



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

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

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

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**March 13, 2023**

**CITY HALL COUNCIL CHAMBERS**

**6:00 pm**

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

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**5:30 P.M. – AGENDA REVIEW** Main St. Conference Room

**6:00 P.M. - CALL TO ORDER** Mayor Harris or Mayor Pro tem Thomas

**INVOCATION OR MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

**I. ANNOUNCEMENTS**

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

*Duluth Farmers & Artisan Market, March 12, March 26, and April 9 from 2-5pm  
Shop local vendors at the Duluth Farmers Market in Downtown Duluth!*

*Duluth Rotary Car Show, Saturday, April 8 from 10am-2pm  
This event is sure to keep your wheels spinning as Exotic Cars, Antique Classics,  
Foreign Sports, Hot Rods, Muscles and more take over City Hall. This event is free  
to attend and is hosted by the Rotary Club of Duluth.*

**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](mailto: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.*

## **II. MATTERS FROM CITIZENS**

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

## **III. CONSENT AGENDA**

1. APPROVAL OF FEBRUARY 13<sup>TH</sup>/27<sup>TH</sup> MINUTES
2. ORDINANCE TO APPOINT ALCOHOL BOARD

Approval of this item approves ordinance O2023-05 appointing Robert Edwards to the Alcohol Review Board to fill the unexpired term of Michael Ashley, term ending March 31, 2026.

3. ORDINANCE TO APPOINT MUNICIPAL JUDGES

The Duluth City Charter provides for the appointment of the municipal court judges, by ordinance. State law OCGA 36-32-2 mandates that appointed municipal court judges be appointed for a term of not less than one year. Accordingly, approval of this item approves ordinance O2023-06 reappointing municipal court judges Charles L. Barrett, III, Margaret Gettle Washburn, Claude Mason, and Chung Hun Lee.

4. ORDINANCE TO APPOINT PLANNING COMMISSION

Approval of this item approves ordinance O2023-07 reappointing Shenee Holloway to the Planning Commission for another four- year term, ending March 31, 2027.

5. ORDINANCE TO APPOINT PUBLIC ART COMMISSION

Approval of this item approves ordinance O2023-08 appointing members of the Duluth Public Art Commission as follows: Ken Sebastian to fill the seat vacated by Marty Dorfman, expiring 3/31/26 and Heather Blanchard to fill the unexpired term of Kristina Jackson, term ending 3/31/24.

6. ORDINANCE TO APPOINT URBAN REDEVELOPMENT

Approval of this item approves ordinance O2023-09 reappointing Mayor Harris to the Urban Redevelopment Agency, term ending March 31, 2027.

7. ORDINANCE TO APPOINT ZONING BOARD OF APPEALS

Approval of this item approves ordinance O2023-10 reappointing Verdi Avila and William Latta to the Zoning Board of Appeals for four-year terms, ending March 31, 2027.

## 8. ORDINANCE TO AMEND THE DULUTH CODE – CH 3

As presented at the February 27 work session, approval of this item approves ordinance O2023-11 amending Chapter 3 of the Duluth Code for various “housekeeping” alcohol amendments.

## 9. AUTHORIZATION FOR PLANNING FEE SCHEDULE

The Planning Department finds it necessary from time to time to review the City's Permit Fee Schedule to provide a fair and competitive rate to permit construction within the City limits. Approval of this item approves ordinance O2023-12 setting permit fees as presented.

## 10. APPROVAL OF INTERGOVERNMENTAL AGREEMENT– 2023 ELECTION

Approval of this item authorizes Mayor Harris to execute the Intergovernmental Agreement (IGA) with Gwinnett County for the use of the OS (Optical Scanners) voting equipment.

## 11. ORDINANCE TO AMEND THE BUDGET - \$359,164 – WORKERS’ COMP

Over the past 12 months, the City's Workers Compensation Fund has experienced some large claims expenditures as a result of a significant claim involving a police officer. The City's excess workers compensation policy with Midwest Employers Casualty requires the City to pay the first \$650,000 in expenditures for this claim before any reimbursement will occur. As of the last reimbursement request, the City has paid claim expenditures of \$1,627,306.29 and has received reimbursement of \$977,306.29. In the most recent reimbursement the City received \$359,164.56. Staff is requesting approval of a budget amendment to add revenue and expenditures of \$359,164 to the Workers Compensation Fund to support current and anticipated claims through year end. Approval of this item approves ordinance BA-FY23-22 to add \$359,164 to Workers Compensation - Insurance Claims Reimbursements line item and \$359,164 to Workers Compensation - Risk Management - Claims Police Uniform line item.

## 12. ORDINANCE TO AMEND THE BUDGET – POLICE VEHICLES

The Police Department recently sold a vehicle at auction and after commission and fees they received \$14,700. To continue maintaining a vehicle fleet that is low maintenance and dependable, the Police Department has requested the \$14,700 be added to the Police - Consolidated Vehicle Maintenance Division - Vehicles line item. Approval of this item approves ordinance BA-FY23-23 as presented.

## 13. DESIGNATION OF OPEN RECORDS OFFICERS – AMENDED

Approval of this item amends approves resolution R2023-06 amending R2023-04, previously approved on January 9, 2023, by adding John Gracia as the new Administrative Asst./Records Officer.

#### **IV. NEW BUSINESS**

##### **1. 2040 COMPREHENSIVE PLAN UPDATE KICK-OFF**

The City of Duluth Planning and Development Staff will begin a major update to our 2040 Comprehensive Plan, FORWARDuluth. This presentation will outline a tentative schedule of events and meetings pertaining to this update.

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

#### **VI. MATTERS FROM COUNCIL**

#### **VII. MATTERS FROM CITY MANAGER**

#### **VIII. EXECUTIVE SESSION**

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

#### **IX. ADJOURNMENT**

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



**MINUTES OF THE  
MAYOR AND COUNCIL  
CITY OF DULUTH, GA  
FEBRUARY 13, 2023**

**PRESENT:** Mayor Harris, Council members Harkness, Thomas, Graeder, and Whitlock, City Manager, Department Directors, City Attorney

**ABSENT:** Councilmember Doss

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

**Mayor Harris called the meeting to order at 5:40pm and called for a motion to adjourn into an executive session.**

**I. EXECUTIVE SESSION**

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

**A motion was made by Councilmember Whitlock, seconded by Councilmember Harkness, to adjourn to executive session at 5:40pm.**

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

**After the discussion, a motion was made by Councilmember Graeder, seconded by Councilmember Thomas, to adjourn from executive session and return to regular session at 5:50pm.**

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

**MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE:** *led by members of Troop 420:  
Christina Denny, Kathryn Dykes, Jacy LeCraw, Amelia Rose Norris, & Hailey Chen*

## II. ANNOUNCEMENTS

1. AGENDA CHANGES (*none*)
2. DISTINGUISHED BUDGET AWARD

Mayor Harris announced that, for the twelfth year in a row, the Government Finance Officers Association (GFOA) has awarded the City of Duluth the "Distinguished Budget Presentation Award." The award was received for the City's fiscal year 2023 budget document. The budget document is judged by three government accounting professionals in four overall categories: as a policy document, as a financial plan, as an operating guide, and most importantly as a communication device. Overall, the budget document received high marks in all categories. In addition, the document also received "Special Capital Recognition" meaning, that in the area of capital expenditures and their operating impact, all three reviewers rated the document as outstanding for these criteria.

3. UPCOMING EVENTS – [www.duluthga.net/events](http://www.duluthga.net/events)

Duluth Farmers Markets are set to start the 2<sup>nd</sup> and 4<sup>th</sup> Sundays from 2-5pm beginning March 12, 2023.

## III. MATTERS FROM CITIZENS

*None.*

## IV. CONSENT AGENDA

1. APPROVAL OF JANUARY 9<sup>TH</sup>/23<sup>RD</sup> MINUTES
2. ACCEPTANCE OF QUITCLAIM DEEDS – RIDGEWAY ROAD {A-E}

As discussed during the January 23, 2023 work session, Mayor and Council to consider accepting executed quitclaim deeds from the three (3) Homeowners Associations related to the condominium and two (2) townhome developments adjacent to City Hall. Approval of this item accepts the quitclaim deeds with Towne Park Place Master Association, Park at Parsons Town Square, and Condominiums at Town Park Place Owners' Association as presented, which will place the sidewalks and parking area along Ridgeway Road under City ownership and maintenance.

3. ORDINANCE TO AMEND BUDGET - \$360,917- STORMWATER {F}

Each year after the audit is complete, staff presents a budget amendment for the Stormwater Utility Fund to allocate funds to the current year's budget in excess of the 25% required fund balance reserve. The Mayor and Council to consider an ordinance to amend the budget (BA-FY23-20). On June 30, 2022, the Stormwater Utility Fund had an unrestricted fund balance reserve of \$749,821. Due to the majority of the fund's revenue coming from a single billing, and the potential need

for funding of emergency repairs, policy requires a minimum unrestricted fund balance be maintained equal to 25% of the annual billing or \$388,904 on June 30, 2022. Allowing for this requirement, \$360,917 is available for allocation to the current year's budget. Approval of this item approves ordinance (BA-FY23-20) to add \$360,917 to the Stormwater Utility - Stormwater Collection & Disposal - Repairs & Maintenance/Drainage line item.

#### 4. ORDINANCE TO AMEND BUDGET - POLICE EQUIPMENT {G}

At the January work session, staff undated council on the 2017 SPLOST collections and the ability to allocated \$611,000 in additional SPLOST funds to the police department for eligible public safety purchases. The Police Department staff presented council with a proposal outlining the items to be purchased with the additional 2017 SPLOST funds. The Mayor and Council to consider an ordinance to amend the budget (BA-FY23-21). Approval of this item approves ordinance (BA-FY23-21) to add \$611,000 in 2017 SPLOST Funds to the Police Capital Projects - Police - Police Equipment line item, including associated transfers.

#### 5. AUTHORIZATION FOR EASEMENT – TAYLOR PARK {H}

As discussed with Mayor and Council at the January 23rd work session, Council to consider approving a “No-Build Easement” as part of the paver lot project. The developer built the new zero-lot line Jewel Box building all the way to the property line. To meet fire code, a 10' no-build easement must be established on all sides of the building. The City must establish this 10' no-build easement along the property line within Taylor Park as shown in the attached exhibit. Approval of this item authorizes the Mayor or City Manager to execute the document as presented.

#### 6. TAYLOR PARK UTILITY EASEMENT {I}

As discussed with Mayor and Council at the January 23rd work session, Council to consider granting a utility easement to Georgia Power for the paver lot development. As part of the project, Georgia Power had to run several utility lines, one of which runs through Taylor Park from the area adjacent to the paver lot, toward the Festival Center (as seen in the attached exhibit). Approval of this item dedicates this easement to Ga Power to allow for future maintenance and authorizes the Mayor or City Manager to execute the agreement as presented.

#### 7. 2023 EVENT CALENDAR AUTHORIZATION AND 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 in downtown fall under the “Licensed Merchant Zone” that allows alcohol to be purchased from the Downtown Licensed Merchants only and carried out into the downtown area.

March – November

“Farmers & Artisan Markets:” 2nd and 4th Sundays (18 total dates)

May 26th – July 28th – “Fridays-N-Duluth” (10 total dates)

“Duluth Live:” Select Thursdays, Fridays, and Sundays. (50+dates)

April 8 – Duluth Rotary Car Show (Co-Sponsored)

April 15 – GWB Presents Little Beer (Co-Sponsored)

April 27 – S.T.E.A.M.

April 29 & 30 – Duluth Spring Arts Festival (Co-Sponsored)

May 4 – National Day of Prayer

May 6 – Duluth Derby Day: W. Lawrenceville closed between Main and Hill Street from 10am-9pm.

June 22 – Night at the Red Clay: Improv

July 8 – Viva Las Duluth (Open Zone)

July 26 – Back-to-School Bubblepalooza

August 4 – Flicks on the Bricks

August 11 – Chalk Art Festival

August 12 – Summer Stage Concert (Open Zone)

August 18 – Flicks on the Bricks

August 23 - Seek Duluth

September 9 – GWB Presents Les Bon (Co-Sponsored)

September 23 – Duluth Fall Festival Concert (Co-Sponsored - Open Zone)

September 30-October 1st: – Duluth Fall Festival (Co-Sponsored)

October 8 – Night at the Red Clay: Cinema

October 14 – Duluth on Tap - W. Lawrenceville St closed from approx. 10am-7pm

October 27 – Howl on the Green – W. Lawrenceville St closed from approx. 2pm-12am; Main St Closed from approx. 5pm-7pm for Trick-or-Treating

December 2 – Deck the Hall: Main Street (from Activity Lawn to City Hall) Closed from 7am-10pm

December 16 – Cookies & Cocoa with Santa

December 18 – Night at the Red Clay: Cinema

Being no discussion, Mayor Harris called for a motion.



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

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

## **V. NEW BUSINESS**

### **1. RESOLUTION/PLEDGE – “EMBRACE CIVILITY”**

{J}

Councilmember Graeder reported that he had attended a Georgia Municipal Association training conference and learned that in a recent survey, 93% of Americans believe that incivility is a problem, with 60% identifying incivility as a major problem. The Mayor and Council of the City embrace Civility and wish to adopt a Resolution to promote Civility and abide by the “Civility Pledge.”

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

**A motion was made by Councilmember Harkness, seconded by Councilmember Thomas, to approve resolution R2023-05 as presented.**

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

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

### **1. PLANNING AND DEVELOPMENT UPDATES**

Planning Director Forrest Huffman came forward and gave an update on current residential developments such as SoDo, Encore, Riviere, Gardendale, and Sherwood Phase II. He discussed several commercial projects as well, Thrive and the Jewel box building under construction.

## **VII. MATTERS FROM COUNCIL**

Mayor Harris referenced the tree on Town Green near the restroom building and wanted to see if it could be replaced.

Councilmember Graeder reported on the current state legislative actions and the importance of communicating with our legislators on issues that will have an impact on our citizens.

Councilmember Thomas asked everyone to keep the people of Ukraine, Turkey, and Syria in their thoughts and prayers.

## **VIII. MATTERS FROM CITY MANAGER**

1. Mr. Riker reported, he along with Councilmember Thomas and City Engineer Margie Pozin, are scheduled to meet with Congresswoman Lucy McBath on Tuesday.
2. Staff continues to track the legislative updates and reporting to Duluth Legislative delegation.
3. Special recognition to Public Works and Police staff for always being prepared and on standby when reports are received on possible inclement weather.

## **IX. ADJOURNMENT**

**Being no further business, a motion was made by Councilmember Thomas, seconded by Councilmember Graeder, to adjourn at 6:30pm.**

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

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



**WORK SESSION NOTES  
MAYOR AND COUNCIL  
CITY OF DULUTH, GA  
FEBRUARY 27, 2023**

**PRESENT:** Mayor Harris, Council members Harkness, Thomas, Graeder, Doss and Whitlock, City Manager, Department Directors, City Attorney

**Mayor Harris called the meeting to order at 5:30 p.m.**

**I. PUBLIC COMMENTS**

None.

**II. DISCUSSION ITEMS/PRESENTATIONS/UPDATES**

**1. RECOMMENDED BOARD APPOINTMENTS**

Council considered the following appointments as recommended by staff:

Alcohol Board

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

Duluth Municipal Court

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

Planning Commission

Reappoint Shenee Holloway – expires 3/31/27

Public Art Commission

Ken Sebastian - fill the seat vacated by Marty Dorfman, expires 3/31/26  
Heather Blanchard - fill the unexpired term of Kristina Jackson, expires 3/31/24

Urban Redevelopment Authority

Reappoint Mayor Harris, term expiring 3/31/27

Zoning Board of Appeals

Reappoint Verdi Avila and William Latta, terms expiring 3/31/27

Councilmember Graeder noted the number of cancellations of board meetings over the past year and recommended creating more “ad hoc” type of committees as the needs arise.

*Staff was authorized to place these ordinances on the next Council consent agenda for approval.*

## 2. ACTIVITY LAWN WINTER OPTIONS

Event coordinator Jessica Gross first reported on Duluth’s winning year at the Southeast Festivals and events conference. As part of the 2023 Events presentation in November, Ice Skating was included along with an estimated budget. She presented the updated budget for that activity to use real ice or synthetic, with options for 20 days over winter break or 45 days starting with Thanksgiving break.

In lieu of an ice-skating rink, Ms. Gross proposed the additional option of “Frosty Fun” to be considered, which includes 18 days of holiday programming for different age groups, also on the activity lawn as well as Parsons Alley. This could include live ice sculpting, winter games, magic shows, Who-ville/Grinch, and photo ops. She mentioned snow slides and snow playgrounds, toboggan tunnel, etc. For Thanksgiving break, there would be mini-golf, butterfly exhibits, roller skating, etc. For all of those options, the cost would be \$65,000 which already fits into the events budget.

*After presentation, Staff was authorized to add these dates for selected events on the next Council consent agenda.*

## 3. ALCOHOL AMENDMENTS

Asst. City Manager/City Clerk Teresa Lynn reported that the Alcohol Board met on February 9 to discuss with staff and the City Attorney some recommended amendments to the City's Code of Ordinances, Chapter 3 - Alcoholic Beverages. Following review, the Board voted unanimously to recommend approval of the amendments as discussed.

City Attorney Stephen Pereira explained that most of the items are general "housekeeping" items such as changing "pouring permit" to alcohol handling permit, and small changes as requested by the City's Code Compliance division to update the penalty and enforcement provisions of the ordinance which provide flexibility/discretion at the Code Compliance and administrative level. Language has been added to provide for penalties for owners, managers, and employees for failing to complete the alcohol training or obtaining alcohol handling permits within the prescribed window of time. The amendment also deletes Section 3-206 (a) Advertisement of intent to engage in business, requiring publishing in the newspaper.

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

#### 4. PEDESTRIAN STREET LIGHTING

{A}

Staff was asked to develop a method to assess and prioritize requests for pedestrian street lighting. City Manager James Riker explained the reasoning for creating this recommended process.

City Engineer Margie Pozin presented a draft for measuring the value/priority of a project and explained that this process is intended for individual spot requests and /short corridors, not for long corridor lighting projects. She gave a potential outline of how to rank, prioritize and manage requests.

After discussion, staff would recommend requests that score 50 and above would be considered for action. Staff will include a line item in the upcoming budget to account for requests that are unknown at this time.

#### 5. ROGERS BRIDGE AND PARK UPDATES

{B}

City Engineer Margie Pozin updated Mayor and Council on the status and timing of the Rogers Bridge and Phase I and Phase II Park projects.

#### 6. PERMITTING FEE SCHEDULE

Planning Director Forrest Huffman came forward to present the request. He explained that the City's Permit Fee Schedule is reviewed on occasion to provide fair and competitive rates for construction/improvement permits within the City limits.

Residential roofing and siding are two permits that not all surrounding jurisdictions are currently requiring homeowners to get. He feels we are potentially causing an undue burden for citizens and code compliance as well.

Staff was authorized to remove fees and the requirement of the two permits as recommended, and to place this item on the next Council agenda for approval.

#### 7. DAVENPORT ROAD UPDATE

{C}

City Engineer Margie Pozin Staff updated Mayor and Council on recent options being discussed with the GA Dept. of Transportation regarding the intersection of Davenport Road and Buford Highway.

With recent review, the City is allowed to extend the median which will temporarily create a safer intersection. She said that we might get a traffic signal in operation ahead of schedule as early as late summer 2023, may get the at-grade crossings in operation in late 2023/early 2024, and could potentially get the quiet zone in effect as early as the second quarter of 2024.

8. GA. DEPT OF TRANSPORTATION - SR 120 COORDINATION {D}

City Engineer Margie Pozin came forward to report on available choices for wall treatments and handrail along State Route 120. After discussion, Mayor and Council agreed on using form liner with stain, with simple vertical black railing.

Signage and landscaping are also important and can be addressed later.

**III. MATTERS FROM COUNCIL**

Chief was asked if there have been complaints regarding the overnight parking ordinance. She said that there was a long warning period, but the officers have just started writing citations. The city manager also noted the importance of keeping the streets clear due to the upcoming automation of trash service.

Questions were raised about economic development activities on the corner of Peachtree Industrial Blvd. and Pleasant Hill as well as PIB south of the intersection, and the effect of the medians on businesses. Staff responded that several businesses have come in to get permits in that area.

A suggestion was also made to require that all address markers are lit at night for deliveries as well as enhanced safety measures for first responders.

**IV. ADJOURNMENT**

Meeting adjourned at 7:45pm.

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

**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 conducted by the City Police Department.

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:

Robert Edwards (Alt 2)	Expires 3/31/26	Term begin date: 2023
(Filling unexpired term of Michael Ashley)		

Current members:

William Corley	Expires 3/31/25	Term begin date: 2017
Richard T. Hill	Expires 3/31/25	Term begin date: 2015
Bethany Marcinik	Expires 3/31/25	Term begin date: 2017
Joy Thompson	Expires 3/31/26	Term begin date: 2011
Rod Parris	Expires 3/31/26	Term begin date: 2012
Demetrius Nelson (Alt 1)	Expires 3/31/26	Term begin date: 2022

**IT IS SO ORDAINED this \_\_\_\_ day of March 2023.**

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

Those councilmembers voting in favor:

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

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

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

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

\_\_\_\_\_  
Greg Whitlock, Post 5

Those councilmembers voting in opposition:

\_\_\_\_\_

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ATTEST: \_\_\_\_\_  
Teresa S. Lynn, Asst. City Manager/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 appointed as Municipal Court Judges of the City of Duluth, and shall serve for a term of one year:

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

**IT IS SO ORDAINED THIS \_\_\_\_ day of March 2023.**

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

Those councilmembers voting in favor:

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

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

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

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

\_\_\_\_\_  
Greg Whitlock, Post 5

Those councilmembers voting in opposition:

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

ATTEST: \_\_\_\_\_  
Teresa S. Lynn, Asst. City Manager/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 a 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 for two (2) meetings per month.

**Reappoint:**

Shenee Holloway (Alt)	Expires 3/31/27	Term begin date: 2022
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**Current Members:**

Niti Gajjar	Expires 3/31/24	Term begin date: 2020
Carey Fisher	Expires 3/31/24	Term begin date: 2020
Ray Williams	Expires 3/31/25	Term begin date: 2013
Alana Moss	Expires 3/31/26	Term begin date: 2012
Scott Perkins	Expires 3/31/26	Term begin date: 2022

**IT IS SO ORDAINED this \_\_\_\_ day of March 2023.**

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

Those councilmembers voting in favor:

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

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

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

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

\_\_\_\_\_  
Greg Whitlock, Post 5

Those councilmembers voting in opposition:

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

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

**Appoint:**

Ken Sebastian	Expires 3/31/26	Term begin date: 2023
(to fill expired term of Marty Dorfman)		
Heather Blanchard	Expires 3/31/24	Term begin date: 2023
(to fill unexpired term of Kristina Jackson)		

**Current Members:**

Sanjay Parekh	Expires 3/31/24	Term begin date: 2020
Julie McKeivitt	Expires 3/31/24	Term begin date: 2020
Dr. Augustine Emmanuel	Expires 3/31/26	Term begin date: 2022
Sheila Harmony	Expires 3/31/26	Term begin date: 2022

**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 13<sup>th</sup> day of March, 2023.**

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

Those councilmembers voting in favor:

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

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

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

Mayor & Council Meeting 3/13/23

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

\_\_\_\_\_  
Greg Whitlock, Post 5

Those councilmembers voting in opposition:

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

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

**ORDINANCE  
CITY OF DULUTH  
URBAN REDEVELOPMENT AGENCY**

WHEREAS, Pursuant to Article 1, Section 1 of the Urban Redevelopment Agency by laws establishes that the Urban Redevelopment Agency shall consist of three (3) persons, appointed by the City Council.

WHEREAS, Sec. 2- 49 Term Limits for Boards and Commissions (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. In no event shall a member serve over fourteen (14) consecutive years after 2012.

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby ordains that the following individual be appointed as a member of the Urban Redevelopment Agency as follows:

Reappoint:

Nancy Harris	Expires 3/31/27	Term begin date: 2021
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Current Members:

Brandon Odum	Expires 3/31/25	Term begin date: 2017
Marline Thomas	Expires 3/31/26	Term begin date: 2022

**IT IS SO ORDAINED this\_\_\_\_ day of March 2023.**

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

Those councilmembers voting in favor:

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

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

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

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

\_\_\_\_\_  
Greg Whitlock, Post 5

Those councilmembers voting in opposition: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ATTEST: \_\_\_\_\_

Teresa S. Lynn, Asst. City Manager/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 members 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.

**Reappoint:**

Verdi Avila	Expires 3/31/27	Term begin date: 2015
William Latta (Alt)	Expires 3/31/27	Term begin date: 2022

**Current Members:**

K.C. Callaway	Expires 3/31/25	Term begin date: 2010
Nitti Gajjar	Expires 3/31/25	Term begin date: 2021
Ken Wilson	Expires 3/31/26	Term begin date: 2011
Robert Pennington	Expires 3/31/25	Term begin date: 2022

**IT IS SO ORDAINED this\_\_\_\_\_ day of March 2023.**

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

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

Those councilmembers voting in favor:

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

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



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

\_\_\_\_\_  
Greg Whitlock, Post 5

Those councilmembers voting in opposition:

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

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

## ORDINANCE TO AMEND DULUTH CODE

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

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

### **PART I**

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

#### **Sec. 3-112. - Hours of operation.**

##### *(a) Consumption on the premises.*

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

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

##### *(2) No retail dealer shall remain open:*

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

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

*(b) Retail package spirituous liquor.* No retail license holder holding a license under the ordinance from which this chapter is derived shall furnish, sell, or offer for sale any spirituous liquor or distilled spirits by the package except between the hours of 8:00 a.m. to 11:45 p.m. Monday through Saturday and 11:00 a.m. until 12:00 a.m. (midnight) on Sunday. No retail license holder shall furnish, sell, or offer for sale any spirituous liquor or distilled spirits by the package at any time in violation of state law, local ordinance or regulation, or special order of the city clerk, city manager or their designee.

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

(d) *Wholesale dealer.* The hours during which the sale of alcoholic beverages may be conducted in the city by any wholesale dealer licensed hereunder shall be from 6:00 a.m. to 11:00 p.m., exclusive of Sunday (e) *Alcohol sales on election day.* The sale of alcoholic beverages shall be legal on any election day. This authorization is approved by the city pursuant to the provisions of Georgia Laws, 1985, page 1508. Notwithstanding any other provisions of this article, it shall be unlawful for any person to sell alcoholic beverages within eighty-four (84) yards (two hundred fifty (250) feet) of any polling place or of the outer edge of any building within which such polling place is established on primary or election days.

## **PART II**

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

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

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

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

## **PART III**

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

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

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

(b) The sign or signs required by subsection (a) shall be constructed of wood or metal and shall be placed with the base of the sign not more than three (3) feet from the ground and shall be not less than forty-eight (48) inches by forty-eight (48) inches in size and shall face toward a public street adjoining the proposed location. The statement above shall be printed or painted on the sign in the English language. Such signs shall be placed where they can be easily seen and the statement above easily read from all public properties adjoining the proposed location. Said sign shall not be required to comply with the requirements of article 6 of the Unified Development Code pertaining to signs.

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

**PART III**

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

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

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

(b) If the applicant for a license lacks such training and certification, the applicant shall have sixty (60) days from the date of the granting of the license to complete the City of Duluth alcohol awareness training program. Failure to timely obtain such certification shall be grounds for revocation of the alcoholic beverage license.

(c) Every applicant for a license to whom a handling permit is issued and all managerial staff of a licensee shall also complete the City of Duluth alcohol awareness training program within sixty (60) days of being issued a temporary alcohol handling permit. The failure to timely obtain such training shall be grounds for revocation of the licensee's alcoholic beverage license.

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

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

#### **PART IV**

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

##### **Sec. 3-229 Criminal History Checks For Pending Charges**

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

#### **PART V**

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

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

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

## **PART VI**

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

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

(a) Age requirements for employees.

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

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

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

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

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

c. Those employees of a consumption on the premises licensee who are eighteen (18) years of age but younger than twenty one (21) years of age shall be under direct supervision of a person who shall be both employed by said establishment and who shall be over the age of twenty-one (21) years of age and shall be on site at all times during which the underage employee is working. Such employee shall be trained and supervised periodically with

respect to the procedure for requesting proper age identification and declining to sell alcoholic beverages to those under twenty-one (21) years of age failing to produce proper identification.

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

(c)Loitering at licensed establishments. No licensee shall permit any person under twenty-one (21) to be in, frequent or loiter about the licensed premises unless such person is accompanied by a parent, legal guardian or custodian; provided, however, that this section shall not apply to persons who are employees under the terms of this chapter.

## **PART VII.**

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

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

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

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

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

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

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

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

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

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

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

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

(2) Reserved.

(3) Reserved.

(4) Reserved.

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

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

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

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



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

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

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

## **PART VIII.**

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

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

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

rate of deduction should be the same rate authorized for deductions from state tax under chapter 8 of title 48 as provided in O.C.G.A. § 3-4-133. The city clerk is hereby authorized to create such reports and returns as may be necessary to adequately provide for the collection of the excise tax provided in this section.

(b) In the event the city clerk deems it necessary to verify the excise tax submitted to the city pursuant to this section, for any month, he or she shall notify the licensee of such need for verification and the licensee shall submit a verified comprehensive report to the city clerk, prepared by an auditor, reflecting all sales under this section by the licensee and the taxes submitted to the city. The licensee shall have thirty (30) days to submit such a report to the city clerk following such a request.

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

1. license suspension or revocation
2. the general penalties as set forth in Section 3-917, and
3. the penalties and interest as set forth in section 3-900 (c)(4) of this Code.

## **PART IX.**

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

### **ARTICLE V. – LICENSE AND PERMIT SUPENSION OR REVOCATION**

## **PART X.**

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

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

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

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

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

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

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

## **PART XI**

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

### **Sec.3-916 Enforcement**

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

## **PART XII**

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

### **Sec 3-917 Penalties.**

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

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

**IT IS SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_ 2022.**

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

Those councilmembers voting in favor:

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

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

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

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

\_\_\_\_\_  
Greg Whitlock, Post 5

Those councilmembers voting in opposition:

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

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

**ORDINANCE O2023-12**  
**TO AMEND THE PLANNING AND DEVELOPMENT FEE SCHEDULE**

**WHEREAS**, the Mayor and City Council have adopted certain rules and regulations for the purposes of promoting the health, safety, morals, convenience, order, prosperity and the general welfare of the present and future inhabitants of the City of Duluth, Georgia; and

**WHEREAS**, it is incumbent that the City impose certain fees to cover the expenses associated with the planning and permitting programs incurred by the City;

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Duluth that the fee schedule for the City of Duluth is hereby adopted as shown on Exhibit "A" attached hereto, ***City of Duluth Fee Schedule***, in its entirety and hereby incorporated by reference, which shall become effective immediately.

**BE IT FURTHER ORDAINED** that all documents that conflict with anything contained herein are hereby repealed.

**IT IS SO ORDAINED this 13<sup>th</sup> day of March, 2023.**

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

Those councilmembers voting in favor:

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

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

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

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

\_\_\_\_\_  
Greg Whitlock, Post 5

Those councilmembers voting in opposition:

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

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

**Exhibit "A"**  
City of Duluth  
Fee Schedule

**ARTICLE 1. PLANNING, DEVELOPMENT, REVIEW AND INSPECTION FEE SCHEDULE**

The following fees shall be assessed for all planning, development and construction activities within the City of Duluth.

**Section 100.1: REVIEW FEES**

Unless otherwise stated, all review fees shall be collected at time of submittal.

**Table A: Review Fees**

Review Type	Fee
<b>Building Permit</b>	
Building Review (collected at time of permit issuance)	5% of the Total Permit Fee (Minimum of \$100 & Maximum of \$5,000)
<b>Land Disturbance Permit</b>	
Clearing, Grubbing, or Grading Permit	\$ 400
Land Development Permit	
1.0 – 4.9 Acres	\$ 600
5.0 – 9.9 Acres	\$ 900
10+ Acres	\$ 100/Acre (Maximum \$2,000)
Erosion, Sedimentation & Pollution Control Plan (GSWCC)	\$ 300
Resubmittals and Revisions to Development Permit	Half of the Initial Fee
<b>Plans and Plats</b>	
Concept Plan	\$ 200
Plat (Combination, Subdivision, Exemption, Final, Etc.)	\$ 300
Plat Recording Fee	\$ 20 per page
Master Sign Plan	\$ 200
Tree Protection, Buffer and Landscape Plan	\$ 200
House Location Plan (HLP)	\$ 20 per lot
Residential Drainage Plan (RDP)	\$ 20 per lot
Residential Drainage Study (RDS)	\$ 250
Resubmittals and Revisions to Plans and Plats	Half of the Initial Fee
<b>Miscellaneous/Other</b>	
New Cell Tower	\$1,000
As-Built Detention Pond	\$ 600
Meeting with the City's Reviewing Engineer	Based on Contracted Hourly Rate
Miscellaneous	Based on Staff's Hourly Rate

## Section 100.2: PERMIT FEES

Any owner, authorized agent, or prime contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, energy conservation, mechanical or plumbing system, the installation of which is regulated by this Code, including the technical codes, or to cause any such work to be done, shall first make application to the Department of Planning and Development, and obtain the required building permit for the work being done after paying the required fees. No building or other structure shall be erected, moved, added to or structurally altered without a building permit issued by the Planning and Development Director or his or her designated Building Official. No building permit shall be issued for a building, structure or use that is not in conformance with the provisions of the City's Development Code.

Unless otherwise stated below, building permits for new construction are assessed at \$7.50 per \$1,000 Building Valuation Data (BVD) for all heated areas based on the current International Code Council (ICC) Data Sheet as may be amended from time to time, or as periodically updated.

All Building Permits will be assessed a review fee and the Certificate of Competition or Certificate of Occupancy fee when the permit is issued. Review fees for Land Disturbance Permits are due at time of submittal. A Certificate of Competition or Certificate of Occupancy is available for Land Disturbance and Miscellaneous/Other permits upon request and payment of applicable fees.

For the purpose of determining the permit types, the following words shall mean:

- **Renovation** is an update to an existing building or a return to a new condition (includes projects related to damage by fire or act of God).
- **Interior Finish** is an alteration or change to an existing building. This type of construction typically occurs when a homeowner finishes a basement or a tenant builds out commercial space.
- **Addition** is adding to an existing building and treated as new construction.
- **Accessory Structure** is a structure on the same lot with, and of a size and nature customarily incidental and subordinate to the principal structure (detached garages, sheds, playhouses, greenhouses, etc.).

Unless specifically addressed in Duluth Building Code (Duluth Municipal Code Chapter 5), the City of Duluth adopts the exemptions identified in Chapter 1 of each adopted Regulatory Code. Exemptions from permit requirements of this Code shall not be deemed to grant authorization for any work being done in any manner in violation of the provisions of this Code or any other laws or ordinances of the City of Duluth.

A Land Disturbance Permit shall be required for all land development activities unless the activity is exempt by way of the Duluth Unified Development Code. No disturbance of the land, including clearing, grubbing, or grading activities, shall commence or proceed except in accordance with the provisions of the Duluth Development Regulations.



**Table B: Permit Fees**

Permit Type	Fee
<b>Building Permit</b> (Review + Permit + Certificate)	
New Complete Construction	\$ 7.50 per \$1,000 of the Current BVD
New Shell Construction	\$ 6.00 per \$1,000 of the Current BVD
Interior Finish	\$ 2.50 per \$1,000 of the Current BVD
Renovation	3% of Project Cost (Min \$100)
Retaining Walls	\$ 250 per Wall
Rack Permit	\$ 50
Monument Sign	\$ 300
Accessory Structure	\$ 50
Swimming Pool	\$ 200
Foundation Permit	\$ 300
Billboard (New, Repair or Relocation)	\$1,000
ATM	\$ 250
<b>Land Disturbance Permit</b> (Review + Permit)	
Clearing, Grubbing or Grading	\$ 150 per Disturbed Acre
Land Development Permit	\$ 250 per Disturbed Acre
Tree Removal	\$ 250
<b>Miscellaneous/Other</b> (Permit only)	
Sub-Contractor Affidavit	\$ 25
Certificate of Occupancy	\$ 100
Certificate of Completion	\$ 75
Business Use and Zoning Certificate	\$ 50
Roof Permit – Commercial	\$ 100
Deck Permit	\$ 50
Demolition Permit	\$ 300
House Relocation Permit	\$ 500
Mechanical, Electrical, Plumbing Permit	\$ 25
Monument Sign Reface Permit	\$ 200
Temporary Sign Permit	\$ 50
Wall Sign Permit	\$ 100
Re-Inspection Fee	\$ 100
Construction trailer	\$ 100
Unattended Donation Box	\$ 100
Vacant Property Registration	\$ 100
Re-permit Fee for Expired Permit	25 % of Original Permit Fee
Short-Term Rental Permit	\$ 200
Miscellaneous	Based on Staff's Hourly Rate

**Table B: Permit Fees Continued**

Permit Type	Fee
<b>Telecommunications</b>	
Cell Tower, New Construction	3% of Project Cost (Minimum \$1,000)
Cell Tower, Repair Existing	3% of Project Cost (Minimum \$1,000)
Cell Tower Co-Location	\$250
Small Cell Wireless Facility	Pursuant the Duluth Unified Development Code Section 343.14, a permit is required to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way. Any person seeking to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way shall submit an application to the Department of Planning and Development for a permit. Each application for a permit shall include the maximum application fees permitted under O.C.G.A. § 36-66C-5(a)(1), (a)(2) and (a)(3). Such maximum application fees shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b). Any person issued a permit shall pay the fees identified in O.C.G.A. § 36- 66C-5(a)(6) and (a)(7), as applicable.

**SECTION 1003: PLANNING AND ZONING FEES**

The following fees shall be assessed for all zoning, special use, annexation, special exception, waiver, variance and other planning and zoning functions.

**Table C: Planning and Zoning Fees**

Planning and Zoning	Fee
<b>Rezoning</b>	
Single Family	\$ 725 + \$50/Acre
Office or Institutional	\$1,000 + \$50/Acre
Commercial/Multi-Family	\$1,325 + \$50/Acre
Industrial	\$1,425 + \$50/Acre
Planned Unit Development	\$1,725 + \$50/Acre
<b>Special Use</b>	
Single Family	\$ 500 + \$50/Acre
Office or Institutional	\$ 700 + \$50/Acre
Commercial/Multi-Family	\$ 700 + \$50/Acre
Industrial	\$ 700 + \$50/Acre
Planned Unit Development/Other	\$ 800 + \$50/Acre
Wireless Facility	\$1,000
<b>Zoning and Special Use Modification</b>	
Administrative	\$ 200
Non-Administrative	\$ 500
<b>Annexation</b>	
Stand Alone Hearing	\$ 750
As Part of Rezoning or Other Hearing	\$ 250
<b>Special Exception, Waiver, Variance or Appeal</b>	
Administrative	\$ 150 Each
Non-Administrative	\$ 500 + \$150 per Concurrent Variance
<b>Miscellaneous/Other</b>	
Additional Public Hearing	\$ 250
Additional Signage	\$ 75 Each
Temporary Use	\$ 150
Text Amendment to Adopted Plans and Codes	\$ 250
Miscellaneous	Based on Staff's Hourly Rate

**SECTION 1004: MISCELLANEOUS FEES & CHARGES**

The following fees shall be assessed for all miscellaneous items.

**Table D: Miscellaneous Fees & Charges**

Miscellaneous Fees & Charges	Fee
New Placard	\$ 25
Compliance Inspection	\$ 200
Zoning or Other Compliance Letter	\$ 25
Metropolitan River Protection Act Certificate	\$ 200
Plotter Print	\$ 25 per Sheet
Standard Print	\$0.12 per Sheet
Miscellaneous	Based on Staff's Hourly Rate



**Gwinnett**

WINNETT COUNTY  
COMMUNITY SERVICES | VOTER REGISTRATIONS AND ELECTIONS  
INTERGOVERNMENTAL AGREEMENT

STATE OF GEORGIA

COUNTY OF WINNETT

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF Duluth AND THE  
WINNETT COUNTY BOARD OF VOTER REGISTRATIONS AND ELECTIONS FOR USE OF  
ELECTION EQUIPMENT

THIS AGREEMENT entered into between the City of Duluth, Georgia, a  
Municipal Corporation, lying within the County of Gwinnett, Georgia, hereinafter referred  
to as "City" and the Gwinnett County Board of Registrations and Elections, hereinafter  
referred to as "Board."

WITNESSETH

WHEREAS, the Georgia General Assembly created the Gwinnett County Board of  
Registrations and Elections having jurisdiction over the conduct of primaries and  
elections (1988 Ga. Laws, p. 4296, as amended), and provided that the Board was  
empowered with all the powers and duties relating to the conduct of elections and  
registration of voters as election superintendent and board of registrars pursuant to the  
provisions of Title 21 of the Official Code of Georgia; and

WHEREAS, pursuant to 1988 Ga. Laws, p. 4296, as amended, the Board has the  
authority to contract with any municipal corporation located within Gwinnett County for  
the holding by the Board of any primary or election to be conducted within the municipal  
corporation; and

WHEREAS, recommended guidelines of the Secretary of State concerning  
municipal use of election equipment recommend that cities and counties enter into  
intergovernmental agreements outlining the responsibilities and obligations of the  
election superintendent of the city and the election superintendent of the county; and

WHEREAS, the City and the Board, in the performance of their electoral functions,  
desire to enter into this contract outlining the duties and obligations of each party to this  
Agreement in the conduct of any 2023 Municipal Elections for the citizens of the City  
(hereinafter referred to as the "City Election") as hereinafter described; and

NOW, THEREFORE, in consideration of the premises contained herein, the  
sufficiency of which is hereby acknowledged, it is hereby agreed by the City and the  
County as follows:

(1) Conduct of City Election

This Agreement shall govern the use of the Board's Election Equipment by the City  
for the Election in the City of Duluth. It is the intent of the parties that the use of



the Election Equipment in conduct of the City Election shall be in compliance with all applicable federal, state and local legal requirements.

(2) Term of Agreement

The duties and obligations to be performed pursuant to this Agreement shall commence on April March, 2023 and end on December 31, 2023.

(3) Duties and Responsibilities

As used in this subsection the term "City" shall be construed to include the City's designee, agent, or authorized representative. The term "Board" shall be construed to include the Board's designee, agent, or authorized representative.

(a) City

1. The City will be responsible for ordering any and all ballots from its vendor.
2. The City will be responsible for contracting with State approved vendors for programming election equipment and creating Absentee by mail ballots, Provisional voting ballots, Challenge voting ballots and Election Day voting and Advance in person voting.
3. The City will be responsible for obtaining all material forms for the conduct of the election from the Secretary of State's Election Division.
4. The City will be responsible for complying with any and all bilingual election requirements in accordance § 203 of the Voting Rights Act including but not limited to translation and dissemination of election-related materials, Spanish language assistance, and appropriate election/poll official training.
5. The City shall provide the Board with a written request indicating specifically the number of Ballot Marking Devices (hereinafter referred to as BMDs), if any, that the City needs to borrow, as soon as possible, but no less than 60 days prior to election date.
6. The City shall provide the Board with a written request indicating specifically the number of Optical Scanners (hereinafter referred to as "OS Units") for use in scanning and tabulation of absentee, challenge, advance in person and provisionally voted ballots.
7. The City may use a Ballot Marking Device for ballot marking purposes.
8. The City may use printers to print ballots created by the Ballot Marking Device.
9. The City may use optical scanners to scan the printed ballot generated from the printer and created by the Ballot Marking Device
10. The City will be responsible for purchasing specialized security ballot paper from state approved vendor, if BMDs are used for ballot marking purposes.
11. The City will be responsible for and will conduct its own Logic and Accuracy Testing on all equipment.
12. The City will be responsible for hiring and training its own poll officials.
13. The City will be responsible for any training of its staff through \_\_\_\_\_ and/or the Secretary of State's Office.



14. The City will be responsible for conducting all aspects of the City Election.
15. The City will be responsible for certifying its own election results.

(b) Board and/or Elections Supervisor

1. The Board shall provide the City with an Electors List.
2. The Board shall provide the City with the specified number of BMD's and/or OS units and peripheral items as requested.

(c) The Board and the City agree that designated staff shall discuss and schedule dates and times for the City to pick-up the requested equipment. The Board and the City further agree that staff shall set mutually agreeable date and time for the City will return the requested equipment to the Board.

(4) Costs

Any and all costs associated with the conduct of the City Election shall be the responsibility of the City.

(5) Legal Responsibilities

To the extent permitted under Georgia Law, the City shall be solely responsible for any liability resulting from any claims or litigation arising from or pertaining to the City Election. In the event that any of the equipment and/or components become damaged, corrupted, or no longer usable due to the City's use of such equipment and/or components, the City agrees that it will reimburse the County's replacement costs.

(6) Miscellaneous

- (a) The terms of this Agreement shall not be altered, amended, or modified except in writing signed by duly authorized officers or representatives of the parties.
- (b) This Agreement shall be construed under the laws of the State of Georgia.
- (c) If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this Agreement shall be declared invalid or unconstitutional by any court of competent jurisdiction, such invalidity shall not be construed to affect the portions of this Agreement not held to be invalid.
- (d) Any notice of communications hereunder shall be in writing, addressed as follows:

City: City of Duluth  
20 Teresa S. Lynn, Election Superintendent  
3167 Main St.  
Duluth, Ga 30096

Board: Grayson Davis, Assistant Elections Supervisor  
 455 Grayson Highway Suite 200  
 Lawrenceville, GA 30046



Grayson.Davis@GwinnettCounty.com

- (e) This Agreement shall be exclusively for the benefit of the City and the Board and shall not provide any third parties with any remedy, claim, liability, reimbursement, cause of action, or other right.
- (f) The performance of either party hereunder shall be excused if such party is reasonably precluded from performance by the occurrence of an Uncontrollable Circumstance, which shall be defined as follows: Any act, event, or condition, or any combination thereof, that is beyond the reasonable control of the party relying on the same and that materially interferes with the performance of the party's obligations, to include, but not be limited to, (i) acts of God; (ii) fire, flood, hurricane, tornado, and earthquakes; (iii) the failure of any utility provider to provide and maintain utility services through no fault of the party; and (iv) the preemption, confiscation, diversion, destruction, or other interference in possession or performance or supply of materials or services, by or on behalf of, or with the authority of, a governmental body in connection with a declared or asserted public emergency by an entity other than one of the parties; (v) the calling of a special election in Gwinnett County pursuant to O.C.G.A. § 21-2-540 which requires the Board to conduct such special election and use the election equipment for its own purposes thereby rendering said equipment unavailable to fulfill the contractual obligations set forth in this Agreement.
- (g) Each of the individuals who execute this Agreement agrees and represents that he or she is authorized to execute this Agreement on behalf of the respective party.

IN WITNESS WHEREOF, the parties have hereunto set their hands and affixed their seals this 13 day of March, 2023.

City of Duluth:

\_\_\_\_\_

By: \_\_\_\_\_, Mayor

Attest:

\_\_\_\_\_

City Clerk, Seal

Gwinnett County Board of Registrations and Elections:





**Gwinnett**

GWINNETT COUNTY  
COMMUNITY SERVICES | VOTER REGISTRATIONS AND ELECTIONS  
INTERGOVERNMENTAL AGREEMENT

\_\_\_\_\_  
By: Dr. Wendy Taylor, Chairwoman

Attest:

\_\_\_\_\_  
Zach Manifold, Elections Supervisor

**ORDINANCE  
TO AMEND THE CITY OF DULUTH  
2023 FISCAL YEAR BUDGET**

AN ORDINANCE TO AMEND THE 2023 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 2023 fiscal year as follows:

Total Revenues:	<u>74,199,769</u>
Operations Expenditures:	<u>35,636,880</u>
Capital Improvement Expenditures:	<u>38,562,889</u>
Total Expenditures:	<u>74,199,769</u>

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

**WHEREAS** the City of Duluth's excess workers compensation policy carrier Midwest Employers Casualty requires the City to pay the first \$650,000 in expenditures for a claim before any reimbursement will occur; and

**WHEREAS** as of the last reimbursement request, the City has paid claim expenditures of \$1,627,306.29 and has received reimbursement of \$977,306.29, including the most recent reimbursement of \$359,164.56; and

**WHEREAS** it is requested \$359,164 in workers compensation insurance reimbursement be added to Workers Compensation – Insurance Claims Reimbursements line item and a like amount be added to Workers Compensation – Risk Management – Claims Police Uniform line item; and

**NOW THEREFORE**, the City of Duluth 2023 Fiscal Year Budget is amended as follows:

Total Revenues & Prior Yr Reserves	<u>74,558,933</u>
Operations Expenditures:	<u>35,996,044</u>
Capital Improvement Expenditures:	<u>38,562,889</u>
Total Expenditures:	<u>74,558,933</u>

**IT IS SO ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, **2023**.

**BA-FY23-22**

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

Those councilmembers voting in favor:

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

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

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

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

\_\_\_\_\_  
Greg Whitlock, Post 5

Those councilmembers voting in opposition:

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

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

**ORDINANCE  
TO AMEND THE CITY OF DULUTH  
2023 FISCAL YEAR BUDGET**

AN ORDINANCE TO AMEND THE 2023 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 2023 fiscal year as follows:

Total Revenues:	<u>74,558,933</u>
Operations Expenditures:	<u>35,996,044</u>
Capital Improvement Expenditures:	<u>38,562,889</u>
Total Expenditures:	<u>74,558,933</u>

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

**WHEREAS** the City of Duluth Police Department recently sold a vehicle at auction, after commission and fees, receiving \$14,700; and

**WHEREAS** to maintain a vehicle fleet that is low maintenance and dependable, the Police Department is requesting the \$14,700 be added back to their budget to fund additional vehicle purchases; and

**WHEREAS** it is requested \$14,700 in auction proceeds be added to the Police – Consolidated Vehicle Maintenance Division – Vehicle line item; and

**NOW THEREFORE**, the City of Duluth 2023 Fiscal Year Budget is amended as follows:

Total Revenues & Prior Yr Reserves	<u>74,573,633</u>
Operations Expenditures:	<u>36,010,744</u>
Capital Improvement Expenditures:	<u>38,562,889</u>
Total Expenditures:	<u>74,573,633</u>

**IT IS SO ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

Those councilmembers voting in favor:

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

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

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

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

\_\_\_\_\_  
Greg Whitlock, Post 5

Those councilmembers voting in opposition:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Duly Adopted this 13<sup>th</sup> day of March, 2023.

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

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

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

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

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

\_\_\_\_\_  
Greg Whitlock, Post 5

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