



**DRAFT MINUTES OF THE  
MAYOR AND COUNCIL  
CITY OF DULUTH, GA  
AUGUST 14, 2023**

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

A work session was held prior to the 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 5:45 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 Whitlock, seconded by Councilmember Doss, to adjourn to executive session at 5:45 pm.**

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

**After the discussion, a motion was made by Councilmember Whitlock, seconded by Councilmember Harkness, to return to regular session at 6:03pm.**

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

**MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

## II. ANNOUNCEMENTS

1. AGENDA CHANGES (IF NECESSARY)
2. UPCOMING EVENTS – [www.duluthga.net/events](http://www.duluthga.net/events)

Duluth Live every Thursday, Friday 5-8pm and Sunday 2-5pm.

Duluth Farmers & Artisan Market every 2<sup>nd</sup> and 4<sup>th</sup> Sunday through November. 2pm-5pm. Town Green.

Duluth Art Month: Various locations and times. The month of August is dedicated to unleashing your creative spirit. Prepare to be captivated by a diverse range of interactive art experiences, including a new Chalk Art Festival, a month-long Seek Duluth adventure, an eclectic array of musical experiences, Creativity Workshops.

## III. MATTERS FROM CITIZENS

*Public comment card received from Clayton Nugent of 3902 Gate House Lane, Duluth. He did not wish to come forward and speak, but his traffic concerns were presented to the Chief and City Manager.*

## IV. CONSENT AGENDA

1. APPROVAL OF JULY 10<sup>TH</sup> AND 24<sup>TH</sup> MINUTES
2. ORDINANCE TO AMEND BUDGET - \$300,000 – TRANSPORTATION MGMT {A}

At the July 24 council work session, staff discussed the need for additional funds for the Public Works Transportation Infrastructure Capital Project Fund for outside professional oversight for projects, smaller projects not requiring an RFP performed by staff or contractors, and incidental project costs such as cutting trees and preparing and advertising RFPs. An additional \$300,000 is requested from unallocated 2017 SPLOST Transportation funds. Approval of this item approves BA-FY24-03 to amend the FY24 budget as presented.

3. ORDINANCE TO AMEND BUDGET - \$100,000 – HVAC {B}

At the July 24 council work session, staff requested consideration for funds to replace the HVAC system at the Public Safety building. Staff requests approval of a budget amendment to add \$100,000 in 2023 SPLOST unallocated Administrative Facilities funds to the Police Capital Projects/Building line item including associated transfers. These funds will be used to hire a consultant to develop a Request for Proposal (RPF) and oversee the project during installation. Approval of this item authorizes ordinance BA-FY24-04 to amend the FY24 budget as presented.

4. ORDINANCE TO AMEND BUDGET - \$1,500,000 – STORMWATER UTILITY  
{C}

At the July 24 work session, staff updated council on recent stormwater projects and pipe inspections. Recent storms and the overall age of the City's stormwater infrastructure have caused several additional critical projects to be added to the priority list of known projects. Since most of the available stormwater funding has already been earmarked for current projects, additional funding is required to address the additional projects. Therefore, a transfer of prior year reserves of \$1,500,000 from the General Fund is requested. Approval of this item authorizes ordinance BA-FY24-05 to amend the FY24 budget as presented.

5. ORDINANCE TO AMEND BUDGET - \$457,900 – STORMWATER  
{D}

Based on the directive from the July 24 council work session, staff is presenting a budget amendment for the Stormwater Utility Fund to allocate funds to the current year's budget in excess of the 25% required fund balance reserve. On June 30, 2023, the Fund had an unrestricted fund balance of \$890,084. Since most the fund's revenue comes from a single billing, and the potential need for funding of emergency repairs, policy requires a minimum unrestricted fund balance be maintained equal to 25% of the annual billing or \$432,106 on June 30, 2023. Allowing for this requirement, \$457,900 is available for allocation to the current year's budget. Approval of this item approves ordinance BA-FY24-06 to add \$457,900 to the Stormwater Utility in the FY24 budget as presented.

6. ORDINANCE TO AMEND BUDGET - \$200,000 – POLICE CAMERA ROOM  
{E}

Staff has developed a proposal to upgrade the police camera room to a real time crime center which will allow the police department to be more proactive in apprehending suspects and investigating incidents. The overall cost for the upgrade is approximately \$380,000, part of which would be paid with previously approved 2017 SPLOST funds of \$180,000 earmarked for cameras and camera room upgrades. Staff is requesting \$200,000 in unallocated 2017 SPLOST funds be added to Police Capital Projects, including associated transfers. As discussed at the July 24 work session, approval of this item approves ordinance BA-FY24-07 approving an additional \$200,000 to complete the upgrade.

7. ORDINANCE TO AMEND BUDGET - \$3,000 – ROGERS BRIDGE ART  
{F}

Approval of this item approves ordinance BA-FY23-33 to add \$3,000 to the Duluth Public Art Fund for the design, fabrication, and installation of the signage plaque (also made from the old bridge material) by Nucleus Sculpture Studio for the public art at Rogers Bridge Park. This request will add prior year reserves of \$3,000 to the Public Art/Site Improvements line item.

8. ORDINANCE TO APPOINT ASST. CITY SOLICITOR

{G}

Pursuant to the Duluth City Code, Section 2-208, the Mayor and Council are authorized to appoint an Assistant Solicitor of the Municipal court of the city. Chief Carruth recommends the appointment of Robert Giannini as an Assistant Solicitor of the Duluth Municipal Court. The compensation of the Assistant Solicitor shall be on an hourly basis and the rate shall fixed by the Mayor and Council on an annual basis during the regular budget process. Before entering on the duties of office, the Assistant Solicitor shall take an oath before an officer duly authorized to administer oaths that he or she will truly, honestly, and faithfully discharge the duties of his or her office. Approval of ordinance O2023-22 appoints Robert Giannini as an Assistant Solicitor of the Duluth Municipal Court.

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

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

**V. PUBLIC HEARINGS**

1. ORDINANCE SETTING THE 2023 TAX MILLAGE RATE

{H}

Mayor Harris opened the third and final public hearing to consider the 2023 millage rate. Asst City Mgr/Finance Director Ken Sakmar came forward to present.

Each year, the Gwinnett County Tax Assessor reviews the assessed value of taxable property in the County. When the total digest of taxable property is prepared, Georgia Law requires calculation of a "rollback" millage rate (RMR) that produces the same total revenue on the current year's new digest that last year's millage rate would have produced, had no reassessments occurred. The City of Duluth is considering maintaining the same millage rate as last year, which is 6.551 mills. For the 2023 digest, the current millage rate exceeded the rollback millage rate by 0.509 mills, or stated another way, as a percentage of the rollback millage rate, the current millage rate represents an 8.42% "increase." The reassessment revenue added is approximately \$1,220,489. Georgia law requires that the City publish a "Notice of Property Tax Increase" in the legal organ when the tentative adopted millage rate exceeds the rollback millage rate. In addition, three public hearings must be scheduled to allow the public an opportunity to express their opinion on the proposed tax millage. No comments were received at either of the first two public hearings; this is the third and final public hearing prior to adoption of the ordinance setting the 2023 tax millage rate.

Mayor Harris called for discussion from Council. Being none, the Mayor called for questions/comments from the public. Receiving no comments, Mayor Harris closed the public hearing and called for a motion.

**A motion was made by Councilmember Thomas, seconded by Councilmember Doss, to approve ordinance O2023-21 setting the 2023 tax millage rate at 6.551 mills as presented.**

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

Mayor Harris thanked the public for trusting staff and the elected officials to prepare a budget that meets the growing needs of the community.

Councilmember Graeder pointed out rising inflation and the need for increased staff compensation, and also noted that the solid waste collection was going to be included for all residential households as part of their tax dollars starting in 2024.

## **VI. NEW BUSINESS**

### 1. AWARD OF CONTRACTS – ON CALL MATERIALS TESTING SERVICES

{I,J}

Community Dev/Engineering Director Margie Pozin came forward to report. The Mayor and Council are asked to consider awarding contracts for materials testing services.

In 2018, the City awarded three on-call contracts for materials testing and other related services which started on October 1, 2018 and will expire on September 30, 2023. To continue the convenience of having on-call service providers, the City released a request for qualifications (GA Procurement Registry, city website, and legal organ) on May 12 and received six qualification packages on June 14. The packages were reviewed independently by three evaluators and the scores were added together to arrive at the following ranks:

Terracon -	281.25
United Consulting -	263.5
Willmer Engineering -	257.5
Nova -	255.8
ECS, Inc -	248.0
MC Squared, Inc -	213.8

Due to current workload, staff recommends awarding two contracts, one to Terracon and one to United Consulting. Each contract would be for one year, starting on October 1, and expiring (if not renewed) on September 30 of the following year. The contract duration would be up to five years. Each firm was required to submit a schedule of unit rate costs that will be opened after selections were made and are binding throughout the duration of the contracts.

**A motion was made by Councilmember Harkness, seconded by Councilmember Graeder, to approve awarding the contracts to Terracon and United Consulting for on-call materials testing and related services, and authorize the City Manager to execute the City-Attorney approved agreements. Contract duration shall be for one year and renewable to a maximum duration of five years.**

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

2. TAD DEVELOPMENT AGREEMENT ADDENDUM - (REDEVELOPMENT AGENCY) {K}

City Manager James Riker explained that the Mayor and Council are asked to consider authorizing an addendum to the Greystar/ Everleigh TAD agreement.

In 2019, the City Council, acting as the Redevelopment Agency, executed a development agreement with Greystar GP II, LLC (Greystar) relating to reimbursement of TAD funds associated with the Everleigh Duluth project, located at 3221 Hill Street. Greystar desires to end the City's obligation to make annual TAD payments to Greystar 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 URA.

Approval of this item authorizes the Mayor to execute an amendment to the development agreement with a lump sum payment of \$437,000.

**A motion was made by Councilmember Graeder, seconded by Councilmember Harkness, to approve the addendum to the TAD agreement with Greystar as recommended and authorize the Mayor to execute all necessary documents.**

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

3. TAD DEVELOPMENT AGREEMENT ASSIGNMENT (REDEVELOPMENT AGENCY) {L}

City Manager James Riker explained that, in 2019, the City Council (acting as the Redevelopment Agency) executed a development agreement with The Residential Group (TRG) relating to reimbursement of TAD funds associated with the SODO Duluth project. TRG is intending to sell the project and is requesting the agreement be assigned to the new owner. The development agreement requires the assignment of the contract should the property be sold.

Approval of this item authorizes the Mayor to execute the assignment consistent with the development agreement.

**A motion was made by Councilmember Graeder, seconded by Councilmember Harkness, to approve the assignment of the Development Agreement as presented.**

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

## **VII. MATTERS FROM DEPT HEADS/CITY ATTORNEY**

### 1. ORDINANCE TO AMEND BUDGET - \$125,000 – RED CLAY SOUND SYSTEM {M}

Asst. City Mgr./Finance Director Ken Sakmar came forward to explain that the City previously upgraded the lighting at the Red Clay Theatre. Based on conversations with Eddie Owen, staff feels it is time to upgrade the sound/speaker system to create a better overall listening experience. Recently a Request for Proposal was issued with bids due back later this month. Staff is requesting \$125,000 in unallocated 2023 SPLOST Cultural Facility funds .

Councilmember Graeder felt it was a very good investment. Councilmember Thomas asked if soundproofing or evaluating the acoustics would be included. Mr. Riker said that a study had been completed some time ago, but it wasn't conclusive.

Councilmember Whitlock noted that this project was earmarked for 2023 SPLOST funding; it was not an unexpected expense.

Councilmember Harkness commented that seating, carpet and HVAC were also planned for update. Mr. Riker said if budget were to be favorable, perhaps new electronic signage on the building as well.

**A motion was made by Councilmember Thomas, seconded by Councilmember Whitlock, to approve ordinance BA-FY24-08 to amend the FY24 budget as presented.**

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

### 2. ORDINANCE TO AMEND BUDGET - \$72,196 – VEHICLES {N}

Mayor and Council considered approval of a budget amendment to carry-forward \$72,196 in FY23 budgeted funds to the FY24 fiscal year for a Marketing/PIO vehicle purchase (\$31,993), Police vehicle equipment (\$23,525) and Public Works vehicle work zone lighting package (\$16,678). Approval of this item approves ordinance (BA-FY24-09) to add \$72,196 in prior year General Fund reserves to the following

line items: 1) Public Information/Marketing Vehicles \$31,993, 2) Police Vehicle Repairs/Maintenance \$23,525, 3) Public Works Vehicles \$16,678.

**A motion was made by Councilmember Whitlock, seconded by Councilmember Doss, to approve ordinance BA-FY24-09 to amend the FY24 budget as presented.**

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

3. ORDINANCE TO AMEND BUDGET - \$82,636.05 – SCOTT HUDGENS PARK {0}

Staff requested a budget amendment ordinance, BA-FY24-10 to fund the replacement of a stormwater pipe inside of Scott Hudgens Park. The stormwater pipe was undersized and not able to handle stormwater flow during heavy rains. In addition, the pipe was failing and starting to undermine the road above. An on-call contractor was able to remove the existing pipe and replace it with three 30" reinforced concrete pipes, at a cost of \$99,419.06. Staff is requesting approval of a budget amendment to add \$82,636.05 in unallocated 2017 SPLOST Parks and Recreation funds to Scott Hudgens Park Site Improvements. The additional \$16,783.01 will come from funds remaining in the Rogers Bridge Park Restroom Facility project.

**A motion was made by Councilmember Harkness, seconded by Councilmember Thomas, to approve ordinance BA-FY24-10 to amend the FY24 budget as presented.**

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

4. PLUMBING CODE UPDATES

Community Dev/Engineering Director Margie Pozin explained that the City's plumbing code currently meets State regulations; however, the Metro North Ga Water Planning District is requiring all 15 metro counties within its jurisdiction to implement codes that are more stringent than state standards in an effort to promote efficiency and save significant amounts of water for the region. The standards for faucets, irrigation, shower heads, commodes, washing machines and cooling towers will all become more restrictive starting January 1, 2024, affecting all new construction as well as renovations within the City.

Mayor and Council will be asked to adopt a model findings resolution at the September 11 Council meeting, which will then be sent to DCA for a 60-day review period and be ready for final council adoption on December 11.



## **VIII. MATTERS FROM COUNCIL**

### **1. THRIVE BUILDING/TRAIN PLATFORM**

Council asked about the status. Mr. Riker said that the building is almost completed. The Urban Redevelopment Agency (URA) is working on an RFP for design/build for Train viewing platform. URA is going to purchase the Thrive parking lot in the near future.

### **2. STAFF APPRECIATION**

Council thanked events staff for another wonderful weekend of events, and Police and Public Works staff for keeping everything safe and all the cleanup following recent storms.

## **IX. MATTERS FROM CITY MANAGER**

### **1. UPDATE ON SPECIAL USE CASE – SU2023-005 - SHORT TERM RENTAL**

City Manager James Riker reported on the status for SU2023-005, which was postponed from the July 10 meeting. The applicant has since withdrawn the request.

## **X. ADJOURNMENT**

**A motion was made by Councilmember Whitlock, seconded by Councilmember Thomas, to adjourn at 6:40 pm.**

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

*The next scheduled meeting of the Mayor and Council is a special called meeting and work session for August 28, 2023 at 5:30 p.m.*