



Harris/Whitlock, Mayor  
Jamin Harkness, Post 1  
Marline Thomas, Post 2

Lamar Doss, Post 3  
Manfred Graeder, Post 4  
Shenée Holloway, Post 5

**AGENDA  
MAYOR AND COUNCIL  
CITY OF DULUTH, GA  
3167 Main Street  
Duluth, GA 30096**

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**JANUARY 8, 2024**

**CITY HALL COUNCIL CHAMBERS**

**6:00 pm**

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***The leaders and staff of the City of Duluth are dedicated to ensuring that Duluth is:  
an Attractive Destination, a Quality Community, a World Class Government,  
and promotes a Sustainable Economic Environment.***

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**5:30 P.M. – AGENDA REVIEW** (Mayor Harris) Main St. Conference Room

**6:00 P.M. - CALL TO ORDER** Mayor Harris

**INVOCATION/MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

**I. APPROVAL OF MINUTES**

**II. CEREMONIAL MATTERS - OATHS OF OFFICE**

1. COUNCILMEMBER – POST 4 – MANFRED GRAEDER
2. COUNCILMEMBER – POST 5 – SHENÉE HOLLOWAY
3. MAYOR – GREG WHITLOCK

**III. RECESS TO WELCOME RECEPTION** (City Hall Lobby)

**IV. APPROVAL OF MEETING AGENDA**

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## **V. ANNOUNCEMENTS**

## **VI. MATTERS FROM CITIZENS**

*Maximum of five (5) minutes per person. Sign-up sheet available.*

## **VII. CONSENT AGENDA**

### **1. RESOLUTION – 2024 MEETING DATES & TIMES**

Approval of this item approves resolution R2024-01 to set and publicize regularly scheduled Mayor and Council meetings for 2024 in accordance with Georgia law.

### **2. ORDINANCE SETTING 2024 MILEAGE REIMBURSEMENT RATES**

The IRS announced that the business standard mileage rate for transportation expenses paid or incurred beginning January 1, 2024 will be 67 cents per mile. Approval of this item adopts ordinance O2024-01 setting the reimbursement rates, effective January 1, 2024.

### **3. RESOLUTION TO APPOINT LEGAL ORGAN**

Approval of this item approves resolution R2024-02 naming the “Gwinnett Daily Post” aka The Times Journal Inc., as the City’s Legal Organ for 2024. This resolution shall not be construed to prevent the City from utilizing a newspaper of general circulation within the City of Duluth or Gwinnett County when authorized to do so by state or local law.

### **4. RESOLUTION – DEPOSITORIES & CHECK SIGNING**

Approval of this item approves resolution R2024-03 regarding check signing, investments and depositories as per the Financial Policy.

### **5. DESIGNATION OF OPEN RECORDS OFFICERS**

Approval of this item as per Open Records Act O.C.G.A. 50-18-71(b) designates the Assistant City Manager/City Clerk or his/her designee as the Open Records Officers to receive written requests on behalf of the City, and approves resolution R2024-04 listing the 2024 designees.

## **VIII. PUBLIC HEARING**

### **1. ORDINANCE OF TEXT AMENDMENT – CASE -TA2023-003**

The Mayor and Council to consider a text amendment ordinance to amend definitions in the Unified Development Code (UDC).

When the UDC was first adopted in 2015, the definition and application of breezeways was inadvertently left out. Recent requests to include breezeways in home additions has led staff to think about the best way to allow would-be home improvers a path forward. Including a definition and usage standard in the UDC will clarify intent and allow homeowners to include breezeways where logical and functional.

## **IX. NEW BUSINESS**

### **1. APPOINTMENT OF MAYOR PRO TEMPORE**

The Charter of the City of Duluth states the Mayor Pro tempore will be selected by a majority vote of the Mayor and Council each year at the first regular meeting. The Council shall elect a council member to serve as the Mayor Pro tempore, who shall assume the duties and powers of the Mayor during the Mayor's absence. Mayor Whitlock will provide his recommendation for the appointment of the 2024 Mayor Pro tempore.

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

## **XI. MATTERS FROM COUNCIL**

## **XII. MATTERS FROM CITY MANAGER**

## **XIII. EXECUTIVE SESSION** (if necessary)

It may be 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).

## **XIV. ADJOURNMENT**

*The next scheduled meeting of the Mayor and Council is a work session for January 22, 2024 at 5:30 p.m.*



**MINUTES OF THE  
MAYOR AND COUNCIL  
CITY OF DULUTH, GA  
DECEMBER 11, 2023**

**PRESENT: Mayor Harris, Council members Harkness, Doss, Graeder, and Whitlock, City Manager, 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 Harris called the meeting to order at 5:35 pm.**

**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 Graeder, seconded by Councilmember Whitlock, to adjourn to executive session at 5:35 pm.**

**Voting for: Council members Harkness, 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 6:00 pm.**

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

**Mayor Harris reflected on her 16 years of service to the City of Duluth. She said that it has been an honor and privilege to serve and is immensely proud of all Duluth has accomplished. She expressed confidence in both the safety and security of the city and the future of the city's leadership.**

**MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

## **II. ANNOUNCEMENTS**

1. AGENDA CHANGES (none)
2. UPCOMING EVENTS – [www.duluthga.net/events](http://www.duluthga.net/events)

*Cookies & Cocoa with Santa*, December 16. 10am-12pm. Duluth Festival Center.

*Frosty Fun* Downtown Duluth.

December 19 & 20 - Snow Mazing, 2pm-8pm each day

December 21 & 22 - Toboggan Tunnel, 2pm-8pm each day

December 23 - Toboggan Tunnel, 2pm-7pm

December 27 - Snow Playground, 2pm-5pm

December 28 - Snow Slide, 4pm-6pm

December 29 & 30 - Inflatable Wonderland Story Walk, 12pm-8pm each day

December 31 - Noon Years Eve, 11am-1pm

January 2 - Jack Frost Magic, 4pm-7pm

January 2 - Live Ice Carving, 5pm-7pm

## **III. CEREMONIAL MATTERS**

1. PROCLAMATION – DULUTH FALL FESTIVAL 40 YEARS {A}

Mayor and Council will recognize the Duluth Fall Festival for 40 years of service to the City of Duluth.

2. PROCLAMATION – RICK CASE “BIKES FOR KIDS” DAY {B}

Mayor and Council will present a proclamation to Tammy Baker and Mark Johnson to recognize Rick Case Bike for Kids.

## **IV. MATTERS FROM CITIZENS**

Mr. Sayed Hussaimi of 3375 Northgate Lane and Kusum Ahuja of 3390 Northgate Lane came forward to discuss the citations received for overnight parking on the street. They both noted that they did not receive warnings and their HOA had not communicated the changes to residents.

## **V. CONSENT AGENDA**

### **1. APPROVAL OF NOVEMBER 13 & 27 MINUTES**

### **2. ORDINANCE TO AMEND THE DULUTH CODE {C}**

As discussed at the November 27, 2023 work session, staff proposes to revise the Municipal Code as it pertains to retaining wall heights and the need for permits, to be more consistent with the International Building Code (IBC). Approval of this item approves ordinance O2023-30 amending Section 5.29 to match the 4 foot maximum wall height which will align the City's code with the IBC in terms of permit requirements related to retaining walls.

### **3. ORDINANCE TO AMEND THE DULUTH CODE – ALCOHOL {D}**

Recommendations from the Alcohol Board and staff were discussed with the Mayor and Council during the November 27 work session. The City Attorney explained that most of the amendments for consideration were general housekeeping items for clarification and moving certain subsections into the correct sections of the Code. In addition, language was added to assist Code Enforcement when issuing citations for presentation in court as well as updating language that aligns with state law. Approval of this ordinance approves ordinance O2023-31 to amend Chapter 3 of the Duluth Code as presented.

### **4. APPROVAL OF CONTRACT – CITY MANAGER {E}**

Approval of this item authorizes Mayor Harris to execute an amendment to the City Manager's Employment Agreement by amending Section 21 of the City Manager's contract regarding Notice of Delivery by adding language "or via hand delivery" further amending Section 10 Auto Allowance by increasing the per pay period allowance from \$500 to \$550; further extend the term of the contract until December 31, 2024.

### **5. BID AWARD – HVAC - RED CLAY THEATRE {F}**

Approval of this item awards the bid for the HVAC work at Red Clay Theatre to Lane Heating and Air in an amount not to exceed \$29,100 as discussed and authorized at the November 27 work session.

### **6. ORDINANCE TO AMEND BUDGET – HVAC & ICE MACHINE {G}**

At the November 27 work session, Lane Heating & Air was recommended to replace five (5) HVAC units at a cost of \$29,100 as well as the purchase of a commercial ice machine from ACity Discount at a cost of \$6,700. Accordingly, approval of this item approves budget amendment BA-FY24-16 to add \$35,800 in

unallocated 2023 SPLOST Cultural Facilities fund to CA-10 Red Clay Theater - Special Recreational Facilities - Machinery line item, including associated transfers.

7. ORDINANCE TO AMEND FY23 BUDGET – ARPA FUNDS {H}

The City received \$11,057,077 in American Rescue Plan Act (ARPA) federal funds and elected to claim the \$10 million standard allowance for lost revenue. In compliance with ARPA regulations, the City has reported police uniform salaries as lost revenue to document use of these funds for government services. For FY23, \$2,031,123.76 in police uniform salaries were reported as ARPA lost revenue. Accounting standards require funds to be transferred from the ARPA Fund to the General Fund based on the salaries reported. Staff request approval of a budget amendment to add \$2,032,000 to American Rescue Plan Act 2021 - Other Financing Uses - Transfer to General Fund and American Rescue Plan Act 2021 - ARP Act of 2021 Local Fiscal Recovery Funds and General Fund - Transfer from ARPA 2021. Approval of this item approves BA-FY23-34 to amend the FY23 budget as presented.

8. ORDINANCE TO AMEND FY24 BUDGET – ARPA FUNDS {I}

The City received \$11,057,077 in American Rescue Plan Act (ARPA) federal funds and elected to claim the \$10 million standard allowance for lost revenue. In compliance with ARPA regulations, the City is reporting police uniform division salaries as lost revenue to document use of these funds for government services. For FY24, staff estimates \$2,760,000 in police uniform salaries will be reported as ARPA lost revenue. Accounting standards require funds to be transferred from the ARPA Fund to the General Fund based on the salaries reported. Staff request approval of a budget amendment to add \$2,760,000 to American Rescue Plan Act 2021 - Other Financing Uses - Transfer to General Fund and American Rescue Plan Act 2021 - ARP Act of 2021 Local Fiscal Recovery Funds and General Fund - Transfer from ARPA 2021. Approval of this item approves BA-FY24-17 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, Doss, Graeder, and Whitlock  
Motion carried.**

## **VI. PUBLIC HEARINGS**

1. ORDINANCE OF- CASE Z2023-002 – RAINBOW VILLAGE {J}

*Councilmember Whitlock recused himself from this discussion and left the chambers due to his involvement with Rainbow Village.*

Mayor Harris opened the public hearing to consider the rezoning case Z2023-002 for 3431 Duluth Highway, tax parcel 6293 121 as an expansion of the adjacent Rainbow Village complex.

Community Development/Engineering Director Margie Pozin came forward to present. The subject property is currently C-1 and is proposed for PUD (Planned Unit Development). She described the existing conditions and displayed the map. Ms. Pozin referenced the Character Area and noted that there are 21 conditions. She highlighted the requirement to locate transitional housing on the property, and the required number of parking spaces.

On November 6, 2023, the Planning Commission heard and approved the rezoning case Z2023-002 for 3431 Duluth Highway. Staff also recommended approval with conditions.

The Mayor called for discussion from Council. Being none, Mayor Harris called the applicant forward.

Ms. Teresa Curry of 70 Mansell Court, Roswell GA came forward to discuss expanded services.

Councilmember Harkness commented that he liked the preliminary concept.

Councilmember Graeder noted it was a similar height of the District and adds no burden on existing traffic. He felt the project would fit in well with the space nearby.

Mayor Harris called for questions or comments from the public. Being none, she closed the public hearing and called for a motion.

**A motion was made by Councilmember Doss, seconded by Councilmember Graeder, to approve ordinance O2023-28 as presented.**

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

*Councilmember Whitlock returned to the meeting.*

## 2. ORDINANCE OF SPECIAL USE – CASE SU023-008

Mayor Harris opened the public hearing to consider special use request SU2023-008 for 3585 Peachtree Industrial Blvd, Suite 157, tax parcel 6296 035 to allow for the sales of Tobacco and Tobacco products (Cigar, Tobacco and Vape products).

Community Development/Engineering Director Margie Pozin came forward to present. She described the current conditions and surrounding zoning districts. The subject parcel is within the Medical Triangle District supported by mixed-use developments.



Ms. Pozin described several of the conditions and noted that several had been revised since the Planning Commission meeting to be less generic and require action in specific timeframes.

On November 6, 2023, the Planning Commission heard and approved the special use request SU2023-008 for 3585 Peachtree Industrial Blvd, Suite 157. The applicant proposed to use the space for a tobacco/vape shop, which is only permitted in this zoning classification with a special use permit. Staff also recommends approval with modified conditions as presented.

Mayor Harris called for discussion from Council.

Councilmember Whitlock asked if they have had communication with other tenants to receive input. Ms. Pozin said she was not aware if they had.

Councilmember Graeder asked if there are other tobacco stores in that area. There is a 3 Brothers smoke shop nearby.

Councilmember Harkness asked if there is a limit on the number of smoke shops or restrictions in a certain vicinity. Ms. Pozin said there is no limit.

Mayor Harris called the applicant forward. The applicant was not in attendance; therefore she called for questions/comments from the public.

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 to approve ordinance O2023-29 as presented.**

**Motion died for lack of a second.**

**A motion was made by Councilmember Whitlock, seconded by Councilmember Harkness, to deny ordinance O2023-29 as presented.**

**Voted For: Council members Harkness, Doss, and Whitlock**

**Voted Against: Council member Graeder**

**Motion carried.**

### 3. 2040 COMPREHENSIVE PLAN UPDATE

{K}

Mayor Harris opened the public hearing.

Former Planning Director Forrest Huffman came forward to present. He explained that the Community Development & Engineering staff has been working on a major update to the 2040 Comprehensive Plan, FORWARDuluth. For one month, a draft of the plan has been available for public review and comment.

This presentation is the final opportunity for public input prior to submitting the plan to the Atlanta Regional Commission (ARC) for review.

Mr. Huffman reviewed the demographics and highlighted the changes over time. The Atlanta Regional Commission projects that growth in the region and Gwinnett County will continue, with Gwinnett having over 1.3 million residents in 2040. He gave a breakdown by ethnicity, age, work travel and employment sectors, and housing supply gaps.

Mr. Huffman discussed the timeline for receiving community input. The draft is due to ARC for review and comment and City resolution of final approval by February 28, 2024. He discussed the categories that the community was asked to rank in order of importance, the perceived "SWOT's - biggest strengths, weaknesses, opportunities, and threats of the City.

A big component of the Comprehensive Plan is Character Areas and Future Land Use maps, which are essential when working with potential applicants and projects. He discussed the Downtown Core map recommendations regarding pedestrian mobility options and TAD alignment. He also referenced the Core Neighborhood aspirations and summarized Urban Neighborhood goals. Mr. Huffman discussed the Chattahoochee Residential space mostly behind Encore, but the recommendation is to include Sweetbottom and Howell Ferry subdivisions. He also mentioned future options for Established Neighborhoods, reviewing the Sugarloaf Activity area, and aspirations for the Rivergreen Employment area.

Mr. Huffman mentioned the Medical Triangle area (Hudgens Property) and a conceptual plan has already been developed in the event the property becomes available. He discussed the Duluth Highway corridor and the Peachtree Retail area. He then highlighted some of the changes in the Future Land Map and explained the recommendations.

Mr. Huffman reviewed the Short Term Work Program components and gave a report of accomplishments. He noted that many of the feedback and questions raised by both the public and steering committee have been incorporated into the plan.

Councilmember Graeder was part of the steering committee and asked how many people had given feedback during the last open period. Mr. Huffman responded that there were three, and reported they have been incorporated into the plan. The formal approval comes in February and will then be accessible on the website; prior to that, he will provide council with the updated version going to ARC.

Councilmember Harkness raised a question on the Medical Triangle area regarding the strike through the Hudgens Property. Mr. Huffman reported that a conceptual plan had been created so that item was considered complete.

Councilmember Harkness asked about ADUs/type of housing in the Howell Ferry District/Chattahoochee District. Mr. Huffman said that a Character Area is a guiding document not a regulatory/permitting document. Higher densities will be encouraged in areas that are walkable to downtown districts.

The Mayor called for discussion from the public.

Ms. Shenée Holloway of 4080 Old Town Way came forward with questions about the public comment process. Mr. Huffman confirmed that the public comments have been aggregated for working purposes.

Mr. Mark Watkins of 693 Peachtree St #11a Atlanta came forward representing the SUP applicant. The City Attorney noted that that public hearing had already opened and closed.

A resident of 3465 Duluth Hwy, the District, came forward to commend the Planning team for the thoroughness of this document. He emphasized the need for improved access to non-motorized transit options.

The Mayor closed the public hearing. *No motion was necessary.*

## **VII. OLD BUSINESS**

### **1. ORDINANCE TO AMEND THE CHARTER – 2<sup>ND</sup> READING**

{L}

Per State Law, two readings of an ordinance to amend the City Charter must be presented before the Mayor and Council for consideration. The first reading was held and approved by the Mayor and Council at its regular meeting held November 13th. Approval of this item approves the second reading of an ordinance to amend the Charter of the City of Duluth, Georgia, to repeal all laws or ordinances in conflict wherewith, and for other purposes.

City Attorney Stephen Pereira asked if there were any questions regarding the Proposed Amendments:

- Section 1.13 (40)- Examples of Powers Taxicabs - regulations removed from under municipal and placed under State.
- Section 1.13 (23) Examples of Powers – Specific penalties, remove reference to Gwinnett County Health & Sanitation Ordinance.
- Section 2.18 – inserting “Mayor or” City Clerk.
- Section 4.14 – Certiorari - Superior and State court appellate act effective July 1, 2023, which now governs all appeals from Municipal Courts to State or Superior Court which in the past was handled by the Writ of Certiorari.
- Section 4.15 - Rules for Court. The Uniform Municipal Court Rules were approved by the Supreme Court of Georgia in 2010, and now govern all of the Municipal Court procedures.
- Removing where referenced “Georgia Municipal Election Code” and replacing with “Georgia Election Code.”

**A motion was made by Councilmember Whitlock, seconded by Councilmember Doss, to approve ordinance O2023-26 as presented.**

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

## **VIII. NEW BUSINESS**

### **1. BID AWARD - MAIN ST ENHANCED SIDEWALK – PHASE II {M}**

Community Development/Engineering Director Margie Pozin summarized the request.

On October 5, 2023, the ad for the Main Street Enhanced Sidewalk, Phase II, was posted online and on the State Procurement Registry. On October 8, the ad started running in the Gwinnett Daily Post. On November 9, four proposal packages were received and opened, and the cost section of each was read aloud.

Staff then evaluated the four submittals for completeness, cost, and qualifications. Scores were based on total cost (up to 70 points), written approach and project schedule (up to 25 points), and resumes and references (up to 5 points). Three independent evaluators reviewed the approach and schedule sections of each of the four submittals. The completeness reviews and reference checks were handled by the City Engineer.

The scores were as follows:

- JHC Corporation:	29.7
- Ohmshiv Construction:	79.0
- Vertical Earth:	92.3
- IP Construction:	95.3

Therefore, Staff recommended awarding the contract to IP Construction in the amount of \$3,035,720.21. This includes the base bid and the add alternate (covering the landscaping of the enhanced green space at the corner of North and Main Streets, in the event the sewer project is complete in time for said landscaping).

**A motion was made by Councilmember Harkness, seconded by Councilmember Whitlock, to approve awarding the Main Street Enhanced Sidewalk Phase II contract to IP Construction in the amount of \$3,035,720.21 and further authorize the Mayor or City Manager to execute the City-attorney reviewed contract.**

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

## 2. ORDINANCE TO AMEND BUDGET - \$3,800,000 – MAIN ST PHASE II

{N}

Upon approval of awarding the contract for Main Street Enhanced Phase II project (CD-71), staff requests approval of a budget amendment to cover the following project costs:

Construction:	\$3,035,720.21	
Contingency:	\$607,144.04	(20% for unforeseen circumstances)
Materials Testing:	\$67,158.00	(includes 20% contingency as well)
Construction Admin:	\$89,977.75	

TOTAL BUDGET: \$3,800,000

This project is part of the City's 2017 SPLOST Intergovernmental Agreement (IGA) with Gwinnett County whereby the County pays 81% of the costs and the City pays the remaining 19% (plus any overage beyond the maximum IGA amount).

Council to consider approval of budget amendment BA-FY24-18 to add the following to the Main St Multi-Use Trail capital project budget: \$1,248,044 in Gwinnett County Joint funds; \$296,149 in unallocated 2017 SPLOST Transportation funds, and \$2,000,000 in unallocated 2023 SPLOST Transportation funds. The remaining funds for the project will come from the closing out of other transportation projects.

**A motion was made by Councilmember Graeder, seconded by Councilmember Whitlock, to approve ordinance BA-FY24-18 as presented.**

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

## IX. ADJOURNMENT

**A motion was made by Councilmember Graeder, seconded by Councilmember Whitlock, to adjourn at 7:40 pm.**

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor Nancy Harris

**ATTEST:**

\_\_\_\_\_  
Asst. City Mgr./City Clerk, Teresa Lynn

**RESOLUTION  
SETTING TIME AND PLACE OF  
REGULARLY SCHEDULED MEETINGS FOR YEAR 2024**

WHEREAS The Mayor and Council of the City of Duluth desires to establish the time and place of its regular meetings for the 2024 calendar year in accordance with the requirements of Georgia Law.

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby resolves that its regularly scheduled Council meetings for the 2024 year will be held on the 2nd Monday of every month at 6:00 p.m. in the Duluth City Hall Council Chambers located at 3167 Main Street, Duluth, Georgia; and

WHEREAS Informal work sessions will be held prior to each scheduled Council Meeting at 5:30 p.m. in the Duluth City Hall Council Chambers or Main Street Conference Room located at 3167 Main Street, Duluth, Georgia, as well as additional work sessions after each regularly scheduled Council meeting when deemed necessary; and

NOW THEREFORE, Council Work Sessions will be held on the 4th Monday of every month at 5:30 p.m. in the Duluth City Hall Community Room.

Fifth Monday Work Sessions are scheduled for January 29, April 29, July 29, September 30 and December 30, with the exception of Monday, May 29, as the Memorial Day holiday.

IT IS FURTHER RESOLVED THAT; other work sessions may be duly called as needed and properly noticed. All meetings are open to the public, and the Mayor and Council welcome and encourage attendance at these meetings.

IT IS SO RESOLVED, this 8th day of January 2024.

\_\_\_\_\_  
Greg Whitlock, Mayor

\_\_\_\_\_  
Charles Jamin Harkness, Post 1

\_\_\_\_\_  
Marline Thomas, Post 2

\_\_\_\_\_  
Kenneth Lamar Doss, Post 3

\_\_\_\_\_  
Manfred Graeder, Post 4

\_\_\_\_\_  
Shenée Holloway, Post 5

ATTEST: \_\_\_\_\_  
Teresa S. Lynn, Asst. City Manager/City Clerk

**ORDINANCE  
TO AMEND THE PER DIEM, LODGING, TRAVEL,  
CREDIT CARD, AND OTHER EXPENSE MANAGEMENT**

**WHEREAS**, Section 2-47(2) of the City of Duluth Code of Ordinances authorizes travel reimbursement for employees or officers of the City to coincide with the Internal Revenue Service Guidelines for expenses incurred while attending training, meetings or events for approved city business;

**NOW THEREFORE**, the City Council of the City of Duluth hereby ordains as follows:

Effective January 1, 2024, the reimbursement rates shall be 67 cents per mile for business use of personal vehicles and further approves the reimbursement for medical or moving purposes to 21 cents per mile.

**IT IS SO ORDAINED THIS 8<sup>th</sup> DAY OF JANUARY 2024.**

Those councilmembers voting in favor:

\_\_\_\_\_  
Greg Whitlock, Mayor

\_\_\_\_\_  
Charles Jamin Harkness, Post 1

\_\_\_\_\_  
Marline Thomas, Post 2

\_\_\_\_\_  
Kenneth Lamar Doss, Post 3

\_\_\_\_\_  
Manfred Graeder, Post 4

\_\_\_\_\_  
Shenee Holloway, Post 5

ATTEST: \_\_\_\_\_  
Teresa S. Lynn, Asst. City Manager/City Clerk



# **IRS issues standard mileage rates for 2024; mileage rate increases to 67 cents a mile, up 1.5 cents from 2023**

IR-2023-239, Dec. 14, 2023

WASHINGTON — The Internal Revenue Service today issued the 2024 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes.

Beginning on Jan. 1, 2024, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) will be:

- 67 cents per mile driven for business use, up 1.5 cents from 2023.
- 21 cents per mile driven for medical or moving purposes for qualified active-duty members of the Armed Forces, a decrease of 1 cent from 2023.
- 14 cents per mile driven in service of charitable organizations; the rate is set by statute and remains unchanged from 2023.

These rates apply to electric and hybrid-electric automobiles as well as gasoline and diesel-powered vehicles.



The standard mileage rate for business use is based on an annual study of the fixed and variable costs of operating an automobile. The rate for medical and moving purposes is based on the variable costs.

It is important to note that under the Tax Cuts and Jobs Act, taxpayers cannot claim a miscellaneous itemized deduction for unreimbursed employee travel expenses. Taxpayers also cannot claim a deduction for moving expenses, unless they are members of the Armed Forces on active duty moving under orders to a permanent change of station. For more details see [Moving expenses for members of the armed forces](#).

Taxpayers always have the option of calculating the actual costs of using their vehicle rather than using the standard mileage rates.

Taxpayers can use the standard mileage rate but generally must opt to use it in the first year the car is available for business use. Then, in later years, they can choose either the standard mileage rate or actual expenses. Leased vehicles must use the standard mileage rate method for the entire lease period (including renewals) if the standard mileage rate is chosen.

[Notice 2024-08](#) [PDF](#) contains the optional 2024 standard mileage rates, as well as the maximum automobile cost used to calculate the allowance under a fixed and variable rate (FAVR) plan. In addition, the notice provides the maximum fair market value of employer-provided automobiles first made available to employees for personal use in calendar year 2024 for which employers may use the fleet-average valuation rule in or the vehicle cents-per-mile valuation rule.

*Page Last Reviewed or Updated: 14-Dec-2023*

**RESOLUTION  
NAMING OF THE OFFICIAL NEWSPAPER**

The Council of the City of Duluth hereby resolves:

That the **Gwinnett Daily Post AKA The Times Journal Inc.** be named the Official Newspaper for 2024 in the City of Duluth for the publishing of all legal documents that are required by law to be published. This resolution shall not be construed to prevent the City from utilizing a newspaper of general circulation within the City of Duluth or Gwinnett County when authorized to do so by state or local law.

**IT IS SO RESOLVED** this 8th day of January, 2024.

\_\_\_\_\_  
Mayor Greg Whitlock

Those councilmembers voting in favor:

\_\_\_\_\_  
Charles Jamin Harkness, Post 1

\_\_\_\_\_  
Marline Thomas, Post 2

\_\_\_\_\_  
Kenneth Lamar Doss, Post 3

\_\_\_\_\_  
Manfred Graeder, Post 4

\_\_\_\_\_  
Shenee Holloway, Post 5

Those councilmembers voting in opposition:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk, Teresa S. Lynn

**RESOLUTION  
REGARDING CHECK SIGNING/INVESTMENT AUTHORITY**

BE IT RESOLVED that First Citizens Bank, Wells Fargo Bank, The Piedmont Bank, The Renasant Bank, Peoples Bank and Trust, State Bank and Trust, HomeTrust National Bank, Flagstar Bank, Fifth Third, Chase, US Bank, East West Bank, GA Commerce Bank, Touchmark Nat'l Bank, Truist Bank, Iberia Bank, Bank of Ozarks, and Bank of America are hereby designated as depositories of the City of Duluth, a municipal corporation existing under the laws of the State of Georgia; and

BE IT RESOLVED that on all checking accounts, saving accounts, deposit or collection of accounts, reserve accounts, and certificates of deposit, money markets and that all drafts, checks, etc., drawn against any such accounts shall be signed by the following:

EITHER Mayor Greg Whitlock or the Mayor Pro tempore AND either Assistant City Manager/City Clerk Teresa S. Lynn or City Manager James Riker. It being the intent hereof to require the signature of both one elected and one appointed City official.

BE IT FURTHER RESOLVED that the renewal of any certificates of deposit or other deposit instruments must be accomplished by the same persons as identified herein above.

No person, either elected or appointed, shall have any authority to borrow in the name of the City of Duluth without an express written resolution authorizing each such loan transaction and granting specific authority to specific named elected and appointed officials to sign such notes on behalf of the City of Duluth.

DULY ADOPTED on this 8<sup>th</sup> day of January 2024.

\_\_\_\_\_  
Mayor Greg Whitlock

Those councilmembers voting in favor:

\_\_\_\_\_  
Charles Jamin Harkness, Post 1

\_\_\_\_\_  
Marline Thomas, Post 2

\_\_\_\_\_  
Kenneth Lamar Doss, Post 3

\_\_\_\_\_  
Manfred Graeder, Post 4

\_\_\_\_\_  
Shenee Holloway, Post 5

ATTEST: \_\_\_\_\_  
Teresa S. Lynn, Asst. City Manager /City Clerk

**RESOLUTION**  
**DESIGNATE OPEN RECORDS OFFICERS FOR THE CITY OF DULUTH, GEORGIA**

WHEREAS, the City of Duluth is a Municipal Corporation of the State of Georgia; and

WHEREAS, the City of Duluth is an agency subject to the Open Records Act of the State of Georgia; and

WHEREAS, the City of Duluth is comprised of various departments, boards, authorities and commissions; and

WHEREAS, the Open Records Act of the State of Georgia permits an agency to designate Open Records Officers to receive requests for inspection or copying of records; and

WHEREAS, the Mayor and Council of the City of Duluth wish to update and clarify duties of the Assistant City Manager/City Clerk regarding records retention; and to designated Open Records Officers; and

WHEREAS, no record may be destroyed except those records as provided in the approved retention schedule provided by the Local Government Records Retention schedule governed by the Georgia Archives University System of Georgia, provided, however a written record may be destroyed if it is otherwise preserved by means of scanning or other reliable photographic or digital means.

IT IS HEREBY RESOLVED that the Mayor and Council of the City Duluth, in accordance with the provisions of the Open Records Act found in O.C.G.A. 50-18-71(b) designate the Assistant City Manager/City Clerk or his/her designee as the Open Records Officers to receive written requests on behalf of the City.

1. Assistant City Manager/City Clerk (or his/her designee(s)) – Teresa Lynn
2. Deputy City Clerk – Kristin McGregor
3. Administrative Records Manager – Danielle Ruedt
4. Administrative Asst/Records Officer – John Gracia
5. Human Resources Manager – Jocelyn McGiboney
6. Planning Technician – Wendy Bethancourt
7. Police Records Supervisor – Jessica Beals
8. Clerk of Courts – Amanda Morrison
9. Deputy Clerk of Courts – Juana Lugo

IT IS FURTHER RESOLVED that the City requires that all written requests under the Open Records Act be made upon the Open Records Officers.

IT IS FURTHER RESOLVED that the Assistant City Manager/City Clerk shall notify the Gwinnett Daily Post, AKA The Times LLC, as the legal organ of the City and Gwinnett County that the City has so designated the Open Records Officers contained herein.

IT IS FURTHER RESOLVED that the Assistant City Manager/City Clerk shall ensure that the designated Open Records Officers and their contact information are prominently displayed on the City's website.

Duly Adopted this 8th day of January, 2024.

\_\_\_\_\_  
Greg Whitlock, Mayor

\_\_\_\_\_  
Charles Jamin Harkness, Post 1

\_\_\_\_\_  
Marline Thomas, Post 2

\_\_\_\_\_  
Kenneth Lamar Doss, Post 3

\_\_\_\_\_  
Manfred Graeder, Post 4

\_\_\_\_\_  
Shenee Holloway, Post 5

ATTEST:\_\_\_\_\_  
Teresa S. Lynn, Asst. City Manager/City Clerk

**ORDINANCE 02024-02**  
**CITY OF DULUTH**  
**UNIFIED DEVELOPMENT CODE**  
**AMENDING ARTICLE 2 “USE OF LAND AND STRUCTURES” and ARTICLE 3 “RESTRICTIONS ON PARTICULAR USES”**

**WHEREAS**, the Mayor and City Council of the City of Duluth, Georgia recognizes the importance of promoting the community’s health, safety and welfare by providing clear, correct and consistent zoning regulations and compliance with the goals, objectives and policies identified within the adopted Community Agenda; and

**WHEREAS**, the Unified Development Code of the City of Duluth, Georgia, specifically authorizes the City Council to amend the text of the City of Duluth Unified Development Code by the City Council; and

**WHEREAS**, the Unified Development Code of the City of Duluth, Georgia, grants authority to the Director of Planning and Development to initiate amendments to the text of the City of Duluth Unified Development Code; and

**WHEREAS**, the Mayor and City Council recognize the importance of ensuring that the regulations promote the quality of life in the City; and

**WHEREAS**, on December 18, 2023, the City of Duluth Planning Commission held a public hearing duly noticed and voted to recommend approval of the text amendment (TA2023-003) as set forth in the minutes of said meeting; and

**WHEREAS**, the Duluth City Council held a public meeting on January 8, 2024, duly noticed as prescribed by law and published in the Gwinnett Daily Post regarding the text amendments as set forth in the minutes of said meeting.

**NOW THEREFORE**, the City Council of the City of Duluth hereby ordains that the City of Duluth Unified Development Code is hereby amended by amending: Article 2 and Article 3 as attached hereto in Exhibit “A”.

**ATTACHMENTS:**

Exhibit “A”: Proposed Text Amendments to the Unified Development Code  
Exhibit “B”: Public Hearing Advertisement/Public Notice

**{Signatures on the Following Page}**

IT IS SO ORDAINED this 8th day of January, 2024.

Those councilmembers voting in favor:

\_\_\_\_\_  
Mayor Greg Whitlock

\_\_\_\_\_  
Charles Jamin Harkness, Post 1

\_\_\_\_\_  
Marline Thomas, Post 2

\_\_\_\_\_  
Kenneth Lamar Doss, Post 3

\_\_\_\_\_  
Manfred Graeder, Post 4

\_\_\_\_\_  
Shenée Holloway, Post 5

Those councilmembers voting in opposition:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST: \_\_\_\_\_  
Teresa S. Lynn, City Clerk

## Exhibit “A”

I. Modify Unified Development Code Section 203 to add or modify the following definitions:

**Breezeway:** A roofed passageway for the purpose of connecting the principal structure to another building or structure.

**Floor Area, Single-Family Dwelling.** The floor area of a single-family dwelling is the gross horizontal area of several floors of the one-family residential structure, excluding: breezeways, carports, unfinished basements, attics, and open porches. It does, however, include the structure that is connected via breezeway less any unheated space used for the garaging of vehicles.

**Floor Area, Heated.** The gross floor area of all spaces within a dwelling or dwelling unit that are heated by mechanical means, measured to the inside surfaces of exterior walls, excluding: porches, balconies, breezeways, attics, unfinished basements, garages, patios, and decks.

**Principal Building.** A structure in which is conducted the main or principal use of the parcel on which it is located. Parcels with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

**Note:** Accessory structures will be considered part of the principal building in Single-Family Districts if attached to the principal building by means of a covered breezeway where the roof system of the attachment is designed with like construction as the principal building and the distance of the breezeway does not exceed a distance of 20 feet. In no case shall there be more than one (1) breezeway attached to the principal building.

II. Amend UDC Article 3 Section 304. Standards for SF Detached and SF Attached Dwellings to read as follows:

304.01 Overhangs and Breezeway.

(1) Overhangs (leave current text as is)

(2) Breezeways

Shall apply to single-family detached only.

(a) Shall be located to the rear or side of the principal structure.

**Note:** Structures being attached via breezeway must conform to Principal Building Setbacks.



(b) Width of a breezeway roof structure shall not exceed eight feet between structure supports.

(c) Breezeway height is limited to 12'.

(d) Breezeway length is limited to 20' to be considered part of the principal structure.

Note: Anything beyond 20' would fall under the accessory structure (204.05).

(e) The breezeway must match the roof construction of the principal building.

(f) The breezeway must have a finished, at grade, surface of concrete or asphalt paving.

(g) In no case shall there be more than one (1) breezeway attached to the principal building.  
A variance must be requested to allow an additional breezeway to the property.

## Exhibit "B"

## Public Notice

TIMES JOURNAL, INC.  
P.O. BOX 1633  
ROME GA 30162-1633  
(770) 795-3050

## ORDER CONFIRMATION (CONTINUED)

Salesperson: BRITTANY ESTES

Printed at 12/20/23 15:26 by bingl-tj

Acct #: 238452

Ad #: 382041

Status: New

**GDP0249**  
**00014**  
**CITY OF DULUTH**  
**NOTICE OF PUBLIC**  
**MEETING**  
NOTICE IS HEREBY  
GIVEN that a public  
meeting will be held be-  
fore Mayor and Council  
consider a request to  
amend the City of Du-  
luth's Unified Develop-  
ment Code to add lan-  
guage regarding breeze-  
way regulations as it per-  
tains to additions to sin-  
gle-family residences.  
The public is invited to  
attend this meeting be-  
fore Mayor and Council.  
The meeting date, place  
and time regarding this  
matter are as follows:  
**WHEN:**  
January 8th, 2024 - 6:00  
p.m.  
**WHERE:**  
City Hall Council Cham-  
bers  
3147 Main Street  
Duluth, GA 30096  
PERSONS INTEREST-  
ED IN THIS MATTER  
are invited to review the  
City's the potential  
amendment to the Uni-  
fied Development Code,  
which is on file with the  
Department of Planning  
& Development of the  
City of Duluth and to at-  
tend the public meeting  
at the date, time and  
place provided in this no-  
tice, to express their  
opinion on this matter.  
Written comments may  
also be received in lieu  
of testimony during the  
public meeting. Written  
comments may be sent  
to the following address:  
City of Duluth  
ATTN: Planning Depart-  
ment  
3147 Main Street  
Duluth, GA 30096  
OR  
Email: [Planning@duluth-  
ga.net](mailto:Planning@duluth-<br/>ga.net)  
For more information,  
contact Planning & De-  
velopment, at (770) 476-  
1790.  
\*\*\*\*\*  
\*\*\*\*\*  
In compliance with the  
Americans with Disabili-  
ties Act of 1990, the City  
of Duluth is committed  
to providing reasonable  
accommodations for a  
person with a disability.  
Please contact Teresa  
Lynn at (770) 476-3434 if  
special program accom-  
modation is necessary  
and/or if program infor-  
mation is needed in an  
alternative format. Spe-  
cial requests must be  
made in a reasonable  
amount of time in order  
that accommodation can  
be arranged.  
12-24-2023

CITY OF DULUTH  
CITY COUNCIL  
Staff Report  
**January 8, 2023**

<b>CASE NUMBER:</b>	TA20223-003
<b>REQUEST:</b>	Text Amendments to sections 203 and 304 of the City of Duluth Unified Development Code to add language regarding breezeways and the relationship of breezeways to primary structures.
<b>APPLICANT:</b>	City of Duluth

<b>Staff Recommendation</b>	<b>Approval</b>
<b>Planning Commission Recommendation</b>	<b>Approval with Revisions</b>

**I. Background:**

There have been several requests of planning staff, as of late, to review accessory structures that are either not allowed because of the location (accessory structures, except for detached garages, are not permissible in the front or side yard Sec. 204.05(a)), or are Accessory Dwelling Units (ADUs), which are not permissible in any zoning district within Single-Family Districts.

In order to accommodate the needs of the community, staff would like to present a text amendment that meets the spirit of the Unified Development Code while also maintaining the character of the Single-Family Districts by allowing a principal structure to be extended by way of breezeway in a rear or side yard.

**II. Description of the Request:**

1. *Attached is a redlined copy of the proposed Unified Development Code Amendments.*

## Section 203. Definitions.

**Breezeway:** A roofed passageway for the purpose of connecting the principal structure to another building or structure.

**Floor Area, Single-Family Dwelling.** The floor area of a single-family dwelling is the gross horizontal area of several floors of the one-family residential structure, excluding: breezeways, carports, unfinished basements, attics, and open porches. It does, however, include the structure that is connected via breezeway less any unheated space used for the garaging of vehicles.

**Floor Area, Heated.** The gross floor area of all spaces within a dwelling or dwelling unit that are heated by mechanical means, measured to the inside surfaces of exterior walls, excluding: porches, balconies, breezeways, attics, unfinished basements, garages, patios, and decks.

**Principal Building:** A structure in which is conducted the main or principal use of the parcel on which it is located. Parcels with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Note: Accessory structures will be considered part of the principal building in Single-Family Districts if attached to the principal building by means of a covered breezeway and/or walkway where the roof system of the attachment is designed with like construction as the principle building and the distance of the breezeway and/or walkway does not exceed a distance of 20 feet. In no case shall there be more than one (1) breezeway and/or walkway attached to the principal building.

## 304. Standards for Single-Family Detached and Single-Family Attached Dwellings.

### 304.01 Overhangs and Breezeway

#### (1) Overhangs

#### (2) Breezeways

Shall apply to single-family detached only.

(a) Shall be located to the rear or side of the principal structure.

Note: Structures being attached via breezeway or covered walkway must conform to Principal Building setbacks.

(b) Width of a breezeway roof structure shall not exceed eight feet between structure supports.

(c) Breezeway height is limited to 12'.

(d) Breezeway length is limited to 20' to be considered part of the principal structure.

Note: Anything beyond 20' would fall under the accessory structure (204.05).

(e) The breezeway must match the roof construction of the principal building.

(f) In no case shall there be more than one (1) breezeway and/or walkway attached to the principal building. A variance must be requested to allow an additional breezeway to the property.

(g) The breezeway must have a finished, at grade, surface of concrete or asphalt paving.