



**DRAFT MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
SEPTEMBER 11, 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.

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 Thomas, to adjourn to executive session at 5:32 p.m.

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

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

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

MOMENT OF SILENCE - REMEMBERING 9/11

PLEDGE OF ALLEGIANCE

II. ANNOUNCEMENTS

1. AGENDA CHANGES (none)

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

Duluth Live every Thursday, Friday 5-8pm and Sunday 2-5pm.
Enjoy live music and various street performers in Parsons Alley and the Activity Lawn.

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

Duluth Fall Festival Concert featuring *Platinum Band Atlanta*- Sept. 23, 8pm.
Duluth Town Green and Amphitheater.

Duluth Fall Festival - September 30 and October 1. Downtown Duluth
9am-7pm Saturday. 9am-5pm Sunday.

III. MATTERS FROM CITIZENS

1. OVERNIGHT PARKING CONCERN

Alex Matsota of 2877 Carriage Gate Way and Boris Kanevsky of 2878 Carriage Gate Way came forward to request clarification on the overnight street parking ordinance. Mayor Harris asked Chief Carruth to meet with them following the meeting.

2. COMMUNITY CONCERN

Ms. Penny Poole of Tucker GA, President of the Gwinnett NAACP, came forward. She said that she was a member of Friendship Baptist Church and mentor to the Mt. Carmel Church. She has long ties to the Hill community with family members born in Joan Glancy Hospital. Ms. Poole commented that she felt the African American community in Duluth has been slighted by not being included in important discussions. The Hill community neighborhood has lacked upkeep and there is much more that should be done. The residents need information and to be included in decision making to be sure this historic area is thriving, and that this community is not erased.

IV. CONSENT AGENDA

1. APPROVAL OF AUGUST 14 & 28 MINUTES

2. APPROVAL OF MODEL FINDINGS ORDINANCE–MNGWPD {A}

As Council discussed at their August 14, 2023, meeting, the Metro North GA Water Planning District (MNGWPD) is requiring all municipalities and counties within the MNGWPD Region to update their plumbing codes to meeting higher efficiencies to save water and money. The MNGWPD developed a model ordinance which was edited for Duluth and requires Council approval prior to approval by the

Department of Community Affairs (DCA). The final ordinance must be in place prior to January 1, 2024. Approval of this item approves the model ordinance as presented.

3. ORDINANCE TO AMEND BUDGET - \$57,250 – HALL CIRCLE SEWER

{B}

City staff is working with Site Engineering to complete the installation of a sewer extension in the Hall Circle area. The contract is near completion and is being funded with 2009 SPLOST Water and Sewer Improvement funds. This is the final capital project to be funded with 2009 SPLOST. The 2009 SPLOST fund continues to earn interest monthly and staff requested approval of a budget amendment to add \$57,250 in interest to the project. Additional funding needed to complete the project will come from the 2021 American Rescue Plan Act. Approval of this item approves ordinance BA-FY24-11 to amend the FY24 budget as presented.

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

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

V. PUBLIC HEARINGS

Community Development/Engineering Director Margie Pozin came forward to review the public hearing process 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 clarified some of the terms for clarification and explained the difference between temporary vs permanent easement. Temporary easements are short term in nature and a “rental” of the property to construct an improvement. The property is returned to the owner in same or better condition than before. Permanent easement requires a rental of the property for construction and then implies future restrictions for utility access to the property, but ownership still remains with the property owner. Real property/Right-of-way acquisition is also called “fee simple” and the ownership and property rights do get transferred.

1. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN – ROGERS
3068 WASHINGTON ST - TAX PARCEL 7161 002

{C}

Mayor Harris opened the public hearing. to consider adoption of a resolution to approve use of eminent domain to acquire the entire property at 3068 Washington Street for water and sewer infrastructure improvements. Ms. Pozin displayed the map and referenced the subject 1.03 acre property.

Mayor Harris called for discussion from Council.

Councilmember Graeder commented that all questions were previously discussed at length and clarified for Council's consideration.

The Mayor called for questions/comments from the public.

Ms. Tammy Rogers of Jones Street came forward and asked why it was important to add sewers now, when the property has been there over 150 years. She questioned how many residents it would benefit there. She said there were other service requests concerning water runoff in the yard and trees down in the area that nobody has responded to or come to review.

Ms. Taylor McCall of Dogwood Drive said this plan gives access to only part of the community vs. the whole community and asked if the City would consider getting them reduced costs to tie into the system. She wanted to know what the city is willing to do directly for the residents.

Ms. Pozin said that of the 28 properties involved, the others have all supported and agreed on the conditions and monetary compensation except for these five properties.

Ms. McCall requested the names of all concerned parties. Ms. Pozin was authorized by the City Attorney to provide the information.

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

A motion was made by Councilmember Graeder, seconded by Councilmember Harkness, to approve resolution R2023-27 authorizing the use of eminent domain to acquire the property at 3068 Washington Street for public purposes as presented.

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

2. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN - ROGERS
MURPHY CIRCLE –TEMPORARY CONSTRUCTION & PERMANENT SEWER
EASEMENTS, REAL PROPERTY - TAX PARCEL 7161 004

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

Mayor Harris called for discussion from Council. There being no comments, the Mayor called for questions/comments from the public.

Former State Representative Ms. Donna McCloud came forward to express her displeasure with these proceedings. She felt that the taxpayers were being disrespected and the City was not taking their feelings into consideration.

Mr. James Brownsmith of 2410 Highbrooke Trail, Duluth asked why the plan includes a spur to an undeveloped area of property and feels that it was being prioritized over needs of existing residents. He felt the concept was illogical and the priority seemed suspicious.

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

A motion was made by Councilmember Harkness, seconded by Councilmember Whitlock, to approve resolution R2023-28 authorizing the use of eminent domain to acquire necessary easements at Murphy Circle, tax parcel 7161 004, for public purposes as presented.

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

3. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN - BROGDON
3331 WASHINGTON ST – TEMPORARY CONSTRUCTION EASEMENTS
TAX PARCEL 7202 077

{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 3331 Washington Street for temporary construction easements in the amount of .05 acres for water and sewer infrastructure improvements. Ms. Pozin displayed the map and referenced the subject property. She reiterated that with temporary easements, the city “rents” the property for a short period of time and there is no displacement of persons or ownership for this or any of the subject properties.

Mayor Harris called for discussion from Council. Being none, the Mayor called for questions/comments from the public.

Ms. Penny Poole of Tucker, GA came forward and requested the October 2022 plans be abridged and redrawn to directly benefit the citizens and individual households of the community.

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

A motion was made by Councilmember Doss, seconded by Councilmember Thomas, to approve resolution R2023-29 authorizing the use of eminent domain to acquire necessary easements at 3331 Washington Street for public purposes as presented.

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

4. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN–WATERS/HARRIS
3326 WASHINGTON ST – TEMPORARY CONSTRUCTION EASEMENTS
TAX PARCEL 7202 076 {F}

Mayor Harris opened the public hearing to consider adoption of a resolution to approve use of eminent domain to acquire temporary construction easements in the amount of .025 acres at 3326 Washington Street for temporary construction easements for water and sewer infrastructure improvements.

Mayor Harris called for discussion from Council.

Councilmember Thomas asked for confirmation that there was no displacement of residents. Ms. Pozin confirmed.

The Mayor called for questions/comments from the public.

James Brownsmith of 2410 Highbrooke Trail came forward and said the maps are too small to read, that it was very difficult for the audience to know exactly what is being referenced. He feels that individuals in attendance did not have opportunity to be heard through the various phases of design.

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

A motion was made by Councilmember Thomas, seconded by Councilmember Whitlock, to approve resolution R2023-30 authorizing the use of eminent domain to acquire necessary easements at 3326 Washington Street for public purposes as presented.

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

5. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN–WATERS/HARRIS
3328 WASHINGTON ST – TEMPORARY CONSTRUCTION EASEMENTS
TAX PARCEL 7202 076A *attachments*

Mayor Harris opened the public hearing to consider adoption of a resolution to approve use of eminent domain to acquire temporary construction easements .023 acres at 3328 Washington Street for temporary construction easements for water and sewer infrastructure improvements. Ms. Pozin displayed the map and referenced the subject property.

Mayor Harris called for discussion from Council. Being none, the Mayor called for questions/comments from the public.

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

A motion was made by Councilmember Whitlock, seconded by Councilmember Doss, to approve resolution R2023-31 authorizing the use of eminent domain to acquire necessary easements at 3328 Washington Street for public purposes as presented.

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

VI. MATTERS FROM COUNCIL

Councilmember Whitlock commented that he has been working with the Hill Community for a long time, trying to improve services in the area. Previous meetings had been held with Gwinnett County and the residents showing clearly the actions needed for this project. He referenced several past discussions held on improving housing conditions in the Hill area, and said he very much values the community members and was 100% committed to continue working with the community. He has had meetings at Mt Carmel and noted that his doors are always open to conversations regarding needed improvements.

Councilmember Thomas noted the diversity of the Council and the reason she decided to become a public servant to represent all members of the community. She referenced many events for people that pack the downtown Duluth area and the diversity of the public who have great camaraderie and enjoy the many activities the city provides. She said that Council's mission is to improve the quality of life for all residents and continue progressing the City of Duluth.

Councilmember Graeder thanked everyone for another successful weekend of events and thanked the staff to address all the damage during the most recent severe storms.

VII. ADJOURNMENT

A motion was made by Councilmember Whitlock, seconded by Councilmember Doss, to adjourn at 6:44 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 September 25, 2023 at 5:30 p.m.