

Duluth



Greg Whitlock, Mayor
Jamin Harkness, Post 1
Marline Thomas, Post 2

Lamar Doss, Post 3
Manfred Graeder, Post 4
Shenée Johnson-Cummings,
Post 5

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

DECEMBER 8, 2025

CITY HALL COUNCIL CHAMBERS

6:00 pm

***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 PM – AGENDA REVIEW

Main St. Conference Room

6:00 PM - CALL TO ORDER

Mayor Whitlock or Mayor Pro tem Thomas

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

I. APPROVAL OF MEETING AGENDA

II. APPROVAL OF MINUTES

III. ANNOUNCEMENTS

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

Peach State Cornhole Fall leagues – Tuesdays/Thursdays

Frosty Fun – Holiday happenings from December 21 through January 4: see
website for details.

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IV. CEREMONIAL MATTERS

1. PROCLAMATION – COUNCILMEMBER HARKNESS

Mayor and Council to recognize Councilmember Jamin Harkness for his four years of service as an elected official for the City of Duluth.

2. RICK CASE – “BIKES FOR KIDS”

Mayor and Council to recognize the Rick Case organization for their generous contributions to the community through the Bikes for Kids program and for their leadership as valued local business partners. Mark Johnson, General Manager and Tammy Baker, Service Manager for Rick Case Hyundai/Genesis will be attending to accept.

3. PROCLAMATION – DULUTH FALL FESTIVAL ANNIVERSARY

Mayor and Council to recognize the Duluth Fall Festival for 42 years of service to the City of Duluth.

V. MATTERS FROM CITIZENS

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

VI. CONSENT AGENDA

1. ORDINANCE TO AMEND BUDGET - \$7,500 – DPAC/STORM DRAINS

Approval of this item authorizes the City Manager to execute a contract for the painting of six (6) storm drains located on George Rogers Avenue. The six storm drains on the opposite side of the road were painted earlier this year through a project with DPAC, Paint Love and Duluth HS. Additionally, staff is requesting approval of a budget amendment BA-FY25-16 to add \$7,500 of prior year reserves to Public Art Fund - Spectator Recreation - Technical Services line item for this project.

2. ORDINANCE TO AMEND BUDGET - \$2,986 – POLICE VEHICLES

Approval of this item authorizes ordinance BA-FY26-17 to amend the FY26 budget. Recently, the Police Department sold a vehicle and some miscellaneous parts at auction, after commissions and fees the City received \$2,986. Staff is requesting \$2,986 be added to Police Vehicles - Consolidated Vehicle Maintenance - Vehicle line item, including associated transfer.

3. ACCEPTANCE OF MUNICIPAL ELECTION RUNOFF RESULTS

Section 21-2-493(k) of the Georgia Election Code authorizes the Election Superintendent to certify runoff election results. Approval of this item accepts the certified results of the December 2, 2025 Runoff Election:

Post 3: Lamar Doss	277
Post 3: Marlene Denise Tucker	109

VII. PUBLIC HEARINGS

1. ORD OF REZONING–CASE Z2025-005–RAINBOW VILLAGE

Mayor and Council to consider an ordinance to rezone parcels R6293 656 located adjacent to at 3431 and 3427 Duluth Highway for case Z2025-005.

The City of Duluth is the applicant, and recently sold a piece of former right of way to Rainbow Village. That former right-of-way needs to be zoned to be a part of the Rainbow Village Planned Unit Development (PUD).

The Planning Commission recommended approval at their December 1, 2025 hearing. *Ordinance and staff report are attached for reference.*

2. ORDINANCE OF SPECIAL USE – CASE SU2025-006 –PAWN

Mayor and Council to consider an ordinance to allow a special use permit on parcel R6322 155 located at 3300 Peachtree Industrial Boulevard (Suite E) for Case SU2025-006.

Owner Anavah, LLC and Applicant Suresh Daswani are requesting a special use permit to operate a pawn shop in this location. The property is zoned C-2 (General Business District). The portion of the business purchasing gold, silver, and fine metals requires a pawn shop license by the State, and therefore requires a special use permit to operate in this zoning district.

The Planning Commission recommended approval at their November 3, 2025 hearing. *Ordinance and staff report are attached for reference.*

VIII. NEW BUSINESS

1. AUTHORIZATION FOR CONTRACT – BUNTEN PARK ENGINEERING

The Mayor and Council to consider a project-specific contract award to Columbia Engineering for continued professional services during the Bunten Park Improvement construction project.

Columbia's current on-call professional services contract will expire on December 31, 2025 and will not be renewed. A stand-alone project specific contract will allow Columbia to continue their support of this project throughout construction by offering construction administration services, responding to construction questions and requests for information, and making adjustments to the construction plans, if needed.

Further, this ensures Columbia remains accountable for their design services provided during the preconstruction phase. Award of this contract will eliminate a gap in service.

2. ORDINANCE TO AMEND BUDGET - \$12,500 – CITY HALL ROOF

The City Hall roof needs replacement. Staff is recommending contracting with Reeves Consulting to conduct the following: 1) Prepare bid ready plans and specifications for roof installation, 2) reviewing bids, 3) providing recommendations for contractor selection, 4) reviewing contractor submittals, 5) conducting a pre-roofing meeting with the contractor, 6) monitoring installation of the new roofing system and 7) reviewing close out documents. The contract amount is \$12,500.

Funds for the above projects will come from SPLOST 23 Administrative Facilities Category in the amount of \$12,500.

Staff is requesting approval of a budget amendment BA-FY26-22 to add \$12,500 in unallocated 2023 SPLOST Administrative Facilities to City Hall Design/Building - General Government Buildings - Building line item, including associated transfers.

IX. MATTERS FROM DEPT HEADS/CITY ATTORNEY

1. ORDINANCE TO AMEND BUDGET - \$15,000 – DECORATIVE SIGNAGE

Over the past several weeks some of the decorative signage in the downtown area has been damaged by vehicle traffic and needs to be replaced or repaired for both safety reasons and overall aesthetics of the area. In cases where the at fault driver is identified, staff files a claim against the driver's insurance carrier seeking reimbursement for the damage.

Staff is requesting approval of a budget amendment BA-FY26-18 for \$15,000 in prior year reserves to be added to the Rental Motor Vehicle Tax Fund - Downtown Development - Signs/Banners line item to replace or repair the damaged signs.

2. ORDINANCE TO AMEND BUDGET - \$65,500 – NETWORK SWITCHES

Due to the computer network traffic at the Police Department including normal office usage, city cameras, body cameras and in-car cameras, the police are

experiencing outages and a degraded ability to view the live cameras and download body and in-car camera video. Based on an evaluation by our IT staff and an outside consultant the current network switches are not able to handle the increased demand and need to be upgraded.

Staff is requesting approval of a budget amendment BA-FY26-19 to add \$65,500 in unallocated 2023 SPLOST Public Safety funds to the Police Capital Projects - Police - Computers line item, including associated transfers.

3. ORD TO AMEND BUDGET - \$128,000 – FIBER CONNECTION

During the construction of Davenport Road, staff requested conduit be installed under the railroad tracks to facilitate a direct network connection between the Public Safety building and City Hall. Now that construction is complete, staff has received a proposal for \$127,501.52 to install underground fiber between the buildings which will improve the network speed and reliability and provide an additional off site location for data network backup.

Staff is requesting approval of a budget amendment BA-FY26-20 to add \$128,000 in General Fund prior year reserves to City Hall Design/Building - General Government Buildings - Site Improvements line item, including associated transfers.

4. ORDINANCE TO AMEND BUDGET - STAFFING REQUEST – DATA ANALYST

Mayor and Council to consider adding a new staff position titled Special Project Data Analyst effective January 2026. The position will coordinate use of new technologies such as AI and computer analysis to assist each department with improving operational efficiencies and coordination of data analysis.

Staff is requesting approval of a budget amendment BA-FY26-21 to add \$46,800 in General Fund prior year reserves to fund the new position and add funds to the following line items in City Manager - City Managers Office: Salaries & Wages \$35,190, Group Insurance \$5,400, FICA Taxes \$2,690 and Retirement/Pension \$3,520.

X. MATTERS FROM MAYOR & COUNCIL

XI. MATTERS FROM CITY MANAGER

XII. EXECUTIVE SESSION

It will 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).

XIII. ADJOURNMENT

The next scheduled meeting of the Mayor and Council is a work session for January 12, 2026 at 5:30 p.m.



**DRAFT MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
NOVEMBER 10, 2025**

PRESENT: Mayor Whitlock, Council members Harkness, Thomas, Doss, Graeder, and Cummings, City Manager, Asst. City Managers, Department Directors, City Attorney

A work session was held prior to the regular scheduled meeting to allow the elected officials to discuss this evening's agenda items. No other items were discussed, and no action was taken.

Mayor Whitlock called the meeting to order at 6:00 p.m.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

I. APPROVAL OF MEETING AGENDA

A motion was made by Councilmember Graeder, seconded by Councilmember Doss, to approve the November 10, 2025 Council Agenda as presented.

Voted For: Council members Harkness, Thomas, Doss, Graeder, and Cummings

Motion carried.

II. APPROVAL OF MINUTES

A motion was made by Councilmember Cummings, seconded by Councilmember Graeder, to approve the October 13 & 27, 2025 meeting minutes as presented.

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

III. ANNOUNCEMENTS

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

Peach State Cornhole leagues –Thursdays

Duluth Farmers and Artisan Market - 1st and 3rd Sundays through November

Night at Red Clay: Kelsey Waldon - November 13

Frosty Fun - November 22 through December 3, December 21 through January 4
Deck the Hall - December 6

2. RUNOFF – DULUTH MUNICIPAL ELECTION – COUNCIL POST 3

There will be a runoff election on December 2nd in the Community Room. Polls open at 7:00 a.m. and close at 7:00 p.m. Advanced Voting will be held on Saturday, November 22nd and Monday through Wednesday November 24th – 26th on the first floor of City Hall. Polls for the advanced open at 9:00 a.m. and close at 5:00 p.m.

IV. CEREMONIAL MATTER

1. PROCLAMATION – GEORGIA RETIRED EDUCATORS {A}

Mayor Whitlock recognized the retired educators of Georgia. There are more than 145,000 retired educators in Georgia, 34, 000 plus of whom are members of the Georgia Retired Educators Association. Several members attended to receive the proclamation, including President Betty Worthington.

V. MATTERS FROM CITIZENS

No citizens came forward.

VI. CONSENT AGENDA

1. CERTIFICATION OF RESULTS - 2025 GENERAL MUNICIPAL ELECTION

Section 21-2.493(k) of the Georgia Election Code authorizes the Election Superintendent to certify the November 4, 2025, election results. Approval of this item accepts the following results of the November 4, 2025, General Municipal Election:

Post 1: Shafayat Ahmed – 264, Jamin Harkness – 889, Sarah Park - 1,368

Post 2: Marline Thomas - 2,098

Post 3: Lamar Doss - 1,097, Billy Jones – 476, Marlene Denise Tucker - 842

A runoff election will be held on December 2, 2025 for Post 3.

2. ORDINANCE APPOINTING ELECTION OFFICIALS – 2025 RUNOFF {B}

Approval of this item approves ordinance O2025-49 appointing Danielle Ruedt as an Asst. Election Superintendent and Berenice Hoskins as an additional Poll Manager for the early voting dates of the upcoming runoff election.

3. ORDINANCE TO AMEND DULUTH CODE – HEALTH/SANITATION {C}

As discussed at the October 27 work session, per a request from the Gwinnett County Health Department, staff recommend approval of ordinance O2025-44 amending Chapter 5 and Chapter 7 of the Duluth Code. The changes are necessary to update regulations and clarify the authority for enforcement in the following areas: Tattoo and Body Piercing establishments, Swimming Pools, Tourist Accommodations, On-site Sewage Management, and Food Service.

4. ORDINANCE TO AMEND DULUTH CODE – PARKING {D}

As discussed at the October 27 work session, approval of this item approves ordinance O2025-45 to amend section 8-68 of the Duluth Code of Ordinances relating to directional parking, handicapped parking and parking duration in public spaces.

5. ORDINANCE TO AMEND DULUTH CODE – ALCOHOL {E}

The Mayor and Council held a discussion with the City Attorney and staff during the October 27th work session to discuss recommended amendments to the City's Code of Ordinances, Chapter 3 - Alcoholic Beverages Consumption, Licensing and Regulations. The proposed amendments consist of "housekeeping" and policy changes to match the current state laws/regulations, assist with administrative/governmental operations, and /or change any older policies that are no longer applicable or feasible. Approval of this item approves ordinance O2025-47 as presented.

6. ORDINANCE TO AMEND DULUTH CODE – PARKS {F}

Approval of this item approves ordinance O2025-48 removing Taylor Park, Hudgens Park and Rogers Bridge Park as locations where alcoholic beverages are allowed.

7. AMENDED LICENSE AND EASEMENT – THRIVE {G}

The City of Duluth, Duluth Downtown Development Authority (DDA) and REALCO executed a Licensing and Easement Agreement December 13, 2019 for access, maintenance, and use of existing parking and sidewalks utilized by the public owned by the City of Duluth, REALCO and DDA. The construction of the THRIVE building and adjoining alleyway between THRIVE and REALCO has created a desire to improve pedestrian access, electric service and lighting improvements where these properties meet. Approval of this item authorizes the City Manager to execute this amendment and will add property owned by the DDA/REALCO legally described in the attachment and survey to the improvement project. URA has budgeted resources for the improvements.

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

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

VII. PUBLIC HEARINGS

1. ORDINANCE OF SPECIAL USE–CASE SU2025-005 - LITTLE GYM

{H}

Mayor Whitlock opened the public hearing to consider an ordinance to allow a special use permit on parcel R6293 039 located at 3176 Main Street (lower level of the Thrive building) for case SU2025-005.

Community Development/Engineering Director Margie Pozin came forward to explain the request from owner Alan Solon and Applicant Melissa Mitchell for a special use permit to operate a fitness center/health club in this location. The property is zoned CBD (central business district), which requires a special use permit for the operation of a fitness center/health club. They plan to lease the lower level basement of the Thrive Building, which is about 4,000 square feet. The surrounding zoning is Central Business District with the exception of the railroad, which is light industrial. Located in the character area called the downtown core, which is intended to be the cultural entertainment heart of our city, the future land use map envisions this to be commercial retail office.

Ms. Pozin said the business will cater to four-month to 12-year-old children, and the location is more of a destination rather than a walk-by use, which staff feels is beneficial. While parents are here during weekday and weekend hours, they would likely support other downtown businesses.

The Planning Commission recommended approval at their October 6, 2025 hearing.

Mayor Whitlock called for discussion from Council.

Councilmember Harkness asked what staff's recommendation was, and if there was adequate parking.

Ms. Pozin replied that staff had not provided one but would recommend approval and did feel that parking was sufficient.

Councilmember Graeder questioned the conditions, as the timeframe in the printed ordinance seemed different from the power point presentation.

The Mayor suggested making that clarification as part of the motion to ensure clarity.

Councilmember Graeder also questioned the potential noise concerns arising from this type of activity if a change happened in the future, and a tenant change became a different type of fitness studio (such as the Stage 3 that generated complaints regarding the volume of spin studio classes).

City Manager James Riker responded that would typically be more of a landlord's responsibility to satisfy the tenants because the Duluth noise ordinance are intended to address the impacts between adjoining properties not interior to the building.

Mayor Whitlock called the applicant forward.

Ms. Melissa Mitchell of 324 Arizona Avenue in Atlanta came forward and said the studio is for gymnastics-based classes. The Little Gym programming is hour long classes to further childhood development, education and social skills as well for the ages of 4 months to 12 years old, with some “mom and me” classes as well. On the weekends, they will host birthday parties and summer camps. They also plan to host a “parents’ night out” for parents to drop off the kids for three hours on the weekends and then go enjoy the rest of downtown Duluth.

Mayor Whitlock called for questions/comments from the public.

Hearing none, the Mayor closed the public hearing and called for a motion.

A motion was made by Councilmember Cummings, seconded by Councilmember Thomas, to approve ordinance O2025-46 for Case Number SU2025-005 with conditions as presented.

An amended motion was made by Councilmember Cummings, seconded by Councilmember Harkness, to approve ordinance O2025-46 for Case Number SU2025-005 with modification to state that build-out permits must be issued within 3 months of the approval.

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

VIII. NEW BUSINESS

1. BID AWARD – FOX ST SIDEWALK

{/}

As previously discussed with Mayor and Council, the sidewalk gap on Fox Street between the District at Duluth and Buford Highway is an impediment for safe pedestrian flow. Council expressed a desire to fill in the gap. Accordingly, staff negotiated a permanent easement with the property owner at 3146 Buford Highway.

Since that time, staff has also received approval from the District at Duluth for a small construction easement to allow the sidewalk to be built. Staff collected three bids to complete the construction:

Zaveri Enterprises, Inc - \$99,235
IP Construction, Inc - \$99,500
Tri-Scapes - \$208,971.41

Staff recommends award of the Fox Street Sidewalk to Zaveri Enterprises, Inc in an amount not to exceed \$99,235.00.

A motion was made by Councilmember Thomas, seconded by Councilmember Doss, to approve awarding the Fox Street sidewalk project to Zaveri Enterprises, Inc, in an amount not to exceed \$99,235 and further to allow the City Manager to execute a City Attorney-approved contract.

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

2. ORDINANCE TO AMEND BUDGET – FOX ST SIDEWALK {J}

Should council approve the awarding of a contract for the construction of the Fox Street sidewalk, staff is requesting approval of a budget amendment BA-FY26-15 to fund the contract and other costs associated with the construction as follows:

Construction - \$99,235
Contingency - \$20,000
Materials Testing - \$10,000
City Engineer - \$5,000

Total Project Budget - \$134,235

Approval of this ordinance adds \$134,235 in 2023 SPLOST Transportation Funds to (ST-32) Transportation/Infrastructure Improvements - Transfer from SPLOST 2023 line item and to add \$5,000 to Transportation//Infrastructure Improvements - Paved Streets - Professional Services line item and \$129,235 to Transportation/Infrastructure Improvements - Paved Streets - Repairs & Maintenance - Streets/Sidewalks line item, including associated transfers.

A motion was made by Councilmember Doss, seconded by Councilmember Harkness, to approve, ordinance BA-FY26-15 as presented.

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

3. AWARD OF BID/ON-CALL ENGINEERING SERVICES {K, L, M}

The City's 2021 (renewable annually through 2025) Professional Services On-Call Master Agreements will expire on December 31, 2025. These contracts allow staff to utilize consultants for a variety of engineering and planning related tasks including, but not limited to surveying, design, utility coordination, drainage studies, traffic studies, plan reviews, program management, and emergency response.

On August 15, 2025, the City advertised a Request for Qualifications, inviting qualified teams to submit qualification packages for the City's consideration. Qualification packages were due on September 18, 2025, and reviewed independently by four evaluators from Planning/Engineering, Stormwater, Public Works, and Parks & Recreation. It is anticipated each of these departments will use the services of the on-call contractors over the duration of their respective contracts.

Evaluators based their scores on qualifications, experience, and references of the project manager and the team as a whole. Cost was not considered.

Eleven submittals were received and scored as follows:

Pond & Company - 362 points
Keck & Wood - 355 points
Practical Design Partners - 287 points
Precision Planning - 287 points
RK&K - 285 points
Thomas & Hutton - 284.5 points
Raymond - 281 points
Moffatt & Nichol - 281 points
Holt - 280 points
Halff - 238 points
Columbia Engineering - 229 points

Staff recommended awarding City On-Call contracts to Pond, Keck & Wood, and Practical Design Partners.

A motion was made by Councilmember Thomas, seconded by Councilmember Cummings, to approve awarding the on-call professional services contracts to Pond & Company, Keck & Wood, and Practical Design Partners as recommended by staff and further authorize the City Manager to sign city-attorney approved contracts.

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

4. UTILITY EASEMENT FOR GWINNETT COUNTY IN BUNTEN ROAD PARK {N}

As part of the preconstruction effort for the Bunten Road Park Trail Project, Gwinnett County has requested utility easements be granted along their water/sewer facilities. This is required to move the project forward.

A motion was made by Councilmember Graeder, seconded by Councilmember Doss, to approve the easement requested by Gwinnett County as presented.

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

IX. MATTERS FROM DEPT HEADS/CITY ATTORNEY

Public Works Director Audrey Turner reported use of goats from Red Wagon Goats of Decatur to clear the kudzu on Main Street between Stage Three and the Public Works property.

X. MATTERS FROM MAYOR & COUNCIL

Councilmember Thomas commented on the large turnout of voters and thanked the elections workers for their hard work.

Mayor Whitlock mentioned attending and being impressed by the Indonesian Festival last weekend.

XI. ADJOURNMENT

A motion was made by Councilmember Cummings, seconded by Councilmember Doss, to adjourn at 6:35 pm.

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

The next scheduled meeting of the Mayor and Council is a work session for November 24, 2025 at 5:30 p.m.

KM 11/12



**WORK SESSION – DRAFT NOTES
MAYOR AND COUNCIL
CITY OF DULUTH, GA
NOVEMBER 24, 2025**

PRESENT: Mayor Whitlock, Council members Harkness, Thomas, Doss, Graeder, and Cummings, City Manager, Asst. City Managers, Department Directors, City Attorney

Mayor Whitlock called the meeting to order at 5:30pm

I. PUBLIC COMMENTS

None.

II. DISCUSSION ITEMS/PRESENTATIONS/UPDATES

1. DULUTH ECONOMIC INCENTIVE PROGRAM

{A}

Economic Development Director Chris McGahee came forward to present. He explained that staff has researched economic development incentive programs throughout the Metropolitan Atlanta region to target specific industries and improvement projects in the various character areas as outlined in the Duluth Comprehensive Plan (FORWARD Duluth). The incentives would impact permitting fees and occupational tax licensing fees for approved projects based upon the level of investment and job creation.

To be eligible for any waivers and to determine the exact “tier benefit amount,” the companies must define the capital investment, number of full-time jobs that will be created and project how many years.

Mr. McGahee explained that Council would look at each defined character area of the City and question whether or not there is a certain industry or business type they would want to attract, and could then incentivize them to create desired change. These types of economic development policies can be crafted to match the changing landscape Council wishes to see occur.

City Manager James Riker said that staff could start by considering a few of these areas, not all of them at once, and provide some reasons why those areas make sense to plan on starting there. These regulations would be designed at the discretion of Council.

Staff was authorized to pursue the program further, to redefine and present to Council again, and initiate an amendment to the Community Agenda (Comp Plan) to correspond with an Economic Incentive Program Ordinance and place both on a future work session for discussion.

2. PROPOSED 2026-2027 EVENT CALENDAR

{B}

Events Coordinator Jessica Gross came forward to present the proposed 2026-2027 event calendar. She first highlighted the 2025 events and explained any challenges or recommended changes to those programs.

In summary, changes are proposed for food truck nights, expanding Multi-cultural night to a weeklong event, and discontinuing Haunted Tours and Good Word Les Bon festival. Presentation attached for reference.

After discussion, Staff was asked to make small reductions in several events to compensate for the anticipated increase to Howl on the Green and the one-time events for centennial celebrations, which will be discussed further during budget preparations.

III. MATTERS FROM MAYOR & COUNCIL

1. TRAIN VIEWING PLATFORM UPDATE

The only thing left on the train viewing platform is the installation of the handrails. They have the steel tracks, but they are waiting to get those poured. To put the actual tracks in the sections on that little patio. Everything else is in and the lights are supposed to be on.

IV. ADJOURNMENT

Meeting adjourned at 7:00pm.

*The next scheduled meeting of the Mayor and Council is
December 8, 2025 at 6:00 p.m.*

PROCLAMATION

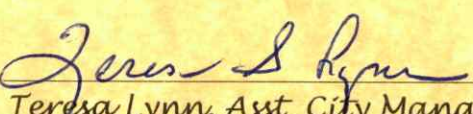


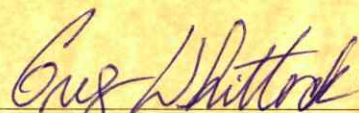
Recognizing Councilmember Jamin Harkness For his dedicated service to City of Duluth

- WHEREAS,** The City of Duluth is strengthened by the commitment, integrity, and vision of its elected officials who devote their time, talent, and leadership to serving our residents; and
- WHEREAS,** Councilmember Jamin Harkness was elected to the Duluth City Council and has faithfully served a four-year term marked by professionalism, collaboration, and a steadfast dedication to the well-being of our community; and
- WHEREAS,** During his tenure, Councilmember Jamin Harkness has contributed to key city initiatives, supported responsible growth and development, and worked tirelessly to enhance the quality of life for all who call Duluth home; and
- WHEREAS,** His service has reflected the values of transparency, accessibility, and thoughtful decision-making, earning the respect of city staff, colleagues, and residents alike; and
- WHEREAS,** As his term comes to a close, the City of Duluth wishes to recognize and express gratitude for his leadership, civic engagement, and commitment to public service;

NOW THEREFORE, I, GREG WHITLOCK, MAYOR OF DULUTH, GEORGIA, do hereby recognize and honor **Councilmember Jamin Harkness** on this December 8th, 2025, day for his **four years of distinguished service** to the City Council and the residents of Duluth.

BE IT FURTHER RESOLVED, that the City extends its heartfelt appreciation and best wishes in his future endeavors, with gratitude for the lasting impact of his work on our community.

ATTEST: 
Teresa Lynn, Asst. City Manager-City Clerk


Mayor Greg Whitlock



PROCLAMATION



Rick Case "Bike for Kids" Day

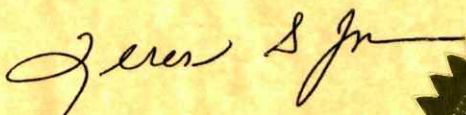
- WHEREAS, the "Bikes for Kids" program was started in 1982 by Rita & Rick Case in conjunction with local Boys and Girls Clubs and other charities, in an effort to collect and distribute bicycles to needy children in the area during the holiday season; and
- WHEREAS, this program teaches a very valuable lesson about the joys of giving, and provides much-appreciated gifts for thousands of less fortunate children; and
- WHEREAS, through this worthwhile program, thousands of bicycles are distributed to very deserving joyful new owners; and
- WHEREAS, this contribution is significant in terms of effort and enhances the spirit of giving by all those participating in this project; and
- WHEREAS, this is the celebration of the 43rd anniversary of the Rick Case "Bike for Kids" program; and

NOW THEREFORE, I, GREG WHITLOCK, MAYOR OF DULUTH, do hereby proclaim December 08, 2025, *RICK CASE "BIKES FOR KIDS" DAY* in the City of Duluth. We wish to commend the hard work and dedication exhibited by local charities, Rita & Rick Case and his staff, for their commitment to the ongoing success of this program. Additionally, I encourage our community to support this exceptional project in every way possible.



Mayor Greg Whitlock

ATTEST:



Teresa Lynn, City Clerk



PROCLAMATION



Duluth Fall Festival 42nd Anniversary

- WHEREAS,** The Duluth Fall Festival began in 1983 and has always been held the last weekend in September for 40 years; and
- WHEREAS,** The Duluth Fall Festival is one of the most successful festivals in the southeast and has won many awards and recognitions. This included: County Living Magazine-Best Fall Festival in the U.S #5 2019, Best of Gwinnett-Best local Festival 2009-2022, Inside Gwinnett Magazine-Best Neighborhood Festival 2018, Gwinnett Daily Post-Best Festival 2018 & 2019; and
- WHEREAS,** all proceeds from the festival are used towards improving and beautifying Historic Downtown Duluth or to support non-profit organizations in Duluth; and
- WHEREAS,** the kickoff parade for the festival is the largest parade in Gwinnett County and has over 3,000 participants. The parade celebrates the people, school, organizations, and businesses that make Duluth everyone's hometown; and
- WHEREAS,** on Sunday morning there is a 5K race, the Duluth Donut Dash through Downtown Duluth that is an AJC Peachtree Road Race Qualifier and supports a local charity; and
- WHEREAS,** with the help of over four hundred volunteers, the festival is planned and coordinated year-round and cannot be done without their help, diligence and tireless effort.
- NOW THEREFORE, I, GREG WHITLOCK, MAYOR OF DULUTH,** do hereby proclaim December 08, 2025, *Duluth Fall Festival Day* in the City of Duluth. Our strong and vibrant community is fortunate to have The Duluth Fall Festival here, helping to make Duluth a better place to live, work, play and call home for the past 40 years, and we commend you for a job well done.

Greg Whitlock

Mayor Greg Whitlock

ATTEST:

Teresa Lynn
Teresa Lynn, City Clerk



**ORDINANCE
TO AMEND THE CITY OF DULUTH
2026 FISCAL YEAR BUDGET**

AN ORDINANCE TO AMEND THE 2026 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 2026 fiscal year as follows:

Total Revenues:	<u>87,089,993</u>
Operations Expenditures:	<u>34,293,491</u>
Capital Improvement Expenditures:	<u>52,796,502</u>
Total Expenditures:	<u>87,089,993</u>

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

WHEREAS the City of Duluth would like to paint (6) of the storm drains located on George Rodgers Avenue; and

WHEREAS a contract was approved with Paint Love, Inc. in the amount of \$7,500 to paint the storm drains with funding coming from the Public Art Fund; and

WHEREAS it is requested \$7,500 in prior year reserves be added to the Public Art Fund – Spectator Recreation – Technical Services line item; and

NOW THEREFORE, the City of Duluth 2026 Fiscal Year Budget is amended as follows:

Total Revenues & Prior Yr Reserves	<u>87,097,493</u>
Operations Expenditures:	<u>34,293,491</u>
Capital Improvement Expenditures:	<u>52,804,002</u>
Total Expenditures:	<u>87,097,493</u>

IT IS SO ORDAINED this _____ day of _____, 2025.

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

Shenée Johnson Cummings, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

**ORDINANCE
TO AMEND THE CITY OF DULUTH
2026 FISCAL YEAR BUDGET**

AN ORDINANCE TO AMEND THE 2026 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 2026 fiscal year as follows:

Total Revenues:	<u>87,097,493</u>
Operations Expenditures:	<u>34,293,491</u>
Capital Improvement Expenditures:	<u>52,804,002</u>
Total Expenditures:	<u>87,097,493</u>

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

WHEREAS the City of Duluth Police Department sold a vehicle and some miscellaneous parts at auction and after commissions and fees received \$2,986; and

WHEREAS in order to continue to maintain a vehicle fleet that is low maintenance and dependable, the Police Department is requesting the \$2,986 be added to the Police Department Vehicle Capital Project Fund; and

WHEREAS it is requested \$2,986 in General Funds be added to the Police Vehicle – Consolidated Vehicle Maintenance – Vehicle line item, including associated transfer; and

NOW THEREFORE, the City of Duluth 2026 Fiscal Year Budget is amended as follows:

Total Revenues & Prior Yr Reserves	<u>87,100,479</u>
Operations Expenditures:	<u>34,293,491</u>
Capital Improvement Expenditures:	<u>52,806,988</u>
Total Expenditures:	<u>87,100,479</u>

IT IS SO ORDAINED this _____ day of _____, 2025.

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

Shenée Johnson Cummings, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

**ORDINANCE OF REZONING
NO. 02025-51**

AN ORDINANCE FOR THE REZONING OF ± .135 ACRES OF PROPERTY IN LAND LOT 293 GWINNETT COUNTY IDENTIFIED AS TAX PARCEL R6293 656, AS SHOWN AND LEGALLY DESCRIBED ON THE ATTACHED EXHIBIT “B”. THE ORDINANCE PROVIDES FOR FINDINGS, ESTABLISHES CONDITIONS OF APPROVAL AS SHOWN ON ATTACHED EXHIBIT “C”, PROVIDES FOR SEVERABILITY, REPEALS CONFLICTING ORDINANCES, ESTABLISHES AN EFFECTIVE DATE, AND IS FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the applicant, City of Duluth filed a complete application (Z2025-005) with the City of Duluth Planning Department seeking a rezoning for .135 acres of previously unused right-of-way property from unzoned to PUD (Planned Unit Development); and

WHEREAS, per Article 11 of the Duluth Unified Development Code, a rezoning must be approved by the Governing Body; and

WHEREAS, the City of Duluth Planning Commission held a public hearing at the meeting of December 1, 2025, duly noticed as prescribed by law and published in the Gwinnett Daily Post, regarding the application. At that meeting, the Planning Commission recommended approval with conditions of the rezoning as is set forth in the minutes of said meeting; and

WHEREAS, the City Council held a public hearing at the meeting of December 8, 2025, duly noticed as prescribed by law and published in the Gwinnett Daily Post, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF DULUTH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS.

Pursuant to Article 11 of the Duluth Unified Development Code, the City Council finds that it is appropriate to rezone the +/- .135 acre property from unzoned to PUD (Planned Unit Development), for the following reasons:

- A. The rezoning is suitable given the use and development of adjacent and nearby properties. The rezoning is suitable as the proposed use of the +/- .135 acre parcel is a secondary driveway entrance to accommodate the previously approved Rainbow Village campus expansion. The driveway is for egress and right turn only onto Duluth Highway. The use is located on previously unused right-of-way.
- B. The proposed rezoning is not anticipated to adversely affect the existing use or usability of adjoining or nearby properties as conditions will be imposed on the development that address impacts on headlamp intrusion to the adjoining multifamily project.
- C. The proposed rezoning is not anticipated to cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- D. In February of 2019, the City adopted FORWARDuluth, the 2040 update to the Comprehensive Plan. The subject property is located in the Downtown Core Character Area. FORWARDuluth envisions this Character Area to be the heart of the City and region and an aspiration listed for the Downtown Core Character Area is to encourage redevelopment of older and underutilized buildings

Ordinance No. O-2025-51

particularly into dense residential and mixed-use developments. The previously approved Rainbow Village campus expansion accomplishes this aspiration by developing a vacant site into a dense residential development within walking distance to downtown. The proposed rezoning of the +/- .135 acre parcel to PUD adds an egress driveway to the overall Rainbow Village campus development.

SECTION 2. LEGAL DESCRIPTION.

The property that is subject to this ordinance consists of ±0.135 acres and is shown and legally described on Exhibit “B”, attached hereto. Said Exhibit is incorporated by reference as if fully set forth herein.

SECTION 3. CONDITIONS OF APPROVAL

Conditions of approval attached hereto as Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 4. SEVERABILITY.

Should any section or provision of this Ordinance or any Ordinance pertaining to the companion applications as identified above be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon approval by the City Council of the City of Duluth, Georgia.

SECTION 6. REPEALER.

All conflicting ordinances and conditions are hereby repealed and replaced with the conditions of approval set forth in this Ordinance, No. O-2025-005.

ATTACHMENTS:

Exhibit "A": Maps

Exhibit "B": Survey and Legal Description

Exhibit "C": Conditions of Approval

Exhibit "D": Driveway Access Design

Exhibit "E": Applicant's Responses to the Standards Governing the Exercise of Zoning Power

Exhibit "F": Public Hearing Advertisement/Public Notice

{Signatures on the Following Page}

IT IS SO ORDAINED this 8th day of December, 2025.

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

Shenée Johnson-Cummings, Post 5

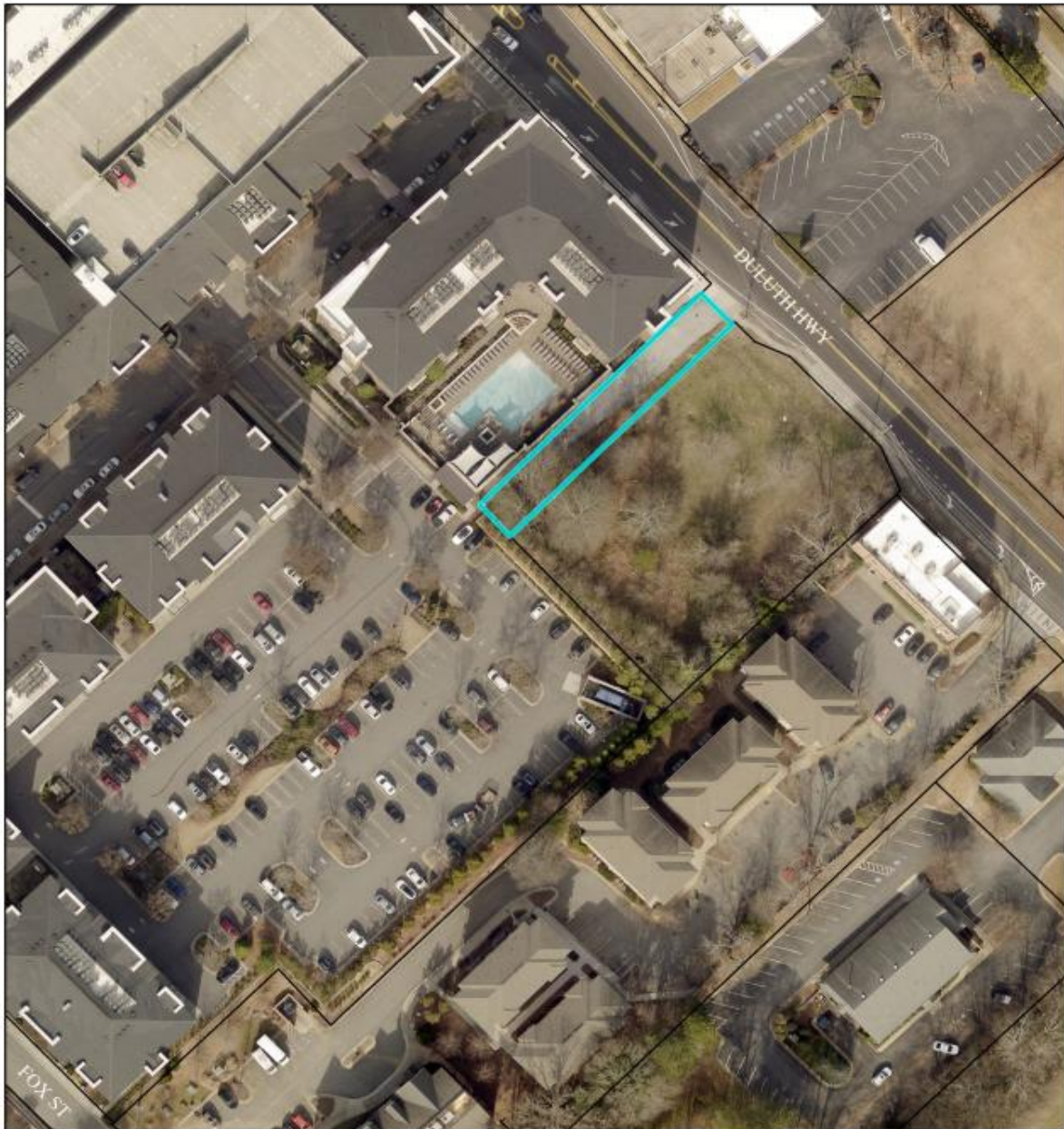
Those councilmembers voting in opposition:

ATTEST

Teresa Lynn, City Clerk

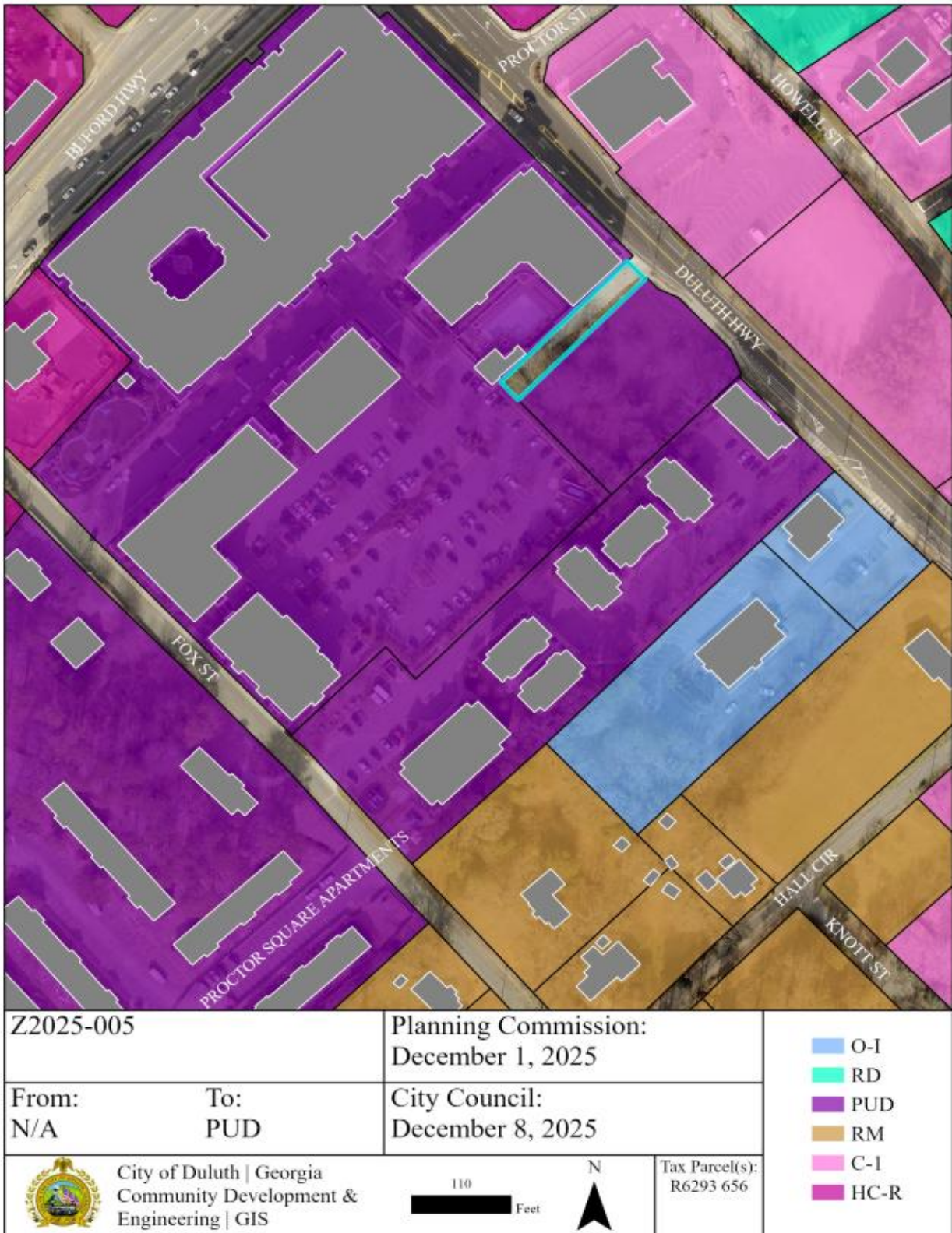
Exhibit "A"
Maps

Location Map

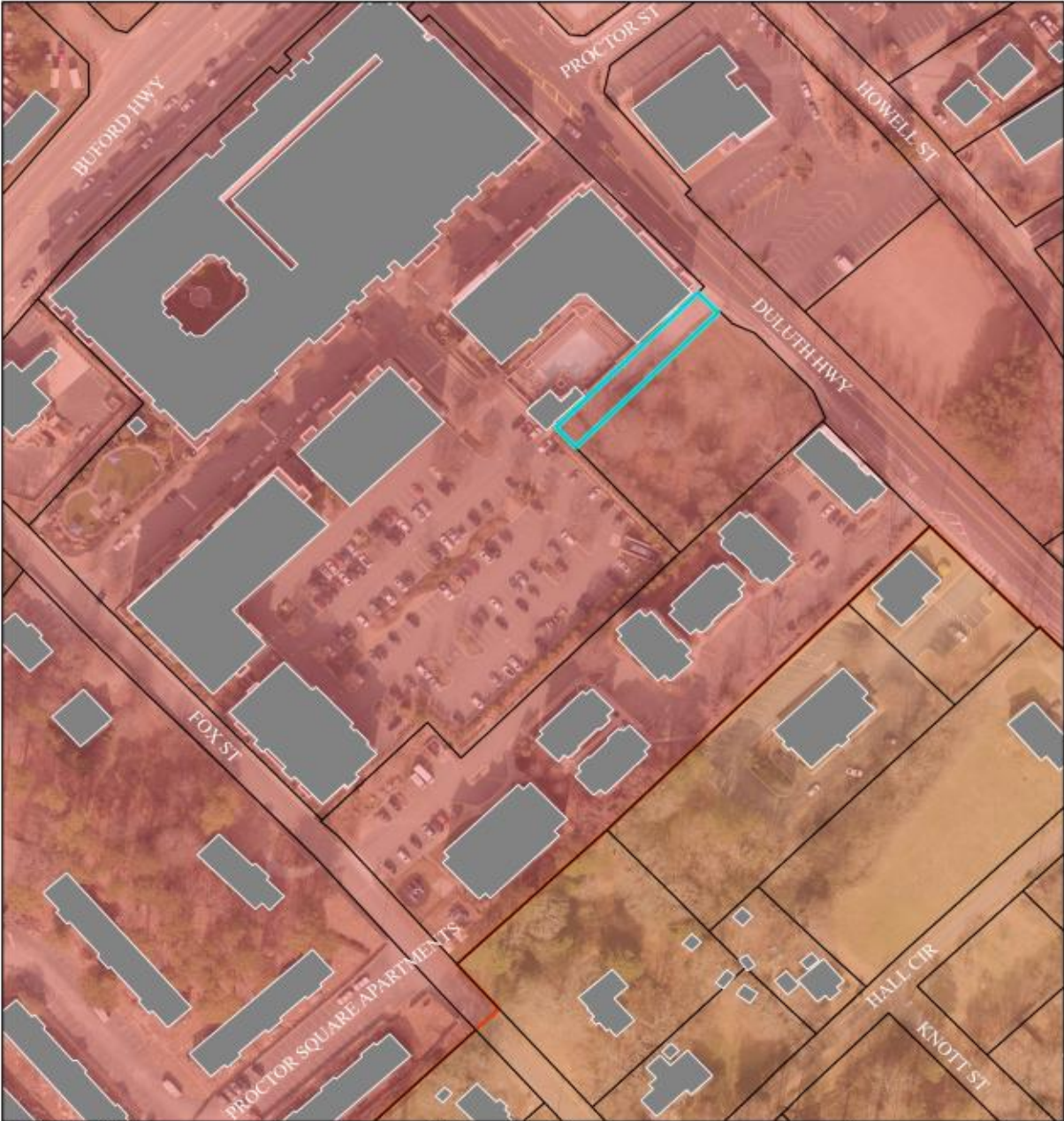


Z2025-005		Planning Commission: December 1, 2025		Streets Address Outline Parcel
From: N/A	To: PUD	City Council: December 8, 2025		
 City of Duluth Georgia Community Development & Engineering GIS		75 Feet N  Tax Parcel(s): R6293 656		

Zoning Map

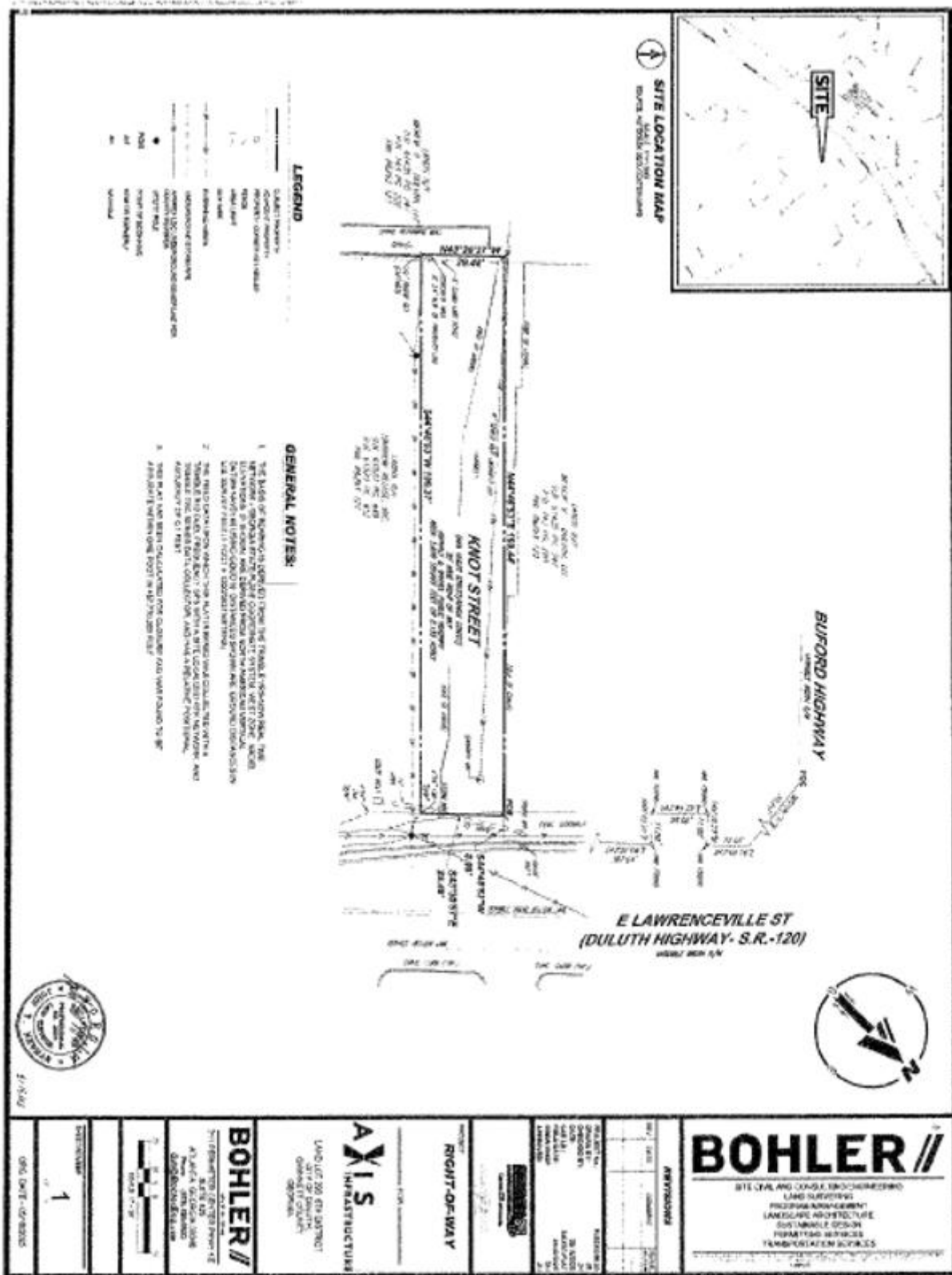


Character Map



Z2025-005		Planning Commission: December 1, 2025		Core Neighborhood District Downtown Core
From: N/A	To: PUD	City Council: December 8, 2025		
City of Duluth Georgia Community Development & Engineering GIS		110 Feet	Tax Parcel(s): R6293 656	

Exhibit "B"
Survey and Legal Description



Ordinance No. O-2025-51

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 293 OF THE 6TH DISTRICT, CITY OF DULUTH, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERN MITERED CORNER OF THE INTERSECTION OF THE SOUTHEASTERN MARGIN OF BUFORD HIGHWAY (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) AND THE SOUTHWESTERN MARGIN OF EAST LAWRENCEVILLE STREET (AKA DULUTH HIGHWAY S.R. 120) (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY), THENCE WITH THE SOUTHWESTERN RIGHT-OF-WAY MARGIN OF EAST LAWRENCEVILLE STREET THE FOLLOWING SEVEN (7) COURSES AND DISTANCES,

- (A) NORTH 84°05'37" EAST, 58.69 FEET TO THE SOUTHEASTERN MITERED CORNER OF THE INTERSECTION OF BUFORD HIGHWAY AND EAST LAWRENCEVILLE STREET, THENCE;
 - (B) SOUTH 43°48'16" EAST, 15.03 FEET TO A NAIL FOUND, THENCE;
 - (C) SOUTH 46°10' 21" WEST, 11.00 FEET TO A NAIL FOUND, THENCE;
 - (D) SOUTH 43°49'39" EAST, 20.00 FEET TO A NAIL FOUND, THENCE;
 - (E) NORTH 46°10'21" EAST, 11.00 FEET TO A NAIL FOUND, THENCE;
 - (F) SOUTH 43°56'06" EAST, 397.64 FEET, THENCE;
 - (G) SOUTH 44°48'53" WEST, 8.98 FEET TO THE **POINT OF BEGINNING**, THENCE CONTINUING WITH SAID RIGHT-OF-WAY,
- (1) SOUTH 43°30'57" EAST, 29.48 FEET TO A CONCRETE MONUMENT FOUND, MARKING THE DIVISION LINE BETWEEN LANDS OF RAINBOW VILLAGE, INC. (DEED BOOK 61023 PAGE 649 AND DEED BOOK 61023 PAGE 652) AND KNOT STREET (AKA KNOTT STREET/KNOX STREET) (30' WIDE RIGHT-OF-WAY TO BE ABANDONED), THENCE DEPARTING SAID RIGHT-OF-WAY MARGIN OF EAST LAWRENCEVILLE STREET WITH SAID DIVISION LINE;
 - (2) SOUTH 44°48'53" WEST, 199.37 FEET TO A 1/2" REBAR SET (LSF1403) MARKING THE DIVISION LINE BETWEEN KNOT STREET AND THE LANDS OF MFREVF V-DULUTH, LLC (DEED BOOK 61435 PAGE 247), THENCE WITH SAID DIVISION LINE THE FOLLOWING TWO (2) COURSES AND DISTANCES;
 - (3) NORTH 43°38'37" WEST, 29.48 FEET, THENCE;
 - (4) NORTH 44°48'53" EAST, 199.44 FEET TO THE **POINT OF BEGINNING**.

SAID RIGHT-OF-WAY CONTAINING 5,876 SQUARE FEET, OR 0.135 ACRES.

Exhibit "C"
Conditions of Approval

1. The overall Rainbow village campus subject property, including parcel R6293 656, shall be developed in compliance with all conditions of Ordinance No. 0-2023-28 as well as those conditions identified herein.
2. The +/- .135 acre identified as Parcel R6293 656 shall be developed in accordance with conditions and standards identified within Quitclaim Deed Recorded 8/5/2025 Deed Book 61997 P: 00100.

Exhibit "D"
Driveway Access Design

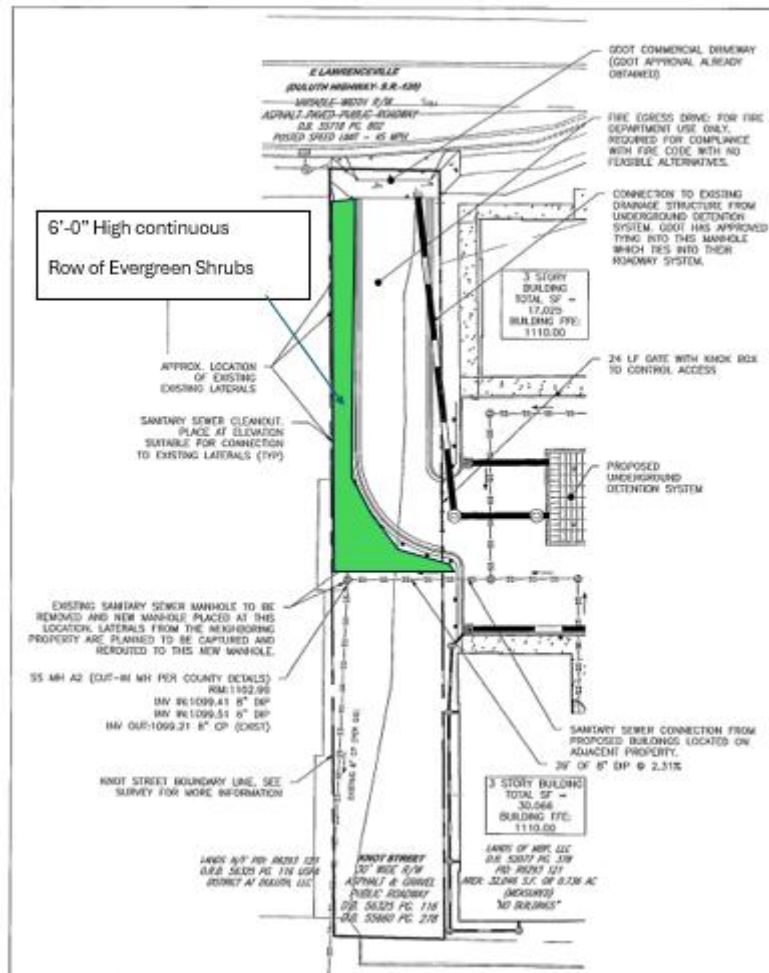


Exhibit "E"

Applicant's Responses to the Standards Governing the Exercise of Zoning Power

Section 4

Applicant Response

The applicant finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

Please respond to the following standards in the form of a written narrative that must be submitted with the application. The response must be in this format. Any additional information may be included at the discretion of the applicant. Answers should be as complete as possible and cite specific examples.

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
It is suitable as the proposed use is a secondary driveway entrance to accommodate the approved development. The driveway is for egress and right turn only onto Duluth Highway. The use is located on previously unused right-of-way.
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
No, as the use is a secondary driveway and consideration has been given to limit impacts on the adjoining apartment project by requiring shrubs and landscaping to eliminate impacts of vehicle headlamps.
3. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
No. The use is a secondary driveway for egress with right turn only.
4. Whether the zoning proposal is consistent with the Land Use Policy Plan, Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Duluth.
The existing Rainbow Village campus is consistent with the City's adopted plans and the request is for rezoning of driveway access.
5. Whether there are other existing or changing conditions affecting the use and development of property that give supporting grounds for either approval or disapproval of the zoning or special use proposal.
Not applicable
6. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned.
The City Council previously determined the unused right-of way had no developable value consistent with O.C.G.A. § 36-37-6 and Chapter 2 Section 2-3 of the Duluth Code of Ordinances. The rezoning to incorporate the .135 acre piece into the larger campus is appropriate.

Exhibit "F"

GWINNETTDAILYPOST.COM ♦ SATURDAY/SUNDAY, NOVEMBER 15/16, 2025 ♦ B7

	9066	Zoning	9066	Zoning	9066	Zoning	9066	Zoning
	Lawrenceville Highway; Special Use Permit in a R-75 Zoning District for a Private School; 21.31 acres; District 2/Ku		Gdp2052 gpn13 City of Mulberry Notice The City of Mulberry hereby gives notice of the consideration of the following rezoning applications and text amendments:		Mulberry, GA 30019.		ATTN: Planning Department 3167 Main Street Duluth, GA 30096 OR Email: Planning@duluth-ga.net	ED IN THIS MATTER are invited to review the proposed Rezoning, which is on file with the Department of Planning & Development of the City of Duluth and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. Written comments may be sent to the following address:
D F Y I.	REZ2025-00025, Applicant: Walker Anderson Homes, LLC c/o Weener Nathan Phillips, LLP; Owner: Bradenton Investors, LLC; Rezoning with Concurrent Variance(s) of Tax Parcel Nos. R7119 002A, 100, 114, 116, and 118; 2449 Duluth Highway and 2800 Block of McDaniel Road; C-2 and O-1 to R-TH for Townhouses; 20.87 acres; District 1/Carden		Case No. RZR-2025.10.1665: Applicant Mandith Simes, Simes Signature Properties; and Owners Taide and Maria Rodriguez, request the rezoning of property located at 2585 Braselton Highway (Gwinnett County Tax Parcel 3001 040) from R-100 (Single-Family Residence District) to R-60 (Single-Family Residence District) for the development of a 33-lot single-family subdivision.		For further information, please contact the City of Mulberry at 770-341-9640#		For more information, contact Planning & Development, at (770) 476-1790. ***** In compliance with the Americans with Disabilities 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 accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged. 11/16,2025	
	REZ2025-00029, Applicant: Terwilliger Pappas Multi-Family Partners, LLC c/o Mahaffey Pickens Tucker, LLP; Owner: TFO REVA OA Crestwood, LLC; Rezoning with Concurrent Variance(s) of Tax Parcel Nos. R6203 079 and 080 (portion); 3805 and 3885 Crestwood Parkway; C-2 to MRR for Apartments; 10.61 acres; District 2/Ku		Case No. RZR-2025.10.1676: Applicant Matt Stokes, Chafin Properties, Inc.; and Owner Clayton Properties Group, Inc., request the rezoning of property located at 4975 Braselton Highway and 1750 Thomas Drive (Gwinnett County Tax Parcel 3004 010 and 3004 027) from R-100 (Single-Family Residence District) to OSC (Open Space Conservation District) for the development of a 105-lot single-family subdivision. The applicant is also requesting concurrent variances to reduce the minimum lot width, to increase the garage door percentage, to street requirements, to disturb steep slopes, and to the HOA requirement.		11/16,2025 GDP2078 gpn13 CITY OF DULUTH NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council to consider a Rezoning request initiated by the City of Duluth for approximately .135 acres of unzoned and previously unused right-of-way property in Land Lot 293, 6th District, Gwinnett County, located directly west of 3431 and 3427 Duluth Highway (Rainbow Village), consisting of tax parcel R6293-120, R6293-656 and R6293-121. The request is to include the .135 acres of unzoned and previously unused right-of-way into the Planned Unit Development (PUD) zoning designation that exists for the adjoining Rainbow Village campus. The property will be used as a driveway and access area for the main development. The public is invited to attend this hearing before the Mayor and Council on the proposed rezoning. The meeting date, place and time regarding this matter are as follows: WHEN: December 8, 2025 - 6:00PM WHERE: City Hall Council Chambers 3167 Main Street Duluth, GA 30096 PERSONS INTERESTED IN THIS MATTER are invited to review the proposed rezoning, which is on file with the Department of Planning & Development of the City of Duluth and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. Written comments may be sent to the following address: City of Duluth		GDP2079 gpn13 CITY OF DULUTH NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that a public hearing will be held before Planning Commission to consider a Rezoning request initiated by the City of Duluth for approximately .135 acres of unzoned and previously unused right-of-way property in Land Lot 293, 6th District, Gwinnett County, located directly west of 3431 and 3427 Duluth Highway (Rainbow Village), consisting of tax parcel R6293-120, R6293-656 and R6293-121. The request is to include the .135 acres of unzoned and previously unused right-of-way into the Planned Unit Development (PUD) zoning designation that exists for the adjoining Rainbow Village campus. The property will be used as a driveway and access area for the main development. The public is invited to attend this hearing before the Planning Commission on the proposed rezoning. The meeting date, place and time regarding this matter are as follows: WHEN: December 1, 2025 - 6:00PM WHERE: City Hall Council Chambers 3167 Main Street Duluth, GA 30096 PERSONS INTERESTED IN THIS MATTER	
	REZ2025-00030, Applicant: Clover Hotel Group, LLC c/o Mahaffey Pickens Tucker, LLP; Owner: CHG MALL HOTEL LLC; Rezoning with Concurrent Variance(s) of Tax Parcel No. R7144 414; 2707 Mall of Georgia Boulevard; O-1 to C-2 for a Extended Stay Establishment; 2.13 acres; District 4/Holtkamp		Case No. TA-09: Consider the adoption of text amendments to the City Unified Development Ordinance for changes to the advertising period for quasi-judicial proceedings. A public meeting on the above applications will be held before the Planning Commission on Tuesday, November 18, 2025, at 6:30 p.m. The Planning Commission will consider the applications and provide a recommendation to the Mayor and City Council. A public hearing on the above applications will be held before the Mayor and City Council on Thursday, December 4, 2025, at 6:30 p.m. The Mayor and City Council will then consider final action on the applications during a regularly scheduled meeting on Thursday, December 18, 2025, at 6:30 p.m. All meetings will be held in Mulberry City Hall, 2078 Teron Trace, Suite 100, 11/16,2025					
	SUP2025-00017, Applicant: Clover Hotel Group, LLC c/o Mahaffey Pickens Tucker, LLP; Owner: CHG MALL HOTEL LLC; Tax Parcel No. R7144 414; 2707 Mall of Georgia Boulevard; Special Use Permit with Concurrent Variance(s) in a Proposed C-2 Zoning District for an Extended Stay Establishment; 2.13 acres; District 4/Holtkamp							
	REZ2025-00031, Applicant: Taylor Morrison of Georgia, LLC c/o Mahaffey Pickens Tucker, LLP; Owner: Jeffrey Threat; Rezoning with Concurrent Variance(s) of Tax Parcel Nos. R5356 002, 003, 017, 018, and 051 (portion); 2712, 2732, 2762, 2782, and 2800 Horbins Road (portion); RA-200 to OSC for a Single-Family Detached Subdivision; 39.86 acres; District 3/Walkins							
	P&D PC/BOC 12-2 and 12-9							



CITY OF DULUTH
City Council
Staff Report
December 8, 2025

CASE NUMBER:	2025-005
LOCATION:	3431 and 3427 Duluth Highway, Duluth, GA 30096
PARCEL(S):	R6293 121, R6293 120 and R6293 656
CURRENT ZONING:	Unzoned
PROPOSED ZONING:	PUD (Planned Unit Development)
ACREAGE:	+/- 0.135
REQUEST:	Approval of a Rezoning from unzoned previously unused right-of-way to PUD (Planned Unit Development) as part of Rainbow Village campus.
OWNER/APPLICANT:	City of Duluth 3167 Main Street Duluth, GA 30096 <i>On behalf of</i> Rainbow Village 3247 Duluth Highway Duluth, GA 30096

STAFF RECOMMENDATION Z2025-005:	APPROVAL with Conditions
--	---------------------------------

I. PURPOSE AND DESCRIPTION OF THE REQUEST

The purpose of the request (2025-005) from the City of Duluth, on behalf of Rainbow Village, is to rezone a previously unused right-of-way parcel (+/- .135 acres) from unzoned to PUD (Planned Unit Development). The proposed rezoning request corresponds with the sale of real property (unused right-of-way) by the City of Duluth to Rainbow Village. The unused right-of-way will be an egress driveway for the expansion of the Rainbow Village campus.

Maps detailing the location, zoning district and character area of the subject property are attached hereto as Exhibit "A". The survey and legal description of the +/- .135 acre subject property is attached hereto as Exhibit "B". Recommended conditions of approval are detailed in Exhibit "C".

The city initiated the rezoning as part of a housekeeping matter to document consistency with the overall Rainbow Village campus expansion.

II. EXISTING CONDITIONS

The subject property totals +/- 0.135 acres. The property is located within the Downtown Overlay District. The property to the west of Rainbow Village is zoned PUD. The rezoning request for this parcel is part of a housekeeping matter to document consistency with the overall Rainbow Village campus expansion. The subject parcel was previously unused right-of-way and was sold to Rainbow Village with deed conditions that it be used for access relating to their expansion.

III. REVIEW OF THE REQUEST

1. Literal Interpretation of the Unified Development Code (UDC)

The application is reviewed for compliance with the requirements for PUD development (Sec. 504.02 of the UDC), review standards for PUD Rezoning (Sec. 504.06 of the UDC), and standards governing the exercise of zoning power (Sec. 1104.02 of the UDC).

2. Standards Governing the Exercise of Zoning Power

The current zoning of the property is unzoned. Therefore, a rezoning to PUD is necessary to allow for consistency with the Rainbow Village campus expansion. In accordance with Section 504.01 of the Unified Development Code (UDC), the PUD zoning district is intended to:

- 1) Encourage larger scale planned development which will produce a logically organized and compatible set of land uses resulting in a higher overall quality of community development than if accomplished in incremental unplanned stages.
- 2) Allow a mixture and/or density of land uses not otherwise allowed in an established zoning district; by careful site planning the appropriate site improvements are incorporated into the plan that establish compatible relationships between the uses within the site and uses adjacent to the site.
- 3) Encourage creative site design which seeks to preserve the open space and unique environmental features, conserve energy through efficient building design and clustering, efficiently use the land, and increase the efficiency of public service delivery.
- 4) Provide flexibility in the application of area, height, bulk, placement and other zoning controls.

- 5) Promote land development in proper relation to the surrounding neighborhood.
- 6) Ensure that the design of the building forms are interrelated and architecturally harmonious.
- 7) To be applied in a manner consistent with the Land Use Plan for the City of Duluth.

Section 504.06 of the UDC outlines review standards for a PUD rezoning. In considering and acting upon applications for rezoning to the Planned Unit Development District, in addition to the standards for rezoning consideration in the Procedures and Permits Article of the UDC, the City Council may consider and base their recommendation and decision, respectively, on the following information:

- 1) Conformity to the purpose and intent of the Planned Unit Development District (Section 504.01 above).
- 2) Quality of site design.
- 3) Integration of a variety of land uses, building types and densities.
- 4) Preservation of natural features.
- 5) Compatibility with adjacent land uses.
- 6) Provision and type of open space and the provision of other amenities designed to benefit the general public.
- 7) Adequacy of utilities and other public works.

Section 1104.02 of the UDC establishes Standards Governing the Exercise of Zoning Power. The Applicant finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

The Applicant has responded to the following Standards Governing the Exercise of Zoning Power.

- (a) How the proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (b) How the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.
- (c) Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned.
- (d) Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- (e) Whether the proposed rezoning is in conformity with the policy and interest of the Comprehensive Plan; Land Use Plan; transportation plans and other plans adopted for guiding development within the City of Duluth.
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning.

The owner of the property submitted documentation as required by various sections of Section 504 of the UDC, during their last rezoning approved by Ordinance No. 0-2023-28. Given that the only change to the development is the inclusion of previously unzoned right-of-way, the conditions from the last rezoning have been restated in one general condition. Additionally, a second condition is also included that corresponds to the deed transferring the property from the City of Duluth to Rainbow Village.

3. Literal Interpretation of FORWARDuluth, Plan 2040 (Comprehensive Plan)

The subject property is located in the Downtown Core Character Area. FORWARDuluth envisions this Character Area to be the heart of the City and region and an aspiration listed for the Downtown Core Character Area is to encourage redevelopment of older and underutilized buildings particularly into dense residential and mixed-use developments. The proposed development previously accomplished this aspiration by developing a vacant

site into a dense residential development within walking distance to downtown. The proposed rezoning simply adds an egress driveway to the development.

IV. **PLANNING STAFF REVIEW**

In accordance with Section 504.02 of the UDC, when reviewing a rezoning application for PUD the following criteria are evaluated.

- (a) A minimum of 10% of the gross area of the site shall be retained in common open space that is required to be deeded as a separate tract to an Owners Association and shall forever remain as open space. The required common open space shall include any conservation areas within a conservation easement established in accordance with Section 505.

The overall Rainbow Village campus meets this requirement.

- (b) Additional common open space may be provided and may include active recreation areas for the proposed development, such as swimming pools, tennis courts, community facilities, etc.

The overall Rainbow Village campus meets this requirement.

- (c) PUDs comprised solely of multi-family dwellings shall dedicate a minimum of 10% of the gross floor area to non-residential uses that benefit on-site residents. Examples of acceptable non-residential uses include a gym, community room, concierge, etc.

The overall Rainbow Village campus meets this requirement.

- (d) A PUD that does not have access to a publicly-approved sewer system must meet all application requirements for wastewater disposal of the Gwinnett County Environmental Health Department. If sanitary sewer is proposed or required, it must be connected to a state-approved wastewater treatment facility, either privately or publicly owned.

The overall Rainbow Village campus is served by Gwinnett County sewer, thus meeting this requirement.

- (e) Sidewalks shall be required along both sides of all streets within a PUD, with the exception that sidewalks on one side of the street can provide pedestrian connectivity throughout the site. The construction standards of the required sidewalks are given in the Project Design and Construction Standards Article of the Development Code.

The overall Rainbow Village campus meets this requirement.

- (f) Where PUD abuts an RA-200, RA-100, R-75 district or a residential property, said PUD shall contain a 50-foot wide buffer strip along the abutting property lines. The 50 feet shall be added to the side or rear yard requirements of the PUD; at least 15 feet of the 50-foot buffer strip shall be planted area.

This requirement is not entirely applicable as the subject property is adjacent to the same development and another multi-family development. Per Table 7-B of the UDC, a zoning buffer is not required.

- (g) All utilities must be located underground, including private utilities such as electric power, cable and telephone.

All new utilities serving the proposed development will be underground.

V. RECOMMENDATION

The Planning Commission recommended Council **Approval with Conditions** of case 2025-005 at their meeting on December 1, 2025 The Conditions of Approval are attached hereto as Exhibit "C."

ATTACHMENTS:

Exhibit "A": Maps

Exhibit "B": Survey and Legal Description

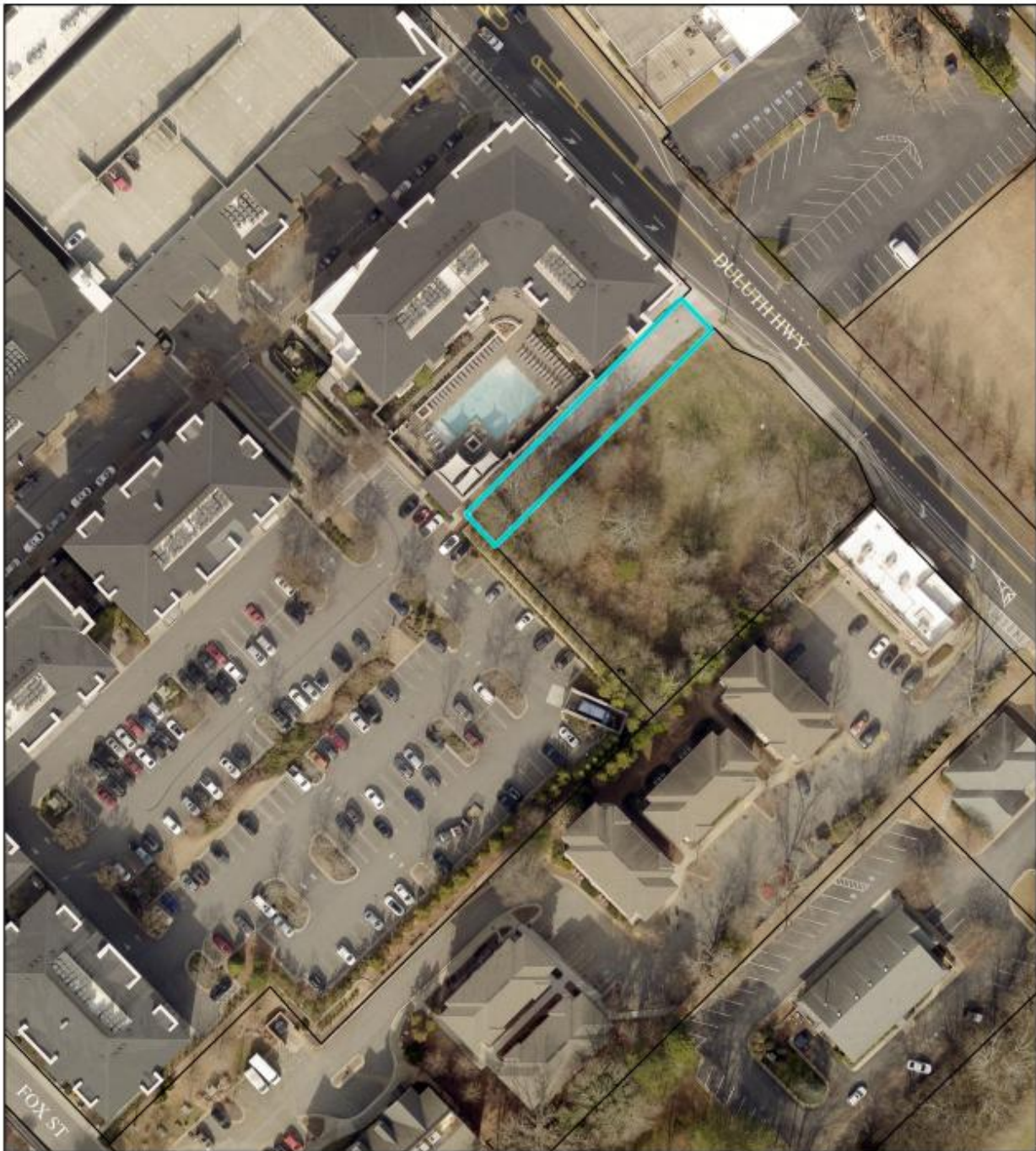
Exhibit "C": Conditions of Approval

Exhibit "D": Driveway Access Design

Exhibit "E": Applicant's Responses to the Standards Governing the Exercise of Zoning Power

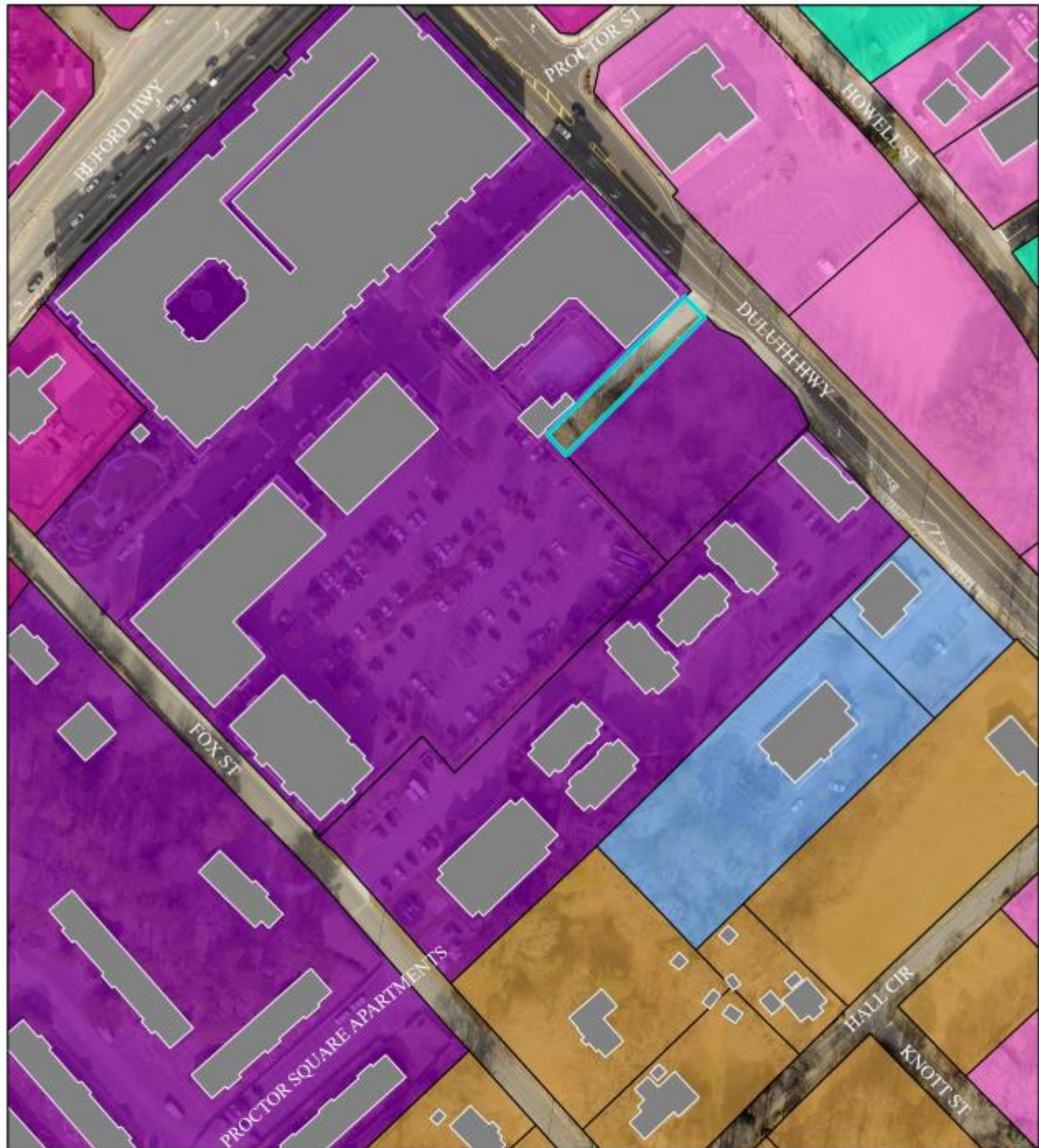
Exhibit "F": Public Hearing Advertisement/Public Notice

Exhibit "A"
Maps
Location Map



Z2025-005		Planning Commission: December 1, 2025		Streets Address Outline Parcel
From: N/A	To: PUD	City Council: December 8, 2025		
 City of Duluth Georgia Community Development & Engineering GIS		75 Feet N 	Tax Parcel(s): R6293 656	

Zoning Map



Z2025-005		Planning Commission: December 1, 2025		O-I RD PUD RM C-1 HC-R
From: N/A	To: PUD	City Council: December 8, 2025		
 City of Duluth Georgia Community Development & Engineering GIS		110 Feet	N 	Tax Parcel(s): R6293 656



Z2025-005		Planning Commission: December 1, 2025		Core Neighborhood District Downtown Core
From: N/A	To: PUD	City Council: December 8, 2025		
 City of Duluth Georgia Community Development & Engineering GIS		110 Feet 	Tax Parcel(s): R6293 656	

May 09, 2025

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 293 OF THE 6TH DISTRICT, CITY OF DULUTH, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERN MITERED CORNER OF THE INTERSECTION OF THE SOUTHEASTERN MARGIN OF BUFORD HIGHWAY (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) AND THE SOUTHWESTERN MARGIN OF EAST LAWRENCEVILLE STREET (AKA DULUTH HIGHWAY S.R. 120) (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY), THENCE WITH THE SOUTHWESTERN RIGHT-OF-WAY MARGIN OF EAST LAWRENCEVILLE STREET THE FOLLOWING SEVEN (7) COURSES AND DISTANCES,

- (A) NORTH 84°05'37" EAST, 58.69 FEET TO THE SOUTHEASTERN MITERED CORNER OF THE INTERSECTION OF BUFORD HIGHWAY AND EAST LAWRENCEVILLE STREET, THENCE;
 - (B) SOUTH 43°48'16" EAST, 15.03 FEET TO A NAIL FOUND, THENCE;
 - (C) SOUTH 46°10' 21" WEST, 11.00 FEET TO A NAIL FOUND, THENCE;
 - (D) SOUTH 43°49'39" EAST, 20.00 FEET TO A NAIL FOUND, THENCE;
 - (E) NORTH 46°10'21" EAST, 11.00 FEET TO A NAIL FOUND, THENCE;
 - (F) SOUTH 43°56'06" EAST, 397.64 FEET, THENCE;
 - (G) SOUTH 44°48'53" WEST, 8.98 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING WITH SAID RIGHT-OF-WAY,
- (1) SOUTH 43°30'57" EAST, 29.48 FEET TO A CONCRETE MONUMENT FOUND, MARKING THE DIVISION LINE BETWEEN LANDS OF RAINBOW VILLAGE, INC. (DEED BOOK 61023 PAGE 649 AND DEED BOOK 61023 PAGE 652) AND KNOT STREET (AKA KNOTT STREET/KNOX STREET) (30' WIDE RIGHT-OF-WAY TO BE ABANDONED), THENCE DEPARTING SAID RIGHT-OF-WAY MARGIN OF EAST LAWRENCEVILLE STREET WITH SAID DIVISION LINE;
 - (2) SOUTH 44°48'53" WEST, 199.37 FEET TO A 1/2" REBAR SET (LSF1403) MARKING THE DIVISION LINE BETWEEN KNOT STREET AND THE LANDS OF MFREVF V-DULUTH, LLC (DEED BOOK 61435 PAGE 247), THENCE WITH SAID DIVISION LINE THE FOLLOWING TWO (2) COURSES AND DISTANCES;
 - (3) NORTH 43°38'37" WEST, 29.48 FEET, THENCE;
 - (4) NORTH 44°48'53" EAST, 199.44 FEET TO THE POINT OF BEGINNING.

SAID RIGHT-OF-WAY CONTAINING 5,876 SQUARE FEET, OR 0.135 ACRES.

Exhibit "C"
Conditions of Approval

1. The overall Rainbow village campus subject property, including parcel R6293 656, shall be developed in compliance with all conditions of Ordinance No. 0-2023-28 as well as those conditions identified herein.
2. The +/- .135 acre identified as Parcel R6293 656 shall be developed in accordance with conditions and standards identified within Quitclaim Deed Recorded 8/5/2025 Deed Book 61997 P: 00100.

Exhibit "D"

Driveway Access Design

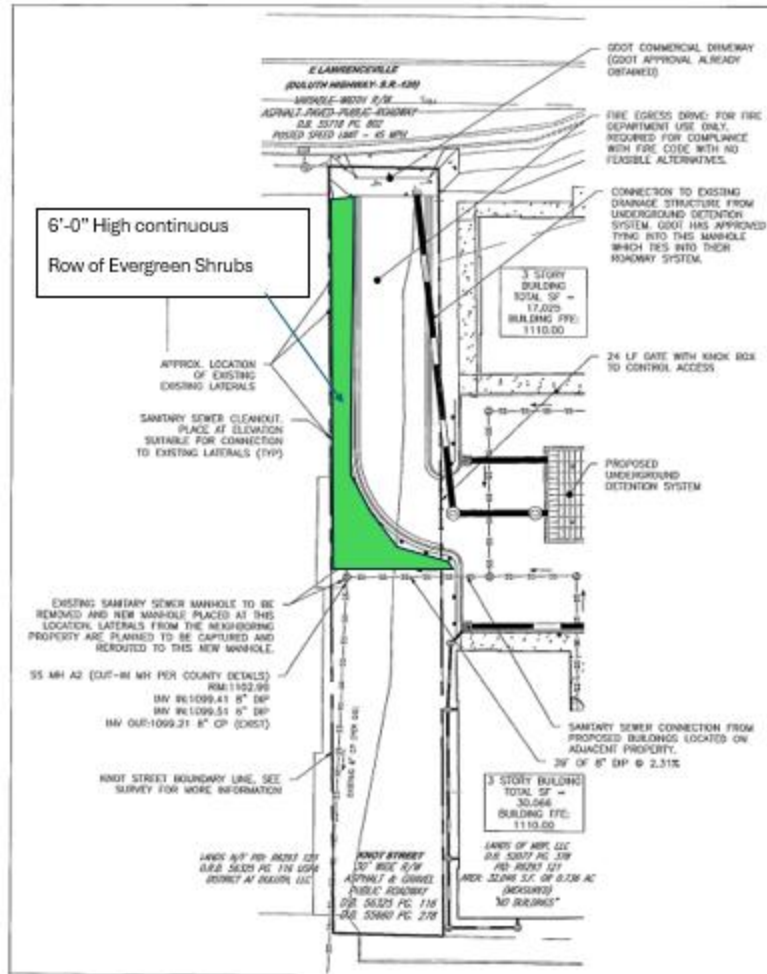


Exhibit "E"

Applicant's Response to the Standards Governing Exercise of Zoning Power



CITY OF DULUTH REZONING APPLICATION

Section 4**Applicant Response**

The applicant finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

Please respond to the following standards in the form of a written narrative that must be submitted with the application. The response must be in this format. Any additional information may be included at the discretion of the applicant. Answers should be as complete as possible and cite specific examples.

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
It is suitable as the proposed use is a secondary driveway entrance to accommodate the approved development. The driveway is for egress and right turn only onto Duluth Highway. The use is located on previously unused right-of-way.
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
No, as the use is a secondary driveway and consideration has been given to limit impacts on the adjoining apartment project by requiring shrubs and landscaping to eliminate impacts of vehicle headlamps.
3. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
No. The use is a secondary driveway for egress with right turn only.
4. Whether the zoning proposal is consistent with the Land Use Policy Plan, Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Duluth.
The existing Rainbow Village campus is consistent with the City's adopted plans and the request is for rezoning of driveway access.
5. Whether there are other existing or changing conditions affecting the use and development of property that give supporting grounds for either approval or disapproval of the zoning or special use proposal.
Not applicable
6. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned.
The City Council previously determined the unused right-of way had no developable value consistent with O.C.G.A. § 36-37-6 and Chapter 2 Section 2-3 of the Duluth Code of Ordinances. The rezoning to incorporate the 135 acre piece into the larger campus is appropriate.

Exhibit "F"
Public Notice

Public Notice Printed in Gwinnett Daily Post 11/16/2025

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

ORDER CONFIRMATION (CONTINUED)

Salesperson: TINA PARTRIDGE

Printed at 11/11/25 12:52 by tpart-tj

1 CDP28-9 1452
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING

Ad #: 520048

Status: New

NOTICE IS HEREBY GIVEN that a public hearing will be held before Planning Commission to consider a rezoning request initiated by the City of Duluth for approximately .135 acres of unused and previously unused right-of-way property in Land Lot 293, 4th District, Gwinnett County, located directly west of 34th and 347 Duluth Highway (Rainbow Village), consisting of tax parcel R6293-120, R6293-456 and R6293-121. The request is to include the .135 acres of unused and previously unused right-of-way into the Planned Unit Development (PUD) zoning designation that exists for the adjoining Rainbow Village campus. The property will be used as a driveway and access road for the main development. The public is invited to attend this hearing before the Planning Commission on the proposed rezoning. The meeting date, place and time regarding this matter are as follows:

WHEN: December 1, 2025 - 4:00pm
WHERE: City Hall Council Chambers
3147 Main Street
Duluth, GA 30096

PERSONS INTERESTED IN THIS MATTER are invited to review the proposed rezoning, which is on file with the Department of Planning & Development of the City of Duluth and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. Written comments may be sent to the following address:

City of Duluth
ATTN: Planning Department
3147 Main Street
Duluth, GA 30096
OR
Email: Planning@duluth-
ga.net

For more information, contact Planning & Development, at (770) 476-1190.

In compliance with the Americans with Disabilities 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 accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.
11/14/2025

CITY OF DULUTH PUBLIC NOTICE

2025-005

REQUEST TO

REZONE FROM UNBOWED S-C-U TO
PLANNED UNIT DEVELOPMENT (PUD) FOR 2.25 ACRES
OF PREVIOUSLY UNBOWED S-C-U

PARCEL: 2013-014-015-011

ADDRESS: 1515 E 1ST AVE N
DULUTH, MN 55812

CURRENT ZONING: UNBOWED

PROPOSED ZONING: PLANNED UNIT DEVELOPMENT (PUD)

PLANNING COMMISSION DATE: 10/1/25 @ 6 p.m.

CITY BOARD DATE: 11/3/25 @ 6 p.m.

All interested members of the public are invited to
attend the hearings at:

CITY HALL COUNCIL CHAMBERS
1117 MARSH STREET, DULUTH, MN 55804
755-475-1740

on the date and time provided above.



**ORDINANCE OF REZONING
02025-50
CITY OF DULUTH**

AN ORDINANCE GRANTING SPECIAL USE APPROVAL TO ALLOW FOR A PAWN SHOP IN C-2 (GENERAL BUSINESS DISTRICT) LOCATED WITHIN A 1,200 SF SPACE OF A BUILDING ON A ±1.34 ACRE PROPERTY IN LAND LOT 322 OF THE 6TH DISTRICT, GWINNETT COUNTY CONSISTING OF TAX PARCEL R6322-155 ADDRESSED AS 3300 PEACHTREE INDUSTRIAL BOULEVARD (SUITE E), DULUTH, GEORGIA 30096. THE PROPERTY IS LEGALLY DESCRIBED ON THE ATTACHED EXHIBIT “B”. THE ORDINANCE PROVIDES FOR FINDINGS, ESTABLISHES CONDITIONS OF APPROVAL AS SHOWN ON ATTACHED EXHIBIT “C”, PROVIDES FOR SEVERABILITY, REPEALS CONFLICTING ORDINANCES, ESTABLISHES AN EFFECTIVE DATE, AND IS FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the applicant, Suresh Daswani has filed a complete application (SU2025-006) with the City of Duluth seeking Special Use approval to allow for a pawn shop in C-2 (General Business District); and

WHEREAS, per Article 11 of the Duluth Unified Development Code, a Special Use must be approved by the Governing Body; and

WHEREAS, the City of Duluth Planning Commission held a public hearing at the meeting of November 3, 2025, duly noticed as prescribed by law and published in the Gwinnett Daily Post, regarding the application. At the November 3, 2025 meeting, the Planning Commission recommended approval with conditions as is set forth in the minutes of said meeting; and

WHEREAS, the City Council held a public hearing at the meeting of December 8, 2025, duly noticed as prescribed by law and published in the Gwinnett Daily Post, regarding said application, as shall be 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 as follows:

SECTION 1. FINDINGS.

Pursuant to Article 11 of the Duluth Unified Development Code, the City Council finds that it is appropriate to grant special use approval to the property, for the following reasons:

- A. The special use is suitable given the use and development of adjacent and nearby properties.
- B. The proposed special use is not anticipated to adversely affect the existing use or usability of adjoining or nearby properties.
- C. The proposed special use is not anticipated to cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- D. The Future Land-Use and Development section and supporting Character Area Map of FORWARDuluth (also known as the Comprehensive Plan, 2045) identifies the Character Area of this

property as the Peachtree Retail Corridor. Special Use approval to allow for a pawn shop on this particular C-2 (General Business District) lot is consistent with the spirit and intent of the Comprehensive Plan.

SECTION 2. LEGAL DESCRIPTION.

The property that is subject to this ordinance consists of ±1.34 acres and is legally described on Exhibit “B”, attached hereto. Said Exhibit is incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY.

Should any section or provision of this Ordinance or any Ordinance pertaining to the companion applications as identified above be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon approval by the City Council of the City of Duluth, Georgia.

SECTION 5. REPEALER.

All conflicting ordinances and conditions are hereby repealed and replaced with the conditions of approval set forth in this Ordinance 02025-50.

ATTACHMENTS:

Exhibit “A”: Maps

Exhibit “B”: Legal Description

Exhibit “C”: Conditions of Approval

Exhibit “D”: Applicant’s Responses to the Standards Governing Special Use Consideration

Exhibit “E”: Public Notice

{Signatures on the following page}

IT IS SO ORDAINED this 8th day of December 2025.

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 Johnson-Cummings, Post 5

Those council members voting in opposition:

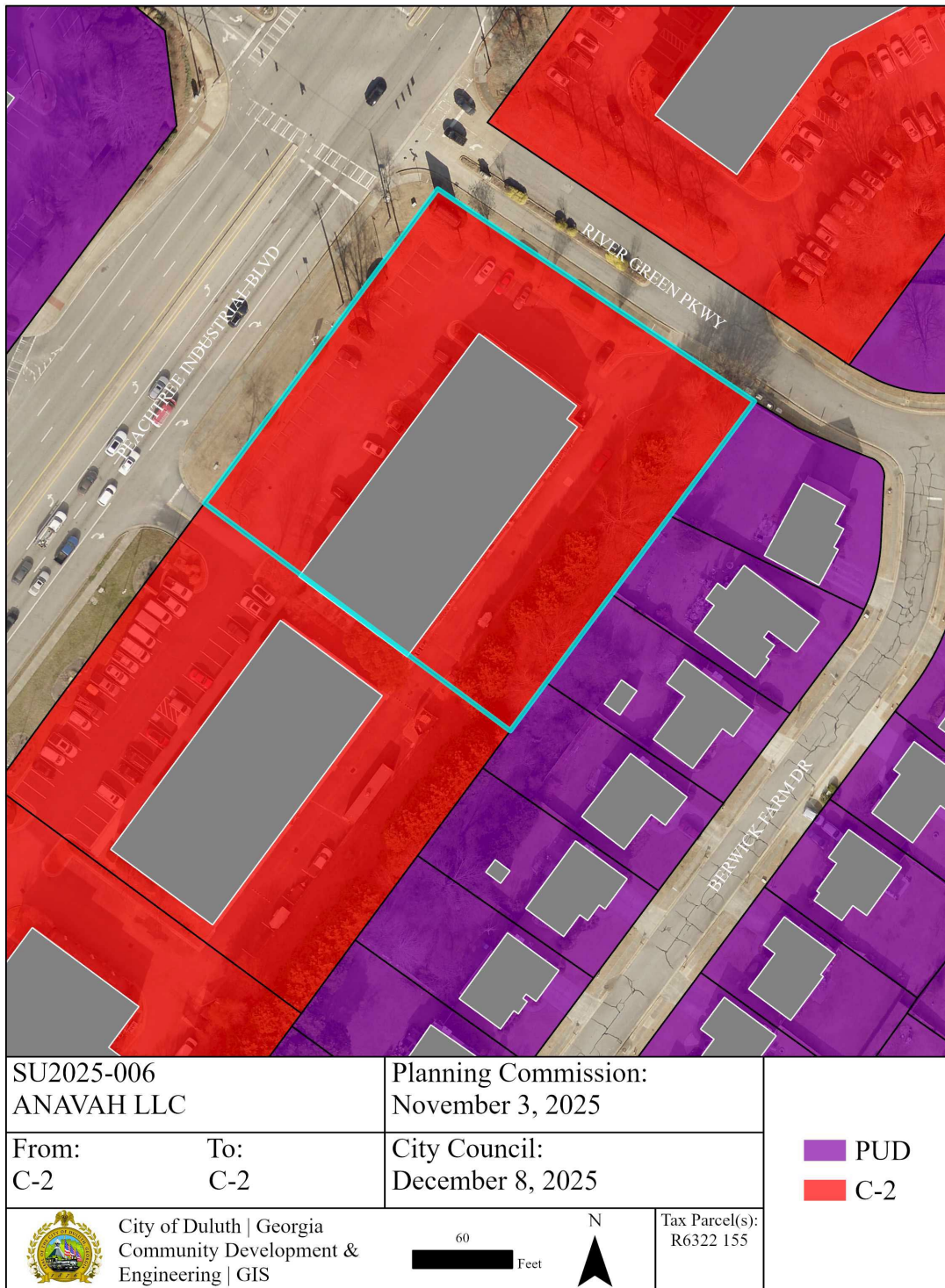
ATTEST: _____
Teresa Lynn, Asst. City Mgr/City Clerk

Exhibit “A”
Maps

Location Map



Zoning Map



Character Area Map

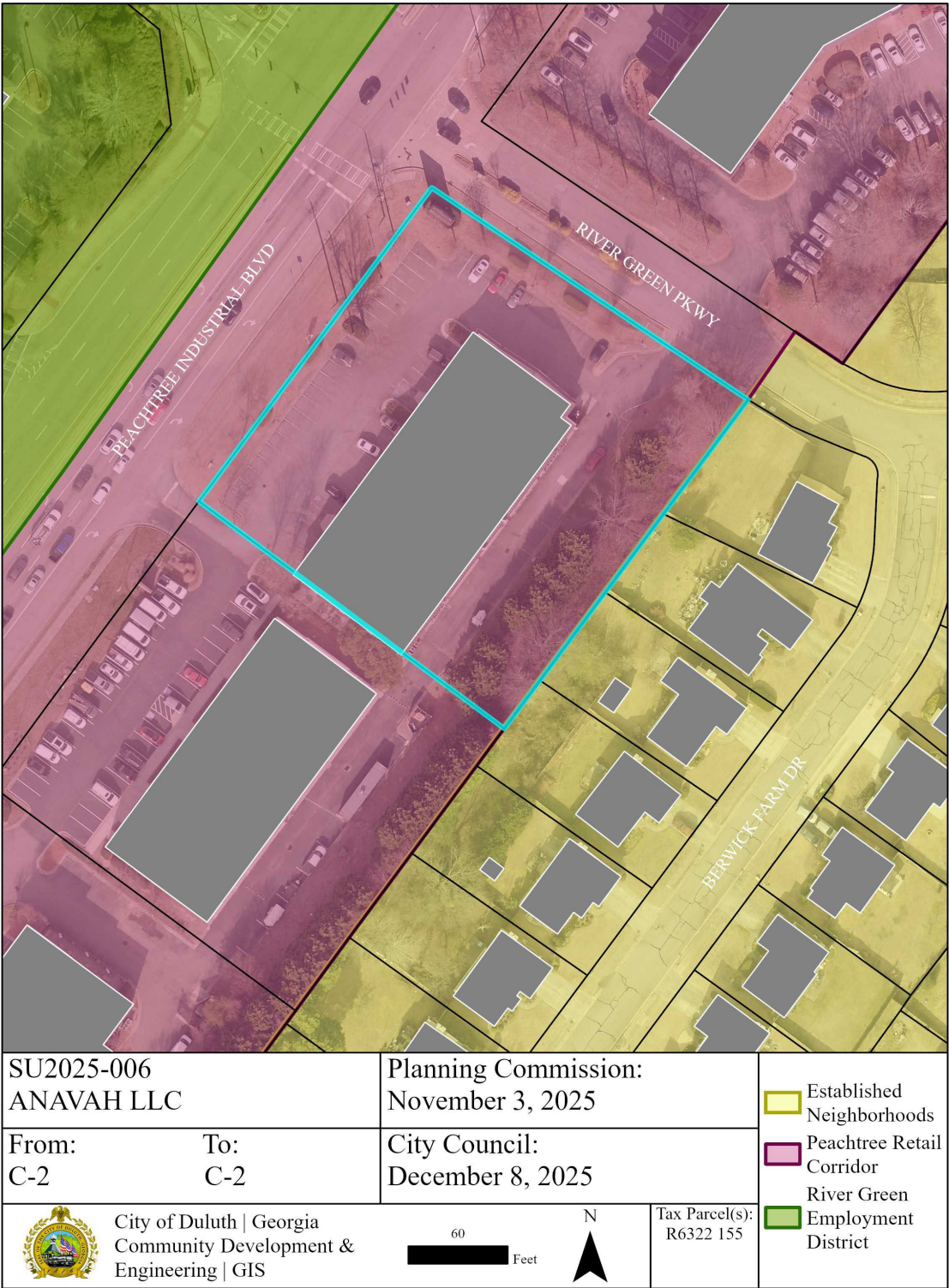


Exhibit "B"
Legal Description

ALL THAT TRACT OR PARCEL OF LAND lying and being Land Lot 244 of the 7th Land District, Gwinnett County, Georgia and being shown as 1.527 Acres on a Plat of Survey prepared for River Green Investments, LLC by Randall G. Miller, G.R.L.S. # 2432, dated May 30, 2000 and being more particularly described in accordance with said survey as follows:

BEGIN AT THE INTERSECTION of the Easterly right-of-way of River Green (60-foot right-of-way width) and the Southerly right-of-way of Peachtree Industrial Boulevard (200 right-of-way width) and running thence along the Southerly side of the right-of-way of Peachtree Industrial Boulevard, North 86 degrees 23 minutes 24 seconds East, a distance of 230.00 feet to an iron pin set; running thence South 03 degrees 36 minutes 36 seconds East, a distance of 290.00 feet to an iron pin set; running thence South 86 degrees 23 minutes 24 seconds West, a distance of 223.52 feet to an iron pin set on the Easterly side of the right-of-way of River Green; running thence along the Easterly side of the right-of-way of River Green, an arc distance of 80.12 feet said arc having a radius of 494.54 feet and being subtended by a chord bearing of North 08 degrees 15 minutes 04 seconds West, a chord distance of 80.03 feet to an iron pin set; continuing thence along the Easterly side of the right-of-way of River Green North 03 degrees 36 minutes 36 seconds West, a distance of 210.23 feet to an iron pin set and the TRUE POINT OR PLACE OF BEGINNING.

Exhibit "C"**Conditions of Approval****General**

1. The Special Use (SU2025-006) is hereby approved for Suresh Daswani, and their successors, for the operation of a Pawn Shop in C-2 (General Business District) zoning. Notwithstanding, all Special Use applications shall be for firm proposals only; therefore, an Occupational Tax Certificate shall be obtained within 90 days of the approval of the Special Use.

Once established:

- A. If the use changes, the Special Use is hereby terminated.
 - B. If the use is discontinued or abandoned for a period of ninety (90) days, regardless of the intent of the owner or occupier to resume the use, the Special Use is hereby terminated.
 - C. If the use is extended in any way, either on the same or adjoining property, the Special Use is terminated.
2. The business must participate in the LEADSOnline program. Duluth Police must be made aware when the business is registered and this must be done prior to operating the business.
 3. All signage must comply with Article 6 of the Unified Development Code; furthermore, the aggregate for all wall signs and window coverings shall not exceed 20% of all windows combined.
 4. The property shall be maintained in a state of good repair at all times, free from any violations of the Property Maintenance Code; Unified Development Code; License and Business Regulations; Nuisance Codes, and any other codes adopted by the City of Duluth. Failure to maintain the property at or above the minimum standards adopted in the City of Duluth codes and ordinance shall be cause for possible legal action by the City.
 5. The privilege of a Special Use is subject to all conditions that have been attached to it. It is within the City's rights to take legal action if it is proven that the conditions of the Special Use have been violated.

Exhibit “D”**Applicant’s Response to the Standards Governing Special Use Consideration****A. How the proposed special use will allow a use that is suitable in view of the use and development of adjacent and nearby property.**

The proposed gold buying business is suitable for this location, as the suite is within a commercial shopping center (Parc Walk at River Green) that already supports retail and service-based businesses. A professional gold buying operation aligns with the character of surrounding uses, such as retail shops, restaurants, and service providers. It will operate during normal business hours and will not generate noise, odors, or other disturbances that would be incompatible with nearby tenants or properties.

B. How the proposed special use will adversely affect the existing use or usability of adjacent or nearby property.

The business will not adversely affect adjacent or nearby properties. Gold buying is a low-traffic, appointment- and walk-in-based service with minimal impact on parking or pedestrian flow. Unlike higher-intensity uses such as restaurants or event venues, the business requires only a small footprint and a limited number of daily customers. Security measures, including surveillance cameras and controlled transactions, will further ensure that the business enhances, rather than diminishes, the safety and usability of the area.

C. Whether the property to be affected by a proposed special use has a reasonable economic use as currently zoned.

The property is currently zoned for commercial use and is located within a retail/service shopping center. The proposed special use is consistent with commercial economic activity and represents a reasonable economic use of the property. Without this approval, the space would otherwise remain limited to general retail/service uses, many of which are similar in intensity and scale to the proposed gold buying business.

D. Whether the proposed special use will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The proposed business will not create an excessive or burdensome demand on streets, utilities, or public facilities. Customer traffic is minimal compared to restaurants or retail anchors in the center. The business does not impact schools or require additional municipal services beyond standard water, power, and internet usage. Waste generation is negligible and limited to standard office refuse.

E. Whether the proposed special use is in conformity with the policy and interest of the Comprehensive Plan; Land Use Plan; transportation plans and other plans adopted for guiding development within the City of Duluth.

The proposed use conforms with the City of Duluth's Comprehensive Plan and Land Use Plan by promoting economic development within an existing commercial corridor along Peachtree Industrial Boulevard. By occupying a vacant suite and providing a legitimate, regulated business service, Gold Max supports the City's goal of encouraging commercial vitality and ensuring safe, transparent economic activity within designated retail centers.

F. Whether there are other existing or changing conditions affecting the use and give grounds for either approval or disapproval of the special use.

The economic climate and continued demand for precious metals trading provide grounds for approving this special use. Gold buying is a regulated, transparent business model that supports consumer choice by offering individuals a safe and professional location to sell gold and jewelry. The proposed location is within a secure, high-visibility retail center, which is more suitable than unregulated or informal buying/selling arrangements. There are no existing conditions at this site that would argue against approval, and approval would enhance the commercial viability of the center by diversifying its tenant mix.

Exhibit "E"**Public Notice - Public Notice Printed in Gwinnett Daily Post 11/23/2025**

**GDP2232
gpn13
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council to consider a special use request from Suresh Daswani, on approximately 1.34 acres of property in Land Lot 322, 6th District, Gwinnett County, located at 3300 Peachtree Industrial Boulevard, consisting of tax parcels 6322-155, case number **SU2025-006**. The special use request is to allow a pawnshop in the C-2 District. The public is invited to attend this hearing before the Mayor and Council on the proposed special use. The meeting date, place and time regarding this matter are as follows:

WHEN:
December 8, 2025 - 6:00pm

WHERE:
**City Hall Council Chambers
3167 Main Street
Duluth, GA 30096**

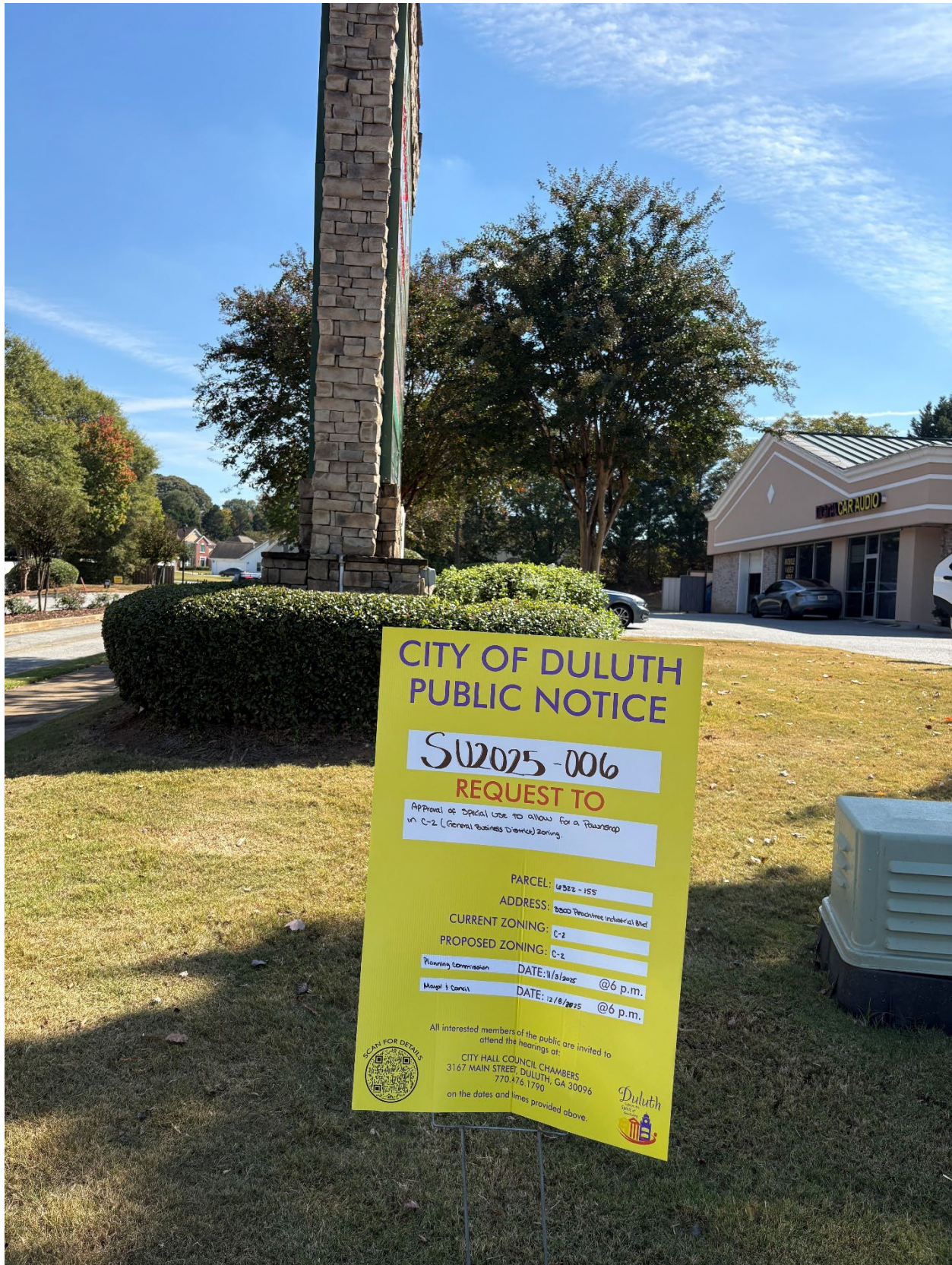
PERSONS INTERESTED IN THIS MATTER are invited to review the proposed special use, which is on file with the Department of Planning & Development of the City of Duluth and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. Written comments may be sent to the following address:

**City of Duluth
ATTN: Planning Department
3167 Main Street
Duluth, GA 30096
OR
Email: Planning@duluth-ga.net**

For more information, contact Planning & Development, at (770) 476-1790.

In compliance with the Americans with Disabilities 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 accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.

11/23/2025



**CITY OF DULUTH
MAYOR & COUNCIL**
Staff Report
December 8, 2025

CASE NUMBER:	SU2025-006
LOCATION:	3300 Peachtree Industrial Boulevard (Suite E)
PARCEL(S):	R6322 155
CURRENT ZONING:	C-2 (General Business District)
PROPOSED ZONING:	C-2 (General Business District) with Special Use
ACREAGE:	+/- 1.34 acres (Suite square footage: 1200 sf)
REQUEST:	Approval of Special Use to allow a Pawnshop in C-2 (General Business District) zoning.
OWNER/APPLICANT:	<i>Owner:</i> Anavah, LLC 3300 Peachtree Industrial Boulevard Duluth, GA 30096 <i>Applicant:</i> Suresh Daswani 96 Daniel Creek Trace Suwanee, GA 30024

Planning Commission Recommendation	Approval
---	-----------------

I. PURPOSE AND DESCRIPTION OF THE REQUEST

The purpose of this Special Use request (SU2025-006) is to allow for a pawn shop in C-2 (General Business District) zoning.

Maps detailing the location, zoning district and character area of the subject property are attached hereto as Exhibit "A". The legal description of the subject property is attached hereto as Exhibit "B". Recommended conditions of approval are detailed in Exhibit "C". Applicant's Response to the Standards Governing Special Use Consideration can be found in Exhibit "D" and Public Notice can be found in Exhibit "E".

II. EXISTING CONDITIONS

The subject property totals +/- 1.34 acres. The suite totals 1,200 sq ft. The applicant is proposing a facility to sell and buy gold. Properties to the north and south are zoned C-2 (General Business District). The properties to the east are zoned PUD (Planned Unit Development) and are part of the Chattahoochee Landing subdivision. Properties to the west (across Peachtree Industrial Boulevard) are zoned PUD (Planned Unit Development).

III. REVIEW OF THE REQUEST

1. Literal Interpretation of the Unified Development Code (UDC)

- A. Table 2-C of the UDC allows a "Pawn Shop" in C-2 (General Business District) zoning as a special use.
- B. Section 1101.02 of the UDC states if a proposed use is not allowed by right under the existing zoning on a property, a request for an amendment to the Official Zoning Map (often called a "rezoning") must be approved prior to development, construction, or occupancy.
- C. Section 1105 of the UDC establishes the Special Use Considerations.

The Special Use is designed to apply under any one of the following circumstances:

- 1. A Special Use listed under the zoning district is desired for development and a more intensive zoning district containing that use, as a use by right would not be appropriate for the property; or
- 2. A Special Use listed under the zoning district is desired for development and no zoning district contains that use as a use by right; or
- 3. A unique use not addressed in any zoning district is desired for development and is not likely to be duplicated within the City of Duluth; or
- 4. The density of development may be affected by the height of a building; or
- 5. The neighboring properties may be affected by the height of any structure; or
- 6. The Special Use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood and would not be in conflict with the overall objective of the Comprehensive Plan.

In order to accommodate these particular uses, Special Use approval allows the City Council to approve such a use on a particular parcel without changing the general zoning district. Such approval shall be subject to the requirements set forth below and any additional conditions deemed necessary to ensure the compatibility of the Special Use with the surrounding properties. All Special Use applications shall be for firm development proposals only. The Special Use shall not be used for securing early zoning for conceptual proposals that may not be undertaken for some time. A Special Use application shall be considered only if the application is made by the owner of the property or by his/her authorized agent. The minimum requirements for a Special Use approval are:

1. Any uses allowed under Special Use approval shall also conform to the requirements of this Development Code for all uses as found in the zoning district.
2. The application and review process for a Special Use shall be the same as for the zoning district under which the Special Use is found. In addition to the information and/or site plans which are required to be submitted for the proposed development, additional information deemed necessary by the Director in order to evaluate a proposed use and its relationship to the surrounding area shall be submitted. In the review process, particular emphasis shall be given to the evaluation of the characteristics of the proposed use in relationship to its immediate neighborhood and the compatibility of the proposed use with its neighborhood.
3. In the approval process for a Special Use approval application, the City Council shall consider the policies and objectives of the Comprehensive Plan, particularly in relationship to the proposed site and surrounding area and shall consider the potential adverse impacts on the surrounding area, especially in regards but not limited to traffic, storm drainage, land values and compatibility of land use activities.
4. If an application is approved and a Special Use approval is granted, all conditions that may have been attached to the approval are binding to the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions.
5. Changes to a Special Use or development of a site for the Special Use, shall be treated as an amendment to the Special Use Permit and shall be subject to the same application and review process as a new application.
6. An application for Special Use approval in a residential district and which use is proposed to operate in a dwelling or as an accessory use to a dwelling is subject to the following additional requirements:
 - a. The Special Use shall operate within the dwelling on the property or, if approved by the City Council, in an accessory structure.
 - b. The exterior character of the dwelling shall be preserved in its residential state and there shall be no outside evidence of the operation of a Special Use to the neighborhood, except for any accessory structure approved by the City Council.

7. The owner of the property approved for a Special Use may voluntarily request termination of the Special Use by notifying the Director in writing. The Director shall notify the City Council through the Planning Commission of the voluntary termination. The approval of a Special Use for a specific use which may be operated by a lessee under a private agreement with a lessor in any non-residential district shall not obligate the City Council to be responsible for or be required to resolve any disputes which may arise out of the voluntary termination of the Special Use by the property owner.
8. The Community Development and Engineering Department shall have the right to periodically examine the operation of the specific use to determine compliance with the requirements and any conditions. If the Director determines that the requirements and conditions are being violated, a written notice shall be issued to the owner of the property outlining the nature of the violation and giving the owner of the property a maximum of ten days to come into compliance. If after ten days the violations continue to exist, the Director shall forward a report to the City Council through the Planning Commission who may recommend that action be taken to remove the Special Use from the property.
9. Upon approval by the City Council, a Special Use shall be identified on the official zoning maps.
10. Upon approval by the City Council of a Special Use, the owner of the property shall be issued a notice from the Director that states the specific use permitted, the requirements of this Section and any conditions attached to the approval.
11. The Community Development and Engineering Department shall not issue a Certificate of Occupancy for the specific use unless all requirements and conditions of the Special Use approval have been fulfilled by the owner of the property.

2. Standards Governing the Exercise of Zoning Power

Section 1104.02 of the UDC establishes the standards governing the exercise of zoning power. The following standards are relevant in balancing the interest and promoting the public health, safety, morality, and general welfare against the right to the unrestricted use of property:

- A. How the proposed Special Use will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- B. How the proposed Special Use will adversely affect the existing use or usability of adjacent or nearby property.
- C. Whether the property to be affected by a proposed Special Use has a reasonable economic use as currently zoned.
- D. Whether the proposed Special Use will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

- E. Whether the proposed Special Use is in conformity with the policy and interest of the Comprehensive Plan; Land Use Plan; transportation plans and other plans adopted for guiding development within the City of Duluth.
- F. Whether there are other existing or changing conditions affecting the use and give grounds for either approval or disapproval of the Special Use.

The Applicant has provided written responses to the above Special Use standards as part of the application. That document is attached hereto as Exhibit "D".

3. Literal Interpretation of FORWARDuluth, Plan 2045 (Comprehensive Plan)

The subject property is located in the Peachtree Retail Corridor District. FORWARDuluth envisions this Character Area to be an attractive and energized retail corridor easily accessed by Duluth residents and non-city residents alike. The Future Land Use Map (FLUM) envisions the uses to be Commercial/Retail/Office.

IV. PLANNING STAFF REVIEW

The proposed commercial space would be a part of a shopping center that currently hosts a Restaurant (Chacko's Udipi Indian Cuisine), a shipping center, skin care facility, nail and spa facility, acupuncturist, and a car audio sales/service/installation store. There is also a coffee shop under review for one of the two vacant spaces in the shopping center.

Gold Max, DBA We Buy Gold is a nationwide precious metals buyer that purchases gold, silver, and other valuables from the public. They currently have a space in Buford, GA across from the Mall of Georgia, and are wanting to expand inside Duluth.

This facility is not the typical "pawn shop." Selling metals (gold, silver, etc.) or stones (diamonds, etc.) would be allowed by-right in C-2 (General Business District) zoning; however, because the other half of the business is buying the goods, it requires a Pawn License from the State of Georgia. Requiring a Pawn License from the state of Georgia would necessitate the classification of at least one half of the business as Pawn shop – requiring the special use. Section 336 of the Unified Development Code specifies that a property containing a pawn shop shall be a minimum of 500 feet away from any other properties containing a pawn shop. There are currently no other pawn shops within 500' of the proposed pawn shop.

Staff reached out to the Duluth Police Department to inquire whether they would want to require any conditions. Staff was informed that they would like a condition requiring the applicant and any subsequent owners of the business to participate in the LEADSONline program. Part of what LEADSONline does is assist in the digitizing of all merchandise and placing the merchandise into a database. Once in the database, the merchandise can be searched and recovered in cases of theft.

ATTACHMENTS:

Exhibit "A": Maps

Exhibit "B": Legal Description

Exhibit "C": Conditions of Approval

Exhibit "D": Applicant's Responses to the Standards Governing Special Use Consideration

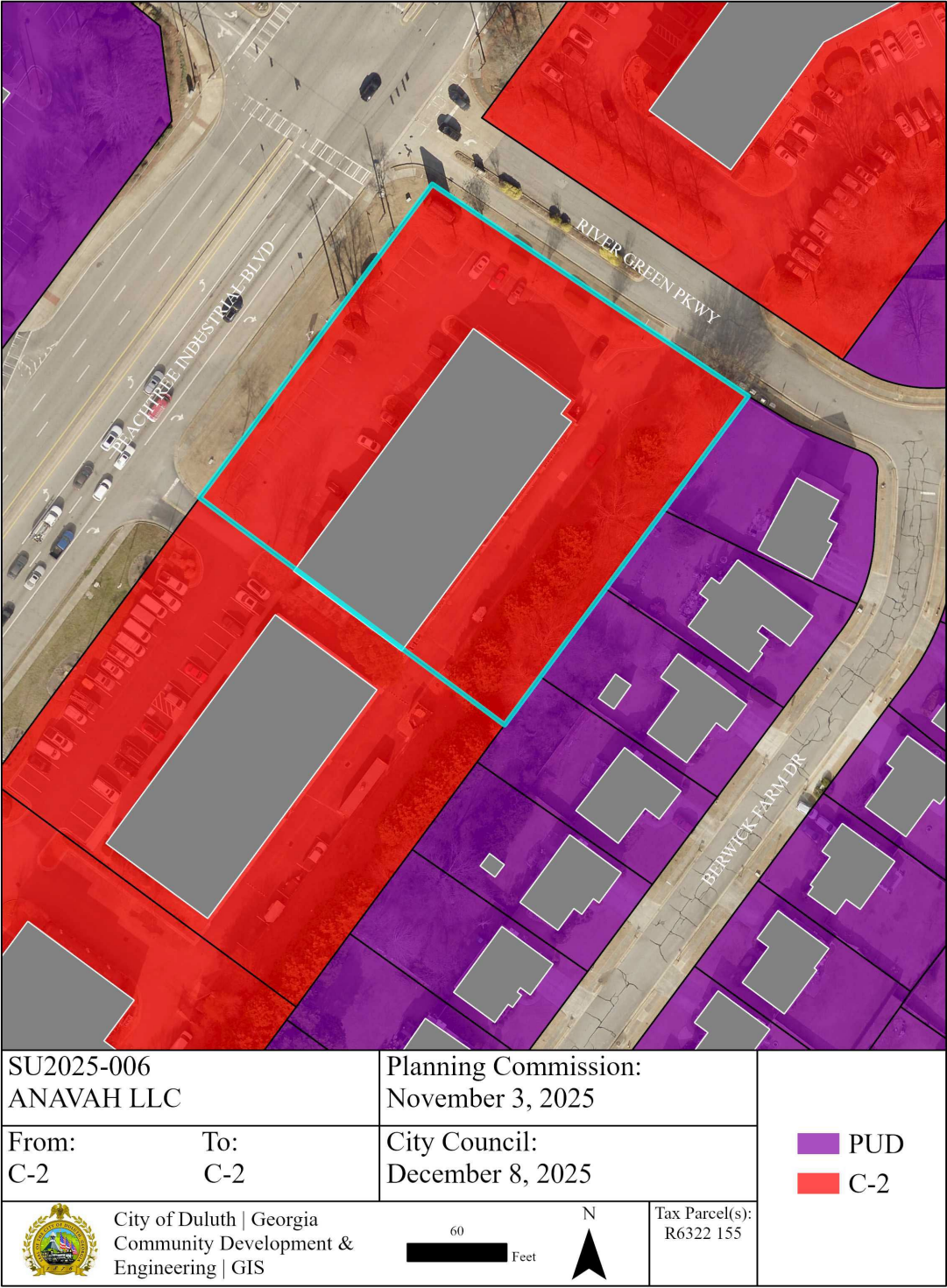
Exhibit "E": Public Hearing Advertisement/Public Notice

Exhibit “A”
Maps
Location Map



SU2025-006 ANAVAH LLC		Planning Commission: November 3, 2025	
From: C-2	To: C-2	City Council: December 8, 2025	
 City of Duluth Georgia Community Development & Engineering GIS		 60 Feet 	Tax Parcel(s): R6322 155

Zoning Map



Character Map

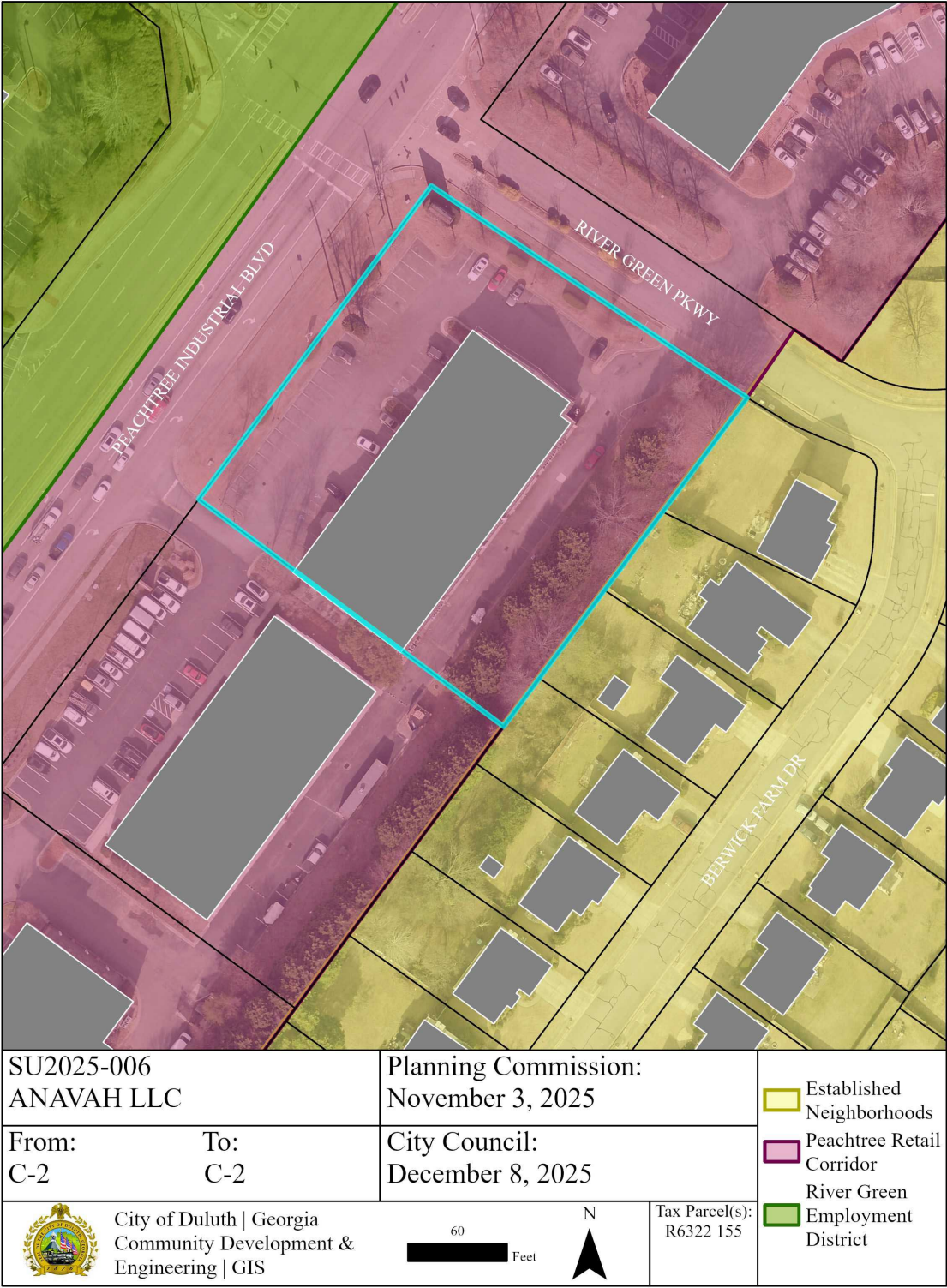


Exhibit "B"
Legal Description

ALL THAT TRACT OR PARCEL OF LAND lying and being Land Lot 244 of the 7th Land District, Gwinnett County, Georgia and being shown as 1.527 Acres on a Plat of Survey prepared for River Green Investments, LLC by Randall G. Miller, G.R.L.S. # 2432, dated May 30, 2000 and being more particularly described in accordance with said survey as follows:

BEGIN AT THE INTERSECTION of the Easterly right-of-way of River Green (60-foot right-of-way width) and the Southerly right-of-way of Peachtree Industrial Boulevard (200 right-of-way width) and running thence along the Southerly side of the right-of-way of Peachtree Industrial Boulevard, North 86 degrees 23 minutes 24 seconds East, a distance of 230.00 feet to an iron pin set; running thence South 03 degrees 36 minutes 36 seconds East, a distance of 290.00 feet to an iron pin set; running thence South 86 degrees 23 minutes 24 seconds West, a distance of 223.52 feet to an iron pin set on the Easterly side of the right-of-way of River Green; running thence along the Easterly side of the right-of-way of River Green, an arc distance of 80.12 feet said arc having a radius of 494.54 feet and being subtended by a chord bearing of North 08 degrees 15 minutes 04 seconds West, a chord distance of 80.03 feet to an iron pin set; continuing thence along the Easterly side of the right-of-way of River Green North 03 degrees 36 minutes 36 seconds West, a distance of 210.23 feet to an iron pin set and the TRUE POINT OR PLACE OF BEGINNING.

Exhibit "C"
Conditions of Approval

General

1. The Special Use (SU2025-006) is hereby approved for Suresh Daswani, and their successors, for the operation of a Pawn Shop in C-2 (General Business District) zoning. Notwithstanding, all Special Use applications shall be for firm proposals only; therefore, an Occupational Tax Certificate shall be obtained within 90 days of the approval of the Special Use.

Once established:

- A. If the use changes, the Special Use is hereby terminated.
 - B. If the use is discontinued or abandoned for a period of ninety (90) days, regardless of the intent of the owner or occupier to resume the use, the Special Use is hereby terminated.
 - C. If the use is extended in any way, either on the same or adjoining property, the Special Use is terminated.
2. The business must participate in the LEADSONline program. Duluth Police must be made aware when the business is registered and this must be done prior to operating the business.
 3. All signage must comply with Article 6 of the Unified Development Code; furthermore, the aggregate for all wall signs and window coverings shall not exceed 20% of all windows combined.
 4. The property shall be maintained in a state of good repair at all times, free from any violations of the Property Maintenance Code; Unified Development Code; License and Business Regulations; Nuisance Codes, and any other codes adopted by the City of Duluth. Failure to maintain the property at or above the minimum standards adopted in the City of Duluth codes and ordinance shall be cause for possible legal action by the City.
 5. The privilege of a Special Use is subject to all conditions that have been attached to it. It is within the City's rights to take legal action if it is proven that the conditions of the Special Use have been violated.

Exhibit “D”
Applicant’s Response to the Standards Governing Special Use Consideration

A. How the proposed special use will allow a use that is suitable in view of the use and development of adjacent and nearby property.

The proposed gold buying business is suitable for this location, as the suite is within a commercial shopping center (Parc Walk at River Green) that already supports retail and service-based businesses. A professional gold buying operation aligns with the character of surrounding uses, such as retail shops, restaurants, and service providers. It will operate during normal business hours and will not generate noise, odors, or other disturbances that would be incompatible with nearby tenants or properties.

B. How the proposed special use will adversely affect the existing use or usability of adjacent or nearby property.

The business will not adversely affect adjacent or nearby properties. Gold buying is a low-traffic, appointment-and walk-in-based service with minimal impact on parking or pedestrian flow. Unlike higher-intensity uses such as restaurants or event venues, the business requires only a small footprint and a limited number of daily customers. Security measures, including surveillance cameras and controlled transactions, will further ensure that the business enhances, rather than diminishes, the safety and usability of the area.

C. Whether the property to be affected by a proposed special use has a reasonable economic use as currently zoned.

The property is currently zoned for commercial use and is located within a retail/service shopping center. The proposed special use is consistent with commercial economic activity and represents a reasonable economic use of the property. Without this approval, the space would otherwise remain limited to general retail/service uses, many of which are similar in intensity and scale to the proposed gold buying business.

D. Whether the proposed special use will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The proposed business will not create an excessive or burdensome demand on streets, utilities, or public facilities. Customer traffic is minimal compared to restaurants or retail anchors in the center. The business does not impact schools or require additional municipal services beyond standard water, power, and internet usage. Waste generation is negligible and limited to standard office refuse.

E. Whether the proposed special use is in conformity with the policy and interest of the Comprehensive Plan; Land Use Plan; transportation plans and other plans adopted for guiding development within the City of Duluth.

The proposed use conforms with the City of Duluth’s Comprehensive Plan and Land Use Plan by promoting economic development within an existing commercial corridor along Peachtree

Industrial Boulevard. By occupying a vacant suite and providing a legitimate, regulated business service, Gold Max supports the City's goal of encouraging commercial vitality and ensuring safe, transparent economic activity within designated retail centers.

F. Whether there is other existing or changing conditions affecting the use and give grounds for either approval or disapproval of the special use.

The economic climate and continued demand for precious metals trading provide grounds for approving this special use. Gold buying is a regulated, transparent business model that supports consumer choice by offering individuals a safe and professional location to sell gold and jewelry. The proposed location is within a secure, high-visibility retail center, which is more suitable than unregulated or informal buying/selling arrangements. There are no existing conditions at this site that would argue against approval, and approval would enhance the commercial viability of the cent by diversifying its tenant mix.

Exhibit "F"**Public Notice - Public Notice Printed in Gwinnett Daily Post 11/23/2025**

**GDP2232
gpn13
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council to consider a special use request from Suresh Daswani, on approximately 1.34 acres of property in Land Lot 322, 6th District, Gwinnett County, located at 3300 Peachtree Industrial Boulevard, consisting of tax parcels 6322-155, case number **SU2025-006**. The special use request is to allow a pawnshop in the C-2 District. The public is invited to attend this hearing before the Mayor and Council on the proposed special use. The meeting date, place and time regarding this matter are as follows:

WHEN:
December 8, 2025 - 6:00pm

WHERE:
**City Hall Council Chambers
3167 Main Street
Duluth, GA 30096**

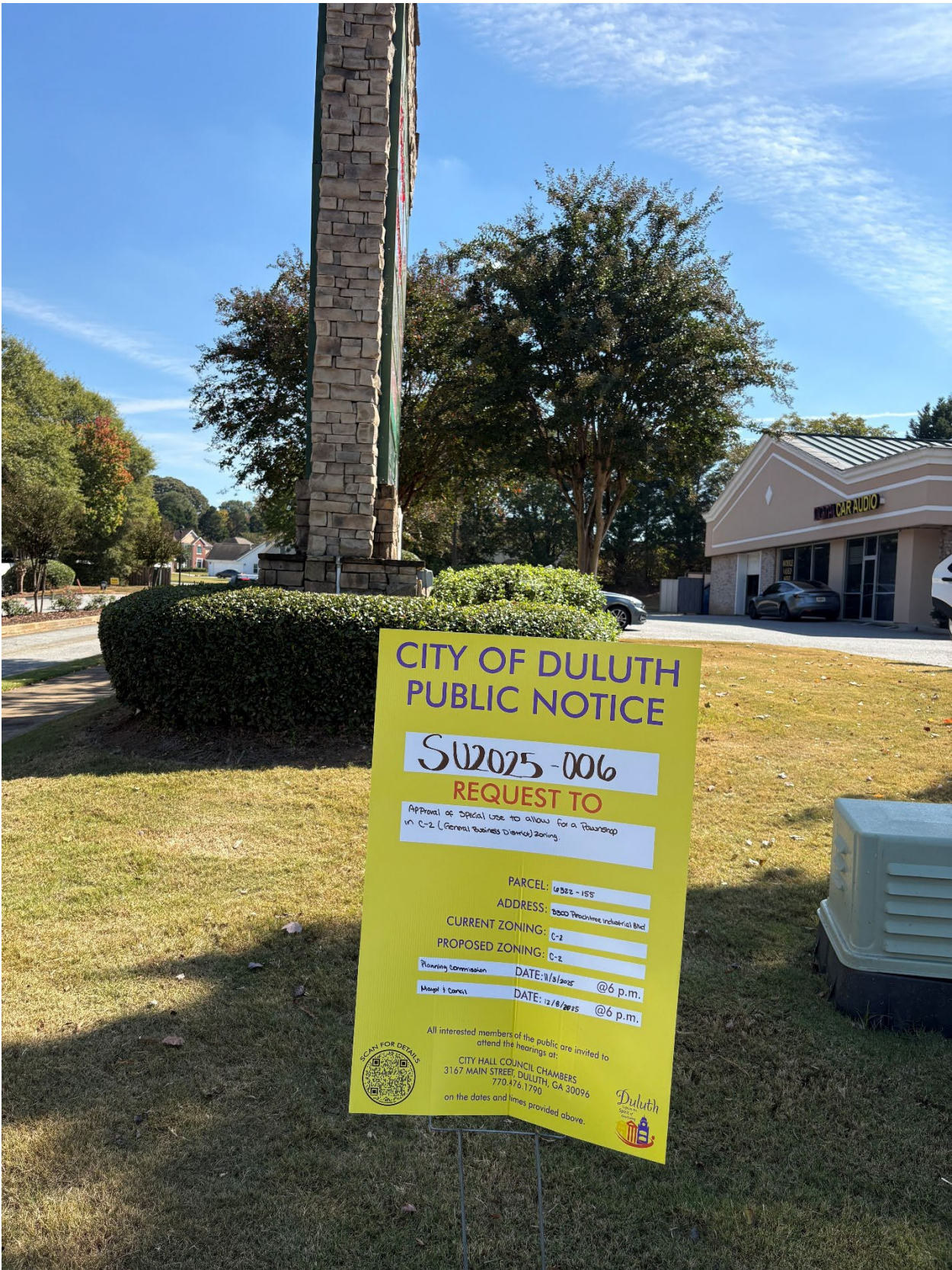
PERSONS INTERESTED IN THIS MATTER are invited to review the proposed special use, which is on file with the Department of Planning & Development of the City of Duluth and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. Written comments may be sent to the following address:

**City of Duluth
ATTN: Planning Department
3167 Main Street
Duluth, GA 30096
OR
Email: Planning@duluth-ga.net**

For more information, contact Planning & Development, at (770)476-1790.

In compliance with the Americans with Disabilities 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 accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.

11/23,2025



**CONSULTANT CONTRACT – MASTER SERVICES AGREEMENT
BUNTEN PARK IMPROVEMENT PROJECT**

This **CONTRACT** made and entered into this _____ day of _____, 2025 by and between City of Duluth, Georgia, a duly chartered municipal corporation (Party of the First Part, hereinafter called the City), and Columbia Engineering & Services, Incorporated, (Party of the Second Part, hereinafter called the Consultant and/or the Contractor).

WITNESSETH

WHEREAS, Columbia Engineering & Services, Inc. began work on the Bunten Park Improvement Project under a separate Master Services Agreement; and

WHEREAS, Columbia Engineering & Services, Inc.'s separate Master Services Agreement expires on December 31, 2025; and

WHEREAS, it is in the best interest of the City to contract with Columbia Engineering & Services, Inc. for the completion of the Bunten Park Improvement Project, without gap in service and without changing the project scope, schedule or professional services contract rates.

NOW, THEREFORE, for and in consideration of the mutual promises and obligations contained herein and under the conditions hereinafter set forth, the parties do hereby agree as follows:

1. TERM:

This contract shall commence on January 1, 2026, for a one-year period with four (4) options to renew for additional one-year periods until the completion and acceptance of the construction of the Bunten Park Improvement Project. The initial term of this contract shall be through December 31, 2026. The contract shall terminate absolutely and without further obligation on the part of the City of Duluth at the end of the first one-year period, however, this contract may be automatically renewed on an annual basis for additional twelve month terms, for a total lifetime contract term of five (5) years, upon the same terms and conditions, as provided for in this contract. The contract shall automatically renew annually unless the City provides written notice to the Contractor that the renewal shall not occur, not less than ten (10) days prior to the annual expiration. This renewal shall occur during the life of the on-going construction of the Bunten Park Improvement Project for which Columbia Engineering & Services, Inc. was the designer of record.

2. ATTACHMENTS:

The Consultant's previous professional services rate sheet (**Exhibit A**) is attached. The all-inclusive year five rates will be used for negotiating task orders throughout the duration of construction.

3. PERFORMANCE AND STANDARD OF CARE:

Consultant agrees to furnish all skill and labor of every description necessary to carry out and complete in good, firm and substantial, workmanlike manner, every task order negotiated as a result of this contract. **In providing services under this Agreement, the Consultant shall perform in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances at the same time and in the same or similar locality.**

4. PRICE:

The fee for all task orders assigned from January 1, 2026 through the end of this contract will be negotiated and accepted by the City prior to executing the work. The City agrees to pay the Consultant following receipt by the City of a detailed invoice, reflecting the actual work performed by the Consultant.

5. COMPLIANCE WITH IMMIGRATION LAWS AND REGULATIONS:

5.1 The Contractor shall be responsible for complying with the Georgia Security and Immigration Compliance Act of 2006 (O.C.G.A. §§ 13-10-90 & 13-10-91) and the Rules of the Georgia Department of Labor implementing the Georgia Security and Immigration Compliance Act of 2006 (Rules 300-10-1-.01 through 300-10-1-.09). In accord with these provisions the Contractor shall complete attached **Exhibits B and C**.

5.2 The Contractor affirms and agrees that it is currently registered and participates in the federal work authorization program to verify information of all new employees pursuant to O.C.G.A. § 13-10-91(b).

5.3 The Contractor affirms and agrees that any and all subcontractors that it will use on the above-described project are registered and participate in the federal work authorization program to verify information of all new employees.

5.4 Pursuant to O.C.G.A. §50-36-1, Contractor shall provide information regarding citizenship status and shall complete and file with the City the Citizenship Status Affidavit, which is included in **Exhibit D**.

5.5 The failure to abide by the provisions and agreements set forth in Subsection 5 shall constitute a breach and default of this contract.

6. INDEMNIFICATION

The Consultant agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Client, its officers, directors and employees (collectively, Client) against all damages, liabilities or costs, including reasonable attorneys' fees and defense costs, to the extent caused by the Consultant's negligent performance of professional services under this Agreement and that of its subconsultants or anyone for whom the Consultant is legally liable.

7. INSURANCE REQUIREMENTS:

Consultant shall maintain the following insurance (a) comprehensive general liability, including blanket contractual, covering bodily injuries with limits of no less than \$1,000,000.00 per person and \$1,000,000.00 per occurrence, and property damage with limits of no less than \$1,000,000.00 per occurrence; and (b) statutory worker's compensation insurance, including employer's liability insurance. In addition to above general coverages, consultant shall maintain Professional Liability Insurance with limits of \$2,000,000 per occurrence and in aggregate. All insurance shall be provided by an insurer(s) acceptable to City, and shall provide for thirty (30) days prior notice of cancellation to City. Consultant shall deliver to City a certificate or policy of insurance evidencing Consultant's compliance with this paragraph upon contract execution. Consultant shall abide by all terms and conditions of the insurance and shall do nothing to impair or invalidate the coverage.

8. TERMINATION FOR CAUSE:

The City may terminate this Contract for cause upon ten (10) days prior written notice to the Consultant of the Consultant's default in the performance of any term of this Contract. Such termination shall be without prejudice to any of the City's rights or remedies provided by law.

9. TERMINATION FOR CONVENIENCE:

The City may terminate this Contract for its convenience upon 30 days written notice to the Consultant. In the event of the City's termination of this Contract for convenience, the Consultant will be paid for those services actually performed. Partially completed performance of the Contract will be compensated based upon a signed statement of completion to be submitted by the Consultant, which shall itemize each element of performance.

10. CONTRACT NOT TO DISCRIMINATE:

During the performance of this Contract, the Consultant will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, age, or disability, which does not preclude the applicant or employee from performing the essential functions of the position. The Consultant will also, in all solicitations or advertisements for employees placed by qualified applicants, consider the same without regard to race, creed, color, sex, national origin, age, or disability which does not preclude the applicant from performing the essential functions of the job. The Consultant will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Contract so that such provision will be binding upon each subconsultant, providing that the foregoing provisions shall not apply to contracts or subconsultants for standard commercial supplies of raw materials.

11. ASSIGNMENT:

The Consultant shall not sublet, assign, transfer, pledge, convey, sell or otherwise dispose of the whole or any part of this Contract or his right, title, or interest therein to any person, firm, or corporation without the previous consent of the City in writing.

12. WAIVER:

A waiver by either party of any breach of any provision, term, covenant, or condition of this Contract shall not be deemed a waiver of any subsequent breach of the same or any other provision, term, covenant, or condition.

13. SEVERABILITY:

The parties agree that each of the provisions included in this Contract is separate, distinct and severable from the other and remaining provisions of this Contract, and that the invalidity of any Contract provision shall not affect the validity of any other provision or provisions of this Contract.

13. GOVERNING LAW:

The parties agree that this Contract shall be governed and construed in accordance with the laws of the State of Georgia. This Contract has been signed in Gwinnett County, Georgia and venue for any litigation arising out of this contract shall be in the Gwinnett County Superior Court.

14. MERGER CLAUSE:

The parties agree that the terms of this Contract include the entire Contract between the parties, and as such, shall exclusively bind the parties. No other representations, either oral or written, may be used to contradict the terms of this Contract.

(Signatures Next Page)

CITY OF DULUTH, GEORGIA

GWINNETT COUNTY, GEORGIA

IN WITNESS WHEREOF, the parties hereto, acting through their duly authorized agents, have caused this **CONTRACT** to be signed, sealed and delivered.

CITY OF DULUTH, GEORGIA

BY: _____
Signature

Print Name

Title

ATTEST:

Signature and stamp of Notary Public

CONSULTANT: COLUMBIA ENGINEERING & SERVICES, INC.

BY: _____
Signature

Print Name

Title

ATTEST:

Signature

Print Name
Corporate Secretary

(Seal)

EXHIBIT "A"

Attach Consultant's previous Rate Schedule

EXHIBIT "B"

CONTRACTOR AFFIDAVIT AND AGREEMENT

By executing this affidavit, the undersigned contractor verifies its compliance with O.G.C.A. § 13-10-91, stating affirmatively that the individual, firm, or corporation which is contracting with the City of Duluth has registered with and is participating in the Employment Eligibility Verification (EEV)/Basic Pilot Program, or E-Verify, in accordance with the applicability provisions and deadlines established in O.G.C.A. § 13-10-91.

The undersigned further agrees that, should it employ or contract with any subcontractor(s) in connection with the physical performance of services pursuant to this contract with the City of Duluth, contractor will secure from such subcontractor(s) similar verification of compliance with O.G.C.A. § 13-10-91 via sworn affidavit attesting to compliance. Contractor further agrees to maintain records of such compliance and provide a copy of each such verification to the City of Duluth at the time the subcontractor(s) is retained to perform such service.

EEV/Basic Pilot Program User Identification Number

Sworn to and subscribed
before me this _____ day
of _____, 20__.

Notary Public

My Commission Expires:

Signature

Printed Name

Entity

Title of Officer or Agent

EXHIBIT "C"

SUBCONTRACTOR AFFIDAVIT

By executing this affidavit, the undersigned subcontractor verifies its compliance with O.G.C.A. § 13-10-91, stating affirmatively that the individual, firm, or corporation which is engaged in the physical performance of services under a contract with _____ on behalf of the City of Duluth has registered with and is participating in the Employment Eligibility Verification (EEV)/Basic Pilot Program, or E-Verify, in accordance with the applicability provisions and deadlines established in O.G.C.A. § 13-10-91.

EEV/Basic Pilot Program User Identification Number

Sworn to and subscribed
before me this _____ day
of _____, 20__.

Notary Public

My Commission Expires:

Signature

Printed Name

Entity

Title of Officer or Agent

EXHIBIT “D”

Attach SAVE affidavit and list of secure and verifiable documents in the PDF version of this contract.

**ORDINANCE
TO AMEND THE CITY OF DULUTH
2026 FISCAL YEAR BUDGET**

AN ORDINANCE TO AMEND THE 2026 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 2026 fiscal year as follows:

Total Revenues:	<u>87,100,479</u>
Operations Expenditures:	<u>34,293,491</u>
Capital Improvement Expenditures:	<u>52,806,988</u>
Total Expenditures:	<u>87,100,479</u>

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

WHEREAS the City of Duluth in and around the downtown has various decorative street, directional and vehicle traffic signs to enhance the overall aesthetics of the area; and

WHEREAS over the past several weeks some of the decorative signs were damaged by vehicle traffic and need to be replaced, for this reason staff is requesting \$15,000 for decorative sign repair and replacement; and

WHEREAS it is requested \$15,000 in Rental Motor Vehicle Fund prior year reserves be add to the Rental Motor Vehicle Tax Fund – Downtown Development – Signs/Banners line item; and

NOW THEREFORE, the City of Duluth 2026 Fiscal Year Budget is amended as follows:

Total Revenues & Prior Yr Reserves	<u>87,115,479</u>
Operations Expenditures:	<u>34,293,491</u>
Capital Improvement Expenditures:	<u>52,821,988</u>
Total Expenditures:	<u>87,115,479</u>

IT IS SO ORDAINED this _____ day of _____, **2025.**

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

Shenée Johnson Cummings, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

**ORDINANCE
TO AMEND THE CITY OF DULUTH
2026 FISCAL YEAR BUDGET**

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Operations Expenditures:	<u>34,293,491</u>
Capital Improvement Expenditures:	<u>52,821,988</u>
Total Expenditures:	<u>87,115,479</u>

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

WHEREAS the City of Duluth Police Department has experienced outages and a degraded ability to view live cameras and download body and in-car camera video due to heavy network traffic; and

WHEREAS after evaluation by an outside consultant and the City's IT staff it was determined the current network switches cannot handle the increased demand and need to be upgraded at a cost of \$65,500 using 2023 SPLOST Public Safety Funds; and

WHEREAS it is requested \$65,500 in unallocated 2023 SPLOST Public Safety funds be add to the Police Capital Projects – Police – Computers line item, including associated transfers; and

NOW THEREFORE, the City of Duluth 2026 Fiscal Year Budget is amended as follows:

Total Revenues & Prior Yr Reserves	<u>87,180,979</u>
Operations Expenditures:	<u>34,293,491</u>
Capital Improvement Expenditures:	<u>52,887,488</u>
Total Expenditures:	<u>87,180,979</u>

IT IS SO ORDAINED this _____ day of _____, **2025**.

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

Shenée Johnson Cummings, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

**ORDINANCE
TO AMEND THE CITY OF DULUTH
2026 FISCAL YEAR BUDGET**

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Total Revenues:	<u>87,180,979</u>
Operations Expenditures:	<u>34,293,491</u>
Capital Improvement Expenditures:	<u>52,887,488</u>
Total Expenditures:	<u>87,180,979</u>

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

WHEREAS the City of Duluth during the construction of Davenport Road installed conduit under the railroad tracks to facilitate a direct network connection between City Hall and the Police Public Safety buildings; and

WHEREAS staff has received a proposal for \$127,501.52 to install underground fiber between the buildings which will improve network speed and reliability and provide an additional off-site location for data network backup; and

WHEREAS it is requested \$128,000 in General Fund prior year reserves be add to City Hall Design/Buildings – General Government Buildings – Site Improvements line item, including associated transfers; and

NOW THEREFORE, the City of Duluth 2026 Fiscal Year Budget is amended as follows:

Total Revenues & Prior Yr Reserves	<u>87,308,979</u>
Operations Expenditures:	<u>34,293,491</u>
Capital Improvement Expenditures:	<u>53,015,488</u>
Total Expenditures:	<u>87,308,979</u>

IT IS SO ORDAINED this _____ day of _____, **2025**.

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

Shenée Johnson Cummings, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

**ORDINANCE
TO AMEND THE CITY OF DULUTH
2026 FISCAL YEAR BUDGET**

AN ORDINANCE TO AMEND THE 2026 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 2026 fiscal year as follows:

Total Revenues:	<u>87,308,979</u>
Operations Expenditures:	<u>34,293,491</u>
Capital Improvement Expenditures:	<u>53,015,488</u>
Total Expenditures:	<u>87,308,979</u>

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

WHEREAS the City of Duluth staff would like to add a new staff position titled Special Project Data Analyst effective January 2026; and

WHEREAS the position will coordinate use of new technologies such as AI and computer analysis to assist each department with improving operational efficiencies and coordination of data analysis; and

WHEREAS it is requested \$46,800 in General Fund prior year reserves be add to the following line items in City Manager – City Managers Office: Salaries & Wages \$35,190, Group Insurance \$5,400, FICA Taxes \$2,690, and Retirement/Pension \$3,520; and

NOW THEREFORE, the City of Duluth 2026 Fiscal Year Budget is amended as follows:

Total Revenues & Prior Yr Reserves	<u>87,355,779</u>
Operations Expenditures:	<u>34,340,291</u>
Capital Improvement Expenditures:	<u>53,015,488</u>
Total Expenditures:	<u>87,355,779</u>

IT IS SO ORDAINED this _____ day of _____, **2025.**

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

Shenée Johnson Cummings, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

**ORDINANCE
TO AMEND THE CITY OF DULUTH
2026 FISCAL YEAR BUDGET**

AN ORDINANCE TO AMEND THE 2026 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 2026 fiscal year as follows:

Total Revenues:	<u>87,355,779</u>
Operations Expenditures:	<u>34,340,291</u>
Capital Improvement Expenditures:	<u>53,015,488</u>
Total Expenditures:	<u>87,355,779</u>

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

WHEREAS the City of Duluth City Hall building roof is original to the building and needs to be replaced through the Request for Proposal (RFP) process with the assistance of an outside consultant; and

WHEREAS staff recommends contracting with Reeves Consulting to prepare bid ready plan for roof installation, bid review, contractor selection, review of contractor submittals, monitoring of installation of the new roof and project close out for \$12,500; and

WHEREAS it is requested \$12,500 in unallocated 2023 SPLOST Administrative Facilities funds be add to City Hall Design/Building – General Government Buildings – Building line item, including associated transfers; and

NOW THEREFORE, the City of Duluth 2026 Fiscal Year Budget is amended as follows:

Total Revenues & Prior Yr Reserves	<u>87,368,279</u>
Operations Expenditures:	<u>34,340,291</u>
Capital Improvement Expenditures:	<u>53,027,988</u>
Total Expenditures:	<u>87,368,279</u>

IT IS SO ORDAINED this _____ day of _____, **2025**.

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

Shenée Johnson Cummings, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk