



**DRAFT MINUTES OF THE  
SPECIAL CALLED MEETING  
MAYOR AND COUNCIL  
CITY OF DULUTH, GA  
AUGUST 28, 2023**

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

**ABSENT:** Council members Doss and Whitlock

**Mayor Harris called the meeting to order at 5:30 p.m., and called for a motion to enter an Executive Session for the purpose to discuss Pending/Potential litigation, Real Estate and or Personnel matters.**

**I. EXECUTIVE SESSION**

It was necessary to hold an executive session on Real Estate, Pending/Potential Litigation, Personnel.

**A motion was made by Councilmember Thomas, seconded by Councilmember Graeder, to adjourn to executive session at 5:30 p.m.**

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

**After the discussion, a motion was made by Councilmember Thomas, seconded by Councilmember Graeder, to return to Special Called Meeting at 5:59 p.m.**

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

Mayor Harris called for a moment of silence, followed by Pledge of Allegiance.

**II. PUBLIC HEARINGS (6:00PM)**

*Community Development Director Margie Pozin came forward and introduced the procedures for tonight's public hearings.*

*She explained that the Mayor opens a public hearing and then:*

- *Staff will explain the resolution under consideration.*
- *Mayor will call for discussion from Council.*
- *Mayor will call for questions and comments from the public.*
  1. *Speakers will be asked to come to the podium, state their name and address for the record, and then state their comments.*
  2. *Those commenting in opposition to the resolution under consideration will have a total of 10 minutes to speak (all speakers combined).*
  3. *Those commenting in favor of the resolution under consideration will have a total of 10 minutes to speak (all speakers combined).*
- *Mayor will close the public hearing and call for a motion.*

*Ms. Pozin displayed the map and described the properties therein.*

1. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN–GIBBS/GRISSOM  
3627 NORTH ST – TEMP CONSTRUCTION EASEMENTS - PARCEL 7203 034  
{A}

Mayor Harris opened the public hearing to consider adoption of a resolution to approve use of eminent domain to acquire temporary construction easements at 3627 North St, Duluth, GA for water and sewer infrastructure improvements. Ms. Pozin displayed the map and referenced the subject property.

The Mayor called for discussion from Council. Council requested the definition of temporary easement.

Ms. Pozin explained that a temporary easement is property “borrowed” for a certain period of time to construct a project. Once the construction is completed, the property is then restored to same or better condition. Ownership never changes during this process.

Mayor Harris called for questions/comments from the public.

Connie Gibbs came forward on behalf of the property owner to state her concerns with the removal of the trees on her mother’s property, and felt that additional compensation should be considered for these trees.

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

**A motion was made by Councilmember Harkness, seconded by Councilmember Graeder to approve resolution R2023-14 authorizing the use of eminent domain to acquire necessary easements at 3627 North Street for public purposes as presented.**

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

2. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN – GIBBS/GRISSOM  
3633 NORTH ST – TEMP CONSTRUCTION EASEMENTS - PARCEL 7203-034A  
*{B}*

Mayor Harris opened the public hearing to consider adoption of a resolution to approve use of eminent domain to acquire temporary construction easements at 3633 North St., Duluth GA for water and sewer infrastructure improvements. Ms. Pozin displayed the map and referenced the subject property.

The Mayor called for discussion from Council. No comments brought forth.

The Mayor called for questions/comments from the public. No comments were made.

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

**A motion was made by Councilmember Graeder, seconded by Councilmember Thomas to approve resolution R2023-15 authorizing the use of eminent domain to acquire necessary easements at 3633 North Street for public purposes as presented.**

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

3. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN –GIBBS/GRISSOM  
3643 NORTH ST – TEMP CONSTRUCTION EASEMENTS - PARCEL 7203 035  
*{C}*

Mayor Harris opened the public hearing to consider adoption of a resolution to approve use of eminent domain to acquire temporary construction easements at 3643 North St., Duluth GA, for water and sewer infrastructure improvements. Ms. Pozin displayed the map and referenced the subject property.

The Mayor called for discussion from Council. No comments brought forth.

The Mayor called for questions/comments from the public.

Connie Gibbs of 3643 N. Street, Duluth asked for the definition of “domain.”

David Heymann 3653 N. Street, spoke on the narrowness of the road and vehicle traffic on the road. Discussed access to the properties during construction and asked how long it would be restricted.

Ms. Pozin said that the contractor would be responsible for determining that and there may be a temporary road constructed to grant access. There will always be access during the project; it just might not be the most direct route of travel.

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

**A motion was made by Councilmember Thomas, seconded by Councilmember Harkness to approve resolution R2023-16 authorizing the use of eminent domain to acquire necessary easements at 3643 North Street for public purposes as presented.**

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

4. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN – BENITEZ  
3609 SOUTH ST – TEMP CONSTRUCTION EASEMENTS - PARCEL 7203 093  
{D}

Mayor Harris opened the public hearing to consider adoption of a resolution to approve use of eminent domain to acquire temporary construction easements at 3609 South St., Duluth GA for water and sewer infrastructure improvements. Ms. Pozin displayed the map and referenced the subject property.

The Mayor called for discussion from Council. No comments were brought forth.

The Mayor called for questions/comments from the public. No comments were made.

Being no further comments or questions, Mayor Harris closed the public hearing and called for a motion.

**A motion was made by Councilmember Harkness, seconded by Councilmember Thomas, to approve necessary resolution R2023-17 authorizing the use of eminent domain to acquire easements at 3609 South Street for public purposes as presented.**

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

5. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN – TRUONG  
3645 SOUTH ST – TEMP CONSTRUCTION EASEMENTS - PARCEL 7203 029  
{E}

Mayor Harris opened the public hearing to consider adoption of a resolution to approve use of eminent domain to acquire temporary construction easements at 3645 South St., Duluth GA for water and sewer infrastructure improvements. Ms. Pozin displayed the map and referenced the subject property.

The Mayor called for discussion from Council. No comments were made.

The Mayor called for questions/comments from the public. No questions or comments brought forth.

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

**A motion was made by Councilmember Graeder, seconded by Councilmember Harkness, to approve resolution R2023-18 authorizing the use of eminent domain to acquire necessary easements at 3645 South St. for public purposes as presented.**

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

6. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN – RODRIGUEZ  
2835 PINE ST- PERMANENT SEWER & TEMP CONSTRUCTION EASEMENTS  
TAX PARCEL 7203 332 {F}

Mayor Harris opened the public hearing to consider adoption of a resolution to approve use of eminent domain to acquire permanent sewer easement and temporary construction easements at 2835 Pine St., Duluth GA for water and sewer infrastructure improvements. Ms. Pozin displayed the map and referenced the subject property.

The Mayor called for discussion from Council.

Councilmember Graeder requested that staff explain permanent vs. temporary easement.

Ms. Pozin responded that with temporary easements, the property is repaired and given back to the owner. A permanent easement allows utilities accessibility to pipes; owners cannot build or plant trees on a permanent easement.

The Mayor called for questions/comments from the public. No comments were brought forth.

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

**A motion was made by Councilmember Thomas, seconded by Councilmember Graeder to approve resolution R2023-19 authorizing the use of eminent domain to acquire necessary easements at 2835 Pine St. for public purposes as presented.**

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

7. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN – HOLMES  
2805 PINE ST - PERMANENT SEWER & TEMP CONSTRUCTION EASEMENTS  
TAX PARCEL 7203 329 {G}

Mayor Harris opened the public hearing to consider adoption of a resolution to approve use of eminent domain to acquire permanent sewer easement and temporary construction easements at 2805 Pine St. for water and sewer infrastructure improvements. Ms. Pozin displayed the map and referenced the subject property.

The Mayor called for discussion from Council. No comments brought forth.

The Mayor called for questions/comments from the public.

Andrew and Rhonda Holmes came forward asking if the City had received their counter proposal and if approved, he had no issues.

Staff stated the counter proposal was received and approved.

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

**A motion was made by Councilmember Thomas, seconded by Councilmember Harkness to approve, resolution R2023-20 authorizing the use of eminent domain to acquire necessary easements at 2805 Pine St. for public purposes as presented.**

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

8. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN – SEPHERARA  
2785 PINE ST – PERMANENT SEWER & TEMP CONSTRUCTION EASEMENTS  
TAX PARCEL 7203 327 {H}

Mayor Harris opened the public hearing to consider adoption of a resolution to approve use of eminent domain to acquire permanent sewer easement and temporary construction easements at 2785 Pine St., Duluth GA for water and sewer infrastructure improvements. Ms. Pozin displayed the map and referenced the subject property.

The Mayor called for discussion from Council. No comments were made.

The Mayor called for questions/comments from the public. No comments brought forth.

There being no further discussion, Mayor Harris closed the public hearing and called for a motion.

**A motion was made by Councilmember Harkness, seconded by Councilmember Thomas, to approve resolution R2023-21 authorizing the use of eminent domain to acquire necessary easements at 2785 Pine St. for public purposes as presented.**

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

9. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN – MOORE/WARREN  
3772 OAK ST – PERMANENT SEWER & TEMP CONSTRUCTION EASEMENTS  
TAX PARCEL 7203 081 {I}

Mayor Harris opened the public hearing to consider adoption of a resolution to approve use of eminent domain to acquire permanent sewer easement and temporary construction easements at 3772 Oak St, Duluth GA, for water and sewer infrastructure improvements. Ms. Pozin displayed the map and referenced the subject property.

The Mayor called for discussion from Council. No comments brought forth.

The Mayor called for questions/comments from the public.

Elizabeth Warren, 3772 Oak Street came forward. The property was willed to her from her mother, and they are currently under discussion on price of property. She does not agree with the price offered.

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

**A motion was made by Councilmember Thomas, seconded by Councilmember Graeder to approve resolution R2023-22 authorizing the use of eminent domain to acquire necessary easements at 3772 Oak Street for public purposes as presented.**

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

10. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN – MOORE/WARREN  
3612 OAK ST – PERMANENT SEWER & TEMP CONSTRUCTION EASEMENTS  
TAX PARCEL 7203 082 {J}

Mayor Harris opened the public hearing to consider adoption of a resolution to approve use of eminent domain to acquire and permanent sewer and temporary construction easements at 3612 Oak St., Duluth GA for water and sewer infrastructure improvements. Ms. Pozin displayed the map and referenced the subject property.

The Mayor called for discussion from Council. No comments brought forth.

The Mayor called for questions/comments from the public. No comments were made.

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

**A motion was made by Councilmember Graeder, seconded by Councilmember Harkness to (approve resolution R2023-23 authorizing the use of eminent domain to acquire necessary easements at 3612 Oak Street for public purposes as presented.**

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

11. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN – MOORE/WARREN  
3612 OAK ST – PERMANENT SEWER & TEMP CONSTRUCTION EASEMENTS  
TAX PARCEL 7203 025 {K}

Mayor Harris opened the public hearing to consider adoption of a resolution to approve use of eminent domain to acquire and permanent sewer easement and temporary construction easements at 3612 Oak St, Duluth GA for water and sewer infrastructure improvements. Ms. Pozin displayed the map and referenced the subject property.

The Mayor called for discussion from Council. No comments were made.

The Mayor called for questions/comments from the public. No comments brought forward.

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

**A motion was made by Councilmember Thomas, seconded by Councilmember Graeder to approve resolution R2023-24 authorizing the use of eminent domain to acquire necessary easements at 3612 Oak Street for public purposes as presented.**

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

12. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN – MASON  
UNDEVELOPED PROPERTY – PERM SEWER & TEMP CONSTRUCTION  
EASEMENTS TAX PARCEL 7203 047 {L}

Mayor Harris opened the public hearing to consider adoption of a resolution to approve use of eminent domain to acquire and permanent sewer easements and temporary construction easements at undeveloped property on North St., Duluth



GA in tax parcel 7203 047 for water and sewer infrastructure improvements. Ms. Pozin displayed the map and referenced the subject property.

The Mayor called for discussion from Council. No comments brought forth.

The Mayor called for questions/comments from the public. No comments made.

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

**A motion was made by Councilmember Thomas, seconded by Councilmember Graeder to approve, resolution R2023-25 authorizing the use of eminent domain to acquire necessary easements on North St. property for public purposes as presented.**

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

13. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN – TERRY  
3588 ROGERS COVE – PERM SEWER & TEMP CONSTRUCTION EASMENTS  
TAX PARCEL 7203 224 {M}

Mayor Harris opened the public hearing to consider adoption of a resolution to approve use of eminent domain to acquire permanent sewer and temporary construction easements at 3588 Rogers Cove, Duluth GA for water and sewer infrastructure improvements. Ms. Pozin displayed the map and referenced the subject property.

The Mayor called for discussion from Council. No comments brought forward.

The Mayor called for questions/comments from the public. No comments were made.

There being no further discussion, Mayor Harris closed the public hearing and called for a motion.

**A motion was made by Councilmember Graeder, seconded by Councilmember Harkness to approve resolution R2023-26 authorizing the use of eminent domain to acquire necessary easements at 3588 Rogers Cove for public purposes as presented.**

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

### **III. ADJOURNMENT**

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

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

*The next scheduled meeting of the Mayor and Council is  
September 11, 2023 at 6:00 p.m.*