



**DRAFT MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
APRIL 8, 2024**

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

ABSENT: Councilmember Thomas

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 5:50 p.m. in order 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).

I. EXECUTIVE SESSION

A motion was made by Councilmember Harkness, seconded by Councilmember Holloway, to adjourn to executive session at 5:50 p.m.

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

After the discussion, a motion was made by Councilmember Graeder, seconded by Councilmember Holloway, to return to regular session at 5:55 p.m.

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

II. APPROVAL OF MEETING AGENDA

A motion was made by Councilmember Harkness, seconded by Councilmember Graeder, to approve the April 8 Council Agenda as presented.

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

III. APPROVAL OF MINUTES

A motion was made by Councilmember Holloway, seconded by Councilmember Doss, to approve the March 11th & 25th meeting minutes as presented.

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

IV. ANNOUNCEMENTS

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

Duluth Live Thursdays, Fridays, and Saturdays from 6pm-9pm and Sundays from 2-5pm in Parsons Alley and the Activity Lawn. *If another event falls on a Duluth Live date, please refer to that event for the musical lineup.*

Duluth Farmers & Artisan Market every 2nd and 4th Sunday of the month April-October from 2:00-5:00pm. Town Green. Shop local vendors at the Duluth Farmers Market in Downtown Duluth! Our market features vendors who bring in-season, local produce, baked goods and other locally made food and artisan products.

Good Word Presents “Little Beer” April 13th from 1pm-5pm. Town Green
Good Word Brewing is partnering with the City of Duluth to celebrate lower-gravity beer in downtown Duluth. This event will highlight pale lagers and other sessionable beers. Over 70 breweries from around the country will be on site with samplings for ticketholders. Tickets are required to participate in the beer sampling portion of the event, but non-ticket holders are welcome to come out and enjoy the DJ, food vendors and other downtown businesses.

Peachtree Ridge Concert – April 19th from 5:30pm-8pm. Town Green and Parsons Alley. The Peachtree Ridge Orchestra and Jazz Bands will be bringing their show to Downtown Duluth. Join the Orchestra on the Festival Center Main Stage for a 5:30pm performance and then stroll over to Parsons Alley for a 7:00pm Jazz Band performance.

Duluth Cluster Band Concert April 25th from 6pm-7:30pm. Town Green. The Duluth Cluster Band is bringing their concert to the Festival Center Stage. Students from Duluth High School, Coleman Middle School and Duluth Middle School will perform a variety of music including many recognizable selections from movies and popular songs.

Duluth Spring Arts Festival – April 27th from 10am-5pm and April 28th from 11am-5pm. Town Green. Featuring up to 60 painters, photographers, sculptors, leather and metalwork, glass blowers, jewelers and crafters! The Festival will offer artist demonstrations, live acoustic music, a children’s play area, plus festival foods and beverages. Brought to you by The Atlanta Foundation for Public Spaces, LLC

Fridays-N-Duluth – Every Friday from May 3rd to July 26th from 6-9pm. Downtown Duluth. On May 10, bring your four-legged best friend to the Dog Days of Summer, featuring the Dynamo Dogs showcasing their paw-mazing tricks.

Duluth Derby Day May 4th from 2:30-7:30pm. Downtown Duluth Pull out your wide-brimmed hats and bow ties and join us in Parsons Alley for the ultimate Kentucky Derby viewing party! Relax on lounge seating and enjoy everything from the pre-show activities to the big race on a large screen.

V. CEREMONIAL MATTER

1. EMPLOYEE RECOGNITION – RAY TAYLOR - 40 YEARS OF SERVICE

The Mayor and Council recognized Ray Taylor, Public Works employee, and congratulated him on 40 years of employment with the City. His anniversary date is April 23, 2024. Ray began in April of 1984 as a part-time employee working with his father in the Parks department. He moved into Public Works and has served in a variety of roles during his time with the city.

VI. MATTERS FROM CITIZENS

Bettina Trautman of 3510 Hardy Street came forward to request an update on the Davenport intersection opening along with the closure of Hardy Street.

Mayor Whitlock asked the Dir. of Community Development & Engineering Margie Pozin to contact Ms. Trautman.

VII. CONSENT AGENDA

1. ORDINANCE TO AMEND DULUTH CODE – CHAPTER 10 {A}

The Mayor and Council considered an ordinance to amend the Duluth Code, Chapter 10 “Offenses and Miscellaneous Provisions.” The amendment would modify Section 10-11(c) -Disorderly Conduct to allow for a maximum period of incarceration of 180 days under Duluth Code Sec. 1-6(a). This would allow for a reasonable, practical period of probation, if necessary, so that defendants would have sufficient time to complete the conditions of probated sentences. Approval of this item approves O2024-23 as presented.

2. ORDINANCE TO AMEND DULUTH CODE – STORMWATER {B}

Mayor and Council to consider an ordinance to amend the Duluth Code. Approval of this item adopts ordinance O2024-25 to change the stormwater user fee for one (1) Equivalent Residential Unit (ERU) from seventy-five dollars (\$75.00) per year to ninety dollars (\$90.00) per year.

3. POLICE MUTUAL AID AGREEMENT – GWINNETT COUNTY {C}

Approval of this authorizes the Mayor and Chief of Police to execute a Mutual Aid Agreement between the police cities in Gwinnett County. Legal Counsel reviewed the wording and coordinated some changes that offer clarity and some protection to the City when our officers are aiding all Gwinnett Law Enforcement agencies.

4. ORDINANCE TO APPOINT ETHICS MEMBER {D}

Approval of this item approves ordinance O2024-27 appointing Kim Kelkenberg as Councilmember Graeder’s selection for the Ethics Board. Ms. Kelkenberg will fill the unexpired term of Margaret Wharton, who recently resigned.

5. APPOINTMENT OF PLANNING COMMISSION CHAIR

Per Section 1302.02 of the City of Duluth Unified Development Code, approval of this item accepts the Planning Commission recommendation to appoint Mr. Raymond Williams as Chairperson of the Planning Commission, term ending March 2025.

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

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

VIII. PUBLIC HEARINGS

1. RESOLUTION - AMEND COMPREHENSIVE PLAN

{E}

Mayor Whitlock opened the public hearing to consider approval of two text amendments to the Forward Duluth 2045 Comprehensive Plan. Director of Community Development & Engineering Margie Pozin came forward to explain the request.

The first amendment expands the language for the Established Neighborhood Character Area to contemplate the potential for annexed areas. The proposed language allows for new developments to maintain the character and intensity of their surrounding established neighborhoods.

A second amendment removes language specific to low density neighborhoods in the event a new low-density neighborhood is to be developed in the Chattahoochee Residential District. While this area is not part of any pending annexation, it allows for future options, should the need arise.

Mayor Whitlock called for discussion from Council.

Councilmember Graeder asked for further explanation for the benefit of the public.

Mayor Whitlock explained that the map showed unincorporated Duluth (in Gwinnett County.) It has currently been approved through legislation to add this property to Duluth city limits as requested by the residents.

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 Graeder, seconded by Councilmember Doss, to approve, resolution R2024-07 amending the Comprehensive Plan as presented.

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

2. REZONING/ANNEXATION – CASE Z2024-002

Mayor Whitlock opened the public hearing to consider rezoning of multiple properties. House Bill 1465 was approved by the GA House and Senate to legislatively annex 110 unincorporated parcels into the City of Duluth municipal boundaries. The legislation is set to be signed by the Governor within 40 days of the conclusion of the legislative session, which would be on or before Tuesday May 7, 2024.

Director of Community Development/Engineering, Margie Pozin, outlined the request. She reported that there are 110 parcels affected and gave the addresses. The area is approximately 93 acres and is currently zoned R-75 in Gwinnett County, proposed to be R-75 (Single Family residential) in the City.

Once the Governor signs the bill, Council will be required to have another hearing at which point a formal vote will be required.

Mayor Whitlock called for discussion from Council.

Councilmember Holloway asked for specifics about the notification to residents.

The Mayor called for questions/comments from the public. There being no further comments or questions, Mayor Whitlock closed the public hearing.

No motion is required at this time.

IX. NEW BUSINESS

1. EMPLOYEE HEALTH BENEFITS

{F}

Ashley Gilder with MSI Benefits Group, the City's insurance broker, presented the annual renewal process for the employee health, dental, disability, life insurance and vision plan to the Employee Benefits & Audit Review Committee (EBARC) on March 28, 2024. MSI has recommended accepting the proposal for employee medical benefits from Cigna with a proposed 5% increase and to renew dental with -3%. Life and Disability is recommended to remain with The Standard Company with no increase with no change in benefits.

EBARC Chair Mike Park came forward and thanked the members of the EBARC committee for volunteering their time to serve and on behalf of the committee support the recommendation as presented.

Councilmember Harkness appreciated the money savings and felt that the city offers excellent benefits.

Councilmember Graeder asked if the wellness program benefits was matched. Ms. Gilder confirmed.

A motion was made by Councilmember Holloway, seconded by Councilmember Harkness, to approve the renewal of the City's Employee Benefits as presented and recommended.

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

2. FISCAL YEAR 2023 AUDIT

{G}

Josh Carroll, Partner with Mauldin & Jenkins, presented the City's annual audit report to the Employee Benefit and Audit Review Committee on March 28, 2024. The audit report includes the City as a whole, the Downtown Development Authority, and the Urban Redevelopment Agency.

Mr. Carroll detailed the auditor responsibility and outlined the specific checks and balances they perform to validate the city's compliance with applicable governmental accounting rules and proper fiscal responsibility. The auditors issued an unqualified or "clean" opinion on the City's financial statements. The audit report included no findings related to the financial statements. However, the report does include two management comments related to segregation of duties and pension census data.

Chair Mike Park came forward and presented the EBARC recommendation for acceptance of the FY23 Audit report as presented.

Councilmember Holloway commented that she was impressed by such a clean report.

Councilmember Harkness asked about the length of time to complete the audit, since the fiscal year ended last June. Mr. Carroll said that it sometimes takes several months to close a fiscal year while waiting for final invoices etc. that do not come in on time, and their staff works with other government entities as well.

A motion was made by Councilmember Graeder, seconded by Councilmember Holloway, to approve the FY 2023 Audit report as presented.

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

3. TRANSFER OF EASEMENTS – ARPA SEWER PROJECTS

{H,I}

City Manager James Riker requested that the Mayor and Council consider authorizing the transfer of temporary and permanent easements to Gwinnett County necessary to complete the ARPA funded Pinecrest and Hill Sewer projects (ARPA Fund #230), as initially approved by Council on April 10, 2023.

Being no discussion, Mayor Whitlock called for a motion.

A motion was made by Councilmember Harkness, seconded by Councilmember Graeder, to approve, the transfer of temporary and permanent easements to Gwinnett County necessary to complete the ARPA funded Pinecrest and Hill Sewer Projects subject to any necessary amendments as approved by the City Attorney. Further, I authorize the Mayor and City Attorney to execute all necessary documents related to this matter.

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

4. RESOLUTION - MORATORIUM ON APPLICATIONS

{J}

The Mayor and Council considered adoption of a forty five (45) day moratorium, which is necessary to make changes/updates to the City's Comprehensive Plan and Unified Development Code (UDC) to address anticipated changes to the boundaries of the City pursuant to legislative annexation. Adoption of the ordinance will enact a forty-five (45) day moratorium for consideration and processing of the following applications and permits:

- Rezoning applications
- Variance applications
- Subdivision plats
- Commercial New Construction
- Commercial Shell Construction
- Residential New Construction
- Residential Development Master Plans
- Temporary Office
- Clearing, Grubbing and Grading
- Concept Plan
- Full Land Development
- Land Disturbance Permits
- Plats

The following permits and applications would still be issued during the moratorium:

Building Permit Types:

- Accessory Building/Structure
- Addition
- Commercial Interior Finish
- Commercial Renovation
- Residential Renovation

Trade Permits:

- Electrical (including Solar)
- Mechanical
- Plumbing

Sign Permits:

- Billboards
- Monument/Free Standing
- Re-Face
- Temporary
- Wall Sign

Telecommunication Permits:

Cell Tower Co-Locate
New Small Cell
Small Cell Co-Locate

Business Zoning and Use:

Change of Name
New Business
Subleasing

Miscellaneous Permits:

ATM
Deck
Demolition
Fence (over 7 feet)
Racks
Retaining/Site Wall
Swimming Pool

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

A motion was made by Councilmember Graeder, seconded by Councilmember Holloway, to approve resolution R2024-06 as presented.

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

X. MATTERS FROM DEPT HEADS/CITY ATTORNEY

1. ORDINANCE TO AMEND BUDGET - \$32,500 – HUDGENS PARKING LOT ^{K}

Staff has noticed drainage issues in the parking lot at Scott Hudgens Park. Water is ponding in some areas and causing erosion in others. Staff propose to hire a contractor to install over 180' of curb, add two flumes and rip rap channels to improve the drainage in the parking lot. For this reason, a budget amendment is needed to add \$32,500 in unallocated 2023 SPLOST Parks and Recreation Facilities funds to the budget. Staff is requesting approval of a budget amendment (BA-FY24-27) to add \$32,500 to the unallocated 2023 SPLOST Parks and Recreation Facilities funds to (PK-27) S. Hudgens Park - Park Areas - Site Improvements line item, including associated transfers.

Being no discussion, Mayor Whitlock called for a motion.

A motion was made by Councilmember Harkness, seconded by Councilmember Doss, to approve ordinance BA-FY24-27 as presented.

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

2. AUTHORIZATION - PINE NEEDLE TRAIL GRANT MATCH

Dir. of Community Development & Engineering presented. Staff is pursuing a federal grant through the Atlanta Regional Commission's (ARC) current call for projects. The application requires a resolution be signed by Council stating that if the City is successful in winning the grant, then the City will commit to the 20% grant match. This is standard procedure for federal grant applications through ARC.

The project is expected to cost approximately eight million dollars for sidewalk, drainage, and a new bridge over Rogers Creek. This accounts for design, right of way acquisition, utility relocation, and construction. Match funds would come from the unallocated Transportation 2023 SPLOST in the amount of \$1,600,000.

Funds would only be committed if the grant is awarded to the City for this project.

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

A motion was made by Councilmember Doss, seconded by Councilmember Harkness, to approve, resolution R2024-08 to match the federal grant in the amount of 20% of the total project value, should the Atlanta Regional Commission award said grant to the City for the Pine Needle Trail Project.

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

3. ORDINANCE TO AMEND BUDGET- \$35,000 - PINE NEEDLE GRANT {M}

Due to the expected high project cost, staff is seeking a grant through the Atlanta Regional Commission to fund the replacement of the bridge on Pine Needle Drive, including drainage improvements and the addition of sidewalks. Staff would like to pursue a grant for the project and is requesting SPLOST funding of \$35,000 to complete the grant application process. Staff requests approval of a budget amendment (BA-FY24-28) to add \$35,000 in unallocated 2023 SPLOST Transportation funds to (CD-73) Pine Needle Drive Improvements - Roadways & Walkways - Professional Services line item, including associated transfers.

A motion was made by Councilmember Holloway, seconded by Councilmember Graeder to approve ordinance BA-FY24-28 as presented.

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

XI. MATTERS FROM MAYOR & COUNCIL

Council member Harkness commended the work on this edition of the Duluth Life Magazine.

Councilmember Graeder explained for the public that the meeting agendas are reviewed during the pre-meeting process, which is why it seems that many items pass through to a vote without extensive Council discussion or questions.

XII. MATTERS FROM CITY MANAGER

City Manager James Riker reported on the availability of a video with Republic Services explaining the new processes for garbage and recycling. To date, it has received over 3,000 views.

XIII. ADJOURNMENT

A motion was made by Councilmember Harkness, seconded by Councilmember Holloway, to adjourn at 6:55 pm.

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

The next scheduled meetings of the Mayor and Council are budget work sessions on April 15th and 16th, and a work session for April 22, 2024 at 5:30 p.m.

KM 4/9/24