



**DRAFT MINUTES OF THE  
MAYOR AND COUNCIL  
CITY OF DULUTH, GA  
FEBRUARY 12, 2024**

**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 5:45 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 Graeder, seconded by Councilmember Thomas, to adjourn to executive session at 5:45 p.m.**

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

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

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

**MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

**II. APPROVAL OF MEETING AGENDA**

**A motion was made by Councilmember Doss, seconded by Councilmember Harkness, to approve the February 12 Council Agenda as presented.**

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

### III. APPROVAL OF MINUTES

**A motion was made by Councilmember Thomas, seconded by Councilmember Holloway, to approve the January 8 & 22 meeting minutes as presented.**

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

### IV. ANNOUNCEMENTS

1. UPCOMING EVENTS – [www.duluthga.net/events](http://www.duluthga.net/events)

Valentine's Day Pop-Up! Wednesday, February 14, Parsons Alley from 4pm-7pm. Bouquets for sale and live music on the Parsons Alley stage.

2. APPRECIATION AWARD – MAYOR PRO TEM THOMAS

Mayor Pro tem Marline Thomas was presented an Appreciation Award for her services and support to the Asian Communities' Safety and Crime Prevention.

3. DULUTH HS INTERNATIONAL NIGHT

Duluth High School National Honor Society Chapter is presenting International Night Performance on March 1. This event aims to create an environment that nullifies cultural barriers and emphasizes different yet incredible qualities of one another. There will be various activities and food booths and a full-length performance show.

### V. MATTERS FROM CITIZENS

1. TRASH CONCERNS

Mark Rood of 3730 Oak Street came forward to speak on the new requirements for bins on street when not in use.

Charlotte Bandi of 3921 Gate House Lane came forward to speak on the garbage bins at home with either no garage or one garage and HOA's not allowing visible carts and where to store.

### VI. CONSENT AGENDA

1. ORDINANCE TO AMEND BUDGET - \$33,580 – TAD PILOT BOND {A}

As part of the TAD Agreement with Gwinnett County the City is required to make an annual payment in lieu of taxes (PILOT) to the County equal to the incremental portion of the County Tax Allocation Increment, which accrues from the tax levy

for Parks and Recreation collected within the TAD. In FY24 staff budgeted \$95,746 for this payment, however due to the growth in the TAD property values, the actual increment received was \$127,324.43. Resulting in a shortfall of \$31,578.43. Additionally, staff uses the services of an outside consultant to update the TAD forecast and analyze the economic impact of early TAD resolution payouts. These expenditures have exceeded budgeted funds and staff is requesting an additional \$2,000 for professional services. Approval of this item approves ordinance (BA-FY24-19) to add \$31,580 in prior year TAD reserves to Tax Allocation District - Other Finances Uses - Intergovernmental Expenditures line item and \$2,000 in prior year TAD reserves to Tax Allocation District - Economic Development - Professional Services line item.

2. APPROVAL OF STATEWIDE MUTUAL AID AGREEMENT {B}

The City of Duluth executed the Statewide Mutual Aid agreement in 2020 that gave authority to receive mutual aid assistance in emergencies and to ensure timely reimbursement of costs incurred by local governments during such emergencies. The agreement establishes procedures and other ground rules for counties and cities that help one another during a disaster. Approval of this item will extend the agreement through March 1, 2028 and further authorizes the Mayor and or City Manager to execute the agreement.

3. AUTHORIZATION FOR QUITCLAIM DEED – PARCEL 7163 068 {C}

Approval of this item authorizes the Mayor or City Manager to execute a quitclaim deed for 2616 Boddie Place to correct a filing error that inadvertently placed a home outside the city limits into the City's ownership.

4. ACCEPT GRANT/ORD. TO AMEND BUDGET – 2024 LMIG {D}

The City received \$276,791.33 from the Georgia Department of Transportation (GDOT) representing the City's share of the FY 2024 LMIG (Local Maintenance & Improvement Grant). LMIG funds are generated from the state motor fuel tax that is set each year by the Georgia General Assembly. The grant is for road improvement projects such as street resurfacing and requires 30% matching funds (\$83,073.40), which will come from 2017 SPLOST Transportation funds. A street project list was submitted and approved by GDOT. Approval of this item approves an ordinance to amend the FY24 budget (BA-FY24-20) to add the following amounts to (ST-32) Transportation/Infrastructure Improvement capital project: \$276,792 in LMIG funds to the GDOT State Grant line item and \$83,074 in 2017 SPLOST Transportation funds to the Transfer from SPLOST 2017 line item and \$359,866 to the Paved Streets - Repairs & Maintenance - Streets and Sidewalks line item, including associated transfers.

## 5. LEASE AMENDMENT - FALLING RABBIT RESTAURANT

{E}

As outlined at the January 22 work session, there are two surveyed patio areas for the Falling Rabbit restaurant located at 3580 W. Lawrenceville St. AREA A is 1,105 square feet and AREA AA is 663 sf. 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. Approval of this item amends the lease to remove AREA AA from the lease and recalculate the lease amount based upon the 1,105 sf.

## 6. 2024 EVENT CALENDAR AUTHORIZATION & WAIVERS

Approval of this item acknowledges that the following events are deemed sponsored or cosponsored by the City of Duluth. Approval of this item also waives food service requirements per Section 26-2-370 of O.C.G.A., which exempts food vendors from having to obtain said permits provided that the event lasts 120 hours or less. The waiver applies to signage fees and signage location requirements provided that the City Clerk and Public Works Director are given a list of where signs will be erected throughout the city for promotion of approved events. Events labeled "Open Zone" will allow alcohol to be purchased from licensed merchants within the downtown area and carried out as well as allow coolers to be brought into the designated area. All other events taking place downtown fall under the "Licensed Merchant Zone" that allows alcohol to be purchased from the downtown licensed merchants and carried out into the downtown area. (Some of the event times have not yet been set.)

### *Duluth Farmers & Artisan Market Series:*

2nd and 4th Sundays from April-October from 2-5pm

### March Events

1 – Night at Red Clay Comedy

14 – STEAM: 5-7pm

### April Events

13 – Good Word Presents: Little Beer: 12-5pm (Co-sponsored)

19 – Peachtree Ridge Concert: 5-8pm (Co-sponsored)

25 – Duluth Cluster Band Concert: 6pm (Co-sponsored)

27-28 – Spring Art Festival: 10am-5pm on Sat; 11am-5pm on Sunday (Co-sponsored)

### *Fridays-N-Duluth Event Series:*

May 3 – July 26th: 6-9pm

Flicks on the Bricks: May 24, June 28, July 26 with a 10pm end time

Themed nights: May 10, June 14, July 12

### May Events

4 – Duluth Derby Day: 2-7pm

11- Wildcat 5k (Co-sponsored): \*Road Closures to be confirmed by DPD

24 – Night at Red Clay Concert

### June Events

- 1 – Summer Stage Concert: 8-10pm (Open Zone)
- 15 – Rotary Club Car Show (Co-sponsored)
- 15 – Juneteenth Celebration at Duluth Public Library (Co-sponsored)

### July Events

- 27 – Viva Las Duluth: 6-10pm

### August Events

- 9-10 – Chalk Art Festival: Friday 6-9pm and Saturday from 12-8pm
- 24 – Multicultural Night: 6-10pm. Lantern Parade starting at 8:45pm
- \*Road Closures from 8:30-9:30pm: Hill Street from Knott St. to Hardy St; Hardy St from Hill to Main St.; Main St from Hardy St. to City Hall Parking Lot
- 31 – Toon Headz Presents: Caricature Pop-Up: 10am-6pm
- \*Art Month: Variety of subsidized art classes and activities hosted in the Duluth Festival Center

### September Events

- 14 – Good Word Presents: Les Bon (Co-sponsored)
- 14 - Fall Festival Concert (Co-sponsored) (Open Zone)
- 21 – Smores and Snores at Rogers Bridge
- 28 & 29 - Fall Festival (Co-sponsored)
- \*Road Closures from Friday, September 27 evening through Sunday, September 29 evening; Main Street from W. Lawrenceville to Hardy and W. Lawrenceville Street from Main to Hill; Additional temporary closures for parade on morning of Saturday, September 28 and for Donut Dash on morning of Sunday, September 29

### October Events

- 10 – Night at the Red Clay: Cinema
- 12 – Duluth on Tap: 2-7pm
- 19 and 26 – Haunted Duluth Tours
- 25 – Howl on the Green: 6-10pm
- \*Road Closures from 4-11pm: Main Street from City Hall Parking Lot to Activity Lawn; W. Lawrenceville St from Main St to crosswalk by Maple St Biscuits

### November Events

- 9- Good Word Presents: Bestie Fest

### December Events

- 7 – Deck the Hall: 2-7pm
- \*Road Closures from 10am-10pm: Main Street from City Hall to Activity Lawn
- 14 – Cookies & Cocoa with Santa: 10am-1pm
- 23 – Night at the Red Clay: Cinema

### *Frosty Fun:*

Seasonal Activities on Town Green during Thanksgiving and Winter Breaks

### *Duluth Live Series:*

April-December

Live Music in Parsons Alley Every Thursday – Sunday

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

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

## **VII. PUBLIC HEARINGS**

### 1. ORDINANCE TO AMEND UDC – CASE TA2023-004 - JCBS PROPERTY {F}

Mayor Whitlock opened the public hearing to consider an ordinance to amend table 2-C of the Unified Development Code (UDC).

Community Development/Engineering Director Margie Pozin came forward to present. At the request of JBCS Property Group, owners of 4675 River Green Parkway, case TA2023-004 was presented to amend the zoning code to allow for an event facility to exist in the M-1 zoning classification by way of Special Use Permit.

Ms. Pozin described the usage. One of the tenant spaces at 4675 River Green Pkwy has been vacant for the past six months. Prior to its vacancy, it was occupied by KTN Ballroom for 15 years, from 2008-2023. When the UDC was adopted in 2015, Special Event Facilities were only allowed by special use in C-2 (General Business District), HC-Retail (Highway Commercial Retail District) and HC Auto (Highway-Commercial Auto District, but not in M-1. Thus, they were operating under legal non-conforming status until KTN Ballroom vacated in early 2023.

When the new tenant attempted to obtain a Zoning Certificate and Business License, they were denied based on the use disallowed in M-1 zoning, paired with the lapse of legal non-conforming use exceeding 6 months. This series of events prompted the owners to seek compliance with the UDC, which has led them to apply for this text amendment as step one to rectify the non-compliance and allow the legal use to return to their facility.

Ms. Pozin continued to explain that, within the M-1 area of River Green, there are several non-M-1 uses, such as two charter schools (YHALE, New Life), Notre Dame Academy (Private school), Scott Hudgens Park, and the El Salvadorian Consulate. The non-M-1 areas include a Montessori School (in C-2), Senior Living (PUD), and other commercial and office space (C-2 & PUD).

While M-1 does not currently allow for special event facilities, staff finds that this type of land use would not affect traffic patterns or parking as it is typically used during off-peak times from the rest of the adjacent land uses. It also can be

conditioned as part of a special use permit for behaviors such as noise, light, and other items.

Planning Commission and staff recommended approval.

Mayor called for discussion from Council. Being none, Mayor called forward applicant.

Ms. Susan Oh of 4645 River Green Parkway, came forward to speak and give the background for the request. They had operated in that location for over 15 years and did not know about the change in UDC and that they had been “grandfathered” in. She explained that there was a TV station that had operated upstairs but has since vacated. As such, they have recently completed over \$200,000 worth of renovations to utilize the entire space.

The Mayor called for questions/comments from the public. There being none, 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 O2024-03 for case TA2023-004 as presented.**

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

2. ORDINANCE OF SPECIAL USE – SU2023-010 - JCBS PROPERTY GRP {G}

As the Mayor and Council approved the ordinance for case TA2023-004, Mayor Whitlock opened the public hearing to consider approval of a request by Brenda Sim of JCBS, property owner of 4675 River Green Parkway, for a special use permit to operate such an event facility on 2.94 acres of parcel 6325 033.

Community Development/Engineering Director Margie Pozin came forward to present. She noted that All surrounding properties are zoned M-1 (Light Industrial District) except for the southeastern portion, which abuts a parcel of PUD (Planned Unit Development). However, not all of the uses are light industrial. The property to the west is Notre Dame Academy (Private School). The properties to the east and to the north is a Charter School, New Life Academy of Excellence.

FORWARDuluth envisions this Character Area to continue to be an economic engine for the city, serving as a major regional distribution and office hub. The Future Land Use Map (FLUM) envisions the uses to be commercial/retail/office. While there were general conditions recommended, the site specific ones were also recommended as follows:

- *An outdoor lighting plan shall be approved by the Director of Community Development and Engineering prior to the issuance of a development permit. The lighting plan shall include location, type and operation of all exterior lighting on the site. Site lighting shall be*

*maintained in good repair and operational at all times. The lighting plan must demonstrate how there will be no light intrusion into the neighboring residentially zoned properties.*

- *There shall be no outdoor storage of any kind at any time.*
- *There shall be a dumpster enclosure around the dumpster in accordance with Section 306.07.*

Planning Commission and staff recommended approval with conditions.

Mayor Whitlock called for discussion from Council. There being none, the Mayor called forward applicant. No additional comments were made.

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 Harkness, seconded by Councilmember Graeder, to approve ordinance O2024-04 for case SU2023-010 as presented.**

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

3. ORDINANCE TO AMEND UDC – CASE TA2023-005 - JCBS PROPERTY GRP

*Mayor Whitlock announced the request was withdrawn by applicant prior to hearing by Planning Commission.*

4. ORDINANCE OF SPECIAL USE – SU2023-012 - JCBS PROPERTY GRP

*Mayor Whitlock announced the request was withdrawn by applicant prior to hearing by Planning Commission.*

5. ORDINANCE OF SPECIAL USE – SU2023-009 – THANH TU NGUYEN

Mayor Whitlock opened the public hearing to consider a request for a special use permit to have a short term rental at 3863 Howell Springs Drive located in an R-100 Single-Family residential district. The subject property is a residential home on .64 acres of tax parcel 6295 034.

Community Development/Engineering Director Margie Pozin came forward to present. The subject property is a single-family home that has been used as a Short-Term Rental with Airbnb, which is not currently in compliance. They do not have a special use permit.

Ms. Pozin reported that FORWARDuluth envisions this Character Area to serve as the backbone of Duluth’s residential community through the maintenance of a high level of owner occupancy, streetscape and infrastructure improvement in



aging developments, and an increase in walkability and connectivity. The Future Land Use Map (FLUM) envisions the uses to be low density residential.

Further, the request is not consistent with the neighborhood desire. Staff received a letter from a resident requesting it be read into the minutes of the PC hearing indicating that the neighbors were opposed to a STR in this location.

Planning Commission and staff recommended denial.

Mayor Whitlock called for discussion from Council. Councilmember Holloway asked if there are other Airbnb's in the area. Ms. Pozin responded that none are approved that staff is aware of.

The Mayor called the applicant forward to comment. The applicant was not present.

Mayor Whitlock called for questions/comments from the public.

Ms. Carmen Gilley of 3423 Wynnewood Lane came forward and spoke in opposition to allowing the property to be used as a rental.

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

**A motion was made by Councilmember Doss, seconded by Councilmember Thomas, to deny the request for case SU2023-009 as presented.**

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

6. RESOLUTION - 2045 COMPREHENSIVE PLAN {H}

Mayor Whitlock opened the public hearing to consider a resolution approving the 2045 Comprehensive Plan.

The Community Development & Engineering staff has been working on a major update to the 2045 Comprehensive Plan, FORWARDuluth. City staff submitted a final draft of the plan to the Atlanta Regional Commission (ARC) on 1/2/2024 and all comments by the ARC have been satisfied.

Special projects manager Forrest Huffman came forward to explain the updates. He presented a timeline of action regarding the updated plan, and then noted the following changes since Council last reviewed the plan:

1. The Short-term Work Program has been updated to provide specific target years for item implementation.
2. The DCA classified a number of Short-term Work Program items as broad policy goals and not specific projects.

- i. Per DCA requirements, these items have been moved to the Report of Accomplishments and their status has been updated to canceled.
- ii. These goals, however, remain priorities for the City, and are addressed elsewhere in the plan.

Mr. Huffman acknowledged the assistance of the Steering committee, Planning Commission, Council members as well as staff and members of the LEAD committee who directly assisted with the project.

Staff and the Planning Commission recommended approval as presented.

Mayor called for discussion from Council.

Councilmembers Harkness and Holloway praised the document, and were very pleased with the direction it guides Council and staff toward.

Mayor Whitlock noted that the city used to hire consultants, but now has the appropriate staff in place that can perform this type of work.

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 Holloway, seconded by Councilmember Thomas, to approve resolution R2024-05 adopting the City of Duluth's 2045 Comprehensive Plan, FORWARDuluth, as presented.**

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

7. ORDINANCE TO AMEND UDC – TA2024-001 – FENCES { }

Mayor Whitlock opened the public hearing to consider an ordinance to amend Sections 304.2 and Table 12-A of the City of Duluth Unified Development Code to add language regarding fences.

Community Development/Engineering Director Margie Pozin came forward to present. She reported that staff has noticed a number of decorative residential fences being installed in front yards that do not meet code, but feels that they do enhance the aesthetic and value of the property. She noted that there have not been complaints from neighbors about those front yard fences exceeding 3'. Visually, these fences are not a nuisance and public safety has not been a concern in light of their construction.

Current code states the maximum height for a front yard fence is 3 ft. Any fence elsewhere on the property over 7 ft. currently requires a permit. The maximum fence height allowed with a permit is 8 ft.

For residential developments (not individual property owners), the UDC requires a fencing plan to 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. Therefore, staff proposes allowing residential front yard fences with a 4 ft. maximum height, with an allowance for an administrative variance to be granted by the Director of Community Development & Engineering, if in the best interest of the City, to a height not to exceed 5 ft.

Staff and the Planning Commission recommended approval as presented.

Mayor Whitlock called for discussion from Council.

Councilmember Graeder spoke in support.

The Mayor 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 Holloway, to approve ordinance O2024-05 for case TA2024-001 as presented.**

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

8. ORDINANCE READOPTING OFFICIAL ZONING MAP {J}

Mayor Whitlock opened the public hearing to discuss revisions to the Official Zoning Map since its last adoption in 2022.

Community Development/Engineering Deputy Director Planner Aron Hall came forward to present. He explained several of the changes that have taken place since last adoption.

Mayor Whitlock called for discussion from Council. Council had no questions.

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 Doss, to approve ordinance O2024-06 adopting the City of Duluth Official Zoning Map, as presented.**

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

## VIII. NEW BUSINESS

### 1. ORDINANCE TO AMEND DULUTH CODE - CHAPTER 13 – TRASH {K}

The Mayor and Council considered an ordinance regarding solid waste service.

Community Development/Engineering Director Margie Pozin came forward to present. She explained that in May, the method will change for City's residential trash collection process, from the purple bag "pay as you throw" system to use of automated trucks servicing roadside rolling bins. Chapter 13 section 13-20 of the Duluth municipal code currently regulates trash collection by way of specialized plastic bags manufactured by the collector and sold through designated outlets.

Ms. Pozin addressed some of the public concerns and noted that the ordinance changes do not require "hiding" the collection bins; however, homeowner associations may have those requirements.

Councilmember Harkness felt it was important to mention that it was not really the City's choice to change, the waste management companies no longer provide this service due to staffing. Residents will still have free recycling.

Mayor Whitlock commented that no companies were willing to bid using the bag system and the quality of that service was not sustainable. Only cities who had their own municipal service still have a bag system in place.

Councilmember Graeder said that it was a long process to establish new service, and city staff are willing to work with individual challenges.

Councilmember Holloway felt that the City has done a good job of transparency and communication.

**A motion was made by Councilmember Doss, seconded by Councilmember Harkness, to approve ordinance O2024-07 as presented.**

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

### 2. AMEND DEVELOPMENT AGREEMENT – SODO (BEXLEY)/TAD (ACTING AS THE REDEVELOPMENT AGENCY) {L}

The Mayor and Council considered approval of an amendment to the Development Agreement for SODO (Bexley).

City Manager James Riker presented. He said that in 2019, the City Council (acting as the Redevelopment Agency) executed a development agreement with The Residential Group, LLC (TRG) who later assigned it to WMCI Atlanta IV-D, LLC.,

relating to reimbursement of Tax Allocation District (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 discounted lump sum payment is beneficial to the City and Urban Redevelopment Agency.

Councilmember Harkness asked if the calculated amounts were determined by a consultant, and Mr. Riker affirmed. Councilmember Harkness felt that they were reasonably discounted rates, with time value of money considered.

Councilmember Thomas noted that a lot of due diligence goes into these evaluations and commended staff for seeking out logical solutions.

Councilmember Graeder wanted to clarify that the only downside is that the property owner would then be able to appeal their assessed value. Mr. Riker confirmed.

**A motion was made by Councilmember Thomas, seconded by Councilmember Holloway, to approve the amendment to the development agreement as presented and authorize the Mayor to execute it.**

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

3. PURCHASE/SALE AGREEMENT – 2516 MAIN ST – PARCEL 7204 577 {M}

The Mayor and Council considered a contract for purchase and sale of a 4.17 acre property located at 2516 Main Street, parcel number 7204 577 from Nissley Contractors, Inc. in the amount of \$985,000.

City Manager James Riker presented. He discussed the location of property (in Gwinnett - unincorporated Duluth) and said that the City sees as it logical for expansion of the Public Works property for future growth purposes.

**A motion was made by Councilmember Graeder, seconded by Councilmember Harkness, to approve the purchase of 2516 Main Street as presented for \$985,000 from Nissley Contractors, subject to the conditions of the purchase and sale agreement and issuance of title insurance, and further authorize the Mayor and City Attorney to execute all necessary documents related to this acquisition.**

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

#### 4. APPROVAL OF CONTRACT AMENDMENT – NORFOLK SOUTHERN {N}

Community Development/Engineering Director Margie Pozin came forward to present. She reported that in June of 2021, the City entered into a construction agreement with Norfolk Southern Railway for the Main Street Enhanced Sidewalk project (CD-71). Since that time, the standard operating procedure for procuring railroad flagging services has changed and Norfolk Southern (NS) outlines these changes in the amendment. Also, since so much time has passed, NS updated their force account estimate to account for current staff rates. This change is minimal and will be covered by the project's contingency already in the budget.

Therefore, Staff requested Council approval of the contract amendment (NS File: ROW1113808) and authorization for the Mayor or City Manager to execute it.

**A motion was made by Councilmember Thomas, seconded by Councilmember Doss, to approve the contract amendment as presented.**

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

### IX. MATTERS FROM DEPT HEADS/CITY ATTORNEY

#### 1. COMPENSATION - ELECTED OFFICIALS

Asst. City Mgr./City Clerk Teresa Lynn presented. 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. At the January 22nd work session Council discussed increasing the Mayor and Council's annual salaries by \$1,000. The Mayor and Council considered authorizing the City Attorney to draft an ordinance to amend Section 2-27 the Duluth Code of Ordinances.

Councilmember Thomas commented that staff actually provides the day-to-day operations of the City, and as such, the City has periodically increased staff pay to attract and retain best people to run the City. While the elected officials have not had an increase since 1998, she feels they are public servants to serve the community and that there are other intangible benefits that are not related to payment. She supported a small increase.

Councilmember Harkness noted that a lot of time goes into public meetings and preparation, and said that the pay is incredibly low. He also pointed out that, due to state law, any affirmative vote would be happening so far in advance of any potential increase. He was in favor for a \$1,200 increase for all, just to make it easily divisible by 12 months.

Councilmember Doss agreed that they are there to serve the community, but wanted it to be affordable for any potential candidates to mitigate costly factors

(such as need for childcare, etc.) to attend meetings and spend time away from families. He supported an increase.

Councilmember Holloway noted that this small amount has not changed since 1998 but the income is typically supplemental and definitely beneficial for some of the elected officials. She supported an increase as well.

Councilmember Graeder felt there was a need to compensate officials for the time away from home and said that, for some people to be able to serve, the City should want to attract people in the future who might have great vision and leadership but would need the income to offset family expenses as well. He suggested that salaries stay the same but per meeting pay increase.

Mayor Whitlock noted that he had lot of time to think about this issue. He said he was not here for the compensation, but also does not want to shift the personal and household burden to his family in order for his reallocation of time to public need. Therefore he felt the discussion should consider an increase in an amount to adequately supplement for people to be able to serve the community.

**A motion was made by Councilmember Thomas, seconded by Councilmember Graeder, to approve an ordinance to amend section 2-27 of the Duluth code as follows:**

**For the Mayor - to increase base annual salary from \$6,000 to \$7,200 + \$4,800 (increase from \$150 to \$200 per meeting not to exceed two meetings per month), total \$12,000.**

**For the Council - to keep the same annual salary at \$2,400 + \$4,800 (increase from \$150 to \$200 per meeting not to exceed two meetings per month), total \$7,200.**

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

2. ORDINANCE TO AMEND BUDGET – \$69,975 - RECORDING SYSTEMS {O}

Staff requested approval of a budget amendment to replace the recording equipment and microphones in the council chambers and community room of City Hall. The current equipment was installed when the building was first constructed 17 years ago, and has been experienced problems recording meetings over the last several months.

Staff has received a proposal from AV-Tech Media Solutions for \$59,972.83 to replace the equipment in the Council Chambers and estimates it will cost an additional \$10,000 to replace the equipment in the Community Room with funding coming from 2023 SPLOST unallocated Administrative Facilities funds. Approval of this item approves ordinance BA-FY24-21 to add \$69,975 to (CA-05)

City Hall Building - General Government Building - Furniture & Fixtures, including associated transfers.

Council wanted to ensure that the public attending the meetings was better able to hear the proceedings as well.

**A motion was made by Councilmember Harkness, seconded by Councilmember Thomas, to approve ordinance BA-FY24-21 as presented.**

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

3. ORD TO AMEND BUDGET – \$1,005,000 -PROPERTY PURCHASE {P}

Asst City Mgr./Finance Director Ken Sakmar came forward to explain the request. The City of Duluth entered into a purchase and sale agreement to purchase parcel 7204 577, located at 2516 Main Street. The property consists of 4.17 acres with current light industrial use. Staff has conducted soil testing, subsurface investigations, and a boundary survey and is now ready to move forward with the purchase of the property.

To complete the purchase, staff is requesting \$1,005,000 in 2023 SPLOST funds. Approval of this item approves budget ordinance (BA-FY24-22) to add unallocated 2023 SPLOST Administrative Facilities funds to the following line items. (CA-01) Public Works Land Acquisition - General Government Buildings - Professional Services \$2,500 and Land \$1,002,500.

**A motion was made by Councilmember Thomas, seconded by Councilmember Doss, to approve ordinance BA-FY24-22 as presented.**

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

## **X. MATTERS FROM MAYOR & COUNCIL**

1. The Gigglebark Tree opening on Friday was a tremendous success. Funding for this project was through the ARPA funds.
2. Congratulations to Councilmember Holloway being recognized by her church during Black History Month as the first African American woman to serve on the Council.
3. Council for Korean Americans health study data is available for review.
4. Several members attended the Gwinnett Chamber annual dinner, and the Chamber earned the honor of "Chamber of the Year."
5. New class of Student LEAD started



## **XI. MATTERS FROM CITY MANAGER**

1. Former employee Carol Hill passed away. Ms. Hill worked in the Planning Department for 16 years.
2. Stormwater update previously scheduled to be brought before the Council is being moved to the work session in March.

## **XII. ADJOURNMENT**

**A motion was made by Councilmember Doss, seconded by Councilmember Harkness, to adjourn at 7:45 pm.**

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

*The next scheduled meeting of the Mayor and Council is a work session for February 26, 2024 at 5:30 p.m. in the City Hall community room.*