

Duluth



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

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

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

MARCH 11, 2024

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 P.M. – AGENDA REVIEW

Main St. Conference Room

6:00 P.M. - CALL TO ORDER

Mayor Whitlock or Mayor Pro tem Thomas

INVOCATION OR MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

I. APPROVAL OF MEETING AGENDA

II. APPROVAL OF MINUTES

III. ANNOUNCEMENTS

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

Duluth Live begins April 4, every Thursday, Friday, Saturday 6-9pm and Sunday 2-5pm. Live music and various street performers in Parsons Alley and the Activity Lawn.

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.

Duluth Farmers & Artisan Market every second and fourth Sunday April through October, 2pm-5pm. Town Green. Vendors bring in-season, local produce, baked goods and other locally made food products such as jams, jellies, pickles, salsa, canned vegetables, honey, cut flowers, herbs, spices, homemade candles, soaps, lotions, pottery, baskets, etc. Live music, themed photo-ops and free kids' activities in Parsons Alley.

Good Word Brewing Presents "Little Beer," April 13, 1-5pm. Downtown Duluth.

Peachtree Ridge High School Orchestra and Jazz Band Concert, April 19 5-5:30pm on the Town Green Amphitheater Main Stage, 6:30-7pm in Parsons Alley.

IV. MATTERS FROM CITIZENS

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

V. CONSENT AGENDA

1. ORDINANCE TO AMEND DULUTH CODE – CHAPTER 8

As discussed at the February 26 work session, Mayor and Council to consider an ordinance to amend Chapter 8, Section 8-70 of the Duluth Municipal Code regarding Motor Vehicles and Traffic (Stopping, Standing or Parking) by adding Section C clarifying penalty and notice requirements. Approval of this item approves ordinance O2024-18 as presented.

2. ORDINANCE TO APPOINT ALCOHOL BOARD MEMBERS

Approval of this item approves ordinance 02024-08 appointing Jay Lastinger (Alt. 1) to fill the unexpired term of Joy Thompson term ending 3/31/26 and Richard Middleton, (Alt. 2), filling the unexpired term of Demetrius Nelson, expiring 3/31/28 to the Alcohol Review Board.

3. ORDINANCE TO APPOINT DDA MEMBERS

Approval of this item approves ordinance 02024-09 reappointing Richard Meehan, Slade Lail and James Graham to the Downtown Development Authority (DDA) with terms expiring 3/31/28.

4. ORDINANCE TO APPOINT PUBLIC ART COMMISSION

Approval of this item approves ordinance 02024-10 reappointing Sanjay Parekh, Julie McKeivitt and Heather Blanchard to the Duluth Public Art Commission, terms ending 3/31/28.

5. ORDINANCE TO APPOINT BENEFITS/AUDIT REVIEW

Approval of this item approves ordinance O2024-11 appointing Margaret Middleton, term expiring March 31, 2025 and Greg Johnson, term expiring March 31, 2028 to the Employee Benefits and Audit Review Committee.

6. ORDINANCE TO APPOINT ETHICS BOARD MEMBERS

Approval of this item approves ordinance O2024-12 appointing Greta Langpap and Nicole Wolff as representatives of Councilmember Holloway to the Ethics Committee with terms as stated.

7. ORDINANCE TO APPOINT MUNICIPAL COURT JUDGES

The Duluth City Charter provides for the appointment of the municipal court judges, by ordinance. State law mandates that appointed municipal court judges be appointed for a term of not less than one year. OCGA 36-32-2. Such term is to be memorialized by agreement, ordinance, or a charter provision. Approval of this item approves ordinance O2024-13 to reappoint municipal court judges for a one-year term.

8. ORDINANCE TO APPOINT PARSONS ALLEY DESIGN COMMITTEE

Approval of this item approves ordinance O2024-14 to appoint Trang Tran and Ben Bailey to the Parsons Alley Design Review Committee to fill unexpired terms, ending 3/31/26.

9. ORDINANCE TO APPOINT PLANNING COMMISSION

Approval of this item approves ordinance O2024-15 to appoint Jack Milner and Elizabeth Baggett to fill unexpired terms ending in 3/31/27 and 3/31/26 respectively, and reappoint Niti Gajjar and Carey Fisher, terms expiring 3/31/28.

10. ORDINANCE TO APPOINT TAD ADVISORY COMMITTEE

Approval of this item approves ordinance O2024-22 appointing Councilmember Graeder to fill the unexpired term of former Mayor Nancy Harris, term ending June 11, 2026.

11. ORDINANCE TO APPOINT ZONING BOARD OF APPEALS

Approval of this item approves ordinance O2024-16 to appoint Catherine Stringer to fill an unexpired term, ending 3/31/25.

12. ORDINANCE TO AMEND CODE – ELECTED OFFICIALS' COMPENSATION

Section 2-13 of the Duluth City Charter provides for Compensation and Expenses of the Mayor and Council members to be provided by ordinance. Following

discussion at the February 12 Council meeting the Council authorized the City Attorney to prepare an ordinance increasing the Mayor's annual salary to \$7,200 and further increasing the per meeting pay, not to exceed two (2) city meetings per month for the Mayor and Council from \$150.00 to \$200.00. Approval of this item approves O2024-17 with an effective date of January 1, 2026 as presented.

13. ORDINANCE TO AMEND BUDGET - \$83,409 – W. GWINNETT BIKEWAY

The City entered into two Intergovernmental Agreements (IGA) with Gwinnett County to jointly fund the construction of the Western Gwinnett Bikeway. The first agreement called for joint project funding with 2014 SPLOST funds and the City committing \$131,100 in funding. The second agreement called for joint project funding with 2017 SPLOST funds and the City committing \$87,963 in funding. Budgeted funding for the project so far has allowed the City to fund the 2014 commitment and some of the 2017 commitment. Staff is requesting \$67,693.75 in unallocated 2014 SPLOST Transportation and Interest Income and \$15,715.25 in unallocated 2017 SPLOST Transportation funds be added to this capital project budget. Approval of this item approves an ordinance to amend the FY24 Budget (BA-FY24-23) to add \$67,693.75 in unallocated 2014 SPLOST Transportation and Interest Income and \$15,715.25 in unallocated 2017 SPLOST Transportation funds to (CD-67) Western Gwinnett Bikeway - Bikeways - Site Improvements line item, including associated transfers.

14. ORDINANCE TO AMEND BUDGET - \$215,000 – ARPA SEWER

Over the past two plus years, the City, using American Rescue Plan Act (ARPA) funds has been working to acquire the necessary easements to install sanitary sewer lines in the Pinecrest and Hill Communities. Budgeted funds to acquire the easements have nearly been exhausted, however, one final parcel needs to be acquired. Staff has agreed to purchase Parcel #28 in the Hill Community for \$215,000 and is requesting a budget amendment to fund the purchase. Approval of this item approves a budget amendment (BA-FY24-24) to add \$215,000 in ARPA funds to American Rescue Plan Act 2021 - New Sewer Services - Land line item.

15. AMENDMENT TO DEFINED BENEFITS RETIREMENT PLAN *attachment*

Georgia Municipal Employees Benefit services aka GMEBS recently received a favorable determination letter from the IRS for the Defined Benefits Retirement Plan. Each employer using the GMEBS Retirement Plan is required to adopt the restated Adoption Agreement and General Addendum as part of the restatement process. Approval of this item authorizes the Mayor to execute a City Attorney approved amendment and restatement of the GMEBS Basic Plan Document and Amendment 1. The agreement does not change the City's defined benefit plan but only reflects inclusion of specific IRS rules and regulations cited within the text.

VI. PUBLIC HEARINGS

1. ORDINANCE OF REZONING – CASE Z2023-004 – HALL CIRCLE

The Mayor and Council to consider an ordinance of rezoning for Case Z2023-004.

Applicant Romi Patel is requesting the rezoning of 3295 Hall Circle (Parcel ID R6293 117) from C-1 (Neighborhood Business District) to RM (Residential Multi-Family District), to allow for a town home development.

The Planning Commission recommended approval on February 5, 2024. Staff also recommends approval with conditions. *Ordinance and staff report attached for consideration.*

2. ORDINANCE OF REZONING – CASE Z2023-005 – 3248 DULUTH HWY

The Mayor and Council to consider an ordinance of rezoning for Case Z2023-005.

Applicant Kyle Drake is requesting the rezoning of 3248 Duluth Highway (Parcel ID R6264 034) from R-100 to O-I, to allow for his office use.

The Planning Commission recommended approval on February 5, 2024. Staff also recommends approval with conditions. *Ordinance and staff report attached for consideration.*

3. ORDINANCE OF SPECIAL USE – CASE SU2023-011 – 3248 DULUTH HWY

The Mayor and Council to consider an ordinance of special use for Case SU2023-011.

Applicant Kyle Drake is requesting a special use permit for 3248 Duluth Highway (Parcel ID R6264 034) to allow for office use by a construction contractor with outdoor storage in the O-I district.

The Planning Commission recommended approval on February 5, 2024. Staff also recommends approval with conditions. *Ordinance and staff report attached for consideration.*

VII. NEW BUSINESS

1. ON-CALL RIGHT OF WAY SERVICES

The Mayor and Council to consider approval of the on-call company for right of way services.

The 2019 contracts for these services will expire on March 31, 2024. The City advertised for a new contract to provide those services required for the acquisition of easements, real property, and/or right of way on an as needed "on-call" basis. The new contract will be for a term of one year, beginning on April 1, 2024, and will be renewable annually for up to five total years.

The procurement was qualification based, and the invitation to submit qualification packages was advertised on January 12. On February 13, six qualification packages were received before the 11:00am deadline. One was received after 11:00am and was disqualified from consideration.

All packages were reviewed by the City Engineer to ensure the requested documentation was included. The packages were then distributed to a panel of three evaluators for review and scores. The City Engineer checked references for each of the six teams and compiled and averaged the scores of the evaluators.

The scores were as follows:

- BM&K Engineering and Construction 93
- Gresham Smith 87
- Colliers Engineering 86
- THC 83
- Atlas Technical Consultants 74
- Holt Consulting Company 69

Staff recommends awarding the on-call contract to BM&K Engineering and Construction, and further approval for the City Manager to execute a City Attorney approved contract.

2. ON-CALL PLAN REVIEW AND BUILDING INSPECTION SERVICES

The Mayor and Council to consider approval of the on-call company for plan review and building inspections.

The 2019 contracts for plan review and building inspection services (on-call) will expire on April 8, 2024. The City advertised for a new contract to provide those services required for the plan review of commercial and residential structures (mechanical, electrical, plumbing, structural, etc.) and inspection of commercial and residential structures, on an as needed "on-call" basis. The new contract will be for a term of one year, beginning on April 1, 2024, and will be renewable annually for up to five total years.

The procurement was qualification and cost-based, and the invitation to submit qualification and cost packages was advertised on January 12. On February 13, five packages were received before the 2:00pm deadline.

All packages were reviewed by the City Engineer to ensure the requested documentation was included. The packages were then distributed to a panel of

three evaluators for review and scores. The City Engineer checked references for each of the five teams and compiled and averaged the scores of the evaluators.

The scores were as follows:

- NOVA Engineering & Environmental 97
- SafeBuilt Georgia, LLC 80
- ECS Southeast, LLC 79
- Bureau Veritas North America, Inc 77
- Burgess Construction Consulting, Inc 45

Staff recommends awarding the on-call contract to NOVA Engineering and Environmental and further approval for the City Manager to execute a City Attorney approved contract.

VIII. MATTERS FROM DEPT HEADS/CITY ATTORNEY

1. ORDINANCE TO AMEND THE FY24 BUDGET – \$647,500 - SOFTWARE

The FY24 General Fund budget includes \$600,000 for the purchase of new accounting software and staff would also like to purchase new licensing software for the Business Office. Because to the time it takes to research, select, purchase and install new software and the fact budgeted items in the General Fund lapse at the end of the budget year, staff is requesting these purchases be accounted for in a capital projects fund and funded with General Fund reserves. Approval of this item would remove the \$600,000 accounting software purchase from the General Fund and add \$47,500 for new licensing software to a capital project fund. Staff requests approval of a budget amendment (BA-FY24-25) to add \$647,500 in General Fund reserves to CA-05 City Hall - General Government Buildings - Intangible line item, including associated transfers.

2. ORDINANCE TO AMEND THE FY24 BUDGET - \$247,454 - LMIG

Each year the City applies for and receives the Local Maintenance & Improvement Grant (LMIG) from the Georgia Department of Transportation. When the grant is received a budget amendment is posted to the capital project to recognize the revenue and record a matching expenditure. Staff recently noticed that when the Fiscal Year 2023 LMIG funds were received, only the revenue was recognized. For this reason, staff is requesting a budget amendment to add \$247,453.95 to repairs & maintenance line item in the capital project budget. Staff is requesting approval of a budget budget amendment (BA-FY24-26) to add the FY23 LMIG funds to ST-32 Transportation/Infrastructure Improvements - Paved Streets - Repairs & Maintenance line item.

IX. MATTERS FROM MAYOR & COUNCIL

X. MATTERS FROM CITY MANAGER

XI. EXECUTIVE SESSION

It may be necessary to hold an executive session on Real Estate, Pending/Potential Litigation, or Personnel, which is properly excluded from the Georgia Open and Public Meeting Law (O.C.G.A. 50-14).

XII. ADJOURNMENT

The next scheduled meeting of the Mayor and Council is a work session for March 25, 2024 at 5:30 p.m.



**DRAFT MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
FEBRUARY 12, 2024**

PRESENT: Mayor Whitlock, Council members Harkness, Thomas, Doss, Graeder, and Holloway, 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 5:45 p.m.

I. EXECUTIVE SESSION

It was necessary to hold an executive session on Real Estate, Pending/Potential Litigation, or Personnel, which is properly excluded from the Georgia Open and Public Meeting Law (O.C.G.A. 50-14).

A motion was made by Councilmember Graeder, seconded by Councilmember Thomas, to adjourn to executive session at 5:45 p.m.

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

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

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

II. APPROVAL OF MEETING AGENDA

A motion was made by Councilmember Doss, seconded by Councilmember Harkness, to approve the February 12 Council Agenda as presented.

**Voted For: Councilmembers Harkness, Thomas, Doss, Graeder, and Holloway
Motion carried.**

III. APPROVAL OF MINUTES

A motion was made by Councilmember Thomas, seconded by Councilmember Holloway, to approve the January 8 & 22 meeting minutes as presented.

Voted For: Councilmembers Harkness, Thomas, Doss, Graeder, and Holloway
Motion carried.

IV. ANNOUNCEMENTS

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

Valentine's Day Pop-Up! Wednesday, February 14, Parsons Alley from 4pm-7pm.
Bouquets for sale and live music on the Parsons Alley stage.

2. APPRECIATION AWARD – MAYOR PRO TEM THOMAS

Mayor Pro tem Marline Thomas was presented an Appreciation Award for her services and support to the Asian Communities' Safety and Crime Prevention.

3. DULUTH HS INTERNATIONAL NIGHT

Duluth High School National Honor Society Chapter is presenting International Night Performance on March 1. This event aims to create an environment that nullifies cultural barriers and emphasizes different yet incredible qualities of one another. There will be various activities and food booths and a full-length performance show.

V. MATTERS FROM CITIZENS

1. TRASH CONCERNS

Mark Rood of 3730 Oak Street came forward to speak on the new requirements for bins on street when not in use.

Charlotte Bandi of 3921 Gate House Lane came forward to speak on the garbage bins at home with either no garage or one garage and HOA's not allowing visible carts and where to store.

VI. CONSENT AGENDA

1. ORDINANCE TO AMEND BUDGET - \$33,580 – TAD PILOT BOND {A}

As part of the TAD Agreement with Gwinnett County the City is required to make an annual payment in lieu of taxes (PILOT) to the County equal to the incremental portion of the County Tax Allocation Increment, which accrues from the tax levy

for Parks and Recreation collected within the TAD. In FY24 staff budgeted \$95,746 for this payment, however due to the growth in the TAD property values, the actual increment received was \$127,324.43. Resulting in a shortfall of \$31,578.43. Additionally, staff uses the services of an outside consultant to update the TAD forecast and analyze the economic impact of early TAD resolution payouts. These expenditures have exceeded budgeted funds and staff is requesting an additional \$2,000 for professional services. Approval of this item approves ordinance (BA-FY24-19) to add \$31,580 in prior year TAD reserves to Tax Allocation District - Other Finances Uses - Intergovernmental Expenditures line item and \$2,000 in prior year TAD reserves to Tax Allocation District - Economic Development - Professional Services line item.

2. APPROVAL OF STATEWIDE MUTUAL AID AGREEMENT {B}

The City of Duluth executed the Statewide Mutual Aid agreement in 2020 that gave authority to receive mutual aid assistance in emergencies and to ensure timely reimbursement of costs incurred by local governments during such emergencies. The agreement establishes procedures and other ground rules for counties and cities that help one another during a disaster. Approval of this item will extend the agreement through March 1, 2028 and further authorizes the Mayor and or City Manager to execute the agreement.

3. AUTHORIZATION FOR QUITCLAIM DEED – PARCEL 7163 068 {C}

Approval of this item authorizes the Mayor or City Manager to execute a quitclaim deed for 2616 Boddie Place to correct a filing error that inadvertently placed a home outside the city limits into the City's ownership.

4. ACCEPT GRANT/ORD. TO AMEND BUDGET – 2024 LMIG {D}

The City received \$276,791.33 from the Georgia Department of Transportation (GDOT) representing the City's share of the FY 2024 LMIG (Local Maintenance & Improvement Grant). LMIG funds are generated from the state motor fuel tax that is set each year by the Georgia General Assembly. The grant is for road improvement projects such as street resurfacing and requires 30% matching funds (\$83,073.40), which will come from 2017 SPLOST Transportation funds. A street project list was submitted and approved by GDOT. Approval of this item approves an ordinance to amend the FY24 budget (BA-FY24-20) to add the following amounts to (ST-32) Transportation/Infrastructure Improvement capital project: \$276,792 in LMIG funds to the GDOT State Grant line item and \$83,074 in 2017 SPLOST Transportation funds to the Transfer from SPLOST 2017 line item and \$359,866 to the Paved Streets - Repairs & Maintenance - Streets and Sidewalks line item, including associated transfers.

5. LEASE AMENDMENT - FALLING RABBIT RESTAURANT

As outlined at the January 22 work session, there are two surveyed patio areas for the Falling Rabbit restaurant located at 3580 W. Lawrenceville St. AREA A is 1,105 square feet and AREA AA is 663 sf. Falling Rabbit uses AREA A but has never used AREA AA. Woods Future Investments, LLC is requesting that AREA AA be removed from the lease. Approval of this item amends the lease to remove AREA AA from the lease and recalculate the lease amount based upon the 1,105 sf.

6. 2024 EVENT CALENDAR AUTHORIZATION & WAIVERS

Approval of this item acknowledges that the following events are deemed sponsored or cosponsored by the City of Duluth. Approval of this item also waives food service requirements per Section 26-2-370 of O.C.G.A., which exempts food vendors from having to obtain said permits provided that the event lasts 120 hours or less. The waiver applies to signage fees and signage location requirements provided that the City Clerk and Public Works Director are given a list of where signs will be erected throughout the city for promotion of approved events. Events labeled "Open Zone" will allow alcohol to be purchased from licensed merchants within the downtown area and carried out as well as allow coolers to be brought into the designated area. All other events taking place downtown fall under the "Licensed Merchant Zone" that allows alcohol to be purchased from the downtown licensed merchants and carried out into the downtown area. (Some of the event times have not yet been set.)

Duluth Farmers & Artisan Market Series:

2nd and 4th Sundays from April-October from 2-5pm

March Events

1 – Night at Red Clay Comedy

14 – STEAM: 5-7pm

April Events

13 – Good Word Presents: Little Beer: 12-5pm (Co-sponsored)

19 – Peachtree Ridge Concert: 5-8pm (Co-sponsored)

25 – Duluth Cluster Band Concert: 6pm (Co-sponsored)

27-28 – Spring Art Festival: 10am-5pm on Sat; 11am-5pm on Sunday (Co-sponsored)

Fridays-N-Duluth Event Series:

May 3 – July 26th: 6-9pm

Flicks on the Bricks: May 24, June 28, July 26 with a 10pm end time

Themed nights: May 10, June 14, July 12

May Events

4 – Duluth Derby Day: 2-7pm

11- Wildcat 5k (Co-sponsored): *Road Closures to be confirmed by DPD

24 – Night at Red Clay Concert

June Events

1 – Summer Stage Concert: 8-10pm (Open Zone)

15 – Rotary Club Car Show (Co-sponsored)

15 – Juneteenth Celebration at Duluth Public Library (Co-sponsored)

July Events

27 – Viva Las Duluth: 6-10pm

August Events

9-10 – Chalk Art Festival: Friday 6-9pm and Saturday from 12-8pm

24 – Multicultural Night: 6-10pm. Lantern Parade starting at 8:45pm

*Road Closures from 8:30-9:30pm: Hill Street from Knott St. to Hardy St; Hardy St from Hill to Main St.; Main St from Hardy St. to City Hall Parking Lot

31 – Toon Headz Presents: Caricature Pop-Up: 10am-6pm

*Art Month: Variety of subsidized art classes and activities hosted in the Duluth Festival Center

September Events

14 – Good Word Presents: Les Bon (Co-sponsored)

14 - Fall Festival Concert (Co-sponsored) (Open Zone)

21 – Smores and Snores at Rogers Bridge

28 & 29 - Fall Festival (Co-sponsored)

*Road Closures from Friday, September 27 evening through Sunday, September 29 evening; Main Street from W. Lawrenceville to Hardy and W. Lawrenceville Street from Main to Hill; Additional temporary closures for parade on morning of Saturday, September 28 and for Donut Dash on morning of Sunday, September 29

October Events

10 – Night at the Red Clay: Cinema

12 – Duluth on Tap: 2-7pm

19 and 26 – Haunted Duluth Tours

25 – Howl on the Green: 6-10pm

*Road Closures from 4-11pm: Main Street from City Hall Parking Lot to Activity Lawn; W. Lawrenceville St from Main St to crosswalk by Maple St Biscuits

November Events

9- Good Word Presents: Bestie Fest

December Events

7 – Deck the Hall: 2-7pm

*Road Closures from 10am-10pm: Main Street from City Hall to Activity Lawn

14 – Cookies & Cocoa with Santa: 10am-1pm

23 – Night at the Red Clay: Cinema

Frosty Fun:

Seasonal Activities on Town Green during Thanksgiving and Winter Breaks

Duluth Live Series:

April-December

Live Music in Parsons Alley Every Thursday – Sunday

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

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

VII. PUBLIC HEARINGS

1. ORDINANCE TO AMEND UDC – CASE TA2023-004 - JCBS PROPERTY {F}

Mayor Whitlock opened the public hearing to consider an ordinance to amend table 2-C of the Unified Development Code (UDC).

Community Development/Engineering Director Margie Pozin came forward to present. At the request of JBCS Property Group, owners of 4675 River Green Parkway, case TA2023-004 was presented to amend the zoning code to allow for an event facility to exist in the M-1 zoning classification by way of Special Use Permit.

Ms. Pozin described the usage. One of the tenant spaces at 4675 River Green Pkwy has been vacant for the past six months. Prior to its vacancy, it was occupied by KTN Ballroom for 15 years, from 2008-2023. When the UDC was adopted in 2015, Special Event Facilities were only allowed by special use in C-2 (General Business District), HC-Retail (Highway Commercial Retail District) and HC Auto (Highway-Commercial Auto District, but not in M-1. Thus, they were operating under legal non-conforming status until KTN Ballroom vacated in early 2023.

When the new tenant attempted to obtain a Zoning Certificate and Business License, they were denied based on the use disallowed in M-1 zoning, paired with the lapse of legal non-conforming use exceeding 6 months. This series of events prompted the owners to seek compliance with the UDC, which has led them to apply for this text amendment as step one to rectify the non-compliance and allow the legal use to return to their facility.

Ms. Pozin continued to explain that, within the M-1 area of River Green, there are several non-M-1 uses, such as two charter schools (YHALE, New Life), Notre Dame Academy (Private school), Scott Hudgens Park, and the El Salvadorian Consulate. The non-M-1 areas include a Montessori School (in C-2), Senior Living (PUD), and other commercial and office space (C-2 & PUD).

While M-1 does not currently allow for special event facilities, staff finds that this type of land use would not affect traffic patterns or parking as it is typically used during off-peak times from the rest of the adjacent land uses. It also can be

conditioned as part of a special use permit for behaviors such as noise, light, and other items.

Planning Commission and staff recommended approval.

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

Ms. Susan Oh of 4645 River Green Parkway, came forward to speak and give the background for the request. They had operated in that location for over 15 years and did not know about the change in UDC and that they had been “grandfathered” in. She explained that there was a TV station that had operated upstairs but has since vacated. As such, they have recently completed over \$200,000 worth of renovations to utilize the entire space.

The Mayor called for questions/comments from the public. There being none, Mayor Whitlock closed the public hearing and called for a motion.

A motion was made by Councilmember Thomas, seconded by Councilmember Doss, to approve Ordinance O2024-03 for case TA2023-004 as presented.

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

2. ORDINANCE OF SPECIAL USE – SU2023-010 - JCBS PROPERTY GRP {G}

As the Mayor and Council approved the ordinance for case TA2023-004, Mayor Whitlock opened the public hearing to consider approval of a request by Brenda Sim of JCBS, property owner of 4675 River Green Parkway, for a special use permit to operate such an event facility on 2.94 acres of parcel 6325 033.

Community Development/Engineering Director Margie Pozin came forward to present. She noted that All surrounding properties are zoned M-1 (Light Industrial District) except for the southeastern portion, which abuts a parcel of PUD (Planned Unit Development). However, not all of the uses are light industrial. The property to the west is Notre Dame Academy (Private School). The properties to the east and to the north is a Charter School, New Life Academy of Excellence.

FORWARDuluth envisions this Character Area to continue to be an economic engine for the city, serving as a major regional distribution and office hub. The Future Land Use Map (FLUM) envisions the uses to be commercial/retail/office. While there were general conditions recommended, the site specific ones were also recommended as follows:

- *An outdoor lighting plan shall be approved by the Director of Community Development and Engineering prior to the issuance of a development permit. The lighting plan shall include location, type and operation of all exterior lighting on the site. Site lighting shall be*

maintained in good repair and operational at all times. The lighting plan must demonstrate how there will be no light intrusion into the neighboring residentially zoned properties.

- *There shall be no outdoor storage of any kind at any time.*
- *There shall be a dumpster enclosure around the dumpster in accordance with Section 306.07.*

Planning Commission and staff recommended approval with conditions.

Mayor Whitlock called for discussion from Council. There being none, the Mayor called forward applicant. No additional comments were made.

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

A motion was made by Councilmember Harkness, seconded by Councilmember Graeder, to approve ordinance O2024-04 for case SU2023-010 as presented.

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

3. ORDINANCE TO AMEND UDC – CASE TA2023-005 - JCBS PROPERTY GRP

Mayor Whitlock announced the request was withdrawn by applicant prior to hearing by Planning Commission.

4. ORDINANCE OF SPECIAL USE – SU2023-012 - JCBS PROPERTY GRP

Mayor Whitlock announced the request was withdrawn by applicant prior to hearing by Planning Commission.

5. ORDINANCE OF SPECIAL USE – SU2023-009 – THANH TU NGUYEN

Mayor Whitlock opened the public hearing to consider a request for a special use permit to have a short term rental at 3863 Howell Springs Drive located in an R-100 Single-Family residential district. The subject property is a residential home on .64 acres of tax parcel 6295 034.

Community Development/Engineering Director Margie Pozin came forward to present. The subject property is a single-family home that has been used as a Short-Term Rental with Airbnb, which is not currently in compliance. They do not have a special use permit.

Ms. Pozin reported that FORWARDuluth envisions this Character Area to serve as the backbone of Duluth's residential community through the maintenance of a high level of owner occupancy, streetscape and infrastructure improvement in

aging developments, and an increase in walkability and connectivity. The Future Land Use Map (FLUM) envisions the uses to be low density residential.

Further, the request is not consistent with the neighborhood desire. Staff received a letter from a resident requesting it be read into the minutes of the PC hearing indicating that the neighbors were opposed to a STR in this location.

Planning Commission and staff recommended denial.

Mayor Whitlock called for discussion from Council. Councilmember Holloway asked if there are other Airbnb's in the area. Ms. Pozin responded that none are approved that staff is aware of.

The Mayor called the applicant forward to comment. The applicant was not present.

Mayor Whitlock called for questions/comments from the public.

Ms. Carmen Gilley of 3423 Wynnewood Lane came forward and spoke in opposition to allowing the property to be used as a rental.

There being no further comments or questions, Mayor Whitlock closed the public hearing and called for a motion.

A motion was made by Councilmember Doss, seconded by Councilmember Thomas, to deny the request for case SU2023-009 as presented.

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

6. RESOLUTION - 2045 COMPREHENSIVE PLAN

{H}

Mayor Whitlock opened the public hearing to consider a resolution approving the 2045 Comprehensive Plan.

The Community Development & Engineering staff has been working on a major update to the 2045 Comprehensive Plan, FORWARDuluth. City staff submitted a final draft of the plan to the Atlanta Regional Commission (ARC) on 1/2/2024 and all comments by the ARC have been satisfied.

Special projects manager Forrest Huffman came forward to explain the updates. He presented a timeline of action regarding the updated plan, and then noted the following changes since Council last reviewed the plan:

1. The Short-term Work Program has been updated to provide specific target years for item implementation.
2. The DCA classified a number of Short-term Work Program items as broad policy goals and not specific projects.

- i. Per DCA requirements, these items have been moved to the Report of Accomplishments and their status has been updated to canceled.
- ii. These goals, however, remain priorities for the City, and are addressed elsewhere in the plan.

Mr. Huffman acknowledged the assistance of the Steering committee, Planning Commission, Council members as well as staff and members of the LEAD committee who directly assisted with the project.

Staff and the Planning Commission recommended approval as presented.

Mayor called for discussion from Council.

Councilmembers Harkness and Holloway praised the document, and were very pleased with the direction it guides Council and staff toward.

Mayor Whitlock noted that the city used to hire consultants, but now has the appropriate staff in place that can perform this type of work.

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

A motion was made by Councilmember Holloway, seconded by Councilmember Thomas, to approve resolution R2024-05 adopting the City of Duluth's 2045 Comprehensive Plan, FORWARDuluth, as presented.

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

7. ORDINANCE TO AMEND UDC – TA2024-001 – FENCES

{/}

Mayor Whitlock opened the public hearing to consider an ordinance to amend Sections 304.2 and Table 12-A of the City of Duluth Unified Development Code to add language regarding fences.

Community Development/Engineering Director Margie Pozin came forward to present. She reported that staff has noticed a number of decorative residential fences being installed in front yards that do not meet code, but feels that they do enhance the aesthetic and value of the property. She noted that there have not been complaints from neighbors about those front yard fences exceeding 3'. Visually, these fences are not a nuisance and public safety has not been a concern in light of their construction.

Current code states the maximum height for a front yard fence is 3 ft. Any fence elsewhere on the property over 7 ft. currently requires a permit. The maximum fence height allowed with a permit is 8 ft.

For residential developments (not individual property owners), the UDC requires a fencing plan to be submitted and approved prior to issuance of the development permit. In this manner, the consistency, specifications, and conditions of the fences installed by the developer are controlled. Therefore, staff proposes allowing residential front yard fences with a 4 ft. maximum height, with an allowance for an administrative variance to be granted by the Director of Community Development & Engineering, if in the best interest of the City, to a height not to exceed 5 ft.

Staff and the Planning Commission recommended approval as presented.

Mayor Whitlock called for discussion from Council.

Councilmember Graeder spoke in support.

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

A motion was made by Councilmember Harkness, seconded by Councilmember Holloway, to approve ordinance O2024-05 for case TA2024-001 as presented.

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

8. ORDINANCE READOPTING OFFICIAL ZONING MAP {J}

Mayor Whitlock opened the public hearing to discuss revisions to the Official Zoning Map since its last adoption in 2022.

Community Development/Engineering Deputy Director Planner Aron Hall came forward to present. He explained several of the changes that have taken place since last adoption.

Mayor Whitlock called for discussion from Council. Council had no questions.

Mayor Whitlock called for questions/comments from the public. There being no comments or questions, Mayor Whitlock closed the public hearing and called for a motion.

A motion was made by Councilmember Thomas, seconded by Councilmember Doss, to approve ordinance O2024-06 adopting the City of Duluth Official Zoning Map, as presented.

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

VIII. NEW BUSINESS

1. ORDINANCE TO AMEND DULUTH CODE - CHAPTER 13 – TRASH {K}

The Mayor and Council considered an ordinance regarding solid waste service.

Community Development/Engineering Director Margie Pozin came forward to present. She explained that in May, the method will change for City's residential trash collection process, from the purple bag "pay as you throw" system to use of automated trucks servicing roadside rolling bins. Chapter 13 section 13-20 of the Duluth municipal code currently regulates trash collection by way of specialized plastic bags manufactured by the collector and sold through designated outlets.

Ms. Pozin addressed some of the public concerns and noted that the ordinance changes do not require "hiding" the collection bins; however, homeowner associations may have those requirements.

Councilmember Harkness felt it was important to mention that it was not really the City's choice to change, the waste management companies no longer provide this service due to staffing. Residents will still have free recycling.

Mayor Whitlock commented that no companies were willing to bid using the bag system and the quality of that service was not sustainable. Only cities who had their own municipal service still have a bag system in place.

Councilmember Graeder said that it was a long process to establish new service, and city staff are willing to work with individual challenges.

Councilmember Holloway felt that the City has done a good job of transparency and communication.

A motion was made by Councilmember Doss, seconded by Councilmember Harkness, to approve ordinance O2024-07 as presented.

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

2. AMEND DEVELOPMENT AGREEMENT – SODO (BEXLEY)/TAD {L} (ACTING AS THE REDEVELOPMENT AGENCY)

The Mayor and Council considered approval of an amendment to the Development Agreement for SODO (Bexley).

City Manager James Riker presented. He said that in 2019, the City Council (acting as the Redevelopment Agency) executed a development agreement with The Residential Group, LLC (TRG) who later assigned it to WMCI Atlanta IV-D, LLC.,

relating to reimbursement of Tax Allocation District (TAD) funds associated with the SODO (Bexley) project located at 3250 Buford Highway.

WMCI Atlanta IV-D, LLC., desires to end the City's obligation to annual payments in exchange for payment of a discounted lump sum. Such a change requires an amendment to the Development Agreement. The discounted lump sum payment is beneficial to the City and Urban Redevelopment Agency.

Councilmember Harkness asked if the calculated amounts were determined by a consultant, and Mr. Riker affirmed. Councilmember Harkness felt that they were reasonably discounted rates, with time value of money considered.

Councilmember Thomas noted that a lot of due diligence goes into these evaluations and commended staff for seeking out logical solutions.

Councilmember Graeder wanted to clarify that the only downside is that the property owner would then be able to appeal their assessed value. Mr. Riker confirmed.

A motion was made by Councilmember Thomas, seconded by Councilmember Holloway, to approve the amendment to the development agreement as presented and authorize the Mayor to execute it.

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

3. PURCHASE/SALE AGREEMENT – 2516 MAIN ST – PARCEL 7204 577 {M}

The Mayor and Council considered a contract for purchase and sale of a 4.17 acre property located at 2516 Main Street, parcel number 7204 577 from Nissley Contractors, Inc. in the amount of \$985,000.

City Manager James Riker presented. He discussed the location of property (in Gwinnett - unincorporated Duluth) and said that the City sees as it logical for expansion of the Public Works property for future growth purposes.

A motion was made by Councilmember Graeder, seconded by Councilmember Harkness, to approve the purchase of 2516 Main Street as presented for \$985,000 from Nissley Contractors, subject to the conditions of the purchase and sale agreement and issuance of title insurance, and further authorize the Mayor and City Attorney to execute all necessary documents related to this acquisition.

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

4. APPROVAL OF CONTRACT AMENDMENT – NORFOLK SOUTHERN {N}

Community Development/Engineering Director Margie Pozin came forward to present. She reported that in June of 2021, the City entered into a construction agreement with Norfolk Southern Railway for the Main Street Enhanced Sidewalk project (CD-71). Since that time, the standard operating procedure for procuring railroad flagging services has changed and Norfolk Southern (NS) outlines these changes in the amendment. Also, since so much time has passed, NS updated their force account estimate to account for current staff rates. This change is minimal and will be covered by the project's contingency already in the budget.

Therefore, Staff requested Council approval of the contract amendment (NS File: ROW1113808) and authorization for the Mayor or City Manager to execute it.

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

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

IX. MATTERS FROM DEPT HEADS/CITY ATTORNEY

1. COMPENSATION - ELECTED OFFICIALS

Asst. City Mgr./City Clerk Teresa Lynn presented. As previously discussed, Section 2-13 of the Duluth City Charter provides for Compensation and Expenses of the Mayor and Council members to be provided by ordinance. At the January 22nd work session Council discussed increasing the Mayor and Council's annual salaries by \$1,000. The Mayor and Council considered authorizing the City Attorney to draft an ordinance to amend Section 2-27 the Duluth Code of Ordinances.

Councilmember Thomas commented that staff actually provides the day-to-day operations of the City, and as such, the City has periodically increased staff pay to attract and retain best people to run the City. While the elected officials have not had an increase since 1998, she feels they are public servants to serve the community and that there are other intangible benefits that are not related to payment. She supported a small increase.

Councilmember Harkness noted that a lot of time goes into public meetings and preparation, and said that the pay is incredibly low. He also pointed out that, due to state law, any affirmative vote would be happening so far in advance of any potential increase. He was in favor for a \$1,200 increase for all, just to make it easily divisible by 12 months.

Councilmember Doss agreed that they are there to serve the community, but wanted it to be affordable for any potential candidates to mitigate costly factors

(such as need for childcare, etc.) to attend meetings and spend time away from families. He supported an increase.

Councilmember Holloway noted that this small amount has not changed since 1998 but the income is typically supplemental and definitely beneficial for some of the elected officials. She supported an increase as well.

Councilmember Graeder felt there was a need to compensate officials for the time away from home and said that, for some people to be able to serve, the City should want to attract people in the future who might have great vision and leadership but would need the income to offset family expenses as well. He suggested that salaries stay the same but per meeting pay increase.

Mayor Whitlock noted that he had lot of time to think about this issue. He said he was not here for the compensation, but also does not want to shift the personal and household burden to his family in order for his reallocation of time to public need. Therefore he felt the discussion should consider an increase in an amount to adequately supplement for people to be able to serve the community.

A motion was made by Councilmember Thomas, seconded by Councilmember Graeder, to approve an ordinance to amend section 2-27 of the Duluth code as follows:

For the Mayor - to increase base annual salary from \$6,000 to \$7,200 + \$4,800 (increase from \$150 to \$200 per meeting not to exceed two meetings per month), total \$12,000.

For the Council - to keep the same annual salary at \$2,400 + \$4,800 (increase from \$150 to \$200 per meeting not to exceed two meetings per month), total \$7,200.

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

2. ORDINANCE TO AMEND BUDGET – \$69,975 - RECORDING SYSTEMS {O}

Staff requested approval of a budget amendment to replace the recording equipment and microphones in the council chambers and community room of City Hall. The current equipment was installed when the building was first constructed 17 years ago, and has been experienced problems recording meetings over the last several months.

Staff has received a proposal from AV-Tech Media Solutions for \$59,972.83 to replace the equipment in the Council Chambers and estimates it will cost an additional \$10,000 to replace the equipment in the Community Room with funding coming from 2023 SPLOST unallocated Administrative Facilities funds. Approval of this item approves ordinance BA-FY24-21 to add \$69,975 to (CA-05)

City Hall Building - General Government Building - Furniture & Fixtures, including associated transfers.

Council wanted to ensure that the public attending the meetings was better able to hear the proceedings as well.

A motion was made by Councilmember Harkness, seconded by Councilmember Thomas, to approve ordinance BA-FY24-21 as presented.

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

3. ORD TO AMEND BUDGET – \$1,005,000 -PROPERTY PURCHASE {P}

Asst City Mgr./Finance Director Ken Sakmar came forward to explain the request. The City of Duluth entered into a purchase and sale agreement to purchase parcel 7204 577, located at 2516 Main Street. The property consists of 4.17 acres with current light industrial use. Staff has conducted soil testing, subsurface investigations, and a boundary survey and is now ready to move forward with the purchase of the property.

To complete the purchase, staff is requesting \$1,005,000 in 2023 SPLOST funds. Approval of this item approves budget ordinance (BA-FY24-22) to add unallocated 2023 SPLOST Administrative Facilities funds to the following line items. (CA-01) Public Works Land Acquisition - General Government Buildings - Professional Services \$2,500 and Land \$1,002,500.

A motion was made by Councilmember Thomas, seconded by Councilmember Doss, to approve ordinance BA-FY24-22 as presented.

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

X. MATTERS FROM MAYOR & COUNCIL

1. The Gigglebark Tree opening on Friday was a tremendous success. Funding for this project was through the ARPA funds.
2. Congratulations to Councilmember Holloway being recognized by her church during Black History Month as the first African American woman to serve on the Council.
3. Council for Korean Americans health study data is available for review.
4. Several members attended the Gwinnett Chamber annual dinner, and the Chamber earned the honor of "Chamber of the Year."
5. New class of Student LEAD started

XI. MATTERS FROM CITY MANAGER

1. Former employee Carol Hill passed away. Ms. Hill worked in the Planning Department for 16 years.
2. Stormwater update previously scheduled to be brought before the Council is being moved to the work session in March.

XII. ADJOURNMENT

A motion was made by Councilmember Doss, seconded by Councilmember Harkness, to adjourn at 7:45 pm.

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

The next scheduled meeting of the Mayor and Council is a work session for February 26, 2024 at 5:30 p.m. in the City Hall community room.



**WORK SESSION NOTES
MAYOR AND COUNCIL
CITY OF DULUTH, GA
FEBRUARY 26, 2024**

PRESENT: Mayor Whitlock, Councilmembers Harkness, Thomas, Doss, Graeder, and Holloway, City Manager, Asst. City Managers, Department Directors, City Attorney

Mayor Whitlock called the work session to order at 5:30pm.

I. PUBLIC COMMENTS

1. TRAFFIC CALMING AT CHATTAHOOCHEE RESERVE

Traci Mollenkopf of 2350 Black Rock Dr. and Felipe Hurtado of 2135 Chattahoochee Dr. came forward to address concerns regarding, Chattahoochee Reserve. They reported Canterbury Walk Dr., located within the subdivision, is frequently used as a cut-through for traffic on Peachtree Industrial Blvd. They also reported that the neighborhood has had a series of break-ins. They requested a study be conducted for their subdivision aimed at potential solutions to remedy these issues.

II. DISCUSSION ITEMS/PRESENTATIONS/UPDATES

1. BUNTEN PARK TRAIL – SPLOST PROJECT

Parks and Recreation Director Kathy Marelle came forward to present. She said the Bunten Park trail is a popular passive park amenity that is well used by the community. The surface of the walking trail has deteriorated, and the questionable condition of its sub-base has led to an uneven walking surface with large voids in the asphalt. Proposed improvements will enhance and stabilize the park trail system as well as bring it into alignment with ADA requirements. The project is expected to cost 3.6 million dollars and take 24 months to complete. Staff and Columbia Engineering representatives Randy Strunk and Erin White came forward to outline project details regarding ADA required markers.

Council authorized Staff to place this item on a future Council agenda for authorization.

2. TRAFFIC CALMING PROGRAM

Community Development and Engineering Director Margie Pozin came forward to present traffic calming, which is defined as self-enforcing improvements in safety, mobility, and comfort of roadways for both drivers and pedestrians. The objectives of a traffic calming program are to reduce speeding, accidents, and cut-through traffic, as well as increase access for all modes of transportation. Some examples of traffic calming strategies include speed humps, raised crosswalks, mini-roundabouts, speed signage and pavement markings. From time to time, staff gets complaints and requests for traffic calming but has no mechanism to determine which requests to follow up on, how to prioritize such requests, which measures to implement, and how to pay for these capital improvements. The City Manager stated that staff will work with Council and discuss further at a future meeting.

3. MOTOR VEHICLES AND TRAFFIC

Chief Carruth came forward to present a recommended change to Chapter 8 of the Duluth Code - Motor Vehicles and Traffic, which will add "Section C" clarifying penalty and notice requirements. This would implement civil enforcement against the registered owner for illegally parked vehicles. There will likely be an increase in the penalty from \$15 to \$20 to cover the additional expenses.

Council authorized Staff to place this item on the next Council agenda for approval.

4. BOARD AND COMMISSION APPOINTMENT RECOMMENDATIONS

Department Directors presented recommendations for the 2024 board appointments.

City Clerk

Alcohol Beverage Review Board:

Three appointments are required on this board due to Joy Thompson reaching 14 years of service, Demetrius Nelson moving outside of City limits, and one vacancy. Staff recommended moving Robert Edwards to fill the position vacated by Joy Thompson, appointing Jay Lastinger to the Alternate 1 position, and appointing Richard Middleton to fill the vacant Alternate 2 position.

Board of Ethics:

Appoint two recommendations from Councilmember Holloway

Employee Benefits & Audit Review Committee:

Staff recommend appointing Margaret Middleton to fill the position currently held by Brandon Odum, who currently serves on the Urban Redevelopment Agency. Staff further recommended appointing Greg Johnson to fill the Alternate 1 position. Councilmembers Harkness and Thomas currently hold the two governing body positions.

City Manager

Duluth Public Art Commission (DPAC)

Staff recommended reappointing Sanjay Parekh, Julie McKevitt, and Heather Blanchard for an additional term. Mayor Whitlock will continue to serve as a member of the governing body.

Duluth Tax Allocation District Advisory Committee (TADAC):

Councilmember Graeder will fill the vacant position previously held by Mayor Harris. Mayor Whitlock will continue his term on the committee.

Community Development & Engineering/Planning Director:

The interview panel, consisting of The Director, Deputy Director, and Planner within the department along with the current Chair of the Planning Commission, unanimously decided on the following recommendations.

Planning Commission:

Appoint Elizabeth Baggett (filling the unexpired term of Scott Perkins) and Jack Milner (filling the unexpired term of Councilmember Holloway), as well as reappointing Carey Fisher and Niti Gajjar for an additional term.

Zoning Board of Appeals:

Appoint Catherine Stringer (filling the unexpired term of K.C. Callaway who reached the term limit).

Economic Development Director

Downtown Development Authority (DDA):

Staff recommend reappointing Slade Lail, James Graham, and Richard Meehan for an additional term.

Parsons Alley Design Review Committee

The appointment term for the Parsons Alley Design Review Committee is two years. Staff recommended appointing Trang Tran and Ben Bailey and reappointing Ray Williams (Planning Commission Chair) and Ken Odum (Downtown Development Authority Chair) until 2026. Council recommended appointing Councilmember Holloway as the alternate position (previously held by Nancy Harris). Mayor Whitlock will continue to serve as an elected official.

Municipal Court Judge

Judges:

The Duluth City Charter provides for the appointment of the municipal court judges by ordinance. Accordingly, the Municipal Court proposes to reappoint the following municipal court judges for a one-year term as follows:

Charles L. Barrett, III, Chief Judge/Court Administrator
Margaret Gettle Washburn, Associate Judge
Claude Mason, Associate Judge
Chung Hun Lee, Associate Judge

Public Works Director

Veteran's Marker Committee

Councilmember Thomas will continue to serve as the governing body position.

Council authorized Staff to place these ordinances of appointment on the March 11th Council agenda for approval.

5. DOWNTOWN DULUTH TRADE AREA DATA

Economic development specialist Jessica Bianchi came forward and presented the PlacerAI data from 2023. The Downtown Development Authority (DDA) uses this data to track and understand visitation to downtown Duluth compared to similar downtowns in the Northern Arc and along the Buford Hwy Corridor.

III. MATTERS FROM MAYOR & COUNCIL

Council asked for an update on the studies being conducted for flood areas/stormwater. Staff reported these studies are being conducted by Columbia Engineering and the City will receive an update in March.

IV. ADJOURNMENT

The meeting adjourned at 8:00pm.

The next scheduled meeting of the Mayor and Council is March 11, 2024 at 6:00 p.m.

ORDINANCE
TO AMEND CHAPTER 8 OF THE DULUTH CODE – MOTOR VEHICLES AND TRAFFIC

The Council of the City of Duluth hereby ordains that the Duluth Code of Ordinances is hereby amended by adding subsection (c) of Section 8-70 of Chapter 8, Article III, of the Code, as follows:

Sec. 8-70. – Penalty.

- (c)(1) This article may also be enforced by the police department as a civil monetary penalty against the registered owner of the vehicle in violation. For civil enforcement of this article, a police officer shall issue a summons or citation to the registered owner of the vehicle in violation which shall direct the registered owner to appear in the Municipal Court at the date and time designated on the citation or summons. Service by a police officer by leaving a copy of said citation or summons upon the windshield of the vehicle in violation shall be sufficient service upon the registered owner. The summons or citation shall further inform the registered owner that the fine for said violation may be paid prior to the hearing date, in which event there shall be no further need to appear. In the event that there is no prepayment or appearance on the scheduled hearing date, the City Police Department or Clerk of Court shall mail the registered owner of the vehicle involved a notice advising the registered owner of a second hearing date before the Judge of the Municipal Court, and such notice will be by certified mail adding to the fines and cost an administrative fee of \$20.00. This notice will further advise the registered owner that the parking summons or citation fine may be paid in lieu of the court appearance.
- (2) In the event the registered owner fails to appear on the court date as specified in the certified letter or fails to cause the parking summons or citation fine to be paid, then a subpoena will be issued by the Clerk of the Municipal Court requiring the registered owner of the vehicle involved to appear before the Judge of the Municipal Court. This subpoena will require personal service or service by certified mail with return receipt.
- (3) In the event the registered owner fails to appear or to cause the violations to be paid on or before the court date specified on the subpoena, a bench warrant may be issued and the vehicle registered to the same owner impounded and a hold placed on the vehicle by the Duluth Police Department until which time the registered owner appears before the Judge of the Municipal Court.
- (4) For the purpose of this section, the nearest authorized impound facility shall be that lot designated by the Police Chief.

IT IS SO ORDAINED this ____ day of _____, 2024.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenee Johnson Holloway, Post 5

Those councilmembers voting in opposition:

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

**ORDINANCE
CITY OF DULUTH
ALCOHOL BEVERAGE REVIEW BOARD**

WHEREAS, Pursuant to Section 3-115 of the Duluth Code of Ordinances establish the Alcohol Review Board. Membership is comprised of (5) members and two (2) alternates, who must all be residents of the City for a least one (1) year. Two (2) members may be an owner/manager of a business located and licensed within the city limits for at least one (1) year prior to nomination. Members appointed must pass a background check.

WHEREAS, Pursuant to Section 2-49 Term Limits for Board and Commissions (established 2012). Service on each board, authority, commission, or committee of the City of Duluth shall be limited to three consecutive full four-year terms. In no event shall a member serve over fourteen (14) consecutive years.

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby ordains that the following individuals be appointed as members of the Alcohol Beverage Review Board and be authorized to serve in their positions for four-year terms unless a majority vote of Council removes such member(s).

Appoint:

Jay Lastinger (Alt 1)	Expires 3/31/26 (filling unexpired term of Joy Thompson)	Term begin date: 2024
Richard Middleton (Alt 2)	Expires 3/31/28 (filling unexpired term of Demetrius Nelson)	Term begin date: 2024

Current Members:

Robert Edwards	Expires 3/31/26	Term begin date: 2023
William Corley	Expires 3/31/25	Term begin date: 2017
Richard T. Hill	Expires 3/31/25	Term begin date: 2015
Bethany Marciniak	Expires 3/31/25	Term begin date: 2017
Rod Parris	Expires 3/31/26 (term limit in 2026, 14 yr max)	Term begin date: 2012

IT IS SO ORDAINED this _____ day of March 2024.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

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

**ORDINANCE
DOWNTOWN DEVELOPMENT AUTHORITY**

WHEREAS, the Mayor and Council of the City of Duluth did pass a Resolution on December 12, 1983 determining that there was a need for a Downtown Development Authority for the City Duluth; and as allowed and required by the laws of the State of Georgia including, but not limited to, O.C.G.A. Chapter 36-42-7 which provides for the qualifications of directors;

WHEREAS, Pursuant to Section 2-49 Term Limits for Board and Commissions (established 2012). Service on each board, authority, commission or committee of the City of Duluth shall be limited to three consecutive full four-year terms. In no event shall a member serve over fourteen (14) consecutive years.

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby ordains that the following individuals be reappointed as members of the Downtown Development Authority and be authorized to serve in their positions for four-year terms unless a majority vote of Council removes such member(s).

Reappoint Members:

Richard Meehan	Expires 3/31/28	Term begin date: 2018
Slade Lail	Expires 3/31/28	Term begin date: 2016
James Graham	Expires 3/31/28	Term begin date: 2016

Current Members:

Robb Watson	Expires 3/31/26	Term begin date: 2021
Ken Odum	Expires 3/31/26	Term begin date: 2016
Frederick Butler	Expires 3/31/26	Term begin date: 2021
Tammy Lopez	Expires 3/31/26	Term begin date: 2022

IT IS SO ORDAINED this _____ day of March 2024.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

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

**ORDINANCE
DULUTH PUBLIC ART COMMISSION**

WHEREAS, in accordance with Section 2-270 of the Duluth Code of Ordinances, the Duluth Public Art Commission shall be made up of six (6) regular members and one (1) member of the mayor and council, DPAC membership must at all times contain at least five (5) members who are citizens of the City of Duluth.

WHEREAS, Section 2-49 Term Limits for Board and Commissions (established 2012). Service on each board, authority, commission or committee of the City of Duluth shall be limited to three consecutive full four-year terms. In no event shall a member serve over fourteen (consecutive) years.

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby ordains that the following individuals be reappointed to the Duluth Public Art Commission for a four-year term unless a majority vote of Council removes such member(s). Board shall serve without compensation.

Reappoint:

Sanjay Parekh	Expires 3/31/28	Term begin date: 2020
Julie McKeivitt	Expires 3/31/28	Term begin date: 2020
Heather Blanchard	Expires 3/31/28	Term begin date: 2023

Current Members:

Dr. Augustine Emmanuel	Expires 3/31/26	Term begin date: 2022
Sheila Harmony	Expires 3/31/26	Term begin date: 2022
Ken Sebastian	Expires 3/31/26	Term begin date: 2023

Governing Body:

Greg Whitlock	Expires 3/31/26	Term begin date: 2019
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City Staff Appointed by City Manager:

Kristin McGregor
Kim Jackson

IT IS SO ORDAINED this _____ day of March, 2024.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

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

**ORDINANCE
CITY OF DULUTH
EMPLOYEES BENEFITS AND AUDIT COMMITTEE**

WHEREAS, Pursuant to Section 2-96 of the Duluth Code of Ordinances establish that the Employees Benefits and Audit Committee be comprised of up to eight (8) members, and shall consist of two (2) members of the governing body, one (1) to four (4) city residents with investment experience, may consists of up to two (2) business owners with a current city occupational tax certificate and two (2) city residents, one designated as an alternate.

WHEREAS, Section 2-49 Term Limits for Boards and Commisions (established 2012) service on each and every board, authority, commission or committee of the City of Duluth shall be limited to three consecutive full four-year terms. Four-year terms to begin at the time of term expiration after 2012. In no event shall a member serve over fourteen (14) consecutive years.

NOW THEREFORE, the City Council of the City of Duluth hereby ordains that the following members to be appointed to the Employees Benefitis and Audit Committee and are authorized to serve in said position unless a majority vote of Council removes such member.

New Appointments:

Margaret Middleton	3/31/25 (filling unexpired term of Brandon Odum)	Term begin date: 2024
Greg Johnson (Alt 1)	3/31/28 (filling vacant seat)	Term begin date: 2024

Current Members:

Michael Park	3/31/26	Term begin date: 2022
Carla Montgomery	3/31/26	Term begin date: 2022
Helen Boyce	3/31/26	Term begin date: 2022
Susan Porteous	3/31/26	Term begin date: 2023

Governing Body:

Marline Thomas	3/31/26	Term begin date: 2021
Jamin Harkness	3/31/26	Term begin date: 2022

Permanent Positions:

Ken Sakmar (Asst. City Manager/Finance)
Jocelyn McGiboney (HR Manager)

IT IS SO ORDAINED this _____ day of March 2024.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

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

**ORDINANCE
CITY OF DULUTH
BOARD OF ETHICS**

WHEREAS, Section 2-228 (a), (1-3) of the Duluth Code of Ordinances establishes that the Board of Ethics shall be appointed by the mayor and council members. Each shall designate two (2) qualified citizens to provide a pool of twelve (12) individuals who have consented to serve as a member of such board of ethics and who will be available for a period of four (4) years to be called upon to serve in the event a board of ethics is appointed. Each member of the board of ethics shall have been a resident of the city for at least one (1) year immediately preceding the date of taking office and shall remain a resident of the city while serving as a member of the board of ethics. No person shall serve as a member of the board of ethics if the person has or has had within the preceding one (1) year period, any interest in any contract, transaction, or official action of the city. The city manager shall maintain a listing of these twelve (12) qualified citizens. Should the investigating committee determine a complaint warrants a hearing before the board of ethics, the mayor and council, at the first public meeting after such determination, shall draw names randomly from the listing of qualified citizens until the specified five (5) members of the board of ethics have been appointed. Such board will elect one (1) of its members to serve as chairman.

WHEREAS, Section 2-49 Term Limits for Board and Commissions (established 2012). Service on each board, authority, commission or committee of the City of Duluth shall be limited to three consecutive full four-year terms. In no event shall a member serve over fourteen (consecutive) years.

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby ordains that the following individuals be appointed to the City Board of Ethics for a four-year term unless a majority vote of Council removes such member(s). Board shall serve without compensation.

Appoint:

Nicole Wolff (Holloway)	Expires 3/31/28	Term begin date: 2024
Greta Langpap (Holloway)	Expires 3/31/24	Term begin date: 2024

Current Members:

Jean Harrivel (Graeder)	Expires 3/31/26 (term limit 2026)	Term begin date: 2012
Alexis Server (Harkness)	Expires 3/31/26	Term begin date: 2018
Brett Duke (Thomas)	Expires 3/31/26	Term begin date: 2021
Chip Sweney (Whitlock)	Expires 3/31/26 (term limit 2027)	Term begin date: 2013
Nate Benard (Doss)	Expires 3/31/26	Term begin date: 2022
Kyle Drake (Doss)	Expires 3/31/26	Term begin date: 2022
Lana Tolbert (Thomas)	Expires 3/31/25	Term begin date: 2022
Sarah Park (Whitlock)	Expires 3/31/25	Term begin date: 2022
Margaret Wharton (Graeder)	Expires 3/31/25	Term begin date: 2021
Donna Kain (Harkness)	Expires 3/31/25	Term begin date: 2022

IT IS SO ORDAINED this _____ day of March 2024.

Those councilmembers voting in favor:

Mayor Greg Whitlock

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

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

**ORDINANCE
CITY OF DULUTH
MUNICIPAL COURT JUDGES**

WHEREAS, Section 4.11 of the Duluth Code of Ordinances establishes that the selection and terms of the part-time, full-time, or stand-by judges who preside over the Municipal Court shall be provided by ordinance.

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby ordains that the following individuals be reappointed as Municipal Court Judges of the City of Duluth, and shall serve for a term of one year:

Reappoint:

Charles L. Barrett, III, Chief Judge/Crt Admin	Expires 3/31/25
Margaret Gettle Washburn, Associate Judge	Expires 3/31/25
Claude Mason, Associate Judge	Expires 3/31/25
Chung Hun Lee, Associate Judge	Expires 3/31/25

IT IS SO ORDAINED this _____ day of March, 2024.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

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

ORDINANCE
PARSONS ALLEY DESIGN REVIEW COMMITTEE

WHEREAS, to govern operations and common property which it controls, the City of Duluth created the Declaration of Covenants, Conditions, Restrictions, And Easements for Parsons Alley. The Declaration requires the creation of the Parsons Alley Design Review Committee (DRC).

NOW THEREFORE, the City Council of the City of Duluth hereby ordains that the following individuals be appointed as Parsons Alley Design Review Committee member of the City of Duluth, GA for two-year terms as follows.

Appoint:

Trang Tran (Regency Bridge LLC)	Expires 3/31/26 (filling expired term of Ryan Skinner)	Term begin date: 2024
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Ben Bailey (LR Burger)	Expires 3/31/26 (filling expired term of Betsy McAtee)	Term begin date: 2024
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Reappoint:

Ray Williams (Chair PC)	Expires 3/31/26	Term begin date: 2022
Ken Odum (Chair DDA)	Expires 3/31/26	Term begin date: 2022

Governing Body:

Greg Whitlock (Mayor)	Expires 3/31/26	Term begin date: 2016
Shenée Holloway (Alternate)	Expires 3/31/26	Term begin date: 2024

IT IS SO ORDAINED this _____ day of March, 2024.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

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

**ORDINANCE
CITY OF DULUTH
PLANNING COMMISSION**

WHEREAS, Pursuant to Section 1302.01 of the Duluth Unified Development Code, the Planning Commission shall be comprised of five (5) members and one (1) alternate. All members shall be residents of the City of Duluth or the owner or operator of a business located within the City of Duluth, provided the business is current in the payment of its City Occupational Tax and all other payments due to the City. The five (5) members and the alternate member are to be appointed by the City Council. The term of office for members shall be four (4) years, said terms to be staggered, to begin on April 1 and end on March 31.

WHEREAS, Pursuant to Section 2-49 Term Limits for Board and Commissions (established 2012), service on each board, authority, commission or committee of the City of Duluth shall be limited to three (3) consecutive full four (4) year terms. In no event shall a member serve over fourteen (14) consecutive years.

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby ordains that the following individuals be appointed as members of the Planning Commission and be authorized to serve in their positions for four-year terms unless a majority vote of Council removes such member(s). The compensation shall be \$25 per meeting not to exceed two (2) meetings per month.

Appoint:

Jack Milner (Alt)	Expires 3/31/27 (filling unexpired term of Shenée Holloway)	Term begin date: 2024
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Elizabeth Baggett	Expires 3/31/26 (filling unexpired term of Scott Perkins)	Term begin date: 2024
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Reappoint:

Niti Gajjar	Expires 3/31/28	Term begin date: 2020
Carey Fisher	Expires 3/31/28	Term begin date: 2020

Current Members:

Ray Williams	Expires 3/31/25 (term limit in 2025, three full terms, 12 yrs)	Term begin date: 2013
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Alana Moss	Expires 3/31/26 (term limit in 2026, served partial first term, max 14 yrs)	Term begin date: 2012
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IT IS SO ORDAINED this_____ day of March 2024.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

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

**ORDINANCE
CITY OF DULUTH
DULUTH TAX ALLOCATION DISTRICT ADVISORY COMMITTEE**

WHEREAS, the City of Duluth and Gwinnett County Board of Commissioners executed an Intergovernmental Agreement (IGA) that allowed Gwinnett County tax increments in the computation of the Tax Allocation District; and

WHEREAS, the Mayor and Council approved the creation of an advisory committee to be populated by representatives from the City of Duluth, the Chair of Gwinnett County Board of Commissioners and the Gwinnett County Director of Planning; and

WHEREAS, the creation of the Duluth TAD Advisory Committee, herein after known as “DTADAC” will review all projects involving the expenditure of Tax Allocation Increments, and/or all issuances of TAD financing, prior to their consideration for approval by the Redevelopment Agency (City Council). The DTADAC shall be made up of five (5) regular members. Members shall include two (2) members of the Mayor & Council, the City Manager or his/her designee, the Chair of the Gwinnett County Commission or his/her designee and the Gwinnett County Director of Planning or his/her designee; and

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby ordains that the following individual be appointed as a member of the Duluth Tax Allocation District Advisory Committee and be authorized to serve in their position for four (4) year terms unless a majority vote of Council removes such member (s).

Appoint:

Manfred Graeder (City Council)	Expires 7/11/26	Term begin date: 2024
	(filling unexpired term of Nancy Harris)	

Current Members:

Greg Whitlock (City Council)	Expires 7/11/26	Term begin date: 2014
James Riker (City Manager)	Expires 7/11/26	Term begin date: 2014
Nicole Love-Hendrickson (Gw Co Rep)	Expires 7/11/26	Term begin date: 2022
Susan Canon (Gw Co Rep)	Expires 7/11/26	Term begin date: 2022

IT IS SO ORDAINED this _____ day of March, 2024.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

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

**ORDINANCE
CITY OF DULUTH
ZONING BOARD OF APPEALS APPOINTMENT**

WHEREAS, Pursuant to Section 1303.01 of the Duluth Unified Development Code, the Zoning Board of Appeals shall consist of five (5) members and one (1) alternate. All members must be residents of the city; or the owner or operator of a business located within the City of Duluth, provided the business is current in the payment of its City Occupational Tax and all other payments due to the City. One (1) member shall be on the Planning Commission. The five (5) members and the alternate member are to be appointed by the City Council. The term of office for members shall be four (4) years, said terms to be staggered, to begin on April 1 and end on March 31.

WHEREAS, Pursuant to Section 2-49 Term Limits for Board and Commissions (established 2012), service on each board, authority, commission or committee of the City of Duluth shall be limited to three (3) consecutive full four (4) year terms. In no event shall a member serve over fourteen (14) consecutive years.

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby ordains that the following individuals be appointed as a member of the Zoning Board of Appeals and be authorized to serve in their positions for four-year terms unless a majority vote of Council removes such member(s). The compensation shall be \$25 per meeting for one (1) meeting per month.

Appoint:

Catherine Stringer (Alt)	Expires 3/31/25	Term begin date: 2024
	(filling unexpired term of Callaway, 14 yrs max)	

Current Members:

Nitti Gajjar	Expires 3/31/25	Term begin date: 2021
Ken Wilson	Expires 3/31/26	Term begin date: 2011
	(term limit 2025, 14 yr max)	
Robert Pennington	Expires 3/31/25	Term begin date: 2022
Verdi Avila	Expires 3/31/27	Term begin date: 2015
William Latta	Expires 3/31/27	Term begin date: 2022

IT IS SO ORDAINED this_____ day of March 2024.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

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

**ORDINANCE
CITY OF DULUTH**

WHEREAS, O.C.G.A. 36-35-4 provides authorization for the governing authority of municipalities to establish compensation for members of its municipal governing authority; and

WHEREAS, Mayor and Council of the City of Duluth has carefully considered the benefits of increasing compensation for the Mayor and members of Council; and

WHEREAS, O.C.G.A. 36-35-4 provides that any increase in compensation for the Mayor or members of council shall not become effective until after the taking of office of those elected at the next regular municipal election which is held immediately following the date on which the action to increase compensation was taken; and

WHEREAS, the next regular municipal election is set to be held in November 2025 with those elected taking office on January 1, 2026;

NOW THEREFORE, the City Council of the City of Duluth hereby ordains that the City of Duluth Municipal Code is hereby amended by deleting in its entirety Section 2-27 of Article II and replacing said Section with the following:

Sec. 2-27. - Compensation.

The city council hereby ordains compensation for the mayor and city council for performing their official duties shall be as follows:

- (1) The mayor shall receive compensation in the amount of seven thousand two hundred dollars (\$7,200.00) per year plus two hundred dollars (\$200.00) per meeting attended for each official city meeting, not to exceed two (2) meetings per month.
- (2) Members of the city council shall receive compensation in the amount of two thousand four hundred dollars (\$2,400.00) per year plus two hundred dollars (\$200.00) per meeting attended for each official city meeting, not to exceed two (2) meetings per month.
- (3) The mayor and members of the city council shall be entitled to reimbursement for expenses actually and necessarily incurred by the mayor or members of the city council in carrying out their official duties.

The mayor or any member of the council may decline to accept the salary and/or per meeting compensation established in this section by filing a written statement setting forth such election with the city clerk at the start of the fiscal year. The election of the mayor and each council member to forfeit

salary and/or per meeting compensation shall be binding for the fiscal year unless amended in writing. Amendments to compensation election may be made no more than once quarterly. The term "official city meeting" as used in this section shall mean any regularly scheduled or called meeting of the city council at which a quorum is present and any official meeting or training session of the Georgia Municipal Association or the Gwinnett Municipal Association.

This Ordinance shall become effective on January 1, 2026.

IT IS SO ORDAINED this _____ day of _____ 2024.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Holloway, Post 5

Those councilmembers voting in opposition:

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

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

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

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

Total Revenues:	<u>89,674,588</u>
Operations Expenditures:	<u>42,166,985</u>
Capital Improvement Expenditures:	<u>47,507,603</u>
Total Expenditures:	<u>89,674,588</u>

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

WHEREAS the City of Duluth entered into two Intergovernmental Agreements (IGA) with Gwinnett County to jointly fund the construction of the Western Gwinnett Bikeway with the 2014 Agreement requesting \$131,100 and the 2017 Agreement requesting \$87,963; and

WHEREAS budgeted funding has allowed the City to fund the 2014 commitment and some of the 2017 commitment and it is requested 67,693.75 in unallocated 2014 SPLOST Transportation and interest income and \$15,715.25 in unallocated 2017 SPLOST Transportation funds be added to this project; and

WHEREAS it is requested to add \$67,693.75 in unallocated 2014 SPLOST Transportation & Interest Income and \$15,715.25 in unallocated 2017 SPLOST Transportation funds to (CD-67) Western Gwinnett Bikeway – Bikeways – Site Improvements line item, including associated transfers; and

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

Total Revenues & Prior Yr Reserves	<u>89,757,997</u>
Operations Expenditures:	<u>42,166,985</u>
Capital Improvement Expenditures:	<u>47,591,012</u>
Total Expenditures:	<u>89,757,997</u>

IT IS SO ORDAINED this _____ day of _____, 2024.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

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

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

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

Total Revenues:	<u>89,757,997</u>
Operations Expenditures:	<u>42,166,985</u>
Capital Improvement Expenditures:	<u>47,591,012</u>
Total Expenditures:	<u>89,757,997</u>

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

WHEREAS the City of Duluth over the past two years, using American Rescue Plan Act (ARPA) funds has been working to acquire the necessary easements to install sanitary sewer lines in the Pinecrest and Hill communities; and

WHEREAS budgeted funds to acquire the easements have been nearly exhausted, however, one final parcel #28 in the Hill community for \$215,000 needs to be acquired; and

WHEREAS it is requested to add \$215,000 in ARPA Funds to American Rescue Plan Act 2021 – New Sewer Services – Land line item; and

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

Total Revenues & Prior Yr Reserves	<u>89,972,997</u>
Operations Expenditures:	<u>42,166,985</u>
Capital Improvement Expenditures:	<u>47,806,012</u>
Total Expenditures:	<u>89,972,997</u>

IT IS SO ORDAINED this _____ day of _____, **2024**.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

**SUMMARY OF KEY AMENDMENTS
TO THE RESTATED
GEORGIA MUNICIPAL EMPLOYEES BENEFIT SYSTEM
DEFINED BENEFIT RETIREMENT PLAN**

I. GENERAL OVERVIEW

On August 31, 2023, the IRS issued a favorable opinion letter for the Amended and Restated Third Six-Year Cycle Georgia Municipal Employees Benefit System Defined Benefit Retirement Plan ("DB Plan" or "Plan"). The Plan, as approved, incorporates required federal law updates, as well as administrative updates adopted by the Board of Trustees of GMEBS over the last several years. The IRS requires that each Adopting Employer sign an updated DB Plan Adoption Agreement (and Addendum, if applicable).

II. SUMMARY OF KEY CHANGES TO THE BASIC PLAN DOCUMENT

Participating employers have already been apprised of the content of all amendments adopted by the Board before August 31, 2023. However, during its review, the IRS required GMEBS to include additional amendments in the restated Plan documents. The following information summarizes those amendments, as well as Amendment 1 to the Basic Plan Document, which was approved by the Board of Trustees on September 22, 2023.

- ❖ **Change from “Master Plan Document” to “Basic Plan Document”** – The IRS changed its terminology for pre-approved plan documents from “Master Plan document” to Basic Plan Document.”
- ❖ **Removal of Outdated Language** – GMEBS amended the Plan for administrative purposes to move provisions that were no longer in effect or no longer applicable.
- ❖ **Minimum Age Limits for In-Service Distribution** – As a general rule, employees or elected officials may not draw retirement benefits while employed. The Basic Plan document states that if a plan allows in-service distribution, a participant must be at least age 62, or satisfy certain “safe harbor” age and service combinations established in IRS regulations, to receive retirement benefits while employed. If a plan allows in-service distribution and has an alternative normal retirement provision with a minimum age of at least 50 specifically for public safety employees (or that satisfies certain IRS “safe harbor” age and service qualifications that apply to public safety employees), public safety employees who are eligible for the alternative normal retirement may receive an in-service distribution even if they are younger than age 62. Though Congress amended federal law in 2019 to allow plans to set normal retirement ages at a minimum age of 59 ½, the IRS’s opinion letter for the DB Plan specified it would not apply to plans that allowed in-service distribution at ages younger than 62 (or 50 for public safety employees) or that did not satisfy one of the IRS’s safe harbors for in-service distribution. **As in prior restatements, GMEBS plans that currently have in-service distribution provisions that don’t meet these requirements will have the opportunity to file for separate IRS approval of these provisions.** “In-service distribution” means a distribution of normal or alternative normal retirement benefits without a bona fide separation from service. A “bona fide

SUMMARY OF KEY AMENDMENTS

separation from service” is a separation from service of at least six months with no expectation of returning to service.

- ❖ **Removal of Public Employment Related Crime Provisions** – At the request of the IRS, GMEBS removed language concerning the reduction or forfeiture of a participant’s benefits following a final conviction of a public employment related crime from the Basic Plan Document. State laws requiring a reduction in or forfeiture of retirement benefits if a participant is convicted of a public employment related crime still apply but are no longer mentioned in the Plan documents.
- ❖ **Clarification of Process for Locating an Individual Owed Benefits** – As required by the IRS, the restated Basic Plan Document details the steps an employer offering benefits under the DB Plan must take to locate an individual to whom benefits are owed under the Plan. These steps include searching Plan-related and publicly available records or directories for alternative contact information; sending certified mail to the individual’s last known mailing address and reaching out through appropriate means for address or contact information (such as email addresses and phone numbers) available to the employer; and using either a commercial locator service, a credit reporting agency or internet search tools to find the individual.
- ❖ **Federal Tax Law Updates** – The Basic Plan Document contains several federal tax law updates, including allowing rollovers to SIMPLE IRAs in certain situations, updating mortality table language relating to annual benefit limits, and allowing employers to amend the plan as necessary to satisfy Section 415 of the Internal Revenue Code, even if doing so impacts benefits.
- ❖ **Voting Representative; Trustees** – GMEBS updated language in the Basic Plan Document designating employers’ voting representative for GMEBS purposes to be consistent with the GMEBS Bylaws. The language provides that, unless otherwise directed by an employer’s chief executive, a GMEBS trustee will be considered his or her employer’s designated voting representative. For all other employers, the chief executive or administrative officer will be the employer’s voting representative.
- ❖ **Use of Trust Fund Assets** – The Basic Plan Document stipulates that trust fund assets can be used to pay reasonable fees, taxes and expenses of the Plan and Trust.
- ❖ **Reversion of Assets in Event of Plan Termination** – Per the request of the IRS, GMEBS amended the Basic Plan Document to state that, in the event an employer’s plan is terminated, excess trust fund assets remaining after paying all vested accrued benefits to all participants can only revert to the employer if the excess was due to an actuarial error.
- ❖ **Added Language to Adoption Agreement Regarding Compliance with Federal Law when an Employer Has More than One Defined Benefit Retirement Plan** – Per the request of the IRS, the Adoption Agreement contains a new Section 15(G) concerning Section 415(b) of the Internal Revenue Code, when an employer has more than one defined benefit retirement plan. This provision will be blank in most GMEBS employers’ Adoption Agreements.

SUMMARY OF KEY AMENDMENTS

- ❖ **Adjusted Minimum Ages for Commencement of Required Minimum Contributions** – The SECURE Act of 2019 and 2022’s SECURE 2.0 raised the age at which participants have to start drawing retirement benefits. These changes were not included in the restated Basic Plan Document reviewed by the IRS. However, on September 23, 2023, the Board of Trustees of GMEBS adopted Amendment 1 to the Restated Plan to implement these updates. Currently, a terminated vested participant must retire no later than the April 1 following the date the participant turns 73. Starting in 2033, a terminated vested participant must retire no later than the April 1 following the date the participant turns 75.

**CITY OF DULUTH
PLANNING COMMISSION**

Staff Report
March 11, 2024

CASE NUMBER:	Z2023-004
LOCATION:	3295 Hall Circle
PARCEL(S):	R6293 117
CURRENT ZONING:	C-1 (Neighborhood Business District)
PROPOSED ZONING:	RM (Residential Multi-Family District)
ACREAGE:	+/- .34
REQUEST:	Approval of a Rezoning from C-1 (Neighborhood Business District) to RM (Residential Multi-Family District) to allow for a townhome development.
OWNER/APPLICANT:	<p>Romi Patel 2814 Pebble Hill Pte Duluth, GA 30097</p> <p><i>On behalf of</i> Baraka Development LLC 2814 Pebble Hill Pte Duluth, GA 30097</p>

STAFF RECOMMENDATION Z2023-004:	APPROVAL with Conditions
PLANNING COMMISSION RECOMMENDATION	APPROVAL with Conditions

I. PURPOSE AND DESCRIPTION OF THE REQUEST

The purpose of the rezoning request (Z2023-004) is to rezone the current parcel from C-1 (Neighborhood Business District) to RM (Residential Multi-Family District).

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”.

In order for the applicant to achieve their desired land use on the subject property, they are required to rezone the subject property.

II. EXISTING CONDITIONS

The subject property totals +/- .34 acres. The properties to the north are currently zoned RM (Residential Multi-Family District) and C-1 (Neighborhood Business District). The property to the south is also zoned C-1. The property to the east is currently zoned C-1 (Neighborhood Business District). The property to the west is zoned RM (Residential Multi-Family District).

Each of these parcels is also within the DOD (Downtown Overlay District). For more information on the DOD, see Section IV. Planning Staff Review.

III. REVIEW OF THE REQUEST

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

- A. 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.

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. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
- C. 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.
- D. 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.
- E. 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.

The Applicant has provided written responses to the above Rezoning Standards as part of the application. This documents is attached hereto as Exhibit “E”.

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

The subject property is located in the Core Neighborhood District Character Area. FORWARDuluth envisions this Character Area to be denser, connected neighborhoods, easily accessible to Downtown through a system of trails, sidewalks and road connections, while capitalizing on existing traditional street fabric and opportunities for redevelopment and infill. The Future Land Use Map (FLUM) envisions this parcel as medium density residential.

IV. PLANNING STAFF REVIEW

The subject property has been vacant since 2013. Prior to it being vacant, there sat a manufactured house on the property. Since the adoption of the UDC (Unified Development Code) in 2015, the property has never been developed per its current zoning.

The Vision & Aspirations chapter and supporting Character Area Map of FORWARDuluth (also known as the Comprehensive Plan) identifies the Character Area of this property as the Core Neighborhood District character area. The Core Neighborhood District character area anchors adjoining Downtown within the city, while providing a wide variety of housing types within walking distance to unique retail, recreation, and entertainment. The southwest quadrant where the subject parcel lies within the Core Neighborhood District now has access to public sanitary sewer which makes this a prime area for infill redevelopment.

The subject property is currently zoned C-1 (Neighborhood Business District); however, the RM zoning district is more in-line with the aspirations of the Comprehensive Plan. RM Zoning districts are intended primarily for two-family (duplex) and multi-family dwellings at low-to-medium suburban residential densities on land which is served by public sewer system and where there is convenient access to collector streets or major thoroughfares (Duluth Highway, GA-120).

This parcel is also in the DOD (Downtown Overlay District). The purpose of the DOD Overlay District is to encourage new development and redevelopment adjacent to the Duluth Central Business District that follows the compact development pattern, architectural styles and mix of uses found in the CBD. The DOD is intended to allow the downtown area to extend across Buford Highway, consistent with the intent of the former Buford Highway Corridor Redevelopment Plan (March 2010) by supplementing the base zoning regulations within the overlay district which contains tailored building and design standards.

V. RECOMMENDATION

Planning staff recommends **Approval with conditions** of case Z2023-004.

Planning Commission recommends **Approval with conditions** of case Z2023-004.

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

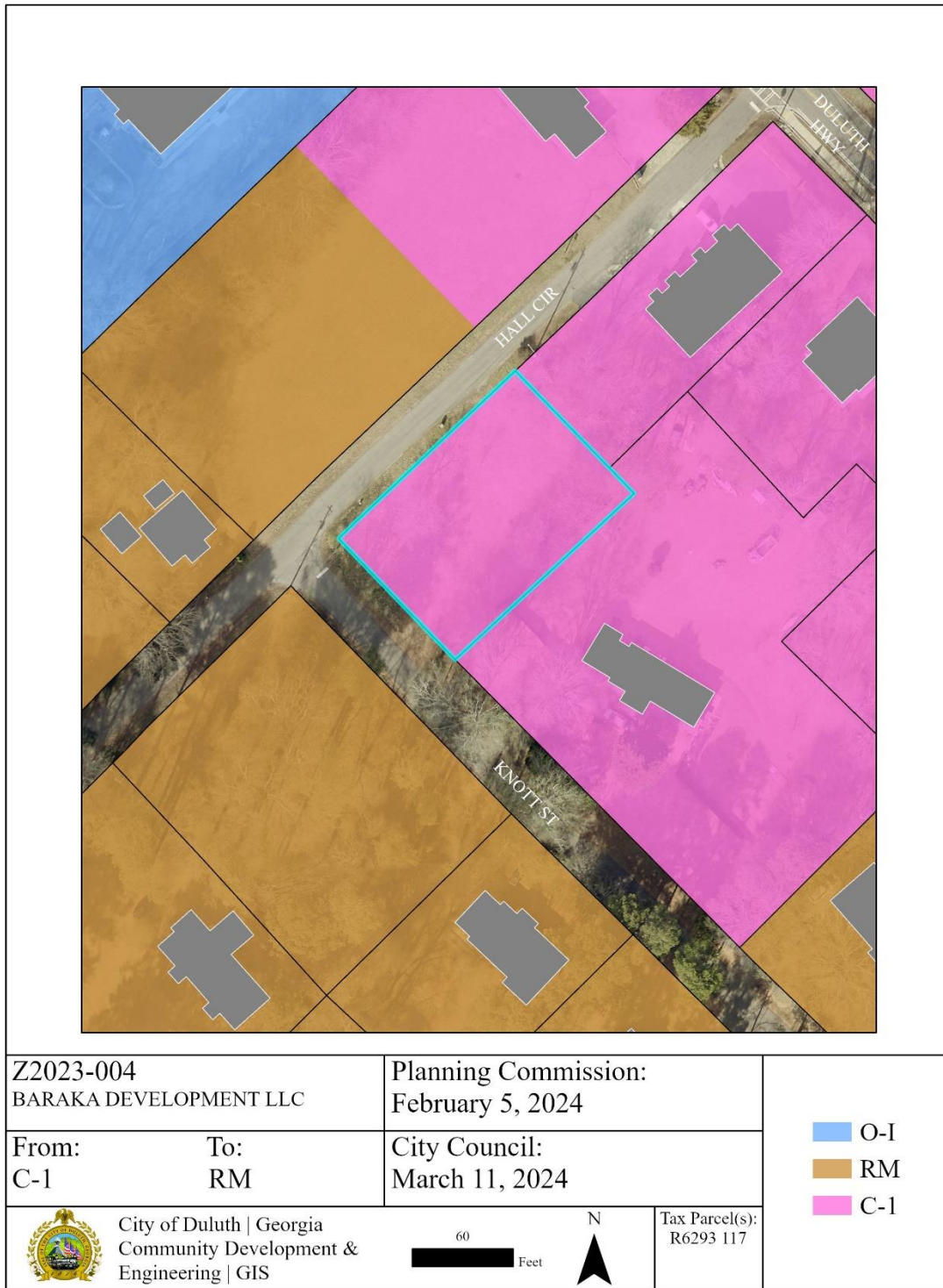
Exhibit "E": Applicant's Letter of Intent

Exhibit "F": Public Hearing Advertisement/Public Notice

Exhibit "A"
Maps
Location Map



Zoning Map



Character Map

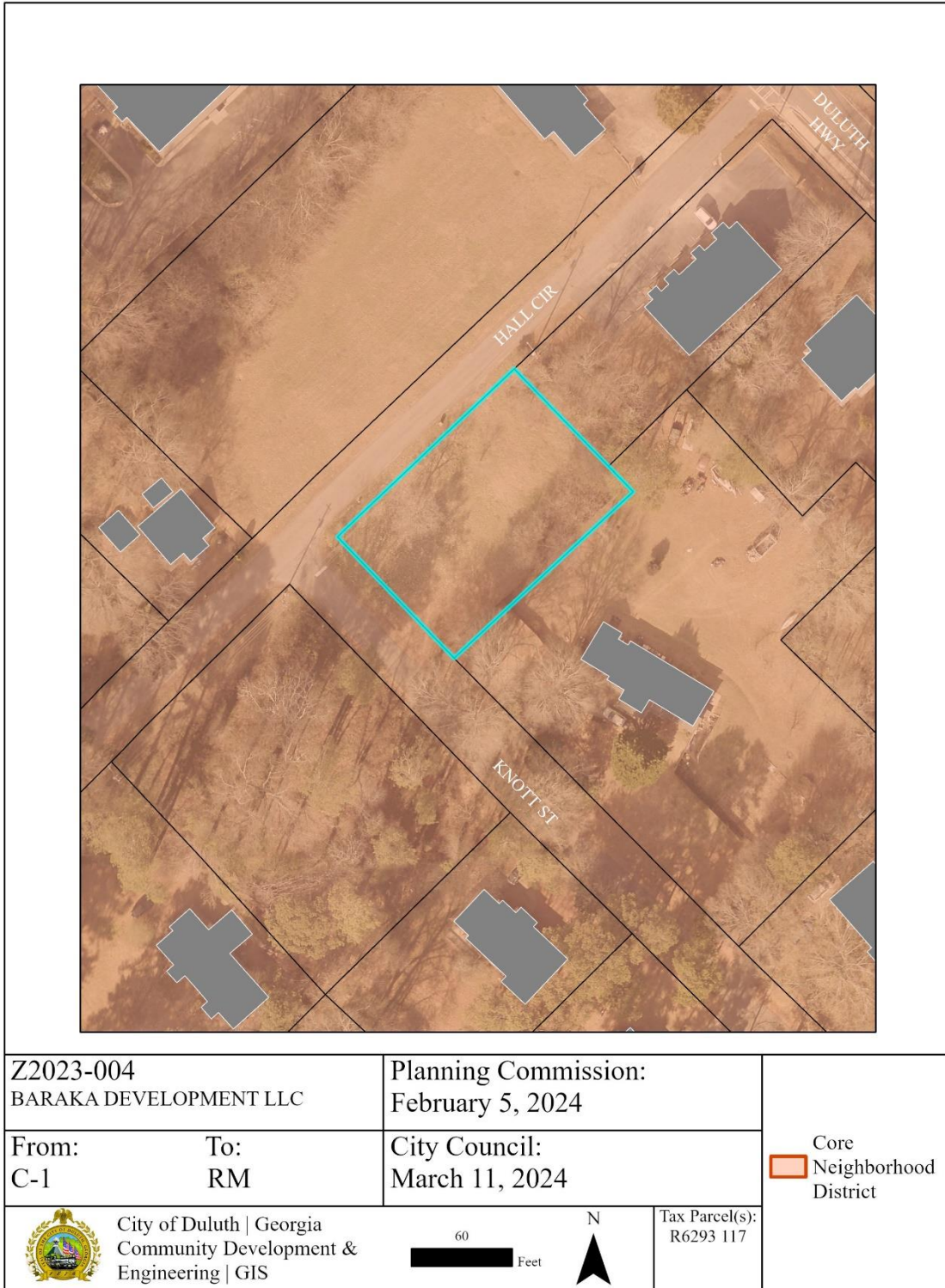


Exhibit "B"
Legal Description

DEED B: 59729 P: 00595 02/28/2022 11:40 AM
22D023713 Page 2 of 2

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 293 OF THE 6TH LAND DISTRICT, GWINNETT COUNTY, GEORGIA A BEING LOTS 21 & 22, OF THE J.L. HALL PROPERTY AS SHOWN ON A PLAT MADE BY HAROLD L. BUSH, G.R.L.S., DATED NOVEMBER 12, 1947 AND BEING MORE PARTICULARLY DESCRIBED IN ACCORDANCE WITH SAID PLAT AS FOLLOWS:

BEGINNING AT AN IRON PIN LOCATED AT THE POINT FORMED BY THE INTERSECTION OF THE SOUTHEASTERLY SIDE OF THE RIGHT-OF-WAY OF HALL AVENUE (BEING SHOWN AS HAVING A 25-FOOT RIGHT-OF-WAY ON SAID PLAT) WITH THE NORTHEASTERLY SIDE OF THE RIGHT-OF-WAY OF KNOX STREET (HAVING A 40 FOOT RIGHT-OF-WAY WIDTH ON SAID PLAT); AND RUNNING THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY SIDE OF THE RIGHT-OF-WAY OF HALL AVENUE, A DISTICE OF 150 FEET TO A POINT; RUNNING THENCE SOUTHEASTERLY A DISTANCE OF 100 FEET TO AN IRON PIN FOUND; RUNNING THENCE SOUTHEASTERLY ALONG THE LINE DIVIDING LOTS 20 & 21, A DISTANCE OF 150 FEET TO AN IRON PIN LOCATED ON THE NORTHEASTERLY SIDE OF THE RIGHT-OF-WAY OF KNOX STREET; RUNNING THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY SIDE OF THE RIGHT-OF-WAY OF KNOX STREET, A DISTANCE OF 100 FEET TO AN IRON PIN AND THE POINT OF BEGINNING, SAID PROPERTY BEING KNOWN AS 3275 KNOX STREET, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN THE CITY OF DULUTH, GWINNETT COUNTY, GEORGIA (ALSO KNOWN AS 1135 HALL CIRCLE).

Exhibit “C” Conditions of Approval

General

1. The subject property shall be developed in accordance with the Unified Development Code. The permitting process will follow both Gwinnett County and the City of Duluth’s permitting process.
2. An outdoor lighting plan shall be approved by the Director of Community Development and Engineering prior to the issuance of a development permit. Lighting plans shall include location type, and operation of all exterior lighting on the site. Site lighting shall be maintained in good repair and operational at all times. The lighting plan must demonstrate how there will be no light intrusion into the neighboring properties.
3. 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.

In adopting a map amendment or approving a special use, the Planning Commission may recommend, and the City Council may impose special conditions which they deem necessary in order to make the requested action acceptable and consistent with the proposed uses of the district(s) involved and to further the goals and objectives of the Comprehensive Plan. Such conditions may consist of: setback requirements from any lot line; specified or prohibited locations for buildings, parking loading or storage areas or other land uses, driveway curb cut restrictions; maximum provisions; landscaping or planted area which may include the berms, or other buffering provisions or protective measures; measures to alleviate undesirable views, light, glare noise, dust or odor; permitted hours of operation; architectural style; a requirement that developers must build according to site plans as adopted; a limitation on exterior modifications of existing buildings; and on and off-street traffic improvements necessary to carry traffic generated by the proposed development.

Such conditions:

1. Shall only be valid if they are included in the motion approving the amendment of adoption.
2. Shall be permanent conditions of approval unless a lesser period of time is specified in the amendment.
3. Shall be required of the property owner and subsequent owners as a condition of their use of the property.
4. Shall be permitted and continuously enforced by Director of Community Development and Engineering in the same manner as any other provision of this Development Code.

Exhibit “D”
Applicant’s Response to the Standards Governing Exercise of Zoning Power

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Yes, there are nearby Townhome Developments that have been completed already and new developments upcoming within 500 feet of this project. Adjacent properties are also residential.

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

No, it will enhance the area by replacing the current vacant land to a new elegant and vibrant style of development.

C. 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, current streets, utilities will be able to accommodate the development and future use and will not be excessive to the city facilities and schools nearby.

D. 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.

Yes, the zoning will go in line with the Comprehensive Plan (2024 updated). Comprehensive plan shows a development of Medium Density Residential, which supports the purpose of our development.

E. 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.

Recent nearby developments and enhancements to the downtown districts will only give supporting grounds for this type of development.

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

Current zoning does not have reasonable economic use. Especially due to the fact that the site is vacant and is currently zoned C-1 (Neighborhood Business District); on the contrary, current zoning goes against what the area and comprehensive plan calls for, which is residential with medium density.

Exhibit "E"
Applicant's Letter of Intent



Baraka Development, LLC
2814 Pebble Hill Pte
Duluth, GA, 30097
P: 765-621-1867
patelromi@gmail.com

Letter of Intent
Application for Rezoning
City of Duluth, Georgia

Cinq Townhomes Duluth

Baraka Development, LLC (the "Applicant" and "Owner") requests a Rezoning of the approximately 0.322 acres located at 3295 Hall Circle, Duluth, GA, 30096, Parcel ID Number: R6293-117 (the Property) from the C-1 current zoning to RM with DOD overlay. The purpose of the rezoning is to allow for the development of 5 Townhomes on the site.

The overall property has been vacant land for many years. The rezoning will support the comprehensive plan for Medium Density Residential Development. The proposed project area shown on the site plan incorporates 5 Residential units with an average heated area of 2,200 sq feet and total 2,886 sq feet size per unit. Each unit will have 2 Car Garage Parking and 2 additional parking spaces on the driveway. We believe the location of this project and its walking distance proximity to Downtown Duluth, will create a vibrant new redevelopment of the area and increase the demand for local businesses in the Downtown District.

For this reason and because the requested Rezoning is consistence with the factors established in the Duluth Zoning Ordinance, the Applicant respectfully asks the Mayor, City Council and Development Team to approve the Rezoning as requested.

Sincerely,
Baraka Development, LLC

Romi Patel
Vice President
Baraka Development
Cinq Townhomes Duluth

Exhibit "F"

Public Notice

Public Notice Printed in Gwinnett Daily Post 1/16/2024

Gdp9068
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 from Romi Patel, on approximately 0.322 acres of property in Land Lot 293, 6th District, Gwinnett County, located at 3295 Hall Circle, consisting of tax parcel 6293-117, case number Z2023-004. The request is to rezone from C-1 to RM district to allow for the development of townhomes. 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: February 5th,
2024 - 6:00 p.m.
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
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.
1/21,2024

CITY OF DULUTH PUBLIC NOTICE

Z2023-004

REQUEST TO

Rezone C-1 to RM for
Townhome Development

PARCEL: 0293-117

ADDRESS: 3295 Hall Circle

CURRENT ZONING: C-1

PROPOSED ZONING: RM

Planning Comm. DATE: 2-5-24 @6 p.m.

Mayor & Council DATE: 3-11-24 @6 p.m.

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

CITY HALL COUNCIL CHAMBERS
3167 MAIN STREET, DULUTH, GA 30096
770.476.1790

on the dates and times provided above.



ORDINANCE NO 02024-19

AN ORDINANCE FOR THE REZONING OF ± .34 ACRES OF PROPERTY IN LAND LOT 293, 6TH DISTRICT, GWINNETT COUNTY CONSISTING OF TAX PARCEL R6293 117 IS LEGALLY DESCRIBED ON THE ATTACHED EXHIBIT “A”. THE ORDINANCE PROVIDES FOR FINDINGS, ESTABLISHES CONDITIONS OF APPROVAL AS SHOWN ON ATTACHED EXHIBIT “B”, PROVIDES FOR SEVERABILITY, REPEALS CONFLICTING ORDINANCES, ESTABLISHES AN EFFECTIVE DATE, AND IS FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the applicant, Baraka Development LLC, and the following property owner: Romi Patel have filed a complete application (Z2023-004) with the City of Duluth seeking a rezoning for 3295 Hall Circle. Said rezoning plan includes, but is not limited to, the rezoning of ±.34 acres of property from C-1 (Neighborhood Business District) to RM (Residential Multi-Family District).

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 February 5, 2024, 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 March 11, 2024, 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 property 3295 Hall Circle to RM (Residential Multi-Family District), for the following reasons:

- A. The rezoning is suitable given the use and development of adjacent and nearby properties. The parcel that makes up the subject property is prime for infill developments based on the newly installed sanitary sewer in the area. The properties to the north are currently zoned RM (Residential Multi-Family District) and C-1 (Neighborhood Business District). The properties to the east and south are currently zoned C-1 (Neighborhood Business District). The property to the west is currently zoned RM (Residential Multi-Family District).
- 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 uses and intensities, architecture and design, landscape and screening, transportation and parking, roadways, stormwater facilities, street lighting and signage.
- C. The proposed rezoning is not anticipated to cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- D. While every section of FORWARDuluth (Duluth Comprehensive Plan, 2040) is central to

Ordinance No. O2024-19

implementing the City's vision and goals, the Character Areas and Future Land Use Maps are the most influential in terms of daily decision-making and land use changes. Medium density residential has been envisioned on this property through the Comprehensive Plan and the Future Land Use Map.

In February of 2019, the City adopted FORWARDuluth, the 2040 update to the Comprehensive Plan. The subject property is located within the Core Neighborhood District character area. The aspiration for this area is to be denser, connected neighborhoods, easily accessible to Downtown through a system of trails, sidewalks and road connections, while capitalizing on existing traditional street fabric and opportunities for redevelopment and infill.

SECTION 2. LEGAL DESCRIPTION.

The property that is subject to this ordinance consists of ±.34 acres and is legally described on Exhibit "A", 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 "B". 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. O2024-19

ATTACHMENTS:

Exhibit "A": Legal Description
Exhibit "B": Conditions of Approval
Exhibit "C": Maps
Exhibit "D": Applicant's Responses to the Standards Governing the Exercise of Zoning Power
Exhibit "E": Public Hearing Advertisement/Public Notice

{Signatures on the Following Page}

IT IS SO ORDAINED this 11th day of March, 2024.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

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

Exhibit "A"
Legal Description

DEED B: 59729 P: 00595 02/28/2022 11:40 AM
22D023713 Page 2 of 2

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 293 OF THE 6TH LAND DISTRICT, GWINNETT COUNTY, GEORGIA A BEING LOTS 21 & 22, OF THE J.L. HALL PROPERTY AS SHOWN ON A PLAT MADE BY HAROLD L. BUSH, G.R.L.S., DATED NOVEMBER 12, 1947 AND BEING MORE PARTICULARLY DESCRIBED IN ACCORDANCE WITH SAID PLAT AS FOLLOWS:

BEGINNING AT AN IRON PIN LOCATED AT THE POINT FORMED BY THE INTERSECTION OF THE SOUTHEASTERLY SIDE OF THE RIGHT-OF-WAY OF HALL AVENUE (BEING SHOWN AS HAVING A 25-FOOT RIGHT-OF-WAY ON SAID PLAT) WITH THE NORTHEASTERLY SIDE OF THE RIGHT-OF-WAY OF KNOX STREET (HAVING A 40 FOOT RIGHT-OF-WAY WIDTH ON SAID PLAT); AND RUNNING THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY SIDE OF THE RIGHT-OF-WAY OF HALL AVENUE, A DISTICE OF 150 FEET TO A POINT; RUNNING THENCE SOUTHEASTERLY A DISTANCE OF 100 FEET TO AN IRON PIN POUND; RUNNING THENCE SOUTHEASTERLY ALONG THE LINE DIVIDING LOTS 20 & 21, A DISTANCE OF 150 FEET TO AN IRON PIN LOCATED ON THE NORTHEASTERLY SIDE OF THE RIGHT-OF-WAY OF KNOX STREET; RUNNING THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY SIDE OF THE RIGHT-OF-WAY OF KNOX STREET, A DISTANCE OF 100 FEET TO AN IRON PIN AND THE POINT OF BEGINNING, SAID PROPERTY BEING KNOWN AS 3275 KNOX STREET, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN THE CITY OF DULUTH, GWINNETT COUNTY, GEORGIA (ALSO KNOWN AS 1135 HALL CIRCLE).

Exhibit "B"
Conditions of Approval

General

1. The subject property shall be developed in accordance with the Unified Development Code. The permitting process will follow both Gwinnett County and the City of Duluth's permitting process.
2. An outdoor lighting plan shall be approved by the Director of Community Development and Engineering prior to the issuance of a development permit. Lighting plans shall include location type, and operation of all exterior lighting on the site. Site lighting shall be maintained in good repair and operational at all times. The lighting plan must demonstrate how there will be no light intrusion into the neighboring properties.
3. 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.

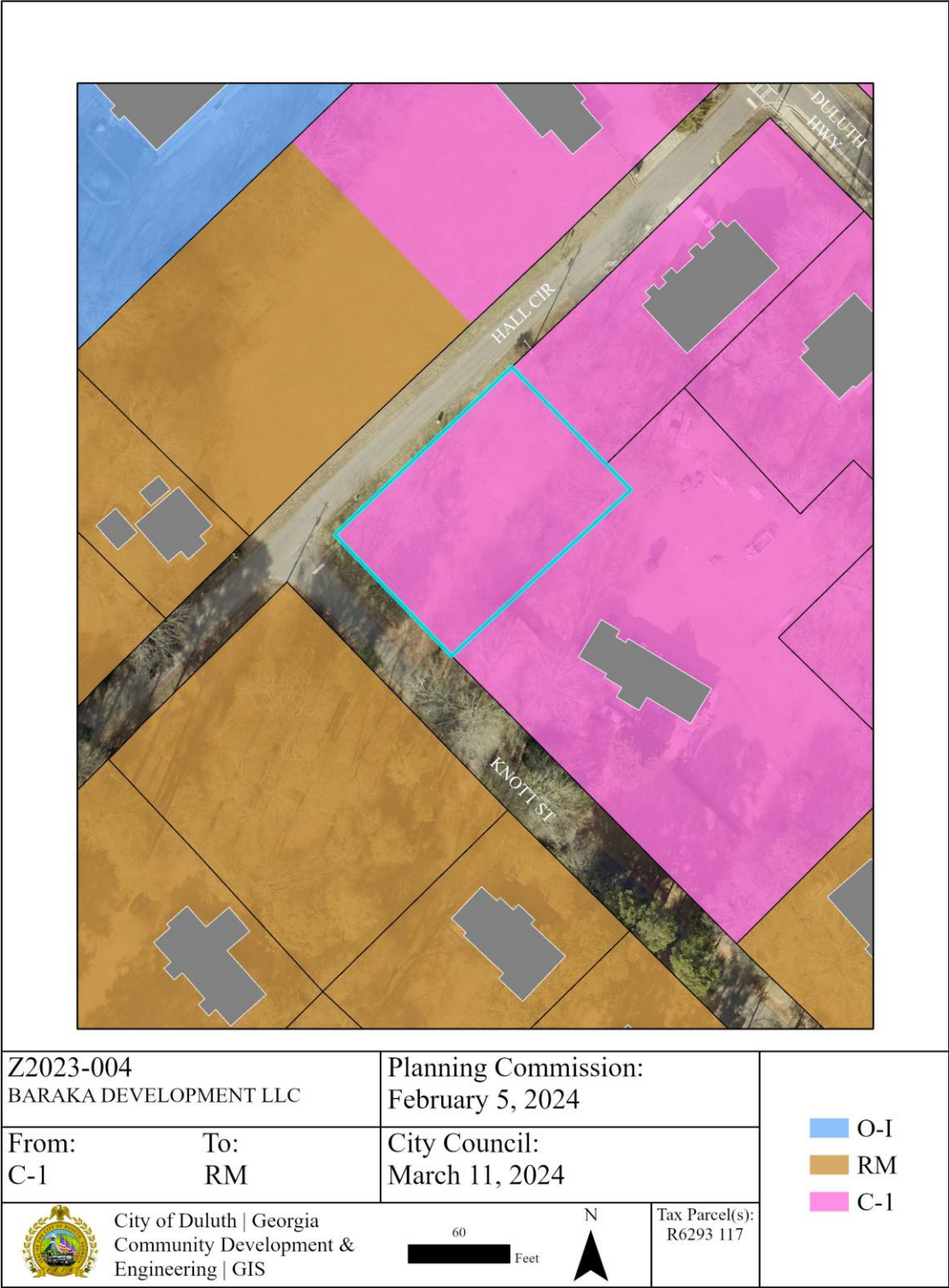
In adopting a map amendment or approving a special use, the Planning Commission may recommend, and the City Council may impose special conditions which they deem necessary in order to make the requested action acceptable and consistent with the proposed uses of the district(s) involved and to further the goals and objectives of the Comprehensive Plan. Such conditions may consist of: setback requirements from any lot line; specified or prohibited locations for buildings, parking loading or storage areas or other land uses, driveway curb cut restrictions; maximum provisions; landscaping or planted area which may include the berms, or other buffering provisions or protective measures; measures to alleviate undesirable views, light, glare noise, dust or odor; permitted hours of operation; architectural style; a requirement that developers must build according to site plans as adopted; a limitation on exterior modifications of existing buildings; and on and off-street traffic improvements necessary to carry traffic generated by the proposed development.

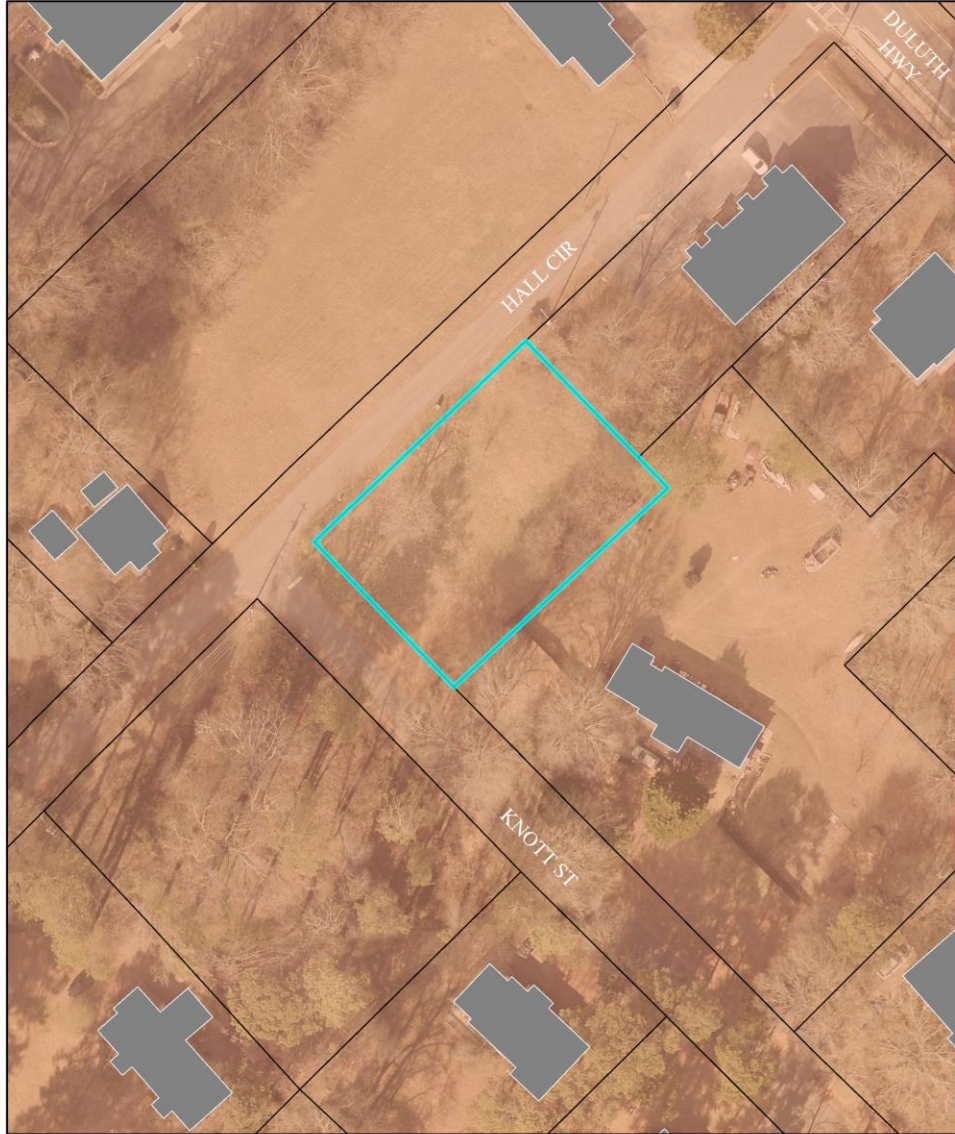
Such conditions:

1. Shall only be valid if they are included in the motion approving the amendment of adoption.
2. Shall be permanent conditions of approval unless a lesser period of time is specified in the amendment.
3. Shall be required of the property owner and subsequent owners as a condition of their use of the property.

4. Shall be permitted and continuously enforced by Director of Community Development and Engineering in the same manner as any other provision of this Development Code.

Exhibit “C”
Maps





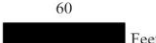
Z2023-004 BARAKA DEVELOPMENT LLC		Planning Commission: February 5, 2024	<div>Core Neighborhood District</div>
From: C-1	To: RM	City Council: March 11, 2024	
 City of Duluth Georgia Community Development & Engineering GIS		<div>  <div>N </div> </div> Tax Parcel(s): R6293 117	



Exhibit "D"

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

a. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Yes, there are nearby Townhome Developments that have been completed already and new developments upcoming within 500 feet of this project. Adjacent properties are also residential.

b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

No, it will enhance the area by replacing the current vacant land to a new elegant and vibrant style of development.

c. 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, current streets, utilities will be able to accommodate the development and future use and will not be excessive to the city facilities and schools nearby.

d. 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.

Yes, the zoning will go in line with the Comprehensive Plan (2024 updated). Comprehensive plan shows a development of Medium Density Residential, which supports the purpose of our development.

e. 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.

Recent nearby developments and enhancements to the downtown districts will only give supporting grounds for this type of development.

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

Current zoning does not have reasonable economic use. Especially due to the fact that the site is vacant and is currently zoned C-1 (Neighborhood Business District); on the contrary, current zoning goes against what the area and comprehensive plan calls for, which is residential with medium density.

Exhibit "E"
Public Notice

Gdp1092
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 from Romi Patel, on approximately 0.322 acres of property in Land Lot 293, 6th District, Gwinnett County, located at 3295 Hall Circle, consisting of tax parcel 6293-117, case number **Z2023-004**. The request is to rezone from C-1 to RM district to allow for the development of townhomes. 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: March 11th, 2024
- 6:00 p.m.**

**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
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.
2/25, 2024

CITY OF DULUTH PUBLIC NOTICE

22023-004

REQUEST TO

Rezone C-1 to RM for
Townhome Development

PARCEL: 0293-117

ADDRESS: 3295 Hall Circle

CURRENT ZONING: C-1

PROPOSED ZONING: RM

Planning Comm. DATE: 2-5-24 @6 p.m.

Mayor & Council DATE: 3-11-24 @6 p.m.

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

CITY HALL COUNCIL CHAMBERS
3167 MAIN STREET, DULUTH, GA 30096
770.476.1790

on the dates and times provided above.



**CITY OF DULUTH
PLANNING COMMISSION**

Staff Report
March 11, 2024

CASE NUMBER:	Z2023-005
LOCATION:	3248 Duluth Highway
PARCEL(S):	R6264 034
CURRENT ZONING:	R-100 (Single-Family Residential District)
PROPOSED ZONING:	O-I (Office-Institutional District)
ACREAGE:	+/- .72
REQUEST:	Approval of a Rezoning from R-100 (Single-Family Residential District) to O-I (Office-Institutional) to allow for an office.
OWNER/APPLICANT:	<p><i>Owner/Applicant:</i></p> <p>Kyle Drake 3616 W. Lawrenceville Street Duluth, GA 30096</p> <p>Note: at the time of the original application, the owner of the property was Michael Luciani. The property was acquired in January of 2024.</p>

STAFF RECOMMENDATION Z2023-005:	APPROVAL with Conditions
PLANNING COMMISSION RECOMMENDATION:	APPROVAL with Conditions

I. PURPOSE AND DESCRIPTION OF THE REQUEST

The purpose of the rezoning request (Z2023-005) is to rezone the current parcel from R-100 (Single-Family Residential District) to O-I (Office-Institutional District).

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”.

In order for the applicant to achieve their desired land use on the subject property, they are required to rezone the subject property.

II. EXISTING CONDITIONS

The subject property totals +/- .72 acres. The properties to the north, south, east and west of the subject property are all currently zoned O-I (Office-Institutional District).

III. REVIEW OF THE REQUEST

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

- A. 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.

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. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
- C. 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.
- D. 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.
- E. 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.

The Applicant has provided written responses to the above Rezoning Standards as part of the application. This documents is attached hereto as Exhibit “E”.

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

The subject property is located in the Core Neighborhood District Character Area. FORWARDuluth envisions this Character Area to be denser, connected neighborhoods, easily accessible to Downtown through a system of trails, sidewalks and road connections, while capitalizing on existing traditional street fabric and opportunities for redevelopment and infill. The Future Land Use Map (FLUM) envisions this parcel as medium density residential.

IV. **PLANNING STAFF REVIEW**

As far as staff can tell, the subject property has been vacant since 2013. Prior to it being vacant, it was a single-family home. The property has not been used since the adoption of the UDC (Unified Development Code) in 2015.

The Vision & Aspirations chapter and supporting Character Area Map of FORWARDuluth (also known as the Comprehensive Plan) identifies the Character Area of this property as the Core Neighborhood District character area. The Core Neighborhood District character area anchors adjoining Downtown within the city, while providing a wide variety of housing types within walking distance to unique retail, recreation, and entertainment. This particular area of the Core Neighborhood District is surrounded by institutional uses such as churches and outreach centers.

Staff recommends rezoning this parcel to O-I (Office-Institutional). There is no other single-family surrounding the parcel and an office use would fit into the fabric of the uses in this area.

V. **RECOMMENDATION**

Planning staff recommends **Approval with Conditions** of case Z2023-005.

Planning Commission recommends **Approval with Conditions** of case Z2023-005.

ATTACHMENTS:

Exhibit "A": Maps

Exhibit "B": Legal Description

Exhibit "C": Survey

Exhibit "D": Conditions of Approval


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

Exhibit "F": Applicant's Letter of Intent

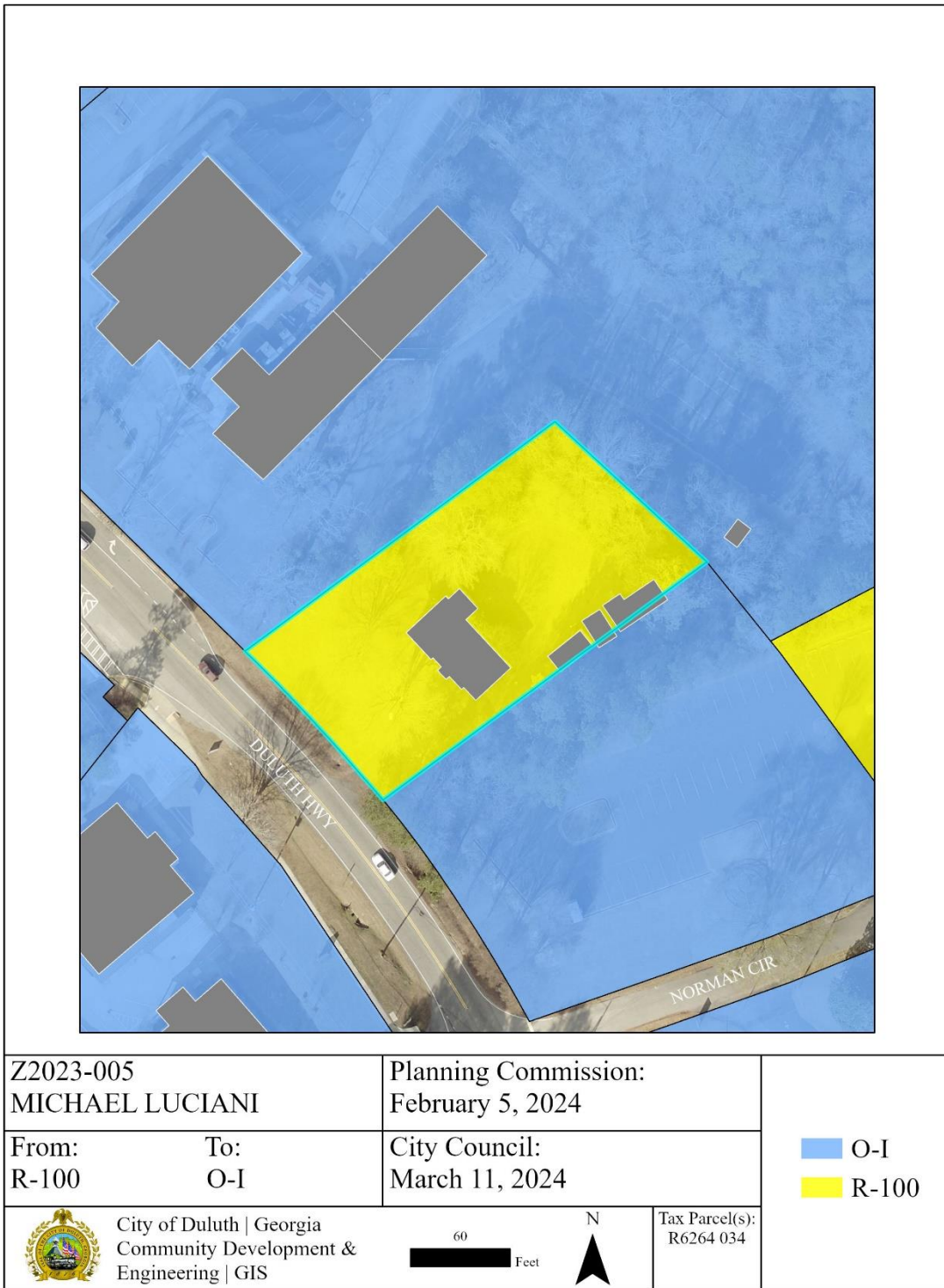
Exhibit "G": Public Hearing Advertisement/Public Notice

Exhibit "A"
Maps
Location Map



Z2023-005 MICHAEL LUCIANI		Planning Commission: February 5, 2024	<div>Streets</div> <div>Address Outline</div> <div>Parcel</div>
From: R-100	To: O-I	City Council: March 11, 2024	
 City of Duluth Georgia Community Development & Engineering GIS		<div>60 Feet</div> <div>N</div> <div>Tax Parcel(s): R6264 034</div>	

Zoning Map



Character Map

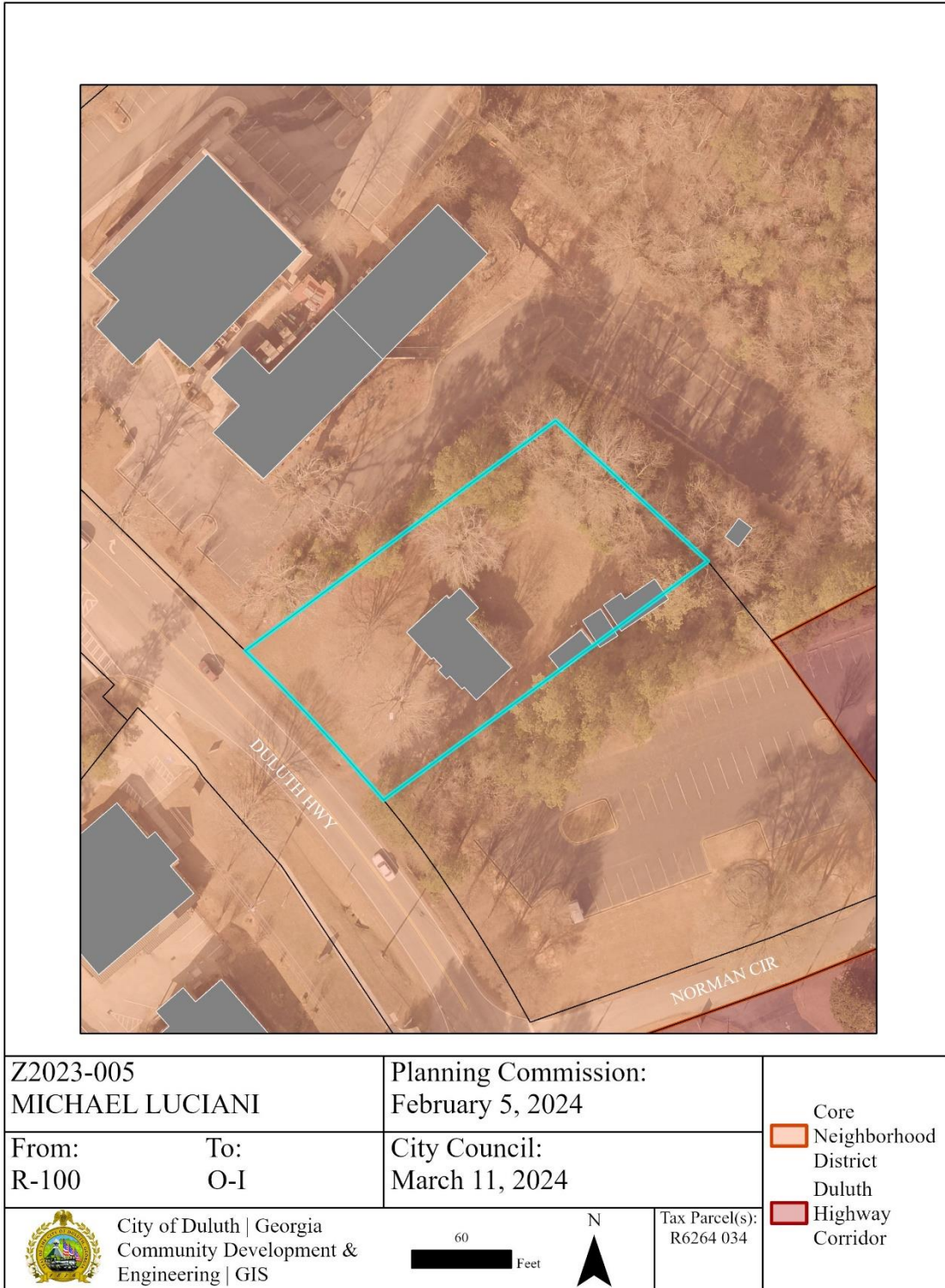


Exhibit "B"
Legal Description

All that tract or parcel of land lying and being in the Town of Duluth, Gwinnett County, Georgia, and part of Land Lot No. 293 of the 6th Land District described as follows:

Begin at a point on the northeasterly right of way line of the Duluth-Lawrenceville paved road adjoining property of M.D. Hamrick and running thence in a northeasterly direction along the Hamrick line 250 feet to a corner; thence in a northwesterly direction parallel with said Duluth-Lawrenceville Highway 125 feet to a corner; thence in a shouthwesterly direction parallel with said Hamrick line 250 feet to a corner on said Duluth-Lawrenceville Highway; thence southeasterly along said highway right of way 125 feet to the point of beginning.

Exhibit "C"

Survey

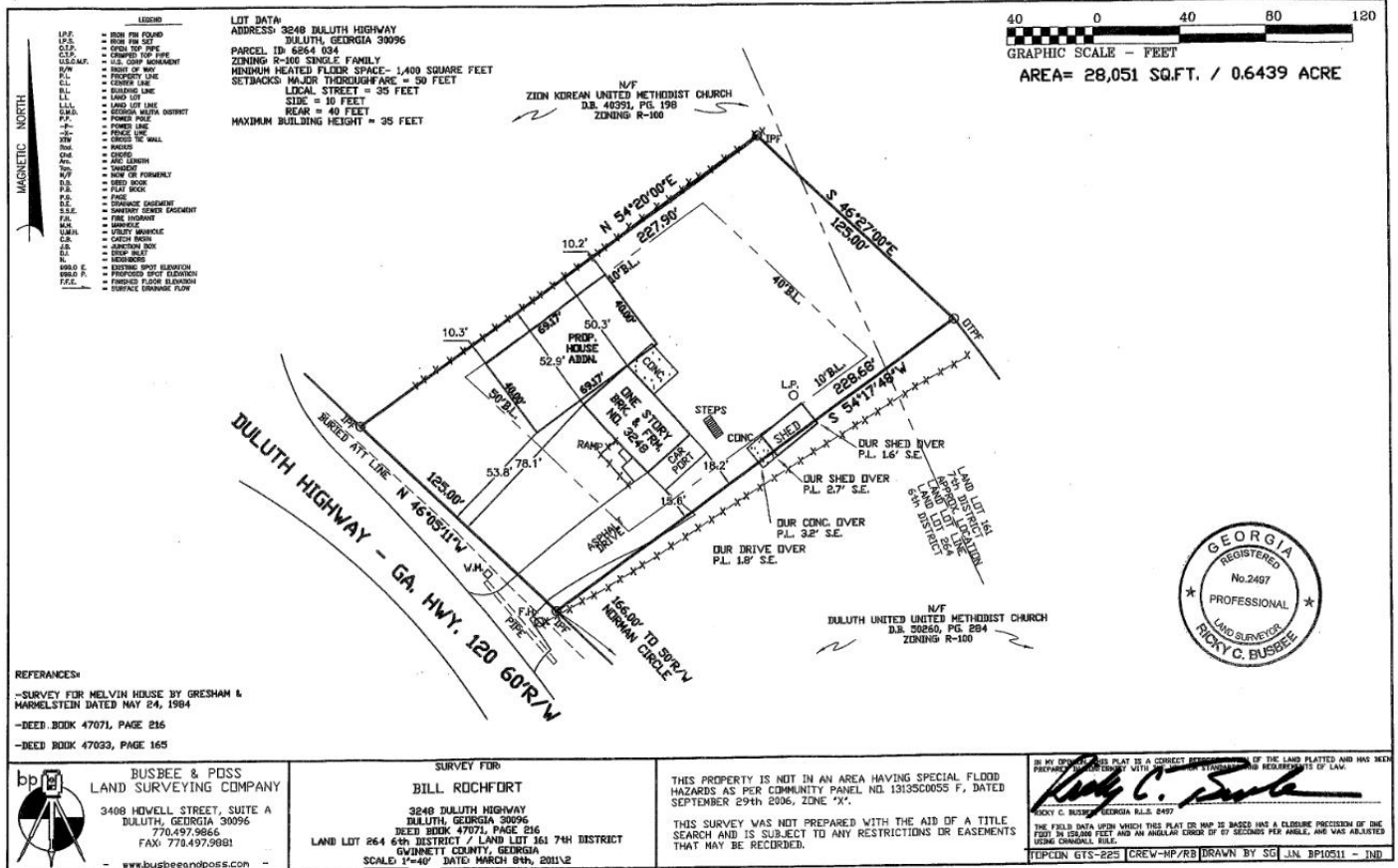


Exhibit “D” Conditions of Approval

General

1. The subject property shall be developed in accordance with the Unified Development Code (UDC). The permitting process will follow both Gwinnett County and the City of Duluth’s permitting process.
2. Should there be any additions or changes to the lighting an outdoor lighting plan shall be approved by the Director of Community Development and Engineering prior to the issuance of a certificate of occupancy. Lighting plans shall include location type, and operation of all exterior lighting on the site. Site lighting shall be maintained in good repair and operational at all times. The lighting plan must demonstrate how there will be no light intrusion into the neighboring properties.
3. Any and all outdoor storage must be stored behind the building and contained within a fence. The fence construction must follow Section 306.08 of the UDC and be opaque.
4. Any building materials must be stored within an approved structure enclosed on at least three sides and consisting of a roof. The materials of the structure shall adhere to all the standards of the Unified Development Code.
5. Other than employee and visitor vehicles, no additional motor vehicles shall be parked anywhere on the site.
6. All existing buildings on the property shall be relocated to fit within the building setbacks or removed from the property.
7. The maximum percentage for lot coverage shall be 35%.
8. 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.

In adopting a map amendment or approving a special use, the Planning Commission may recommend, and the City Council may impose special conditions which they deem necessary in order to make the requested action acceptable and consistent with the proposed uses of the district(s) involved and to further the goals and objectives of the Comprehensive Plan. Such conditions may consist of: setback requirements from any lot line; specified or prohibited locations for buildings, parking loading or storage areas or other land uses, driveway curb cut restrictions; maximum provisions; landscaping or planted area which may include the berms, or other buffering provisions or protective measures; measures to alleviate undesirable views, light, glare noise, dust or odor; permitted hours of operation; architectural style; a requirement that developers must build according to site plans as adopted; a limitation on exterior modifications of existing buildings; and on and off-street traffic improvements necessary to carry traffic generated by the proposed development.

Such conditions:

1. Shall only be valid if they are included in the motion approving the amendment of adoption.
2. Shall be permanent conditions of approval unless a lesser period of time is specified in the amendment.

3. Shall be required of the property owner and subsequent owners as a condition of their use of the property.
4. Shall be permitted and continuously enforced by the Director of Community Development and Engineering in the same manner as any other provision of this Development Code.

Exhibit “E”
Applicant’s Response to the Standards Governing Exercise of Zoning Power

- A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

See applicant’s letter of intent (Exhibit “F”).

- B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.**

See applicant’s letter of intent (Exhibit “F”).

- C. 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.**

See applicant’s letter of intent (Exhibit “F”).

- D. 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.**

See applicant’s letter of intent (Exhibit “F”).

- E. 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.**

See applicant’s letter of intent (Exhibit “F”).

- F. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned.**

See applicant’s letter of intent (Exhibit “F”).

Exhibit "F"
Applicant's Letter of Intent

Kyle Drake
Drake House Construction, LLC
3616 W. Lawrenceville St.
Duluth, GA 30096

Duluth Planning and Development
3167 Main St.
Duluth, GA 30096

RE: Rezoning application
3248 Duluth Hwy
Duluth, GA 30096

Please find this letter attached to the rezoning application for 3248 Duluth Hwy. The current zoning for this property is R-100. We are requesting to rezone to O-I. We are proposing to use this existing building, a previous single family home, as a private office for our business, Drake House Construction, LLC. The office will not be open to the public and will receive occasional individual clients on an appointment basis only. There will be 2-3 employees working in the office at any given time, with occasional meetings of 5-6 people. There will be no burdensome impact on the traffic on Duluth Hwy because of our office.

The current utilities will be utilized for the office, and no changes are necessary to the electric, water, or gas service. There was a new septic system installed which was permitted and approved through Gwinnet County Department of Environmental Health.

Our office will not adversely affect the neighboring churches, Zion Korean Methodist Church, or Duluth First United Methodist Church, nor any of the businesses or ministries across the street on the southside of Duluth Hwy. as there will be a minimal number of cars entering and exiting our office. There will be fedex/ups/usps deliveries throughout the week, but a driveway turnaround will be installed to ensure no backing out onto Duluth Hwy.

The plan is to use the existing structures for the office and storage of basic office equipment, home design materials and to store basic light construction materials – ladders, hand tools, etc.. There will be no heavy equipment or more than 1 vehicle stored on-site overnight.

Currently the property is surrounded by O-I, churches, ministries, and businesses. Our use of the property would be consistent with the existing uses of all adjacent properties on Duluth Hwy.

Thank you for your consideration.



Kyle Drake
Owner
Drake House Construction, LLC

Exhibit "G"
Public Notice

Public Notice Printed in Gwinnett Daily Post 9/16/2023

Gdp9069
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 from Kyle Drake, on approximately 0.64 acres of property in Land Lot 264, 6th District, Gwinnett County, located at 3248 Duluth Hwy, consisting of tax parcel 6264-034, case number Z2023-005. The request is to rezone from R-100 to O-I district to allow for a construction company office. 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: February 5th,
2024 - 6:00 p.m.**

**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
ATTN: Planning Department
3167 Main Street**



ORDINANCE NO.02024-20

AN ORDINANCE FOR THE REZONING OF ± .72 ACRES OF PROPERTY IN LAND LOT 293, 6TH DISTRICT, GWINNETT COUNTY CONSISTING OF TAX PARCEL R6264 034 IS LEGALLY DESCRIBED ON THE ATTACHED EXHIBIT “A”. THE ORDINANCE PROVIDES FOR FINDINGS, ESTABLISHES CONDITIONS OF APPROVAL AS SHOWN ON ATTACHED EXHIBIT “B”, PROVIDES FOR SEVERABILITY, REPEALS CONFLICTING ORDINANCES, ESTABLISHES AN EFFECTIVE DATE, AND IS FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the applicant, Kyle Drake, and the following property owner: Michael A. Luciani have filed a complete application (Z2023-005) with the City of Duluth seeking a rezoning for the property at 3248 Duluth Highway. Said rezoning plan includes, but is not limited to, the rezoning of ±.72 acres of property from R-100 (Single-Family Residential District) to O-I (Office-Institutional District).

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 February 5th, 2024 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 March 11th, 2024, 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 property generally referred to as 3248 Duluth Highway to O-I (Office-Institutional District), for the following reasons:

- A. The rezoning is suitable given the use and development of adjacent and nearby properties. The parcel that makes up the subject property is surrounded by like O-I (Office-Institutional District) properties. The site is bound to the north, south, east and west by O-I (Office-Institutional District) zoning.
- 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 uses and intensities, architecture and design, landscape and screening, transportation and parking, roadways, stormwater facilities, street lighting and signage.
- C. The proposed rezoning is not anticipated to cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- D. While every section of FORWARDuluth (Duluth Comprehensive Plan, 2040) is central to implementing the City’s vision and goals, the Character Areas and Future Land Use Maps are the

Ordinance No. O2024-020

most influential in terms of daily decision-making and land use changes. Medium density residential has been envisioned on this property through the Comprehensive Plan and the Future Land Use Map.

In February of 2019, the City adopted FORWARDuluth, the 2040 update to the Comprehensive Plan. The subject property is located within the Core Neighborhood character area. The aspiration for this area is to be denser connected neighborhoods, easily accessible to Downtown through a system of trails, sidewalks and road connections, while capitalizing on existing traditional street fabric and opportunities for redevelopment and infill.

SECTION 2. LEGAL DESCRIPTION.

The property that is subject to this ordinance consists of ±.72 acres and is legally described on Exhibit “A”, 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 “B”. 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. O2024-20.

ATTACHMENTS:

Exhibit “A”: Legal Description
Exhibit “B”: Conditions of Approval
Exhibit “C”: Maps
Exhibit “D”: Applicant’s Responses to the Standards Governing the Exercise of Zoning Power
Exhibit “E”: Public Hearing Advertisement/Public Notice

{Signatures on the Following Page}

IT IS SO ORDAINED this 11th day of March, 2024.

Those councilmembers voting in favor:

Mayor Greg Whitlock

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

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

Exhibit "A"
Legal Description

All that tract or parcel of land lying and being in the Town of Duluth, Gwinnett County, Georgia, and part of Land Lot No. 293 of the 6th Land District described as follows:

Begin at a point on the northeasterly right of way line of the Duluth-Lawrenceville paved road adjoining property of M.D. Hamrick and running thence in a northeasterly direction along the Hamrick line 250 feet to a corner; thence in a northwesterly direction parallel with said Duluth-Lawrenceville Highway 125 feet to a corner; thence in a shouthwesterly direction parallel with said Hamrick line 250 feet to a corner on said Duluth-Lawrenceville Highway; thence southeasterly along said highway right of way 125 feet to the point of beginning.

Exhibit “B”
Conditions of Approval

General

1. The subject property shall be developed in accordance with the Unified Development Code (UDC). The permitting process will follow both Gwinnett County and the City of Duluth’s permitting process.
2. Should there be any additions or changes to the lighting an outdoor lighting plan shall be approved by the Director of Community Development and Engineering prior to the issuance of a certificate of occupancy. Lighting plans shall include location type, and operation of all exterior lighting on the site. Site lighting shall be maintained in good repair and operational at all times. The lighting plan must demonstrate how there will be no light intrusion into the neighboring properties.
3. Any and all outdoor storage must be stored behind the building and contained within a fence. The fence construction must follow Section 306.08 of the UDC and be opaque.
4. Any building materials must be stored within an approved structure enclosed on at least three sides and consisting of a roof. The materials of the structure shall adhere to all the standards of the Unified Development Code.
5. Other than employee and visitor vehicles, no additional motor vehicles shall be parked anywhere on the site.
6. All existing buildings on the property shall be relocated to fit within the building setbacks or removed from the property.
7. The maximum percentage for lot coverage shall be 35%.
8. 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.


In adopting a map amendment or approving a special use, the Planning Commission may recommend, and the City Council may impose special conditions which they deem necessary in order to make the requested action acceptable and consistent with the proposed uses of the district(s) involved and to further the goals and objectives of the Comprehensive Plan. Such conditions may consist of: setback requirements from any lot line; specified or prohibited locations for buildings, parking loading or storage areas or other land uses, driveway curb cut restrictions; maximum provisions; landscaping or planted area which may include the berms, or other buffering provisions or protective measures; measures to alleviate undesirable views, light, glare noise, dust or odor; permitted hours of operation; architectural style; a requirement that developers must build according to site plans as adopted; a limitation on exterior modifications of existing buildings; and on and off-street traffic improvements necessary to carry traffic generated by the proposed development.

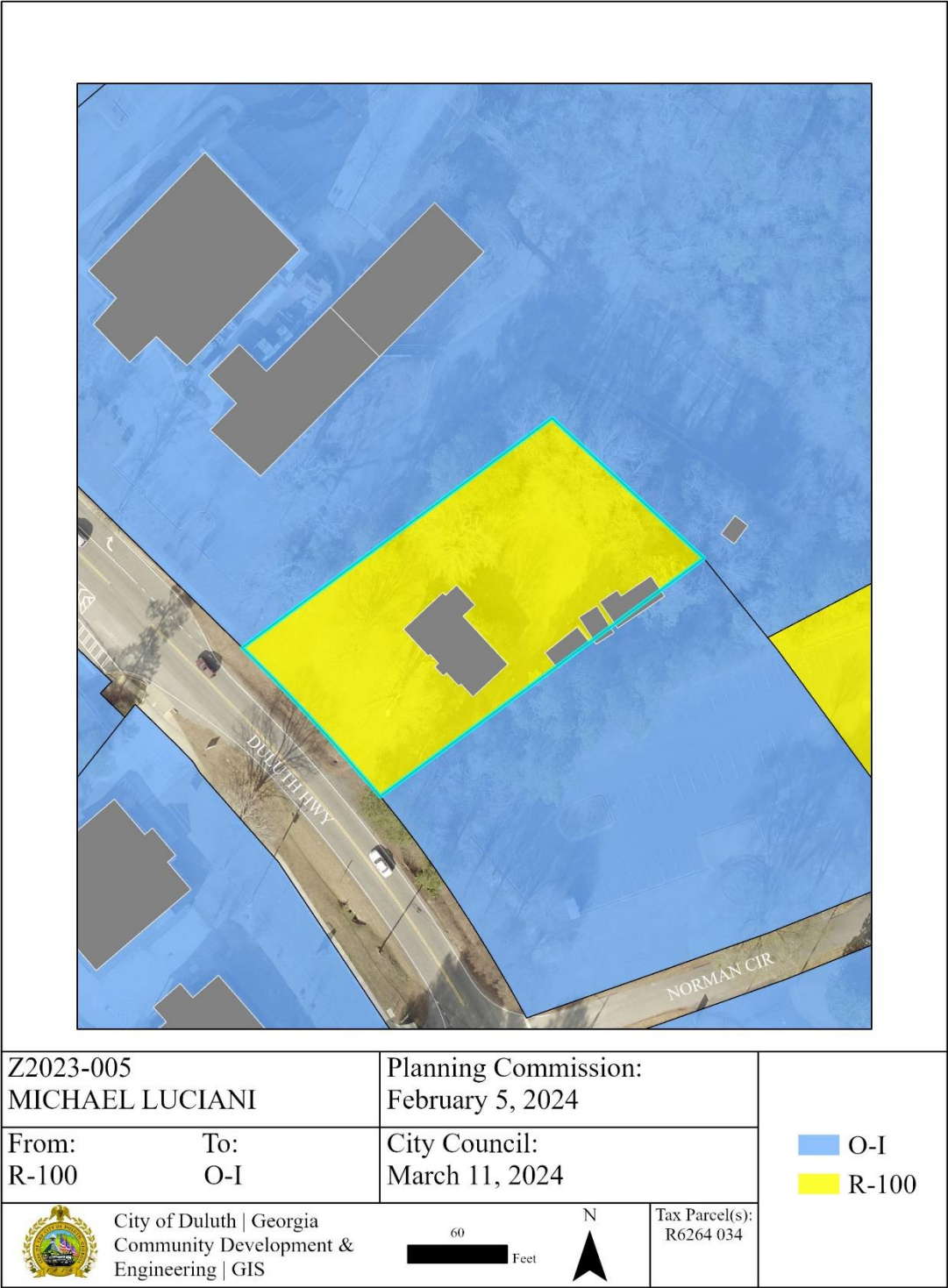
Such conditions:

- i. Shall only be valid if they are included in the motion approving the amendment of adoption.
- ii. Shall be permanent conditions of approval unless a lesser period of time is specified in the amendment.

Exhibit "C"
Maps



Z2023-005 MICHAEL LUCIANI		Planning Commission: February 5, 2024		<div><div></div> Streets</div> <div><div></div> Address Outline</div> <div><div></div> Parcel</div>
From: R-100	To: O-I	City Council: March 11, 2024		
<div><div></div><div>City of Duluth Georgia Community Development & Engineering GIS</div></div>		<div>60 Feet</div>	<div>N </div>	
		Tax Parcel(s): R6264 034		



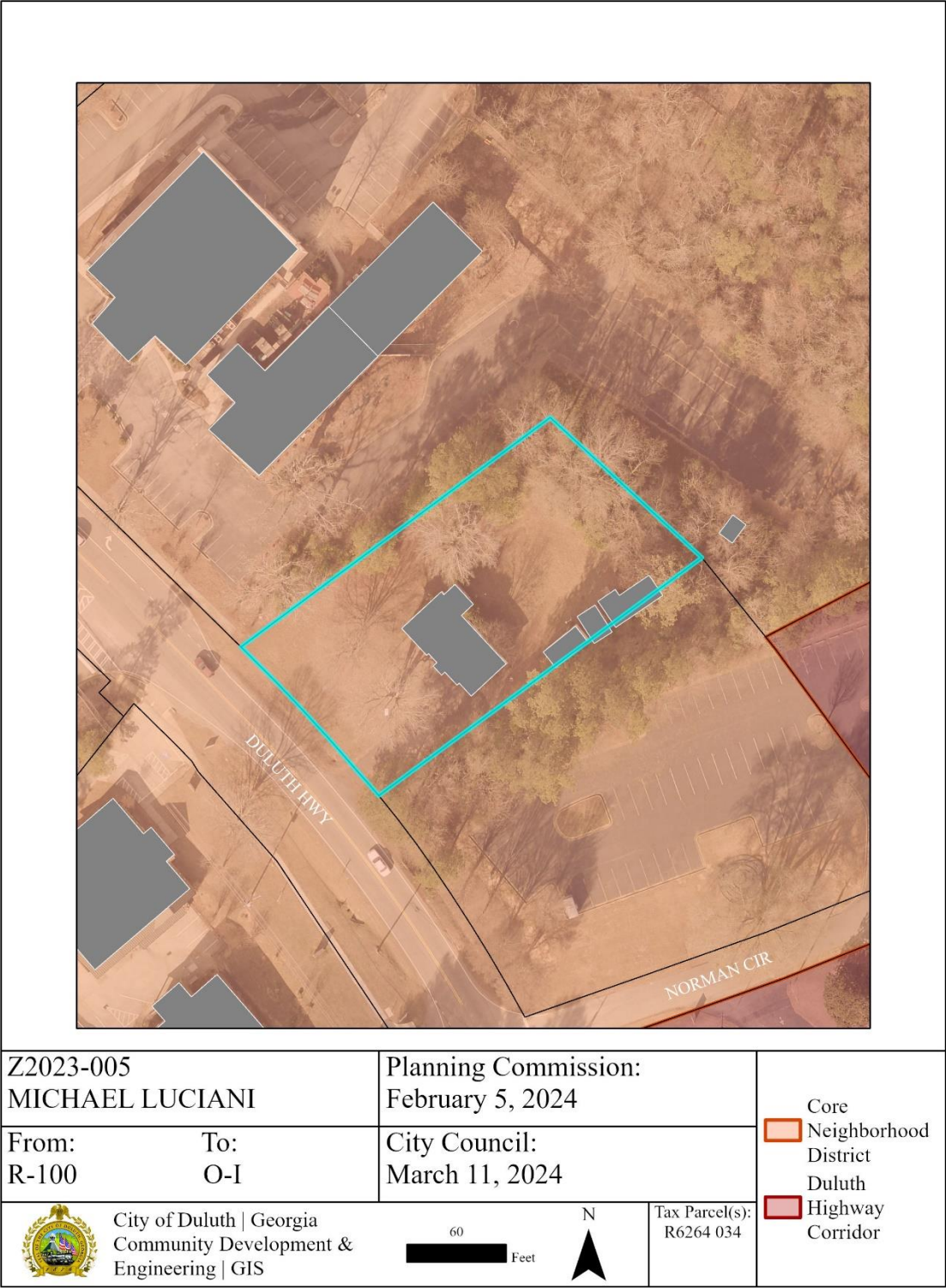


Exhibit "D"

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

Kyle Drake
Drake House Construction, LLC
3616 W. Lawrenceville St.
Duluth, GA 30096

Duluth Planning and Development
3167 Main St.
Duluth, GA 30096

RE: Rezoning application
3248 Duluth Hwy
Duluth, GA 30096

Please find this letter attached to the rezoning application for 3248 Duluth Hwy. The current zoning for this property is R-100. We are requesting to rezone to O-I. We are proposing to use this exiting building, a previous single family home, as a private office for our business, Drake House Construction, LLC. The office will not be open to the public and will receive occasional individual clients on an appointment basis only. There will be 2-3 employees working in the office at any given time, with occasional meetings of 5-6 people. There will be no burdensome impact on the traffic on Duluth Hwy because of our office.

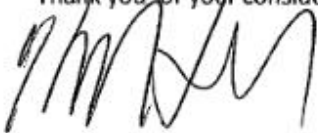
The current utilities will be utilized for the office, and no changes are necessary to the electric, water, or gas service. There was a new septic system installed which was permitted and approved through Gwinnet County Department of Environmental Health.

Our office will not adversely affect the neighboring churches, Zion Korean Methodist Church, or Duluth First United Methodist Church, nor any of the businesses or ministries across the street on the southside of Duluth Hwy. as there will be a minimal number of cars entering and exiting our office. There will be fedex/ups/usps deliveries throughout the week, but a driveway turnaround will be installed to ensure no backing out onto Duluth Hwy.

The plan is to use the existing structures for the office and storage of basic office equipment, home design materials and to store basic light construction materials – ladders, hand tools, etc.. There will be no heavy equipment or more than 1 vehicle stored on-site overnight.

Currently the property is surrounded by O-I, churches, ministries, and businesses. Our use of the property would be consistent with the existing uses of all adjacent properties on Duluth Hwy.

Thank you for your consideration.



Kyle Drake
Owner
Drake House Construction, LLC

Exhibit "E" Public Notice

Gdp1091
gon13
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 from Kyle Drake, on approximately 0.64 acres of property in Land Lot 264, 6th District, Gwinnett County, located at 3248 Duluth Hwy, consisting of tax parcel 6264-004, case number 22023-005. The request is to rezone the above property currently zoned R-100 to C-I district to allow for a construction company office. 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:

WHERE: March 11th, 2024
- 6:00 p.m.
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
ATTN: Planning Department
3167 Main Street
Duluth, GA 30096
OR
Email: Planning@duluth-ga.net
For more information, contact Planning & Development, at (770)475-1750.

.....
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) 475-3434 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.
2/25,2024



CITY OF DULUTH PUBLIC NOTICE

Z2023-005

REQUEST TO

Allow an office for a
Construction Company

PARCEL: 02104-034

ADDRESS: 3248 Duluth Hwy

CURRENT ZONING: R-100

PROPOSED ZONING: O-I

DATE: 2-5-24

@6 p.m.

Planning Comm

DATE: 3-11-24

@6 p.m.

Mayor & Council

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

CITY HALL COUNCIL CHAMBERS
3167 MAIN STREET, DULUTH, GA 30096
770.476.1790

on the dates and times provided above.



CITY OF DULUTH PUBLIC NOTICE

SUZANNE

REQUEST

Allow an office for a
Construction Company

CURRENT
PROPOSED

Planning Comm

Mayor & Council

All interested members
are invited to attend:

CITY HALL COUNCIL CHAMBERS
3167 MAIN STREET, DULUTH, GA 30096
770.476.1790

on the dates and times provided above.



**CITY OF DULUTH
PLANNING COMMISSION**
Staff Report
March 11, 2024

CASE NUMBER:	SU2023-011
LOCATION:	3248 Duluth Highway
PARCEL(S):	R6264 034
CURRENT ZONING:	R-100 (Single-Family Residential District)
PROPOSED ZONING:	O-I (Office-Institutional District) with Special Use
ACREAGE:	+/- .72 acres
REQUEST:	Approval of Special Use to allow Construction Contractors, Builders and Developers, with outdoor storage in an O-I (Office-Institutional District).
OWNER/APPLICANT:	<i>Owner/Applicant:</i> Kyle Drake 3616 W. Lawrenceville Street Duluth, GA 30096 Note: at the time of the original application, the owner of the property was Michael Luciani. The property was acquired in January of 2024.

STAFF RECOMMENDATION SU2023-012:	Approval with Conditions
PLANNING COMMISSION RECOMMENDATION:	Approval with Conditions

I. PURPOSE AND DESCRIPTION OF THE REQUEST

The purpose of this Special Use request (SU2023-011) is to allow construction contractors, builders and Developers, with outdoor storage in an O-I (Office-Institutional District).

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".

II. EXISTING CONDITIONS

The subject property totals +/- .72 acres. The properties to the north, south, east and west of the subject property are all currently zoned O-I (Office-Institutional District).

III. REVIEW OF THE REQUEST

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

- A. Table 2-C of the UDC recommended that "Special Events" in the M-1 zoning district be permitted by way of Special Use approval from the Duluth City Council.
- 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 “F”.

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

The subject property is located in the Core Neighborhood District Character Area. FORWARDuluth envisions this Character Area to be denser, connected neighborhoods, easily accessible to Downtown through a system of trails, sidewalks and road connections, while capitalizing on existing traditional street fabric and opportunities for redevelopment and infill. The Future Land Use Map (FLUM) envisions this parcel as medium density residential.

IV. **PLANNING STAFF REVIEW**

As far as staff can tell, the subject property has been vacant since 2013. Prior to it being vacant, it was a single-family home. The property has not been used since the adoption of the UDC (Unified Development Code) in 2015.

The Vision & Aspirations chapter and supporting Character Area Map of FORWARDuluth (also known as the Comprehensive Plan) identifies the Character Area of this property as the Core Neighborhood District character area. The Core Neighborhood District character area anchors adjoining Downtown within the city, while providing a wide variety of housing types within walking distance to unique retail, recreation, and entertainment. This particular area of the Core Neighborhood District is surrounded by institutional uses such as churches and outreach centers.

Staff recommends rezoning this parcel to O-I (Office-Institutional) with Special Use. There is no other single-family surrounding the parcel and an office use would fit into the fabric of the uses in this area.

V. **RECOMMENDATION**

Staff recommends **Approval with Conditions** of case SU2023-011.

Planning Commission recommends **Approval with Conditions** of case SU2023-011.

ATTACHMENTS:

Exhibit "A": Maps

Exhibit "B": Legal Description

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


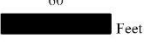

Exhibit "D": Applicant's Letter of Intent

Exhibit "E": Conditions of Approval

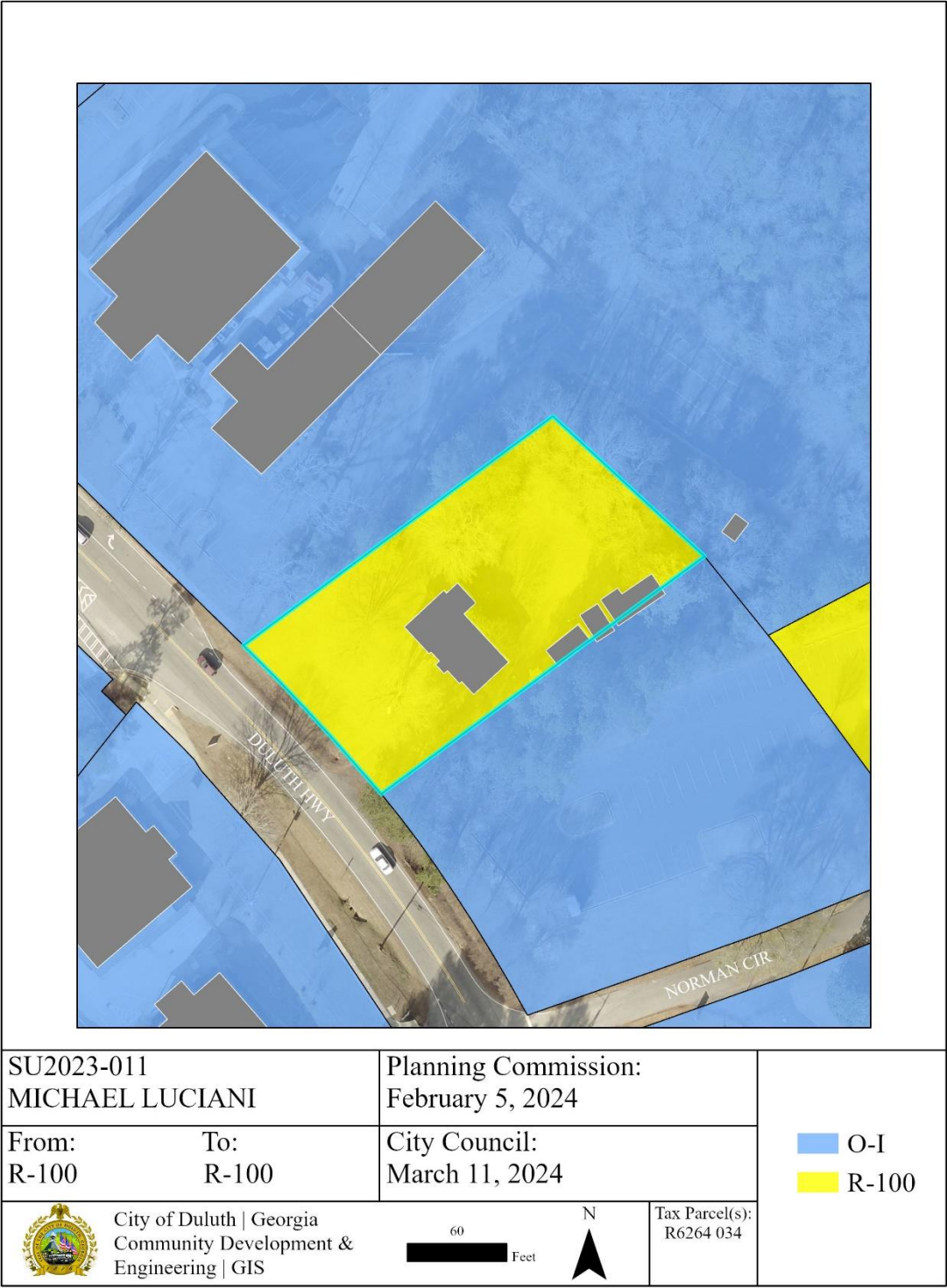
Exhibit "E": Public Hearing Advertisement/Public Notice

Exhibit "A"
Maps
Location Map



SU2023-011 MICHAEL LUCIANI		Planning Commission: February 5, 2024	
From: R-100	To: R-100	City Council: March 11, 2024	
 City of Duluth Georgia Community Development & Engineering GIS		 	Tax Parcel(s): R6264 034

Zoning Map



Character Map

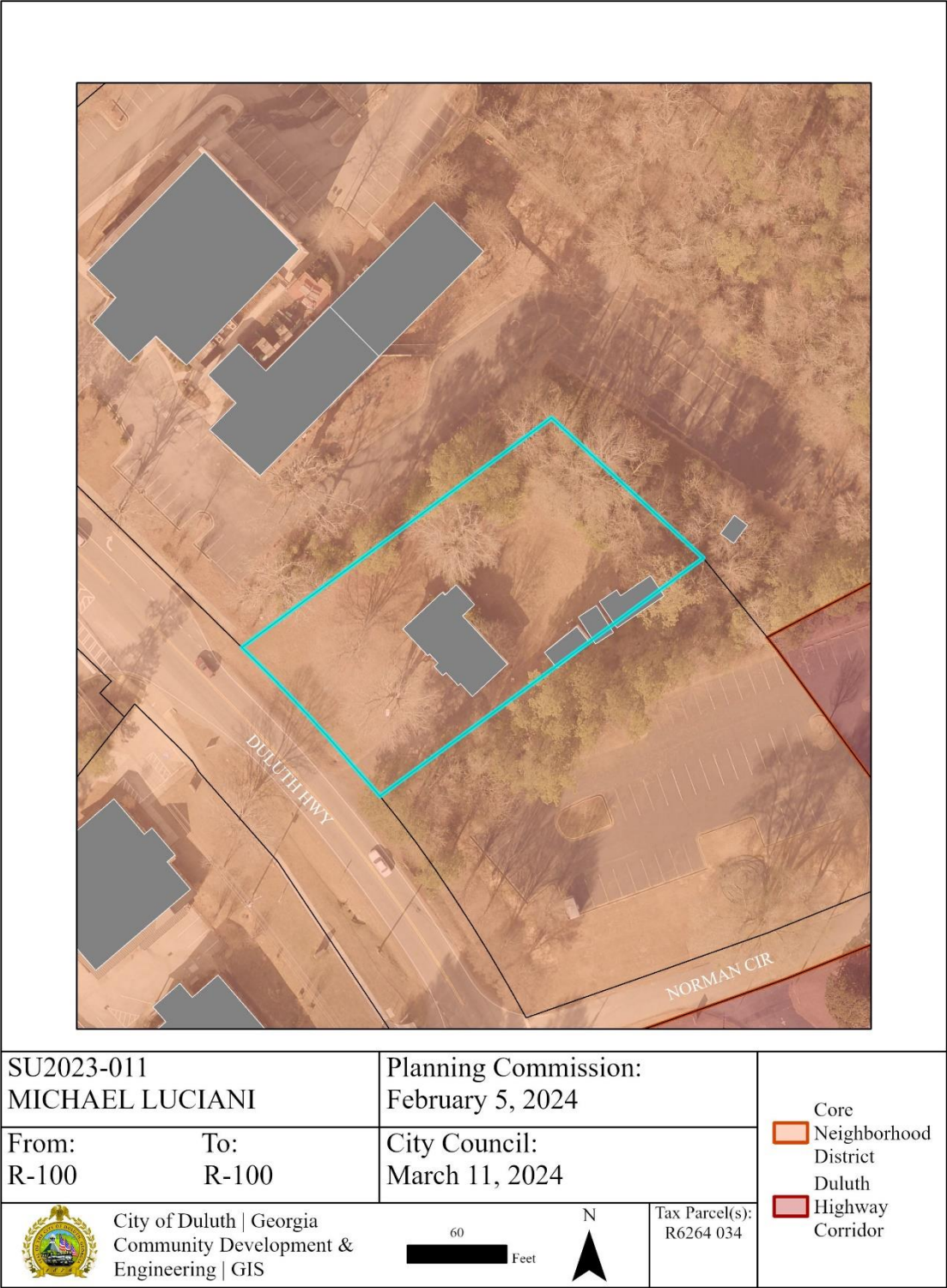


Exhibit "B"
Legal Description

All that tract or parcel of land lying and being in the Town of Duluth, Gwinnett County, Georgia, and part of Land Lot No. 293. Of the 6th Land District described as follows:

Begin at a point on the northeasterly right of way line of the Duluth-Lawrenceville paved road adjoining property of M.D. Hamrick and running thence in a northeasterly direction along the Hamrick line 250 feet to a corner; thence in a northwesterly direction parallel with said Duluth-Lawrenceville Highway 125 feet to a corner; thence in a southwesterly direction parallel with said Hamrick line 250 feet to a corner on said Duluth-Lawrenceville Highway; thence southeasterly along said highway right of way 125 feet to the point of beginning.

Exhibit “C”
Applicant’s Response to the Standards Governing Special Use Considerations

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.

See applicant’s letter of intent (Exhibit “D”).

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

See applicant’s letter of intent (Exhibit “D”).

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

See applicant’s letter of intent (Exhibit “D”).

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.

See applicant’s letter of intent (Exhibit “D”).

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.

See applicant’s letter of intent (Exhibit “D”).

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

See applicant’s letter of intent (Exhibit “D”).

Exhibit "D"
Applicant's Letter of Intent

Kyle Drake
Drake House Construction, LLC
3616 W. Lawrenceville St.
Duluth, GA 30096

Duluth Planning and Development
3167 Main St.
Duluth, GA 30096

RE: Special Use Permit application
3248 Duluth Hwy
Duluth, GA 30096

Please find this letter attached to the Special Use Permit application for 3248 Duluth Hwy. The current zoning is Residential R-100 and we submitted an application to rezone the property to OI. We are requesting a Special Use Permit to use this existing building, a previous single family home, as a private office for our business, Drake House Construction, LLC. The office will not be open to the public and will receive occasional individual clients on an appointment basis only. There will be 2-3 employees working in the office at any given time, with occasional meetings of 5-6 people. There will be no burdensome impact on the traffic on Duluth Hwy because of our office.

The current utilities will be utilized for the office, and no changes are necessary to the electric, water, or gas service. There was a new septic system installed which was permitted and approved through Gwinnet County Department of Environmental Health.

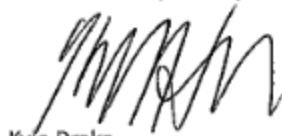
Our office will not adversely affect the neighboring churches, Zion Korean Methodist Church, or Duluth First United Methodist Church, nor any of the businesses or ministries across the street on the southside of Duluth Hwy. as there will be a minimal number of cars entering and exiting our office. There will be fedex/ups/usps deliveries throughout the week, but a driveway turnaround will be installed to ensure no backing out onto Duluth Hwy.

All of the surrounding properties, adjoining on both sides, and across the street, are currently offices or institutions (churches). There is not a practical use of this property as residential since there are no other residences immediately surrounding the property or nearby on Duluth Hwy.

The plan is to use the existing structures for the office and storage of basic office equipment, home design materials and to store basic light construction materials – ladders, hand tools, etc.. There will be no heavy equipment or more than 1 vehicle stored on-site overnight.

Currently the property is surrounded by O-I, churches, ministries, and businesses. Our use of the property would be consistent with the existing uses of all adjacent properties on Duluth Hwy.

Thank you for your consideration.



Kyle Drake
Owner
Drake House Construction, LLC

Exhibit “E”
Conditions of Approval

General

1. The Special Use (SU2023-011) is hereby approved for Michael A. Luciani and their successors, for the operation of an office for a construction contractors office with outdoor storage. Notwithstanding, 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. Therefore, a land development permit shall be obtained within 12 months from the date of Special Use approval if such a permit is needed for this property. The Special Use shall be revoked if no land development permit is obtained.

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 anyway, either on the same or adjoining property, the Special Use is terminated.
2. The subject property shall be developed in accordance with the Master Concept Plan, Building Elevations, and all applicable exhibits contained herein except as modified by the conditions contained herein on file in the office of Community Development and Engineering. Final architectural design shall meet all applicable City codes and be approved by the Director of Community Development and Engineering prior to the issuance of a development permit. Minor modifications may be approved by the Director consistent with the spirit and intent of this approval. Any changes that result in a development of such intent and character that has not been conceptually approved by the City Council shall require additional approval in accordance with procedures established in the Procedures and Permits Article of the Unified Development Code for a revision of conditions of special use approval.
 3. Should there be any additions or changes to the lighting an outdoor lighting plan shall be approved by the Director of Community Development and Engineering prior to the issuance of a certificate of occupancy. Lighting plans shall include location type, and operation of all exterior lighting on the site. Site lighting shall be maintained in good repair and operational at all times. The lighting plan must demonstrate how there will be no light intrusion into the neighboring properties.
 4. Any and all outdoor storage must be stored behind the building and contained within a fence. The fence construction must follow Section 306.08 of the UDC and be opaque.
 5. Other than employee and visitor vehicles, no additional motor vehicles shall be parked anywhere on the site.
 6. All existing buildings on the property shall be relocated to fit within the building setbacks or removed from the property.
 7. The maximum percentage for lot coverage shall be 35%.
 8. 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 by the City of Duluth codes and ordinance shall be cause for revocation of the Special Use.

9. The privilege of a Special Use is subject to all conditions that have been attached to it. The City Council may revoke any Special Use approval after it has been proven that the conditions have been violated. Revocation of the Special Use shall cause the use to become an illegal nonconformity, the continuation of which is strictly prohibited.

The Community Development and Engineering Department shall have the right to periodically examine the operation of the Special 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 (10) days to come into compliance. If after ten (10) 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. Notwithstanding, repeat violations within a period of sixty (60) days of the same nature shall not be required to give additional notice or time to correct prior to initiating revocation procedures outlined herein.

If violations are not corrected within the stated time frame, the City will notify the property owner and publish a public hearing notice for a public hearing to consider revocation of the Special Use, pursuant to O.C.G.A. § 36-66-4.

The Director of Community Development and Engineering shall notify the Planning Commission of the violation of conditions of the Special Use at the next regular Planning Commission meeting, and revocation of the Special Use Permit shall be considered at that time. The Planning Commission shall review the city staff report(s), take testimony from the property owner, and public testimony, and make a recommendation on the Special Use revocation to be forwarded to City Council. Following the Planning Commission recommendation, the City Council shall review the city staff report(s), take testimony from the property owner, and public testimony and make a decision on the Special Use revocation. The City Council may approve a resolution to revoke the Special Use and include authorization for the Director to order the Special Use to cease. In the case of a terminated or revoked Special Use, the operations shall cease immediately.

Exhibit "E"

Public Notice

Public Notice Printed in Gwinnett Daily Post 1/16/2024

Gdp9066
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 special use request from Kyle Drake, on approximately 0.64 acres of property in Land Lot 264, 6th District, Gwinnett County, located at 3248 Duluth Hwy, consisting of tax parcel 6264-034, case number SU2023-011. The special use request is to allow an office for a construction company in the R-100 district. The public is invited to attend this hearing before the Planning Commission on the proposed special use. The meeting date, place and time regarding this matter are as follows:

WHEN: February 5th,
2024 - 6:00 p.m.
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.

1/21, 2024



**ORDINANCE OF REZONING
02024-21
CITY OF DULUTH**

AN ORDINANCE GRANTING SPECIAL USE APPROVAL TO OPERATE A CONSTRUCTION CONTRACTORS, BUILDERS AND DEVELOPERS OFFICE WITH OUTDOOR STORAGE IN O-I (OFFICE-INSTITUTIONAL) ZONING DISTRICT LOCATED ON A ± .72 ACRE PROPERTY IN LAND LOT 293 OF THE 6TH DISTRICT, GWINNETT COUNTY CONSISTING OF TAX PARCEL R264 034 ADDRESSED AS 3248 DULUTH HIGHWAY, DULUTH, GEORGIA 30096. THE PROPERTY, GENERALLY KNOWN AS “3248 DULUTH HIGHWAY”, IS LEGALLY DESCRIBED ON THE ATTACHED EXHIBIT “A”. THE ORDINANCE PROVIDES FOR FINDINGS, ESTABLISHES CONDITIONS OF APPROVAL AS SHOWN ON ATTACHED EXHIBIT “B”, PROVIDES FOR SEVERABILITY, REPEALS CONFLICTING ORDINANCES, ESTABLISHES AN EFFECTIVE DATE, AND IS FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the applicant, Kyle Drake, has filed a complete application (SU2023-011) with the City of Duluth seeking Special Use approval to operate a construction contractors, builders and developers office with outdoor storage in O-I (Office-Institutional) zoning 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 February 5th, 2024, duly noticed as prescribed by law and published in the Gwinnett Daily Post, regarding the application. At the February 5th, 2024 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 March 11th, 2023, 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 an 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, 2040) identifies the Character Area of this property as the Core Neighborhood District. Special Use approval to operate an office space in the O-I (Office Institutional District) zoning district 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 \pm .72 acres and is legally described on Exhibit "A", 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 O2024-21

ATTACHMENTS:

Exhibit “A”: Maps

Exhibit “B”: Legal Description

Exhibit “C”: Conditions of Approval

Exhibit “D”: Site Plan

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

Exhibit “F”: Public Notice

{Signatures on the following page}

IT IS SO ORDAINED this 11th day of March, 2024.

Those councilmembers voting in favor:

Mayor Greg Whitlock

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

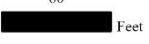

Those councilmembers voting in opposition:

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

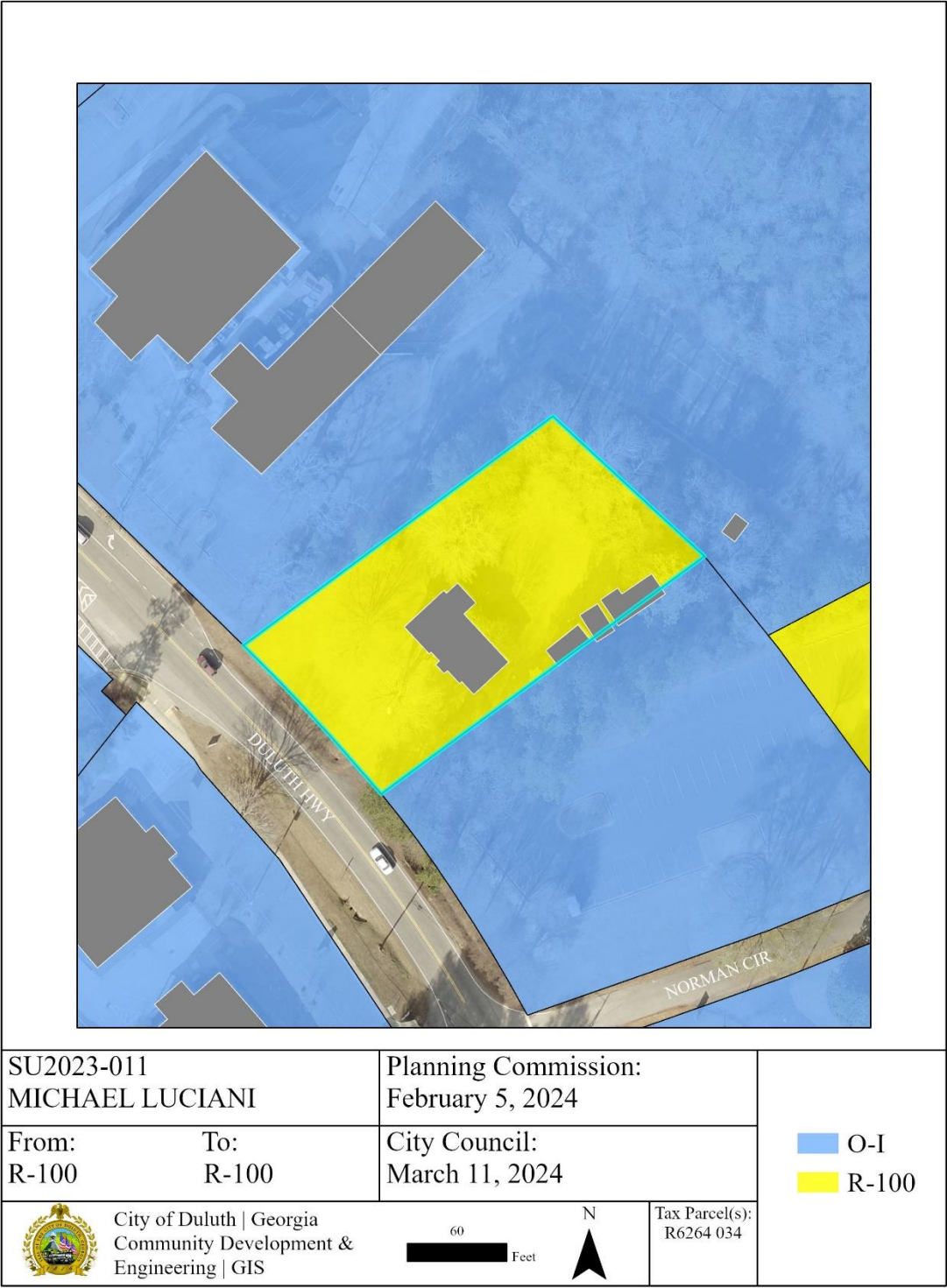
Exhibit "A"
Maps

Location Map



SU2023-011 MICHAEL LUCIANI		Planning Commission: February 5, 2024	
From: R-100	To: R-100	City Council: March 11, 2024	
 City of Duluth Georgia Community Development & Engineering GIS		 	Tax Parcel(s): R6264 034

Zoning Map



Character Areas Map

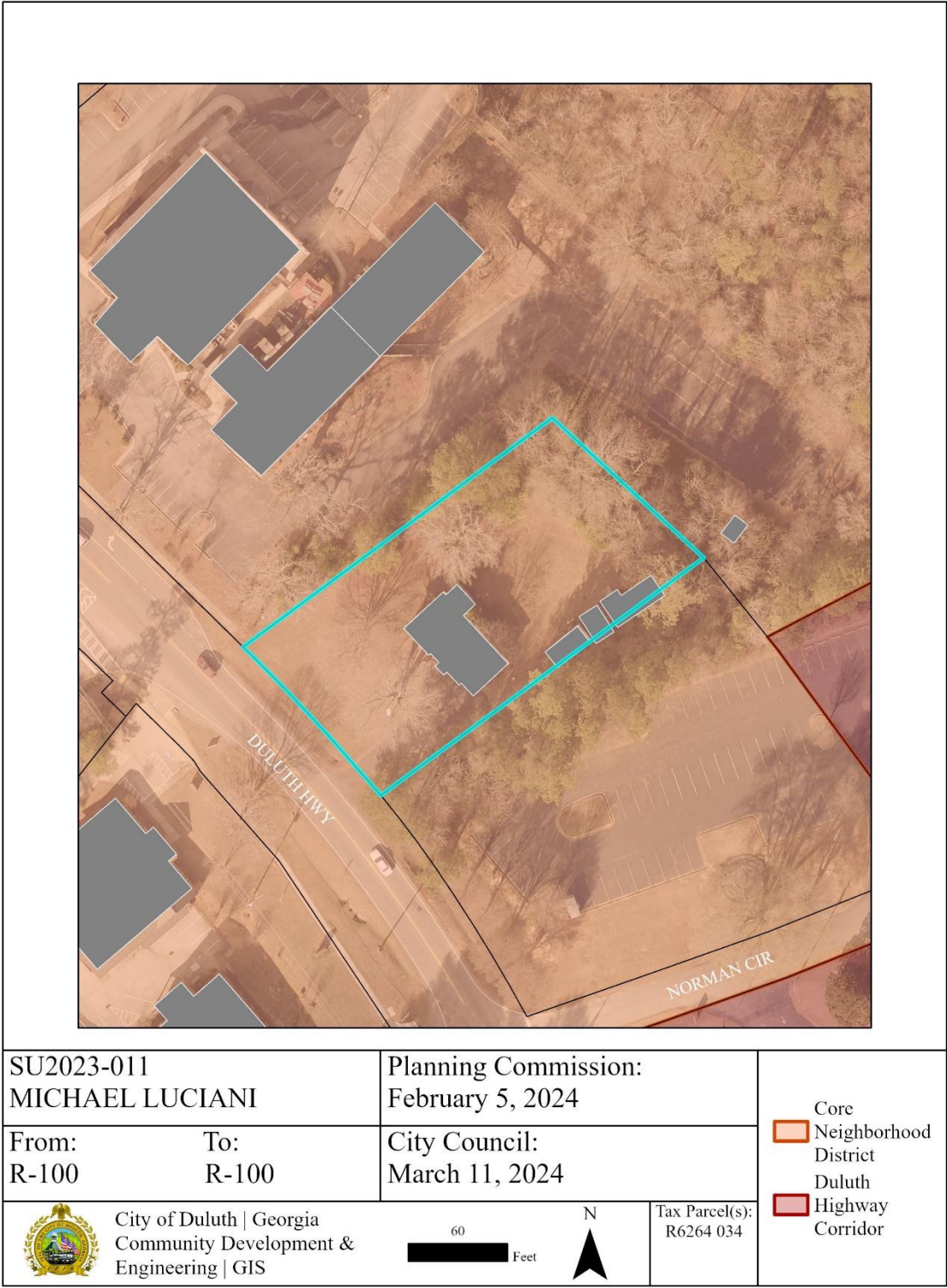


Exhibit "B"
Legal Description

All that tract or parcel of land lying and being in the Town of Duluth, Gwinnett County, Georgia, and part of Land Lot No. 293. Of the 6th Land District described as follows:

Begin at a point on the northeasterly right of way line of the Duluth-Lawrenceville paved road adjoining property of M.D. Hamrick and running thence in a northeasterly direction along the Hamrick line 250 feet to a corner; thence in a northwesterly direction parallel with said Duluth-Lawrenceville Highway 125 feet to a corner; thence in a southwesterly direction parallel with said Hamrick line 250 feet to a corner on said Duluth-Lawrenceville Highway; thence southeasterly along said highway right of way 125 feet to the point of beginning.

Exhibit “C”

Conditions of Approval

General

- I.** The Special Use (SU2023-011) is hereby approved for Michael A. Luciani and their successors, for the operation of an office for a construction contractors office with outdoor storage. Notwithstanding, 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. Therefore, a land development permit shall be obtained within 12 months from the date of Special Use approval if such a permit is needed for this property. The Special Use shall be revoked if no land development permit is obtained.

Once established:

1. If the use changes, the Special Use is hereby terminated.
 2. 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.
 3. If the use is extended in anyway, either on the same or adjoining property, the Special Use is terminated.
- II.** The subject property shall be developed in accordance with the Master Concept Plan, Building Elevations, and all applicable exhibits contained herein except as modified by the conditions contained herein on file in the office of Community Development and Engineering. Final architectural design shall meet all applicable City codes and be approved by the Director of Community Development and Engineering prior to the issuance of a development permit. Minor modifications may be approved by the Director consistent with the spirit and intent of this approval. Any changes that result in a development of such intent and character that has not been conceptually approved by the City Council shall require additional approval in accordance with procedures established in the Procedures and Permits Article of the Unified Development Code for a revision of conditions of special use approval.
- III.** Should there be any additions or changes to the lighting an outdoor lighting plan shall be approved by the Director of Community Development and Engineering prior to the issuance of a certificate of occupancy. Lighting plans shall include location type, and operation of all exterior lighting on the site. Site lighting shall be maintained in good repair and operational at all times. The lighting plan must demonstrate how there will be no light intrusion into the neighboring properties.
- IV.** Any and all outdoor storage must be stored behind the building and contained within a fence. The fence construction must follow Section 306.08 of the UDC and be opaque.
- V.** Other than employee and visitor vehicles, no additional motor vehicles shall be parked anywhere on the site.
- VI.** All existing buildings on the property shall be relocated to fit within the building setbacks or removed from the property.

- I.** The maximum percentage for lot coverage shall be 35%.
- II.** 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 by the City of Duluth codes and ordinance shall be cause for revocation of the Special Use.
- III.** The privilege of a Special Use is subject to all conditions that have been attached to it. The City Council may revoke any Special Use approval after it has been proven that the conditions have been violated. Revocation of the Special Use shall cause the use to become an illegal nonconformity, the continuation of which is strictly prohibited.

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If violations are not corrected within the stated time frame, the City will notify the property owner and publish a public hearing notice for a public hearing to consider revocation of the Special Use, pursuant to O.C.G.A. § 36-66-4.

The Director of Community Development and Engineering shall notify the Planning Commission of the violation of conditions of the Special Use at the next regular Planning Commission meeting, and revocation of the Special Use Permit shall be considered at that time. The Planning Commission shall review the city staff report(s), take testimony from the property owner, and public testimony, and make a recommendation on the Special Use revocation to be forwarded to City Council. Following the Planning Commission recommendation, the City Council shall review the city staff report(s), take testimony from the property owner, and public testimony and make a decision on the Special Use revocation. The City Council may approve a resolution to revoke the Special Use and include authorization for the Director to order the Special Use to cease. In the case of a terminated or revoked Special Use, the operations shall cease immediately.

Exhibit "E"
Applicant's Response to the Standards Governing Special Use Consideration

Kyle Drake
Drake House Construction, LLC
3616 W. Lawrenceville St.
Duluth, GA 30096

Duluth Planning and Development
3167 Main St.
Duluth, GA 30096

RE: Special Use Permit application
3248 Duluth Hwy
Duluth, GA 30096

Please find this letter attached to the Special Use Permit application for 3248 Duluth Hwy. The current zoning is Residential R-100 and we submitted an application to rezone the property to OI. We are requesting a Special Use Permit to use this existing building, a previous single family home, as a private office for our business, Drake House Construction, LLC. The office will not be open to the public and will receive occasional individual clients on an appointment basis only. There will be 2-3 employees working in the office at any given time, with occasional meetings of 5-6 people. There will be no burdensome impact on the traffic on Duluth Hwy because of our office.

The current utilities will be utilized for the office, and no changes are necessary to the electric, water, or gas service. There was a new septic system installed which was permitted and approved through Gwinnet County Department of Environmental Health.


Our office will not adversely affect the neighboring churches, Zion Korean Methodist Church, or Duluth First United Methodist Church, nor any of the businesses or ministries across the street on the southside of Duluth Hwy. as there will be a minimal number of cars entering and exiting our office. There will be fedex/ups/usps deliveries throughout the week, but a driveway turnaround will be installed to ensure no backing out onto Duluth Hwy.

All of the surrounding properties, adjoining on both sides, and across the street, are currently offices or institutions (churches). There is not a practical use of this property as residential since there are no other residences immediately surrounding the property or nearby on Duluth Hwy.

The plan is to use the existing structures for the office and storage of basic office equipment, home design materials and to store basic light construction materials – ladders, hand tools, etc.. There will be no heavy equipment or more than 1 vehicle stored on-site overnight.

Currently the property is surrounded by O-I, churches, ministries, and businesses. Our use of the property would be consistent with the existing uses of all adjacent properties on Duluth Hwy.

Thank you for your consideration.



Kyle Drake
Owner
Drake House Construction, LLC

Exhibit “F”

Public Notice

Gdp1090
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 Kyle Drake, on approximately 0.64 acres of property in Land Lot 264, 6th District, Gwinnett County, located at 3248 Duluth Hwy, consisting of tax parcel 6264-034, case number SU2023-011. The special use request is to allow a construction company office in the R-100 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: March 11th, 2024
- 6:00 p.m.

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.

2/25,2024



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

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

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

Total Revenues:	<u>89,972,997</u>
Operations Expenditures:	<u>42,166,985</u>
Capital Improvement Expenditures:	<u>47,806,012</u>
Total Expenditures:	<u>89,972,997</u>

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

WHEREAS the City of Duluth included \$600,000 for the purchase of new accounting software and staff would like to purchase new licensing software costing \$47,500 for the Business Office; and

WHEREAS due to the time involved to research, select, purchase and install new software and the fact budgeted items in the General Ledger lapse at the end of the budget year, staff is requesting these purchases be accounting for in a capital project fund and funded with General Fund reserves; and

WHEREAS it is requested to add \$647,500 in General Fund reserves to (CA-05) City Hall – General Government Buildings – Intangible line item, including associated transfers; and

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

Total Revenues & Prior Yr Reserves	<u>90,620,497</u>
Operations Expenditures:	<u>42,166,985</u>
Capital Improvement Expenditures:	<u>48,453,512</u>
Total Expenditures:	<u>90,620,497</u>

IT IS SO ORDAINED this _____ day of _____, 2024.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

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

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

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

Total Revenues:	<u>90,620,497</u>
Operations Expenditures:	<u>42,166,985</u>
Capital Improvement Expenditures:	<u>48,453,512</u>
Total Expenditures:	<u>90,620,497</u>

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

WHEREAS the City of Duluth applies for and receives the Local Maintenance & Improvement Grant (LMIG) and when received a budget amendment is posted to the capital project to recognize the revenue and a matching expenditure; and

WHEREAS staff noticed when the Fiscal Year 2023 LMIG funds were received, only the revenue was recognized and therefore staff is requesting a budget amendment to add \$247,453.95 to repairs & maintenance line item in the capital project; and

WHEREAS it is requested to add \$247,454 in 2023 LMIG funds to (ST-32) Transportation/Infrastructure Improvements – Paved Streets – Repairs & Maintenance line item, including associated transfers; and

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

Total Revenues & Prior Yr Reserves	<u>90,867,951</u>
Operations Expenditures:	<u>42,166,985</u>
Capital Improvement Expenditures:	<u>48,700,966</u>
Total Expenditures:	<u>90,867,951</u>

IT IS SO ORDAINED this _____ day of _____, **2024**.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk