the public hearing to consider a request from Pro Building Systems/Alliance Engineering and Planning for the Rick Case Mazda dealership to rezone parcel R6236 222 for Case Z2023-003.

Community Dev/Engineering Director Margie Pozin came forward to explain the request. The applicant requested rezoning 2493 Pleasant Hill Road from C-2 (general business district) to HC-A (highway commercial auto district) to bring the Rick Case Mazda dealership into compliance and expand the footprint of the building while improving the look of the property.

Ms. Pozin noted that the current land use falls under legal non-conforming use and therefore any changes require bringing the property into compliance first. She described the existing site conditions, neighboring zoning classifications, and character area for the property.

The Planning Commission heard the request on October 2nd and recommended approval with conditions related to conformance with the UDC, outdoor lighting plans, trash, and property maintenance requirements. She noted that the

concerns raised during the Planning Commission public hearings regarded a gas pipeline easement and noise.

Planning staff also recommended approval of ordinance O2023-24 with conditions for Case Z2023-003.

After discussion, Mayor Harris closed the public hearing and called for a motion.

**A motion was made by Councilmember Thomas, seconded by Councilmember Whitlock, to approve ordinance O2023-24 as presented.**

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

2. ORDINANCE OF REZONING AND SPECIAL USE – CASE Z2023-001 &  
SU2023-007 – 3396 BUFORD HWY - SELF STORAGE {F}

Mayor Harris opened the public hearing to consider a request from Old Atlanta Commerce and Chen Shuang-Ling for rezoning parcel R6292 007, and special use permit for cases Z2023-001 and SU2023-007 to construct a self-storage facility.

Community Dev/Engineering Director Margie Pozin came forward to explain the request. The applicant is requesting a rezoning of 3396 Buford Highway from a split zoned R-100 (single family residential district) with HC-A (highway commercial auto district) to a consistent HC-A zoning. Further, applicant is requesting approval of a special use permit to allow for the development of a climate controlled self-storage facility on the HC-A zoned property.

Ms. Pozin described the existing site conditions, neighboring zoning classifications, and character area for the property. In addition to the rezoning and special use requests, the applicant is also asking for two variances, a reduction in the buffer between the new proposed building and the side property line and a reduction in the number of required parking spaces.

Property is for sale and will be developed and a split-zoned property is harder to work with.

The proposed mini-storage facility requires a special use permit for development within HC-A. Uses allowed by right are more geared toward auto sales and auto repair.

Ms. Pozin described the variances:

- A reduction in the buffer between the new proposed building and the side property line.
  - Current code requires 150'
  - Neighboring jurisdictions require 50'
  - Applicant has just under 72' laid out

- A reduction in the number of required parking spaces
  - Based on overall gross square footage calculations, applicant requires 175 parking spaces
  - Based on size of leasing office and typical usage, applicant needs 5 parking spaces
  - Loading/Unloading of storage units is done from separate loading area.

She showed the concept plan, landscape plan and proposed elevation renderings.

Planning Commission heard the request on September 18th and recommended approval with conditions. Some of the concerns from that hearing were erosion Control and flooding (especially as it relates to Ennfield), buffer requirements (150' buffer as stated in the variance), and security access to the facility (discussion around a gate to access the rear of the property).

Planning staff recommends approval of ordinance O2023-25 with conditions for Cases Z2023-001 and SU2023-007. Ms. Pozin highlighted some of the specific conditions and noted that Council could add some if they had additional concerns.

After discussion, Mayor Harris closed the public hearing and called for a motion.

**A motion was made by Councilmember Whitlock, seconded by Councilmember Harkness, to approve ordinance O2023-25 as presented with an added condition to develop an access plan including a 6' aluminum gated fence compatible with city codes.**

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

## **VII. MATTERS FROM COUNCIL**

Staff praise for Fall Festival

## **VIII. ADJOURNMENT**

**A motion was made by Councilmember Whitlock, seconded by Councilmember Thomas, to adjourn at 7:49 pm.**

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

*The next scheduled meeting of the Mayor and Council is a special-called meeting/work session for October 23, 2023 at 5:30 p.m. in the City Hall Council Chambers.*