



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**

APRIL 8, 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 Thursdays, Fridays, and Saturdays from 6pm-9pm and Sundays from 2-5pm in Parsons Alley and the Activity Lawn. *If another event falls on a Duluth Live date, please refer to that event for the musical lineup.*

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 2nd and 4th Sunday of the month April-October from 2:00-5:00pm. Town Green. Shop local vendors at the Duluth Farmers Market in Downtown Duluth! Our market features vendors who bring in-season, local produce, baked goods and other locally made food and artisan products.

Good Word Presents “Little Beer” April 13th from 1pm-5pm. Town Green
Good Word Brewing is partnering with the City of Duluth to celebrate lower-gravity beer in downtown Duluth. This event will highlight pale lagers and other sessionable beers. Over 70 breweries from around the country will be on site with samplings for ticketholders. Tickets are required to participate in the beer sampling portion of the event, but non-ticket holders are welcome to come out and enjoy the DJ, food vendors and other downtown businesses.

Peachtree Ridge Concert – April 19th from 5:30pm-8pm. Town Green and Parsons Alley. The Peachtree Ridge Orchestra and Jazz Bands will be bringing their show to Downtown Duluth. Join the Orchestra on the Festival Center Main Stage for a 5:30pm performance and then stroll over to Parsons Alley for a 7:00pm Jazz Band performance.

Duluth Cluster Band Concert April 25th from 6pm-7:30pm. Town Green.
The Duluth Cluster Band is bringing their concert to the Festival Center Stage. Students from Duluth High School, Coleman Middle School and Duluth Middle School will perform a variety of music including many recognizable selections from movies and popular songs.

Duluth Spring Arts Festival – April 27th from 10am-5pm and April 28th from 11am-5pm. Town Green. Featuring up to 60 painters, photographers, sculptors, leather and metalwork, glass blowers, jewelers and crafters! The Festival will offer artist demonstrations, live acoustic music, a children’s play area, plus festival foods and beverages. Brought to you by The Atlanta Foundation for Public Spaces, LLC

Fridays-N-Duluth – Every Friday from May 3rd to July 26th from 6-9pm. Downtown Duluth. On May 10, bring your four-legged best friend to the Dog Days of Summer, featuring the Dynamo Dogs showcasing their paw-mazing tricks.

Duluth Derby Day May 4th from 2:30-7:30pm. Downtown Duluth
Pull out your wide-brimmed hats and bow ties and join us in Parsons Alley for the ultimate Kentucky Derby viewing party! Relax on lounge seating and enjoy everything from the pre-show activities to the big race on a large screen.

IV. CEREMONIAL MATTER

1. EMPLOYEE RECOGNITION – RAY TAYLOR - 40 YEARS OF SERVICE

Mayor and Council to recognize Ray Taylor, Public Works employee, and congratulate him on 40 years of employment with the City. His anniversary date is

April 23, 2024. Ray began in April of 1984 as a part-time employee working with his father in the Parks department. He moved into Public Works and has served in a variety of roles during his time with the City.

V. MATTERS FROM CITIZENS

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

VI. CONSENT AGENDA

1. ORDINANCE TO AMEND DULUTH CODE – CHAPTER 10

Mayor and Council to consider an ordinance to amend the Duluth Code, Chapter 10 “Offenses and Miscellaneous Provisions.” The amendment would modify Section 10-11(c) -Disorderly Conduct to allow for a maximum period of incarceration of 180 days under Duluth Code Sec. 1-6(a). This would allow for a reasonable, practical period of probation, if necessary, so that defendants would have sufficient time to complete conditions of probated sentences. Approval of this item approves O2024-23 as presented.

2. ORDINANCE TO AMEND DULUTH CODE – STORMWATER

Mayor and Council to consider an ordinance to amend the Duluth Code. Approval of this item adopts ordinance O2024-25 to change the stormwater user fee for one (1) Equivalent Residential Unit (ERU) from seventy-five dollars (\$75.00) per year to ninety dollars (\$90.00) per year.

3. POLICE MUTUAL AID AGREEMENT – GWINNETT COUNTY

Approval of this authorizes the Mayor and Chief of Police to execute a Mutual Aid Agreement between the police cities in Gwinnett County. Legal Counsel reviewed the wording and coordinated some changes that offer clarity and some protection to the City when our officers are aiding all Gwinnett Law Enforcement agencies.

4. ORDINANCE TO APPOINT ETHICS MEMBER

Approval of this item approves ordinance O2024-27 appointing Kim Kelkenberg as Councilmember Graeder’s selection for the Ethics Board. Ms. Kelkenberg will fill the unexpired term of Margaret Wharton who recently resigned.

5. APPOINTMENT OF PLANNING COMMISSION CHAIR

Per Section 1302.02 of the City of Duluth Unified Development Code, approval of this item accepts the Planning Commission recommendation to appoint Mr. Raymond Williams as Chairman of the Planning Commission, term ending March 2025.

VII. PUBLIC HEARINGS

1. RESOLUTION - AMEND COMPREHENSIVE PLAN

Staff is proposing two text amendments to the ForwardDuluth 2045 Comprehensive Plan. The first amendment will expand the language for the Established Neighborhood Character Area, to contemplate the potential for annexed areas. The proposed language allows for new developments to maintain the character and intensity of their surrounding established neighborhoods.

A second proposed amendment removes language specific to low density neighborhoods in the event a new low density neighborhood is to be developed in the Chattahoochee Residential District. While this area is not part of any pending annexation, it allows for future options, should the need arise.

2. REZONING/ANNEXATION – CASE Z2024-002

This is the first of two public hearings regarding rezoning/annexation of multiple properties. House Bill 1465 was approved by the GA House and Senate to legislatively annex 110 unincorporated parcels into the City of Duluth municipal boundaries. The legislation is set to be signed by the Governor within 40 days of the conclusion of the legislative session, which would be on or before Tuesday May 7, 2024.

Staff will outline the process and timeline to ratify this action. Once the Governor signs the bill, Council will be required to have another hearing at which point a motion will be required.

VIII. NEW BUSINESS

1. EMPLOYEE HEALTH BENEFITS

Ashley Gilder with MSI Benefits Group, the City's insurance broker, presented the annual renewal process for the employee health, dental, disability, life insurance and vision plan to the Employee Benefits & Audit Review Committee (EBARC) on March 28, 2024. MSI has recommended accepting the proposal for employee medical benefits from Cigna with a proposed 5% increase and to renew dental with -3%. Life and Disability are recommended to remain with The Standard Company with no increase with no change in benefits.

EBARC Chair Mike Park will present the committee's recommendation for Council's consideration.

2. FISCAL YEAR 2023 AUDIT

Josh Carroll, Partner with Mauldin & Jenkins presented the City's annual audit report to the Employee Benefit and Audit Review Committee on March 28, 2024. The audit report includes the City as a whole, the Downtown Development Authority, and the Urban Redevelopment Agency. The auditor issued an unqualified or clean opinion on the City's financial statements. The audit report included no findings related to the financial statements. However, the report does include two management comments related to segregation of duties and pension census data.

Chair Mike Park will present the EBARC recommendation for Council's consideration.

3. TRANSFER OF EASEMENTS – ARPA SEWER PROJECTS

The Mayor and Council to consider authorizing the transfer of temporary and permanent easements to Gwinnett County necessary to complete the ARPA funded Pinecrest and Hill Sewer projects (ARPA Fund #230), as initially approved by Council on April 10, 2023.

4. RESOLUTION - MORATORIUM ON APPLICATIONS

The Mayor and Council to consider adoption of a forty five (45) day moratorium, which is necessary to make changes/updates to the City's Comprehensive Plan and Unified Development Code (UDC) to address anticipated changes to the boundaries of the City pursuant to legislative annexation. Adoption of the ordinance will enact a forty five (45) day moratorium for consideration and processing of the following applications and permits:

- Rezoning applications
- Variance applications
- Subdivision plats
- Commercial New Construction
- Commercial Shell Construction
- Residential New Construction
- Residential Development Master Plans
- Temporary Office
- Clearing, Grubbing and Grading
- Concept Plan
- Full Land Development
- Land Disturbance Permits
- Plats

The following permits and applications would still be issued during the moratorium:

Building Permit Types:

Accessory Building/Structure
Addition
Commercial Interior Finish
Commercial Renovation
Residential Renovation

Trade Permits:

Electrical (including Solar)
Mechanical
Plumbing

Sign Permits:

Billboards
Monument/Free Standing
Re-Face
Temporary
Wall Sign

Telecommunication Permits:

Cell Tower Co-Locate
New Small Cell
Small Cell Co-Locate

Business Zoning and Use:

Change of Name
New Business
Subleasing

Miscellaneous Permits:

ATM
Deck
Demolition
Fence (over 7 feet)
Racks
Retaining/Site Wall
Swimming Pool

IX. MATTERS FROM DEPT HEADS/CITY ATTORNEY

1. ORDINANCE TO AMEND BUDGET - \$32,500 – HUDGENS PARKING LOT

Staff has noticed drainage issues in the parking lot at Scott Hudgens Park. Water is ponding in areas and causing erosion in others. Staff proposes to hire a contractor to install over 180' of curb, add two flumes and rip rap channels to improve the drainage in the parking lot. For this reason, a budget amendment is needed to add \$32,500 in unallocated 2023 SPLOST Parks and Recreation Facilities funds to the budget. Staff is requesting approval of a budget amendment (BA-FY24-27) to add \$32,500 in unallocated 2023 SPLOST Parks and Recreation

Facilities funds to (PK-27) S. Hudgens Park - Park Areas - Site Improvements line item, including associated transfers.

2. AUTHORIZATION - PINE NEEDLE TRAIL GRANT MATCH

Staff is pursuing a federal grant through the Atlanta Regional Commission's (ARC) current call for projects. The application requires a resolution be signed by Council stating that if the City is successful in winning the grant, then the City will commit to the 20% grant match. This is standard procedure for federal grant applications through ARC.

The project is expected to cost approximately eight million dollars for sidewalk, drainage, and a new bridge over Rogers Creek. This accounts for design, right of way acquisition, utility relocation, and construction. Match funds would come from the unallocated Transportation 2023 SPLOST in the amount of \$1,600,000. Funds would only be committed if the grant is awarded to the City for this project.

3. ORDINANCE TO AMEND BUDGET- \$35,000 - PINE NEEDLE GRANT

Due to the expected high project cost, staff is seeking a grant through the Atlanta Regional Commission to fund the replacement of the bridge on Pine Needle Drive, including drainage improvements and the addition of sidewalks. Staff would like to pursue a grant for the project and is requesting SPLOST funding of \$35,000 to complete the grant application process. Staff requests approval of a budget amendment (BA-FY24-28) to add \$35,000 in unallocated 2023 SPLOST Transportation funds to (CD-73) Pine Needle Drive Improvements - Roadways & Walkways - Professional Services line item, including associated transfers.

X. MATTERS FROM MAYOR & COUNCIL

XI. MATTERS FROM CITY MANAGER

XII. EXECUTIVE SESSION (if necessary)

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).

XIII. ADJOURNMENT

The next scheduled meetings of the Mayor and Council are budget work sessions on April 15th and 16th, and a work session for April 22, 2024 at 5:30 p.m.



**DRAFT MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
MARCH 11, 2024**

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

ABSENT: Councilmember Doss

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

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

Mayor Whitlock welcomed the current LEAD class to the meeting.

I. APPROVAL OF MEETING AGENDA

A motion was made by Councilmember Harkness, seconded by Councilmember Holloway, to approve the March 11 Council Agenda as presented.

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

II. APPROVAL OF MINUTES

A motion was made by Councilmember Graeder, seconded by Councilmember Harkness, to approve the February 12 & 26 meeting minutes as presented.

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

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.

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. CONSENT AGENDA

1. ORDINANCE TO AMEND DULUTH CODE – CHAPTER 8 {A}

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 {B}

Approval of this item approves ordinance O2024-08 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 {C}

Approval of this item approves ordinance O2024-09 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

{D}

Approval of this item approves ordinance O2024-10 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

{E}

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

{F}

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

{G}

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

{H}

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 and to further appoint Council member Holloway to fill the elected official's position.

9. ORDINANCE TO APPOINT PLANNING COMMISSION

{I}

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

{J}

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

{K}

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

{L}

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 from \$6,200 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

{M}

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

{N}

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

{O}

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.

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

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

V. PUBLIC HEARINGS

1. ORDINANCE OF REZONING – CASE Z2023-004 – 3295 HALL CIRCLE {P}

The Mayor and Council considered an ordinance of rezoning for Case Z2023-004. Applicant Romi Patel requested 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.

Mayor Whitlock opened the public hearing and called on Margie Pozin, Community Development/Engineering Director to present.

Ms. Pozin displayed the subject property and explained the surrounding uses. It has been vacant since 2013. Since the adoption of the UDC Unified Development Code in 2015, the property has never been developed per its current zoning. The Vision and Aspirations chapter and supporting Character Area Map of FORWARD Duluth (aka Comprehensive Plan) identifies the Character Area of this property as the Core Neighborhood District character area, which 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 sewers 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),

Ms. Pozin also noted that this parcel is in the Downtown Overlay District (DOD). The purpose of the DOD is to encourage new development and redevelopment adjacent to the Central Business District (CBD) 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.

The Planning Commission recommended approval on February 5, 2024. Staff also recommended approval with conditions.

Mayor Whitlock called for discussion from Council.

Councilmember Graeder pointed out the property has been undeveloped since 2013. Prior to it being vacant, there was a manufactured house on the property. He noted that there could be different residential options such as townhomes, duplexes, etc.

Councilmember Thomas inquired about sewer access and staff confirmed availability.

Mayor Whitlock called forward the applicant.

Mr. Romi Patel of 2814 Pebble Hill Pt, Duluth came forward on behalf of Baraka Development, LLC. He explained that the purchase was made before the pandemic and felt the location would be excellent for creating additional residential options in the walkable distance of downtown Duluth.

Mayor Whitlock called for questions/comments from the public. Being none, he closed the public hearing and called for a motion.

A motion was made by Councilmember Harkness, seconded by Councilmember Thomas, to approve ordinance O2024-19 for Case Z2023-004 with conditions as presented.

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

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

{Q}

The Mayor and Council considered an ordinance of rezoning for Case Z2023-005 for 3248 Duluth Highway (Parcel ID R6264 034) from R-100 to O-I, as requested by applicant Kyle Drake to allow for his office use.

Mayor Whitlock opened the public hearing and called Community Development/Engineering Director Margie Pozin forward to present.

Ms. Pozin displayed the subject property and explained the surrounding uses. 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.

The Planning Commission recommended approval on February 5, 2024. Staff also recommends approval with conditions relating to lighting, outdoor storage and building materials, as well as parking, setbacks and maximum lot coverage.

Mayor Whitlock called for discussion from Council.

Councilmember Thomas asked for clarification regarding parking restrictions and if they were personal use vs. commercial. Ms. Pozin confirmed personal.

Councilmember Graeder referenced the comprehensive plan as a guide for potential development. That specific area is meant to be housing but surrounding uses are all Office/Institutional. This is a short-term change, but the Comp Plan is a long term vision.

Councilmember Thomas noted the nearby churches and felt that the use was relevant to community amenities and businesses.

Mayor Whitlock commented that if the current uses are no longer being requested, what is an acceptable alternative in the area. He then called the applicant forward.

Applicant Kyle Drake of 3616 West Lawrenceville Street, Duluth came forward. He plans to convert a vacant resident into office space for Drake Construction. There will be up to three employees working at a time, providing locations for customers to see basic design options for home models.

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

A motion was made by Councilmember Thomas, seconded by Councilmember Harkness, to approve ordinance O2024-20 for Case Z2023-005 with conditions as presented.

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

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

{R}

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

Mayor Whitlock opened the public hearing and called Community Development/Engineering Director Margie Pozin forward to present.

Ms. Pozin displayed the subject property and explained the surrounding uses. The subject property was rezoned to O-I to match its surroundings. 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.

Ms. Pozin highlighted some general conditions and noted that if the use is abandoned for more than 90 days, the special use is terminated. There are other conditions tied to a special use approval as well, and she highlighted some of those.

The Planning Commission recommended approval on February 5, 2024. Staff also recommend approval with conditions.

Mayor Whitlock called for discussion from Council.

Councilmember Thomas asked what the current percentage of lot coverage is.

Ms. Pozin thought the only addition would be to provide parking for vehicles.

Councilmember Graeder asked how many parking spots are expected and where they are going to be located. He noted adding a driveway turnaround limits space in the front. He also asked when the septic system was installed.

Ms. Pozin said the applicant could answer those questions.

Mayor Whitlock called the applicant forward.

Applicant Kyle Drake of 3616 West Lawrenceville Street, Duluth came forward. He said there would be five parking spaces. The previous owner had updated the septic and they had it inspected prior to purchase. It did not require updating for the new use.

The Mayor called for questions/comments from the public.

Mr. Louis Ligon of 3555 Grovecrest Way, Duluth came forward to question the fencing height and materials, and wanted to ensure anything stored would be out of view.

Ms. Pozin said there were no intentions of using outdoor storage for vehicles, and the fence would likely be 6-7' high.

Mr. Joe Nunes of 2375 Main St #245, Duluth, came forward to ask if there was a landscaping plan required. The nearby church has nice landscaping and big trees and he thought this property should complement that.

Ms. Pozin said that code compliance would alert property owner if there were any issues found after the construction/buildout process is complete. The City's property maintenance standards are very high.

Mayor Whitlock closed the public hearing and called for a motion.

A motion was made by Councilmember Thomas, seconded by Councilmember Holloway, to approve ordinance O2024-21 for Case SU2023-011 with conditions as presented.

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

VI. NEW BUSINESS

1. AWARD OF CONTRACT - ON-CALL RIGHT-OF-WAY SERVICES {S}

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

Community Development/ Engineering Director Margie Pozin came forward to explain that the 2019 contracts for these services will expire on March 31, 2024. The City advertised for a new contract to provide required work 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.

Ms. Pozin reported that 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 recommended awarding the contract to BM&K Engineering and Construction, and further approval for the City Manager to execute it after City Attorney review.

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

A motion was made by Councilmember Graeder, seconded by Councilmember Thomas, to approve the award of the City's On-Call Right of Way services contract to BM&K Engineering and Construction.

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

2. ON-CALL PLAN REVIEW AND BUILDING INSPECTION SERVICES {7}

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

Margie Pozin, Community Development/ Engineering Director, explained the request. 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.

Ms. Pozin reported that 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.

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

A motion was made by Councilmember Holloway, seconded by Councilmember Graeder, to approve the award of the City's On Call Plan Review and Building Inspection Services contract to NOVA Engineering and Environmental.

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

VII. MATTERS FROM DEPT HEADS/CITY ATTORNEY

1. ORDINANCE TO AMEND THE FY24 BUDGET – \$647,500 – SOFTWARE {U}

Asst. City Manager/Finance Director Ken Sakmar explained the request. 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.

Councilmember Harkness asked if the ongoing maintenance costs for these programs would then be included in the General Fund, and Mr. Sakmar confirmed it would, included with maintenance of other programs. Questions were raised regarding new servers or equipment that might be required. Mr. Sakmar responded that the IT department has been involved in the evaluation processes; the City's systems are up to date and technology in place to support the software.

A motion was made by Councilmember Thomas, seconded by Councilmember Holloway, to approve ordinance BA-FY24-25 as presented.

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

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

Asst. City Manager/Finance Director Ken Sakmar explained the request. 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 amendment (BA-FY24-26) to add the FY23 LMIG funds to ST-32 Transportation/Infrastructure Improvements - Paved Streets - Repairs & Maintenance line item.

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

A motion was made by Councilmember Harkness, seconded by Councilmember Graeder, to approve ordinance BA-FY24-26 as presented.

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

VIII. MATTERS FROM MAYOR & COUNCIL

1. CITY ACCOLADES

Councilmember Holloway appreciated the marketing department's social media posts for recognizing her and Councilmember Thomas on International Women's Day. Councilmember Thomas also noted the social media coverage for recognizing the officers at their annual Police Awards Banquet.

Councilmembers Harkness and Graeder referenced the social media on the Police Crime Center and commended the work done to bring justice on the “Witch Doctor” case. They also extended congratulations on the hire of the City’s first “Community Ambassador” which is a pilot program created to provide general citizen assistance and help fill the police hiring gap. The next Citizens Police Academy sessions start in April.

Mayor Whitlock also recognized Chief Carruth as the first female police chief in Gwinnett County. He also recognized all the female department heads and thanked them for their excellent leadership.

IX. MATTERS FROM CITY MANAGER

1. RFP FOR TRAIN VIEWING PLATFORM

City Manager James Riker reported that the Urban Redevelopment Agency owns property next to the library, and the Request for Proposals is currently out for the design/build of the train viewing platform.

2. CITY HALL ACCESS CARD/DOOR CONTROL ISSUES

Mr. Riker noted that there are issues with door locks and access cards for City Hall entrances. The IT department has been working to resolve this problem.

X. ADJOURNMENT

A motion was made by Councilmember Harkness, seconded by Councilmember Thomas, to adjourn at 7:00 pm.

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

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

KM 3/12/24



**NOTES OF THE WORK SESSION
MAYOR AND COUNCIL
CITY OF DULUTH, GA
MARCH 25, 2024**

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

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

I. PUBLIC COMMENTS

Angelika Domschke of 3379 Ennfield Way and Nate Benard of 3230 Ennfield Lane came forward to discuss stormwater and upstream erosion concerns.

Deborah Driskell of 3603 Berkeley Court and Robyn Mulkins of 3792 Berkeley Crossing came forward with concerns about the size of the recycle bins and trash cans.

II. DISCUSSION ITEMS/PRESENTATIONS/UPDATES

1. TITLE VI UPDATES

{A}

Community Development/Engineering Director Margie Pozin came forward to give the annual update on Title VI requirements, reporting, and accomplishments. Title VI documents are due for submittal to Georgia DOT prior to June 30, 2024.

Staff was authorized to place this item on the June 10 Council agenda for approval.

2. STORMWATER UPDATE

{B}

Stormwater Coordinator Alyssa Gilhooly and Community Dev/Engineering Director Margie Pozin came forward to present the annual stormwater update to Mayor and Council.

After reviewing 2023 projects and the growing list of discoveries and repairs, several strategies were discussed. These included consideration of increasing stormwater fees, creation of "Special Districts," and potential for hiring either full or part-time position for a grant research/writer to access other available funding.

Council supported a small increase to stormwater fees and directed staff to begin working on policies for further consideration.

3. BID AWARD – ANNUAL LANDSCAPE MAINTENANCE

City Manager James Riker explained that the annual landscape maintenance contract will be expiring on June 30, 2024. The City advertised a Request for Proposal (RFP) for a new contract to provide citywide service for a term of one year, beginning on July 1, 2024, and will be renewable annually for up to five total years.

The procurement was based on a combination of cost and references. The City received nine response packages which were reviewed to ensure the requested documentation was included. The packages were then distributed to a panel of three evaluators for review and scoring; the top three scoring responses on the cost portion of the packages then had references checked.

After reviewing all of the references, staff recommended Yellowstone Landscape.

Staff was authorized to place the bid award on the May 13 Council agenda for approval.

III. MATTERS FROM MAYOR & COUNCIL

Council and staff had light dialogue regarding:

- Fact sheet on trash, communication efforts for change in service
- Strategic work session and GMA conference logistics
- Mayor shared articles regarding economic development
- New city flag for GMA conference parade

IV. ADJOURNMENT

Meeting adjourned at 8:10 pm.

The next scheduled meeting of the Mayor and Council is April 8, 2024 at 6:00 p.m.

**ORDINANCE TO AMEND CHAPTER 10 OF THE DULUTH CODE
OFFENSES AND MISCELLANEOUS PROVISIONS**

The Council of the City of Duluth hereby ordains that the Duluth Code of Ordinances is hereby amended by striking and deleting subsection (c) of Chapter 10, Section 10-11 regarding penalties for violation of this section.

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 Lynn, Asst. City Mgr/City Clerk

**ORDINANCE
CITY OF DULUTH**

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 Subsection (c) of Section 15-20, Chapter 15, Article II and replacing said subsection with the following:

Sec. 15-20.

(c) Rates.

(1) All parcels in the city shall be segregated into one (1) of four (4) customer classes: detached single-family residential (DSFR), attached single-family residential (ASFR), non-single-family residential (NSFR) and undeveloped.

(2) The stormwater utility shall establish that one (1) equivalent residential unit (ERU) equals two thousand nine hundred ninety-seven (2,997) square feet of impervious surface area. The ERU of two thousand nine hundred ninety-seven (2,997) square feet is the mean impervious surface footprint for a typical DSFR parcel within the city. The stormwater user fee for one (1) ERU shall be ninety dollars (\$90.00) per year.

(3) All developed parcels with more than five hundred (500) square feet of impervious surface area shall be billed for stormwater management program (SWMP) services and undeveloped parcels shall not be billed.

(4) DSFR and ASFR parcels shall be billed a flat rate charge for SWMP services. All DSFR parcels will be charged one (1) ERU or ninety dollars (\$90.00) per year and all ASFR parcels will be charged one half (0.5) ERU or forty-five dollars (\$45.00) per year, per dwelling unit, except as otherwise provided in this section.

(5) DSFR parcels with more than eight thousand nine hundred ninety-one (8,991) square feet of impervious surface area (or three (3) ERUs) shall be charged using the NSFR rate calculation method as outlined herein.

(6) NSFR parcels shall be billed on a parcel specific basis based on the actual amount of impervious surface area. NSFR parcels shall be ninety dollars (\$90.00) per year for each increment of two thousand nine hundred ninety-seven (2,997) square feet impervious surface area, or fraction thereof.

This Ordinance shall become effective _____.

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 Lynn, Asst. City Mgr/City Clerk

**Mutual Aid Agreement Between Law Enforcement
Agencies Operating in Gwinnett County and Their Governing Authorities**

Definitions:

The following definitions apply to this Agreement in both their singular and plural forms:

“Agreement” means this Mutual Aid Agreement entered by the Participating Agencies with the support of their corresponding Governing Authorities.

“Assistance Event” means any event that qualifies for mutual assistance combined with a request for assistance from a Requesting Agency. Events that qualify for mutual assistance are local emergencies as defined by O.C.G.A. § 36-69-2 and/or the prevention or detection of violations of any law, and the apprehension or arrest of any person who violates a criminal law of this state, or in any criminal case as provided in O.C.G.A. § 36-69-3.

“Participating Agency” means all law enforcement agencies participating in this Agreement as evidenced by the signature of the Chief.

“Requesting Agency” means any Participating Agency requesting assistance under the auspices of this Agreement.

“Responding Agency” means any Participating Agency assisting under the auspices of this agreement.

“Responding Employees” means sworn and unsworn employees of a Responding Agency Extraterritorially assisting a Requesting Agency.

“Governing Authority” means the governmental entity that created and governs Participating Agencies, identified as follows:

For Gwinnett County, the Gwinnett Board of Commissioners.

For a city, the Mayor or the City Council, depending on the terms of the city charter.

For a state university, the university president and the University System of Georgia.

For a state technical college, the college president and the Technical College System of Georgia.

For Gwinnett County Schools, the Gwinnett County School Board.

For a city school system, the city’s School Board.

For Gwinnett Sheriff’s Office, the elected Sheriff.

“Chief” means the highest-ranking law enforcement official in a Participating Agency, usually the appointed police chief or the Sheriff. In the absence of the chief or Sheriff, the

next-highest ranking law enforcement official will be the Chief for purposes of this Agreement.

“Incident Commander” means the Chief or designee of the Chief of the Requesting Agency in command of the law enforcement response during an Assistance Event.

“Specialized Assistance” means Responding Agencies’ personnel and equipment with capabilities that exceed common patrol and investigation functions. Examples include, but are not limited to SWAT teams, incident command vehicles, enhanced surveillance capabilities, K-9 deployment, hostage negotiation, crime scene investigations, and incendiary device management.

“Extraterritorial” means locations not within the authority of a Participating Agency to engage in law enforcement functions under normal circumstances, frequently referred to as a law enforcement agencies’ jurisdiction, typically counties, cities, and school campuses.

Statement of Purpose:

Whereas the Participating Agencies and their Governing Authorities desire to provide essential law enforcement services during Assistance Events that require more resources than the Participating Agency has available.

Whereas the Participating Agencies and Governing Authorities recognize that an agreement between the Participating Agencies to respond Extraterritorially and collaboratively to an Assistance Event with the resources necessary to assist one another, will further the goals of public safety and the welfare of citizens.

Whereas the Georgia Mutual Aid Act, O.C.G.A. §36-69-1 through §36-69-10, authorizes Governing Authorities and Participating Agencies to enter into this Agreement and which dictates certain terms thereof, will always prevail over the terms of this Agreement should the two conflict.

NOW, THEREFORE, BE IT KNOWN the Participating Agencies, their Governing Authorities, by and through their undersigned representatives, in consideration for mutual promises to render valuable aid during Assistance Events, do hereby agree to fully and faithfully abide by the terms and conditions of this Agreement.

Power and Authority:

1. Pursuant to OCGA §36-69-3, any Participating Agency experiencing an Assistance Event in its jurisdiction has the authority to request one or more Participating Agencies for Extraterritorial assistance with law enforcement functions for the duration of the Assistance Event. Nothing herein shall preclude the sharing of resources or joint training in furtherance of law enforcement activities.

2. Pursuant to OCGA §36-69-4, Responding Employees, including certified law enforcement officers as defined in OCGA §35-8-2, shall have the same power, duties, rights, privileges, and immunities as if they were performing their duties within in the territory of the Responding Agency.

3. Pursuant to O.C.G.A. 36-69-3, the Incident Commander shall be in command of the local emergency as to strategy, tactics, and overall direction of the operations for the Responding Agencies. All orders or directions regarding the operations of the Responding Officers shall be relayed to the senior officer of the Responding Agency. Responding Employees shall follow the Incident Commanders or designee's lawful orders that do not violate the law or the Responding Agency's policies and procedures. Responding Employees shall adhere to the Responding Agencies' policies and procedures, including the use of force. When conducting Specialized Assistance, the Responding Agency shall direct and supervise the Responding Employees to accomplish the task requested by the Incident Commander.

4. Pursuant to O.C.G.A. § 36-69-8, Chiefs have no legal duty to either request or grant Extraterritorial assistance and shall have complete discretion to determine the duration of such assistance, if granted. Participating Agencies are committed to the provision of personnel, facilities, equipment, Specialized Assistance, and other resources to a Requesting Agency to the extent possible without jeopardizing essential services to their own jurisdictions.

Liability:

1. Pursuant to OCGA §36-69-5, each Responding Agency which furnishes any equipment for an Assistance Event shall bear the loss or damage to such equipment and shall pay any expense incurred in the operation and maintenance thereof. The Governing Authority of a Responding Agency shall compensate its employees during the time of rendering aid and shall defray the actual travel and maintenance expenses of employees while they are rendering aid. Such compensation shall include any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering aid.

2. This Agreement shall not be construed to create any relationship between the Participating Agencies or Governing Authorities. No joint venture or partnership is created by this Agreement.

3. Each Participating Agency is required to maintain insurance coverage in an amount reasonably sufficient to satisfy the liability for damages reasonably foreseeable from Assistance Events or shall be sufficiently self-insured. This requirement shall not be and shall not be construed to be a waiver of or an attempt to waive any immunity defense (including but not limited to sovereign immunity, official immunity, qualified immunity, etc.) allowed by the laws or Constitution of the State of Georgia or the United States.

4. Pursuant to OCGA §36-69-7, neither a Requesting Agency nor its respective Governing Authority shall be liable for any acts or omissions of Responding Employees or Responding Agencies.

5. Pursuant to OCGA §36-69-6, all of the privileges and immunities from liability; exemption from laws, ordinances, and rules; and all pension, insurance, relief, disability, workers'

compensation, salary, death, and other benefits which apply to the activity of such officers, agents, or employees of Participating Agencies and Governing Authorities when performing their respective functions within the territorial limits of their respective political subdivisions or campuses shall apply to such officers, agents, or employees to the same degree, manner, and extent while engaged in the performance of any of their functions and duties extraterritorially under the provisions of this Agreement. This applies with equal effect to paid, volunteer, and auxiliary employees.

6. Forfeitures: It is recognized that during the operation of this Agreement, property subject to forfeiture under Georgia Law, may be seized. The property shall be seized, forfeited, and equitably distributed among the participating agencies in proportion to the contribution of the Requesting Agency and each Responding Agency.

Effective Date of Agreement, Renewals, and Duration:

This Agreement shall be in full effect and at such time as it is signed by all Chiefs and authorized representatives of the Governing Authorities. This Agreement will terminate on December 31, 2024. This Agreement shall automatically renew for successive one (1) year terms unless affirmative action is taken to terminate this Agreement. This Agreement can be terminated in writing signed by all Chiefs and authorized representatives of the Governing Authorities. Withdraws and amendments to this Agreement are described *infra*.

Entire Agreement and Modification:

1. This writing is intended by the parties as a final expression of this agreement and is intended as a complete and exclusive statement of the terms of this agreement.

2. Nothing herein shall constitute a waiver on the part of any of the parties of any immunity (e.g. sovereign, official, or qualified), limitation of liability, or other protection available to them under any applicable statute or law. To the extent that any provision herein is found by any court of competent jurisdiction to conflict with any such legal protection, then whichever protections, either statutory or contractual, provide a greater benefit to the party shall apply unless the party elects otherwise.

3. If any one or more of the provisions contained in this agreement shall for any reason be held to be invalid, illegal, or unenforceable, in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and the agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

4. No party shall assign any rights or duties under this Agreement without the prior written consent of the other parties.

Related Agreement for Training and Operational Procedures:

The Chiefs will enter the Gwinnett Interagency Security Strategy Memorandum of Understanding (hereafter MOU). The MOU will provide for a board of Chiefs and adopt operational plans and procedures for Assistance Events, roll-call style training, and annual field training located at a variety of locations considered to have higher probabilities of Assistance Events. Every Participating Agency will be required to attend every planning meeting and field training. The MOU will require the board

to conduct an after-action inquiry following every Assistance Event and will report findings to the Chiefs.

Withdrawals and Amendments:

Any Governing Authority or Participating Agency may withdraw from this Agreement at will by delivering written notice of withdrawal to the clerk or the highest official of each Governing Authority and all Chiefs. The withdrawal shall be effective 30 days from the date of delivery. Withdrawal by a Participating Agency shall not affect this Agreement as concerning the remaining Participating Agencies. Amendments to this Agreement can be proposed by any Chief or Governing Authority at any time and can be adopted only by agreement of all Chiefs and Governing Authorities. An amendment must be in writing and signed by all Chiefs and authorized representatives of the Governing Authorities. An amendment is required to add additional participating agencies to this Agreement.

Grant of Approval and Authority:

Pursuant to O.C.G.A. § 36-69-3, each Governing Authority hereby authorizes and directs its respective Chief to exercise sound discretion before requesting or providing Extraterritorial mutual aid. Chiefs are directed to consider the needs of their respective jurisdictions when considering the extent of assistance provided, if any. A Requesting Agency shall have no recourse against any Participating Agency that refuses or limits the requested assistance.

AGREED TO AND ACKNOWLEDGED.

{Signatures are located on the following pages.}

FOR THE GWINNETT COUNTY SHERIFF'S OFFICE:

<hr/> Keybo Taylor, Sheriff, Gwinnett County Sheriff's Office Keybo.Taylor@GwinnettCounty.com	Date
<hr/> Approved as to form by Dan W. Mayfield, General Counsel, Gwinnett County Sheriff's Office Dan.Mayfield@GwinnettCounty.com	Date

FOR THE GWINNETT COUNTY PUBLIC SCHOOLS AND THE GWINNET SCHOOL BOARD:

<hr/> Tony Lockard, Chief, Gwinnett County Public Schools Police Department Tony.Lockard@gcpsk12.org	Date
<hr/> Calvin Watts, Superintendent, Gwinnett County Public Schools Calvin.Watts@gcpsk12.org	Date
<hr/> Approved as to form by Attorney for Gwinnett County Public Schools@.....	Date

FOR GWINNETT TECHNICAL COLLEGE POLICE DEPARTMENT AND THE TECHNICAL COLLEGE SYSTEM OF GEORGIA:	
<p>_____</p> <p>Sandra D. Pryor, Chief, Technical College Police Department</p> <p>SPryor@gwinnettech.edu</p>	Date
<p>_____</p> <p>Dr. D. Glen Cannon, President, Technical College System of Georgia</p> <p>OfficeofPresident@gwinnettech.edu</p>	Date
<p>_____</p> <p>Greg Dozier, Commissioner, Technical College System of Georgia</p> <p>gdozier@tcsg.edu</p>	Date
<p>_____</p> <p>Dr. Artesius Miller, State Board Chair, Technical College System of Georgia</p> <p>Artesius.miller@utopianacademy.com</p>	Date

FOR THE CITY OF LOGANVILLE POLICE DEPARTMENT AND THE CITY OF LOGANVILLE	
<p>_____</p> <p>Dick Lowry, Chief, Loganville Police Department</p> <p>mdlowry@loganville-ga.gov</p>	Date
<p>_____</p> <p>Skip Baliles, Mayor, City of Loganville</p> <p>sbaliles@loganville-ga.gov</p>	Date
<p>_____</p> <p>Approved as to form by Paul Rosenthal, Attorney for the City of Loganville</p> <p>plr@prestonmalcom.com</p>	Date

FOR CITY OF AUBURN POLICE DEPARTMENT AND THE CITY OF AUBURN	
<p>_____</p> <p>Christopher Hodge, Chief, Auburn Police Department chodge@cityofauburn-ga.org</p>	Date
<p>_____</p> <p>Rick Roquemore, Mayor, City of Auburn mayor@cityofauburn-ga.org</p>	Date
<p>_____</p> <p>Approved as to form by, Attorney for City of Auburn @.....</p>	Date

FOR CITY OF BRASELTON POLICE DEPARTMENT AND THE CITY OF BRASELTON	
<p>_____</p> <p>Terry Esco, Chief, Braselton Police Department tesco@braselton.net</p>	Date
<p>_____</p> <p>Jennifer Scott, Braselton Town Manager jscott@braselton.net</p>	Date
<p>_____</p> <p>Kurt Ward, Mayor, City of Braselton MayorCouncil@braselton.net</p>	Date

FOR BUFORD CITY SCHOOLS	
<p>_____</p> <p>Mindy Bayreuther, Chief, Buford City Schools Police Department mindy.bayreuther@bufordcityschools.org</p>	Date
<p>_____</p> <p>Melanie Reed, Superintendent, Buford City Schools melanie.reed@bufordcityschools.org</p>	Date
<p>_____</p> <p>Approved as to form by Gregory Jay, Attorney for Buford City Schools GJay@cbjblawfirm.com</p>	Date

FOR BUFORD DEPARTMENT OF PUBLIC SAFETY AND THE BUFORD CITY COMMISSION	
<p>_____</p> <p>Dan Branch, Director, City of Buford, Dept. of Public Safety DBranch@cityofbuford.com</p>	Date
<p>_____</p> <p>Phillip Beard, Buford City Commission@cityofbuford.com</p>	Date
<p>_____</p> <p>Approved as to form by Gregory Jay, Attorney for Buford City Commission GJay@cbjblawfirm.com</p>	Date

FOR CITY OF DULUTH POLICE DEPARTMENT AND THE CITY OF DULUTH	
<p>_____</p> <p>Chief Jacquelyn Carruth, Chief of the City of Duluth Police Department chief@duluthpd.com</p>	Date
<p>_____</p> <p>Greg Whitlock, Mayor, City of Duluth gwhitlock@duluthga.net</p>	Date
<p>_____</p> <p>Approved as to form by Stephen Pereira, Attorney for City of Duluth sp@thompson-sweeny.com</p>	Date

FOR CITY OF LAWRENCEVILLE POLICE DEPARTMENT AND THE CITY OF LAWRENCEVILLE	
<p>_____</p> <p>John Mullin Chief, City of Lawrenceville Police Department jmullin@lawrencevillepd.com</p>	Date
<p>_____</p> <p>David Still, Mayor, City of Lawrenceville David.still@lawrencevillega.org</p>	Date
<p>_____</p> <p>Approved as to form by Frank Hartley, Attorney for City of Lawrenceville fhartley@pkknlaw.com</p>	Date

FOR CITY OF LILBURN POLICE DEPARTMENT AND THE CITY OF LILBURN	
<p>_____</p> <p>Chris Dusik, Chief, City of Lilburn Police Department cdusik@cityoflilburn.com</p>	Date
<p>_____</p> <p>Tim Dunn, Mayor, City of Lilburn tdunn@cityoflilburn.com</p>	Date
<p>_____</p> <p>Approved as to form by Richard A. Carothers, Attorney for City of Lilburn Richard.Carothers@carmitch.com</p>	Date

FOR CITY OF NORCROSS POLICE DEPARTMENT AND THE CITY OF NORCROSS	
<p>_____</p> <p>Bill Grogan, Chief, City of Norcross Police Department bgrogan@norcrosspd.com</p>	Date
<p>_____</p> <p>Craig Newton, Mayor, City of Norcross cnewton@norcrossga.net</p>	Date

FOR CITY OF SNELLVILLE POLICE DEPARTMENT AND THE CITY OF SNELLVILLE	
<p>_____</p> <p>Greg Perry, Chief, City of Snellville Police Department gperry@snellville.org</p>	Date
<p>_____</p> <p>Barbara Bender, Mayor, City of Snellville Bbender@snellville.org</p>	Date

FOR CITY OF SUGAR HILL MARSHALL'S OFFICE AND THE CITY OF SUGAR HILL	
<p>_____</p> <p>Diane King, Chief Marshall, City of Sugar Hill Marshall's Office dking@cityofsugarhill.com</p>	Date
<p>_____</p> <p>Brandon Hembree, Mayor, City of Sugar Hill brandonhembree@cityofsugarhill.com</p>	Date
<p>_____</p> <p>Approved as to form by Frank Hartley, Attorney for City of Sugar Hill fhartley@pkknlaw.com</p>	Date

FOR CITY OF SUWANEE POLICE DEPARTMENT AND THE CITY OF SUWANEE	
<p>_____</p> <p>Cass Mooney, Chief, City of Suwanee Police Department cmooney@suwanee.com</p>	Date
<p>_____</p> <p>Jimmy Burnette, Mayor, City of Suwanee jburnette@suwanee.com</p>	Date
<p>_____</p> <p>Approved as to form by ,Attorney for City of Suwanee@.....</p>	Date

FOR CITY OF PEACHTREE CORNERS MARSHALL’S OFFICE AND THE CITY OF PEACHTREE CORNERS

Eddy Restrepo, Chief Marshall, City of Peachtree Corners Marshall’s Office
erestrepo@peachtreecornersga.gov

Date

Mike Mason, Mayor, City of Peachtree Corners, Ga
mmason@peachtreecornersga.gov

Date

Approved as to form by, Attorney for City of Peachtree Corners
.....@.....

Date

**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 three (3) 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 individual 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:

Kimberly Kelkenberg (Graeder)	Expires 3/31/25	Term begin date: 2025
(filling unexpired term of Margaret Wharton)		

Current Members:

Lana Tolbert (Thomas)	Expires 3/31/25	Term begin date: 2022
Sarah Park (Whitlock)	Expires 3/31/25	Term begin date: 2022
Donna Kain (Harkness)	Expires 3/31/25	Term begin date: 2022
Jean Harrivel (Graeder)	Expires 3/31/26	Term begin date: 2012
(term limit 2026)		
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 begin date: 2013
(term limit 2027)		
Nate Benard (Doss)	Expires 3/31/26	Term begin date: 2022
Kyle Drake (Doss)	Expires 3/31/26	Term begin date: 2022
Greta Langpap (Holloway)	Expires 3/31/28	Term begin date: 2024
Nicole Wolff (Holloway)	Expires 3/31/28	Term begin date: 2024

IT IS SO ORDAINED this _____ day of April 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

CITY OF DULUTH

City Council

Staff Report

April 8, 2024

The City of Duluth is updating the FORWARDuluth Comprehensive Plan in response to the Legislative Annexation and the Rezoning of a large swath of land formerly in Unincorporated Gwinnett County (for reference see Z2024-002).

The two affected sections of the update are:

Character Areas

Established Neighborhoods

Add: It is not anticipated that there will be much redevelopment or new development within these neighborhoods due to their “built-out” nature. ***If new development were to occur, it would be crucial that any new development within the Established Neighborhood District maintain the character and intensity of the surrounding established neighborhoods. The character of surrounding established neighborhoods shall be regarded when proposing any adjacent development.*** Policy and vision implementation measures for Established Neighborhoods should be focused on maintaining and preserving the stability and quality of the neighborhoods.

Future Land Use

Low Density Residential

Remove: *Due the lack of large, undeveloped land and a change in development styles, it is not anticipated that there will be many more low density neighborhoods developed outside of the Chattahoochee Residential District.*

ATTACHMENTS:

Exhibit “A”: Public Hearing Advertisement/Public Notice

Exhibit "A"
Public Hearing Advertisement/Public Notice

CITY OF DULUTH
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before Planning Commission to amend the ForwardDuluth Comprehensive Plan

The public is invited to attend this hearing before the Planning Commission on the amendment of the FowardDuluth Comprehensive Plam . The meeting date, place and time regarding this matter are as follows:

WHEN: April 1st, 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@duluthga.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 accommodation is 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.

**RESOLUTION
CITY OF DULUTH
FORWARDuluth – 2045 COMPREHENSIVE PLAN**

A RESOLUTION AMENDING FORWARDuluth (2045 COMPREHENSIVE PLAN) AND ALL CORRESPONDING DOCUMENTS (AS SHOWN ON THE ATTACHED EXHIBIT “A”) AS REQUIRED BY THE STATE OF GEORGIA LOCAL PLANNING REQUIREMENTS CHAPTER 110-12-1-.02.

WHEREAS, The Georgia Department of Community Affairs has established Minimum Standards and Procedures for Local Comprehensive Planning; and

WHEREAS, the purpose of the Minimum Standards and Procedures is to provide a framework for the development, management and implementation of local comprehensive plans at the local, regional and state government level; and

WHEREAS, they reflect an important state interest: healthy and economically vibrant cities and counties are vital to the state’s economic prosperity; and

WHEREAS, regular updates to the plan are necessary to ensure it meets the needs to the community; and

WHEREAS, the City of Duluth, Georgia, has prepared an update to FORWARDuluth; and

WHEREAS, on April 1, 2023 the City of Duluth Planning Commission held a public hearing duly noticed and voted to recommend approval of the updated plan as set forth in the minutes of said meeting; and

WHEREAS, the Duluth City Council held a public meeting on April 8, 2024, duly noticed as prescribed by law and published in the Gwinnett Daily Post regarding the update as set forth in the minutes of said meeting.

NOW THEREFORE, be it Resolved by the City Council of the City of Duluth, Georgia to adopt the amended FORWARDuluth (2045 Comprehensive Plan) and all corresponding documents as shown on the attached Exhibit “A”.

{Signatures on the Following Page}

IT IS SO ORDAINED this 8th day of February, 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

Shenèe Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

Established Neighborhoods

Established Neighborhoods will continue to be the backbone of Duluth's residential community.

Established Neighborhoods, where a large portion of our community lives, present residents a wide range of housing options. Established Neighborhoods offer residents a high standard of family living near all of the amenities and employment that Duluth has to offer and with close proximity to regional connectors like Peachtree Industrial Boulevard, Buford Highway and Pleasant Hill Road. Ranging from traditional suburban neighborhoods to more walkable and community centered town-home developments, a variety of housing types and price ranges gives a wide variety of people across income levels, age groups and other social strata the opportunity to live in Duluth. The longevity of these neighborhoods is supported by high quality schools and world class parks.

Conventional suburban neighborhoods, like Riverbrooke and Norman Downes, are characterized by single family, detached housing with large setbacks, curvilinear streets and cul-de-sacs. Transportation is dependent on automobile access and most homes have front entry garages that are typically visible from the street. Residents who value privacy, private yards, and proximity to schools and parks may be drawn to these neighborhoods. Traditional neighborhoods developments, like Crestwell and River's Edge, are characterized by a compact urban design that prioritizes walkability and greenspace. They contain a network of connected streets with sidewalks and street trees to facilitate pleasant, convenient and safe movement throughout neighborhoods. Transportation within the development is focused on the pedestrian over the automobile and the integration of parks and public spaces into the development create landmarks and a strong sense of place.

It is not anticipated that there will be much redevelopment or new development within these neighborhoods due to their "built-out" nature. *If new development were to occur, it would be crucial that any new development within the Established Neighborhood District maintain the character and intensity of the surrounding established neighborhoods. The character of surrounding established neighborhoods shall be regarded when proposing any adjacent development.* Policy and vision implementation measures for Established Neighborhoods should be focused on maintaining and preserving the stability and quality of the neighborhoods.

Aspirations

- Identify opportunities to increase walkability and connectivity through possible street and pedestrian connections between neighborhoods.
- Promote property upkeep and maintenance through effective code compliance and the Duluth N.O.W. program.
- Maintain a high level of owner occupancy.
- Explore policy changes that are aligned with the ARC's Lifelong Communities Initiative that would support "aging in place" and improved pedestrian connectivity.
- Continue streetscape and infrastructure improvements in aging developments. Prioritize the expansion of sewer lines into under-served neighborhoods.
- Explore climate resiliency measures to retrofit existing neighborhoods with open space, pocket parks, and green infrastructure.

Future Land Use Definitions

Low Density Residential

Residential and planned unit development zoned properties consisting of detached single family houses. The density of this classification is generally 1-6 units per acre. This includes semi-rural properties such as those on Duluth Highway to homes located in subdivisions such as Riverbrooke or Norman Downes. Most of the single family neighborhoods in Duluth are classified as Low Density Residential and were constructed from the 1970s through the 1990s. These neighborhoods typically have larger yards, have houses that are set further back from the street and have more distance between houses. **Due to the lack of large, undeveloped land and a change in development styles, it is not anticipated that there will be many more low density neighborhoods developed outside of the Chattahoochee Residential District.**

Medium Density Residential

Residential and planned unit development zoned properties consisting of detached single family homes and townhomes. The density of this classification is generally 6-12 units per acre. This residential classification has more variation in development style. Some mid density neighborhoods are strictly single family detached neighborhoods such as Ivy Circle and Allison Farm Village and some are strictly townhome neighborhoods such as Chattahoochee Cove and Glens at Sugarloaf. Newer mid density neighborhoods, generally those built after 2005, are a mixture of single family detached and townhomes. Lakes at Sugarloaf and Rivers Edge are good examples of mixed residential neighborhoods. It is anticipated that much of the future residential developments will be developed as mid density due to smaller tracts of available land and a change in development styles.

High Density Residential

Multi-family and planned unit development zoned properties consisting of apartments and condominiums. The density of this classification is 12+ units per acre. Any new apartment complex will likely be development as part of a mixed-use development.

Commercial Retail Office

This classification is intentionally broad as to include all non-residential uses except for institutional and industrial uses. Located almost exclusively on primary, major and minor arterials, these types of uses rely on vehicle traffic for maximum visibility and access. Most of the parcels that are included in this classification are relatively small and contain a single building with the exception of Rivergreen Parkway. The larger parcels that currently contain commercial uses such as grocery stores and big box shopping centers are marked as mixed-use for redevelopment opportunities.

Industrial

The City currently has two industrial zoning districts: Heavy and Light Industry. In the future the

City's industrial properties will be exclusively located in the North Berkeley Lake Industrial District. The few small industrial zoned properties that remain outside the North Berkeley Lake Industrial District will likely be redeveloped into another use.

Institutional

The institutional classification includes local government uses, schools and large institutional land uses. The local government uses include City Hall, Public Safety Building, Public Works, Library, fire stations, etc. The non-government institutional uses are exclusively religious institutions.

Park Conservation

This future land use plan map classification corresponds with the flood plains located along the streams throughout the city as well as land dedicated to active or passive recreational uses. These lands may be either publicly or privately owned and may include playgrounds, public parks, neighborhood amenities or lakes.

Mixed Use

This classification includes properties zoned PUD and contains mixed use developments. The properties with this classification tend to be large enough to contain large PUDs and redevelopments. Located in the Downtown Core, along Peachtree Industrial Boulevard and at major intersections, the PUD classification is intended to allow for creative land planning and design that cannot be achieved under standard zoning districts. Due to their size and locations these developments and redevelopments will be catalytic for the area and extremely important to the City. Buildings heights may be taller and setbacks reduced to allow for developments that are unique to Duluth.



Photo courtesy of the City of Duluth

CITY OF DULUTH**City Council**

Staff Report

April 8, 2024

CASE NUMBER:	Z2024-002
ADDRESSES:	<p>3888 Georgia Hwy 120; 3968 Duluth Hwy; 3045 Boles Farm Ln; 3920 Boles Creek Dr; 3020 Boles Farm Ln; 4125 Boles Creek Dr; 3910 Boles Creek Dr; 4130 Boles Creek Dr; 3930 Hillside Dr; 4021 Pine Needle Dr; 3013 Pine St; 2945 Boles Farm Ln; 2940 Boles Farm Ln; 2960 Boles Farm Ln; 2950 Boles Farm Ln; 3909 Abbotts Bridge Rd; 3920 Hillside Dr; 3870 Hillside Dr; 0 Hillside Dr; 3880 Hillside Dr; 3909 Hillside Dr; 3918 NE GA Highway 120; 3959 NE GA Hwy 120; 3900 Hillside Dr; 3919 Hillside Dr; 3929 Hillside Dr; 3998 Abbotts Bridge Rd; 3009 Pine St; 4039 Pine Needle Dr; 4031 Pine Needle Dr; 3050 Boles Farm Ln; 3060 Boles Farm Ln; 3003 Pine St; 4018 NE GA Hwy 120; 3040 Boles Farm Ln; 0 Boles Farm Ln; 4019 NE GA Hwy 120; 3055 Boles Farm Ln; 3010 Boles Farm Ln; 4115 Boles Creek Dr; 4135 Boles Creek Dr; 4140 Boles Creek Dr; 4028 Abbotts Bridge Rd; 4079 NE GA Hwy 120; 3015 Boles Farm Ln; 3925 Boles Creek Dr; 3930 Boles Creek Dr; 4105 Boles Creek Dr; 4070 Boles Creek Dr; 4050 Boles Creek Dr; 4040 Boles Creek Dr; 4030 Boles Creek Dr; 4020 Boles Creek Dr; 3005 Boles Farm Ln; 3940 Boles Creek Dr; 3960 Boles Creek Dr; 3980 Boles Creek Dr; 3000 Boles Farm Ln; 4095 Boles Creek Dr; 4010 Boles Creek Dr; 3935 Boles Creek Dr; 3955 Boles Creek Dr; 3945 Boles Creek Dr; 4065 Boles Creek Dr; 4075 Boles Creek Dr; 4085 Boles Creek Dr; 2995 Boles Farm Ln; 3995 Boles Creek Dr; 3985 Boles Creek Dr; 3975 Boles Creek Dr; 2952 Boles Creek Ct; 4045 Boles Creek Dr; 4055 Boles Creek Dr; 2972 Albion Farm Rd; 2975 Boles Farm Ln; 2965 Boles Farm Ln; 2980 Boles Farm Ln; 2959 Boles Creek Ct; 2969 Boles Creek Ct; 3062 Albion Farm Rd; 2970 Boles Farm Ln; 3052 Albion Farm Rd; 2972 Albion Farm Rd; 2955 Boles Farm Ln; 4119 NE Abbotts Bridge Rd; 4181 Duluth Hwy; 4115 Parkway Cir; 4105 Parkway Cir; 4095 Parkway Cir; 4076 Parkway Cir; 4086 Parkway Cir; 4096 Parkway Cir; 4106 Parkway Cir; 4145 Parkway Cir; 4135 Parkway Cir; 4085 Parkway Cir; 4116 Parkway Cir; 4155 Parkway Cir; 3023 Pine St; 3958 Duluth Hwy; 3033 Pine St; 3948 NE GA Hwy 120; 3950 NE GA Hwy 120; 3952 Abbotts Bridge Rd; 4129 NE Abbotts Bridge Rd; 0 Boles Farm Ln; 4149 Abbotts Bridge Rd; 4139 Abbotts Bridge Rd; 4109 NE Abbotts Bridge Rd; 4099 NE Abbotts Bridge Rd</p>
PARCELS:	R6294 005; 6323 094; 6323 177; 6323 200; 6323 207; 6323 241; 6323 199; 6323 233; 6294 170; 6323 099; 6323 078;

	6323 186; 6323 187; 6323 189; 6323 188; 6294 004; 6294 114; 6294 115; 6294 205; 6294 118; 6294 002; 6294 214; 6323 006A; 6294 204; 6294 234; 6294 225; 6323 101; 6323 168; 6323 098; 6323 017; 6323 209; 6323 210; 6323 079; 6323 004C; 6323 208; 6323 212; 6323 004B; 6323 178; 6323 206; 6323 229; 6323 231; 6323 232; 6323 243; 6323 084; 6323 180; 6323 198; 6323 201; 6323 228; 6323 234; 6323 235; 6323 236; 6323 237; 6323 238; 6323 181; 6323 202; 6323 203; 6323 204; 6323 205; 6323 227; 6323 239; 6323 197; 6323 195; 6323 196; 6323 224; 6323 225; 6323 226; 6323 182; 6323 192; 6323 193; 6323 194; 6323 218; 6323 222; 6323 223; 6323 174; 6323 183; 6323 184; 6323 191; 6323 219; 6323 220; 6323 004A; 6323 190; 6323 105; 6323 158; 6323 185; 6323 354; 6323 027; 6323 025E; 6323 025F; 6323 025G; 6323 025I; 6323 025J; 6323 025K; 6323 025L; 6323 025B; 6323 025C; 6323 025H; 6323 025M; 6323 025A; 6323 077; 6323 214; 6323 347; 6323 006; 6323 345; 6323 346; 6323 020; 6323 350; 6323 352; 6323 353; 6323 355; 6323 356
ACREAGE:	+/- 93.0 Acres
CURRENT ZONING	Gwinnett County R-75 (Single-Family Residential District)
PROPOSED ZONING	City of Duluth R-75 (Single-Family Residential District)
REQUEST:	Rezone of +/- 93.0 acre property from R-75(Single-Family Residential; unincorporated Gwinnett County) to R-75(Single-Family Residential; City of Duluth).
OWNER:	Unincorporated Gwinnett County
APPLICANT:	City of Duluth

STAFF RECOMMENDATION PLANNING COMMISSION RECOMMENDATION	Approve Approve
--	----------------------------

I. PURPOSE AND DESCRIPTION OF THE REQUEST

The purpose of the rezoning request (Z2024-002) is to rezone the current parcels from R-75(Single-Family Residential; unincorporated Gwinnett County) to R-75(Single-Family Residential; City of Duluth).

Maps detailing the location, zoning district and character area of the subject property are attached hereto as Exhibit "A".

II. EXISTING CONDITIONS

The subject properties total +/- 93.0 acres. The subject properties are currently in unincorporated Gwinnett County. The State Legislature is currently in the process of a legislative annexation. The City of Duluth is taking the necessary steps to rezone the parcels once the legislative annexation has been signed by Governor Kemp. The Subject Properties are bound to the north by undeveloped farmland owned by the Burton family, zoned R-100 (Single-Family Residential; unincorporated Gwinnett County) and M-1 (Light-Industrial; unincorporated Gwinnett County). The subject properties are bound to the west by a mix of zoning districts from C-2 (General Business District) and M-1 (Light-Industrial District) to predominantly residential zoning districts: RM (Mixed-Density Residential District), R-100 (Single-Family Residential District) and R-75 (Single-Family Residential District). The subject properties are bound to the south by R-100 (Single-family residential district). The subject properties are bound to the west by O-I (Office-Institutional district) and R-75 (Single-Family Residential district).

III. REVIEW OF THE REQUEST

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

- A. Section 1306.01 Zoning Classification of Land upon Annexation states that a). Any land subsequently annexed in to the City shall be classified by the City Council as to the zoning district or districts at the time of annexation provided that before the zoning decision and annexation are approved, a public hearing is held concerning the zoning decision.
- B. The City Council, in determining the zoning classification, may take into account the use restrictions on the land prior to annexation and the Land Use Plan and Comprehensive Plan.

2. Standards Governing the Exercise 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.

3. Literal Interpretation of FORWARDuluth 2045 (Comprehensive Plan)

The subject properties will be located in the Established Neighborhoods Character Area. FORWARDuluth envisions this Character Area to be the backbone of Duluth's residential community. Ranging from traditional suburban neighborhoods to more walkable and community centered town-home developments, a variety of housing types and price ranges gives a wide variety of people across income levels, age groups and other social strata the opportunity to live in Duluth. The Future Land Use Map (FLUM) envisions these parcels as Low Density Residential.

IV. RECOMMENDATION

Planning staff recommends approval of case Z2024-002.

Planning Commission recommended approval of case Z2024-002 on April 1, 2024.

ATTACHMENTS:

Exhibit "A": Maps

Exhibit "B": Public Hearing Advertisement/Public Notice

Exhibit "A"

MAPS

Location Map

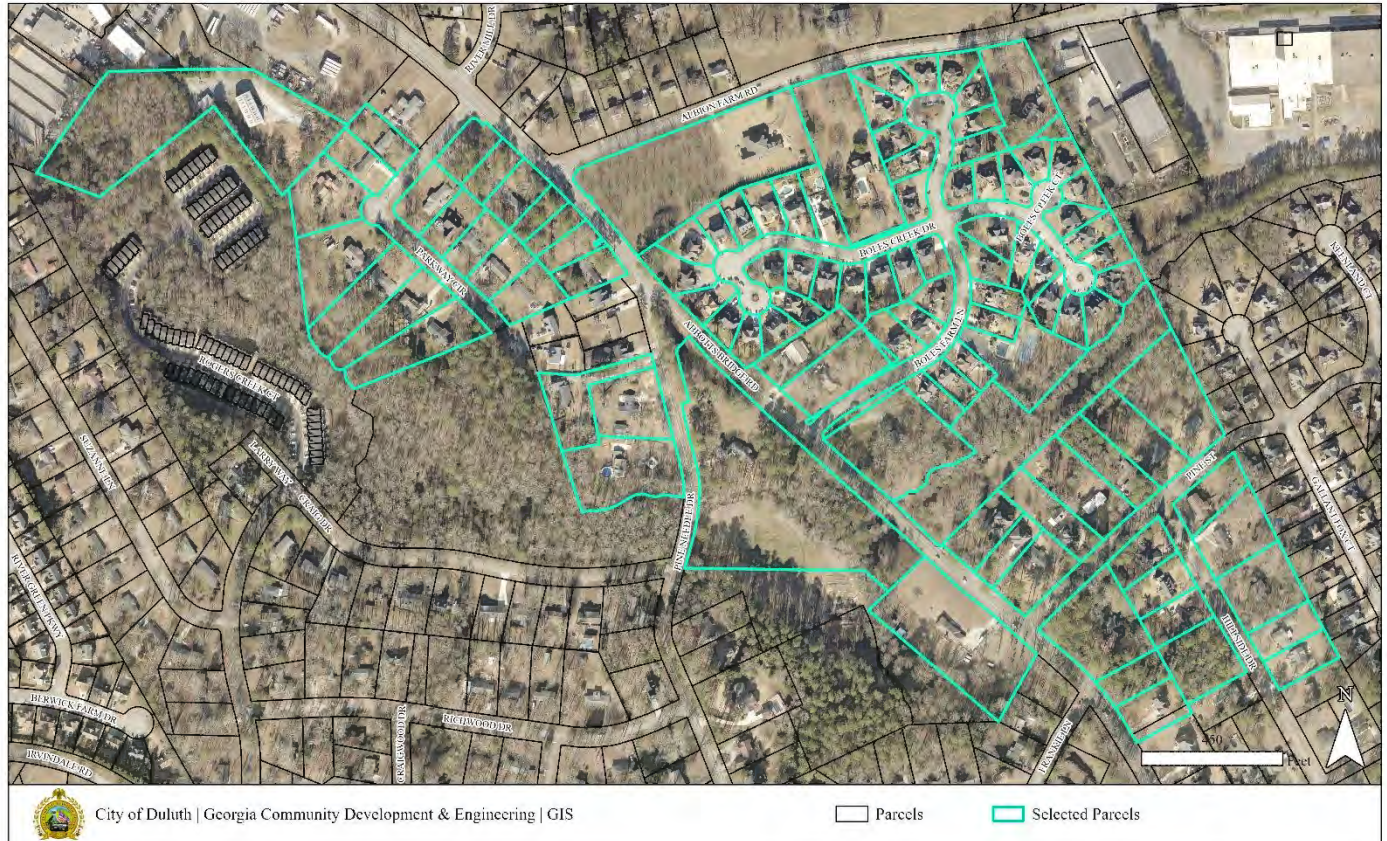


Exhibit "B"
Public Hearing Advertisement/Public Notice

**CITY OF DULUTH
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before Planning Commission to consider an Annexation request.

Conduct zoning hearings for property anticipated to be annexed into the City pursuant to local legislation House Bill 1465 (<https://www.legis.ga.gov/legislation/68684>). Property to be annexed would be rezoned from R-75 (Single-Family Residential District, Gwinnett County) to R-75 (Single-Family Residential District, City of Duluth).

Parcel Identification Numbers of Properties within Legislative Annexation:

6294 005	6323 094	6323 177	6323 200
6323 207	6323 241	6323 199	6323 233
6294 170	6323 099	6323 078	6323 186
6323 187	6323 189	6323 188	6294 004
6294 114	6294 115	6294 205	6294 118
6294 002	6294 214	6323 006A	6294 204
6294 234	6294 225	6323 101	6323 168
6323 098	6323 017	6323 209	6323 210
6323 079	6323 004C	6323 208	6323 212
6323 004B	6323 178	6323 206	6323 229
6323 231	6323 232	6323 243	6323 084
6323 180	6323 198	6323 201	6323 228
6323 234	6323 235	6323 236	6323 237
6323 238	6323 181	6323 202	6323 203
6323 204	6323 205	6323 227	6323 239
6323 197	6323 195	6323 196	6323 224
6323 225	6323 226	6323 182	6323 192
6323 193	6323 194	6323 218	6323 222
6323 223	6323 174	6323 183	6323 184
6323 191	6323 219	6323 220	6323 004A
6323 190	6323 105	6323 158	6323 185
6323 354	6323 027	6323 025E	6323 025F
6323 025G	6323 025I	6323 025J	6323 025K
6323 025L	6323 025B	6323 025C	6323 025H
6323 025M	6323 025A	6323 077	6323 214
6323 347	6323 006	6323 345	6323 346
6323 020	6323 350	6323 352	6323 353
6323 355	6323 356		

The public is invited to attend this hearing before the Planning Commission on the proposed Annexation. The meeting date, place and time regarding this matter are as follows:

**CITY OF DULUTH
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council to consider an Annexation request.

Conduct zoning hearings for property anticipated to be annexed into the City pursuant to local legislation House Bill 1465 (<https://www.legis.ga.gov/legislation/68684>). Property to be annexed would be rezoned from R-75 (Single-Family Residential District, Gwinnett County) to R-75 (Single-Family Residential District, City of Duluth).

Parcel Identification Numbers of Properties within Legislative Annexation:

6294 005	6323 094	6323 177	6323 200
6323 207	6323 241	6323 199	6323 233
6294 170	6323 099	6323 078	6323 186
6323 187	6323 189	6323 188	6294 004
6294 114	6294 115	6294 205	6294 118
6294 002	6294 214	6323 006A	6294 204
6294 234	6294 225	6323 101	6323 168
6323 098	6323 017	6323 209	6323 210
6323 079	6323 004C	6323 208	6323 212
6323 004B	6323 178	6323 206	6323 229
6323 231	6323 232	6323 243	6323 084
6323 180	6323 198	6323 201	6323 228
6323 234	6323 235	6323 236	6323 237
6323 238	6323 181	6323 202	6323 203
6323 204	6323 205	6323 227	6323 239
6323 197	6323 195	6323 196	6323 224
6323 225	6323 226	6323 182	6323 192
6323 193	6323 194	6323 218	6323 222
6323 223	6323 174	6323 183	6323 184
6323 191	6323 219	6323 220	6323 004A
6323 190	6323 105	6323 158	6323 185
6323 354	6323 027	6323 025E	6323 025F
6323 025G	6323 025I	6323 025J	6323 025K
6323 025L	6323 025B	6323 025C	6323 025H
6323 025M	6323 025A	6323 077	6323 214
6323 347	6323 006	6323 345	6323 346
6323 020	6323 350	6323 352	6323 353
6323 355	6323 356		

The public is invited to attend this hearing before the Mayor and Council on the proposed Annexation. The meeting date, place and time regarding this matter are as follows:

WHEN: April 8th, 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@duluthga.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 accommodation is 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.



MSI Benefits Group Renewal Meeting

April 08, 2024



Benefits Renewal Recap

(2023-2024)

- **Health Plan:** Moved from Cigna to UHC in 2022, renewing with **UHC** in 2023 at a **3.0% increase**
 - Plan Design Enhancements (X-rays/labs included under office copays)
 - Modest Increase to Premiums
 - Inclusive of Benefit Ally (\$10,975 paid out through Feb. 2024) and Wellness Fund (\$15,000)***Up for Renewal 2024**
- **Dental:** Moved from Cigna to UHC in 2022, renewing with **UHC** in 2023 at a **2.9% increase**
 - No Change to Plan Designs
 - Minimal Increase to Premiums***Up for Renewal 2024**
- **Vision:** Moved from Cigna to UHC in 2022, renewing with **UHC** in 2023 at a **0.0% increase** (rate guarantee)
 - No Change to Plan Designs
 - No Change to Premiums***Up for Renewal 2025**
- **Life and Disability:** Moved from MetLife to Standard in 2022, renewing with **Standard** in 2023 at a **0.0% increase** (rate guarantee)
 - No Change to Plan Designs
 - No Change to Premiums***Up for Renewal 2024**

Marketing Strategy

- Vetting carriers is a continual process overseen by MSI so as to ensure our clients are partnered with the solutions best positioned to meet their overall organizational goals and objectives.
- In the event a Non-Marketing strategy is not reached with the incumbent carrier, MSI utilizes a Comprehensive Marketing Approach, soliciting proposals from all viable options.
- The objective of the Market Evaluation is not to have clients changing carriers every year, but to ensure the most competitive options are presented, while holding the incumbent carrier accountable.
- In preparing for the City's upcoming Renewals, MSI performed a Comprehensive Market Evaluation (for Medical, Dental and Vision) with the Carriers Responses noted below:

Carrier	Response
Anthem	Declined to Quote – Not Competitive Rates
Aetna	Quoted – Not Competitive Rates
Cigna	Quoted – Most Competitive Rates
UnitedHealthcare (incumbent)	Quoted – Competitive Rates

Health Plan Market Results

Medical/Rx In-Network		Current UHC	Renewal UHC	Recommended Option Cigna
Deductible (EE / F)		\$1,000 / \$3,000	\$1,000 / \$3,000	\$1,000 / \$3,000
Coinsurance		100%	100%	100%
Out-of-Pocket Maximum (EE / F)		\$6,350 / \$12,700	\$6,350 / \$12,700	\$6,350 / \$12,700
Preventive Services		100%	100%	100%
PCP / Specialist Office Visit		\$25 / \$50	\$25 / \$50	\$25 / \$50
Emergency Room		\$150	\$150	\$150
Urgent Care		\$60	\$60	\$60
Inpatient / Outpatient Services		Deductible	Deductible	Deductible
Generic		\$10	\$10	\$10
Preferred Brand		\$45	\$45	\$45
Non-Preferred Brand		\$85	\$85	\$85
Wellness Credit		\$15,000	\$15,000	\$15,000
		Gross Monthly Rates	Gross Monthly Rates	Gross Monthly Rates
Employee	53	\$756.73	\$842.74	\$818.27
Employee + Spouse	20	\$1,831.22	\$2,036.41	\$1,898.36
Employee + Child(ren)	12	\$1,366.60	\$1,520.22	\$1,481.06
Family	45	\$2,521.02	\$2,803.32	\$2,716.64
One-time Admin Credit		\$0	\$50,000	\$50,000
Gross Annual Premium		\$2,478,914	\$2,707,426	\$2,606,284
Gross \$ Difference		N/A	\$228,511	\$127,370
Gross % Difference		N/A	9.2%	5.1%

- Average Market Trend Health Plan Increase is +10-12%

Health Plan Contribution Strategy – Same ER/EE Cost-Share %

Medical/Rx		Current UHC	Renewal UHC	Recommended Option Cigna
		Employee Per Pay Period Cost	Employee Per Pay Period Cost	Employee Per Pay Period Cost
Employee	53	\$18.92	\$21.07	\$20.46
Employee + Spouse	20	\$99.51	\$110.59	\$101.46
Employee + Child(ren)	12	\$64.66	\$71.88	\$70.17
Family	45	\$151.24	\$168.11	\$162.83
EE Annual Cost		\$253,787	\$282,146	\$270,793
EE \$ Difference PEPPP		N/A	\$9.09	\$5.45
		City Monthly Cost	City Monthly Cost	City Monthly Cost
Employee	53	\$718.89	\$800.60	\$777.36
Employee + Spouse	20	\$1,632.21	\$1,815.22	\$1,695.43
Employee + Child(ren)	12	\$1,237.28	\$1,376.46	\$1,340.73
Family	45	\$2,218.54	\$2,467.10	\$2,390.97
One-time Admin Credit		\$0	\$50,000	\$50,000
City Annual Cost		\$2,225,127	\$2,425,279	\$2,335,492
City \$ Difference		N/A	\$200,152	\$110,365
		Gross Monthly Rates	Gross Monthly Rates	Gross Monthly Rates
Employee	53	\$756.73	\$842.74	\$818.27
Employee + Spouse	20	\$1,831.22	\$2,036.41	\$1,898.36
Employee + Child(ren)	12	\$1,366.60	\$1,520.22	\$1,481.06
Family	45	\$2,521.02	\$2,803.32	\$2,716.64
One-time Admin Credit		\$0	\$50,000	\$50,000
Gross Annual Premium		\$2,478,914	\$2,707,426	\$2,606,284
Gross \$ Difference		N/A	\$228,511	\$127,370
Gross % Difference		N/A	9.2%	5.1%

- City contributes 95% of Gross Premium for Employee coverage and 89% on average for Dependent coverage (Health and Dental Plans)

Dental Plan Market Results – Same ER/EE Cost-Share %

Dental In-Network	Current UHC		Renewal UHC		Recommended Option Cigna	
	Dental Basic Plan (69 Enrolled)	Dental High Plan (65 Enrolled)	Dental Basic Plan (69 Enrolled)	Dental High Plan (65 Enrolled)	Dental Basic Plan (69 Enrolled)	Dental High Plan (65 Enrolled)
Deductible (EE / F)	\$50 / \$150	\$50 / \$150	\$50 / \$150	\$50 / \$150	\$50 / \$150	\$50 / \$150
Annual Max	\$1,500	\$2,500	\$1,500	\$2,500	\$1,500	\$2,500
Preventive / Basic	100% / 80%	100% / 80%	100% / 80%	100% / 80%	100% / 80%	100% / 80%
Major / Ortho Services	50%	50%	50%	50%	50%	50%
Ortho Lifetime Max	\$1,500 - CH	\$1,500 - Adult / CH	\$1,500 - CH	\$1,500 - Adult / CH	\$1,500 - CH	\$1,500 - Adult / CH
	Employee Per Pay Period Cost		Employee Per Pay Period Cost		Employee Per Pay Period Cost	
Employee	\$1.00	\$4.90	\$1.08	\$5.29	\$0.98	\$4.76
Employee + Spouse	\$4.11	\$12.04	\$4.44	\$13.00	\$4.00	\$11.70
Employee + Child(ren)	\$5.57	\$15.39	\$6.01	\$16.61	\$5.41	\$14.94
Family	\$8.68	\$22.53	\$9.37	\$24.32	\$8.43	\$21.87
EE Annual Cost	\$28,403		\$30,666		\$27,583	
EE \$ Difference PEPPP	N/A		\$1.41		-\$0.26	
	City Monthly Cost		City Monthly Cost		City Monthly Cost	
Employee	\$38.17	\$38.17	\$41.22	\$41.22	\$37.09	\$37.09
Employee + Spouse	\$73.40	\$73.40	\$79.26	\$79.26	\$71.31	\$71.31
Employee + Child(ren)	\$89.91	\$89.91	\$97.09	\$97.09	\$87.36	\$87.36
Family	\$125.11	\$125.11	\$135.10	\$135.10	\$121.56	\$121.56
City Annual Cost	\$127,809		\$138,018		\$124,182	
City \$ Difference	N/A		\$10,210		-\$3,627	
	Gross Monthly Rates		Gross Monthly Rates		Gross Monthly Rates	
Employee Only	\$40.18	\$47.98	\$43.39	\$51.81	\$39.04	\$46.61
Employee + Spouse	\$81.62	\$97.48	\$88.14	\$105.26	\$79.30	\$94.70
Employee + Child(ren)	\$101.05	\$120.69	\$109.12	\$130.32	\$98.18	\$117.24
Family	\$142.46	\$170.17	\$153.84	\$183.75	\$138.42	\$165.31
Gross Annual Premium	\$156,212		\$168,684		\$151,765	
Gross \$ Difference	N/A		\$12,472		-\$4,447	
Gross % Difference	N/A		8.0%		-2.8%	

Vision Plan Market Results

Voluntary Vision In-Network		Current UHC	Renewal UHC	Recommended Option Cigna
Eye Exam Frequency		Once per 12 Months	Once per 12 Months	Once per 12 Months
Eye Exam		\$10 Copay	\$10 Copay	\$10 Copay
Lens Frequency		Once per 12 Months	Once per 12 Months	Once per 12 Months
Single Lenses		\$20 Copay	\$20 Copay	\$20 Copay
Bifocal Lenses		\$20 Copay	\$20 Copay	\$20 Copay
Trifocal Lenses		\$20 Copay	\$20 Copay	\$20 Copay
Contact Lens Frequency		Once per 12 Months	Once per 12 Months	Once per 12 Months
Non-Elective Contacts		Covered in Full	Covered in Full	Covered in Full
Elective Contacts		\$130 Allowance	\$130 Allowance	\$130 Allowance
Frame Frequency		Once per 24 Months	Once per 24 Months	Once per 24 Months
Frame Allowance		\$130 Allowance	\$130 Allowance	\$130 Allowance
		Employee Per Pay Period Cost	Employee Per Pay Period Cost	Employee Per Pay Period Cost
Employee Only	47	\$3.12	\$3.12	\$3.00
Employee + Spouse	22	\$6.22	\$6.22	\$5.99
Employee + Child(ren)	10	\$6.29	\$6.29	\$6.06
Family	32	\$10.03	\$10.03	\$9.67
EE Annual Cost		\$16,009	\$16,009	\$15,424
EE \$ Difference PEPPP		N/A	\$0.00	-\$0.22

Life and Disability Renewals

Group Basic Life/AD&D	Current The Standard	Renewal The Standard
Benefit	1 x Annual Salary; Min \$50k – Max \$150k	1 x Annual Salary; Min \$50k – Max \$150k
Reduction Schedule	50% at age 70	50% at age 70
Actively at Work	12 months	12 months
Benefit Volume	\$9,683,000	\$9,683,000
Life & AD&D Rate per \$1,000	\$0.198	\$0.198 – 2-year RG
City Basic Life/AD&D Annual Cost	\$23,007	\$23,007
City \$ Difference	N/A	\$0
Group Short-Term Disability (STD)	Current The Standard	Renewal The Standard
Benefit	70%, to a Max of \$1,500 per Week	70%, to a Max of \$1,500 per Week
Elimination Period	15 days	15 days
Duration	166 Days	166 Days
Pre-existing Conditions	None	None
Benefit Volume	\$125,829	\$125,829
Rate per \$10	\$0.356	\$0.356 – 2-year RG
City STD Annual Cost	\$53,754	\$53,754
City \$ Difference	N/A	\$0
Group Long-Term Disability (LTD)	Current The Standard	Renewal The Standard
Benefit	60%, to a Max of \$6,000 per Month	60%, to a Max of \$6,000 per Month
Elimination Period	180 Days	180 Days
Duration	To Age 65	To Age 65
Pre-existing Conditions	3/12	3/12
EAP # visits	Up to 3 face-to-face Visits	Up to 3 face-to-face Visits
Benefit Volume	\$703,051	\$703,051
Rate per \$100	\$0.370	\$0.370 – 2-year RG
City LTD Annual Cost	\$31,215	\$31,215
City \$ Difference	N/A	\$0
City Annual Cost	\$107,976	\$107,976

Benefits Renewal Summary

	Current	Renewal	Recommended Option
Medical	UHC	UHC	Cigna
Gross Annual Premium	\$2,478,914	\$2,707,426	\$2,606,284
EE Annual Costs	\$253,787	\$282,146	\$270,793
City Medical Annual Cost	\$2,225,127	\$2,425,279	\$2,335,492
Dental	UHC	UHC	Cigna
Gross Annual Premium	\$156,212	\$168,684	\$151,765
EE Annual Costs	\$28,403	\$30,666	\$27,583
City Dental Annual Cost	\$127,809	\$138,018	\$124,182
Flexible Spending Account (FSA)	UHC	UHC	AdminAmerica
City FSA Annual Cost	\$2,340	\$2,340	\$3,240
Group Basic Life/AD&D	The Standard	The Standard	
City Basic Life/AD&D Annual Cost	\$23,007	\$23,007	
Group Short-Term Disability (STD)	The Standard	The Standard	
City STD Annual Cost	\$53,754	\$53,754	
Group Long-Term Disability (LTD)	The Standard	The Standard	
City LTD Annual Cost	\$31,215	\$31,215	
Grand Total City Annual Cost	\$2,463,252	\$2,673,614	\$2,570,890
City \$ Difference	N/A	\$210,362	\$107,638
City % Difference	N/A	8.5%	4.4%





City of Duluth, Georgia



Presentation of Audit Results June 30, 2023

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City of Duluth, Georgia

Agenda

- Engagement Team
- Overview of:
 - Audit Opinion
 - Financial Statements and Footnotes
 - Compliance Report
 - Audit Scopes and Procedures
- Required Communications
- Financial Trends
- Accounting Recommendations, and Related Matters
- Answer Questions

*Auditor's Discussion & Analysis (AD&A)
June 30, 2023*

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City of Duluth, Georgia

INSIDE
TOP 100
FIRMS

accounting firm
Top 100
Firms

CONSISTENTLY RANKED AS A TOP
ACCOUNTING FIRM IN THE U.S.

100+ year
HISTORY
OF QUALITY SERVICE

Serve 650+
GOVERNMENT CLIENTS

GOVERNMENTAL
PARTNERS 16



140+ TEAM MEMBERS DEDICATED
TO SERVING THE
GOVERNMENTAL INDUSTRY



VISION
To be a Professional accounting and auditing firm throughout
multiple jurisdictions to generate quality, timeliness, and integrity.



225+
SINGLE AUDITS PERFORMED LAST
YEAR COVERING OVER \$4 BILLION
OF FEDERAL GRANTS



135,000+
HOURS ANNUALLY
PROVIDED TO
GOVERNMENTAL CLIENTS

150+ CURRENT CLIENTS AWARDED
THE GFOA CERTIFICATE OF
EXCELLENCE

6 STATES | 13 OFFICES



Engagement Team Leaders

- Josh Carroll, Engagement Partner / Doug Moses, Quality Control Partner

Auditor's Discussion & Analysis (AD&A)
June 30, 2023

Doug Moses

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City of Duluth, Georgia

Audit Opinion

• Our Responsibility Under Auditing Standards Generally Accepted in the United States of America (GAAS)

We considered the internal control structure for the purpose of expressing our opinion on the City of Duluth, Georgia's (the "City") basic financial statements and not for the purpose of providing an opinion on the effectiveness of internal controls.

Our audit was performed in accordance with GAAS and *Government Auditing Standards*.

Our objective is to provide reasonable—not absolute—assurance that the basic financial statements are free of material misstatement.

The basic financial statements are the responsibility of the City's management.

• Report on Basic Financial Statements

Unmodified ("clean") opinion on basic financial statements.

Presented fairly in accordance with accounting principles generally accepted in the United States of America.

Our responsibility does not extend beyond financial information contained in our report.

Auditor's Discussion & Analysis (AD&A)
June 30, 2023

Foster

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Compliance Report and Audit Scopes & Procedures

- **Compliance Report**

The financial report package contains a report on our tests of the City's internal controls and compliance with laws, regulations, etc. The report is not intended to provide an opinion on internal controls and compliance with applicable rules and regulations.

This report and the procedures performed are required by *Government Auditing Standards*.

Report on internal control and compliance as required by the *Uniform Guidance*. Major program AL # 21.027 Coronavirus State and Local Fiscal Recovery Funds.

- **Audit Scopes and Procedures (Governmental Audit Programs Utilized in All Areas)**

Confirmed receivables (TIA), cash, debt and other elements.

Vouched substantiated additions of capital assets, balances of construction in progress, and vouched significant retainage payable.

Performed a search for unrecorded liabilities via review of unpaid vouchers and subsequent disbursements.

Auditor's Discussion & Analysis (AD&A)
June 30, 2023



Required Communications

- **Significant Accounting Policies**

Management is responsible for the selection and use of appropriate accounting policies.

The significant accounting policies used by the City are described in Note 1 to the respective basic financial statements.

During the current year, the City implemented Governmental Accounting Standards Board (GASB) Statement No. 96, *Subscription-Based Information Technology Arrangements*.

The policies used by the City are in accordance with generally accepted accounting principles.

In considering the qualitative aspects of its policies, the City is not involved in any controversial or emerging issues for which guidance is not available.

- **Management Judgment/Accounting Estimates**

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events.

The City uses various estimates as part of its financial reporting process – including actuarial assumptions.

Auditor's Discussion & Analysis (AD&A)
June 30, 2023



Required Communications (Continued)

- **Relationship with Management**

We received full cooperation from the City's management and staff.
There were no disagreements with management on accounting issues or financial reporting matters.

- **Management Representation**

We requested, and received, written representations from management relating to the accuracy of information included in the financial statements and the completeness and accuracy of various information requested by us.

- **Consultation with Other Accountants**

To the best of our knowledge, management has not consulted with, or obtained opinions from, other independent accountants during the year, nor did we face any issues requiring outside consultation.

- **Significant Issues Discussed with Management**

- There were no significant issues discussed with management related to business conditions, plans, or strategies that may have affected the risk of material misstatement of the financial statements.

Auditor's Discussion & Analysis (AD&A)
June 30, 2023



Required Communications (Continued)

- **Audit Adjustments**

There were no unrecorded or passed audit adjustments.

- **Financial Statement Disclosures**

The footnote disclosures to the financial statements are also an integral part of the financial statements and the process used by management to accumulate the information included in the disclosures was the same process used in accumulating the statements. The overall neutrality, consistency, and clarity of the disclosures was considered as part of our audit.

- **Information in Documents Containing Audited Financial Statements**

Our responsibility for other information in documents containing the City's basic financial statements and our report thereon does not extend beyond the information identified in our report. If you intend to publish or otherwise reproduce the financial statements and make reference to our firm, we must be provided with printers' proof for our review and approval before printing. You must also provide us with a copy of the final reproduced material for our approval before it is distributed.

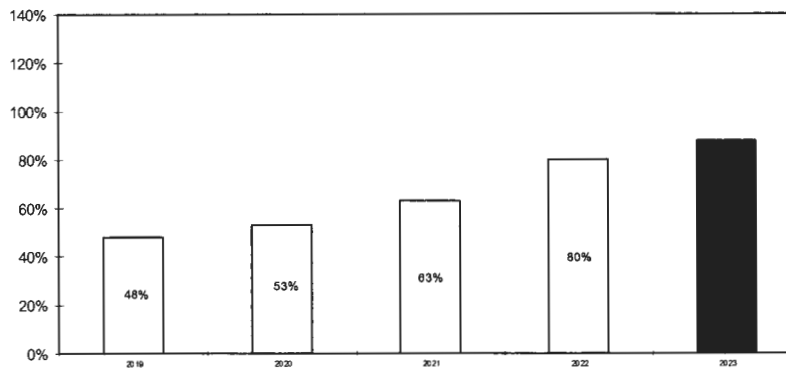
- **Auditor Independence**

In accordance with AICPA professional standards, M&J is independent with regard to the City and its financial reporting process.

Auditor's Discussion & Analysis (AD&A)
June 30, 2023



General Fund- Fund Balance Ratio to Expenditures and Transfers



Source: The City's Annual Financial Reports

Auditor's Discussion & Analysis (AD&A)
June 30, 2023



Comments & Recommendations

– Management Recommendations for Improvement

1. Segregation of Duties - During the course of our testwork, we noted a couple of areas in which the segregation of duties could be improved. Segregation of employee's duties is a common practice in an effective internal control structure. The City has made improvements in this area with the implementation of the new accounting system, however there are still a couple of areas in the cash receipting area where segregation of duties could be improved.

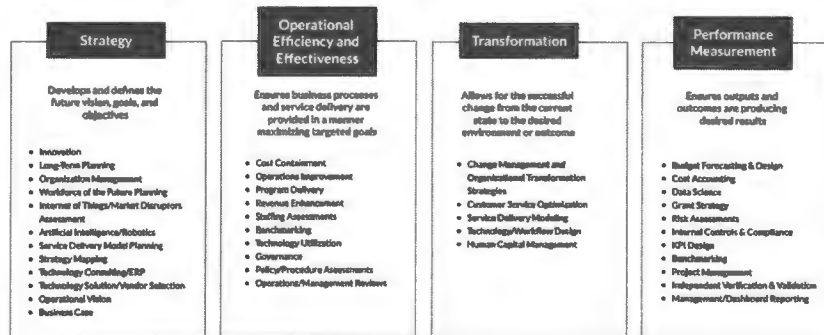
- Individuals who collect receivables can post receipts to the sub-ledger.
- For property taxes, individuals who process bills are not independent of the assessment and collection functions. They also have the ability to record abetments/adjustments. As a mitigating controls entries are reviewed and approved by other staff.
- Without some segregation of duties within these functions, there is increased exposure that someone could intentionally or unintentionally misappropriate assets of the City.

2. Pension Census Data - During our testing of the City's pension census data, we noted that one employee's sex per the census data did not match the employee personnel record maintained by the City. We informed Human Resources who then indicated that they would make the correction on the census data and inform the actuary. While the sex difference for one employee would have no material impact in the valuation of the City's net pension liability, we recommend that the City perform annual reviews to ensure the accuracy of the census data provided to the actuary.

Auditor's Discussion & Analysis (AD&A)
June 30, 2023



Governmental Advisory Services

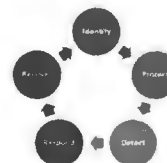


Auditor's Discussion & Analysis (AD&A)
June 30, 2023



IT and Cybersecurity Solutions

- Cybersecurity Framework Engagements**
Performed as either a SOC for Cybersecurity under AICPA attestation standards, or as a consulting engagement under AICPA consulting standards
- System Vulnerability Assessment Engagements**
Process of defining, identifying, classifying and prioritizing vulnerabilities in computer systems, applications and networks infrastructures, and providing an assessment with necessary knowledge, awareness and risks to understand the threats to determine appropriate reactions
- Penetration Testing Engagements**
Practice of testing a computer systems to find security vulnerabilities that a hacker / attacker could exploit using automation or manual applications



Auditor's Discussion & Analysis (AD&A)
June 30, 2023



New Accounting Pronouncements

- **New GASB Pronouncements for Future Years**

Statement No. 100, Accounting Changes and Error Corrections was issued in June 2022 and is effective for accounting changes and error corrections made in fiscal years beginning after June 15, 2023, and all reporting periods thereafter.

Statement No. 101, Compensated Absences was issued in June 2022 and is effective for fiscal years beginning after December 15, 2023, and all reporting periods thereafter. This statement requires that liabilities for compensated absences be recognized for (1) leave that has not been used and (2) leave that has been used but not yet paid in cash or settled through noncash means.

Auditor's Discussion & Analysis (AD&A)
June 30, 2023



New Accounting Pronouncements (Continued)

- **New GASB Pronouncements for Future Years (Continued)**

Other Pending or Current GASB Projects (Continued):

Re-Examination of the Financial Reporting Model - GASB has added this project to its technical agenda to make improvements to the existing financial reporting model (established via GASB issued Statement No. 34). Improvements are meant to enhance the effectiveness of the model in providing information for decision-making and assessing a government's accountability. GASB anticipates issuance of a final standard in late 2023 or early 2024.

Revenue and Expense Recognition is another long-term project where the GASB is working to develop a comprehensive application model for recognition of revenues and expenses from non-exchange, exchange, and exchange-like transactions. The final standard is expected in mid 2027.

Going Concern Uncertainties and Severe Financial Stress is a major project where the goal is to address issues related to disclosures regarding going concern uncertainties and severe financial stress. The project will consider (1) improvements to existing guidance for going concern considerations to address diversity in practice and clarify the circumstances under which disclosure is appropriate, (2) developing a definition of severe financial stress and criteria for identifying when governments should disclose their exposure to severe financial stress, and (3) what information about a government's exposure to severe financial stress is necessary to disclose. technical topic being examined by the GASB due to a wide diversity in practice regarding required presentation on the face of the financial statements, disclosures, etc. An exposure draft on this topic is expected by mid-2025.

Auditor's Discussion & Analysis (AD&A)
June 30, 2023



City of Duluth, Georgia

Govt. Clients – Free Quarterly Continuing Education

• Since March of 2009 – For Over 13 Years !!

Mauldin & Jenkins provides free quarterly continuing education for all of our governmental clients. Topics are tailored to be of interest to governmental entities. In an effort to accommodate our entire governmental client base, we offer the sessions several times per quarter at a variety of client provided locations resulting in greater networking and knowledge sharing among our governmental clients. We normally see approximately 180 people per quarter. Examples of subjects addressed in the past few quarters include:

- Accounting for Debt Issuances
- Achieving Excellence in Financial Reporting
- Best Budgeting Practices, Policies and Processes
- Budget Preparation
- ACFR Preparation (two (2) day hands-on course)
- Capital Asset Accounting Processes and Controls
- Collateralization of Deposits and Investments
- Component Units
- Cybersecurity Risk Management
- Evaluating Financial and Non-Financial Health of a Govt.
- Financial Report Card – Where Does Your Govt. Stand?
- Financial Reporting Model Improvements
- GASB Nos. 74 & 75, OPEB Standards
- GASB No. 77, Tax Abatement Disclosures
- GASB No. 84, Fiduciary Activities
- GASB Projects & Updates (ongoing & several sessions)
- Human Capital Management
- Grant Accounting Processes and Controls
- Internal Controls Over Accounts Payable, Payroll and Cash Disbursements
- Internal Controls Over Receivables & the Revenue Cycle
- IRS Issues, Primarily Payroll Matters
- Legal Considerations for Debt Issuances & Disclosures
- Policies and Procedures Manuals
- Segregation of Duties
- Single Audits for Auditees
- Special Purpose Local Option Sales Tax (SPLOST)
- Accounting, Reporting & Compliance
- Uniform Grant Reporting Requirements and the New Single Audit

» We appreciate the City's participation in these quarterly sessions.

Auditor's Discussion & Analysis (AD&A)
June 30, 2023

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Questions & Comments



Thank You for the Opportunity to Serve

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RETURN TO:
Pereira, Kirby, Kinsinger & Nguyen, LLP
P.O. Drawer 1250
Lawrenceville, Georgia 30046

STATE OF GEORGIA
COUNTY OF GWINNETT

QUIT CLAIM DEED

THIS INDENTURE, made the ____ day of April, in the year two thousand twenty-four,
between

**CITY OF DULUTH GEORGIA,
a Georgia Municipal Corporation**

of the State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

**GWINNETT COUNTY, GEORGIA,
A political subdivision of the State of Georgia**

as party or parties of the second part, hereinafter called Grantee (the words "Grantors" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00) AND OTHER VALUABLE CONSIDERATIONS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee.

Easements and property interests obtained for the construction and operation of the Duluth Hill Area Sanitary Sewer System more particularly described on Exhibit "A," Exhibit "B," and Exhibit "C" which are attached hereto and incorporated herein by reference.

Said conveyance is for the purpose of confirming that title to the said property is vested in Gwinnett County, Georgia.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed, the day and year above written.

Signed, sealed and delivered
in the presence of:

CITY OF DULUTH, GEORGIA

_____ (Seal)

Unofficial Witness

Notary Public

Attest:

[Notary Seal]

[City Seal]

EXHIBIT A

Temporary Construction Easements, Permanent Sanitary Sewer Easements, Rights of Way and other property interests recorded at the following Deed Books and pages:

1. Deed Book 61121, Page 00378 (3458 Church Street)
2. Deed Book 60794, Page 00599 (3458 Church Street)
3. Deed Book 60570, Page 00302 (3410 Church Street)
4. Deed Book 60771, Page 00841 (3384 Church Street)
5. Deed Book 60771, Page 00845 (3340 Church Street)
6. Deed Book 60771, Page 00849 (3330 Church Street)
7. Deed Book 60464, Page 00849 (2906 Buford Hwy.)
8. Deed Book 60464, Page 00853 (No address; corner of Church Street and SR 13)
9. Deed Book 60570, Page 00294 (3346 Washington Street)
10. Deed Book 60771, Page 00853 (3375 Church Street)
11. Deed Book 61031, Page 00468 (Brogdon)
12. Deed Book 60771, Page 00857 (2592 Donaville Street)
13. Deed Book 60464, Page 00857 (2590 Donaville Street – Steve Burse)
14. Deed Book 60464, Page 00861 (2590 Donaville Street-Dorthy Burse)
15. Deed Book 60771, Page 00861 (3375 Church Street – Friendship Baptist)
16. Deed Book 60464, Page 00865 (2917 Norman Circle)
17. Deed Book 60570, Page 00306 (3208 Duluth Highway)
18. Deed Book 60727, Page 00170 (No address Church Street; Norman Downes HOA)
19. Deed Book 60464, Page 00870 (3214 Northeast Norman Cir.)

EXHIBIT B (3660 Church St.)

EASEMENT PID 7202 114

All that tract or parcel of land lying and being in the 202nd Land Lot and the 7th District of Gwinnett County Georgia.

Commencing at mitered right-of-way at the intersection of the southerly right-of-way of Buford Hwy and the eastern right-of-way of Church St, THENCE southerly along the easterly right-of-way of Church st for approximately 1,441 feet to a point; said point being the Point of Beginning. From said Point of Beginning,

THENCE North 41°53'43" East, 10.11 feet to a point;

THENCE South 38°07'08" East, 100.20 feet to a point;

THENCE South 30°50'45" East, 106.30 feet to a point;

THENCE South 34°38'59" East, 66.65 feet to a point;

THENCE South 50°15'48" West, 10.04 feet to a point;

THENCE North 34°38'59" West, 67.87 feet to a point;

THENCE North 30°50'45" West, 106.00 feet to a point;

THENCE North 38°05'43" West, 97.81 feet to a point; said point being the Point of Beginning.

Said tract having 0.06 acres or 2,724 S.F.

EXHIBIT C (3346 Washington Street)

TEMPORARY EASEMENT 1 - PID 7202 310

All that tract or parcel of land lying and being in the 202nd Land Lot and the 7th District of Gwinnett County Georgia.

Commencing at a point (GA West state plane coordinate system of N:1,455,279.1, E:2,305,951.2) on the northeasterly right-of-way of Washington Street, said point being the Point of Beginning. From said Point of Beginning,

THENCE North 57°46'38" East, 10.57 feet to a point;

THENCE South 13°22'26" East, 7.95 feet to a point;

THENCE along a curve to the left with a radius of 351.97 feet along a chord of South 15°41'13" East, for a distance of 13.93 feet to a point;

THENCE North 53°45'21" East, 242.05 feet to a point;

THENCE North 60°44'32" East, 42.85 feet to a point on the right-of-way of Church Street;

THENCE along said right-of-way South 31°27'38" East, for a distance of 4.61 feet to a point;

THENCE along a curve to the left with a radius of 546.60 feet along a chord of South 31°35'05" East, for a distance of 0.20 feet to a point;

THENCE leaving said right-of-way South 53°45'21" West, 298.61 feet to a point on the right-of-way of Washington Street;

THENCE along said right-of-way on a curve to the right with a radius of 361.97 feet along a chord of North 15°39'08" West, for a distance of 28.78 feet to a point;

THENCE North 13°22'26" West, 4.52 feet to a point; said point being the Point of Beginning.

Said tract having 0.071 acres or 3,085 S.F.

EXHIBIT D (Grady Rogers)

PERMANENT EASEMENT - PID 7161 002

All that tract or parcel of land lying and being in the 161st Land Lot and the 7th District of Gwinnett County Georgia.

Commencing at an 5/8" iron pin found on the southerly right-of-way of Washington St., THENCE along the southerly right-of-way of Washington St. North 39°17'15" East, 27.49 feet to a point; THENCE along a curve to the left with a radius of 75.0 feet along a chord of North 26°37'10" East, for a distance of 33.15 feet to a point; said point being the Point of Beginning. From said Point of Beginning,

THENCE along a curve to the left with a radius of 75.0 feet along a chord of North 08°31'21" East, for a distance of 14.19 feet to a point;

THENCE leaving said right of way, North 51°42'53" East, 33.52 feet to a point;

THENCE South 40°44'28" East, 78.80 feet to a point;

THENCE along a curve to the right with a radius of 529.50 feet along a chord of South 35°29'53" East, for a distance of 96.77 feet to a point;

THENCE South 30°15'19" East, 28.41 feet to a point;

THENCE South 51°41'32" West, 50.50 feet to a point;

THENCE North 30°15'19" West, 35.48 feet to a point;

THENCE along a curve to the left with a radius of 479.50 feet along a chord of North 35°29'53" West, for a distance of 87.63 feet to a point;

THENCE North 40°44'28" West, 51.75 feet to a point;

THENCE North 24°02'09" West, 20.09 feet to a point; Said tract having 0.23 acres or 10,040 S.F.

TEMPORARY EASEMENT - PID 7161 002

All that tract or parcel of land lying and being in the 161st Land Lot and the 7th District of Gwinnett County Georgia.

Commencing at an 5/8" iron pin found on the southerly right-of-way of Washington St., THENCE along the southerly right-of-way of Washington St. North 39°17'15" East, 27.49 feet to a point; THENCE along a curve to the left with a radius of 75.0 feet along a chord of North 26°37'10" East, for a distance of 33.15 feet to a point; THENCE along a curve to the left with a radius of 75.0 feet along a chord of North 08°31'21" East, for a distance of 14.19 feet to a point; THENCE leaving said right of way, North 51°42'53" East, 33.52 feet to a point; said point being the Point of Beginning. From said Point of Beginning,

THENCE North 51°42'53" East, 10.0 feet to a point;

THENCE South 40°44'28" East, 78.37 feet to a point;

THENCE along a curve to the right with a radius of 539.50 feet along a chord of South 35°29'53" East, for a distance of 98.60 feet to a point;

THENCE South 30°15'19" East, 26.99 feet to a point;

THENCE South 51°41'32" West, 10.09 feet to a point;

THENCE North 30°15'19" West, 28.41 feet to a point;

THENCE along a curve to the left with a radius of 529.50 feet along a chord of North 35°29'53" West, for a distance of 96.77 feet to a point;

THENCE North 40°44'28" West, 78.80 feet to a point; Said tract having 0.047 acres or 2,041 S.F.

EXHIBIT E (George Rogers -TCE AND PE)

PERMANENT EASEMENT 1 - PID 7161 004

All that tract or parcel of land lying and being in the 161st Land Lot and the 7th District of Gwinnett County Georgia.

Commencing at an 5/8" iron pin found on the southerly right-of-way of Washington St., THENCE along the southerly right-of-way of Washington St. North 39°17'15" East, for a distance of 27.49 feet to a point; THENCE along a curve to the left with a radius of 74.96 feet along a chord of North 29°14'46" East, for a distance of 26.14 feet to a point; said point being the Point of Beginning. From said Point of Beginning,

THENCE along a curve to the left with a radius of 72.55 feet along a chord of North 16°32'14" East, for a distance of 6.88 feet to a point;

THENCE South 24°02'09" East, 27.49 feet to a point;

THENCE North 40°44'13" West, 15.58 feet to a point; said point being the Point of Beginning.

Said tract having 0.001 acres or 45 S.F.

PERMANENT EASEMENT 2 - PID 7161 004

All that tract or parcel of land lying and being in the 161st Land Lot and the 7th District of Gwinnett County Georgia.

Commencing at an 5/8" iron pin found on the southerly right-of-way of Washington St., THENCE along the southerly right-of-way of Washington St. North 39°17'15" East, 27.48 feet to a point; THENCE along a curve to the left with a radius of 75.0 feet along a chord of North 29°15'39" East, for a distance of 26.15 feet to a point; THENCE along a curve to the left with a radius of 75.0 feet along a chord of North 16°32'14" East, for a distance of 6.88 feet to a point; THENCE leaving said right of way, South 24°02'09" East, for a distance of 20.15 feet to a point; Thence South 24°02'09" East, for a distance of 179.86 feet to a point; Thence South 30°04'08" East, for a distance of 114.36 feet to a point; Thence South 59°44'41" West, for a distance of 32.71 feet to a point; Thence South 30°15'19" East, for a distance of 18.77 feet to a point; Thence South 30°15'19" East, for a distance of 10.96 feet to a point; said point being the Point of Beginning. From said Point of Beginning,

THENCE South 30°15'19" East, 32.89 feet to a point;

THENCE South 35°33'12" West, 99.04 feet to a point;

THENCE South 69°48'12" West, 216.99 feet to a point;

THENCE North 89°04'40" West, 217.83 feet to a point;

THENCE North 43°09'37" East, 196.54 feet to a point;

THENCE South 43°09'37" East, 181.31 feet to a point;

THENCE South 89°04'40" East, 199.53 feet to a point;

THENCE North 69°48'12" East, 202.16 feet to a point;

THENCE North 35°33'12" West, 103.28 feet to a point; said point being the Point of Beginning.

Said tract having 0.488 acres or 21,250 S.F.

TEMPORARY EASEMENT 1 - PID 7161 004

All that tract or parcel of land lying and being in the 161st Land Lot and the 7th District of Gwinnett County Georgia.

Commencing at an 5/8" iron pin found on the southerly right-of-way of Washington St., THENCE along the southerly right-of-way of Washington St. North 39°17'15" East, 27.48 feet to a point; THENCE along a curve to the left with a radius of 75.0 feet along a chord of North 29°15'39" East, for a distance of 26.15 feet to a point; THENCE along a curve to the left with a radius of 75.0 feet along a chord of North 16°32'14" East, for a distance of 6.88 feet to a point; THENCE leaving said right of way, South 24°02'09" East, for a distance of 20.15 feet to a point; Thence South 24°02'09" East, for a distance of 179.86 feet to a point; Thence South 30°04'08" East, for a distance of 114.36 feet to a point; Thence South 59°44'41" West, for a distance of 32.71 feet to a point; Thence South 30°15'19" East, for a distance of 18.77 feet to a point;

THENCE South 30°15'19" East, 10.96 feet to a point;

THENCE South 35°33'12" West, 103.28 feet to a point;

THENCE South 69°48'12" West, 202.16 feet to a point;

THENCE North 89°04'40" West, 199.53 feet to a point;

THENCE North 43°09'37" West, 181.31 feet to a point;

THENCE North 51°38'10" East, 10.04 feet to a point;

THENCE South 43°09'37" East, 176.24 feet to a point;

THENCE South 89°04'40" East, 193.43 feet to a point;

THENCE South 89°04'40" East, 197.21 feet to a point;

THENCE North 35°15'19" West, 92.64 feet to a point; said point being the Point of Beginning.

Said tract having 0.156 acres or 6,789 S.F.

TEMPORARY EASEMENT 2 - PID 7161 004

All that tract or parcel of land lying and being in the 161st Land Lot and the 7th District of Gwinnett County Georgia.

Commencing at an 5/8" iron pin found on the southerly right-of-way of Washington St., THENCE along the southerly right-of-way of Washington St. North 39°17'15" East, 27.48 feet to a point; THENCE along a curve to the left with a radius of 75.0 feet along a chord of North 29°15'39" East, for a distance of 26.15 feet to a point; THENCE along a curve to the left with a radius of 75.0 feet along a chord of North

16°32'14" East, for a distance of 6.88 feet to a point; THENCE leaving said right of way, South 24°02'09" East, for a distance of 20.15 feet to a point; Thence South 24°02'09" East, for a distance of 179.86 feet to a point; Thence South 30°04'08" East, for a distance of 114.36 feet to a point; Thence South 59°44'41" West, for a distance of 32.71 feet to a point; Thence South 30°15'19" East, for a distance of 18.77 feet to a point; Thence South 30°15'19" East, for a distance of 10.96 feet to a point; Thence South 30°15'19" East, for a distance of 32.89 feet to a point; said point being the Point of Beginning. From said Point of Beginning,

THENCE South 30°15'19" East, 10.96 feet to a point;

THENCE South 35°33'12" West, 97.63 feet to a point;

THENCE South 69°48'12" West, 221.94 feet to a point;

THENCE North 89°04'40" West, 223.93 feet to a point;

THENCE North 43°09'37" West, 201.62 feet to a point;

THENCE North 51°38'10" East, 10.04 feet to a point;

THENCE South 43°09'37" East, 196.54 feet to a point;

THENCE South 89°04'40" East, 217.83 feet to a point;

THENCE North 69°48'12" East, 216.99 feet to a point;

THENCE North 35°33'12" East, 99.04 feet to a point; said point being the Point of Beginning.

Said tract having 0.169 acres or 7,378 S.F.

EXHIBIT F (George Rogers -Fee)

Fee Simple Boundary Tract 2 - PID 7161 004

All that tract or parcel of land lying and being in the 161st Land Lot and the 7th District of Gwinnett County Georgia.

Commencing at a 5/8" iron pin found on the southerly right-of-way of Washington St., having a 40' right-of-way, THENCE along the southerly right-of-way of Washington St North 39°17'15" East, 27.48 feet to a point;

THENCE along a curve to the left with a radius of 75 feet subtended by a chord of North 26°37'04" East, for a distance of 32.91 feet to 1/2" iron pin set, leaving said right-of-way;

THENCE South 24°01'59" East, 200.02 feet to 1/2" iron pin found, said pin being the point of beginning;

THENCE North 51°41'32" East, 185.20 feet to 1/2" iron pin found;

THENCE North 51°14'42" East, 26.52 feet to a point, said point being in the center line of creek;

THENCE following said creek the following courses and distances South 17°35'11" East, 41.65 feet to a point;

THENCE South 40°00'07" East, 50.57 feet to a point;

THENCE South 23°12'05" East, 50.21 feet to a point;

THENCE South 45°56'05" East, 33.19 feet to a point;

THENCE South 59°19'24" East, 28.87 feet to a point;

THENCE South 28°00'00" East, 16.97 feet to a point;

THENCE South 07°14'28" East, 31.09 feet to a point;

THENCE South 41°44'14" East, 18.00 feet to a point;

THENCE South 23°08'19" East, 17.48 feet to a point;

THENCE South 38°28'09" East, 30.87 feet to a point;

THENCE South 25°16'32" East, 23.00 feet to a point;

THENCE South 51°32'45" East, 6.78 feet to a point;

THENCE South 43°05'01" East, 9.13 feet to a point;

THENCE South 33°21'58" East, 26.93 feet to a point;

THENCE South 21°51'22" East, 7.59 feet to a point, said point being at the intersection of 2 creeks;

THENCE follows said creek in the south westerly direction the following courses and distances South 86°31'18" West, 11.54 feet to a point;

THENCE South 86°31'18" West, 31.95 feet to a point;

THENCE North 68°40'43" West, 14.30 feet to a point;
THENCE South 83°59'08" West, 12.72 feet to a point;
THENCE North 70°13'34" West, 19.50 feet to a point;
THENCE North 74°40'19" West, 20.42 feet to a point;
THENCE North 76°28'38" West, 18.19 feet to a point;
THENCE South 68°53'07" West, 49.41 feet to a point;
THENCE South 54°49'33" West, 27.69 feet to a point;
THENCE South 49°06'57" West, 16.21 feet to a point;
THENCE North 81°44'42" West, 11.74 feet to a point;
THENCE South 72°00'52" West, 16.37 feet to a point;
THENCE South 41°22'01" West, 19.19 feet to a point;
THENCE South 25°02'41" West, 23.62 feet to a point;
THENCE North 30°15'19" West, 25.00 feet to a 1/2" offset pin set;
THENCE North 30°15'19" West, 142.86 feet to a 1/2" pin found;
THENCE North 59°44'41" East, 32.71 feet to a 1/2" pin found;
THENCE North 30°04'08" West, 114.36 feet to a 1/2" pin found, said pin being the point of beginning.
Said tract having 1.6140 acres or 70,308 SQ. FT.

RETURN TO:
Pereira, Kirby, Kinsinger & Nguyen, LLP
P.O. Drawer 1250
Lawrenceville, Georgia 30046

STATE OF GEORGIA
COUNTY OF GWINNETT

QUIT CLAIM DEED

THIS INDENTURE, made the ____ day of April, in the year two thousand twenty-four,
between

**CITY OF DULUTH GEORGIA,
a Georgia Municipal Corporation**

of the State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

**GWINNETT COUNTY, GEORGIA,
A political subdivision of the State of Georgia**

as party or parties of the second part, hereinafter called Grantee (the words "Grantors" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00) AND OTHER VALUABLE CONSIDERATIONS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee.

Easements and property interests obtained for the construction and operation of the Duluth Pinecrest Area Sanitary Sewer System more particularly described on Exhibit "A," Exhibit "B," and Exhibit "C" which are attached hereto and incorporated herein by reference.

Said conveyance is for the purpose of confirming that title to the said property is vested in Gwinnett County, Georgia.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed, the day and year above written.

Signed, sealed and delivered
in the presence of:

CITY OF DULUTH, GEORGIA

_____ (Seal)

Unofficial Witness

Notary Public

Attest:

[Notary Seal]

[City Seal]

EXHIBIT A

Temporary Construction Easements, Permanent Sanitary Sewer Easements, Rights of Way and other property interests recorded at the following Deed Books and pages in the Gwinnett County, Georgia records:

1. Deed Book 60570, Page 00348 (2857 Main Street)
2. Deed Book 60727, Page 00166 (3573 North Street)
3. Deed Book 60771, Page 00776 (3583 North Street)
4. Deed Book 60727 , Page 00314 (3621 North Street)
5. Deed Book 60727, Page 00318 (No address)
6. Deed Book 61019, Page 00551 (3627 North Street- Condemnation)
7. Deed Book 61015, Page 00330 (3633 North Street – Condemnation)
8. Deed Book 61015, Page 00385 (3643 North Street – Condemnation)
9. Deed Book 60727, Page 00322 (3653 North Street)
10. Deed Book 60570, Page 00333 (3673 North Street)
11. Deed Book 60570, Page 00320 (Corner of South and Main)
12. Deed Book 60570, Page 00324 (3595 South Street)
13. Deed Book 60727, Page 00157 (3605 South Street)
14. Deed Book 60856, Page 00701 (3609 South Street)
15. Deed Book 60570, Page 00372 (3615 South Street)
16. Deed Book 60727, Page 00148 (3621 South Street)
17. Deed Book 60727, Page 00422 (3625 South Street)
18. Deed Book 60570, Page 00316 (3635 South Street)
19. Deed Book 60897, Page 00069 (3645 South Street)
20. Deed Book 60727, Page 00426 (3647 South Street)
21. Deed Book 60771, Page 00780 (3554 South Street)
22. Deed Book 60794, Page 00607 (2865 Pine Street)
23. Deed Book 61121, Page 00384 (2845 Pine Street)
24. Deed Book 60856, Page 00705 (2835 Pine Street)
25. Deed Book 60727, Page 00430 (2825 Pine Street)
26. Deed Book 60856, Page 00711 (2815 Pine Street)
27. Deed Book 60856 Page 00717 (2805 Pine Street)
28. Deed Book 60570, Page 00354 (2795 Pine Street)
29. Deed Book 60897, Page 00078 (2785 Pine Street)
30. Deed Book 60727, Page 00436 (2775 Pine Street)
31. Deed Book 60570, Page 00360 (2765 Pine Street)
32. Deed Book 60570, Page 00337 (2755 Pine Street)
33. Deed Book 60570, Page 00342 (3737 First Street)
34. Deed Book 60570, Page 00366 (2918 First Street)
35. Deed Book 60897, Page 00063 (3772 Oak Street)
36. Deed Book 61121, Page 00319 (3612 Oak Street)
37. Deed Book 60897, Page 00073 (3612 Oak Street)

38. Deed Book 60727, Page 00442 (3750 Oak Street)
39. Deed Book 60794, Page 00620 (3740 Oak Street)
40. Deed Book 60727, Page 00174 (3730 Oak Street)
41. Deed Book 61015, Page 00559 (End of North Street-Condemnation)
42. Deed Book 60727, Page 00448 (End of South Street)
43. Deed Book 60856, Page 00723 (3642 North Street)
44. Deed Book 60856, Page 00728 (3588 Rogers Cove)
45. Deed Book 61004, Page 00319 (3587 Rogers Cove)
46. Deed Book 60570, Page 00297 (2610 Nesbitt Crossing Way)
47. Deed Book 60727, Page 00152 (2516 Nesbitt Crossing Way)
48. Deed Book 60727, Page 00457 (2625 Nesbitt Crossing Way)
49. Deed Book 60570, Page 00328 (3583 Nesbitt Crossing Way)
50. Deed Book 60727, Page 00161 (3588 Nesbitt Crossing Way)
51. Deed Book 61004, Page 00325 (3592 North Street)
52. Deed Book 60464, Page 00874 (3590 North Street)
53. Deed Book 60794, Page 00613 (3582 North Street)
54. Deed Book 60771, Page 00770 (2700 Nesbitt Crossing Way)
55. Deed Book 60727, Page 00462 (3572 North Street)
56. Deed Book 60727, Page 00467 (3552 North Street)
57. Deed Book 60727, Page 00472(2845 Buford Highway)
58. Deed Book 60771, Page 00785 (2835 Buford Highway)
59. Deed Book 60570, Page 00312 (3612 North Street)

EXHIBIT B
End of South Street

PERMANENT SANITARY SEWER EASEMENT FOR GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES CROSSING THE PROPERTY OF NOW OR FORMERLY JESSICA ZAPATA BEING PARCEL TAX ID #7203 101

COMMENCING AT A POINT FROM THE WESTERLY R/W OF NORTH STREET (30' R/W) AT ITS INTERSECTION WITH ITS NORTHERLY R/W OF NORFOLK SOUTHERN RAILROAD (200' R/W) SAID POINT BEING THE **POINT OF COMMENCEMENT**; THENCE NORTH 34 DEGREES 17 MINUTES 34 SECONDS WEST A DISTANCE OF 127.41 FEET TO A POINT; THENCE NORTH 31 DEGREES 23 MINUTES 12 SECONDS WEST A DISTANCE OF 83.66 FEET TO A POINT; THENCE NORTH 33 DEGREES 22 MINUTES 52 SECONDS WEST A DISTANCE OF 74.48 FEET TO A POINT; THENCE NORTH 32 DEGREES 18 MINUTES 16 SECONDS WEST A DISTANCE OF 110.70 FEET TO A POINT; THENCE NORTH 32 DEGREES 42 MINUTES 15 SECONDS WEST A DISTANCE OF 52.47 FEET TO A POINT; THENCE NORTH 32 DEGREES 14 MINUTES 42 SECONDS WEST A DISTANCE OF 50.91 FEET TO A POINT; THENCE NORTH 29 DEGREES 39 MINUTES 13 SECONDS WEST A DISTANCE OF 99.78 FEET TO A POINT; THENCE NORTH 31 DEGREES 23 MINUTES 57 SECONDS WEST A DISTANCE OF 85.62 FEET TO A POINT; THENCE NORTH 31 DEGREES 46 MINUTES 17 SECONDS WEST A DISTANCE OF 109.98 FEET TO A POINT; THENCE NORTH 33 DEGREES 18 MINUTES 02 SECONDS WEST A DISTANCE OF 143.79 FEET TO A POINT; THENCE NORTH 31 DEGREES 05 MINUTES 16 SECONDS WEST A DISTANCE OF 6.84 FEET TO A POINT; THENCE NORTH 32 DEGREES 56 MINUTES 57 SECONDS WEST A DISTANCE OF 98.34 FEET TO A POINT; THENCE NORTH 29 DEGREES 44 MINUTES 41 SECONDS WEST A DISTANCE OF 72.16 FEET TO A POINT; THENCE NORTH 34 DEGREES 48 MINUTES 27 SECONDS WEST A DISTANCE OF 77.95 FEET TO A POINT; THENCE NORTH 30 DEGREES 22 MINUTES 34 SECONDS WEST A DISTANCE OF 42.36 FEET TO A POINT; THENCE NORTH 37 DEGREES 20 MINUTES 28 SECONDS WEST A DISTANCE OF 108.40 FEET TO A POINT; SAID POINT BEING LABELED AS **THE TRUE POINT OF BEGINNING**; THENCE FROM THE TRUE POINT OF BEGINNING SOUTH 49 DEGREES 20 MINUTES 09 SECONDS WEST A DISTANCE OF 36.03 FEET TO A POINT; THENCE NORTH 56 DEGREES 17 MINUTES 47 SECONDS WEST A DISTANCE OF 74.03 FEET TO A POINT; THENCE NORTH 87 DEGREES 10 MINUTES 50 SECONDS WEST A DISTANCE OF 299.98 FEET TO A POINT; THENCE SOUTH 25 DEGREES 19 MINUTES 12 SECONDS EAST A DISTANCE OF 35.61 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS DISTANCE OF 183.87 FEET AND AN ARC LENGTH OF 103.72 FEET BEING SUBTENDED BY A CHORD HAVING A BEARING OF NORTH 56 DEGREES 47 MINUTES 14 SECONDS WEST FOR A DISTANCE OF 102.35 FEET; THENCE NORTH 70 DEGREES 20 MINUTES 05 SECONDS WEST A DISTANCE OF 124.63 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS DISTANCE OF 619.29 FEET AND AN ARC LENGTH OF 194.24 FEET BEING SUBTENDED BY A CHORD HAVING A BEARING OF NORTH 81 DEGREES 16 MINUTES 36 SECONDS WEST FOR A DISTANCE OF 193.44 FEET; THENCE WITH A REVERSE CURVE TO THE RIGHT HAVING A RADIUS DISTANCE OF 65.04 FEET AND AN ARC LENGTH OF 36.14 FEET BEING SUBTENDED BY A CHORD HAVING A BEARING OF NORTH 80 DEGREES 08 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 35.68 FEET; THENCE NORTH 28 DEGREES 11 MINUTES 06 SECONDS WEST A DISTANCE OF 49.18 FEET TO A POINT; THENCE NORTH 31 DEGREES 43 MINUTES 25 SECONDS WEST A DISTANCE OF 16.17 FEET TO A POINT; THENCE NORTH 34 DEGREES 52 MINUTES 54 SECONDS WEST A DISTANCE OF 26.67 FEET TO A POINT; THENCE NORTH 51 DEGREES 40 MINUTES 26 SECONDS EAST A DISTANCE OF 30.98 FEET TO A POINT; THENCE SOUTH 33 DEGREES 41 MINUTES 00 SECONDS EAST A DISTANCE OF 83.59 FEET TO A POINT; THENCE SOUTH 75 DEGREES 10 MINUTES 14 SECONDS EAST A DISTANCE OF 387.03 FEET TO

A POINT; THENCE SOUTH 87 DEGREES 10 MINUTES 50 SECONDS EAST A DISTANCE OF 321.52 FEET TO A POINT; THENCE NORTH 77 DEGREES 45 MINUTES 20 SECONDS EAST A DISTANCE OF 53.65 FEET TO A POINT; THENCE SOUTH 28 DEGREES 01 MINUTES 10 SECONDS EAST A DISTANCE OF 62.35 FEET TO A POINT; THENCE SOUTH 28 DEGREES 01 MINUTES 10 SECONDS EAST A DISTANCE OF 4.21 FEET TO A POINT; SAID POINT BEING LABELED AS THE **POINT OF BEGINNING**. PERMANENT SANITARY SEWER EASEMENT TRACT OF LAND CONTAINS 0.5539 ACRES OR 24126 SQUARE FEET.

TEMPORARY CONSTRUCTION EASEMENT "A" FOR GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES CROSSING THE PROPERTY OF NOW OR FORMERLY JESSICA ZAPATA BEING PARCEL TAX ID #7203 101

COMMENCING AT A POINT FROM THE WESTERLY R/W OF NORTH STREET (30' R/W) AT ITS INTERSECTION WITH ITS NORTHERLY R/W OF NORFOLK SOUTHERN RAILROAD (200' R/W) SAID POINT BEING THE **POINT OF COMMENCEMENT**; THENCE NORTH 34 DEGREES 17 MINUTES 34 SECONDS WEST A DISTANCE OF 127.41 FEET TO A POINT; THENCE NORTH 31 DEGREES 23 MINUTES 12 SECONDS WEST A DISTANCE OF 83.66 FEET TO A POINT; THENCE NORTH 33 DEGREES 22 MINUTES 52 SECONDS WEST A DISTANCE OF 74.48 FEET TO A POINT; THENCE NORTH 32 DEGREES 18 MINUTES 16 SECONDS WEST A DISTANCE OF 110.70 FEET TO A POINT; THENCE NORTH 32 DEGREES 42 MINUTES 15 SECONDS WEST A DISTANCE OF 52.47 FEET TO A POINT; THENCE NORTH 32 DEGREES 14 MINUTES 42 SECONDS WEST A DISTANCE OF 50.91 FEET TO A POINT; THENCE NORTH 29 DEGREES 39 MINUTES 13 SECONDS WEST A DISTANCE OF 99.78 FEET TO A POINT; THENCE NORTH 31 DEGREES 23 MINUTES 57 SECONDS WEST A DISTANCE OF 85.62 FEET TO A POINT; THENCE NORTH 31 DEGREES 46 MINUTES 17 SECONDS WEST A DISTANCE OF 109.98 FEET TO A POINT; THENCE NORTH 33 DEGREES 18 MINUTES 02 SECONDS WEST A DISTANCE OF 143.79 FEET TO A POINT; THENCE NORTH 31 DEGREES 05 MINUTES 16 SECONDS WEST A DISTANCE OF 6.84 FEET TO A POINT; THENCE NORTH 32 DEGREES 56 MINUTES 57 SECONDS WEST A DISTANCE OF 98.34 FEET TO A POINT; THENCE NORTH 29 DEGREES 44 MINUTES 41 SECONDS WEST A DISTANCE OF 72.16 FEET TO A POINT; THENCE NORTH 34 DEGREES 48 MINUTES 27 SECONDS WEST A DISTANCE OF 77.95 FEET TO A POINT; THENCE NORTH 30 DEGREES 22 MINUTES 34 SECONDS WEST A DISTANCE OF 42.36 FEET TO A POINT; THENCE NORTH 37 DEGREES 20 MINUTES 28 SECONDS WEST A DISTANCE OF 108.40 FEET TO A POINT; THENCE SOUTH 49 DEGREES 20 MINUTES 09 SECONDS WEST A DISTANCE OF 36.03 FEET TO A POINT; SAID POINT BEING **THE POINT OF BEGINNING "A"**; THENCE FROM THE POINT OF BEGINNING "A" SOUTH 49 DEGREES 17 MINUTES 00 SECONDS WEST A DISTANCE OF 30.30 FEET TO A POINT; THENCE NORTH 56 DEGREES 17 MINUTES 47 SECONDS WEST A DISTANCE OF 56.24 FEET TO A POINT; THENCE NORTH 87 DEGREES 10 MINUTES 50 SECONDS WEST A DISTANCE OF 265.90 FEET TO A POINT; THENCE SOUTH 25 DEGREES 19 MINUTES 12 SECONDS EAST A DISTANCE OF 160.07 FEET TO A POINT; THENCE NORTH 27 DEGREES 23 MINUTES 57 SECONDS WEST A DISTANCE OF 50.64 FEET TO A POINT; THENCE NORTH 26 DEGREES 52 MINUTES 41 SECONDS WEST A DISTANCE OF 78.02 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS DISTANCE OF 183.87 FEET AND AN ARC LENGTH OF 35.81 FEET BEING SUBTENDED BY A CHORD HAVING A BEARING OF NORTH 35 DEGREES 02 MINUTES 55 SECONDS WEST FOR A DISTANCE OF 35.75 FEET; THENCE NORTH 25 DEGREES 19 MINUTES 12 SECONDS WEST A DISTANCE OF 35.61 FEET TO A POINT; THENCE SOUTH 87 DEGREES 10 MINUTES 50 SECONDS EAST A DISTANCE OF 299.98 FEET TO A POINT; THENCE SOUTH 56 DEGREES 17 MINUTES 47 SECONDS EAST A DISTANCE OF 74.03 FEET TO A POINT; SAID POINT BEING LABELED AS **THE POINT OF BEGINNING "A"**. TEMPORARY CONSTRUCTION EASEMENT "A" TRACT OF LAND CONTAINS 0.2536 ACRES OR 11046 SQUARE FEET.

EXHIBIT C (Marilyn Allen)

TEMPORARY CONSTRUCTION EASEMENT "A" FOR GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES CROSSING THE PROPERTY OF NOW OR FORMERLY MARILYN B. ALLEN BEING PARCEL TAX ID #7202 042

COMMENCE AT A POINT AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF NORTH STREET [30' R/W] AND THE NORTHERLY RIGHT-OF-WAY OF NORFOLK SOUTHERN RAILROAD [200' R/W] WITH THE COMMON PROPERTY LINE OF NOW OR FORMERLY MARILYN B. ALLEN AND NOW OR FORMERLY NORFOLK SOUTHERN RAILROAD SAID POINT BEING THE **POINT OF COMMENCEMENT**; THENCE ALONG THE R/W OF NORTH STREET NORTH 34 DEGREES 17 MINUTES 34 SECONDS WEST A DISTANCE OF 19.85 FEET TO A POINT; SAID POINT BEING **THE TRUE POINT OF BEGINNING "A"**; THENCE FROM THE TRUE POINT OF BEGINNING "A" AND THENCE WITH THE R/W OF NORTH STREET NORTH 34 DEGREES 17 MINUTES 34 SECONDS WEST A DISTANCE OF 10.19 FEET TO A POINT ON THE R/W; THENCE LEAVING THE R/W NORTH 44 DEGREES 41 MINUTES 52 SECONDS EAST A DISTANCE OF 57.52 FEET TO A POINT; THENCE NORTH 29 DEGREES 56 MINUTES 16 SECONDS WEST A DISTANCE OF 82.40 FEET TO A POINT; THENCE NORTH 59 DEGREES 33 MINUTES 30 SECONDS EAST A DISTANCE OF 10.00 FEET TO A POINT; THENCE SOUTH 29 DEGREES 56 MINUTES 16 SECONDS EAST A DISTANCE OF 90.12 FEET TO A POINT; THENCE SOUTH 44 DEGREES 41 MINUTES 52 SECONDS WEST A DISTANCE OF 67.09 FEET TO A POINT ON THE R/W OF NORTH STREET; SAID POINT BEING LABELED AS THE **POINT OF BEGINNING "A"**.

TEMPORARY CONSTRUCTION EASEMENT "A" TRACT OF LAND CONTAINS 0.0341 ACRES OR 1486 SQUARE FEET.

PERMANENT SANITARY SEWER EASEMENT FOR GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES CROSSING THE PROPERTY OF NOW OR FORMERLY MARILYN B. ALLEN BEING PARCEL TAX ID #7202 042

COMMENCE AT A POINT AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF NORTH STREET [30' R/W] AND THE NORTHERLY RIGHT-OF-WAY OF NORFOLK SOUTHERN RAILROAD [200' R/W] WITH THE COMMON PROPERTY LINE OF NOW OR FORMERLY MARILYN B. ALLEN AND NOW OR FORMERLY NORFOLK SOUTHERN RAILROAD SAID POINT BEING THE **POINT OF COMMENCEMENT**; AND SAID POINT BEING LABELED AS THE **POINT OF BEGINNING**; THENCE FROM THE POINT OF BEGINNING AND WITH THE R/W OF NORTH STREET NORTH 34 DEGREES 17 MINUTES 34 SECONDS WEST A DISTANCE OF 19.85 FEET TO A POINT; THENCE LEAVING THE R/W NORTH 44 DEGREES 41 MINUTES 52 SECONDS EAST A DISTANCE OF 67.09 FEET TO A POINT; NORTH 29 DEGREES 56 MINUTES 16 SECONDS WEST A DISTANCE OF 90.12 FEET TO A POINT; THENCE NORTH 59 DEGREES 33 MINUTES 30 SECONDS EAST A DISTANCE OF 30.00 FEET TO A POINT; SOUTH 29 DEGREES 56 MINUTES 16 SECONDS EAST A DISTANCE OF 102.96 FEET TO A POINT ON THE R/W OF THE NORFOLK SOUTHERN RAILROAD; THENCE WITH THE R/W SOUTH 45 DEGREES 03 DEGREES 04 SECONDS WEST A DISTANCE OF 96.48 TO A POINT TO THE R/W OF NORTH STREET; SAID POINT BEING LABELED AS THE **POINT OF BEGINNING**.

PERMANENT SANITARY SEWER EASEMENT TRACT OF LAND CONTAINS 0.1036 ACRES OR 4511 SQUARE FEET.

TEMPORARY CONSTRUCTION EASEMENT "B" FOR GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES CROSSING THE PROPERTY OF NOW OR FORMERLY MARILYN B. ALLEN BEING PARCEL TAX ID #7202 042

COMMENCE AT A POINT AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF NORTH STREET [30' R/W] AND THE NORTHERLY RIGHT-OF-WAY OF NORFOLK SOUTHERN RAILROAD [200' R/W] WITH THE COMMON PROPERTY LINE OF NOW OR FORMERLY

MARILYN B. ALLEN AND NOW OR FORMERLY NORFOLK SOUTHERN RAILROAD SAID POINT BEING THE **POINT OF COMMENCEMENT**; THENCE ALONG THE R/W OF NORFOLK SOUTHERN RAILROAD NORTH 45 DEGREES 03 MINUTES 04 SECONDS EAST A DISTANCE OF 96.48 FEET TO A POINT; SAID POINT BEING **THE TRUE POINT OF BEGINNING "B"**; THENCE FROM THE TRUE POINT OF BEGINNING "A" AND THENCE LEAVING THE R/W NORTH 29 DEGREES 56 MINUTES 16 SECONDS WEST A DISTANCE OF 102.96 FEET TO A POINT; THENCE NORTH 59 DEGREES 33 MINUTES 30 SECONDS EAST A DISTANCE OF 10.00 FEET TO A POINT; SOUTH 29 DEGREES 56 MINUTES 16 SECONDS EAST A DISTANCE OF 100.37 FEET TO A POINT; THENCE NORTH 45 DEGREES 03 MINUTES 04 SECONDS EAST A DISTANCE OF 10.35 FEET TO A POINT ON THE R/W OF THE NORFOLK SOUTHERN RAILROAD; SAID POINT BEING LABELED AS THE **POINT OF BEGINNING "B"**.

TEMPORARY CONSTRUCTION EASEMENT "B" TRACT OF LAND CONTAINS 0.0233 ACRES OR 1017 SQUARE FEET.

**RESOLUTION
CITY COUNCIL OF THE CITY OF DULUTH, GEORGIA
MORATORIUM ON CERTAIN APPLICATIONS AND PERMITS**

WHEREAS, the City Council of the City of Duluth, Georgia is authorized by Georgia law to excise zoning powers and has adopted a Unified Development Code of the City of Duluth, Georgia (UDC), which governs the use and development of property located within the corporate boundaries of the city; and

WHEREAS, the City Council of the City of Duluth is committed to protecting the health and welfare of its citizens through the regulation of the use and development of property located within the corporate boundaries of the city; and

WHEREAS, the City Council of the City of Duluth believes it is in the best interest of the citizens of Duluth to provide for the proper regulations and controls on the use and development of property located in the corporate boundaries; and

WHEREAS, House Bill 1465 has been introduced in the Georgia Legislature to amend the boundaries of the City of Duluth, Georgia through legislative annexation; and

WHEREAS, the City Council of the City of Duluth seeks to review portions of the City's Comprehensive Plan, Unified Development Code (UDC) and related regulations governing the use and development of property located in the area proposed to be annexed and the surrounding properties currently within the boundaries of the City.

NOW THEREFORE it is hereby resolved and ordained that the City Council of the City of Duluth, Georgia place a temporary moratorium on consideration, processing and issuance of the following applications and permits: Rezoning applications, Variances applications, Subdivision plats, Commercial New Construction, Commercial Shell Construction, Residential New Construction, Residential Development Master Plans,

Temporary Office, Clearing, Grubbing and Grading, Concept Plan, Full Land Development, Land Disturbance Permits, Plats, through and including May 22, 2024.

IT IS FURTHER RESOLVED that this temporary moratorium shall not affect any applications or permits or approvals that were issued by the City prior to the adoption of this Resolution, if any.

IT IS FURTHER RESOLVED that this temporary moratorium shall not affect any applications, permits or approvals that were submitted to and are deemed complete by the City prior to the adoption of this Resolution, if any.

IT IS FURTHER RESOLVED AND ORDAINED that this Resolution and temporary moratorium shall become effective immediately upon its adoption by the City Council.

IT IS SO RESOLVED this 8th day of April, 2024, by the City Council of Duluth, Georgia.

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

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

WHEREAS the City of Duluth staff noticed some drainage issues in the parking lot at Scott Hudgens Park that is leading to the ponding of water and causing erosion in other areas; and

WHEREAS it is necessary to hire a contractor to install over 180' of curb, add two flumes and rip rap channels to improve the drainage in the parking lot at an estimated cost of \$32,500; and

WHEREAS it is requested to add \$32,500 in unallocated 2023 SPLOST Parks and Recreation Facilities funds to (PK-27) S. Hudgens Park – Park Areas – 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>90,900,451</u>
Operations Expenditures:	<u>42,166,985</u>
Capital Improvement Expenditures:	<u>48,733,466</u>
Total Expenditures:	<u>90,900,451</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

RESOLUTION
PINE NEEDLE DRIVE PEDESTRIAN CONNECTOR GRANT MATCH

WHEREAS, the Mayor and Council of the City of Duluth, Georgia did approve to undertake a grant application for federal funds to design and construct the Pine Needle Pedestrian Connector project (herein referred to as “Project”); and

WHEREAS, the Project proposes a non-motorized transportation alternative route along Pine Needle Drive and portions of State Route 120 and Irvindale Road; and

WHEREAS, the Project is part of the City of Duluth’s overall sidewalk plan; and

WHEREAS, the Project will connect existing pedestrian facilities with other existing or planned regional bicycle and pedestrian facilities; and

WHEREAS, the City of Duluth has the capacity to successfully administer any grant funds awarded by the Atlanta Regional Commission (ARC) for this Project; and

WHEREAS, the City of Duluth is committed to accepting federal grant monies awarded from ARC for this Project and will enter into an agreement of acceptance with ARC and an agreement with the Georgia Department of Transportation as the subrecipient of these funds; and

WHEREAS, the City of Duluth is committed to matching the federal grant funds awarded with a minimum of 20% of the total Project budget, using local funds.

NOW THEREFORE, be it resolved by the Mayor and Council City of Duluth, Georgia to apply for, accept, and match grant funds as noted above, should they be awarded by the Atlanta Regional Commission for this Project.

IT IS SO RESOLVED 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 Lynn, Asst. City Mgr/City Clerk

SEAL

**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>90,900,451</u>
Operations Expenditures:	<u>42,166,985</u>
Capital Improvement Expenditures:	<u>48,733,466</u>
Total Expenditures:	<u>90,900,451</u>

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

WHEREAS the City of Duluth staff is seeking a grant through the Atlanta Regional Commission to fund the replacement of the bridge on Pine Needle Drive, including drainage improvements and the addition of sidewalks; and

WHEREAS staff would like to pursue a grant for the project and is requesting SPLOST funding of \$35,000 to complete the grant application process; and

WHEREAS it is requested to add \$35,000 in unallocated 2023 SPLOST Transportation funds to (CD-73) Pine Needle Drive Improvements – Roadway & Walkways – Professional Services line item, including associated transfers; and

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

Total Revenues & Prior Yr Reserves	<u>90,935,451</u>
Operations Expenditures:	<u>42,166,985</u>
Capital Improvement Expenditures:	<u>48,768,466</u>
Total Expenditures:	<u>90,935,451</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