

Duluth



Nancy Harris, Mayor
Jamin Harkness, Post 1
Marline Thomas, Post 2

Lamar Doss, Post 3
Manfred Graeder, Post 4
Greg Whitlock, Post 5

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

NOVEMBER 13, 2023	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.***

5:30 P.M. – AGENDA REVIEW

Main St. Conference Room

6:00 P.M. - CALL TO ORDER

Mayor Harris or Mayor Pro tem Thomas

INVOCATION OR MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

I. ANNOUNCEMENTS

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

Duluth Live every Thursday & Friday 5-8pm and Sunday 4-7 pm through November. Enjoy live music and various street performers in Parsons Alley and the Activity Lawn.

Duluth Farmers & Artisan Market every 2nd and 4th Sunday, March through November. 2pm-5pm. Town Green. Seasonal local produce, baked goods, flowers, other homemade items. Live music, themed photo-ops, and free kid's activities in Parsons Alley.

PLEASE NOTE: This and other City meetings may be audio and/or videotaped for broadcast, transcription and/or archival purposes. As set forth in the Americans with Disabilities act (ADA) of 1990, the City of Duluth government does not discriminate on the basis of disability in the admission or access to or treatment of employment in its programs or activities, and complies with the requirements contained in section 35.107 of the Department of Justice regulations. All agenda packets may be converted to WCAG 2.0 compatibility format by emailing agenda@duluthga.net. In addition, any requests for reasonable accommodations required by individuals to fully participate in any open meeting, program, or activity of the City of Duluth government should be made seven days prior to the event. Direct inquiries to the ADA Coordinator in the City Clerk office, located at 3167 Main Street, Duluth, GA. 30096, or by telephone at 770.476.3434.

Frosty Fun: Live Ice Carving - November 18 from 12-5pm. Parsons Alley
Chill out in Parsons Alley as Ice Sculpture Inc. creates ice-cold wonders right before your eyes. Watch as they carve their frosty magic into an elf photo-op and don't miss the chance to snap a pic with the final masterpiece, which will stay frosty as long as the ice stays, well, frozen.

Frosty Fun: Roller Skating - November 18 & 19 from 2-6pm and Nov 20 from 4-8pm. Activity Lawn. Get ready to glide on ice-cold wheels! Our frosty roller-skating rink will be set up on the Activity Lawn. It's free to use and open to all ages (parental discretion advised, recommended for ages 3 and up). Skate rentals, from kids' size 10 to adults 14, are on the house. Newbies can grab skate aids (limited quantity) for extra stability. Please note, if it's busy, we'll have a one-hour max on the rink. Waivers must be signed on-site before skating into the rink.

Frosty Fun: Love the Butterfly - November 21 & 22 from 12-5pm. Town Green
Your favorite butterfly exhibit returns for Frosty Fun! Get ready to spread your frosty wings with excitement! Join us for Love the Butterfly Pop-Up, a two-day, family-friendly event that will whisk you away to a butterfly wonderland. Observe, hold, and feed these beautiful creatures while discovering more about them. It's a free frosty adventure for the whole family.

Frosty Fun: Mini Golf - November 24 from 2-8pm on the Activity Lawn
Enjoy a frosty twist on mini-golf with our 9-hole course on the new Activity Lawn. The best part? It's free to play, and clubs are provided. Tee up for a frosty good time!

Frosty Fun: Whoville Pop-Up - November 26 from 2-5pm in Parsons Alley
Don't be a grinch and join us for a Whoville Pop-up in Parsons Alley! Join in the frosty fun with a Whoville Hair station (registration is required and will open on Nov 20), Grinch appearances, and frosty activities with Cindy Lou Who, including free temporary tattoos, photo ops, and crafts.

Deck the Hall, December 2, 2-7pm. Downtown Duluth. Help us Deck the Hall as we kick off the holiday season in Downtown Duluth! This event features live entertainment, crafts for the kids, a real snow playground and snow slide, photo ops with Santa and holiday light installations. Take an opportunity to chat with City Council members in a Community Chat from 4pm-5pm.

II. MATTERS FROM CITIZENS

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

III. CONSENT AGENDA

1. APPROVAL OF OCTOBER 9TH/16TH MINUTES

2. ORDINANCE TO AMEND DULUTH CODE – CHAPTER 5

In previous meetings this year, Council discussed and approved amendments to the Plumbing Codes as required by the Metropolitan North GA Water Planning District, for greater water efficiency. In order to amend the Duluth code, an official ordinance must be approved. Approval of this item approves ordinance O2023-27 as presented.

3. ORDINANCE TO AMEND BUDGET - \$44,232 – INSURANCE

As a result of the heavy rain received the evening of August 29th, two insurance claims were filed with our insurance carrier, GIRMA. One involved damage to the pour in place playground surface at Bunten Road Park which ultimately had to be replaced and the second involved the flooding of the restroom at WP Jones Park. Damage estimates of \$15,975 and \$28,256.76 were submitted and paid by GIRMA for these claims. Staff is requesting the funds from the insurance settlements be added to the budget to offset these expenditures. Approval of this item approves ordinance (BA-FY24-12) to add the insurance settlements of \$44,232 to the City Manager - City Manager's Office - General Emergency Repairs line item.

4. CERTIFICATION OF RESULTS - 2023 GENERAL MUNICIPAL ELECTION

Section 21-2.493(k) of the Georgia Election Code authorizes the Election Superintendent to certify the November 7, 2023 election results. Approval of this item accepts the following results of the November 7, 2023 General Municipal Election:

Mayor: Greg Whitlock - 985
Post 4: Manfred Graeder - 927
Post 5: Augustine Emmanuel - 355
Post 5: Sheneé Holloway - 734

IV. NEW BUSINESS

1. ORDINANCE TO AMEND DULUTH CHARTER – 1st READING

Staff held a discussion with the Mayor and Council at the September work session proposing amendments to the City Charter. Under Georgia law, cities are allowed under home rule status to amend certain provisions of their charter by requiring two readings of an ordinance at two regular consecutive meetings. The Mayor and Council to consider approval of the first reading of an ordinance to amend the Charter of the City of Duluth, Georgia, to repeal all laws or ordinances in conflict therewith, and for other purposes. Synopsis of 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 the Municipal Court procedures.
- Removing where referenced “Georgia Municipal Election Code” and replacing with “Georgia Election Code.”

2. AWARD OF BID/ORD TO AMEND BUDGET – DEMOLITION

In June 2023, the City executed a purchase and sale agreement for 3542 North Street, in order to facilitate the next phase of the Main Street Sidewalk project and the APRA funded Pinecrest Sanitary Sewer project. In July, the property closed, and in October, the occupant moved out. Immediately thereafter, the asbestos study was completed in an effort to get demolition bids.

Seven bids were solicited. Two bids were received.

- Wrecking Corp of America, LLC - \$19,200
- Complete Demolition Services - \$27,000

Staff recommends the contract be awarded to Wrecking Corp of America in the amount of \$19,200, and the City Manager be allowed to execute such contract once it is approved by the City Attorney and available for execution. Staff recommends a 20% contingency be included in the budget in the amount of \$3,840 to cover unforeseen circumstances on site during demolition. Contractor would only access these funds through written request and approval, if justified.

Should the Council award the demolition bids to Wrecking Corp of America, an ordinance to amend the FY24 budget, including contingency funds, is necessary. This project is part of the 2014 and 2017 Intergovernmental Agreements (IGA's) with Gwinnett County. Per the City's IGA with Gwinnett County, the City will be reimbursed 81% of the cost. Approval of this item approves ordinance BA-FY24-13 to add revenue of \$18,662 to the Gwinnett County Grants line item, \$4,378 in unallocated 2014 SPLOST Transportation funds to the Transfer from 2014 SPLOST line item, and \$23,040 to the Main Street Multi-Use Trail - Parkways & Boulevards - Land line item, including associated transfers.

3. ORDINANCE TO AMEND BUDGET – RIVERGREEN PKWY

With the presence of several schools (that do not have school bus transportation) within the Rivergreen Business Park, traffic along Rivergreen Parkway has additional peaks (morning, midday, and evening) and additional traffic. For most of the park, this is not problematic, as there are two business park entrances/exits

(one of which is signal controlled), and interparcel connectivity. The only section of Rivergreen Park that is truly stuck during peak school traffic times is the section accessed from Corporate Way, as it is a cul-de-sac with a school at its intersection with Rivergreen Parkway.

Staff is proposing an additional median opening and driveway on Rivergreen Parkway to access the rear property off of Corporate Way. Along with an access agreement between the City and the property owner (which is in the works now), this will allow a secondary point of ingress and egress in the event Corporate Way is blocked.

For this effort, the following is proposed:

- Traffic Counts - \$2,428
- Traffic Study and Concept Design - \$20,481
- Survey and Construction Plans - \$48,356
- 20% Contingency - \$14,253

TOTAL = \$85,518

Staff is requesting approval of a budget amendment (BA-FY24-14) to add \$85,518 in unallocated 2017 SPLOST Transportation funds to Rivergreen Medians CD-79 - Paved Streets - Professional Services line item, including associated transfers.

4. ORDINANCE TO AMEND BUDGET - \$50,000 – REAL ESTATE

The City of Duluth has entered into a purchase and sale agreement to purchase parcel R7204-577 located at 2516 Main Street. The property consists of 4.17 acres with current light industrial use. The agreement calls for \$20,000 in earnest money and a 90 day inspection period. Additionally, staff is requesting \$30,000 to hire an outside firm to conduct Phase I and II soil testing during the inspection period and for any additional cost necessary to close on the property. Approval of this item approves budget ordinance (BA-FY24-15) to add \$50,000 in unallocated 2023 SPLOST Administrative Facilities funds to Public Works Land Acquisition - General Government Buildings - Professional Services line item, including associated transfers.

V. MATTERS FROM DEPT HEADS/CITY ATTORNEY

VI. MATTERS FROM COUNCIL

VII. MATTERS FROM CITY MANAGER

VIII. EXECUTIVE SESSION

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).

IX. ADJOURNMENT

The next scheduled meeting of the Mayor and Council is a work session for November 27, 2023 at 5:30 p.m.



**DRAFT MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
OCTOBER 9, 2023**

PRESENT: Mayor Harris, Councilmembers Harkness, Thomas, and Whitlock, City Manager, Department Directors, City Attorney

ABSENT: Council members Doss and Graeder

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

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

After the discussion, a motion was made by Councilmember Thomas, seconded by Councilmember Whitlock, to return to regular session at 6:00 pm.

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

MOMENT OF SILENCE

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 through November. Enjoy live music and various street performers in Parsons Alley and the Activity Lawn.

Duluth Farmers & Artisan Market every 2nd and 4th Sunday, March through November. 2pm-5pm. Town Green. Seasonal local produce, baked goods, flowers, other homemade items. Live music, themed photo-ops, and free kid's activities in Parsons Alley.

Duluth On Tap October 14, 12-5pm. Downtown Duluth. Get ready to raise your beer steins and dance the Polka, because Duluth on Tap is back and bringing the spirit of Oktoberfest to Downtown Duluth! Mark your calendars as we transform Town Green into a lively Bavarian celebration. Want to take home one of the coveted Duluth on Tap glass boots?! Compete in our costume contest or one of our Oktoberfest games. This year's Oktoberfest games will include pretzel eating, beer stein holding, sausage tossing and a costume contest. Entertainment will include Sherry & Larry from 12-1:30pm and LynneMarie and the Nashville Polka Guys from 2:30-5:00pm on the Main Stage, DJ Jessica It's All Good in Parsons Alley and free axe throwing on Town Green.

Howl on the Green October 27, 6pm-10pm. Downtown Duluth. Family-friendly event! Bring your kids, friends and furry pets for a night filled with fun, sweet treats, great food, and out-of-this-world entertainment on Duluth Town Green! The event turns into fright at dark as fire dancers make their way through the crowds and mystical creatures emerge, while aerialists hang from the Festival Center Stage and dancing iconic characters light up the night!

III. CEREMONIAL MATTER

1. PROCLAMATION – SPECTRUM AUTISM SUPPORT

{A}

Mayor Harris and Councilmember Thomas recognized the volunteers and board members of the Spectrum Autism Support Group for their many contributions to the community and congratulated them for 25 years of service.

IV. MATTERS FROM CITIZENS

Ms. Angelika Domschke of 33754 Ennfield Way, Duluth, came forward expressing concerns about the stormwater issues in her neighborhood and moving them up the priority list.

Ms. Rae Saidman of 3845 Bridlewood Drive, Duluth, came forward to discuss the urgent need for the pickleball court complex at Bunten Road Park to meet today's demand. She offered her assistance in problem solving to meet the demand prior to the two-year projection for the project.

Mr. William Owens of 2615 Highbrooke Trail, Duluth came forward with stormwater concerns for his property and his neighbors.

V. CONSENT AGENDA

1. APPROVAL OF SEPTEMBER 11/25TH MINUTES

2. APPROVAL OF AGREEMENT – AFUSA/SCOTT HUDGENS {B}

The City of Duluth has had a successful long-standing usage agreement with West Gwinnett /Atlanta Fire United Soccer Association (AFUSA) since 1999. Prior to the City acquiring the use of the Scott Hudgens Park, the soccer association operated seasonal soccer play for the Duluth/ Gwinnett County area. The City has benefited from the years of partnership with the development of quality youth soccer programs, park maintenance, and park infrastructure improvements. Atlanta Fire United Soccer Association (AFUSA) maintains the City Park maintenance and operational standards for the park. In addition to park improvements, AFUSA maintains the City standards for park landscape, athletic playing fields and quality soccer league play. As discussed during the September 25 work session, approval of this item accepts staff recommendation to execute the proposed usage agreement for the Scott Hudgens Park beginning December 29, 2023 and continuing until December 28, 2028. AFUSA shall have an option to renew said agreement for an initial period of five years followed by a second option to renew for a five year period.

3. GWINNETT CO HAZARD MITIGATION PLAN UPDATE {C}

Gwinnett County authors and maintains a Hazard Mitigation Plan that serves 14 of the 16 cities and the unincorporated areas within the County, which was last updated in 2020. To conduct the 2023-2024 update, cities were asked to update specific sections of the plan to provide current data. In the event of a natural or technological disaster, Gwinnett County, and by extension, FEMA, would have updated inventories of assets, emergency response and recovery information, and updated demographics. Participation in the plan also allows the City eligibility to receive grant funds benefiting emergency preparedness, emergency response, and cleanup efforts when such grants become available for application. Approval of this item approves the 2020 Plan with updates, and authorizes staff to forward these updates to the County for inclusion in their overall Plan.

4. ORDINANCE TO AMEND CH. 7 – ARTICLE VIII – MASSAGE

{D}

As discussed at the September 25 work session, approval of this item approves ordinance O2023-23 removing fingerprinting requirements for therapists and clarifying allowed zoning for massage establishments.

5. SIGNAGE WAIVER – SUGARLOAF WOMENS CLUB TURKEY TROT

Approval of this item waives signage fee and location requirements. Signs will be erected throughout the City for promotion of the Annual WCSCC (Women's Club of Sugarloaf Country Club) Charities Turkey Trot. This is an annual race with almost 400 runners attending and proceeds going to four Duluth charities.

The Turkey Trot will be held November 23, 2023 (Thanksgiving day). The banners will be up from Nov 1, 2023 until Nov 27, 2023. There will be ten signs placed (in locations used by Fall Festival).

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

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

VI. PUBLIC HEARINGS

1. ORDINANCE OF REZONING – CASE Z2023-003 – RICK CASE MAZDA

{E}

Mayor Harris opened the public hearing to consider a request from Pro Building Systems/Alliance Engineering and Planning for the Rick Case Mazda dealership to rezone parcel R6236 222 for Case Z2023-003.

Community Dev/Engineering Director Margie Pozin came forward to explain the request. The applicant requested rezoning 2493 Pleasant Hill Road from C-2 (general business district) to HC-A (highway commercial auto district) to bring the Rick Case Mazda dealership into compliance and expand the footprint of the building while improving the look of the property.

Ms. Pozin noted that the current land use falls under legal non-conforming use and therefore any changes require bringing the property into compliance first. She described the existing site conditions, neighboring zoning classifications, and character area for the property.

The Planning Commission heard the request on October 2nd and recommended approval with conditions related to conformance with the UDC, outdoor lighting plans, trash, and property maintenance requirements. She noted the concerns

raised during the Planning Commission public hearings regarding a gas pipeline easement and noise.

Planning staff also recommended approval of ordinance O2023-24 with conditions for Case Z2023-003.

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

Mr. Tyler Marchman of Alliance Planning & Engineering, 299 S. Main Street, Alpharetta came forward. He discussed the site and explained events to date. He outlined the building addition details and site plan enhancements such as parking and drive aisle access.

Councilmember Whitlock noted that Council was considering the rezoning, but not making any decisions regarding the redesign.

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

A motion was made by Councilmember Thomas, seconded by Councilmember Whitlock, to approve ordinance O2023-24 as presented.

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

2. ORDINANCE OF REZONING AND SPECIAL USE – CASE Z2023-001 &
SU2023-007 – 3396 BUFORD HWY - SELF STORAGE {F}

Mayor Harris opened the public hearing to consider a request from Old Atlanta Commerce and Chen Shuang-Ling for rezoning parcel R6292 007, and special use permit for cases Z2023-001 and SU2023-007 to construct a climate-controlled self-storage facility.

Community Dev/Engineering Director Margie Pozin came forward to explain the request. The applicant is requesting a rezoning of 3396 Buford Highway from a split zoned R-100 (single family residential district) with HC-A (highway commercial auto district) to a consistent HC-A zoning. Further, applicant is requesting approval of a special use permit to allow for the development of a climate controlled self-storage facility on the HC-A zoned property.

Ms. Pozin described the existing site conditions, neighboring zoning classifications, and character area for the property. In addition to the rezoning and special use requests, the applicant is also asking for two variances, a reduction in the buffer between the new proposed building and the side property line and a reduction in the number of required parking spaces.

The property is currently for sale and will be developed, and a split-zoned property is harder to work with. The proposed mini-storage facility requires a special use permit for development within HC-A. Uses allowed by right are more geared toward auto sales and auto repair.

Ms. Pozin described the variances:

- A reduction in the buffer between the new proposed building and the side property line.
 - Current code requires 150'
 - Neighboring jurisdictions require 50'
 - Applicant has just under 72' laid out
- A reduction in the number of required parking spaces
 - Based on overall gross square footage calculations, applicant requires 175 parking spaces
 - Based on size of leasing office and typical usage, applicant needs 5 parking spaces
 - Loading/Unloading of storage units is done from separate loading area.

She discussed some of the conditions, showed the concept plan, landscape plan and proposed elevation renderings.

Planning Commission heard the request on September 18th and recommended approval with conditions. Some of the concerns from that hearing were erosion Control and flooding (especially as it relates to Ennfield), buffer requirements (150' buffer as stated in the variance), and security access to the facility (discussion around a gate to access the rear of the property).

Staff and the developer met with HOA/residents of Ennfield last week to hear their concerns, at which time they were also reminded that Council has had this on the radar and had proposed a possible solution, which they still have a few months to consider but will likely cause an assessment for repair.

The buffer should be for sound and sight, and "enhanced" means more landscaping.

Security was discussed and the applicant says that there will be security cameras. Planning Commission asked about a gate, which is not part of their plan at this time.

Planning staff recommends approval of ordinance O2023-25 with conditions for Cases Z2023-001 and SU2023-007. Ms. Pozin highlighted some of the specific conditions and noted that Council could add some if they had additional concerns.

Mayor Harris asked for clarification on the landscape and buffer distance.

The Mayor called for discussion from Council.

Councilmember Whitlock wanted to be sure the angle of car entry into the site with headlights would not affect the townhomes. He also wanted to ensure dumpster pickup would not affect the residential next door.

City Manager James Riker said that commercial pickup has restrictions on hours of service as part of the solid waste contract.

Councilmember Harkness asked if the hours of access are restricted. He asked how many stories and if the front sidewalk tree line would match the Sodo and Marlow design for continuity. He wanted to ensure it would be quality brick material and similar to the other recent self-storage project.

Ms. Pozin confirmed three stories, and said these were conceptual plans at this point but the tree lines could be considered when the final plans are drawn.

Mayor Harris called the applicant forward.

Mr. Bill Diehl of Peachtree Corners, GA came forward on behalf of Old Atlanta Commerce, LLC c/o Thompson, O'Brien, Kappler & Nasuti, PC . He acknowledged that this is a critical site to the city's redevelopment of the Buford Highway corridor and noted there are lots of geographical and spatial challenges on the property. There are limited uses in a highway automotive zoning, but they feel this is a better and more attractive use.

Mr. Diehl discussed the site plan and addressed the buffer areas and noted they are only using approximately half of the developable area and keeping the commercial development within the HC-A zoning and shifted toward the road. He showed potential elevations. Maximum height is 37 feet and townhomes next to it are similar. Emphasis on providing brick, and they are adding architectural features to create depth in the walls.

The houses closest to the property line are oriented toward the back, have the benefit of the stream buffer and are the least impacted. Staff has noted in the conditions that landscape buffer should include large canopy and mid-size understory canopy trees. Regarding the request for variances, the 150 foot buffer only applies to self-storage relative to residential, and they feel that the orientation of the facility complies with the spirit and intent of the distance requirements.

Regarding the parking, these uses create very little traffic, less than a dozen people would likely come all day long. The office is only manned by one or two people. There is also open space for loading zones. Mr. Teale noted that car headlights should be mitigated by the landscape buffer and the right-turning traffic would be the only concern for light pollution.

Mr. Diehl also noted that the architectural team is the same as one used further down on Buford Highway and should create continuity in the area. The access to the facility is always limited; all of the doors are locked, and access can be turned off later in the evening if needed. The gate request makes it very difficult for the

user to get through and there is a strong preference not to have one. The lot is challenged, and a gate opening/closing area could be challenging to locate without having backup of traffic into Buford Highway.

Mr. Diehl also acknowledged the stormwater concerns for the property. The development will be on less than 2% of the overall property size and although it would end in Ennfield's detention pond, it should not greatly increase the effect. They are willing to put in place a reduction of the stormwater outflow by 10%.

Councilmember Harkness asked Ms. Pozin what the outcome was between the Planning Commission and Ennfield conversations. Ms. Pozin said they acknowledged that there is a stormwater issue for the neighborhood, but this would not be a major contributor to their problem overall.

The Mayor called for questions/comments from the public.

Ms. Debra McHugh of 3280 Ennfield Lane came forward and reported that they have discovered lots of evidence of nefarious activities in the area around their tennis courts. Therefore, she asked if there would be a fence around the storage facility. She also commented the Domino's was on septic and wanted to ensure this new facility would be on sewer.

Ms. Angelika Domschke of 33754 Ennfield Way came forward to provide documents showing the water flow of the streams. She said that the silt fences used for the last development were not installed properly and she requested that erosion control be more stringent for this project.

Councilmember Thomas mentioned the gate area and said the concern is more for the back of the property. She asked Chief if the security cameras can be integrated into the PD camera system.

Chief Carruth said that it depends on what kind of system they install. This should be discussed before installation to ensure compatibility to provide that option.

Councilmember Whitlock still wanted to see a gate further back that restricts access to the rear of the property. He felt that the camera monitoring would not be a visible deterrent to unwanted activity.

Councilmember Thomas suggested the gate be located in the narrowed area.

Mr. Diehl said that if it were made to be a condition, they would like the flexibility of where to locate to accommodate the geographic elements.

Mr. Brent Thomas of 4317 Park Drive Suite 400, Norcross GA, civil engineer for the project, came forward. He addressed the gate concern and said it would be possible to prohibit public access to the rear loading area but there would have to be some creativity to evaluate the logistics and asked that staff be given some discretion.

Councilmember Harkness asked if a security fence would be more amenable than a gate.

Mayor Harris suggested this item be postponed to work out the concerns.

Mr. Thomas said the fence would likely terminate at a gate to fully enclose the area. This has not been a big part of the previous conversations and therefore they could agree to exploring the concept, but would not want to delay approval.

City Attorney Ted Bagwell said that Council should add flexible terminology to the motion if so desired, since it was not a condition imposed by the Planning Commission. City Manager James Riker suggested he and staff work together on the language to incorporate into the motion.

There being no further questions, Mayor Harris closed the public hearing.

A motion was made by Councilmember Whitlock, seconded by Councilmember Thomas, to call for a five minute recess.

All for. Motion carried.

After the recess, a motion was made by Councilmember Whitlock, seconded by Councilmember Harkness, to approve ordinance O2023-25 as presented with an added condition to develop an access plan including a 6' aluminum gated fence compatible with city codes.

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

VII. MATTERS FROM COUNCIL

Council expressed praise to staff for a successful Fall Festival.

VIII. ADJOURNMENT

A motion was made by Councilmember Whitlock, seconded by Councilmember Thomas, to adjourn at 7:49 pm.

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

The next scheduled meeting of the Mayor and Council is a special-called meeting/work session for October 23, 2023 at 5:30 p.m. in the City Hall Council Chambers.



**DRAFT MINUTES OF THE
SPECIAL CALLED MEETING
MAYOR AND COUNCIL
CITY OF DULUTH, GA
OCTOBER 23, 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 meeting to allow the elected officials to discuss this evening's agenda items.

Mayor Harris called the meeting to order at 5:32 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 Graeder, to adjourn to executive session at 5:35 p.m.

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

After the discussion, a motion was made by Councilmember Graeder, seconded by Councilmember Harkness, to return to regular session at 5:40 p.m.

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

II. PUBLIC COMMENTS

Coleman Binford, 4024 Chaderton Court, Tim Shields, 4034 Chaderton Court and Robyn Stalhut of 4016 Heathmoor Court came forward requesting help with stormwater infrastructure and the invasive flooding that has occurred multiple times in their neighborhood.

City Manager James Riker responded that staff would report results of hydraulic study of both Howell Glen and Richwood neighborhoods at the November 27 work session of the Mayor and Council. Both were developed with limited infrastructure.

III. PUBLIC HEARINGS

1. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN – SMITH
3587 ROGERS COVE – TAX PARCEL 7203 225 {A}

Mayor Harris opened the public hearing.

Community Development/Engineering Director Margie Pozin came forward to review the public hearing process. She explained that the mayor will open a public hearing and then:

- *Staff will explain the resolution under consideration.*
- *Mayor will call for discussion from the 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 Harris will close the public hearing and call for a motion.

Ms. Pozin clarified some of the terms for clarification and explained the differences 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 the 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 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.

Ms. Pozin showed the subject property on the map. The Mayor and Council considered adoption of a resolution to approve use of eminent domain to acquire permanent sewer easement and temporary construction easements at 3587 Rogers Cove tax parcel 7203 225 for sewer infrastructure improvements.

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

Being no further discussion, Mayor closed the public hearing and called for a motion.

A motion was made by Councilmember Thomas, seconded by Councilmember Harkness, to approve resolution R2023-32 as presented authorizing the use of eminent domain to acquire the necessary easements at 3587 Rogers Cove for public purposes.

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

2. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN – WANG
3592 NORTH ST – TAX PARCEL 7202 039 {B}

Mayor Harris opened the public hearing.

The Mayor and Council considered adoption of a resolution to approve use of eminent domain to acquire .013 acres of permanent sewer easement and 0.18 acre temporary construction easements at 3592 North Street for sewer infrastructure improvements.

Pozin showed a map of the subject property.

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

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

A motion was made by Councilmember Whitlock, seconded by Councilmember Graeder to approve resolution R2023-33 as presented authorizing the use of eminent domain to acquire the necessary easements at 3592 North St for public purposes.

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

IV. OLD BUSINESS

1. FINAL APPROVAL - PLUMBING CODE REVISIONS {C,D}

On August 14, Council discussed the revisions to the plumbing code that were mandated by the Metro North Ga Water Planning District (MNGWPD) to promote efficiency and save water for the region.

Staff submitted the approved draft model findings resolution to the Department of Community Affairs (DCA) for review and received their acknowledgment on September 28. At this time, Council is being asked to approve the adoption resolution that will allow the new codes to be effective January 1, 2024, as required by DCA and MNGWPD.

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

A motion was made by Councilmember Harkness, seconded by Councilmember Doss to approve resolution R2023-34 as presented.

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

V. MATTERS FROM COUNCIL

Councilmember Thomas encouraged everyone to vote either during the 3 weeks of advanced voting or on election day, November 7.

Councilmember Harkness encouraged everyone to come out to “Howl on the Green” this Friday evening.

VI. ADJOURNMENT

A motion was made by Councilmember Whitlock, seconded by Councilmember Thomas, to adjourn at 6:20 pm.

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

*There is no 5th Monday work session on October 30th.
The next scheduled meeting of the Mayor and Council is November 13, 2023 at 6pm.*

ORDINANCE

WHEREAS, the current minimum water efficiency requirements for buildings in the City of Duluth's jurisdiction is the Georgia State Minimum Standard Plumbing Code ("Georgia Plumbing Code") as approved and adopted by the Georgia Department of Community Affairs ("DCA") from time to time;

WHEREAS, the City of Duluth, like all local governments in the State of Georgia, is authorized under O.C.G.A. § 8-2-25(c) to adopt local requirements that are more stringent than the Georgia Plumbing Code based on local climatic, geologic, topographic, or public safety factors;

WHEREAS, the City of Duluth has followed the required procedures in O.C.G.A. § 8-2-25(c) for local adoption of the Local Amendments to Plumbing Code for water efficiency, and DCA has made no recommendation as to whether they be adopted.

WHEREAS, the long-term availability, reliability, and resiliency of water supplies is a critical need of the City of Duluth and water efficiency is essential to meeting this need;

WHEREAS, the City of Duluth is adopting the Local Amendments to Plumbing Code to meet this critical need and to comply the requirements of Metropolitan North Georgia Water Planning District's 2022 Water Resources Plan in the WSWC-8 Action Item on Metro Water District – Water Efficiency Code Requirements.

WHEREAS, the Mayor and Council of the City of Duluth desire to amend the ordinances of the City of Duluth regarding the adoption of the Georgia State Minimum Standard Plumbing Code as required by the Metro Water District.

NOW THEREFORE, The Mayor and Council of the City of Duluth find that, based on local climatic, geographic, topographic, and public safety factors, it is justified in adopting the water efficiency requirements in the Local Amendments to Plumbing Code that are more stringent than the Georgia Plumbing Code; and The City of Duluth has followed the required procedures in O.C.G.A. § 8-2-25(c) and the Council of the City of Duluth hereby ordains that Section 5-60 of Article III of Chapter 5 of the Duluth Code of Ordinances is hereby deleted in its entirety and replaced with the foregoing new Section 5-60 of Article III, Chapter 5 to read as follows:

Sec. 5-60. - Plumbing code.

The International Plumbing Code, current edition as adopted by the Department of Community Affairs, with all appendices (with the exception of appendix A), and with Georgia Amendments and Local Amendments, is hereby adopted in and for the city.

IT IS SO ORDAINED this _____ day of _____ 2023.

Mayor Nancy Harris

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____

Teresa Lynn, Asst. City Mgr/City Clerk

**ORDINANCE
TO AMEND THE CITY OF DULUTH
2024 FISCAL YEAR BUDGET**

AN ORDINANCE TO AMEND THE 2024 ANNUAL BUDGET FOR THE CITY OF DULUTH, GEORGIA, IN COMPLIANCE WITH THE LAWS OF THE STATE OF GEORGIA.

THE CITY COUNCIL OF THE CITY OF DULUTH HEREBY ORDAINS, the City of Duluth, Georgia, has previously adopted a budget for the 2024 fiscal year as follows:

Total Revenues:	<u>81,665,884</u>
Operations Expenditures:	<u>39,329,173</u>
Capital Improvement Expenditures:	<u>42,336,711</u>
Total Expenditures:	<u>81,665,884</u>

For a balanced budget in compliance with the laws of the State of Georgia.

WHEREAS the City of Duluth due to the heavy rain received the evening of August 29th, filed two insurance claims with our insurance carrier, GIRMA; and

WHEREAS the claims involved damage to the pour and play playground surface at Bunten Road Park and the flooding of the restroom at WP Jones Park with damage estimate of \$15,975 and \$28,256.76 which were paid by insurance; and

WHEREAS it is requested \$44,232 in insurance settlement proceeds be added to City Manager – City Manager’s Office – General Emergency Repairs line item, to offset the repair cost; and

NOW THEREFORE, the City of Duluth 2024 Fiscal Year Budget is amended as follows:

Total Revenues & Prior Yr Reserves	<u>81,710,116</u>
Operations Expenditures:	<u>39,373,405</u>
Capital Improvement Expenditures:	<u>42,336,711</u>
Total Expenditures:	<u>81,710,116</u>

IT IS SO ORDAINED this _____ day of _____, **2023**.

Mayor Nancy Harris

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

ORDINANCE TO AMEND THE CITY CHARTER

PART I

The Council of the City of Duluth hereby ordains that pursuant to the provisions of O.C.G.A. Section 36-35-3, the Charter of the City of Duluth, as amended (Ga. L. 2003, P. 4048) is hereby amended by amending Number 23 – Specific Penalties of Section 1.13 of the Charter to read as follows:

SECTION 1.13 -Examples of Powers, Number 23

(23) *Specific penalties.* To provide penalties for violation of any ordinances adopted pursuant to the authority of this Charter and the laws of the State of Georgia.

PART II

The Council of the City of Duluth hereby ordains that pursuant to the provisions of O.C.G.A. Section 36-35-3, the Charter of the City of Duluth, as amended (Ga. L. 2003, P. 4048) is hereby amended by deleting Number 40 – “Taxicabs” of Section 1.13 of the Charter in its entirety.

PART III

The Council of the City of Duluth hereby ordains that pursuant to the provisions of O.C.G.A. Section 36-35-3, the Charter of the City of Duluth, as amended (Ga. L. 2003, P. 4048) is hereby amended by deleting Section 2.18 Organizational meetings in its entirety and replacing same with a new Section 2.18 Organizational meetings to read as follows:

SECTION 2.18. - Organizational meetings.

The city council shall hold an organizational meeting on the second Monday in January. The meeting shall be called to order by the mayor or city clerk and the oath of the office shall be administered to the newly elected members as follows:

"I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (councilmember) of this city and that I will support and defend the Charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America."

PART IV

The Council of the City of Duluth hereby ordains that pursuant to the provisions of O.C.G.A. Section 36-35-3, the Charter of the City of Duluth, as amended (Ga. L. 2003, P. 4048) is hereby amended by deleting Section 4.14 – “Certiorari” of the Charter in its entirety.

PART V

The Council of the City of Duluth hereby ordains that pursuant to the provisions of O.C.G.A. Section 36-35-3, the Charter of the City of Duluth, as amended (Ga. L. 2003, P. 4048) is hereby amended by deleting Section 4.15 – “Rules for Court” of the Charter in its entirety.

PART VI

The Council of the City of Duluth hereby ordains that pursuant to the provisions of O.C.G.A. Section 36-35-3, the Charter of the City of Duluth, as amended (Ga. L. 2003, P. 4048) is hereby amended by deleting Section 5.10 Applicability of general law in its entirety and replacing same with a new Section 5.10 to read as follows:

SECTION 5.10. - Applicability of general law.

All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter amended.

PART VII

The Council of the City of Duluth hereby ordains that pursuant to the provisions of O.C.G.A. Section 36-35-3, the Charter of the City of Duluth, as amended (Ga. L. 2003, P. 4048) is hereby amended by deleting Section 5.14 Special elections; interim appointments; vacancies in its entirety and replacing same with a new Section 5.14 to read as follows:

SECTION 5.14. - Special elections; interim appointments; vacancies.

In the event that the office of mayor or council member shall become vacant for any cause whatsoever, the city council or those remaining shall appoint a successor who shall serve until the next regularly scheduled election. Should the office which became vacant not be scheduled for election at the next regularly scheduled election, then the city council shall order a special election at the time of the regularly scheduled election to fill the balance of the unexpired term of the vacant position. The special election to fill the unexpired term shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

PART VIII

The Council of the City of Duluth hereby ordains that pursuant to the provisions of O.C.G.A. Section 36-35-3, the Charter of the City of Duluth, as amended (Ga. L. 2003, P. 4048) is hereby amended by deleting Section 5.15 – Other provisions in its entirety and replacing same with a new Section 5.15 to read as follows:

SECTION 5.15- Other provisions.

Except as otherwise provided by this Charter, the city council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

The remaining provisions of the charter of the City of Duluth, Georgia shall remain in full force and effect.

This Ordinance amending the charter of the City of Duluth, Georgia is adopted pursuant to the provisions of O.C.G.A. 36-35-3 and shall become effective upon its approval at a second meeting of the mayor and council and following publication as required by law.

FIRST ADOPTION

Approved and adopted by the mayor and council of the City of Duluth, Georgia this 13th day of November 2023.

Mayor Nancy Harris

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa Lynn, Asst. City Mgr/City Clerk

SECOND ADOPTION

Approved and adopted the second time by the mayor and council of the City of Duluth, Georgia this 11th day of December, 2023.

Those councilmembers voting in favor:

Mayor Nancy Harris

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa Lynn, Asst. City Mgr/City Clerk

**ORDINANCE
TO AMEND THE CITY OF DULUTH
2024 FISCAL YEAR BUDGET**

AN ORDINANCE TO AMEND THE 2024 ANNUAL BUDGET FOR THE CITY OF DULUTH, GEORGIA, IN COMPLIANCE WITH THE LAWS OF THE STATE OF GEORGIA.

THE CITY COUNCIL OF THE CITY OF DULUTH HEREBY ORDAINS, the City of Duluth, Georgia, has previously adopted a budget for the 2024 fiscal year as follows:

Total Revenues:	<u>81,710,116</u>
Operations Expenditures:	<u>39,373,405</u>
Capital Improvement Expenditures:	<u>42,336,711</u>
Total Expenditures:	<u>81,710,116</u>

For a balanced budget in compliance with the laws of the State of Georgia.

WHEREAS the City of Duluth purchased the property located at 3542 North Street, in order to facilitate the Main Street Sidewalk and Pinecrest sanitary sewer projects; and

WHEREAS the City wishes to award a contract, including contingency, to Wrecking Corp of America in the amount of \$23,040 for the demolition of the house and any unforeseen additional cost; and

WHEREAS it is requested \$18,662 be added to Gwinnett County Grants line item, \$4,378 in unallocated 2014 SPLOST Transportation fund be added to Transfer from 2014 SPLOST line item, and \$23,040 be added to the Mani Street Multi- Use Trail – Parkways & Boulevards – Land line item, including associated transfers; and

NOW THEREFORE, the City of Duluth 2024 Fiscal Year Budget is amended as follows:

Total Revenues & Prior Yr Reserves	<u>81,733,156</u>
Operations Expenditures:	<u>39,373,405</u>
Capital Improvement Expenditures:	<u>42,359,751</u>
Total Expenditures:	<u>81,733,156</u>

IT IS SO ORDAINED this _____ day of _____, **2023**.

Mayor Nancy Harris

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

**ORDINANCE
TO AMEND THE CITY OF DULUTH
2024 FISCAL YEAR BUDGET**

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THE CITY COUNCIL OF THE CITY OF DULUTH HEREBY ORDAINS, the City of Duluth, Georgia, has previously adopted a budget for the 2024 fiscal year as follows:

Total Revenues:	<u>81,733,156</u>
Operations Expenditures:	<u>39,373,405</u>
Capital Improvement Expenditures:	<u>42,359,751</u>
Total Expenditures:	<u>81,733,156</u>

For a balanced budget in compliance with the laws of the State of Georgia.

WHEREAS the City of Duluth is developing a plan to reduce the traffic congestion during peak traffic at one of the schools near a cul de sac in Rivergreen Parkway; and

WHEREAS staff is requesting funding of \$85,518 for project cost including traffic counts, traffic study and concept design, survey and construction plans, plus a 20% project contingency; and

WHEREAS it is requested \$85,518 in unallocated 2017 SPLOST Transportation funds be add to Rivergreen Medians – Paved Streets – Professional Services line item, including associated transfers; and

NOW THEREFORE, the City of Duluth 2024 Fiscal Year Budget is amended as follows:

Total Revenues & Prior Yr Reserves	<u>81,818,674</u>
Operations Expenditures:	<u>39,373,405</u>
Capital Improvement Expenditures:	<u>42,445,269</u>
Total Expenditures:	<u>81,818,674</u>

IT IS SO ORDAINED this _____ day of _____, **2023**.

Mayor Nancy Harris

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

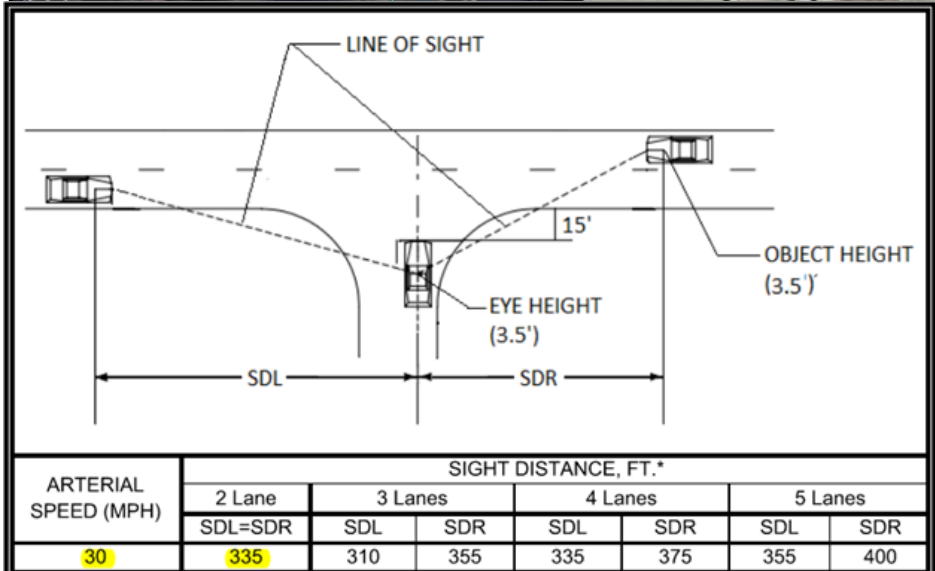
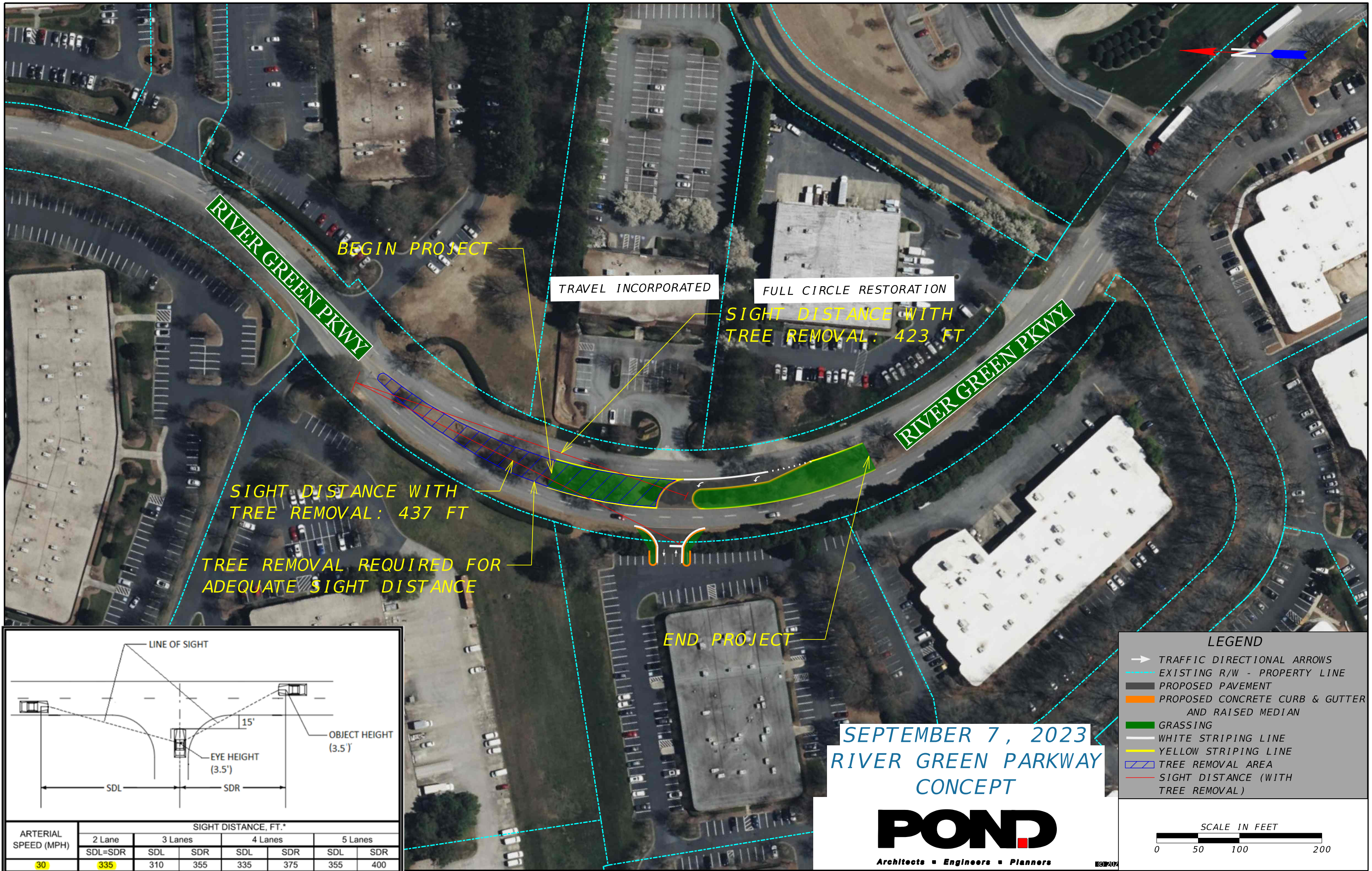
Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk



LEGEND

- TRAFFIC DIRECTIONAL ARROWS
- EXISTING R/W - PROPERTY LINE
- PROPOSED PAVEMENT
- PROPOSED CONCRETE CURB & GUTTER AND RAISED MEDIAN
- GRASSING
- WHITE STRIPING LINE
- YELLOW STRIPING LINE
- TREE REMOVAL AREA
- SIGHT DISTANCE (WITH TREE REMOVAL)

SCALE IN FEET

0 50 100 200

SEPTEMBER 7, 2023
RIVER GREEN PARKWAY
CONCEPT



**ORDINANCE
TO AMEND THE CITY OF DULUTH
2024 FISCAL YEAR BUDGET**

AN ORDINANCE TO AMEND THE 2024 ANNUAL BUDGET FOR THE CITY OF DULUTH, GEORGIA, IN COMPLIANCE WITH THE LAWS OF THE STATE OF GEORGIA.

THE CITY COUNCIL OF THE CITY OF DULUTH HEREBY ORDAINS, the City of Duluth, Georgia, has previously adopted a budget for the 2024 fiscal year as follows:

Total Revenues:	<u>81,818,674</u>
Operations Expenditures:	<u>39,373,405</u>
Capital Improvement Expenditures:	<u>42,445,269</u>
Total Expenditures:	<u>81,818,674</u>

For a balanced budget in compliance with the laws of the State of Georgia.

WHEREAS the City of Duluth has entered into a purchase and sale agreement to purchase 4.17 acres of current light industrial use property located at 2516 Main Street, Parcel R7204-577; and

WHEREAS staff is requesting \$20,000 in earnest money and \$30,000 for phase I and II soil testing during the 90 day inspection period and any other cost necessary to close on the property; and

WHEREAS it is requested \$50,000 in unallocated 2023 SPLOST Administrative Facilities funds be add to the Public Works Land Acquisition – General Government Buildings – Professional Services line item, including associated transfers; and

NOW THEREFORE, the City of Duluth 2024 Fiscal Year Budget is amended as follows:

Total Revenues & Prior Yr Reserves	<u>81,868,674</u>
Operations Expenditures:	<u>39,373,405</u>
Capital Improvement Expenditures:	<u>42,495,269</u>
Total Expenditures:	<u>81,868,674</u>

IT IS SO ORDAINED this _____ day of _____, **2023**.

Mayor Nancy Harris

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk