



**MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
MARCH 11, 2024**

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

ABSENT: Councilmember Doss

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 6:00pm.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

Mayor Whitlock welcomed the current LEAD class to the meeting.

I. APPROVAL OF MEETING AGENDA

A motion was made by Councilmember Harkness, seconded by Councilmember Holloway, to approve the March 11 Council Agenda as presented.

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

II. APPROVAL OF MINUTES

A motion was made by Councilmember Graeder, seconded by Councilmember Harkness, to approve the February 12 & 26 meeting minutes as presented.

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

III. ANNOUNCEMENTS

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

Duluth Live begins April 4, every Thursday, Friday, Saturday 6-9pm and Sunday 2-5pm. Live music and various street performers in Parsons Alley and the Activity Lawn.

Duluth Farmers & Artisan Market every second and fourth Sunday April through October, 2pm-5pm. Town Green. Vendors bring in-season, local produce, baked goods and other locally made food products such as jams, jellies, pickles, salsa, canned vegetables, honey, cut flowers, herbs, spices, homemade candles, soaps, lotions, pottery, baskets, etc. Live music, themed photo-ops and free kids' activities in Parsons Alley.

Good Word Brewing Presents "Little Beer," April 13, 1-5pm. Downtown Duluth.

Peachtree Ridge High School Orchestra and Jazz Band Concert, April 19 5-5:30pm on the Town Green Amphitheater Main Stage, 6:30-7pm in Parsons Alley.

IV. CONSENT AGENDA

1. ORDINANCE TO AMEND DULUTH CODE – CHAPTER 8 {A}

As discussed at the February 26 work session, Mayor and Council to consider an ordinance to amend Chapter 8, Section 8-70 of the Duluth Municipal Code regarding Motor Vehicles and Traffic (Stopping, Standing or Parking) by adding Section C clarifying penalty and notice requirements. Approval of this item approves ordinance O2024-18 as presented.

2. ORDINANCE TO APPOINT ALCOHOL BOARD MEMBERS {B}

Approval of this item approves ordinance O2024-08 appointing Jay Lastinger (Alt. 1) to fill the unexpired term of Joy Thompson term ending 3/31/26 and Richard Middleton, (Alt. 2), filling the unexpired term of Demetrius Nelson, expiring 3/31/28 to the Alcohol Review Board.

3. ORDINANCE TO APPOINT DDA MEMBERS {C}

Approval of this item approves ordinance O2024-09 reappointing Richard Meehan, Slade Lail and James Graham to the Downtown Development Authority (DDA) with terms expiring 3/31/28.

4. ORDINANCE TO APPOINT PUBLIC ART COMMISSION

Approval of this item approves ordinance O2024-10 reappointing Sanjay Parekh, Julie McKevitt and Heather Blanchard to the Duluth Public Art Commission, terms ending 3/31/28.

5. ORDINANCE TO APPOINT BENEFITS/AUDIT REVIEW {E}

Approval of this item approves ordinance O2024-11 appointing Margaret Middleton, term expiring March 31, 2025 and Greg Johnson, term expiring March 31, 2028 to the Employee Benefits and Audit Review Committee.

6. ORDINANCE TO APPOINT ETHICS BOARD MEMBERS {F}

Approval of this item approves ordinance O2024-12 appointing Greta Langpap and Nicole Wolff as representatives of Councilmember Holloway to the Ethics Committee with terms as stated.

7. ORDINANCE TO APPOINT MUNICIPAL COURT JUDGES {G}

The Duluth City Charter provides for the appointment of the municipal court judges, by ordinance. State law mandates that appointed municipal court judges be appointed for a term of not less than one year. OCGA 36-32-2. Such term is to be memorialized by agreement, ordinance, or a charter provision. Approval of this item approves ordinance O2024-13 to reappoint municipal court judges for a one-year term.

8. ORDINANCE TO APPOINT PARSONS ALLEY DESIGN COMMITTEE {H}

Approval of this item approves ordinance O2024-14 to appoint Trang Tran and Ben Bailey to the Parsons Alley Design Review Committee to fill unexpired terms, ending 3/31/26 and to further appoint Council member Holloway to fill the elected official's position.

9. ORDINANCE TO APPOINT PLANNING COMMISSION {I}

Approval of this item approves ordinance O2024-15 to appoint Jack Milner and Elizabeth Baggett to fill unexpired terms ending in 3/31/27 and 3/31/26 respectively, and reappoint Niti Gajjar and Carey Fisher, terms expiring 3/31/28.

10. ORDINANCE TO APPOINT TAD ADVISORY COMMITTEE {J}

Approval of this item approves ordinance O2024-22 appointing Councilmember Graeder to fill the unexpired term of former Mayor Nancy Harris, term ending June 11, 2026.

11. ORDINANCE TO APPOINT ZONING BOARD OF APPEALS

{K}

Approval of this item approves ordinance O2024-16 to appoint Catherine Stringer to fill an unexpired term, ending 3/31/25.

12. ORDINANCE TO AMEND CODE – ELECTED OFFICIALS' COMPENSATION

{L}

Section 2-13 of the Duluth City Charter provides for Compensation and Expenses of the Mayor and Council members to be provided by ordinance. Following discussion at the February 12 Council meeting the Council authorized the City Attorney to prepare an ordinance increasing the Mayor's annual salary from \$6,200 to \$7,200 and further increasing the per meeting pay, not to exceed two (2) city meetings per month for the Mayor and Council from \$150.00 to \$200.00. Approval of this item approves O2024-17 with an effective date of January 1, 2026, as presented.

13. ORDINANCE TO AMEND BUDGET - \$83,409 – W. GWINNETT BIKEWAY

{M}

The City entered into two Intergovernmental Agreements (IGA) with Gwinnett County to jointly fund the construction of the Western Gwinnett Bikeway. The first agreement called for joint project funding with 2014 SPLOST funds and the City committing \$131,100 in funding. The second agreement called for joint project funding with 2017 SPLOST funds and the City committing \$87,963 in funding. Budgeted funding for the project so far has allowed the City to fund the 2014 commitment and some of the 2017 commitment. Staff is requesting \$67,693.75 in unallocated 2014 SPLOST Transportation and Interest Income and \$15,715.25 in unallocated 2017 SPLOST Transportation funds be added to this capital project budget. Approval of this item approves an ordinance to amend the FY24 Budget (BA-FY24-23) to add \$67,693.75 in unallocated 2014 SPLOST Transportation and Interest Income and \$15,715.25 in unallocated 2017 SPLOST Transportation funds to (CD-67) Western Gwinnett Bikeway - Bikeways - Site Improvements line item, including associated transfers.

14. ORDINANCE TO AMEND BUDGET - \$215,000 – ARPA SEWER

{N}

Over the past two plus years, the City, using American Rescue Plan Act (ARPA) funds has been working to acquire the necessary easements to install sanitary sewer lines in the Pinecrest and Hill Communities. Budgeted funds to acquire the easements have nearly been exhausted, however, one final parcel needs to be acquired. Staff has agreed to purchase Parcel #28 in the Hill Community for \$215,000 and is requesting a budget amendment to fund the purchase. Approval of this item approves a budget amendment (BA-FY24-24) to add \$215,000 in ARPA funds to American Rescue Plan Act 2021 - New Sewer Services - Land line item.

15. AMENDMENT TO DEFINED BENEFITS RETIREMENT PLAN

{O}

Georgia Municipal Employees Benefit services aka GMEBS recently received a favorable determination letter from the IRS for the Defined Benefits Retirement Plan. Each employer using the GMEBS Retirement Plan is required to adopt the restated Adoption Agreement and General Addendum as part of the restatement process. Approval of this item authorizes the Mayor to execute a City Attorney approved amendment and restatement of the GMEBS Basic Plan Document and Amendment 1. The agreement does not change the City's defined benefit plan but only reflects inclusion of specific IRS rules and regulations cited within the text.

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

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

V. PUBLIC HEARINGS

1. ORDINANCE OF REZONING – CASE Z2023-004 – 3295 HALL CIRCLE {P}

The Mayor and Council considered an ordinance of rezoning for Case Z2023-004. Applicant Romi Patel requested the rezoning of 3295 Hall Circle (Parcel ID R6293 117) from C-1 (Neighborhood Business District) to RM (Residential Multi-Family District), to allow for a town home development.

Mayor Whitlock opened the public hearing and called on Margie Pozin, Community Development/Engineering Director to present.

Ms. Pozin displayed the subject property and explained the surrounding uses. It has been vacant since 2013. Since the adoption of the UDC Unified Development Code in 2015, the property has never been developed per its current zoning. The Vision and Aspirations chapter and supporting Character Area Map of FORWARD Duluth (aka Comprehensive Plan) identifies the Character Area of this property as the Core Neighborhood District character area, which anchors adjoining Downtown within the city while providing a wide variety of housing types within walking distance to unique retail, recreation, and entertainment. The southwest quadrant where the subject parcel lies within the Core Neighborhood District now has access to public sanitary sewers which makes this a prime area for infill redevelopment.

The subject property is currently zoned C-1 (Neighborhood Business District); however, the RM zoning district is more in line with the aspirations of the Comprehensive Plan. RM Zoning districts are intended primarily for two-family (duplex) and multi-family dwellings at low-to-medium suburban residential densities on land which is served by public sewer system and where there is convenient access to collector streets or major thoroughfares (Duluth Highway GA-120),

Ms. Pozin also noted that this parcel is in the Downtown Overlay District (DOD). The purpose of the DOD is to encourage new development and redevelopment adjacent to the Central Business District (CBD) that follows the compact development pattern, architectural styles and mix of uses found in the CBD. The DOD is intended to allow the downtown area to extend across Buford Highway, consistent with the intent of the former Buford Highway Corridor Redevelopment Plan (March 2010) by supplementing the base zoning regulations within the overlay district which contains tailored building and design standards.

The Planning Commission recommended approval on February 5, 2024. Staff also recommended approval with conditions.

Mayor Whitlock called for discussion from Council.

Councilmember Graeder pointed out the property has been undeveloped since 2013. Prior to it being vacant, there was a manufactured house on the property. He noted that there could be different residential options such as townhomes, duplexes, etc.

Councilmember Thomas inquired about sewer access and staff confirmed availability.

Mayor Whitlock called forward the applicant.

Mr. Romi Patel of 2814 Pebble Hill Pt, Duluth came forward on behalf of Baraka Development, LLC. He explained that the purchase was made before the pandemic and felt the location would be excellent for creating additional residential options in the walkable distance of downtown Duluth.

Mayor Whitlock called for questions/comments from the public. Being none, he closed the public hearing and called for a motion.

A motion was made by Councilmember Harkness, seconded by Councilmember Thomas, to approve ordinance O2024-19 for Case Z2023-004 with conditions as presented.

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

2. ORDINANCE OF REZONING – CASE Z2023-005 – 3248 DULUTH HWY

{Q}

The Mayor and Council considered an ordinance of rezoning for Case Z2023-005 for 3248 Duluth Highway (Parcel ID R6264 034) from R-100 to O-I, as requested by applicant Kyle Drake to allow for his office use.

Mayor Whitlock opened the public hearing and called Community Development/Engineering Director Margie Pozin forward to present.

Ms. Pozin displayed the subject property and explained the surrounding uses. The subject property is located in the Core Neighborhood District Character Area. FORWARDuluth envisions this Character Area to be denser, connected neighborhoods, easily accessible to Downtown through a system of trails, sidewalks, and road connections, while capitalizing on existing traditional street fabric and opportunities for redevelopment and infill. The Future Land Use Map (FLUM) envisions this parcel as medium density residential.

The Planning Commission recommended approval on February 5, 2024. Staff also recommends approval with conditions relating to lighting, outdoor storage and building materials, as well as parking, setbacks and maximum lot coverage.

Mayor Whitlock called for discussion from Council.

Councilmember Thomas asked for clarification regarding parking restrictions and if they were personal use vs. commercial. Ms. Pozin confirmed personal.

Councilmember Graeder referenced the comprehensive plan as a guide for potential development. That specific area is meant to be housing but surrounding uses are all Office/Institutional. This is a short-term change, but the Comp Plan is a long term vision.

Councilmember Thomas noted the nearby churches and felt that the use was relevant to community amenities and businesses.

Mayor Whitlock commented that if the current uses are no longer being requested, what is an acceptable alternative in the area. He then called the applicant forward.

Applicant Kyle Drake of 3616 West Lawrenceville Street, Duluth came forward. He plans to convert a vacant resident into office space for Drake Construction. There will be up to three employees working at a time, providing locations for customers to see basic design options for home models.

Mayor Whitlock called for questions/comments from the public. There being none, he closed the public hearing and called for a motion.

A motion was made by Councilmember Thomas, seconded by Councilmember Harkness, to approve ordinance O2024-20 for Case Z2023-005 with conditions as presented.

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

3. ORDINANCE OF SPECIAL USE – CASE SU2023-011 – 3248 DULUTH HWY

{R}

The Mayor and Council considered an ordinance of special use for Case SU2023-011 for 3248 Duluth Highway (Parcel ID R6264 034) to allow for office use by a construction contractor with outdoor storage in the O-I district.

Mayor Whitlock opened the public hearing and called Community Development/Engineering Director Margie Pozin forward to present.

Ms. Pozin displayed the subject property and explained the surrounding uses. The subject property was rezoned to O-I to match its surroundings. The subject property is located in the Core Neighborhood District Character Area.

FORWARDuluth envisions this Character Area to be denser, connected neighborhoods, easily accessible to Downtown through a system of trails, sidewalks, and road connections, while capitalizing on existing traditional street fabric and opportunities for redevelopment and infill. The Future Land Use Map (FLUM) envisions this parcel as medium density residential.

Ms. Pozin highlighted some general conditions and noted that if the use is abandoned for more than 90 days, the special use is terminated. There are other conditions tied to a special use approval as well, and she highlighted some of those.

The Planning Commission recommended approval on February 5, 2024. Staff also recommend approval with conditions.

Mayor Whitlock called for discussion from Council.

Councilmember Thomas asked what the current percentage of lot coverage is.

Ms. Pozin thought the only addition would be to provide parking for vehicles.

Councilmember Graeder asked how many parking spots are expected and where they are going to be located. He noted adding a driveway turnaround limits space in the front. He also asked when the septic system was installed.

Ms. Pozin said the applicant could answer those questions.

Mayor Whitlock called the applicant forward.

Applicant Kyle Drake of 3616 West Lawrenceville Street, Duluth came forward. He said there would be five parking spaces. The previous owner had updated the septic and they had it inspected prior to purchase. It did not require updating for the new use.

The Mayor called for questions/comments from the public.

Mr. Louis Ligon of 3555 Grovecrest Way, Duluth came forward to question the fencing height and materials, and wanted to ensure anything stored would be out of view.

Ms. Pozin said there were no intentions of using outdoor storage for vehicles, and the fence would likely be 6-7' high.

Mr. Joe Nunes of 2375 Main St #245, Duluth, came forward to ask if there was a landscaping plan required. The nearby church has nice landscaping and big trees and he thought this property should complement that.

Ms. Pozin said that code compliance would alert property owner if there were any issues found after the construction/buildout process is complete. The City's property maintenance standards are very high.

Mayor Whitlock closed the public hearing and called for a motion.

A motion was made by Councilmember Thomas, seconded by Councilmember Holloway, to approve ordinance O2024-21 for Case SU2023-011 with conditions as presented.

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

VI. NEW BUSINESS

1. AWARD OF CONTRACT - ON-CALL RIGHT-OF-WAY SERVICES {S}

The Mayor and Council considered approval of the on-call company for right-of-way services.

Community Development/ Engineering Director Margie Pozin came forward to explain that the 2019 contracts for these services will expire on March 31, 2024. The City advertised for a new contract to provide required work for the acquisition of easements, real property, and/or right-of-way on an as needed "on-call" basis. The new contract will be for a term of one year, beginning on April 1, 2024, and will be renewable annually for up to five total years.

The procurement was qualification based, and the invitation to submit qualification packages was advertised on January 12. On February 13, six qualification packages were received before the 11:00am deadline. One was received after 11:00am and was disqualified from consideration.

Ms. Pozin reported that all packages were reviewed by the City Engineer to ensure the requested documentation was included. The packages were then distributed to a panel of three evaluators for review and scores. The City Engineer checked references for each of the six teams and compiled and averaged the scores of the evaluators.

The scores were as follows:

- BM&K Engineering and Construction 93
- Gresham Smith 87
- Colliers Engineering 86
- THC 83
- Atlas Technical Consultants 74
- Holt Consulting Company 69

Staff recommended awarding the contract to BM&K Engineering and Construction, and further approval for the City Manager to execute it after City Attorney review.

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

A motion was made by Councilmember Graeder, seconded by Councilmember Thomas, to approve the award of the City's On-Call Right of Way services contract to BM&K Engineering and Construction.

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

2. ON-CALL PLAN REVIEW AND BUILDING INSPECTION SERVICES {T}

The Mayor and Council considered approval of the on-call company for plan review and building inspections.

Margie Pozin, Community Development/ Engineering Director, explained the request. The 2019 contracts for plan review and building inspection services (on-call) will expire on April 8, 2024. The City advertised for a new contract to provide those services required for the plan review of commercial and residential structures (mechanical, electrical, plumbing, structural, etc.) and inspection of commercial and residential structures, on an as needed "on-call" basis. The new contract will be for a term of one year, beginning on April 1, 2024, and will be renewable annually for up to five total years.

The procurement was qualification and cost-based, and the invitation to submit qualification and cost packages was advertised on January 12. On February 13, five packages were received before the 2:00pm deadline.

Ms. Pozin reported that all packages were reviewed by the City Engineer to ensure the requested documentation was included. The packages were then distributed to a panel of three evaluators for review and scores. The City Engineer checked references for each of the five teams and compiled and averaged the scores of the evaluators.

The scores were as follows:

- NOVA Engineering & Environmental 97
- SafeBuilt Georgia, LLC 80
- ECS Southeast, LLC 79
- Bureau Veritas North America, Inc 77
- Burgess Construction Consulting, Inc 45

Staff recommends awarding the on-call contract to NOVA Engineering and Environmental and further approval for the City Manager to execute a City Attorney approved contract.

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

A motion was made by Councilmember Holloway, seconded by Councilmember Graeder, to approve the award of the City's On Call Plan Review and Building Inspection Services contract to NOVA Engineering and Environmental.

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

VII. MATTERS FROM DEPT HEADS/CITY ATTORNEY

1. ORDINANCE TO AMEND THE FY24 BUDGET – \$647,500 – SOFTWARE {U}

Asst. City Manager/Finance Director Ken Sakmar explained the request. The FY24 General Fund budget includes \$600,000 for the purchase of new accounting software and staff would also like to purchase new licensing software for the Business Office. Because to the time it takes to research, select, purchase and install new software and the fact budgeted items in the General Fund lapse at the end of the budget year, staff is requesting these purchases be accounted for in a capital projects fund and funded with General Fund reserves. Approval of this item would remove the \$600,000 accounting software purchase from the General Fund and add \$47,500 for new licensing software to a capital project fund. Staff requests approval of a budget amendment (BA-FY24-25) to add \$647,500 in General Fund reserves to CA-05 City Hall - General Government Buildings - Intangible line item, including associated transfers.

Councilmember Harkness asked if the ongoing maintenance costs for these programs would then be included in the General Fund, and Mr. Sakmar confirmed it would, included with maintenance of other programs.

Questions were raised regarding new servers or equipment that might be required. Mr. Sakmar responded that the IT department has been involved in the evaluation processes; the City's systems are up to date and technology in place to support the software.

A motion was made by Councilmember Thomas, seconded by Councilmember Holloway, to approve ordinance BA-FY24-25 as presented.

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

2. ORDINANCE TO AMEND THE FY24 BUDGET - \$247,454 - LMIG {V}

Asst. City Manager/Finance Director Ken Sakmar explained the request. Each year the City applies for and receives the Local Maintenance & Improvement Grant (LMIG) from the Georgia Department of Transportation. When the grant is received a budget amendment is posted to the capital project to recognize the revenue and record a matching expenditure. Staff recently noticed that when the Fiscal Year 2023 LMIG funds were received, only the revenue was recognized. For this reason, staff is requesting a budget amendment to add \$247,453.95 to repairs & maintenance line item in the capital project budget. Staff is requesting approval of a budget amendment (BA-FY24-26) to add the FY23 LMIG funds to ST-32 Transportation/Infrastructure Improvements - Paved Streets - Repairs & Maintenance line item.

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

A motion was made by Councilmember Harkness, seconded by Councilmember Graeder, to approve ordinance BA-FY24-26 as presented.

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

VIII. MATTERS FROM MAYOR & COUNCIL

1. CITY ACCOLADES

Councilmember Holloway appreciated the marketing department's social media posts for recognizing her and Councilmember Thomas on International Women's Day. Councilmember Thomas also noted the social media coverage for recognizing the officers at their annual Police Awards Banquet.

Councilmembers Harkness and Graeder referenced the social media on the Police Crime Center and commended the work done to bring justice on the "Witch Doctor" case. They also extended congratulations on the hire of the City's first "Community Ambassador" which is a pilot program created to provide general citizen assistance and help fill the police hiring gap. The next Citizens Police Academy sessions start in April.

Mayor Whitlock also recognized Chief Carruth as the first female police chief in Gwinnett County. He also recognized all the female department heads and thanked them for their excellent leadership.

IX. MATTERS FROM CITY MANAGER

1. RFP FOR TRAIN VIEWING PLATFORM

City Manager James Riker reported that the Urban Redevelopment Agency owns property next to the library, and the Request for Proposals is currently out for the design/build of the train viewing platform.

2. CITY HALL ACCESS CARD/DOOR CONTROL ISSUES

Mr. Riker noted that there are issues with door locks and access cards for City Hall entrances. The IT department has been working to resolve this problem.

X. ADJOURNMENT

A motion was made by Councilmember Harkness, seconded by Councilmember Thomas, to adjourn at 7:00 pm.

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

Approved this 8th day of April, 2024.


Mayor Greg Whitlock

ATTEST:


Asst. City Mgr./City Clerk, Teresa Lynn