

Duluth



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

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

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

FEBRUARY 27, 2023

CITY HALL – COMMUNITY ROOM

5:30 pm

5:30PM - CALL TO ORDER

I. PUBLIC COMMENTS

Five minutes per person, maximum 6 speakers. *Sign-up sheet available.*

II. DISCUSSION ITEMS/PRESENTATIONS/UPDATES

1. RECOMMENDED BOARD APPOINTMENTS

SUMMARY:

Council to consider the following appointments as recommended by staff:

Alcohol Board (Teresa):

Robert W. Edwards Jr. to fill a vacancy, term expiring 3/31/26.

Duluth Municipal Court (Charles):

Reappoint Charles L. Barrett, III - Chief Judge/ Court Administrator, Margaret Gettle Washburn - Associate Judge, Claude Mason - Associate Judge, and Chung Hun Lee - Associate Judge for one-year terms.

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

Planning Commission (Forrest):
Reappoint Shenee Holloway – expires 3/31/27

Public Art Commission (Greg):
Ken Sebastian - fill the seat vacated by Marty Dorfman, expires 3/31/26
Heather Blanchard - fill the unexpired term of Kristina Jackson, expires 3/31/24

Urban Redevelopment Authority (James)
Reappoint Mayor Harris, term expiring 3/31/27

Zoning Board of Appeals (Forrest):
Reappoint Verdi Avila and William Latta, terms expiring 3/31/27

IMPACT TO BUDGET: N/A

2. ACTIVITY LAWN WINTER OPTIONS

SUMMARY:

As part of the 2023 Events presentation in November, Ice Skating was included along with an estimated budget. We will present the updated budget for that activity, with additional options to be considered in lieu of an ice-skating rink.

IMPACT TO BUDGET: TBD

3. ALCOHOL AMENDMENTS

Attachment for review

SUMMARY:

The Alcohol Board met on February 9, and discussed with the City Attorney and staff proposed amendments to the City's Code of Ordinances, Chapter 3 - Alcoholic Beverages. following review the Board voted unanimously recommending the amendments as presented by the City Attorney and staff. General "housekeeping" items such as changing "pouring permit" to alcohol handling permit; Amendments as requested from the City's Code Compliance division to update the penalty and enforcement provisions of the ordinance which provide flexibility/discretion at the Code Compliance and administrative level. Added language to provide for penalties for owners, managers and employees for failing to complete the alcohol training and obtaining an alcohol handling permit within 60 days of grant of license. Deletes Section 3-206 (a) Advertisement of intent to engage in business.

IMPACT TO BUDGET: TBD

4. PEDESTRIAN STREET LIGHTING

Attachment for review

SUMMARY:

Staff was asked to develop a method to assess and prioritize requests for pedestrian street lighting. This presentation is the first conversation for Council's consideration. This process is intended for individual spot requests/short corridors, not for long corridor lighting projects.

IMPACT TO BUDGET: N/A

5. ROGERS BRIDGE AND PARK UPDATES

SUMMARY:

Staff will update Mayor and Council on current status of Rogers Bridge and Phase I and Phase II Park projects.

6. PERMITTING FEE SCHEDULE

SUMMARY:

The Planning Department finds it necessary, from time to time, to review the City's Permit Fee Schedule to provide a fair and competitive rate to permit construction within the City limits.

IMPACT TO BUDGET: TBD

7. DAVENPORT ROAD UPDATE

Staff will update Mayor and Council on recent options being discussed with GDOT regarding the intersection of Davenport Road and Buford Highway.

8. GDOT SR 120 COORDINATION

SUMMARY:

Continuing the conversation, staff requests Council advice on choices for wall treatments and handrail along State Route 120. Staff will give a brief update on information received since last month.

IMPACT TO BUDGET: TBD

III. MATTERS FROM COUNCIL

IV. ADJOURNMENT

The next scheduled meeting of the Mayor and Council is March 13, 2023 at 6:00 p.m.

ORDINANCE TO AMEND DULUTH CODE

WHEREAS, the Mayor and Council of the City of Duluth desires to make various housekeeping changes to Chapter 3 of the City of Duluth Code of Ordinances regarding the licensing and permitting of alcohol sales and ~~handling~~handling.

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby ordains that the Code be amended as follows:

PART I

The Council of the City of Duluth hereby ordains that the Duluth Code of Ordinances is hereby amended by striking in its entirety Section 3-112 of Article I of Chapter III, of the Code, in its entirety and replacing Section 3-112, Article I, Chapter III of the Code with the following:

Sec. 3-112. - Hours of operation.

(a) *Consumption on the premises.*

(1) Consumption on the premises licensees shall sell alcoholic beverages only between the hours of 9:00 a.m. and 2:00 a.m. on the following day, Monday through Saturday. The sale of beer and/or wine for consumption on the premises is permitted on Sundays from 11:00 a.m. until 12:00 Midnight in any licensed establishment which derives a minimum of fifty (50%) percent of its total annual gross sales from the sale of prepared meals or food and in any licensed establishment which derives at least as much of its total annual gross income from the rental of rooms for overnight lodging.

a. Malt beverage taprooms (breweries) in compliance with the requirements set forth in O.C.G.A. § 3-5-24.1, shall be authorized to sale for consumption on the premises during hours provided for under state law.

(2) No retail dealer shall remain open:

a. Between 2:30 a.m. and 4:30 a.m. Monday through ~~Sunday~~Sunday.

b. At any time in violation of a local ordinance or regulation or of a special order of the ~~city clerk~~city clerk, chief of police, city manager, or their designee.

(b) *Retail package spirituous liquor.* No retail license holder holding a license under the ordinance from which this chapter is derived shall furnish, sell, or offer for sale any spirituous liquor or distilled spirits by the package except between the hours of 8:00 a.m. to 11:45 p.m. Monday through Saturday and 11:00 a.m. until 12:00 a.m. (midnight) on Sunday. No retail license holder shall furnish, sell, or offer for sale any spirituous liquor or distilled

spirits by the package at any time in violation of state law, local ordinance or regulation, or special order of the ~~city clerk~~[city clerk](#), city manager or their designee.

~~(e)~~[\(c\)](#) *Retail package malt beverage and wine.* Retail licensees shall not engage or permit in the sale of alcoholic beverages except between the hours of 7:00 a.m. and 12:00 midnight Monday through Saturday and between the hours of 11:00 a.m. and 12:00 midnight on Sunday. No retail license holder shall furnish, sell, or offer for sale any beer/malt beverage or wine at any time in violation of state law, local ordinance or regulation, or special order of the ~~city clerk~~[city clerk](#), city manager or their designee.

(d) *Wholesale dealer.* The hours during which the sale of alcoholic beverages may be conducted in the city by any wholesale dealer licensed hereunder shall be from 6:00 a.m. to 11:00 p.m., exclusive of Sundays.

(e) *Alcohol sales on election day.* The sale of alcoholic beverages shall be legal on any election day. This authorization is approved by the city pursuant to the provisions of Georgia Laws, 1985, page 1508. Notwithstanding any other provisions of this article, it shall be unlawful for any person to sell alcoholic beverages within eighty-four (84) yards (two hundred fifty (250) feet) of any polling place or of the outer edge of any building within which such polling place is established on primary or election days.

PART II

The Council of the City of Duluth hereby ordains that the Duluth Code of Ordinances is hereby amended by adding a new Section 3-114 to Article I of Chapter III, of the Code to read as follows:

Sec. 3-114 – Sale of Mixed Drinks for Off Premises Consumption

[\(a\). Notwithstanding any other provision in this chapter, after providing a letter to the city clerk of its intent to do so, a food service establishments possessing a license to sell distilled spirits for consumption on the premises may sell mixed drinks for off-premises consumption in approved containers consistent with the rules and restrictions set forth in O.C.G.A. § 3-3-11.](#)

[\(b\) Penalty. In addition to any criminal penalties that may be provided by law, the city clerk is authorized to enforce compliance with this section. Upon each violation of any provision of O.C.G.A. § 3-3-11 a licensee shall be subject to a fine not to exceed five hundred dollars \(\\$500.00\) and a suspension of the authorization to deliver alcohol for up to thirty \(30\) days.](#)

PART III

The Council of the City of Duluth hereby ordains that the Duluth Code of Ordinances is hereby amended by striking in its entirety Section 3-206 of Article II of Chapter III, of the Code, in its entirety and replacing Section 3-206, Article II, Chapter III of the Code with the following:

Sec. 3--206. - Advertisement of intent to engage in business; signs posted.

~~(a) All applicants desirous of obtaining a license for the sale of alcohol shall give notice at their expense of the making of an application by advertisement at least twice a week for two (2) consecutive weeks, said advertisement to begin no later than ten (10) days following submission of the application required by section 3-204, application; form; content; process; deposit. The advertisement shall be published in the daily newspaper in which the legal advertisements of the city are published. The advertisement referred to herein shall be of type not smaller than ten-point capital in lower case and shall be at least a two-inch, one-column advertisement in size. Said notice shall contain a complete description of the location of the proposed business and shall give the name of the applicant and if a partnership, the names of the partners, whether limited or general, and if a corporation, the names of the officers and all stockholders having more than ten (10) percent of any class of corporate stock therein, and the date the application was filed with the city clerk~~ city clerk. The advertisement shall contain the following additional statement: "AN APPLICATION HAS BEEN FILED ON (date) WITH THE CLERK OF THE CITY OF DULUTH FOR A LICENSE TO OPERATE _____ AT THE ABOVE LOCATION. A DECISION ON WHETHER OR NOT TO GRANT OR DENY SUCH A LICENSE WILL BE MADE BY THE CLERK OF THE CITY OF DULUTH NO LATER THAN THIRTY (30) DAYS FROM THE DATE THE FILED APPLICATION IS DETERMINED TO BE COMPLETE. MEMBERS OF THE PUBLIC ARE INVITED TO NOTE ANY OBJECTIONS, IN WRITING, THAT THEY MAY HAVE TO THE GRANTING OF SUCH A LICENSE BY FILING SAID WRITTEN OBJECTIONS WITH THE CLERK OF THE CITY OF DULUTH."

~~(b) Sheets and a publisher's affidavit shall be furnished to the city by the applicant(s) prior to the applicant's application being considered complete.~~

~~(c)(a) The applicant~~ All applicants desirous of obtaining a license for the sale of alcohol shall cause to be placed upon at their expense upon the location of the proposed business no later than ten (10) days following submission of the application, a sign or signs stating the ~~following~~ following: "AN APPLICATION HAS BEEN FILED WITH THE CLERK OF THE CITY OF DULUTH FOR A LICENSE TO SELL ALCOHOL. A DECISION ON WHETHER OR NOT TO GRANT OR DENY SUCH A LICENSE WILL BE MADE BY THE CLERK OF THE CITY OF DULUTH NO LATER THAN THIRTY (30) DAYS FROM THE DATE THE FILED APPLICATION IS DETERMINED TO BE COMPLETE. MEMBERS OF THE PUBLIC ARE INVITED TO NOTE ANY OBJECTIONS, IN WRITING, THAT THEY MAY HAVE TO THE GRANTING OF SUCH A LICENSE BY FILING SAID WRITTEN OBJECTIONS WITH THE CLERK OF THE CITY OF DUULUTH."

~~(d)(b)~~ The sign or signs required by subsection ~~(c)(a)~~ shall be constructed of wood or metal and shall be placed with the base of the sign not more than three (3) feet from the ground and shall be not less than forty-eight (48) inches by forty-eight (48) inches in size and shall face toward a public street adjoining the proposed location. The statement above shall be

printed or painted on the sign in the English language. Such signs shall be placed where they can be easily seen and the statement above easily read from all public properties adjoining the proposed location. Said sign shall not be required to comply with the requirements of article 6 of the Unified Development Code pertaining to signs.

(c) The advertising requirements of this section shall not be required in cases where the location of the proposed business has previously served as a location where alcoholic beverage sales have been licensed within five (5) years of the date of the application for license.

PART III

The Council of the City of Duluth hereby ordains that the Duluth Code of Ordinances is hereby amended by striking in its entirety Section 3-215 of Article II of Chapter III, of the Code, in its entirety and replacing Section 3-215, Article II, Chapter III of the Code with the following:

Sec. 3-215. - Training required for issuance of licenses and permits.

(a) The applicant for a license under this chapter shall attend ~~an approved~~ the City of Duluth alcohol awareness training program as a condition of their license.

~~(b) If the applicant for a license lacks such training and certification, the applicant shall have sixty (60) days from the date of the granting of the license to complete the City of Duluth alcohol awareness training program. ~~training and submit certification to the city clerk/city clerk or designee. Upon due cause being shown, the city clerk/city clerk or designee may grant an extension of time, not to exceed sixty (60) days, to complete said training.~~ Failure to timely obtain such certification shall be grounds for revocation of the alcoholic beverage license.~~

(c) Every applicant for a license to whom a handling permit is issued and all managerial staff of a licensee shall also complete ~~an approved~~ the City of Duluth alcohol awareness training program within sixty (60) days of being issued a temporary alcohol handling permit. ~~pouring permit/alcohol handling permit, being employed as a part of any managerial staff, or being issued a license in the case of the named individual licensee. The failure to timely obtain such training shall be grounds for revocation of the licensee's alcoholic beverage license.~~

(d) Any employee under Sec 3-240 & Sec 3-360 seeking and applying for an alcohol handling permit shall complete the City of Duluth alcohol awareness training program within sixty (60) days of being issued a temporary alcohol handling permit.

~~(d) Any party who is not the applicant for a license or the managerial staff of a licensee seeking an alcohol handling permit shall complete an approved alcohol awareness training program within sixty (60) days of being issued a temporary alcohol handling permit.~~

(e) The failure to complete the required alcohol awareness training set forth in this section within the time period prescribed shall render any temporary permit void and any party handling alcohol without such a permit shall be subject to citation and license suspension or revocation. [The city clerk shall retain the discretion to grant an extension of time for the completion of the required training upon a showing of good cause.](#)

PART IV

The Council of the City of Duluth hereby ordains that the Duluth Code of Ordinances is hereby amended by adding a new Section 3-229 to Article II, Chapter 3 of the Duluth Code of Ordinances to read as follows:

Sec. 3-229 Criminal History Checks For Pending Charges

[If an applicant for a license or permit has a pending criminal charge at the time of application, the city clerk and/or their designee shall be authorized to run additional searches of the applicant's criminal records to verify that no conviction is entered that would impact eligibility for a license or permit.](#)

PART V

The Council of the City of Duluth hereby ordains that the Duluth Code of Ordinances is hereby amended by striking in its entirety Section 3-264 of Article II of Chapter III, of the Code, in its entirety and replacing Section 3-264, Article II, Chapter III of the Code with the following:

Sec. 3-264. - Sales restricted to premises only.

No retail consumption dealer shall sell or deliver any alcoholic beverages to any person except in said licensee's place of business, except as provided for in section 3-113 (delivery of package off premises), [section 3-114 \(delivery of mixed drinks for off premises consumption\)](#), section 3-260 (licensed caterers), section 3-259 (outdoor golf course sales), section 3-266 (patio sales) and section 3-265 (open areas/outside consumption).

PART VI

The Council of the City of Duluth hereby ordains that the Duluth Code of Ordinances is hereby amended by striking in its entirety Section 3-360 of Article III of Chapter III, of the Code, in its entirety and replacing Section 3-360, Article III, Chapter III of the Code with the following:

Sec. 3-360. - Age requirements on licensed premises.

(a) Age requirements for employees.

(1) Package retail and wholesale licensees: Except as provided in this subsection, no wholesale dealer or package licensee shall allow any employee under the age of eighteen (18) years to dispense, sell, serve, take orders for, or handle alcoholic beverages.

a. The provisions of this section shall not prohibit persons under eighteen (18) years of age who are employed in grocery stores supermarkets, convenience stores, breweries or drug stores from selling or handling alcoholic beverages which are sold for consumption off the premises; however, the licensee shall ensure that said person under eighteen (18) years of age shall be under direct supervision of a person who shall be both employed by said establishment and who shall be over the age of twenty-one (21) years of age and shall be on site at all times during which the underage employee is working.

(2) Consumption on the premises licensees and caterers: No consumption on the premises licensee shall allow any employee under the age of eighteen (18) years to dispense, sell, serve, take orders for, or handle alcoholic beverages. No licensed caterer shall allow any employee under the age of twenty-one (21) years to dispense, sell, serve, take orders for, or handle alcoholic beverages [at an authorized catered event](#).

a. The subsection shall not prohibit the employment of persons under the above ages on licensed premises where such persons do not dispense, sell, serve, take orders for, or handle alcoholic beverages.

b. This section shall not apply to those employees who clear tableware between customers, also known as "busboys," nor shall it apply to those employees who are cooks or dishwashers.

c. Those employees of a consumption on the premises licensee who are eighteen (18) years of age but younger than ~~twenty-one~~ [twenty-one](#) (21) years of age shall be under direct supervision of a person who shall be both employed by said establishment and who shall be over the age of twenty-one (21) years of age and shall be on site at all times during which the underage employee is working. Such employee shall be trained and supervised periodically with respect to the procedure for requesting proper age identification and declining to sell alcoholic beverages to those under twenty-one (21) years of age failing to produce proper identification.

(b) Entertainers at licensed establishments. It is unlawful for any person under the age of eighteen (18) years of age to work as an entertainer in any establishment licensed hereunder without a written notarized consent form from parents or guardian.

(c) Loitering at licensed establishments. No licensee shall permit any person under twenty-one (21) to be in, frequent or loiter about the licensed premises unless such person is

accompanied by a parent, legal ~~guardian~~guardian, or custodian; provided, however, that this section shall not apply to persons who are employees under the terms of this chapter.

PART VII.

The Council of the City of Duluth hereby ordains that the Duluth Code of Ordinances is hereby amended by striking in its entirety Section 3-364 of Article III of Chapter III, of the Code, in its entirety and replacing Section 3-364, Article III, Chapter III of the Code with the following:

Sec. 3-364. - Sales to underage or intoxicated persons prohibited.

(a) No licensee hereunder shall serve or sell alcoholic beverages to: (1) Any person under the age of twenty-one (21) years of age; (2) Or to any person in an intoxicated condition.

(b) No licensee or employee thereof shall sell alcoholic beverages upon the licensed premises or permit alcoholic beverages to be consumed thereon on any day or at any time when the sale or consumption is prohibited by law.

(c) It shall be a violation not to require and properly check identification to ensure an underage person is not sold, served, or has in his or her possession alcoholic beverages while in a licensed establishment. For the purpose of this subsection "identification" means any document issued by a governmental agency containing a description of the person, such person's photograph or both, and giving such person's date of birth, including but not limited to a passport, military identification card, driver's license, or identification card authorized under an act to require the department of public safety to issue identification cards to persons who do not have a motor vehicle driver's license. ~~Proper identification shall not include a birth certificate, or any traffic citation and complaint form.~~

(d) The penalty for an individual found in violation of this section shall be as follows:

(1) For the first offense in a 36-month period, a fine of no more than five hundred dollars (\$500.00) and the permit holder ~~who violated this section~~ shall be required to re-take the City of Duluth -mandatory alcohol awareness training class ~~provided by the city~~ within ~~ninety (90)-sixty (60)~~ days of receipt of the notice sent by the city.

(i) The failure of the permit holder to complete the required alcohol awareness training set forth in this subsection within the time prescribed by the city clerk shall constitute a violation of this Code and may result in the revocation or suspension of the alcohol handling permit.

(2) For the second offense within a 36-month period, a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00). In addition, the individual's alcohol handling permit shall be suspended for a period of up to one (1) year ~~by the city clerk~~.

(3) For the third offense within a 36-month period, a fine of one thousand dollars (\$1,000.00). In addition, the individual's alcohol handling permit shall be revoked [by the city clerk](#).

(e) Any licensee who has an establishment where a violation of this section or O.C.G.A., § 3-3-23 has occurred by employees, managers, or owners of a licensee shall be subject to a suspension of their license by the [city clerk](#) for a period of one (1) to thirty (30) days.

(1) For the third violation of this section or O.C.G.A. § 3-3-23 within any 36-month period, the establishment's alcohol license shall be revoked.

(2) Reserved.

(3) Reserved.

(4) Reserved.

(f) As to the penalties in this subsection, if there is a complete change in the licensed establishment's owners, or a change in partners or stockholders representing seventy-five (75) percent of the outstanding stock or shares of the firm owning the licensed establishment, the violations under the old ownership shall not count against the new owners.

(g) For purposes of this subsection, a single event resulting in the issuance of citations to more than one (1) individual shall be counted as one (1) violation.

(h) Any licensee who has been suspended under subsection (e) above shall be required to post signs, to be provided by the [city clerk](#), on the exterior doors of the establishment which contain the following language: "An employee or owner of this store has violated state law and City of Duluth Ordinances by selling alcoholic beverages to a minor" for the period of the suspension imposed in subsection (e).

(i) Any licensed establishment where a second violation of this section or O.C.G.A. § 3-3-23 has occurred by employees, managers, or owners within any 36-month period shall not be used as a vendor by the city for any purchases by the city until such time as there are no violations within the previous 36-month period.

(j) The [city clerk](#) may relieve the licensee of any penalties that otherwise may be assessed under subsections (d), (e) or (f) of this section if it can be shown to the [city clerk](#)'s satisfaction that such licensee freely and of its own volition reported such specific violations for which it may be charged to the chief of police or [city clerk](#) prior to such violation coming to the attention of the authorities. Such a report must have been specific and not speculative or general in nature. Documented evidence of such activities shall include, but shall not be limited to, written evidence that the licensee has promptly reported such violations or attempted violations of this chapter. In addition, the

licensee must have fully cooperated with authorities in correcting such violations and participating in the prosecution of any other violators.

(~~ki~~)The ~~city clerk~~city clerk or chief of police, in accordance with O.C.G.A. § 3-3-2.1, shall notify the state department of revenue of any violation (violation being defined as a conviction or entry of a plea of guilty or nolo contendere) of this section or ~~the~~ O.C.G.A. § 3-3-23 by any licensee.

(~~lj~~)The provisions of this section shall apply to any violation which has not been fully adjudicated at the time of the effective date of its adoption.

PART VIII.

The Council of the City of Duluth hereby ordains that the Duluth Code of Ordinances is hereby amended by striking in its entirety Section 3-901 of Article IV of Chapter III, of the Code, in its entirety and replacing Section 3-901, Article IV, Chapter III of the Code with the following:

Sec. 3-901. - Excise tax on sale of distilled spirits by the drink.

(a)In addition to all other taxes or license fees imposed upon retail dealers engaged in the sale of distilled spirits by the drink there is imposed an excise tax upon the sale of said drinks in the amount of three (3) percent of the total cost of such drink which is charged to the public. Such taxes shall be collected by the licensee under this chapter and any such licensees shall remit the same to the clerk of the city on or before the tenth day of the succeeding month along with the appropriate returns showing a summary of the licensee's gross sales derived from the sale of distilled spirits by the drink. Gross sales shall include all credit card sales and those sales shall be reported and taxes collected thereon shall be submitted to the ~~city clerk~~city clerk to the same extent as required of cash sales. It shall be duty of each licensee required to make a report and pay any tax levy hereunder to keep and preserve suitable records of the sales taxable under this section, and such other books or accounts as may be necessary to determine the amount of the tax due. It shall be the duty of every licensee to keep and preserve such records for a period of three (3) years and to provide such returns and reports as may be required by the ~~city clerk~~city clerk. Licensees collecting the tax provided for in this section shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, ~~reporting~~reporting, and paying the amount due, if the amount is not delinquent at the time of payment. The rate of deduction should be the same rate authorized for deductions from state tax under chapter 8 of title 48 as provided in O.C.G.A. § 3-4-133. The ~~city clerk~~city clerk is hereby authorized to create such reports and returns as may be necessary to adequately provide for the collection of the excise tax provided in this section.

(b)In the event the ~~city clerk~~city clerk deems it necessary to verify the excise tax submitted to the city pursuant to this section, for any month, he or she shall notify the licensee of such need for verification and the licensee shall submit a verified comprehensive report to the ~~city clerk~~city clerk, prepared by an auditor, reflecting all sales under this section by the

licensee and the taxes submitted to the city. The licensee shall have thirty (30) days to submit such a report to the ~~city clerk~~city clerk following such a request.

(c)~~Licensees failing~~The failure of a licensee to remit excise taxes due and payable to the city or to submit any report/return to the City as set forth outlined in this ~~section shall~~section shall be a violation of this Code for which they may be cited and subjected to:

1. license suspension or revocation

2. the general penalties as set forth in Section 3-917, and ~~charged the same~~

3. ~~the~~ penalties and interest as set forth in section 3-900 (c)(4) of this Code.

PART ~~VIII~~IX.

The Council of the City of Duluth hereby ordains that the Duluth Code of Ordinances is hereby amended by striking in its entirety the Title of Article V of Chapter III, of the Code, in its entirety and replacing the Title of Article V Chapter III of the Code with the following:

ARTICLE V. - LICENSE AND PERMIT SUPSENSION OR REVOCATION

PART IX.

The Council of the City of Duluth hereby ordains that the Duluth Code of Ordinances is hereby amended by striking in its entirety Section 3-910 of Article V of Chapter III, of the Code, in its entirety and replacing Section 3-910, Article V, Chapter III of the Code with the following:

Sec. 3-910. - Suspension or revocation; notice of hearing; refund.

(a) Any license or permit permitting the sale or handling of alcoholic beverages which has been issued or which may hereafter be issued by the city to any licensee or permit holder may be revoked, suspended, and/or conditioned upon additional alcohol awareness training by the city clerk for due cause as hereinafter defined beginning thirty (30) days after notification without a hearing unless the licensee appeals such suspension as provided for in this article within fifteen (15) days after such notification.

(b)The city manager of the city of Duluth is hereby authorized to suspend any license issued hereunder for any emergency situation such as civil disorders or natural disasters or in any situation that the city manager deems such immediate suspension necessary for the protection of the health and welfare of the citizens of the city, and such suspension may be made effective immediately and shall remain in force until the license is reinstated by the city manager or the mayor determines that the emergency is over or until the next regular meeting of the mayor and council or a meeting called prior to the next regular meeting at which time such suspension may be ended by a majority vote of the city council.

(c) Where a license or permit, identified in subsection (a), is suspended or revoked, the city shall not be required to refund any portion of the license or permit fee to the holder of such suspended or revoked license.

Sec. 3-913. - Acceptance and consideration of application after rejection or revocation.

When any application, license or permit authorizing the sale or handling consumption of alcohol on the premises is rejected or revoked, ~~it shall be unlawful for the city clerk~~city clerk to shall not accept and/or consider any application from the same applicant for a license or permit within two (2) years from the time of such rejection or revocation.

PART XI

The Council of the City of Duluth hereby ordains that the Duluth Code of Ordinances is hereby amended by adding a new Section 3-916 to Article V, Chapter 3 of the Duluth Code of Ordinances to read as follows:

Sec.3-916 Enforcement

This article shall be enforced by the City clerk, the Clerk's designee, the city police department, city code compliance officials, or by any other agency or duly sworn individual designated by Mayor and Council of the City of Duluth.

PART XII

The Council of the City of Duluth hereby ordains that the Duluth Code of Ordinances is hereby amended by adding a new Section 3-917 to Article V, Chapter 3 of the Duluth Code of Ordinances to read as follows:

Sec 3-917 Penalties.

(a) Any person violating any of the provisions of this article shall be subject to a fine and/or imprisonment upon conviction in the municipal court of the City of Duluth. A fine imposed for violation of this article shall be no less than Two Hundred Fifty Dollars (\$250.00) and no greater than One Thousand Dollars (\$1,000.00) per offense. A sentence of imprisonment shall not exceed sixty (6) days per offense. At the discretion of the municipal court judge, any sentence may be probated, ~~altered~~, or amended.

(b) In addition to the penalties set forth in subsection (a) any person violating the provisions of this article shall be subject to license or permit suspension or revocation as set forth in Sections 3-910 and 3-911.

IT IS SO ORDAINED this _____ day of _____ 202~~32~~.

Mayor Nancy Harris

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

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

How to prioritize lighting

	Points	Description	Ranking Notes	Score	Notes
1	0/15	Is existing sidewalk (or trail) present along the road at the location in question?	Yes = 15, No = 0		This indicates a greater potential for pedestrians to be present at any time of day.
2	0/10/20	Is roadway lighting present? Does it spill onto sidewalk?	Present and adequate = 0, present and inadequate = 10, Not present = 20		
3	0/15	Is the land use conducive to higher ped volumes after dark?	Yes = 15, No = 0		Designated parking or stopping location? On a commercial connection walking route?
4	0/30	Does project address a safety issue i.e. dark patches along an otherwise lit path?	Yes = 30, No = 0		Visibility and personal security on a path that is already lit and intended to be used at night? Nearby intersection with little to no lighting?
5	0 - 20	Estimated cost of adding/upgrading lighting (capital cost + monthly maintenance and power costs)	20 = less than \$500; 15 = \$500 to \$1000; 10 = \$1000 to \$1500; 5 = \$1500 to \$2500; 0 = greater than \$2500 or N/A		Define whether decorative and ped scale; Or adding floods or cobra head on a nearby pole; Or upgrading existing fixture.