



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

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

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

MAY 8, 2023

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 Harris or Mayor Pro tem Thomas

INVOCATION OR MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

I. ANNOUNCEMENTS

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

Duluth Live every Thursday, Friday 5-8pm, and Sunday 2-5pm.
Live music and various street performers in Parsons Alley and the Activity Lawn.

Fridays-N-Duluth every Friday May 26 through July 6pm-9pm. Town Green and Parsons Alley. Food trucks take over Downtown Duluth! Experience exotic flavors in a mobile vending setting with amazing local cuisine while listening to live entertainment on the Festival Center Stage and in Parsons Alley.

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

Duluth Farmers & Artisan Market every second and fourth Sunday March through November. 2pm-5pm. Town Green. Our market features vendors who 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, candles, soaps, lotions, pottery, baskets etc. Live music, themed photo-ops, and free kids' activities in Parsons Alley.

II. CEREMONIAL MATTERS

1. PROCLAMATION – GA MUNICIPAL COURT CLERKS WEEK

The attached Proclamation is issued pursuant to the Governor's Proclamation proclaiming June 5-9, 2023 as "Georgia Municipal Court Clerks Week."

2. DULUTH WILDCAT BASEBALL RECOGNITION

Mayor and Council wish to recognize the coaches and players for the 7 and 8 year old Duluth Wildcat Baseball team. In this first year playing, this football team has started playing baseball and dominating their season with a first place tournament win and a top finalist finish in a large tournament. This would not be possible without the dedicated coaching staff.

III. MATTERS FROM CITIZENS

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

IV. CONSENT AGENDA

1. APPROVAL OF APRIL 10TH /24TH MINUTES

2. 2023 AD VALOREM INSOLVENT LIST

Per Chapter 2, Article 1, Sec 2- 4 of the Duluth Code, approval of this item grants insolvency status to property tax accounts determined to be uncollectible for years up through 2022 in the base amount of \$11,444.98 plus penalties and interest for a total of \$12,677.84. Business personal property accounts are considered insolvent only after every effort to collect them has been exhausted, which includes processing late notices, returned mail investigation, cross checks with the Gwinnett County's Tax Assessors' real and personal property tax files, City and County Occupational Tax records, including onsite visits by the Licensing Compliance inspector.

3. AUTHORIZATION FOR POLICY RENEWAL – UNITED HEALTHCARE

As recommended during the annual employee benefits review as presented at the April 24 work session, approval of this item authorizes the renewal of the group health insurance plan with United Health Care (with a proposed 3.06% increase); dental plan with United (with 2.93% increase) and voluntary vision with no increase.

4. BUNTEN RD PARK WALKING TRAIL IMPROVEMENTS

The Bunten Road Park walking trail was built back in 1998 and is a popular public amenity for families, active adults, and bikers. The trail is ten foot wide and 1.1 mile long, built in Phase I of the park development and is showing signs of failure. Since the completion of Phase II in 1999, which includes the Activity Building, many areas of the park trail infrastructure have eroded due to environmental factors. Therefore, the Parks and Recreation Department is seeking approval for Columbia Engineering to conduct Survey/ Site Evaluation, Hydrology Study and Recommendations, Trail Design, Trail Improvements, Tree Plan, Stream Restoration, Structural Evaluation, and Bunten Road Park sidewalk design (1400 ft) that will connect the City residents to the park from Barkley Square and Parkview neighborhoods. Completion of this analysis will provide the City with the requirements to proceed with the reconstruction of the walking trail and the site improvements. As discussed and prioritized during the FY24 budget work session, the project cost is estimated at \$198,000.00 with a 10% contingency for a total of \$217,000.00 with completion of the project approximately eight months from Notice to Proceed. Approval of this item authorizes staff to approve a task order for Columbia Engineering to conduct the above referenced analysis.

5. ORDINANCE TO AMEND FY23 BUDGET – BUNTEN TRAIL

Approval of a task order with Columbia Engineering to improve the walking trail at Bunten Road Park also requires approval of a budget amendment. The cost of the task order is \$217,000, including a 10% contingency. Funding will come from interest earned on the 2017 SPLOST funds. Approval of this item approves ordinance BA-FY23-27 to add \$217,000 in 2017 SPLOST interest to Bunten Road Park - Park Areas - Professional Services line item, including associated transfers.

V. PUBLIC HEARINGS

1. ORDINANCE OF REZONING– CASE SU2023-003

The purpose of this Special Use request (SU2023-003) from New Life Academy to allow for the operation of a public charter/language school in the M-1 (Light Industrial) zoning district.

Planning Commission heard the item April 17, 2023, and recommend approval of SU2023-003 with the modification to conditions requiring a Traffic Impact Analysis. Staff recommends approval of SU2023-003 with the conditions as written in the staff report and removal of the added condition as there is a traffic analysis underway.

2. ORDINANCE OF REZONING– CASE SU2023-002

The purpose of this Special Use request (SU2023-002) from New Life Academy to amend Conditional Use CU2021-002 to allow for the continued use of Modular Classrooms at the current facility within the M-1 District (Light Industrial District).

Planning Commission heard the item April 3, 2023, and recommend approval of SU2023-002 with conditions.

3. FY24 BUDGET – FIRST PUBLIC HEARING

Per the State of Georgia, the Mayor and Council to hold a public hearing to receive public comments on the proposed FY 2024 Annual Operating and Capital Projects Budget. Prior to this public hearing, staff and Council reviewed the proposed FY 2024 budget on April 17.

The City Manager will present the strategic vision statements of the City and the proposed balanced FY 2024 budget. A second public hearing will be held on Monday June 12, 2023 at the regularly scheduled meeting of the Mayor and Council. Following the second public hearing an ordinance adopting the FY 2024 budget will be presented for consideration.

VI. NEW BUSINESS

1. AWARD OF BID – ROADWAY CRACK SEALING

Mayor and Council to consider awarding a bid for Crack Sealing project on various roads within City of Duluth. This project, if approved, will provide for crack sealing of 59 streets. Crack sealing is proven to be one of the lowest cost pavement preservation treatments available and adds years to the life of pavement.

The City received two (2) bids for this project, as follows:

<u>Company</u>	<u>Bid Total</u>
Remac, Inc.	\$102,431.95
Wall Asphalt Services, Inc.	\$169,958.90

Following a review and analysis of each bid and reference checks by Keck and Wood Engineering, staff recommends awarding the contract for this Crack Sealing Project to Remac, Inc. in an amount not to exceed \$112,675.19. Funds will come from 2017 SPLOST.

2. ORDINANCE TO AMEND THE FY23 BUDGET – CRACK SEAL

Public Works Director Audrey Turner requested council approval of a bid award for the crack sealing of 59 streets in the City. Should council approve the awarding of the bid to Remac, Inc for \$112,675.19, including a 10% contingency, staff is requesting approval of ordinance BA-FY23-28 to fund the award.

Approval of this item approves ordinance BA-FY23-28 to add \$112,700 in unallocated 2017 SPLOST funds to Transportation/Infrastructure Improvements - Paved Streets - Repairs & Maintenance - Streets/Sidewalks line item including associated transfers.

3. LARGE SCALE PLAYABLE ART CONTRACT

The Mayor and Council consider awarding the construction bid for the playable art piece to be located in Taylor Park. In August staff issued a Request for Qualifications (RFQ) relating to construction of playable art. Three companies provided proposals. The team of ID Sculpture and Bliss Products ranked the highest of the three proposals. In December of last year, council authorized a design contract with ID Sculpture to develop a final concept for the playable art piece.

Staff has been working with the selected contractor to refine the design, update the site layout and develop a construction schedule. A contract covering the design, construction and installation of the art piece and supporting site improvements is attached.

4. ORDINANCE TO AMEND BUDGET – 175,000 – PLAYABLE ART

At the recent budget work session, staff updated the Mayor and Council regarding the installation of a playable art piece in Taylor Park and the need for additional funding. Should Council approve awarding a contract to Bliss Products for the construction and installation of a playable art piece, additional General Funds of \$175,000 are needed for the installation of retaining walls, a cement art pad, shade sails and completion of the contract.

Staff is requesting approval of a budget amendment to add \$175,000 in General Funds to the project, including associated transfers. Approval of this item authorizes ordinance BA-FY23-25 to add \$175,000 to the Urban Redevelopment - Special Recreational Facilities - Site Improvements line item.

VII. MATTERS FROM DEPT HEADS/CITY ATTORNEY

1. ORD TO AMEND FY23 BUDGET – \$77,000 HOTEL/MOTEL EXCISE

The City began receiving Hotel Motel Excise Tax revenue in May 2021 after the opening of the first hotel in downtown Duluth. In addition, excise taxes are now collected from the various web based rental sites. Based on current year-to-date activity, revenue and expenditure in the fund will exceed budgeted amounts for FY23. For this reason, staff is requesting \$77,000 be added to Hotel/Motel Fund - Hotel Motel Excise Tax revenue and the following expenditures be added to Hotel/Motel Tax Fund - Tourism - Transfer to General Fund \$58,000 and Payments to Other Agencies \$19,000. Approval of this item approves ordinance BA-FY23-24 to amend the FY23 budget as presented.

2. ORD TO AMEND FY23 BUDGET – \$696,400 – 2022 LMIG PAVING

In September 2022, Council approved a modification to the paving contract with Stewart Brothers to add back streets on the alternate list which were removed from the original bid. The alternate street are Northgate Lane, Windsor Valley Court, Windsor Gate Run and Castlemaine Drive.

At the time of the bid award and contract modification, funding of the cost of the alternate streets of \$696,393.47, including a 10% contingency, was undetermined. This was due to a staff request to wait until the end of the 2017 SPLOST collections and a final allocation of funds could be made to the SPLOST Transportation category, which paving is a component of.

Now that the 2017 SPLOST collections have ended, staff is requesting Council consider approval of ordinance BA-FY23-26 to add \$696,400 in unallocated 2017 SPLOST Transportation funds to Transportation/Infrastructure Improvements - Paved Streets - Repairs & Maintenance - Streets/Sidewalks line item including associated transfers.

VIII. MATTERS FROM COUNCIL

IX. MATTERS FROM CITY MANAGER

X. EXECUTIVE SESSION

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

XI. ADJOURNMENT

The next scheduled meeting of the Mayor and Council is a work session for May 22, 2023 at 5:30 p.m.

PROCLAMATION



Municipal Court Clerks Week

WHEREAS, Municipal Court Clerks play a significant role in ensuring that municipal courts preserve public safety and promote quality of life in the City of Duluth and local municipalities across the state; and

WHEREAS, the procedures for the Duluth Municipal Court operations are set forth by the Uniform Rules of Municipal Court and other laws of the State of Georgia; and

WHEREAS, more people come in contact with Municipal Court Clerks than all other city services combined, and public impression of the Duluth judicial system is largely dependent upon the public's experience in municipal court; and

WHEREAS, Municipal Court Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, the Duluth Municipal Court is committed to the notion that our legal system is based on the principle that an independent, fair, and competent judiciary will interpret and apply the laws that govern us; Municipal Court Clerks act in a manner that promotes public confidence in the integrity and impartiality of the judiciary; and

WHEREAS, it is most appropriate that we recognize the accomplishments and significant role the Municipal Court Clerks play in preserving the public confidence, integrity, and impartiality of the judiciary.

NOW THEREFORE, I, NANCY HARRIS, MAYOR OF DULUTH, do recognize the week of June 5-9, 2023, as Municipal Court Clerks Week and further extend appreciation to Amanda Morrison, Chief Court Clerk, and Brenda Villa, Deputy Court Clerk, and all Municipal Court Clerks for the vital services they perform and their exemplary dedication to the communities they represent and serve.

Mayor Nancy Harris

ATTEST:

Teresa Lynn, City Clerk





**DRAFT MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
APRIL 10, 2023**

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

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

Mayor Harris called the meeting to order at 5:35 p.m. and called for a motion to enter into an Executive session.

I. EXECUTIVE SESSION

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

A motion was made by Councilmember Whitlock, seconded by Councilmember Thomas, to adjourn to executive session at 5:40 p.m.

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

After the discussion, a motion was made by Councilmember Whitlock, seconded by Councilmember Doss, to return to regular session at 5:50 p.m.

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

II. ANNOUNCEMENTS

1. AGENDA CHANGES (none)

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

Duluth Farmers & Artisan Market, Sunday April 23, 2-5pm. Town Green.

GWB Presents “Little Beer” festival, Saturday April 15, 1-5pm. Town Green

STEAM Thursday April 27 from 5-7pm. Town Green

Duluth Spring Arts Festival, April 29 from 10am-5pm, April 30 from 11am-5pm.

III. MATTERS FROM CITIZENS

No matters brought forward.

IV. CONSENT AGENDA

1. APPROVAL OF MARCH 13/27TH MINUTES

2. ORDINANCE TO APPOINT PARKS BOARD MEMBER {A}

Approval of this item approves ordinance O2023-14 appointing Judy Putnam to the Parks and Recreation Board to fill the term vacated by Jim Hall, expiring March 31, 2025.

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

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

V. PUBLIC HEARINGS

1. RESOLUTION/TEXT AMENDMENT – CASE TA2023-001 {B}

Mayor Harris opened the public hearing. Planning Director Forrest Huffman came forward to present.

Mr. Huffman explained that the purpose of this resolution is to make a minor text amendment to the River Green Employment Character Area of the 2040 FORWARD Duluth Comprehensive Plan as it pertains to institutional and public uses within the district.

Current language within the River Green Employment District conflicts with the existing uses in River Green Industrial Park. Additionally, the use prohibitive language for this character area does not allow staff the opportunity to guide development within this area in a manner where impacts to neighboring

properties can be minimized. The amendment of this section, in conjunction with the major Comprehensive Plan update scheduled for February of 2024, will help to better evaluate the needs and opportunities of this character area. River Green is the City's major employment district and is essentially built out. Potential future redevelopment is constrained by environmental regulations.

Mr. Huffman noted that redevelopment of several pieces of property into one larger property with a single user would be beneficial to the city. Future consideration for added entrances and signalizations into the business park would relieve congestion.

Staff and Planning Commission recommended approval of the text amendment by removal of the language *"These uses are not compatible with the character of this district and should be prohibited."* As units turnover, staff will promote office and light industrial uses.

Mayor Harris called for discussion from Council.

Councilmember Graeder felt that the change makes sense to allow for City discretion to address changing needs of the community; as it currently reads, the freedom to make decisions based on individual conditions is restricted.

The Mayor called for questions/comments from the public.

Mr. Christian Olteanu, business owner at 3475 Corporate Way, Ste A, Duluth, came forward requesting the Council consider postponing this matter to allow time for further review. He was concerned that a minor revision such as this may have large implications and would allow for different uses than when the park was originally envisioned. He felt that institutional uses come with significant traffic generation, and would like more time for a study.

Councilmember Thomas asked for clarification that the Character Area is still to maintain predominantly light industrial or office uses, and Mr. Huffman confirmed.

Councilmember Harkness asked how a school would be treated now.

Mr. Huffman said that the Comp Plan is more of a guiding document, but the Unified Development Code defines use by zoning. Some uses are allowed by right and others require "Special Use" permitting, which is then when the Comp Plan is consulted further. Having this language in the Comp Plan puts staff in a limited capacity to address special uses with conditions that might otherwise be compatible.

Councilmember Whitlock agreed with Councilmember Graeder.

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

A motion was made by Councilmember Whitlock, seconded by Councilmember Graeder, to approve resolution R2023-07 as presented.

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

2. ORDINANCE OF SPECIAL USE – CASE SU2023-001

{C}

Mayor Harris opened the public hearing.

Planning Director Forrest Huffman came forward to present the Special Use request (SU2023-001) to allow for the operation of a public charter/language school in the M-1 (Light Industrial) zoning district to M-1 with Special Use.

The subject property address is 4450 River Green Parkway, totaling +/- 4.379 acres zoned M-1 and is within the +/- 290 acres River Green Industrial Park. The Yhale Academy is currently operating in River Green, but in a different location.

Mr. Huffman said that staff and the Planning Commission agree that charter schools cause increased population for traffic, as they generally do not have bus service. He discussed the current pattern and outlined the recommended pattern with right-in right-out movements only. There are other conditions as outlined in the staff report, such as no stacking of cars on River Green Parkway.

Mayor Harries called for discussion from Council.

Councilmember Whitlock asked about the new location and the buildings around it. He noted that the tenant next door is Possible Now, an IT firm, and asked if the City had heard from them. Mr. Huffman said no.

Councilmember Whitlock also wanted to know what staff would have to receive for something to be enforceable by the City.

Mr. Huffman said staff would need directional arrows on a traffic plan and agreement with the conditions as stated to enforce the conditions. The Special Use approval could be brought back and rescinded if conditions are violated. He also said he would defer to the police regarding enforcement of traffic provisions or hazards.

Councilmember Thomas was concerned about double-stacked lanes, parking, and the future growth projection of up to 900 students.

Mr. Huffman said instruction was entirely within one building and noted that the applicant can answer specific questions regarding student population, but classroom size would only allow up to about 600 maximum. Since it is elementary/middle school, there would be faculty and staff parking only as opposed to high school instruction where some students drive themselves.

Councilmember Harkness was concerned about emergency vehicle access. Although the car stacking is only during drop and pick up, it also affects the major roads. He was concerned how it would affect traffic on Peachtree Industrial with the Encore and Riviere and neighborhoods opening.

Mr. Huffman said that would be part of the Comp Plan study. The school is currently operating next door to the new site now, so the increase in current traffic is likely minimal in his opinion.

Councilmember Harkness asked about the relation of the first public hearing to this request, and if the Fire Marshal must sign off on anything.

Mr. Huffman replied that the amendment is related to assisting staff in understanding uses of this nature in this area and offering flexibility. This is a state charter school which would require fire and life safety plan approval from the state.

Mayor Harris was concerned with double stacking car lanes for safety reasons.

It was confirmed that the current intake process is not staggered but there is a degree of coordination with other schools on their hours of operation.

Councilmember Thomas asked about the identification system for student carpool.

Mr. Huffman said the applicant could answer better, but he believed that parents have blue tags on their rear view mirrors.

Councilmember Graeder commented that he visits office space across the road from this location and said it is a mess. He felt the proposed traffic concept is much better if it can be achieved. He mentioned staggering school intake times and said the signal on PIB is not long enough for parents exiting. He also noted that he did not see a playground on the plans, and wanted to make sure that would come back to Planning for permits.

Mayor called the applicant forward.

Ms. Melody Glouton with Andersen, Tate & Carr of 1960 Satellite Blvd, Duluth, came forward on behalf of the applicant. She noted that the school does not own the property where they will locate. It is a Korean/Mandarin dual language immersion public school, subject to stringent rules of the GA Department of Education. Over the next three years, they predict growing perhaps 100 students per year for a maximum of 600-700 students.

The hours of operation are from 8:30-3:30pm and the start time is staggered with other schools on River Green Parkway. Approximately 40% of the kids take part in after school or enrichment.

Ms. Glouton said they are moving from a 20,000 sf facility to 50,000 sf. Their plans are to renovate the interior. The traffic circulation plan is still under review, but they will work with the city on modifications. There are currently 42 employees, who are the only ones parking there during the weekday. As they continue to grow, there will be a better opportunity for a van or bus that students could be driven to a remote location as a transportation service to ease congestion.

The current parking requirement is 2.5 spaces per classroom. At 30 classrooms that would equate to 75 spaces needed, and only 42 employees that would be parking on property which gives space for safe lanes of carpool traffic.

Councilmember Thomas suggested carpool options also. Ms. Glouton replied that some families already do that, and there are siblings that attend as well.

Councilmember Graeder asked about a future playground.

Ms. Glouton showed the area for consideration and said they would work with city staff. The plan is not to close off any ingress or egress, but they may need to take up some of the parking places. There is no plan to expand footprint of building.

Councilmember Whitlock commented that with traffic flow issues, it is common to stripe the parking lots for directional aid. He would like to see options that prevent the ability to deviate from the intended route.

Councilmember Harkness wants good strong schools here, but he was still concerned about emergency services. He was also concerned with afternoon traffic that would add volume to Peachtree Industrial, and does not feel like it is the right area for a school. He asked if they have School Resource Officers to help manage.

Ms. Glouton replied that there are employees that help. At this time it is a proposed plan; if it does not work well, they will continue to work with the City.

Councilmember Thomas commented that she had attended a dual language school and feels it's a great value to the City, but the traffic needs management and parents should be encouraged to look at other options. She feels that what is already there today is worse.

Councilmember Harkness said it is not the best use but an acceptable use.

Councilmember Whitlock said the key would be to be a good neighbor to the surrounding businesses.

Ms. Glouton also reported that there is a numbering system for pickup of the children, but they are willing to schedule more staggering if needed.

Mayor Harris called for questions/comments from the public.

Mariam Mirzoyan of 3311 Grovewood Lane came forward. She had a concern with parents parking nearby and avoiding the lanes. With an increase in school shootings, she asked what kind of access the police would have. She felt it would negatively affect other businesses and was concerned that the playground would not be protected.

Liza Park, governing board chair of the school, came forward to further discuss their willingness to stagger the flow of traffic for Yhale. She is a personal injury attorney and heavily focused on vehicular safety. They also have before-school programs that start at 7:15am, which also alleviates some of the traffic, and a large offering of afterschool programs that are vibrant enrichment options such as chess, martial arts, etc. with professional instructors.

Ms. Park said the school wants to be good neighbors and add value to the community. This is their third year in existence, moved here in 2021. She explained that students have performed very well on the College & Career Readiness Performance Index (CCRPI); the overall score from last year was 93.9%. The state score is 63%, Gwinnett County score 73.3% other charter school is 57.4%. They offer a challenging curriculum.

Mr. Christian Olteanu, business owner at 3475 Corporate Way, Ste A, Duluth, came forward and requested the Mayor & Council consider a traffic impact study. Another school in the area is also expecting to expand soon as well. He said in the larger picture, experts should review this prior to approving.

Councilmember Harkness asked if there would be a benefit to study traffic impacts now and postpone this approval.

Mr. Huffman said it would be addressed with River Green Parkway comp plan update. He does feel that staff has included enough in the conditions of approval for this particular case.

City Manager James Riker said that for future use moving the new site, there is time to work it out. But he noted that there are challenges that exist today, that must be remedied now, stacking of traffic is not allowed at all. He asked Police Chief Carruth to make note of the situation.

Councilmember Harkness was concerned about relying on enforcement.

Councilmember Graeder concluded by saying that another company could locate in the empty building next week with 200 employees. It would create a similar problem, but they could locate there now with no special approvals. A traffic study doesn't really help in this situation. There are mostly relatively unoccupied buildings, River Green needs a study at some point in general.

Councilmember Whitlock said this gives an opportunity to plan it out, discuss incremental improvements.

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

A motion was made by Councilmember Whitlock, seconded by Councilmember Doss, to approve ordinance O2023-15 as presented.

Voted For: Council members Thomas, Doss, Graeder, and Whitlock
Voted Against: Councilmember Harkness
Motion carried.

VI. NEW BUSINESS

1. SELECTION OF PROPOSER – SOLID WASTE SERVICES {D}

City Manager James Riker presented. He explained that during the March 27th work session of the Mayor and Council, staff presented the three proposals received in response to the Solid Waste Request For Proposal (RFP) which were ranked with certain criteria.). Following presentation, staff was directed to place this item on the April 10th agenda for consideration of a contract with the overall most responsive proposer, Republic Services, and to further authorize the Mayor and or City Manager to execute contract once reviewed and approved by the City Attorney.

Mr. Riker clarified that the "Purple Bag" system is no longer going to be supported by trash haulers due to automated services. The City would pay the provider directly, city facilities retain the same service. Since the City has grown significantly, pickup was offered from 3 – 5 days at the discretion of the hauler. The contract would start May 1, 2024. The RFP estimated 8,000 residential households, but this number will be trued up prior to the start of service.

Councilmember Thomas said she had heard complaints about the size of the trash cans and asked if there were options. Mr. Riker said citizens could request 65 gallons vs. 95 gallons.

Mayor Harris called for discussion from Council.

Councilmember Harkness asked about the contract, and if it specifies who is paying for the services.

Mr. Riker responded that the RFP was clear that commercial/industrial bills go to those businesses, but the City will pay directly for the residential service.

Councilmember Harkness wanted to note for the record that people value the services when they pay for it. He would like to better understand why the City would pay for it for residents and not do anything for businesses. He appreciates the excellent fiscal responsibility that affords a revenue surplus, but doesn't think

the residents would appreciate or realize the value unless it is itemized on their tax bills. He feels that if the expense for trash service goes up and we can't pay for it later, what happens then? He asked how the City would take that away later on and said it would be much harder to take it away once you give it. He was not challenging awarding the contract, but simply the method of paying for it.

Mr. Riker responded that as the burden of taxation goes, that characterization was inaccurate. He discussed the equity of services needed to the tax dollars paid among commercial, apartment and residential properties. The numbers show that single-family taxpayers represent the largest segment of revenue collected and therefore should receive the benefit.

Mayor Harris called for questions/comments from the public.

A motion was made by Councilmember Thomas, seconded by Councilmember Whitlock to approve Republic Services as the City's solid waste service provider as recommended and authorize the Mayor or City Manager to execute a city attorney approved contract.

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

2. APPROVAL - ARPA SANITARY SEWER PLAN

{E,F}

City Engineer Margie Pozin presented. The American Rescue Plan Act (ARPA) allotted money to the City of Duluth, which the City is using for the installation of sanitary sewer in the Hill Community and in the Pinecrest Community. Both projects are in partnership with Gwinnett County Department of Water Resources.

As part of the process, Council was asked to approve the construction plans so that staff can continue forward with acquiring easements, which will later allow the County to move forward with construction.

Ms. Pozin explained the current configuration and the necessary modifications. As such, Council was asked to approve the plans as presented.

Mayor Harris called for discussion from Council.

Councilmember Harkness expressed appreciation for all the work that has gone into these projects.

Councilmember Graeder noted for the public that there have been several work sessions where Council reviewed all the details during past presentations.

A motion was made by Councilmember Harkness, seconded by Councilmember Graeder to approve the construction plans for new sanitary sewer and related facilities in the Hill Community and in the Pinecrest Community.

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

VII. MATTERS FROM COUNCIL

Councilmember Harkness commended events staff and Public Works for activities on Easter Sunday, which was very well attended.

Councilmember Thomas noted Duluth's runner-up finish in the Suburban contest.

VIII. MATTERS FROM CITY MANAGER

Mr. Riker noted that the bricks have been repaired on the town green and sod installation is still ongoing.

IX. EXECUTIVE SESSION

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

A motion was made by Councilmember Whitlock, seconded by Councilmember Thomas, to adjourn to executive session at 5:40 p.m.

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

After the discussion, a motion was made by Councilmember Whitlock, seconded by Councilmember Doss, to return to regular session at 5:55 p.m.

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

X. ADJOURNMENT

A motion was made by Councilmember Graeder, seconded by Councilmember Thomas, to adjourn at 8:00 pm.

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

KM 4/14

The next scheduled meetings of the Mayor and Council are budget work sessions for April 17 and April 18 (if necessary) at 5:30 p.m. in the Community Room of City Hall.



**NOTES OF THE WORK SESSION
MAYOR AND COUNCIL
CITY OF DULUTH, GA
APRIL 24, 2023**

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

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

I. PUBLIC COMMENTS

Parisher Patel of 2690 Kingsbrooke Lane, Duluth spoke about the hardship of not being allowed to park on the street in front of her home.

Boy Scout Jim Cain, ninth grader at Duluth High School, was present to work on his badges.

II. DISCUSSION ITEMS/PRESENTATIONS/UPDATES

1. EMPLOYEE HEALTH BENEFITS – ANNUAL RENEWAL {A}

The city's insurance broker, Matt Bidwell with MSI Benefits Group, came forward and presented the annual renewal process for the employee health, dental, disability, life insurance and vision plan. Staff recommends that Council consider renewal of the employee medical benefits with United Health Care (UHC) with a proposed 3.06% increase and to renew dental with UHC with 2.93%. The total amount of all of the increases is approximately \$69,374.

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

2. PLAYABLE ART UPDATE – TAYLOR PARK {B}

City Manager James Riker presented updates regarding the next steps on the Taylor Park playable art project. A budget amendment would be required.

There were concerns about the location now that several trees must be removed, but at least one of the larger trees are not healthy anyway and pose a risk to those in the park.

There were discussions about the design, and concerns with anticipating that the city would have more input in choosing the design. From the initial sketches, the tree needs more “filling in” to be attractive and inviting during daylight as well.

Staff had recommended adding a seating wall and shade sails. Council concurred with a seating wall that would match the area, but the sails would block the view for photo opportunities that this piece was designed to offer. Additional trees could be planted for future natural shade.

ADA compliance was discussed as well as concern about the total overall cost. Since the tree design seems more difficult, it was mentioned that there should still be an option to consider the second or third place design, or potentially move the location.

It was noted that any large-scale design would interrupt the root system for the existing trees, but Council also asked if there were options at certain benchmarks, if the city could be given a chance to evaluate and provide input during the fabrication process. There are some restraints due to engineering and construction.

If Council concurred with moving forward, a contract would be presented at the May 8th meeting as well as a budget amendment for the additional scope of work.

Staff was authorized to place these items under “Old Business” on the next Council agenda.

3. FY24 BUDGET FOLLOW UP

Asst. City Manager/Finance Ken Sakmar provided a summary of budget changes that Council directed from the April 17th .

1. Leadership Gwinnett/Glance Gwinnett funds removed, \$3,500.
2. Property & Liability Insurance budget line-item increase by \$85,000 based on latest invoice.
3. Preservation of Historical Documents \$2,500 removed (duplicate budget line item).
4. Cable service for Festival Center removed due to current usage in the amount of \$1,200.
5. Gravel Lot budget line-item renamed “Synthetic Turf Area.”
6. Added transfer to Public Art budget line item, \$35,000.
7. Electric utility budget line items increased based on GA. Power approved rate increase of 2.8% for an overall increase of \$21,210.
8. Budget amendment for \$175,000 for the Taylor Park playable art to be place on the May 8th council agenda. These funds will come from the General Funds and are for cutting trees, fencing and shade sails.
9. Budget amendment for \$195,000 for Columbia Engineering to be place on the May 8th council agenda. These funds are for the redesign of the walking trail at Bunten Road Park, funded by 2017 SPLOST interest.

10. Preliminary estimates for property tax digest growth indicate the City could receive between 1 and 1.3 million more in additional property tax revenue than was originally projected. Based on this information, the following Reserve Fund Use items listed below could be added to the FY 24 budget.

• New Financial Software	\$ 600,000
• Stormwater Spec Assessment funds	2,000,000
• Non-SPLOST vehicle purchases	300,000
• Non-SPLOST City Hall Maintenance	125,000
• Non-SPLOST Public Safety Maintenance	125,000
• Completion of Taylor Park Playable Art	175,000
• SDS Reserves	<u>4,000,000</u>
	\$7,325,000

Mr. Sakmar pointed out that with the current changes the FY 24 General Funds Proposed Budget with changes is:

Revenues	\$27,470,343
Expenditures	28,408,183
Surplus/(Deficit)	(937,840)
Additional Property Taxes	1,200,000
Reserve Fund Use Items	(1,325,000)
Surplus/(Deficit)	\$(1,062,840)

Budget public hearings will be held on May 8 and June 12 Council agendas, with adoption scheduled for June 12.

III. MATTERS FROM COUNCIL

1. SOLID WASTE CONCERNS

As the contract for Solid Waste removal was approved at the last meeting, Councilmember Harkness was concerned with the funding mechanism for the service. He felt that future increases for trash service could not be predicted and does not want the city to become a trash service “customer hotline,” nor did he feel it was “pro-business” to pay for residential service only. Councilmembers Doss and Thomas spoke in favor of the model and felt it was equitable due to the majority of tax revenue generated by residences. Councilmember Graeder agreed but wanted to ensure the city exerted substantial marketing efforts so that the public would realize the full value of the service.

2. ELECTRIC CAR CHARGING STATIONS

Located in the parking deck, the electric charging stations are now operational. Councilmember Graeder asked how the residents/visitors know that they can use them. City Manager James Riker said that staff was currently ironing out the rates, and Investigating signage as well as painting/stripping to indicate them. He pointed out that the Downtown Development Authority facilitated installation and technically owns them. There are other charging stations in the city as well, but they are not always viewed as a positive amenity by all community members.

3. MARKETING REQUEST

Council asked for the city meeting schedules to be included in weekly eblasts when possible.

4. GMA LISTENING MEETING & DISTRICT 3 SPRING TRAINING

Councilmember Graeder attended an event sponsored by GMA to recap the 2023 Legislative session. Only 3 of the 10 topics were discussed as top voted among members and highlighted the topics. He also distributed copies of the "Public Values & Policy Choices" from the spring training, pointing out that Liberty, Community, Prosperity, and Equality should guide decision making. He also announced a GMA initiative for every training session that they provide to offer hosting to cities who can engage 20 participants.

The 2023 Spring Arts Festival is this coming weekend, April 29/30th.

IV. ADJOURNMENT

Meeting adjourned at 7:10pm.

The next scheduled meeting of the Mayor and Council is May 8, 2023 at 6:00 p.m.

2022 Insolvent Tax Write Offs

Parcel ID	Year	Name	Location Address	Base Amt	Pen & Int	Write Off	Reason For Write Off
B201614218	2019	SOLIM LLC PPS CARD SERVICE	2550 PLEASANT HILL RD STE 106	556.84	247.36	804.2	7-2-2020 John Compton, License Compliance Officer found location empty. Prior owner did not respond for payment.
B201721544	2022	A DESIGN HOUSE LLC	2670 N BERKELEY LAKE RD STE 2	98.07	8.82	106.89	CLOSED ON 8/31/22; PS ONE SALES OPENED 4/11/23
B202144263	2021	ATL WHEELS	3435 BUFORD HWY STE 1225	1274.56	116.78	1391.34	CLOSED 12/31/21
B201721536	2019	BLUE POINT ENTERTAINMENT	3296 SUMMIT RIDGE PKWY STE 920	0.03	0.02	0.05	CLOSED 11/13/2020;A NU WELLNESS SPA OPENED 5/31/2021
B201721536	2020	BLUE POINT ENTERTAINMENT	3296 SUMMIT RIDGE PKWY STE 920	94.27	34.52	128.79	CLOSED 11/13/2020;A NU WELLNESS SPA OPENED 5/31/2021
B201721536	2021	BLUE POINT ENTERTAINMENT	3296 SUMMIT RIDGE PKWY STE 920	94.27	25.81	122.78	CLOSED 11/13/2020;A NU WELLNESS SPA OPENED 5/31/2021
B201721536	2022	BLUE POINT ENTERTAINMENT	3296 SUMMIT RIDGE PKWY STE 920	94.27	8.48	102.75	CLOSED 11/13/2020;A NU WELLNESS SPA OPENED 5/31/2021
B201719604	2019	CIGAR JAZZ	2820 PEACHTREE INDUSTRIAL BLVD	140.13	62.25	202.38	CLOSED DUE TO FIRE JUNE 2022 NEVER REOPENED
B201719604	2020	CIGAR JAZZ	2820 PEACHTREE INDUSTRIAL BLVD	140.13	51.32	191.45	CLOSED DUE TO FIRE JUNE 2022 NEVER REOPENED
B201719604	2021	CIGAR JAZZ	2820 PEACHTREE INDUSTRIAL BLVD	140.13	42.38	182.21	CLOSED DUE TO FIRE JUNE 2022 NEVER REOPENED
B201719604	2022	CIGAR JAZZ	2820 PEACHTREE INDUSTRIAL BLVD	140.13	12.62	152.75	CLOSED DUE TO FIRE JUNE 2022 NEVER REOPENED
B201719448	2021	COMCREA GA LLC	2200 PEACHTREE INDUSTRIAL BLVD	189.39	16.37	205.76	CLOSED 2020; NEW OWNER MENCHIES 6/29/2022
B201821715	2018	CHOI MUSIC STUDIO	2856 BUFORD HWY STE 5	245.47	129.72	375.19	BUSINESS DID NOT RENEW FOR 2018.
B018575	2021	CHATTAHOOCHEE CABINET INC	3649 ROGERS BRIDGE RD	13.95	4.22	18.17	BUSINESS WAS SOLD
B430136	2022	CONCRETE PUMP PARTNERS LLC	3625 BUFORD HWY	1874.11	168.67	2042.78	CLOSED 7/21/2021
B202038574	2020	2 PLUS 2 LLC	3894 LAWRENCEVILLE SIWANEE RD STE 500	252.54	92.48	345.02	BUSINESS WAS MISCODED TO DULUTH TAX DISTRICT AS SITUS LOCATION WAS IN SUWANEE
B201720740	2021	DAVI NAILS	2635 PLEASANT HILL RD	23.85	2.06	25.91	NEW OWNERS PURCHASED 6/13/2022 W/ SAME NAME CANNOT LOCATE FORMER OWNERS FOR 2021 BPP TAXES
B202142965	2021	DBA BACKSTREET BAR & GRILL	3140 MAIN ST	118.7	10.88	129.58	CLOSED 5/18/2021
B201721548	2020	K&Z BROADCASTING LLC	3296 SUMMIT RIDGE PKWY STE 910	33.41	10.9	44.31	B201721548 CLOSED IN 2020 ZENBELLA OPENED 10/30/2020
B201833692	2021	CAJUN CAFE LLC	2863 PEACHTREE IND BLVD	178.45	53.97	232.42	FOUND VACANT 7-27-2022 PER COMPLIANCE OFFICER JOHN COMPTON.
B201931726	2021	MOA MEDIA INC/ KTN	4675 RIVERGREEN PKWY	154.75	46.8	201.53	MOVED TO NORCROSS IN 2020 DIDN'T LET CITY KNOW UNTIL 9/23/2021. GRAY MEDIA GROUP INC MOVED IN APRIL 2022
B202034077	2021	METRO COFFEE LLC	2670 N BERKELEY LAKE RD STE 18	130.63	11.29	141.92	6/15/22 NEW BUSINESS GOING IN : DYZINE TEK LLC
B381709	2019	AFFORDABLE AUTO CENTER	1855 BUFORD HWY ST B-1	52.41	23.28	75.69	Received change request dated 5/17/19 by Liz Ramlat that they have closed this business effective 5/9/19.
B390380	2020	BSY #2 INC	472 PLEASANT HILL RD	58.24	21.33	79.57	SITUS IS IN LILBURN NOT DULUTH
B390380	2021	BSY #2 INC	472 PLEASANT HILL RD	56.93	17.22	74.15	SITUS IS IN LILBURN NOT DULUTH
B402089	2022	NOEL AUTO REPAIR	3570 BUFORD HWY STE B104	22.27	2	24.27	NEW OWNER A & J PROPERTY SERVICE ATLANTA AS OF 10/1/2022 ENTITY#2837. EMAILED NOEL AUTO TWICE NO RESPONSE
B402089	2021	NOEL AUTO REPAIR	3570 BUFORD HWY STE B104	22.27	6.73	29	NEW OWNER A & J PROPERTY SERVICE ATLANTA AS OF 10/1/2022 ENTITY#2837. EMAILED NOEL AUTO TWICE NO RESPONSE
B413643	2020	ATOS IT SOLUTIONS AND SERVICES INC	VARIOUS LOCATIONS DULUTH	1.11	0.4	1.51	GWINNETT ASSIGNS THESE TO EACH City AND IF REMOVE EQUIPMENT TAKE OFF DIGEST
B202142985	2021	SONSHONE BATH LLC	2860 PEACHTREE INDUSTRIAL BLVD	109.79	16.12	125.91	CLOSED 7/12/2022 EMAILED WITH NO RESPONSE 8/15/22
B202034129	2020	BEST PRODUCT PHOTO LLC	3300 PEACHTREE INDUSTRIAL BLVD	34.65	11.78	46.43	DIDN'T RENEW FOR 2020
B20203429	2021	BEST PRODUCT PHOTO LLC	3300 PEACHTREE INDUSTRIAL BLVD	34.65	7.84	42.49	DIDN'T RENEW FOR 2020
B202037381	2020	CE EXPRESS MOBILE INC	3940 BUFORD HWY	126.24	46.23	172.47	FOUND VACANT BY LICENSE COMP OFFICER. 8-23-2020. OWNER DID NOT RESPOND TO REQUEST TO PAY PAST DUE AMT
B202037381	2021	CE EXPRESS MOBILE INC	3940 BUFORD HWY	126.24	38.18	164.42	FOUND VACANT BY LICENSE COMP OFFICER. 8-23-2020. OWNER DID NOT RESPOND TO REQUEST TO PAY PAST DUE AMT
B202142977	2021	GREEN ROOM PARADISE	2730 PEACHTREE INDUSTRIAL BLVD	50	8.47	58.47	CLOSED 7/2022 NEW BUSINESS SPIRIT HOUSE YOGA OPENED 2/1/2023
B202142977	2022	GREEN ROOM PARADISE	2730 PEACHTREE INDUSTRIAL BLVD	48.8	0.68	49.48	CLOSED 7/2022 NEW BUSINESS SPIRIT HOUSE YOGA OPENED 2/1/2023
B202142979	2021	REJUVENATE U WELLNESS CLINIC	2810 PEACHTREE INDUSTRIAL BLVD	270.95	61.32	332.27	CLOSED 8/4/2021 NEW BUSINESS LIVING BALANCE OPENED 11/1/2022
B202142979	2022	REJUVENATE U WELLNESS CLINIC	2810 PEACHTREE INDUSTRIAL BLVD	270.95	3.77	274.72	CLOSED 8/4/2021 NEW BUSINESS LIVING BALANCE OPENED 11/1/2022
B202245606	2022	AMERICAN BEST CLOTHING LLC	4102 HOWELL FERRY RD	2030.55	182.75	2213.3	CLOSED 7/28/2022 MOVED TO NORCROSS (HOME BASED) EMAILED INVOICE NO RESPONSE
B202245639	2022	COMPLETE BUILDING SOLUTIONS LLC	3465 DULUTH HWY 120	39.31	3.54	42.85	CLOSED ON 11/29/22 EMAILED OWNER 12/7/22 NO RESPONSE
B202142982	2021	ARISE TRADING INCE	2820 PEACHTREE INDUSTRIAL BLVD	1069.12	537.14	1392.44	NEVER OPENED. NOTHING IN STORE
B202245751	2022	THE SPACE CREW	3296 SUMMIT RIDGE PWY STE 1410	70.75	6.37	77.12	CLOSED 12/15/22 EMAILED & CALLED 3/6/23 SAID WOULD PAY;HAS NOT
B202245711	2022	PETS PROJECT OFFICIAL	3434 HOWELL ST STE D	52.41	4.72	57.13	CLOSED 3/1/2023 SPOKE TO OWNER 4/14/23 SAID WOULD COME IN AND PAY BUT DID NOT
B201931681	2019	KIDDOS PLAY & LEARN	2830 PEACHTREE INDUSTRIAL BLVD STE AA	159.84	71.01	230.85	DIDN'T RENEW FOR 2020
B201931681	2020	KIDDOS PLAY & LEARN	2830 PEACHTREE INDUSTRIAL BLVD STE AA	159.84	58.53	218.37	DIDN'T RENEW FOR 2020
B201931681	2021	KIDDOS PLAY & LEARN	2830 PEACHTREE INDUSTRIAL BLVD STE AA	159.84	48.34	208.18	DIDN'T RENEW FOR 2020
B201931681	2022	KIDDOS PLAY & LEARN	2830 PEACHTREE INDUSTRIAL BLVD STE AA	159.84	14.38	174.22	DIDN'T RENEW FOR 2020
B201931694	2019	AMERICAN INK OFFICE LLC	2863 PEACHTREE INDUSTRIAL BLVD STE A	192.14	85.35	277.49	Closed 1/14/2019
B201719963	2022	KENNEDY ACCESS GROUP	3859 POSTAL DRIVE STE 110	19.85	0.62	20.47	CLOSED 12/31/2021 MOVED TO 3483 SATELLITE BLVD OUT OF CITY LIMITS
B201721261	2019	WSL LLC	3585 PEACHTREE INDUSTRIAL BLVD STE 8B	57.91	25.72	83.63	Closed business in 2019, Did not renew in 2020. We have no response from from owner to pay off past due.
				11444.98	1232.86	12677.84	

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

AN ORDINANCE TO AMEND THE 2023 ANNUAL BUDGET FOR THE CITY OF DULUTH, GEORGIA, IN COMPLIANCE WITH THE LAWS OF THE STATE OF GEORGIA.

THE CITY COUNCIL OF THE CITY OF DULUTH HEREBY ORDAINS, the City of Duluth, Georgia, has previously adopted a budget for the 2023 fiscal year as follows:

Total Revenues:	<u>75,522,033</u>
Operations Expenditures:	<u>36,087,744</u>
Capital Improvement Expenditures:	<u>39,434,289</u>
Total Expenditures:	<u>75,522,033</u>

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

WHEREAS the City of Duluth authorize staff to execute a task order with Columbia Engineering to improve the 1.1 mile walking trail at Bunten Road Park; and

WHEREAS the cost of the task order is \$217,000, including a 10% contingency and will be funded with interest earned on the 2017 SPLOST funds; and

WHEREAS it is requested \$217,000 in 2017 SPLOST interest income be added to the Bunten Road Park – Park Area – Professional Services line item including associated transfers; and

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

Total Revenues & Prior Yr Reserves	<u>75,739,033</u>
Operations Expenditures:	<u>36,087,744</u>
Capital Improvement Expenditures:	<u>39,651,289</u>
Total Expenditures:	<u>75,739,033</u>

IT IS SO ORDAINED this _____ day of _____, 2023.

Mayor Nancy Harris

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

**CITY OF DULUTH
CITY COUNCIL**Staff Report
May 8, 2023

CASE NUMBER:	SU2023-003
LOCATION:	3425 Corporate Way, Duluth, GA, 30096
PARCELS:	R6325 036
CURRENT ZONING:	M-1 (Light Industrial District)
PROPOSED ZONING:	M-1 (Light Industrial District) with Special Use
ACREAGE:	+/- 3.73 ac
REQUEST:	Approval of Special Use SU2023-003 to allow for the use of County Charter Middle School.
OWNER/APPLICANT:	Alphonsa Foward Jr. New Life Academy of Excellence 4725 River Green Parkway Duluth, GA 30096 <i>On behalf of</i> James Alexander Bralley 3425 Corporate Way Duluth, GA 30096

STAFF RECOMMENDATION:	Approval with Conditions
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I. PURPOSE AND DESCRIPTION OF THE REQUEST

The purpose of this Special Use request (SU2023-003) is to allow for the operation of a Gwinnett County Charter Middle School at 3425 Corporate Way.

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

The proposed development does not contemplate the addition of any structures or impervious areas.

II. EXISTING CONDITIONS

The subject property totals +/- 3.73 acres. The subject property is located within the +/- 290 acre River Green Industrial Park comprised of construction services, engineering services, production facilities, laboratory testing facilities, infrastructure solutions, offices, and institutional uses.

III. REVIEW OF THE REQUEST

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

- A. Table 2-C of the UDC allows schools of this type by way of special use.
- B. Section 1105 of the UDC establishes the Special Use Considerations.

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

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

To accommodate these particular uses, Special Use approval allows the City Council to approve such a use on a particular parcel without changing the general zoning district. Such approval shall be subject to the requirements set forth below and any additional conditions deemed necessary to ensure the compatibility of the Special Use with the surrounding

properties. All Special Use applications shall be for firm development proposals only. The Special Use shall not be used for securing early zoning for conceptual proposals that may not be undertaken for some time. A Special Use application shall be considered only if the application is made by the owner of the property or by his/her authorized agent. The minimum requirements for a Special Use approval are:

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

residential district shall not obligate the City Council to be responsible for or be required to resolve any disputes which may arise out of the voluntary termination of the Special Use by the property owner.

8. The Planning & Development Department shall have the right to periodically examine the operation of the specific use to determine compliance with the requirements and any conditions. If the Planning & Development Director determines that the requirements and conditions are being violated, a written notice shall be issued to the owner of the property outlining the nature of the violation and giving the owner of the property a maximum of ten days to come into compliance. If after ten days the violations continue to exist, the Director shall forward a report to the City Council through the Planning Commission who may recommend that action be taken to remove the Special Use from the property.
9. Upon approval by the City Council, a Special Use shall be identified on the official zoning maps.
10. Upon approval by the City Council of a Special Use, the owner of the property shall be issued a notice from the Director that states the specific use permitted, the requirements of this Section and any conditions attached to the approval.
11. The Planning & Development Department shall not issue a Certificate of Occupancy for the specific use unless all requirements and conditions of the Special Use approval have been fulfilled by the owner of the property.

2. Standards Governing the Exercise of Zoning Power

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

- A. How the proposed Special Use will permit a use that is suitable in view of the use and development of adjacent and nearby property.*

River Green Industrial Park accounts for more than 75% of the industrial zoned land within the city limits of Duluth. Of the 290 acres within River Green Industrial Park, industrial uses occupy 258 acres. The remaining 32 acres contains institutional uses which operate under special use or conditional use approval. The inclusion of these institutional uses within the industrial office park are a direct result of the economic downturn and were not contemplated as part of the design of the development.

Within River Green Industrial Park, there is a true mixture of light industrial uses with office spaces. Immediately adjacent to the subject property are light manufacturing and office uses. To the north and across River Green Pkwy, the uses are industrial and manufacturing that require use of tractor trailers for day to day operation.

- B. How the proposed Special Use will adversely affect the existing use or usability of adjacent or nearby property.*

The M-1 district allocates land that is suitable for light industrial uses such as assembling, wholesaling, warehousing and commercial services in areas that are located on or have ready access to a major thoroughfare. River Green Industrial Park was designed with the purpose of meeting the intent of the M-1 zoning district. The industrial park is a horseshoe design that contains the industrial uses within the River Green Parkway while funneling traffic onto Peachtree Industrial Blvd. This design allows for industry to develop and grow within the industrial park boundaries limiting the potential for conflict with the adjacent residential and commercial retail uses.

Currently, New Life Academy is operating out of 4725 River Green Pkwy, south of the proposed location. The applicant is proposing to relocate the entirety of their middle school operation from their current location to the subject property. The current enrollment for the middle school is 91 students. The proposed expansion to the subject property would allow enrollment to grow to 250 students for the 2023 / 2024 school year.

- C. Whether the property to be affected by a proposed Special Use has a reasonable economic use as currently zoned.*

The subject property is currently zoned M-1 which allows for a variety of light manufacturing and office related uses by right. However, the M-1 zoning district also allows for the operation of schools by way of a Special Use permit. The significance of this permit is to allow the City to review uses atypical to the zoning district to ensure that the proposed use is conditioned to a use or intensity that does not disrupt or fundamentally change the character of the area.

The site has historically been used as a laboratory. Interior renovations are proposed to accommodate the proposed use. The renovations include creating 13 classrooms, 20 offices, a library, indoor recreation, training room, cafeteria, and catering room. No exterior renovations are proposed at this time, and it is unclear if and where students will be permitted to congregate outside of the building.

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

The primary concern regarding the operation of schools on River Green Parkway is the relationship between existing industrial and office users and proposed school users, primarily during drop-off and pick-up times. As shown in Exhibit "C," the applicant has provided a traffic circulation plan demonstrating how drop-off and pick-up will be contained entirely on the site.

The hours of operation for the middle school are 7:30 AM to 4:30 PM. There will be after school activities at this location which are limited to student clubs. The current participation accounts for 15%-20% of the total middle school student body.

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

The institutional uses that exist within the River Green Employment District character area were permitted during the previous economic downturn. Since that time, the City of Duluth adopted the 2040 Comprehensive Plan, FORWARDuluth. FORWARDuluth states that as these tenants turn over, the vacant spaces should be replaced with industrial and employment uses.

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

The request is to allow an additional school location for New Life Academy within the River Green Industrial Park. Currently, New Life Academy operates out of two locations; 4725 River Green Pkwy which contains the school, and 4680 River Green Pkwy contains offices and training facilities for teachers and staff. The proposed third site, 3425 Corporate Way, is to the north of the New Life Academy campus and is not adjacent to the other properties. It is unclear what the master plan is for the school and if additional buildings will be acquired for later expansions.

The Applicant has provided written responses to the above Special Use standards as part of the application. Those documents are attached hereto as Exhibit "E."

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

The subject property is located in the River Green Employment District. FORWARDuluth envisions this character area to be an employment district comprised of large office and warehouse buildings. The institutional uses that exist within the River Green Employment District character area were permitted during the previous economic downturn. The Future Land Use Map (FLUM) classifies the subject property as commercial, retail, and office.

IV. PLANNING STAFF REVIEW

The intent of a Special Use designation for a public charter middle school is to ensure that the use, intensity, and number of such facilities consist with the surrounding land-uses and future land uses of the area. The primary focus of staff's review is to ensure the intensity of said use remains consistent with the surrounding area and does not overburden the existing road network or parking on site. The Charter School Commission of Georgia offers a guideline for selecting a facility. The document addresses areas to avoid which include areas zoned for commercial or industrial development and should be insulated from business and industrial development.

The subject property would require renovations to the interior and exterior in order to accommodate the school use. These plans would need to be reviewed by both Gwinnett County and City of Duluth prior to construction and occupying the site.

V. RECOMMENDATION

Planning staff recommends Approval with Conditions of case SU2023-003. At the April 3, 2023 Planning Commission Meeting, the Planning Commission voted to table case SU2023-003 until April 17, 2023 meeting. At the April 17, 2023 meeting, the Planning Commission voted to approve case SU2023-003 with amended conditions. The amended condition required the applicant to conduct a Traffic Impact Analysis. A city initiated Traffic Impact Analysis is already underway and as a result the Planning Commission condition is no longer necessary.

ATTACHMENTS:

Exhibit "A": Maps

Exhibit "B": Legal Description

Exhibit "C": Site Plan

Exhibit "D": Conditions of Approval

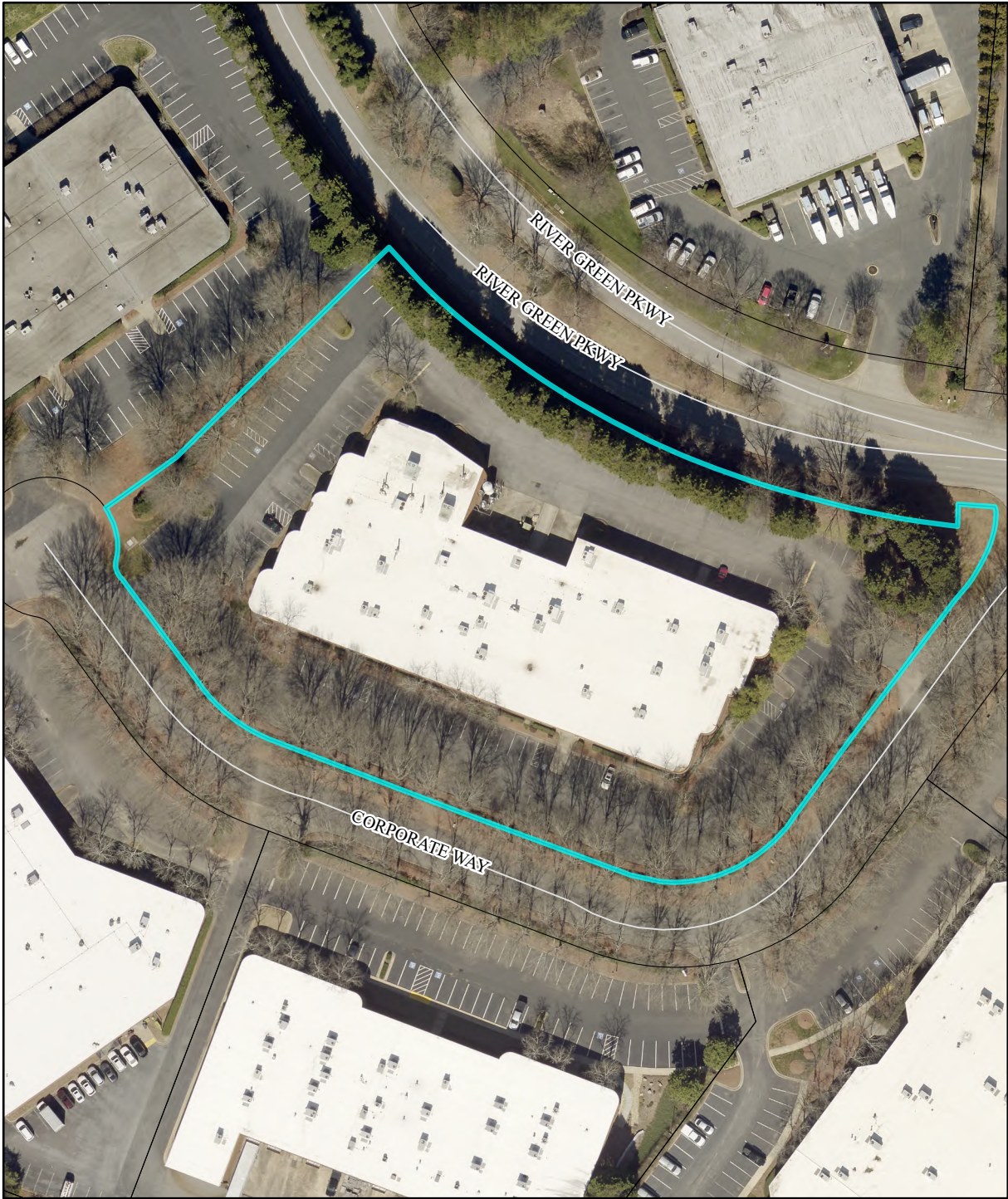
Exhibit "E": Applicant's Responses to the Standards Governing Special Use Consideration



Exhibit "F": Public Comment

Exhibit "G": Public Notice

Exhibit "H": Addendum to Staff Review

Exhibit "A" Location Map



SU2023-003 New Life Academy		Planning Commission Date: April 3, 2023 / April 17, 2023	<div> <div>Streets</div> <div>Address Outline</div> <div>Parcel</div> </div>
From: M-1	To: M-1	City Council: May 8, 2023	
 City of Duluth Georgia Planning + Development GIS		<div> <div>90</div> <div>Feet</div> </div> <div> <div>N</div>  </div>	Tax Parcel(s): R6325 036

Zoning Map



SU2023-003
New Life Academy

Planning Commission Date:
April 3, 2023 / April 17, 2023

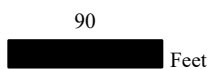
From: M-1 To: M-1

City Council:
May 8, 2023

 M-1



City of Duluth | Georgia
Planning + Development | GIS



Tax Parcel(s):
R6325 036

Character Area Map



SU2023-003
New Life Academy

Planning Commission Date:
April 3, 2023 / April 17, 2023

From: M-1 To: M-1

City Council:
May 8, 2023

River Green
Employment
District



City of Duluth | Georgia
Planning + Development | GIS

90
Feet



Tax Parcel(s):
R6325 036

Exhibit "B"
Legal Description

EXHIBIT A

PREMISES

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 325 of the 6th District of Gwinnett County, Georgia, being more particularly described as follows:

BEGINNING at a point of intersection of Peachtree Industrial Boulevard's 150 foot northwesterly right-of-way and River Green Parkway's southwesterly right-of-way (being 100 feet wide at the point of intersection); thence N 48° 26' 22" W a distance of 223.83 feet to a point on said right-of-way of River Green Parkway (being 80 feet wide at this point); being the point of curvature of a curve to the left having a radius of 1060.00 feet, a chord bearing of N 66° 06' 11" W and a chord distance of 552.39 feet, following the southwesterly right-of-way of River Green Parkway along said curve an arc distance of 558.83 feet to the end of said curve to a point on the northerly right-of-way line of Corporate Way (being a 60 foot right-of-way), and being the TRUE POINT OF BEGINNING; thence from said TRUE POINT OF BEGINNING along the northerly right-of-way line of Corporate Way S 10° 24' 58" W following said northerly right-of-way line of Corporate Way a distance of 10.64 feet to the point of curvature of a curve to the right having a radius of 70.00 feet, a chord bearing of S 24° 42' 29" W and a chord distance of 34.56 feet, along said curve following said northerly right-of-way line of Corporate Way an arc distance of 34.92 feet to an iron pin found at the end of said curve; thence S 39° 00' 00" W following said northerly right-of-way line of Corporate Way a distance of 228.26 feet to the point of curvature of a curve to the right having radius of 95.00 feet, a chord bearing of S 76° 04' 32" W and a chord distance of 114.54 feet, along said curve following said northerly right-of-way line of Corporate Way an arc distance of 122.94 feet to a point at the end of said curve; thence N 66° 50' 57" W following said northerly right-of-way line of Corporate Way a distance of 262.50 feet to a point; being the point of curvature of a curve to the right having a radius of 125.00 feet, a chord bearing of N 49° 52' 38" W and a chord distance of 72.98 feet, along said proposed northerly right-of-way line of Corporate Way an arc distance of 74.05 feet to a point being the end of said curve; thence N 32° 54' 19" W a distance of 93.18 feet to a point being the point of curvature of a curve to the right having a radius of 15.00 feet, a chord bearing of N 09° 48' 43" W along proposed northerly right-of-way line of Corporate Way a chord distance of 11.77 feet, along said curve an arc distance of 12.09 feet to a point being the point of curvature of a curve to the left having a radius of 50.00 feet, a chord bearing of N 09° 34' 47" W along said proposed northerly right-of-way line of Corporate Way a chord distance of 38.85 feet, along said curve an arc distance of 39.90 feet to an iron pin found; thence departing the said proposed northerly right-of-way line of Corporate Way running N 57° 33' 33" E a distance of 48.24 feet to an iron pin found; thence N 49° 09' 11" E a distance of 222.33 feet to an iron pin found on the southerly right-of-way of River Green Parkway; being a 110 foot right-of-way and being a point of curvature of a curve to the left having a radius of 605.00 feet, a chord bearing of S 61° 12' 04" E and a chord distance of 443.82 feet, along said curve an arc distance of 454.42 feet to an iron pin found; thence continuing along the southerly right-of-way line of River Green Parkway N 07° 16' 51" E a distance of 15.00 feet to an iron pin found; thence continuing along said southerly right-of-way line of River Green Parkway with said point being the point of curvature of a curve to the right having a radius of 1060.00 feet, a chord bearing of S 81° 57' 45" E a chord distance of 28.00 feet, along said curve an arc distance of 28.00 feet to the TRUE POINT OF BEGINNING.

Exhibit "C"

Site Plan

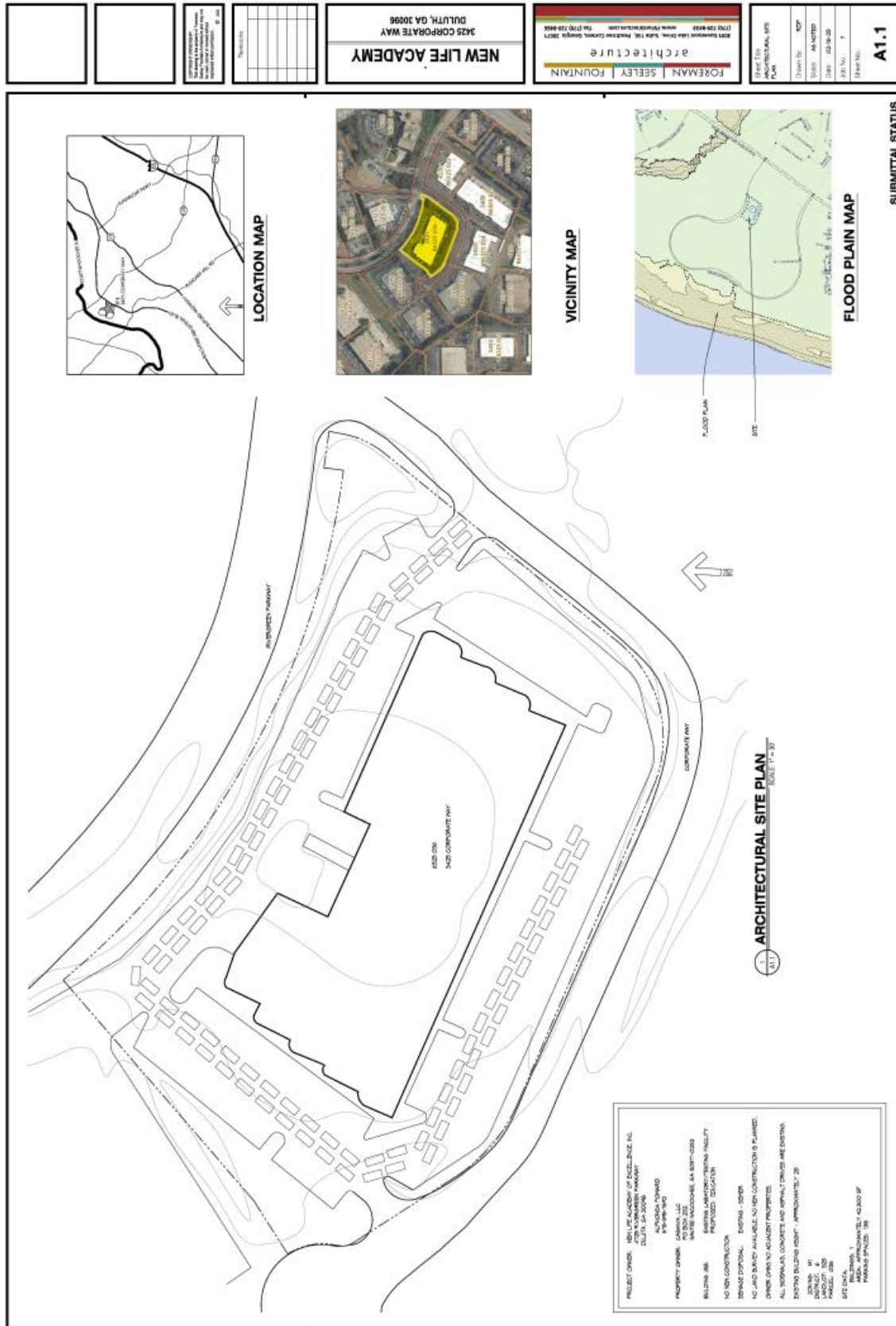


Exhibit “D”
Conditions of Approval

1. The Special Use Permit (SU2023-003) is approved for New Life Academy and its use of a school. If the ownership of the school changes, in part or in whole, the Special Use Permit is considered terminated. If the use changes, is discontinued or abandoned for a period of ninety (90) days, the Special Use Permit is considered terminated. If the school building expands beyond its existing footprint, the Special Use Permit is considered terminated.
2. Any renovations to the interior and/or exterior of the building require review and approval by the City of Duluth prior to occupancy.
3. The property shall be maintained in a state of good repair at all times, free from any violations of the Property Maintenance Code; Unified Development Code; License and Business Regulations; Nuisance Codes, and any other codes adopted by the City of Duluth. Failure to maintain the property at or above the minimum standards adopted in the City of Duluth codes and ordinance shall be cause for revocation of the Special Use.
4. The privilege of a Special Use is subject to all conditions that have been attached to it. The City Council may revoke any Special Use approval after it has been proven that the conditions have been violated. Revocation of the Special Use shall cause the use to become an illegal nonconformity, the continuation of which is strictly prohibited.

The Planning and Development Department shall have the right to periodically examine the operation of the Special Use to determine compliance with the requirements and any conditions. If the Planning and Development Director determines that the requirements and conditions are being violated, a written notice shall be issued to the owner of the property outlining the nature of the violation and giving the owner of the property a maximum of ten (10) days to come into compliance. If after ten (10) days the violations continue to exist, the Director shall forward a report to the City Council through the Planning Commission who may recommend that action be taken to remove the Special Use from the property. Notwithstanding, repeat violations within a period of sixty (60) days of the same nature shall not be required to give additional notice or time to correct prior to initiating revocation procedures outlined herein.

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

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

5. Annual student enrollment must be submitted to the Director of Planning and Development at the beginning of each academic year.
6. Outdoor amplified sound shall be prohibited.
7. Any refuse collection area(s) and/or dumpsters shall be enclosed per Section 306.07 of the City of Duluth Unified Development Code.
8. Prior to the issuance of any building permit, the applicant shall submit a drop-off/pick-up circulation plan. Drop-off/pick-up lines shall not result in queuing or vehicular stacking in the right-of-way, on public streets or on any adjacent property. Any updates to the submitted traffic circulation plan must be submitted to the Director of Planning and Development showing vehicular stacking contained wholly on site and out of River Green Pkwy or Corporate Way.
9. The school shall not create overflow parking that results in parents, visitors, or staff parking in the right-of-way, on public streets or on any adjacent property without a shared parking agreement with the adjacent property owner and/or landlord.

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

City of Duluth Special Use Application

Applicant Response

New Life Academy of Excellence – 4680 River Green Parkway, Duluth

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

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

The proposed special use is consistent with the use of properties in the adjacent development.

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

The proposed special use will not adversely affect the existing use or usability of adjacent or nearby properties. With the large parking area and the existing building, traffic flow inference with adjacent properties could occurring during drop off and pick up times. These are relatively small time frames, any stopped traffic should be entirely on site. The goal is to contain the entire drop off and pickup queue on site with no impact to access of the surrounding properties. Parking queue is shown on the required site plans.

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

The current building is unoccupied and was used as a laboratory / genetic testing company. As proposed, the zoning would no change. Use of the building by the school will not affect the economical viability of the building in any way.

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

Use of this site will not adversely increase the traffic on Rivergreen Parkway during drop-off and pick-up times at the school. Since the school will be on Corporate Way, no congestion should be felt.

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

The proposed use of this site is in conformance with usage of the plan and surrounding areas.

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

No other existing or changing conditions affect the approval of the special use.

**Exhibit “F”
Public Comment**

The Planning Department received the following comments from business owners concerned about this request.

As we stated on the phone, as a tenant in 3475 Corporate Way (the directly adjacent neighbor), we would respectfully request that this application be deferred to allow for additional time for the application to be reviewed and considered by those most impacted. In addition to the short review time, the Planning Commission meeting is scheduled for 4/3/23, which coincides with Gwinnett County Schools spring break. As such, we will be unable to attend, as I would expect most with school aged children to have a similar conflict. In any event, we would kindly ask that you share our concerns with the Planning Commission.

After a quick review, we disagree with the following statements provided by the applicant:

- *The use is not consistent with the adjacent property, as stated in response A. All surrounding uses are office or industrial.*
- *The use will ABSOLUTELY impact traffic for both River Green Pkwy AND Corporate Way, contrary to the applicant’s statement in item B. The applicant even states that “...traffic flow [interference] with adjacent properties could [occur] during drop off and pick up times.” Unfortunately for all parties involved, these times coincide with the peak hour traffic patterns for your typical office uses. As a result, we believe a traffic impact study is warranted.*
- *For item C, we believe that changing the use to a school will impact the economic viability of the surrounding office buildings.*
- *For item D, the applicant has already stated on item B that traffic issues could occur during their peak hour. Additionally, their application states that they have a current enrollment of 91 students to 250 students. That alone is nearly tripling the # of vehicles this particular user puts on River Green Pkwy. The traffic circulation plan provided shows 93 stacked cars, yet they anticipate 250 students. Where do the rest of the cars stack during drop off? How would they prevent parents from dropping off in our parking lot and allowing their child to walk?*
- *For item E, regarding conformity with the Comprehensive Plan. Without ample time to research, we have referred to the staff report for SU2023-001. “The institutional uses that exist within the River Green Employment District character area were permitted during the previous economic downturn. Since that time, the City of Duluth adopted the 2040 Comprehensive Plan, FORWARDuluth. FORWARDuluth states that as these tenants turn over, the vacant spaces should be replaced with industrial and employment uses.”*

After your review and consideration of the above, we would be happy to have further discussions with you (or your staff) regarding our concerns. We do intend to provide additional comments after more time to review the application and the staff report.

Exhibit "G"

Public Notice

CITY OF DULUTH NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council to consider a special use request from **New Life Academy of Excellence**, on approximately 3.73 acres of property in Land Lot 325, 6th District, Gwinnett County, located at 3425 Corporate Way, consisting of tax parcels 6325 036, case number SU2023-003. The special use request is to operate a Charter School in the M-1 zoning district.

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

WHEN: May 8th, 2023 - 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: Amy Bingham
3167 Main Street
Duluth, GA 30096
OR
Email: abingham@duluth-ga.net**

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

In compliance with the Americans with Disabilities Act of 1990, the City of Duluth is committed to providing reasonable accommodations for a person with a disability. Please contact Teresa Lynn at (770) 476-3434 if special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.

934 101109 4/23, 2023



Exhibit “H”
Addendum to Staff Review

On April 18, 2023, Planning Staff received updated traffic circulation plans from the applicant. The plans detailed three alternative traffic routes. On May 1, 2023, Planning Staff requested clarification regarding which traffic plan the applicant intends to utilize. Below is the traffic plan the applicant intends to use on site and description of how traffic plan will function:



As a Gwinnett County Public Charter School(Special Entity School), we are currently expecting approximately 150 students to be housed at our future Middle School Campus located at 3425 Corporate Way Duluth, Georgia for the 2023- 2024 school year. There are 194 parking spaces, so plan to have the parents of our students park as they arrive to drop off and pick-up their children. In addition, we will have the parents of our students enter and exit at the exit nearest to River Green Parkway.

Additionally, Staff requested information regarding if students would be permitted outside of the building during the school day. Below is the applicant's response:

We are planning to have indoor recreation for our Middle School Students.

**ORDINANCE OF REZONING
NO. 02023-13
CITY OF DULUTH**

AN ORDINANCE GRANTING SPECIAL USE APPROVAL TO OPERATE A PUBLIC CHARTER SCHOOL IN THE M-1 (LIGHT INDUSTRIAL DISTRICT) ZONING DISTRICT LOCATED ON A ± 3.73 ACRE PROPERTY IN LAND LOT 325 OF THE 6TH DISTRICT, GWINNETT COUNTY CONSISTING OF TAX PARCEL R6325 036 ADDRESSED AS 3425 CORPORATE WAY, DULUTH, GEORGIA 30096. THE PROPERTY, GENERALLY KNOWN AS “3425 CORPORATE WAY”, IS LEGALLY DESCRIBED ON THE ATTACHED EXHIBIT “A”. THE ORDINANCE PROVIDES FOR FINDINGS, ESTABLISHES CONDITIONS OF APPROVAL AS SHOWN ON ATTACHED EXHIBIT “B”, PROVIDES FOR SEVERABILITY, REPEALS CONFLICTING ORDINANCES, ESTABLISHES AN EFFECTIVE DATE, AND IS FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the applicant, Alphonsa Foward Jr., has filed a complete application (SU2023-003) with the City of Duluth seeking Special Use approval to operate a county charter middle school in the M-1 (Light Industrial) zoning district; and

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

WHEREAS, the City of Duluth Planning Commission held a public hearing at the meeting of April 3, 2023, duly noticed as prescribed by law and published in the Gwinnett Daily Post, regarding the application. At the April 3, 2023, meeting, the Planning Commission recommended to table case SU2023-003 until the April 17, 2023, meeting. At the April 17, 2023, public hearing, the Planning Commission voted to approve case SU2023-003 with amended conditions; and

WHEREAS, the City Council held a public hearing at the meeting of May 8, 2023, duly noticed as prescribed by law and published in the Gwinnett Daily Post, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, the City Council of the City of Duluth hereby ordains that the City of Duluth Unified Development Code is hereby amended as follows:

SECTION 1. FINDINGS.

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

- A. The special use is suitable given the use and development of adjacent and nearby properties. The proposed location is within River Green Industrial Park. River Green Industrial Park contains institutional uses which operate under special use or conditional use approval. The inclusion of these institutional uses within the industrial office park are a direct result of the economic downturn and were not contemplated as part of the design of the development. Within River Green Industrial Park, there is a true mixture of light industrial uses with office spaces. Immediately adjacent to the subject property are light manufacturing and office uses. To the north and across River Green Pkwy, the uses

are industrial and manufacturing that require use of tractor trailers for day-to-day operation.

- B. The proposed special use is not anticipated to adversely affect the existing use or usability of adjoining or nearby properties.
- C. The proposed special use is not anticipated to cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- D. The Future Land-Use and Development section and supporting Character Area Map of FORWARDuluth (also known as the Comprehensive Plan, 2040) identifies the Character Area of this property as the River Green Employment District. Special Use approval to operate a county charter middle school in the M-1 (Light Industrial District) zoning district is consistent with the spirit and intent of the Comprehensive Plan.

SECTION 2. LEGAL DESCRIPTION.

The property that is subject to this ordinance consists of ±3.73 acres and is legally described on Exhibit “A”, attached hereto. Said Exhibit is incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

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

SECTION 5. REPEALER.

All conflicting ordinances and conditions are hereby repealed and replaced with the conditions of approval set forth in this Ordinance 02023-13.

ATTACHMENTS:

Exhibit "A": Maps

Exhibit "B": Legal Description

Exhibit "C": Site Plan

Exhibit "D": Conditions of Approval

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

Exhibit "F": Public Comment

Exhibit "G": Public Notice

Exhibit "H": Addendum to Staff Review

{Signatures on the following page}

IT IS SO ORDAINED this 8th day of May, 2023.

Those councilmembers voting in favor:

Mayor Nancy Harris

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

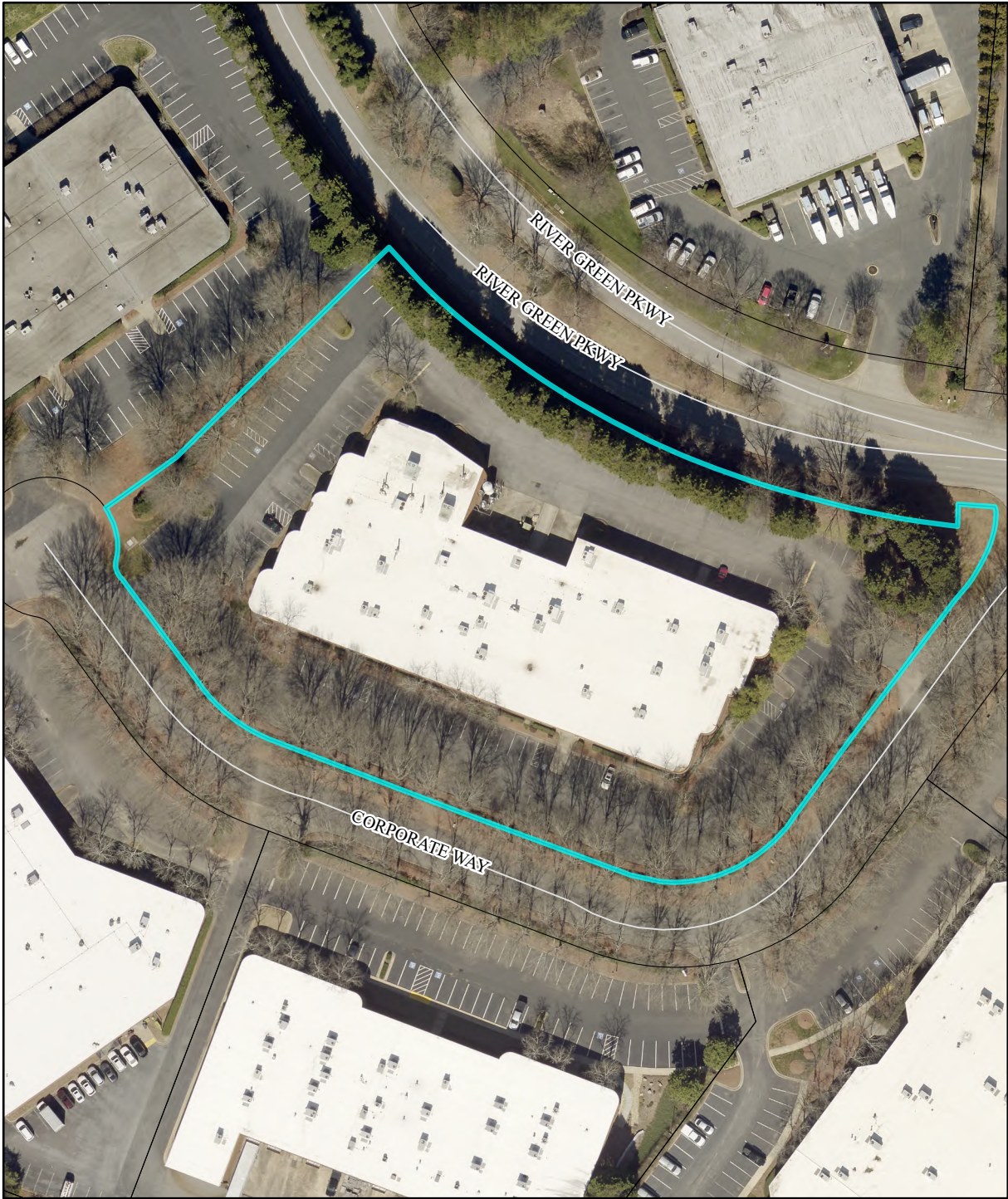
Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

Exhibit "A" Location Map



SU2023-003
New Life Academy

Planning Commission Date:
April 3, 2023 / April 17, 2023

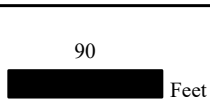
From: To:
M-1 M-1

City Council:
May 8, 2023

- Streets
- Address Outline
- Parcel



City of Duluth | Georgia
Planning + Development | GIS



Tax Parcel(s):
R6325 036

Zoning Map



SU2023-003
New Life Academy

Planning Commission Date:
April 3, 2023 / April 17, 2023

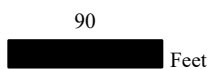
From: M-1 To: M-1

City Council:
May 8, 2023

 M-1



City of Duluth | Georgia
Planning + Development | GIS



Tax Parcel(s):
R6325 036

Character Area Map



SU2023-003
New Life Academy

Planning Commission Date:
April 3, 2023 / April 17, 2023

From: M-1 To: M-1

City Council:
May 8, 2023

River Green
Employment
District



City of Duluth | Georgia
Planning + Development | GIS

90
Feet



Tax Parcel(s):
R6325 036

Exhibit "B"
Legal Description

EXHIBIT A

PREMISES

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 325 of the 6th District of Cowdett County, Georgia, being more particularly described as follows:

BEGINNING at a point of intersection of Peachtree Industrial Boulevard=s 150 foot northwesterly right-of-way and River Green Parkway's southwesterly right-of-way (being 100 feet wide at the point of intersection); thence N 48° 26' 22" W a distance of 223.83 feet to a point on said right-of-way of River Green Parkway (being 80 feet wide at this point); being the point of curvature of a curve to the left having a radius of 1060.00 feet, a chord bearing of N 66° 06' 11" W and a chord distance of 552.39 feet, following the southwesterly right-of-way of River Green Parkway along said curve an arc distance of 558.83 feet to the end of said curve to a point on the northerly right-of-way line of Corporate Way (being a 60 foot right-of-way), and being the TRUE POINT OF BEGINNING; thence from said TRUE POINT OF BEGINNING along the northerly right-of-way line of Corporate Way S 10° 24' 58" W following said northerly right-of-way line of Corporate Way a distance of 10.64 feet to the point of curvature of a curve to the right having a radius of 70.00 feet, a chord bearing of S 24° 42' 29" W and a chord distance of 34.56 feet, along said curve following said northerly right-of-way line of Corporate Way an arc distance of 34.92 feet to an iron pin found at the end of said curve; thence S 39° 00' 00" W following said northerly right-of-way line of Corporate Way a distance of 228.26 feet to the point of curvature of a curve to the right having radius of 95.00 feet, a chord bearing of S 76° 04' 32" W and a chord distance of 114.54 feet, along said curve following said northerly right-of-way line of Corporate Way an arc distance of 122.94 feet to a point at the end of said curve; thence N 66° 50' 57" W following said northerly right-of-way line of Corporate Way a distance of 262.50 feet to a point; being the point of curvature of a curve to the right having a radius of 125.00 feet, a chord bearing of N 49° 52' 38" W and a chord distance of 72.98 feet, along said proposed northerly right-of-way line of Corporate Way an arc distance of 74.05 feet to a point being the end of said curve; thence N 32° 54' 19" W a distance of 93.18 feet to a point being the point of curvature of a curve to the right having a radius of 15.00 feet, a chord bearing of N 09° 48' 43" W along proposed northerly right-of-way line of Corporate Way a chord distance of 11.77 feet, along said curve an arc distance of 12.09 feet to a point being the point of curvature of a curve to the left having a radius of 50.00 feet, a chord bearing of N 09° 34' 47" W along said proposed northerly right-of-way line of Corporate Way a chord distance of 38.85 feet, along said curve an arc distance of 39.90 feet to an iron pin found; thence departing the said proposed northerly right-of-way line of Corporate Way running N 57° 33' 33" E a distance of 48.24 feet to an iron pin found; thence N 49° 09' 11" E a distance of 222.33 feet to an iron pin found on the southerly right-of-way of River Green Parkway; being a 110 foot right-of-way and being a point of curvature of a curve to the left having a radius of 605.00 feet, a chord bearing of S 61° 12' 04" E and a chord distance of 443.82 feet, along said curve an arc distance of 454.42 feet to an iron pin found; thence continuing along the southerly right-of-way line of River Green Parkway N 07° 16' 51" E a distance of 15.00 feet to an iron pin found; thence continuing along said southerly right-of-way line of River Green Parkway with said point being the point of curvature of a curve to the right having a radius of 1060.00 feet, a chord bearing of S 81° 57' 45" E a chord distance of 28.00 feet, along said curve an arc distance of 28.00 feet to the TRUE POINT OF BEGINNING.

Site Plan



Exhibit “D”

Conditions of Approval

1. The Special Use Permit (SU2023-003) is approved for New Life Academy and its use of a school. If the ownership of the school changes, in part or in whole, the Special Use Permit is considered terminated. If the use changes, is discontinued or abandoned for a period of ninety (90) days, the Special Use Permit is considered terminated. If the school building expands beyond its existing footprint, the Special Use Permit is considered terminated.
2. Any renovations to the interior and/or exterior of the building require review and approval by the City of Duluth prior to occupancy.
3. The property shall be maintained in a state of good repair at all times, free from any violations of the Property Maintenance Code; Unified Development Code; License and Business Regulations; Nuisance Codes, and any other codes adopted by the City of Duluth. Failure to maintain the property at or above the minimum standards adopted in the City of Duluth codes and ordinance shall be cause for revocation of the Special Use.
4. The privilege of a Special Use is subject to all conditions that have been attached to it. The City Council may revoke any Special Use approval after it has been proven that the conditions have been violated. Revocation of the Special Use shall cause the use to become an illegal nonconformity, the continuation of which is strictly prohibited.

The Planning and Development Department shall have the right to periodically examine the operation of the Special Use to determine compliance with the requirements and any conditions. If the Planning and Development Director determines that the requirements and conditions are being violated, a written notice shall be issued to the owner of the property outlining the nature of the violation and giving the owner of the property a maximum of ten (10) days to come into compliance. If after ten (10) days the violations continue to exist, the Director shall forward a report to the City Council through the Planning Commission who may recommend that action be taken to remove the Special Use from the property. Notwithstanding, repeat violations within a period of sixty (60) days of the same nature shall not be required to give additional notice or time to correct prior to initiating revocation procedures outlined herein.

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

The Director of Planning and Development shall notify the Planning Commission of the violation of conditions of the Special Use at the next regular Planning Commission meeting, and revocation of the Special Use Permit shall be considered at that time. The Planning Commission shall review the city staff report(s), take testimony from the property owner, and public testimony, and make a recommendation on the Special Use revocation to be forwarded to City Council. Following the Planning Commission recommendation, the City Council shall review the city staff report(s), take testimony from the property owner, and public testimony, and make a decision on the Special Use revocation. The City Council may

approve a resolution to revoke the Special Use and include authorization for the Director of Planning and Development to order the Special Use to cease. In the case of a terminated or revoked Special Use, the operations shall cease immediately.

5. Annual student enrollment must be submitted to the Director of Planning and Development at the beginning of each academic year.
6. Outdoor amplified sound shall be prohibited.
7. Any refuse collection area(s) and/or dumpsters shall be enclosed per Section 306.07 of the City of Duluth Unified Development Code.
8. Prior to the issuance of any building permit, the applicant shall submit a drop-off/pick-up circulation plan. Drop-off/pick-up lines shall not result in queuing or vehicular stacking in the right-of-way, on public streets or on any adjacent property. Any updates to the submitted traffic circulation plan must be submitted to the Director of Planning and Development showing vehicular stacking contained wholly on site and out of River Green Pkwy or Corporate Way.
9. The school shall not create overflow parking that results in parents, visitors, or staff parking in the right-of-way, on public streets or on any adjacent property without a shared parking agreement with the adjacent property owner and/or landlord.

Exhibit “E”

Applicant’s Response to the Standards Governing Special Use Consideration

City of Duluth Special Use Application

Applicant Response

New Life Academy of Excellence – 4680 River Green Parkway, Duluth

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

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

The proposed special use is consistent with the use of properties in the adjacent development.

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

The proposed special use will not adversely affect the existing use or usability of adjacent or nearby properties. With the large parking area and the existing building, traffic flow inference with adjacent properties could occurring during drop off and pick up times. These are relatively small time frames, any stopped traffic should be entirely on site. The goal is to contain the entire drop off and pickup queue on site with no impact to access of the surrounding properties. Parking queue is shown on the required site plans.

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

The current building is unoccupied and was used as a laboratory / genetic testing company. As proposed, the zoning would no change. Use of the building by the school will not affect the economical viability of the building in any way.

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

Use of this site will not adversely increase the traffic on Rivergreen Parkway during drop-off and pick-up times at the school. Since the school will be on Corporate Way, no congestion should be felt.

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

The proposed use of this site is in conformance with usage of the plan and surrounding areas.

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

No other existing or changing conditions affect the approval of the special use.

Exhibit “F” Public Comment

The Planning Department received the following comments business owners concerned about this request.

As we stated on the phone, as a tenant in 3475 Corporate Way (the directly adjacent neighbor), we would respectfully request that this application be deferred to allow for additional time for the application to be reviewed and considered by those most impacted. In addition to the short review time, the Planning Commission meeting is scheduled for 4/3/23, which coincides with Gwinnett County Schools spring break. As such, we will be unable to attend, as I would expect most with school aged children to have a similar conflict. In any event, we would kindly ask that you share our concerns with the Planning Commission.

After a quick review, we disagree with the following statements provided by the applicant:

- The use is not consistent with the adjacent property, as stated in response A. All surrounding uses are office or industrial.*
- The use will ABSOLUTELY impact traffic for both River Green Pkwy AND Corporate Way, contrary to the applicants statement in item B. The applicant even states that “...traffic flow [interference] with adjacent properties could [occur] during drop off and pick up times”. Unfortunately for all parties involved, these times coincide with the peak hour traffic patterns for your typical office uses. As a result, we believe a traffic impact study is warranted.*
- For item C, we believe that changing the use to a school will impact the economic viability of the surrounding office buildings.*
- For item D, the applicant has already stated on item B that traffic issues could occur during their peak hour. Additionally, their application states that they have a current enrollment of 91 students to 250 students. That alone is nearly tripling the # of vehicles this particular user puts on River Green Pkwy. The traffic circulation plan provided shows 93 stacked cars, yet they anticipate 250 students. Where do the rest of the cars stack during drop off? How would they prevent parents from dropping off in our parking lot and allowing their child to walk?*
- For item E, regarding conformity with the Comprehensive Plan. Without ample time to research, we have referred to the staff report for SU2023-001. “The institutional uses that exist within the River Green Employment District character area were permitted during the previous economic downturn. Since that time, the City of Duluth adopted the 2040 Comprehensive Plan, FORWARDuluth. FORWARDuluth states that as these tenants turn over, the vacant spaces should be replaced with industrial and employment uses.”*

After your review and consideration of the above, we would be happy to have further discussions with you (or your staff) regarding our concerns. We do intend to provide additional comments after more time to review the application and the staff report.

Exhibit “G”
Public Notice

CITY OF DULUTH
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council to consider a special use request from **New Life Academy of Excellence**, on approximately 3.73 acres of property in Land Lot 325, 6th District, Gwinnett County, located at 3425 Corporate Way, consisting of tax parcels 6325 036, case number SU2023-003. The special use request is to operate a Charter School in the M-1 zoning district.

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

WHEN: May 8th, 2023 - 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: Amy Bingham
3167 Main Street
Duluth, GA 30096
OR
Email: abingham@duluth-ga.net

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

In compliance with the Americans with Disabilities Act of 1990, the City of Duluth is committed to providing reasonable accommodations for a person with a disability. Please contact Teresa Lynn at (770) 476-3434 if special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.

934 101109 4/23, 2023



Exhibit "H"
Addendum to Staff Review

On April 18, 2023, Planning Staff received updated traffic circulation plans from the applicant. The plans detailed three alternative traffic routes. On May 1, 2023, Planning Staff requested clarification regarding which traffic plan the applicant intends to utilize. Below is the traffic plan the applicant intends to use on site.



As a Gwinnett County Public Charter School(Special Entity School), we are currently expecting approximately 150 students to be housed at our future Middle School Campus located at 3425 Corporate Way Duluth, Georgia for the 2023- 2024 school year. There are 194 parking spaces, so plan to have the parents of our students park as they arrive to drop-off and pick-up their children. In addition, we will have the parents of our students enter and exit at the exit nearest to River Green Parkway.

Additionally, Staff requested information regarding if students would be permitted outside of the building during the school day. Below is the applicant's response:

We are planning to have indoor recreation for our Middle School Students.

**CITY OF DULUTH
CITY COUNCIL**

Staff Report
May 8, 2023

CASE NUMBER:	SU2023-002
LOCATION:	4725 River Green Parkway, Duluth, GA, 30096
PARCELS:	R6322 137
CURRENT ZONING:	M-1 (Light Industrial District)
PROPOSED ZONING:	M-1 (Light Industrial District) with Special Use
ACREAGE:	+/- 5.616 ac
REQUEST:	Amendment of Conditional Use CU2021-002 to allow for the continued use of Modular Classrooms at the current facility.
OWNER/APPLICANT:	<p>Alphonsa Foward Jr. 4725 River Green Parkway Duluth, GA 30096 <i>On behalf of</i></p> <p>New Life Academy of Excellence 4725 River Green Parkway Duluth, GA 30096</p>

STAFF RECOMMENDATION:	Approval with Conditions
PLANNING COMMISSION RECOMMENDATION:	Approval with Conditions

I. PURPOSE AND DESCRIPTION OF THE REQUEST

The purpose of this Special Use request (SU2023-002) is to allow for the amendment of Conditional Use permit CUP2021-002 to extend the use of modular classrooms beyond the 2022-2023 school year.

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

The proposed development does not contemplate the addition of any structures or impervious areas.

II. EXISTING CONDITIONS

The subject property totals +/- 5.616 acres and contains the existing New Life Academy school building and four modular classrooms. The subject property is located within the +/- 290 acres River Green Industrial Park that has construction services, engineering services, production facilities, laboratory testing facilities, infrastructure solutions, offices, and institutional uses.

III. REVIEW OF THE REQUEST

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

- A. Table 2-C of the UDC allows schools of this type by way of special use.
- B. Section 1105 of the UDC establishes the Special Use Considerations.

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

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

In order to accommodate these particular uses, Special Use approval allows the City Council to approve such a use on a particular parcel without changing the general zoning district. Such approval shall be subject to the requirements set forth below and any additional

conditions deemed necessary to ensure the compatibility of the Special Use with the surrounding properties. All Special Use applications shall be for firm development proposals only. The Special Use shall not be used for securing early zoning for conceptual proposals that may not be undertaken for some time. A Special Use application shall be considered only if the application is made by the owner of the property or by his/her authorized agent. The minimum requirements for a Special Use approval are:

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

termination. The approval of a Special Use for a specific use which may be operated by a lessee under a private agreement with a lessor in any non-residential district shall not obligate the City Council to be responsible for or be required to resolve any disputes which may arise out of the voluntary termination of the Special Use by the property owner.

8. The Planning & Development Department shall have the right to periodically examine the operation of the specific use to determine compliance with the requirements and any conditions. If the Planning & Development Director determines that the requirements and conditions are being violated, a written notice shall be issued to the owner of the property outlining the nature of the violation and giving the owner of the property a maximum of ten days to come into compliance. If after ten days the violations continue to exist, the Director shall forward a report to the City Council through the Planning Commission who may recommend that action be taken to remove the Special Use from the property.
9. Upon approval by the City Council, a Special Use shall be identified on the official zoning maps.
10. Upon approval by the City Council of a Special Use, the owner of the property shall be issued a notice from the Director that states the specific use permitted, the requirements of this Section and any conditions attached to the approval.
11. The Planning & Development Department shall not issue a Certificate of Occupancy for the specific use unless all requirements and conditions of the Special Use approval have been fulfilled by the owner of the property.

2. Standards Governing the Exercise of Zoning Power

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

- A. *How the proposed Special Use will permit a use that is suitable in view of the use and development of adjacent and nearby property.*

River Green Industrial Park accounts for more than 75% of the industrial zoned land within the city limits of Duluth. Of the 290 acres within River Green Industrial Park, industrial uses occupy 258 acres. The remaining 32 acres contains institutional uses which operate under special use or conditional use approval. The inclusion of these institutional uses within the industrial office park are a direct result of the economic downturn and were not contemplated as part of the design of the development.

Within River Green Industrial Park, there is a true mixture of light industrial uses with office spaces. Immediately adjacent to the subject property are light manufacturing and office uses. The school has been operating under CUP approval since 2013. The request is to allow the continuation of four modular trailers.

- B. How the proposed Special Use will adversely affect the existing use or usability of adjacent or nearby property.*

New Life Academy has operated with approval since 2013. The request is to allow the continuation of four modular trailers. The continuation of the four modular trailers is not anticipated to affect the existing adjacent properties.

- C. Whether the property to be affected by a proposed Special Use has a reasonable economic use as currently zoned.*

The site has been permitted as a charter school since 2013. The request is to allow the continuation of four modular trailers.

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

The request will not create excessive use of transportation facilities as the applicant is only seeking continued use of four modular trailers.

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

The request is in conformity with the Comprehensive Plan. New Life Academy has operated with approval since 2013. The request is to allow the continuation of four modular trailers.

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

The request is to allow the continuation of four modular trailers with no changes from the last requested renewal.

The Applicant has provided written responses to the above Special Use standards as part of the application. Those documents are attached hereto as Exhibit "E".

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

The subject property is located in the River Green Employment District. FORWARDuluth envisions this character area to be a major employment district filled with large office and warehouse buildings. The Future Land Use Map (FLUM) classifies the subject property as commercial, retail, and office.

IV. PLANNING STAFF REVIEW

A. Compliance with 2013 Zoning Ordinance and the Current Unified Development Code

In 2013, the proposed use was consistent with Duluth's Zoning Ordinance. Section 1211.C of the 2013 Zoning Ordinance allowing Schools, Universities and Colleges in the M-1 zoning district with a Conditional Use Permit. In 2015, the Zoning Ordinance was replaced with the Unified Development Code. Table 2-C "Principal Uses Allowed by Zoning District" of the UDC does not allow schools in the M-1 Zoning District. CUPs were eliminated with the adoption of the UDC. Under the UDC, all uses that are not allowed by right, but may be permitted within an appropriately designated zoning district subject to meeting specific conditions are now treated as Special Uses. All Special Uses, and other land use cases, are heard before Planning Commission and City Council.

B. FORWARDuluth: 2040 Comprehensive Plan

The subject property is located in the River Green Employment District Character Area. FORWARDuluth envisions this district as *"an economic engine for the city, serving as a major regional distribution and office hub."* In addition, the Plan states: *"During the previous economic downturn, institutional and public assembly uses were located in this district. As units turnover, staff will promote office and light industrial uses."*

V. RECOMMENDATION

New Life Academy has been operating at this location since 2010 and the addition of four classrooms will not alter the functionality of the property or the area. Therefore, Staff and the Planning Commission recommend **approval with conditions** of Case SU2023-002.

ATTACHMENTS:

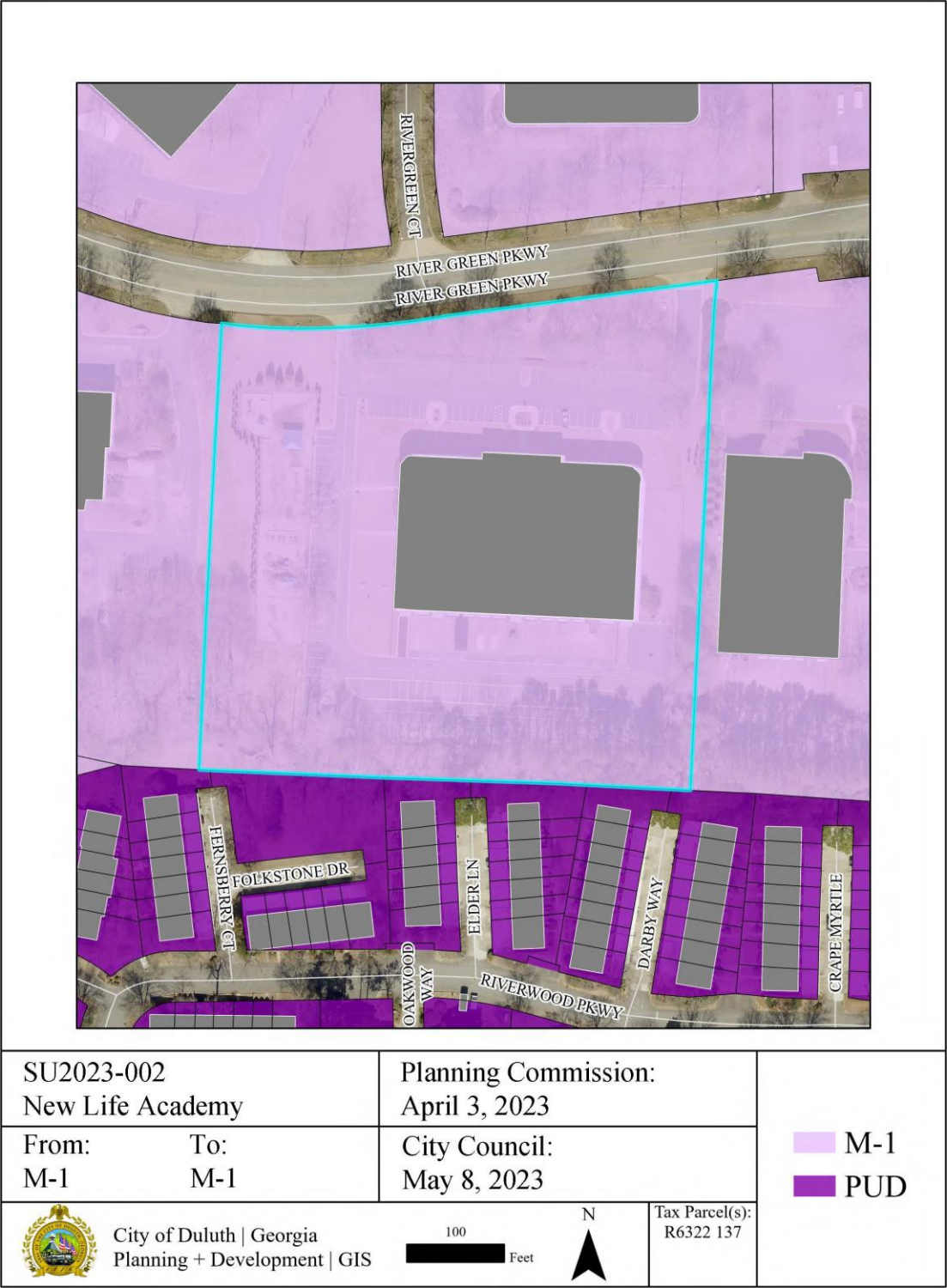
Exhibit "A": Maps
 Exhibit "B": Legal Description
 Exhibit "C": Site Plan
 Exhibit "D": Applicant's Responses to the Standards Governing Special Use Consideration
 Exhibit "E": Conditions of Approval
 Exhibit "F": Public Notice

Exhibit "A"
Maps

Location Map



Zoning Map



Character Areas Map

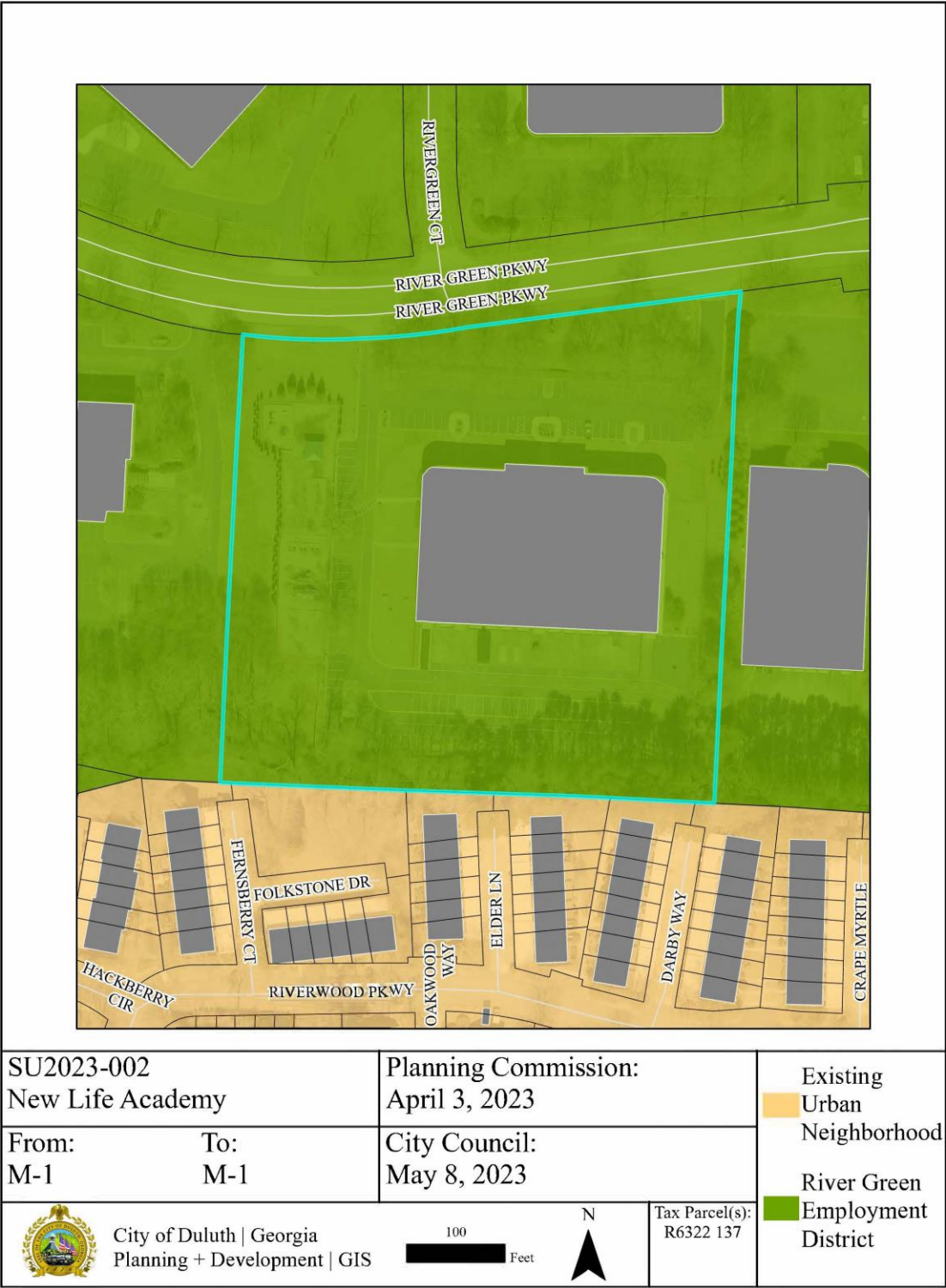


Exhibit “B”

Legal Description

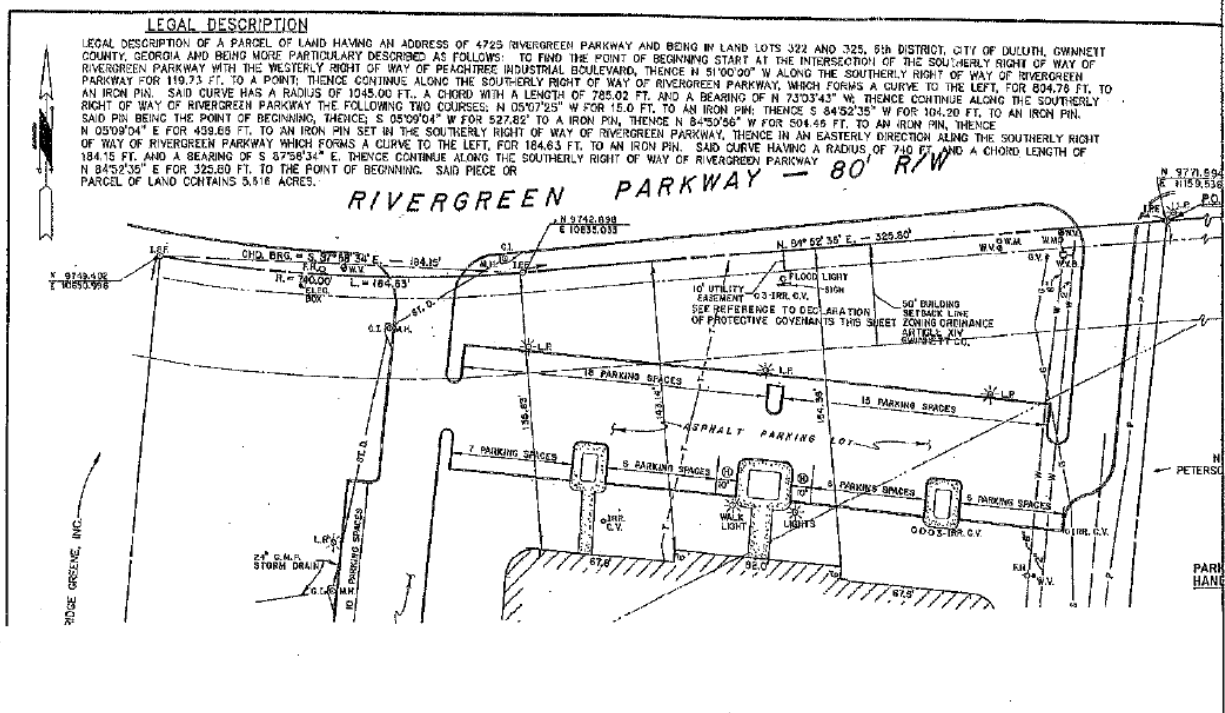


Exhibit "C"
Site Plan



Exhibit "D"

Applicant's Response to the Standards Governing Special Use Consideration

Section 4 - Applicant Response

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

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

(A) How the proposed special use permit will permit a use that is suitable in view of the use and development of adjacent and nearby property,

Response: All temporary modular classrooms will be screened from
Surrounding properties and will not be visible from any public street.

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

Response: The use of New Life Academy will not adversely affect existing use
Or usability of adjacent or nearby property.

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

Response: Yes

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

Response: The use of New Life Academy will not cause any excessive or
Burdensome use of existing streets, transportation facilities, utilities, or
Schools. In addition, New Life Academy of Excellence will continue to partner
With Duluth Police Department to manage the flow of traffic during AM and
PM carpool.

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

Response: Yes

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

Response: No, New Life Academy of Excellence would like to amend our existing special use permit for our 4 modular classrooms for an additional 2 years.

Exhibit “E”
Conditions of Approval

General

1. The Special Use Permit (SU2023-002) is approved for New Life Academy of Excellence and its use of a school. If the property transfers ownership, in part or in whole, the Conditional Use Permit is considered terminated. If the use changes, is discontinued or abandoned for a period of ninety (90) days, the Conditional Use Permit is considered terminated. If the school building expands beyond its existing footprint, the Conditional Use Permit is considered terminated.
2. Annual student enrollment must be submitted to the Director of Planning and Development at the beginning of each academic year. Significant increases in student enrollment may require an updated drop-off/pick-up circulation plan.
3. Outdoor amplified sound shall be prohibited.
4. Any refuse collection area(s) and/or dumpsters shall be enclosed by a screen wall of durable material and kept in good repair.
5. The use of modular classrooms shall be allowed for a period not the exceed the end of the 2024-2025 academic year. The use of modular classrooms shall not exceed a total of 2,750 square feet. All modular classrooms must be screened from surrounding properties and shall not be visible from any public street.
6. The applicant must maintain a current drop-off/pick-up circulation plan on file with the Planning Department. Drop-off/pick-up lines shall not result in queuing or vehicular stacking in the right-of-way, on public streets or on any adjacent property. Any updates or changes to the circulation plan must be submitted to the Director of Planning and Development showing vehicular stacking contained wholly on site and out of River Green Pkwy.
7. Playground location shall be included on the official site plan. Any change in playground location must be approved by the Director of Planning and Development prior the issuance of any permits.

Exhibit “F” Public Notice

CITY OF DULUTH NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council to consider a special use request from New Life Academy of Excellence, on approximately 5.616 acres of property in Land Lot 322, 6th District, Gwinnett County, located at 4725 River Green Parkway, consisting of tax parcel 6322 137, case number SU2022-002. The special use request is to operate a Charter School in the M-1 zoning district. The public is invited to attend this hearing before the Mayor and Council on the proposed special use. The meeting date, place and time regarding this matter are as follows:

WHEN: May 8th, 2023 - 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: Amy Bingham
3167 Main Street
Duluth, GA 30096
OR
Email: abingham@duluth-ga.net

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

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928-100638 4/16/2023



**ORDINANCE OF REZONING
NO. 02023-16
CITY OF DULUTH**

AN ORDINANCE GRANTING SPECIAL USE APPROVAL TO AMEND CONDITIONAL USE CU2021-002 TO ALLOW FOR THE CONTINUED USE OF MODULAR CLASSROOMS AT THE CURRENT FACILITY LOCATED IN THE M-1 (LIGHT INDUSTRIAL DISTRICT) ZONING DISTRICT LOCATED ON A ± 5.616 ACRE PROPERTY IN LAND LOT 325 OF THE 6TH DISTRICT, GWINNETT COUNTY CONSISTING OF TAX PARCEL R6322 137 ADDRESSED AS 4725 RIVER GREEN PARKWAY, DULUTH, GEORGIA 30096. THE PROPERTY, GENERALLY KNOWN AS “4725 RIVER GREEN PARKWAY”, IS LEGALLY DESCRIBED ON THE ATTACHED EXHIBIT “A”. THE ORDINANCE PROVIDES FOR FINDINGS, ESTABLISHES CONDITIONS OF APPROVAL AS SHOWN ON ATTACHED EXHIBIT “B,” PROVIDES FOR SEVERABILITY, REPEALS CONFLICTING ORDINANCES, ESTABLISHES AN EFFECTIVE DATE, AND IS FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the applicant, Alphonsa Foward Jr., has filed a complete application (SU2023-002) with the City of Duluth seeking Special Use approval to amend Conditional Use CU2021-002 to allow for the continued use of Modular Classrooms at the current facility in the M-1 (Light Industrial) zoning district; and

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

WHEREAS, the City of Duluth Planning Commission held a public hearing at the meeting of November 7, 2022, duly noticed as prescribed by law and published in the Gwinnett Daily Post, regarding the application. At the April 3, 2023 meeting, the Planning Commission recommended approval with conditions as is set forth in the minutes of said meeting; and

WHEREAS, the City Council held a public hearing at the meeting of May 8, 2023, duly noticed as prescribed by law and published in the Gwinnett Daily Post, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, the City Council of the City of Duluth hereby ordains that the City of Duluth Unified Development Code is hereby amended as follows:

SECTION 1. FINDINGS.

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

- A. The special use is suitable given the use and development of adjacent and nearby properties. New Life Academy has been operating at this location since 2010 and the continued use of four modular classrooms will not alter the functionality of the property or the area. The subject property totals +/- 5.616 acres and contains the existing New Life Academy school building and four modular classrooms. The subject property is located within the +/- 290 acres River Green Industrial Park that is zoned M-1 district (Light Industrial District).

- B. The proposed special use is not anticipated to adversely affect the existing use or usability of adjoining or nearby properties.
- C. The proposed special use is not anticipated to cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- D. The Future Land-Use and Development section and supporting Character Area Map of FORWARDuluth (also known as the Comprehensive Plan, 2040) identifies the Character Area of this property as the River Green Employment District Character Area. FORWARDuluth envisions this district as “an economic engine for the city, serving as a major regional distribution and office hub.” In addition, the Plan states: “During the previous economic downturn, institutional and public assembly uses were located in this district. As units turnover, staff will promote office and light industrial uses.”

SECTION 2. LEGAL DESCRIPTION.

The property that is subject to this ordinance consists of ±5.616 acres and is legally described on Exhibit “A”, attached hereto. Said Exhibit is incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

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

SECTION 5. REPEALER.

All conflicting ordinances and conditions are hereby repealed and replaced with the conditions of approval set forth in this Ordinance 02023-16.

ATTACHMENTS:

Exhibit "A": Maps

Exhibit "B": Legal Description

Exhibit "C": Conditions of Approval

Exhibit "D": Site Plan

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

Exhibit "F": Business Description

Exhibit "G": Public Notice

{Signatures on the following page}

IT IS SO ORDAINED this 8th day of May, 2023.

Those councilmembers voting in favor:

Mayor Nancy Harris

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

Exhibit "A"

Maps

Location Map



Zoning Map



Character Areas Map

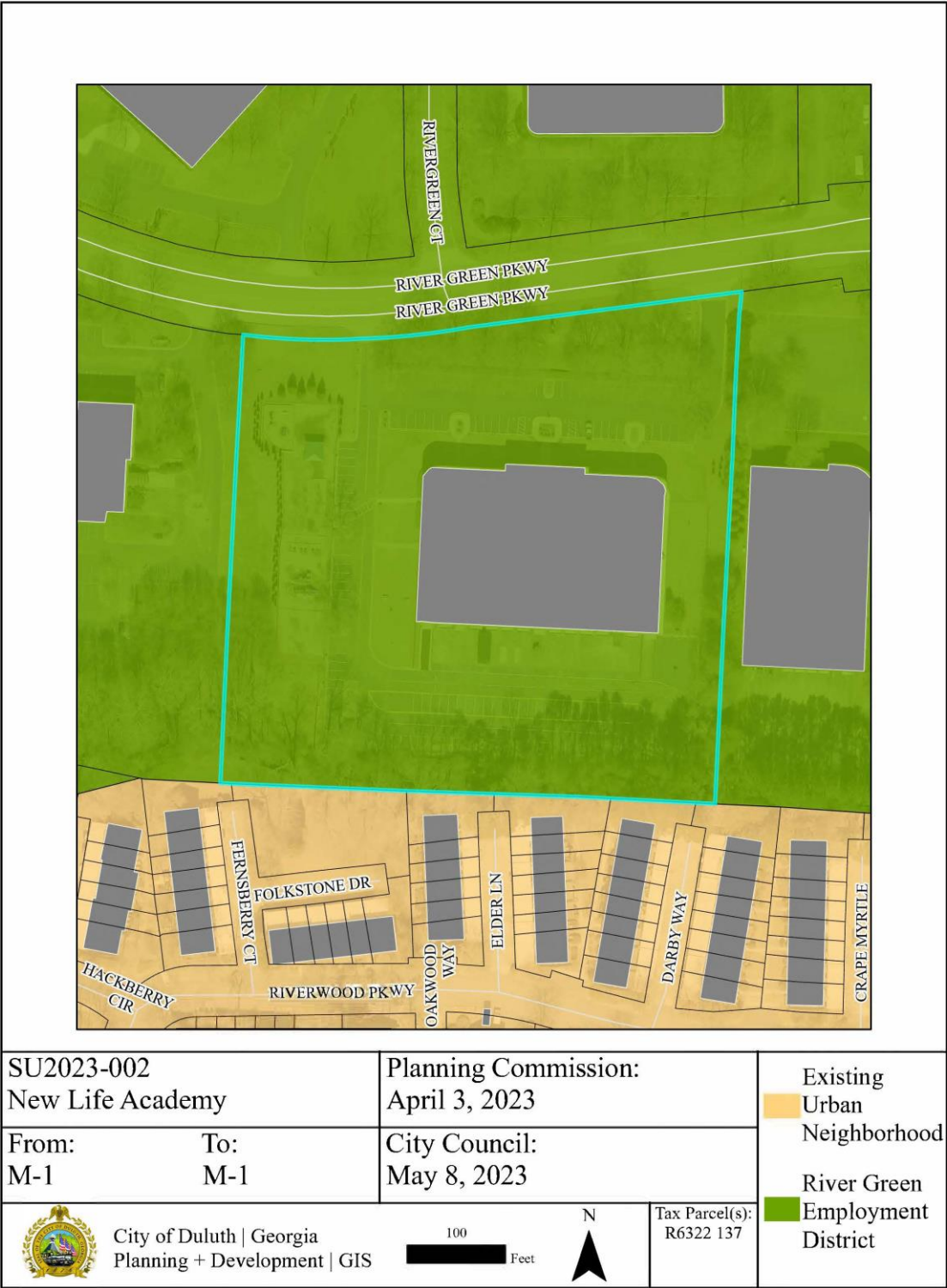
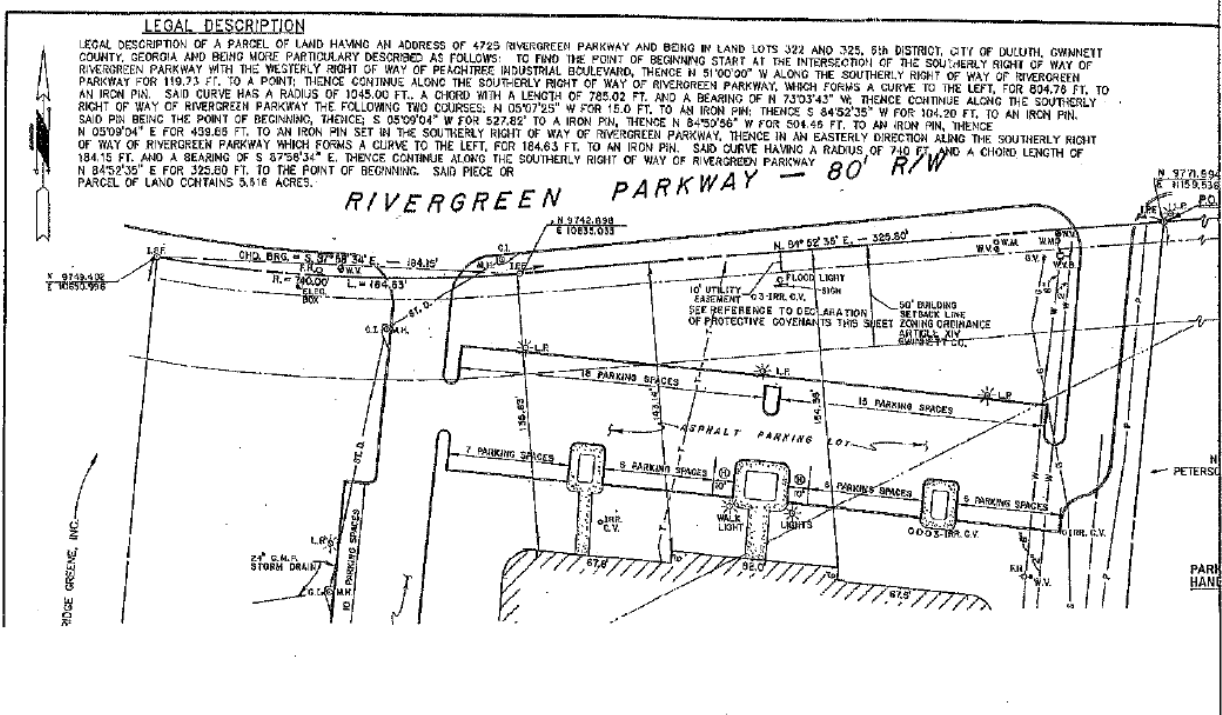


Exhibit "B"

Legal Description



Site Plan

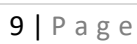


Exhibit “D”

Applicant’s Response to the Standards Governing Special Use Consideration

Section 4 - Applicant Response

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

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

(A) How the proposed special use permit will permit a use that is suitable in view of the use and development of adjacent and nearby property,

Response: All temporary modular classrooms will be screened from
Surrounding properties and will not be visible from any public street.

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

Response: The use of New Life Academy will not adversely affect existing use
Or usability of adjacent or nearby property.

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

Response: Yes

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

Response: The use of New Life Academy will not cause any excessive or
Burdensome use of existing streets, transportation facilities, utilities, or
Schools. In addition, New Life Academy of Excellence will continue to partner
With Duluth Police Department to manage the flow of traffic during AM and
PM carpool.

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

Response: Yes

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

Response: No, New Life Academy of Excellence would like to amend our existing special use permit for our 4 modular classrooms for an additional 2 years.

Exhibit "E"
Conditions of Approval

General

1. The Special Use Permit (SU2023-002) is approved for New Life Academy of Excellence and its use of a school. If the property transfers ownership, in part or in whole, the Conditional Use Permit is considered terminated. If the use changes, is discontinued or abandoned for a period of ninety (90) days, the Conditional Use Permit is considered terminated. If the school building expands beyond its existing footprint, the Conditional Use Permit is considered terminated.
2. Annual student enrollment must be submitted to the Director of Planning and Development at the beginning of each academic year. Significant increases in student enrollment may require an updated drop-off/pick-up circulation plan.
3. Outdoor amplified sound shall be prohibited.
4. Any refuse collection area(s) and/or dumpsters shall be enclosed by a screen wall of durable material and kept in good repair.
5. The use of modular classrooms shall be allowed for a period not to exceed the end of the 2024-2025 academic year. The use of modular classrooms shall not exceed a total of 2,750 square feet. All modular classrooms must be screened from surrounding properties and shall not be visible from any public street.
6. The applicant must maintain a current drop-off/pick-up circulation plan on file with the Planning Department. Drop-off/pick-up lines shall not result in queuing or vehicular stacking in the right-of-way, on public streets or on any adjacent property. Any updates or changes to the circulation plan must be submitted to the Director of Planning and Development showing vehicular stacking contained wholly on site and out of River Green Pkwy.
7. Playground location shall be included on the official site plan. Any change in playground location must be approved by the Director of Planning and Development prior to the issuance of any permits.

Exhibit “F”

Public Notice

CITY OF DULUTH NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN

that a public hearing will be held before Mayor and Council to consider a special use request from New Life Academy of Excellence, on approximately 5.616 acres of property in Land Lot 322, 6th District, Gwinnett County, located at 4725 River Green Parkway, consisting of tax parcel 6322 137, case number SU2022-002. The special use request is to operate a Charter School in the M-1 zoning district. The public is invited to attend this hearing before the Mayor and Council on the proposed special use. The meeting date, place and time regarding this matter are as follows:

WHEN: May 8th, 2023 - 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: Amy Bingham
3167 Main Street
Duluth, GA 30096
OR

Email: abingham@duluth-ga.net

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

In compliance with the Americans with Disabilities Act of 1990, the City of Duluth is committed to providing reasonable

accommodations for a person with a disability. Please contact Teresa Lynn at (770) 476-3434 if special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.

928-100638 4/16/2023



PUBLIC NOTICE
CITY OF DULUTH, GEORGIA
FISCAL YEAR 2024 (FY24) BUDGET REVIEW AND ADOPTION

PUBLIC HEARINGS ON FY24 BUDGET: The public is hereby notified that Public Hearings are scheduled for the FY24 Proposed Budget during the regular Council meetings on May 8, 2023 and June 12, 2023 at 6:00pm in accordance with the provision of the State Code of Georgia 36-81-5 (d, e and f). The hearings will take place in the Duluth City Hall Council Chambers located at 3167 Main Street, Duluth, Georgia 30096. At these meetings, the Mayor and Council will receive both written and oral comments about the Annual Operating and Capital Budgets for the City of Duluth, Georgia. A qualified interpreter for the hearing impaired will be available upon request when made at least ten (10) days in advance of this meeting. Please call (770) 476-3434 to request an interpreter or for more information.

BUDGET AVAILABLE FOR REVIEW: The FY24 Proposed Budget is available for public inspection during regular office hours (8:00am - 5:00pm, Monday through Friday) in the office of the City Clerk located on the first floor of City Hall, 3167 Main Street, Duluth, Georgia.

BUDGET REVIEW: The Mayor and Council of the City of Duluth reviewed the FY24 Proposed Budget on April 17, 2023, during a meeting that was properly noticed and open to the public.

PUBLIC COMMENT: Comments may be addressed to the Council during the Public Hearings on May 8th and June 12th.

BUDGET ADOPTION: The Mayor and Council of the City of Duluth are scheduled to adopt the FY24 Budget at the Council meeting on June 12, 2023 during the regular Council meeting at 6:00pm in the Duluth City Hall Council Chambers.

Filed for advertisement, April 30, 2023
Teresa S. Lynn
Asst City Manager-City Clerk, City of Duluth

School bus caught fire at Mulberry Elementary

By Curt Yeomans
curt.yeomans@
gwinnettdaily.com

A school bus burst into flames outside Mulberry Elementary School on Monday, according to Gwinnett County Public Schools officials.

The bus was pulling into the school's parking lot at 7:30 a.m. when the driver noticed there was an increasing amount of heat under the dashboard, according to a letter from Mulberry Principal Mandy Yearby.

The driver pulled the bus over and evacuated the students off the bus. A photo sent to the Daily Post by a community member, who asked to not be identified, showed a burned out special education bus. The community member also provided a video that they filmed which showed the burning bus rolling down the street before it crashed.

Shortly after all of the students were evacuated from the bus, it caught fire. A different video from the one sent to the Daily Post is circulating on social media.

"Gwinnett County firefighters were called to the scene and quickly extinguished the



Contributed

MORE ONLINE

Visit us online at
www.gwinnettdaily.com
for a video of the fire.

flames," Yearby said. "Once again, no one was hurt, and the students were safely escorted into our building. Unfortunately, the students saw the smoke and flames and some were visibly shaken.

"I want to reassure you our counselors are available to help anyone who is having a difficult time with what they saw. They are well trained in assisting children with issues such as this."

Gwinnett Fire and Emergency Services Capt. Ryan McGiboney said fire investigators determined the fire was related to an electrical

issue and have labeled it an accident.

The incident caused Mulberry Elementary to suspend Georgia Milestones testing on Monday, but third-, fourth- and fifth-graders were expected to resume testing on Tuesday.

Yearby said school staff are keeping a look out in case any students show indicators that they are struggling because of the incident but are no reaching out for help. Parents are urged to call the school if their children needs to talk to someone about the fire.

"I would like to take this opportunity to thank the bus driver and bus monitor for acting quickly and efficiently," Yearby said. "They relied on their safety training and executed it perfectly. As a result, no one was hurt."

EXPO

From A1

"We're super excited," Daily Post advertising director Janet McCray said. "We have a lot more outdoor vendors than we've ever had for the Kids Expo so that really expands what people can do, and they can stay and have food and come back, and the library is doing a whole bunch of stuff on the stage to keep people entertained."

Attendees got to play with Legos at the Sugarloaf Mills Lego Store's play area, or play with Play-Doh, spooner boards, magnetic fish, giant blocks and oversized Connect Four games at the Building Babies Brains play area.

Brayden Offord gave it the kid's seal of approval.

"I love it," he exclaimed. "I like the part where you spin on the (Spooner) board with no wheels. That part I love."

Gwinnett libraries presented entertainment, such as story times, sing-a-longs and a juggler, on a stage. The library system's book mobile was also parked outside the event.

Library officials decided to use the event as a kick-

MORE ONLINE

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for a photo gallery.

off to their annual summer reading program for children and adults. Participants in the program will be able to begin logging their summer reading hours in mid-May.

"We looked at it because the summer reading challenge that is going on every summer is the biggest thing the library does," Gwinnett Libraries Director of Marketing and Communications Duffie Dixon said. "So, we thought if it's the biggest thing we put all of our attention on in the summer, why not have a big kick-off to get people registered and get the word out."

Andretti Indoor Karting and Games, the Aurora Theatre, the Atlanta Gladiators and Gwinnett Strippers had booths as well. The Gwinnett Sheriff's Office handed out badge stickers and information to kids.

Publix and Children's Healthcare of Atlanta were the presenting sponsors and offered activities and information for families as well.

There were also some outdoor games, such as Putt-Putt Golf and unique soccer games where participants had to wear giant bubbles to eliminate the risk of injuries as they bumped into each other. There were also food trucks which provided coffee and various foods.

"It's awesome," Jasmine Offord said. "It has a lot to offer and shows the diversity of Gwinnett County, and how much is poured into our kids and just giving us more to do."

Lawrenceville's Ahmed Rhoni-Aref echoed those sentiments. He attended the expo with his wife, Lamyaa Essousy, and their son Ilyas Rhoni-Aref, 3, after they heard about it from friends. Among the booths were vendors who were highlighting camps and other activities that might pick kids individual interests.

"We love it, especially the prospects of what kids want to do in the future," the father said. "(Ilyas) can have an idea, even though he's young (of what interests him). I'm sure he's going to change his mind in the near future, but he's been like, 'Oh I want to be this. I want to be that.'"

MOORE

From A1

taken his children and the family's dog to the park and a female child assaulted her former athlete's daughter. Crosby did not specify how the child assaulted Moore's daughter.

"William parked his car, got out and approached her driver's side window to talk," Crosby said. "She responded

by putting her car in reverse and slamming it into William's car right where his young son was sitting.

"It was not until she pulled forward and was preparing to crash into his car again that he produced his gun. William was terrified that his children would be seriously hurt or killed if he did not act immediately."

Crosby said Moore was aiming for the car's tires in an attempt to disable the vehicle.

"William adamantly denies the charges and looks forward to his day in court to give his side of the story," Crosby said.

Moore was drafted by the Falcons in 2009 and played for the team for seven seasons. His last season in the NFL was in 2015. He was selected for the 2013 Pro Bowl.

Moore was booked into the Gwinnett County jail last Sunday. Jail records show he was still being held there on Friday.

Bluey's BIG PLAY

THE STAGE SHOW

MAY 20-21, 2023 | FOX THEATRE

GWINNETT COUNTY
PUBLIC LIBRARY

PERCY JACKSON FANS

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Rick Riordan

Mark Oshiro

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**THE SUN
AND
THE STAR**
A NICO DI ANGELO ADVENTURE
NEW YORK TIMES BEST-SELLING AUTHOR
RICK RIORDAN AND MARK OSHIRO

MAY 4, 2023 | 7 PM
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DULUTH, GA

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CITY OF SNELLVILLE PUBLIC HEARING FY-2024 BUDGET

On Monday, May 22, 2023 the Mayor and City Council will hold a Public Hearing at 7:30 p.m. to give its citizens the opportunity to provide written and oral comments on the proposed Fiscal Year 2023-2024 budget. All citizens are urged to attend this Public Hearing on May 22nd at 7:30 p.m. in the Council Chambers of Snellville City Hall, located at 2342 Oak Road, Snellville Georgia.

The proposed budget is available for inspection at Snellville City Hall, 2342 Oak Road, Snellville, Georgia during regular business hours from 8:00 a.m. until 5:00 p.m. or on the City website at www.snellville.org.

The Mayor and City Council will consider adoption of the Fiscal Year 2024 budget on Monday, June 12, 2023 at 7:30 p.m. in the Council Chambers of Snellville City Hall, 2342 Oak Road, Snellville, Georgia.

Melisa Arnold, City Clerk
City of Snellville

PUBLIC NOTICE
CITY OF DULUTH, GEORGIA
FISCAL YEAR 2024 (FY24) BUDGET REVIEW AND ADOPTION

PUBLIC HEARINGS ON FY24 BUDGET: The public is hereby notified that Public Hearings are scheduled for the **FY24 Proposed Budget** during the regular Council meetings on May 8, 2023 and June 12, 2023 at 6:00pm in accordance with the provision of the State Code of Georgia 36-81-5 (d, e and f). The hearings will take place in the Duluth City Hall Council Chambers located at 3167 Main Street, Duluth, Georgia 30096. At these meetings, the Mayor and Council will receive both written and oral comments about the Annual Operating and Capital Budgets for the City of Duluth, Georgia. A qualified interpreter for the hearing impaired will be available upon request when made at least ten (10) days in advance of this meeting. Please call (770) 476-3434 to request an interpreter or for more information.

BUDGET AVAILABLE FOR REVIEW: The FY24 Proposed Budget is available for public inspection during regular office hours (8:00am - 5:00pm, Monday through Friday) in the office of the City Clerk located on the first floor of City Hall, 3167 Main Street, Duluth, Georgia.

BUDGET REVIEW: The Mayor and Council of the City of Duluth reviewed the FY24 Proposed Budget on April 17, 2023, during a meeting that was properly noticed and open to the public.

PUBLIC COMMENT: Comments may be addressed to the Council during the Public Hearings on May 8th and June 12th.

BUDGET ADOPTION: The Mayor and Council of the City of Duluth are scheduled to adopt the FY24 Budget at the Council meeting on June 12, 2023 during the regular Council meeting at 6:00pm in the Duluth City Hall Council Chambers.

Filed for advertisement, April 30, 2023
Teresa S. Lynn
Asst City Manager-City Clerk, City of Duluth

May 3, 2023

Mayor and Council Members
City of Duluth
3167 Main Street
Duluth, Georgia 30096

Re: Crack Sealing Project on Various
Streets Within the City of Duluth
Our Reference No. 221300

Dear Mayor and Council Members:

We have reviewed the bids received at City Hall, at 10:00 a.m., local time on April 25, 2023 for construction of the referenced project. Two (2) bids were received. The following is a summary of the two (2) responsive low bids.

	<u>Bidder</u>	<u>Bid Amount</u>
1.	Remac, Inc. 20103 Governor Harrison Pkwy Freeman, VA 23856	\$102,431.95
2.	Wall Asphalt Services, Inc. 65 School Ln Franklin, GA 30217	\$169,958.90

A certified tabulation of the responsive bids received is attached. A copy of the tabulation has been mailed to each bidder for their information.

Each bidder submitted a bid bond from a surety company listed on U. S. Treasury Circular 570 (07/01/22). Each bidder submitted bid bonds in the amount of 5%. The low bid of \$102,431.95 is lower than the original cost estimate.

The Low bidder, Remac, Inc. is recognized as a pre-qualified contractor with the Georgia Department of Transportation. Keck & Wood, Inc. contacted references provided by Remac, Inc., and the responsive reference stated they were satisfied with the work performed. Remac, Inc. appears capable of performing the duties necessary to complete this project. As a result, Keck & Wood, Inc. therefore, recommends contract award to Remac, Inc. in the amount of \$102,431.95 for construction of the Crack Sealing Project on Various Streets Within the City of Duluth project.

The Cincinnati Insurance Company is the surety company for the recommended bidder's bid bond and will likely be the surety company used for the payment and performance bonds on the project. In addition to being listed on the U.S. Treasury Department Circular 570, the surety is shown as being licensed in Georgia, having an Active/Compliance status, and with an underwriting limitation that is greater than the bond amount. Please note that in accordance with Georgia Law (OCGA 36-91-40 (a)(2)), the City must have an "officer of the government entity" to "approve as to form and as to the solvency of the surety" for the proposed surety company named above. We recommend that your legal counsel be contacted to handle or suggest the procedures necessary to comply with this Georgia law. We can provide additional information on this issue if needed.

If there are any questions, please contact our office.

Very truly yours,

KECK & WOOD, INC.



Nick Andryusky, P.E.

Enclosure

BID TABULATION
CRACK SEALING PROJECT ON VARIOUS STREETS WITHIN THE CITY OF DULUTH
CITY OF DULUTH, GEORGIA

RECEIVED BY: CITY OF DULUTH, GEORGIA
 AT DULUTH CITY HALL
 10:00 A.M., LOCAL TIME, APRIL 25, 2023

				BIDDER NO. 1 Remac, Inc. 20103 Governor Harrison Parkway Freeman, VA 23856		BIDDER NO. 2 Wall Asphalt Services, Inc. 65 School Lane Franklin, GA 30217	
ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT	PRICE	AMOUNT	PRICE	AMOUNT
150-1000	TRAFFIC CONTROL	1	LS	\$2,500.00	\$2,500.00	\$36,058.00	\$36,058.00
151-1000	MOBILIZATION	1	LS	\$2,500.00	\$2,500.00	\$14,958.00	\$14,958.00
407-0020	ASPHALT-RUBBER JOINT AND CRACK SEAL, TP S	126.535	LF	\$0.77	\$97,431.95	\$0.94	\$118,942.90
TOTAL BID AMOUNT					\$102,431.95		\$169,958.90
				BID BOND 5% (1)		5% (1)	
				NOTE REFERENCE			

NOTES:

(1) SURETY COMPANY LISTED ON U. S. TREASURY CIRCULAR 570 (7/1/22).

THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT TABULATION OF BIDS RECEIVED AT THE TIME AND PLACE STATED ABOVE. BIDS WERE SEALED WHEN RECEIVED AND OPENED AND READ ALOUD IN THE PRESENCE OF THE OWNER'S REPRESENTATIVE.



 KECK & WOOD, INC.

 4/28/2023
 DATE

BID TABULATION
CRACK SEALING PROJECT ON VARIOUS STREETS WITHIN THE CITY OF DULUTH
CITY OF DULUTH, GEORGIA

RECEIVED BY: CITY OF DULUTH, GEORGIA
 AT DULUTH CITY HALL
 10:00 A.M., LOCAL TIME, APRIL 25, 2023

				BIDDER NO. 1 Remac, Inc. 20103 Governor Harrison Parkway Freeman, VA 23856		BIDDER NO. 2 Wall Asphalt Services, Inc. 65 School Lane Franklin, GA 30217	
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150-1000	TRAFFIC CONTROL	1	LS	\$2,500.00	\$2,500.00	\$36,058.00	\$36,058.00
151-1000	MOBILIZATION	1	LS	\$2,500.00	\$2,500.00	\$14,958.00	\$14,958.00
407-0020	ASPHALT-RUBBER JOINT AND CRACK SEAL, TP S	126,535	LF	\$0.77	\$97,431.95	\$0.94	\$118,942.90
TOTAL BID AMOUNT					\$102,431.95		\$169,958.90
BID BOND					5%		5%
NOTE REFERENCE					(1)		(1)

NOTES:

(1) SURETY COMPANY LISTED ON U. S. TREASURY CIRCULAR 570 (7/1/22).

THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT TABULATION OF BIDS RECEIVED AT THE TIME AND PLACE STATED ABOVE. BIDS WERE SEALED WHEN RECEIVED AND OPENED AND READ ALOUD IN THE PRESENCE OF THE OWNER'S REPRESENTATIVE.



 KECK & WOOD, INC.

4/28/2023

 DATE

LEGAL NOTICES

THE DEDICATED LEGAL ORGAN FOR GWINNETT COUNTY, GEORGIA

Mail legal to:
Times Journal, Inc.

Gwinnett Daily Post
P.O. Box 603
Lawrenceville, GA 30046
Attention: Legal Advertising

Telephone:
(770) 963-9205, Ext. 1161

Email address is:
legals@gwinnettdailypost.com
(text or word format)

Office Hours 10:00 a.m. to 4:00 p.m.,
Monday through Thursday (Closed Friday)

Times Journal, Inc.

Gwinnett Daily Post
Rockdale Citizen
Jackson Progress-Argus

Clayton News Daily
Henry Daily Herald

LEGAL ADVERTISING DEADLINES THROUGH DECEMBER 2023

The deadline for legal advertising in the Wednesday Legal Section (other than Foreclosures and Tax Sales) is 3pm Tuesday of the previous week.

EARLY DEADLINES DUE TO HOLIDAYS ARE
MARKED WITH AN *

PLEASE NOTIFY US IF YOU HAVE LATE ADS AND
APPROX. HOW MANY IF MORE THAN A FEW.
LATE FEE IS A \$100.00 FEE PER AD FOR 1ST
24 HOURS LATE ** AFTER 24 HOURS THE LATE
FEE IS \$200.00

The deadline for Modifications, Cancellations or
Early Pubs is **Tuesday (week prior) at 3pm** for
the following week's publications. This deadline
is only for changes to ads currently publishing or
starting early (Early Pubs).

Foreclosures, Sheriff's Sales and Tax Sales are held on the first Tuesday of each month.
Notices publish four consecutive weeks prior to the first Tuesday. Deadlines are below:

MONTH	DEADLINES (NOON)	PUBLICATION DATES	SALE DATE
JANUARY	**DEC 30	JAN 11,18,25,2/1	FEB 7, 2023
FEBRUARY	JAN 30	FEB 8,15,22,3/1	MAR 7, 2023
MARCH	FEB 27	MAR 8,15,22,29	APR 4, 2023
APRIL	MAR 27	APR 5,12,19,26	MAY 2, 2023
MAY	MAY 1	MAY 10,17,24, 31	JUNE 6, 2023
JUNE	** MAY 26	JUNE 7,14,21,28	JULY 5, 2023
JULY	**JUNE 26	JULY 5,12,19,26	AUG 1, 2023
AUGUST	JULY 31	AUG 9,16,23,30	SEPT 5, 2023
SEPTEMBER	AUG 28	SEPT 6,13,20,27	OCT 3, 2023
OCTOBER	OCT 2	OCT 11, 18,25,11/1	NOV 7, 2023
NOVEMBER	OCT 30	NOV 8,15,22,29	DEC 5, 2023
DECEMBER	NOV 27	DEC 6,13,20,27	JAN 2,2024

ADOPTION

IN THE JUVENILE COURT
OF GWINNETT COUNTY
STATE OF GEORGIA

IN RE:
PAMBU and MANAGA C.
KINDAMBU

For the Adoption of:
M.M.O.B.,
A Female Minor Child.
Docket No. 23-00449-1
NOTICE OF PUBLICATION
TO: PHINDILE BULAMBO

By Order of the Court for
Service by Publication dated
March 16, 2023, you are
hereby notified that on July
6, 2020, KIOSHI O. KIN-
DAMBU and MANAGA C.
KINDAMBU filed a Petition
for Adoption of M.M.O.B.
You are required to file with
the clerk of the Juvenile
Court, and to serve upon Pe-
titioners attorney, Bernadine
H. Layne, Layne Law Group,
P.O. Box 570744 Atlanta,
Georgia 30357. Email:
lawyerlayne@aol.com, an
answer in writing within six-
ty (60) days of the date of
the order for publication.

Witness, The Honorable
Nhan-Ai Simms, Judge of
Juvenile Court of Gwinnett
County.

Gwinnett County Juvenile
Court
Clerk's Office
115 Stone Mountain St.
Lawrenceville, Georgia
30046-6900
901 99195 4/5,12,19,26,
2023

IN THE SUPERIOR COURT
OF BARROW COUNTY
STATE OF GEORGIA

Civil Action Number: 22A-
44-B

IN RE: Adoption of the mi-
nor child

MASON CLYDE WILBURN

By Petitioners:
ANGELA DAWN OGDEN &
JESSE LEE OGDEN §

NOTICE TO BIOLOGICAL
FATHER

TO: WILLIE CLYDE
WILBURN, JR.

You are hereby notified of
the following:

Angela Dawn Ogdren and
Jesse Lee Ogdren have filed
a Petition for adoption of the
minor child known as Ma-
son Clyde Williams, born
on January 19, 2012.

Based on information pro-
vided to Angela Dawn Og-
den and Jesse Lee Ogdren,
you have been alleged to be
the biological father of said
child. As such, this docu-
ment is intended to give you
notice of the adoption pro-
cess pursuant to O.C.G.A. § 19-8-12.

You will lose all rights to
the child and will neither re-
ceive notice nor be entitled
to object to the adoption of
the child unless, within 30
days of receipt of this notice,
you:

(1) A petition to legitimize
the child pursuant to Code
Section 19-7-22 of the Of-
ficial Code of Georgia as a
separate legal action;

(2) A notice of the filing of
the petition to legitimize with
the Court in which this ac-
tion is pending and

(3) Send a copy of that no-
tice to myself as the repre-
sentative of the Petitioner in
this action at the P.O. Box
address listed below.

You will lose all rights to
the child and the court shall
enter an order terminating all
such rights to the child and
you may not thereafter ob-
ject to the adoption and are
not entitled to receive further
notice of the adoption if re-
ceived within 30 days of the receipt
of this notice you:

(1) Do not file a legitima-
tion petition and give notice
as detailed above and as
outlined in subsection (e) of
Code section O.C.G.A. § 19-
8-12;

(2) File a legitimation action
which is subsequently dis-
missed for failure to prose-
cute; or

(3) File a legitimation peti-
tion and the action is subse-
quently concluded without a
court granting such petition
or declaring that you are the
father of the children.

By receiving this notice,
you are in no way admitting
that you are, in fact, the bi-
ological father of the above-
named child.

This _____ day of
2022.

Matthew S. Crunk
Attorney for Petitioner
Mitchell & Crunk
81 West Athens St., P.O.
Box 856

Winder, Georgia 30680
Phone: 770-722-9765
Email: matthew@mitchell-
crunk.com
901- 97596 3/22,29,4/5,
2023

ADOPTION

IN THE SUPERIOR COURT
OF BANKS COUNTY, GEOR-
GIA IN RE: T.C.T., minor
child

CIVIL ACTION NO: 23A-
004-P, NOTICE RE:Adoption
of a male child, born to

MIMI TORBETT on Decem-
ber 28, 2019, in Atlanta,
Georgia.

TO: CALVIN SMITH and
any male claiming a pater-
nal interest to this child

You have been named as a
potential biological father of
the above identified child.

As provided for through
O.C.G.A. § 19-8-12 (b), and
in accordance with O.C.G.A.

§ 19-8-12 (c) (1)
(C), notice is hereby pro-
vided that a Petition for
Adoption has been filed

concerning this child.

Pursuant to O.C.G.A. § 19-
8-12 (e) you are hereby ad-
vised as a biological but not
legal father of this child that
you will lose all rights to the
child and will neither receive
notice nor be entitled to ob-
ject to the adoption of the
child, unless, within 30 days
of receipt of this notice, you
file: (1) A petition to legiti-
mate the child pursuant to
O.C.G.A. § 19-7-22 as a se-
parate action; (2) Notice of
the filing of the petition to legi-
timate with the court in
which the action under this
Code section is pending; and
(3) Notice of the filing of
a petition to legitimize to
the person who provided
this notice to you.

TO: MIMI JOHANNA TOR-
BETT, Mother. Pursuant to
O.C.G.A. § 19-8-10, you are
hereby notified that the above
action was filed in
Banks County Superior
Court Clerks Office, Georgia,
on February 20, 2023. A final
hearing in this case is
scheduled to be heard on

May 18, 2023, at 9:00 a.m.

before the undersigned
judge in the Banks County
Courthouse located in
Homer, Georgia. A parent
who receives notification
pursuant to this paragraph
shall not be a party to the
adoption and shall have no
obligation to file an answer,
but shall have the right to
appear in the pending adop-
tion proceeding and show
cause why such parent's
rights to the child who is the
subject of the proceeding
should not be terminated by
this adoption. If you fail to
appear at this hearing, your
rights may be terminated.

The Judge is the Honorable
Nick Primm. The attorney is
Jill Wisotsky, P.O. Box
362, Jefferson, Georgia,
30549. 706-207-5201.

901 98545 3/29,4/5,12,
2023

ADVERTISEMENT FOR BIDS

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Sealed bids for the Dacula
Crossing Subdivision As-
phalt Milling and Repaving
Project will be received by
the City of Dacula at Dacula
City Hall 442 Harbins Road,
Dacula, Ga. 30019, until
2:30 PM local time on Tues-
day, April 11, 2023. Any bids
received after said time and
date will not be accepted by
the City of Dacula.

The Contract Documents,
consisting of Advertisement
for Bids, Information for Bid-
ders, Bid Proposal Form,
Form of Agreement, Draw-
ings, Specifications, Bid
Forms, Bid Bonds, Perfor-
mance Bond, Payment Bond,
Bidders' Qualifications
Forms, and other Contract
Documents may be exam-
ined at the following loca-
tions: (1) Bowman Consult-
ing Group, Ltd. (Bowman),
4174 Silver Peak Parkway,
Suwanee, Georgia 30024.
Contact: Kevin D. Whigham,
P.E. (770) 932-6550 email:
kwhigham@bowman.com;

(2) National Association of
Minority Contractors, 1142
Main Street, Forest Park,
Georgia 30297, info@namc-
atl.org. Contact: Mr. Billy
Freeman, Jr. (404) 304-
5967, bfreeman@tech-
niqueconcrete.com; Mr.
Arthur J. Queen (404) 288-
9521, aqueen@egmatlana-
com; (3) Hispanic Contrac-
tors Association GA, 2750
Buford Highway NE, Atlanta,
Georgia 30341. Contact: Ms.
Andrea Rivers (404)229-
8070, info@georgiahac.org;
and (4) Georgia Procure-
ment Website.

All Bidders must be regis-
tered with Bowman to as-
sure that Bidders receive all
addenda and/or clarifications
to the Bid Documents in a
timely manner, it is highly
recommended that all bid-
ders obtain at least one
complete set of Bid Docu-
ments directly from Bow-
man.

Entities that do not obtain
Bid Documents from this
source will not receive ad-
denda and/or clarifications
directly from Bowman. Bid-
ders relying on plan notes
or other services to obtain
Bid Documents, rather than
obtaining them directly from
the source are doing so at
their own risk. Copies of the
Documents and specifica-
tions will be provided in
Electronic Format and can

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

AN ORDINANCE TO AMEND THE 2023 ANNUAL BUDGET FOR THE CITY OF DULUTH, GEORGIA, IN COMPLIANCE WITH THE LAWS OF THE STATE OF GEORGIA.

THE CITY COUNCIL OF THE CITY OF DULUTH HEREBY ORDAINS, the City of Duluth, Georgia, has previously adopted a budget for the 2023 fiscal year as follows:

Total Revenues:	<u>75,739,033</u>
Operations Expenditures:	<u>36,087,744</u>
Capital Improvement Expenditures:	<u>39,651,289</u>
Total Expenditures:	<u>75,739,033</u>

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

WHEREAS the City of Duluth has awarded a bid in the amount of \$112,675.19 including a 10% contingency, for crack sealing various street to Remac, Inc based on an evaluation of the bids received by Keck and Wood; and

WHEREAS Remac, Inc will crack seal 59 street which has proven to be a low-cost pavement preservation technique; and

WHEREAS it is requested \$112,700 in unallocated 2017 SPLOST be added to the Transportation/Infrastructure Improvements – Paved Streets – Repairs & Maintenance – Streets/Sidewalks line item including associated transfers; and

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

Total Revenues & Prior Yr Reserves	<u>75,851,733</u>
Operations Expenditures:	<u>36,087,744</u>
Capital Improvement Expenditures:	<u>39,763,989</u>
Total Expenditures:	<u>75,851,733</u>

IT IS SO ORDAINED this _____ day of _____, **2023**.

Mayor Nancy Harris

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

**STATE OF GEORGIA
CITY OF DULUTH**

AGREEMENT FOR COMMISSION OF PUBLIC ART PROJECT

This agreement (the "Agreement") is entered into this ____ day of _____, 2023, by and between BLISS PRODUCTS AND SERVICES, INC. (hereinafter referred to as "CONTRACTOR") and CITY of Duluth, Georgia (hereinafter referred to as "CITY")

W I T N E S S E T H:

WHEREAS, the CITY desires the construction of a piece of playable art at Taylor Park within the City of Duluth consistent the design and parameters contained in a certain Request for Qualifications (RFQ # 2022-1) attached hereto as Exhibit A; and

WHEREAS, CONTRACTOR is a qualified art installation contractor possessing the skill, experience and expertise to perform the services described herein; and

WHEREAS, the CITY has selected CONTRACTOR to perform the work described herein; and;

WHEREAS, the CITY desires to contract for the Playable Art to be located at Taylor Park as described more fully herein; and

NOW, THEREFORE, in consideration the mutual covenants set forth in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. Scope and Cost:

The CONTRACTOR agrees to furnish all labor, supervision, materials, equipment, tools, supplies, disposal, and services necessary to timely and fully perform and complete in a neat, first-class and workmanlike manner and in strict compliance with the Contract Documents, drawings, specifications provided as applicable to the contractor, all of the specific work and services described below. Costs to provide the above scope of work shall be inclusive of taxes, labor, supervision, disposal, materials, equipment, tools, transportation, and any associated written reports.

The Contractor will install the art piece in substantial compliance with all terms set forth in the RFQ and the CONTRACTOR'S submission to the RFQ attached hereto as Exhibit "A", and the CONTRACTOR'S Quote # 66416, Concept Site Plan and Conceptual Design Plan attached hereto as Exhibit "B", The parties acknowledge that the placement of this exhibit in a public area where members of the public will have physical access to the piece requires a high level of care during installation for the safety of the public and for the security and maintenance of the project.

The Contractor shall commence the Work with adequate force and equipment upon execution of the Contract and shall complete the Work on or before March 15, 2024.

This Contract, executed in triplicate, constitutes the full agreement between the parties, and the Contractor shall not sublet, assign, transfer, pledge, convey, sell or otherwise dispose of the whole or any part of this Contract or his right, title, or interest therein to any person, firm or corporation without the previous consent of CITY in writing.

2. City's Representative

The Project has been initiated by the CITY and the CITY Representative for this project is City Manager James Riker. The City Manager shall act as the CITY's representative, assume all duties and responsibilities and have the rights and authority assigned to the CITY in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents.

3. Contract documents:

3.1- The term "Contract Documents" above includes all portions of the specifications published and or advertised by CITY for purposes of soliciting bids for this project. Including; RFQ and the CONTRACTOR'S submission to the RFQ attached hereto as Exhibit "A", and the CONTRACTOR'S Quote # 66416, Concept Site Plan and Conceptual Design Plan attached hereto as Exhibit "B", The scope of work therefore, may not extend beyond these descriptions as set forth above without proper adjustments and or opportunity made available so as to properly compensate the contractor for any such scope of work.

4. Contract sum and payments:

4.1- The total contracted amount is FOUR HUNDRED SIXTY-EIGHT THOUSAND SIX HUNDRED NINETEEN AND 00/100 DOLLARS (\$468,619.00).

4.2- Payments shall be made by the CITY to CONTRACTOR on the following schedule:

- a. 35% of the total contract amount (\$164,016.65) shall be paid to CONTRACTOR upon execution of the Contract by both parties.
- b. 35% of the total contract amount (\$164,016.65) shall be paid to the CONTRACTOR upon ID Sculpture delivery of the piece and commencement of installation.
- c. 30% of the total contract amount (\$140,585.70) shall be paid to CONTRACTOR upon completion of the project and the CITY'S final acceptance of the work.

4.3- Prior to the final payment CONTRACTOR will provide an affidavit showing that its labor, materials and other bills have been paid, along with full release and/or unconditional lien waivers, in a form satisfactory to CITY. If it appears that any labor, material or other bills incurred in the performance of the contract work are not being paid, the CITY may take such steps as it (in its sole discretion) deems necessary to insure that the payments will be utilized to pay such bills.

4.4- Final Payment including any and all retainage shall be made to contractor not later than 15 days after

receipt of the Contractor's final written requisition for payment and acceptance of the final completed project.

5. Execution of Work, Project duration and liquidated damages.

5.1- Contractor agrees to complete the work on or before March 15, 2024. Any extension of this time period for weather delay days must be agreed upon by both parties and executed by a written change order.

5.2- The parties agree that the timing of the performance is essential to this agreement and that damages for failure to abide by this condition with regard to the timing of performance will be difficult to ascertain. Therefore the parties agree that liquidated damages provisions are appropriate and that such damages are not a penalty in this case. In the event that the Contractor fails to perform within the time period specified in this contract Contractor shall pay the City the sum of FIVE HUNDRED DOLLARS (\$500.00) per day for each calendar day beyond the contract performance termination date as set forth in Section 5.1 above.

5.3- Contractor shall give adequate notices pertaining to its work to the proper authorities and shall secure all necessary licenses and permits to carry on its work; a copy to be provided to CITY by CONTRACTOR prior to the start of contract Work.

6. Compliance with Immigration Laws and Regulations

6.1 The Contractor shall be responsible for complying with the Georgia Security and Immigration Compliance Act of 2006 (O.C.G.A. §§ 13-10-90 & 13-10-91) and the Rules of the Georgia Department of Labor implementing the Georgia Security and Immigration Compliance Act of 2006 (Rules 300-10-1-.01 through 300-10-1-.09). In accord with these provisions the Contractor shall complete attached Exhibits C, C(1) and C(2) where such forms are applicable.

6.2 The Contractor affirms and agrees that it has no employees and does not hire or intend to hire employees for purposes of satisfying or completing the terms and conditions of any part or all of the original contract with the public employer shall instead provide a copy of the state issued driver's license or state issued identification card of such contracting party and a copy of the state issued driver's license from Georgia or another state which verifies immigration status in accordance with O.C.G.A. § 13-10-91 (b) (5).

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

6.4 Pursuant to O.C.G.A. § 50-36-1, Proposer shall provide information regarding citizenship status and shall complete and file with the CITY the Citizenship Status Affidavit, which is attached hereto as Exhibit D.

6.5 The failure to abide by the provisions and agreements set forth in Subsection 6 shall constitute a breach and default of this contract.

7. Insurance

7.1 The Contractor shall provide insurance as follows from the issuance of the Notice to Proceed and continuing through the final payment under this contract:

- a. Workers compensation insurance as required by Georgia law.
- b. Commercial General Liability Insurance-ISO Form CG 00 01 (10/93) or equivalent Occurrence Policy which will provide primary coverage in the event of any Occurrence Claim, or Suit, with limits of not less than \$1,000,000 General Aggregate.

7.2 The Contractor shall provide proof of insurance required as set forth above upon execution of this contract and such proof shall be a necessary pre-condition to this agreement.

8. Inspection and Approvals

8.1- Contractor shall notify the CITY and or its representatives when portions of its work are ready for inspection. CITY shall make reasonable efforts after receiving notice from Contractor, to inspect said scope of work completed. Limitations and or Sizes of such portions of work shall be agreed upon by CITY and Contractor prior to starting each phase thereof.

8.2- Contractor agrees to 'make right' at no additional cost to the CITY any such portion that is determined by CITY's representative to be incomplete within the bounds of the contract. Contractor shall promptly perform any and all punch list work submitted to it by the CITY.

9. Termination

9.1- The CITY may terminate the contract for failure by the Contractor to comply with the terms and conditions of its contract or failure by the Contractor to correct problems brought to its attention by the CITY, each of which failures shall constitute a default. In the event of such termination, that Contractor will be paid only those sums due and owing under the contract for performance satisfactorily rendered, subject to offset for damages and other amounts which are, or which may become, due and owing to the CITY.

9.2- The CITY, for its convenience and without cause, may terminate this contract whenever the CITY determines that such termination is in its best interest after giving ten (10) days written notice of such termination to the Contractor. In the event of a termination for convenience, CITY shall pay all amounts due and owing to the Contractor for performance satisfactorily rendered. However, in no event shall the total of all amounts paid to the Contractor exceed the contract price. The Contractor shall not be reimbursed for any profits which may have been anticipated, but which have not been earned up to the date of termination.

10. Disputes/Resolutions

10.1- Any claims or disputes that may arise, including adjustments to compensation or to time of completion, shall be initiated by written notice within five (5) days after either party becomes aware of the claim or issue in dispute. The parties shall have ten (10) days following such written notice to cure or resolve any dispute. Notwithstanding the foregoing, the failure to provide written notice shall not serve as a bar to an action in law or equity for either party.

10.2-The CITY and Contractor shall make all reasonable efforts to resolve any and all matters of dispute without the involvement of any third party. However, if such efforts are not successful after a thirty (30) day period, then both parties agree to resolve their claims by filing a Complaint in the Superior Court of Gwinnett County, Georgia. The terms of this Agreement shall be integrated and enforced under the Laws of Georgia.

11. Indemnity

11.1-Contractor assumes full liability for any and all damages, death, or injury of any kind to all person(s), whether employees or otherwise, and property arising out of or in any way connected with its work and shall to the fullest extent permitted by law defend, indemnify and hold harmless CITY, and their respective officers, agents, and employees, (herein referred to as Indemnities), from and against any and all claims, losses, suits, damages, legal costs and expenses and otherwise, arising out of or in any way connected with Contractor's work. If any claim or demand is made against the CITY for any matter enumerated herein, any payment due, or thereafter to become due, to Contractor shall be held by the CITY to cover such losses and expenses.

12. Interpretation

12.1 This Contract shall be interpreted under the laws of the State of Georgia.

13. Amendments

13.1 Any amendments to this contract shall be made in writing and shall not be binding until such amendment is agreed upon and executed by both parties.

13.2 No change orders shall be binding unless reduced to writing and agreed upon by both parties in writing.

14. Drug Free Work Place

The contractor is required to certify a drug-free workplace for all employees including subcontractors.

IN WITNESS WHEREOF, the CITY and Contractor have executed this contract consisting of (5) pages and the Attachments/Exhibits/Statements/Affidavits (If any) on the day and year first above written, by their proper officers or agents, duly authorized in the premises.

BLISS PRODUCTSAND SERVICES, LLC.

By: Gregg Bliss, President

CITY OF DULUTH, GEORGIA:

_____ (SEAL)

By: James Riker, City Manager

Federal I.D. Number: _____

Notary Public

In the presence of: _____

Subscribed and sworn to before me

this ____ day of _____, 2023.

My Commission expires: _____

in the County of _____

Notary Public

In the presence of: _____

Subscribed and sworn to me

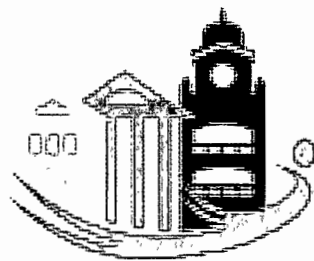
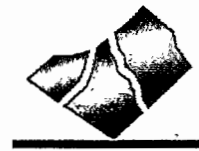
This ____ day of _____, 2023.

My Commission expires: _____

in the County of _____

EXHIBIT A- RFQ AND CONTRACTOR'S RESPONSE TO RFQ

PLAYABLE ART AT TAYLOR PARK





October 10, 2022

Dear City of Duluth:

Please accept this statement of interest for the playable art project at Taylor Park in Duluth, Georgia. ID Sculpture, in partnership with Bliss Products, is uniquely qualified to design, build, and install the proposed willow tree. ID Sculpture was founded in 2005 on the idea that play components should provide a wide variety of play experiences, from climbing on authentic nature-themed play features to exploring imaginative and whimsical landscapes that blur the line between art and play. We also value collaboration with local stakeholders to ensure projects reflect the community from which it's from.

ID Sculpture is interested in this project because we have a long history of working with communities at the intersection of public art and play and find the projects to be incredibly rewarding and testaments to the power of community, collaboration, and the stewardship of public spaces.

Bliss Products and Services, Inc. (BPS) has been in the recreation industry since 1984, carrying a general contractor's license in the state of Georgia. BPS has several signature playground projects throughout the state of Georgia and recently completed park renovations with the City of Duluth. The City of Suwannee enlisted BPS with a playground installation project and have installed multiple playgrounds with the City of Tucker. Also, the City of Talmo asked BPS to complete a key project for their citizens in their existing playground space. Beyond playgrounds, BPS has a wide range of experience in the construction industry: overall/general construction, shelters, splash pads, shades, dog parks, bleachers, and more!

When building interactive/playable art ID Sculpture starts by making sure we understand the intent of a project. In the case of Taylor Park, we have been following the process with Bliss Products and have submitted questions to further evaluate the intent and direction of the project. Once we understand the intent of a project, we then digitally sculpt the component (in this case the tree) and get take-offs for budgeting. The advantage of using GFRC is that we can get very accurate pricing early in development so we can revise as needed.

Our manufacturing process combines advanced technology and digital fabrication with traditional sculptural techniques. The outcome is a high-fidelity form with a hand-sculpted finish to achieve a very high level of realism. We also implement other techniques to further improve our products such as using stamps of native trees to create authentic grains and textures. And because our products come with a 10-year warrantee, we work hard to ensure our products will withstand whatever nature, or children, can throw at it while maintaining the beauty and inspiration of the artist's concept.

Please feel free to contact ID Sculpture with any questions or requests.

Best Regards,

Andris Zobs
COO



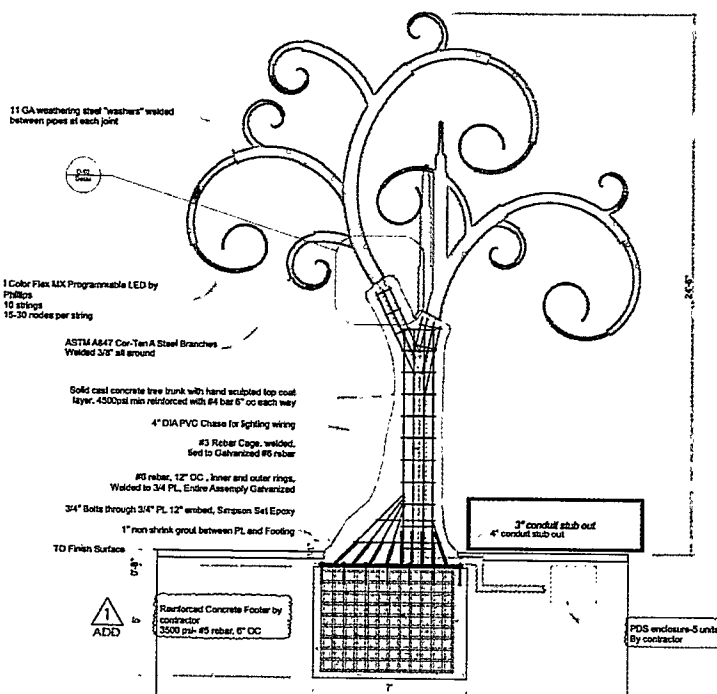
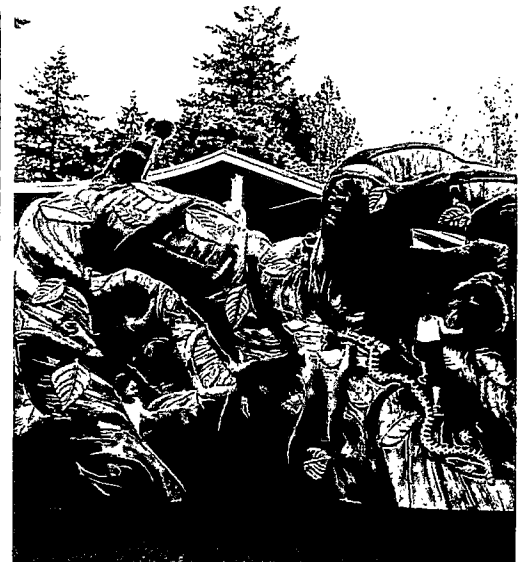
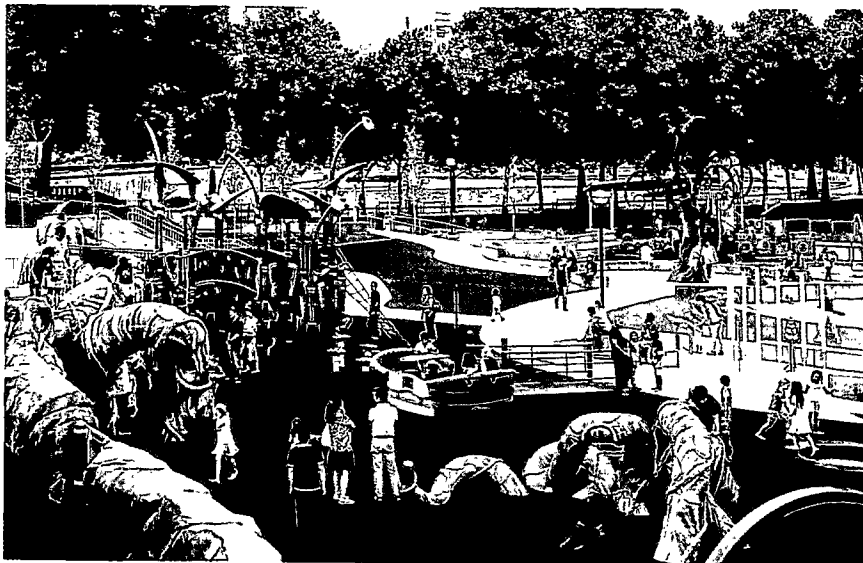
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Inspiration Playground (2016)

Bellevue, WA - City of Bellevue - \$352,000

Inspiration Playground was a collaboration between ID Sculpture and Design Concepts for the City of Bellevue. The project was inspired by the story of Jack and the Beanstalk and integrated a whimsical "tree of life" with LED lighting throughout the branches as the centerpiece. Carol Henry, the principal of Design Concepts, worked with local stakeholders to develop the artistic concept and design for this unique social hub in the Northwest.



Contact: City of Bellevue Parks - 425.452.6885

591 South Boulevard Street | Gunnison, Colorado 81230 | info@idsculpture.com



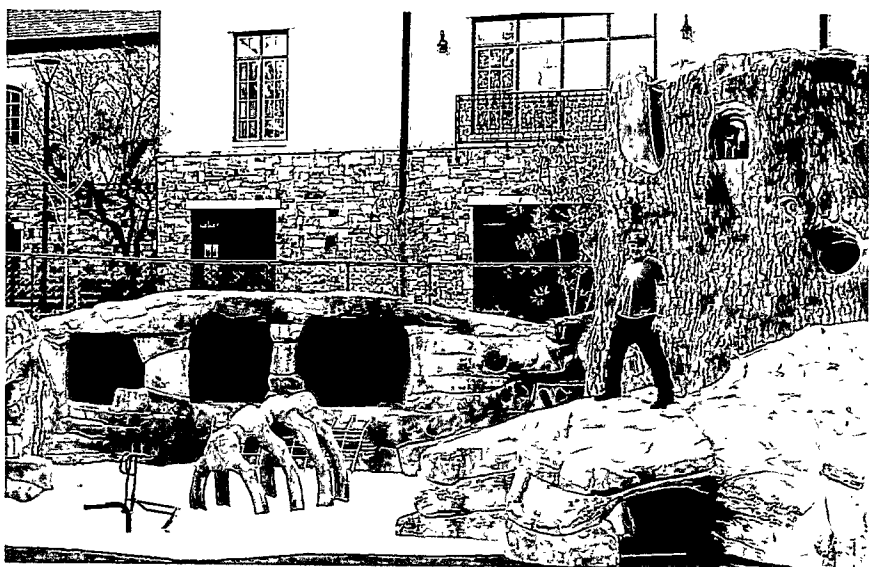
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Trinity School (2021)

Atlanta, GA - Trinity School - \$512,000

When Chapman Coyle Chapman Architecture conceived of an ambitious concept design for the Trinity School, they turned to IDS to help develop and execute it. The playground integrates dinosaur fossils, rock caves, and a central 20-foot hollow tree. In order to achieve a natural look for the hollow tree we created stamps from local Georgia pines, giving this larger-than-life tree an authentic look with unprecedented detail and durability.



Contact: Trinity School - info@trinityatl.org

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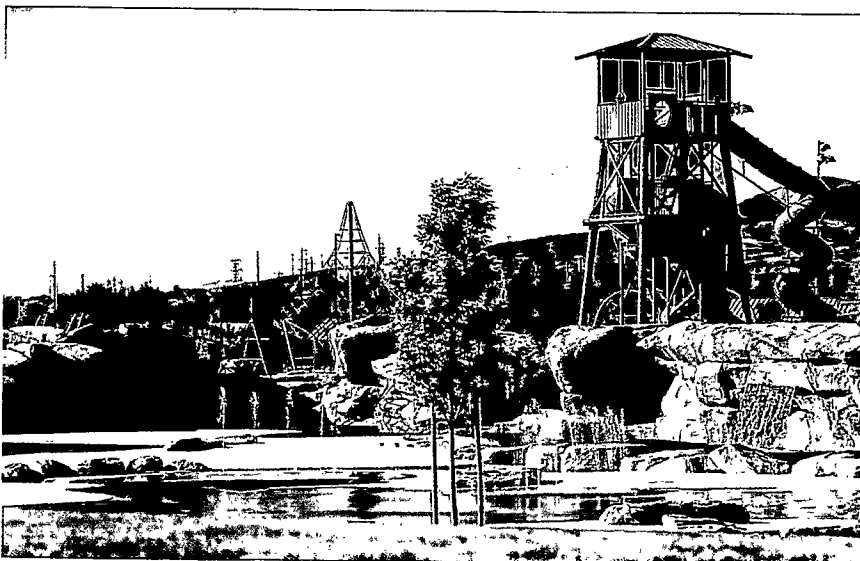
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Wardle Fields Regional Park -

Bluffdale, UT - Salt Lake County - \$685,000

This regional destination park was a collaboration with Salt Lake County and Playspace Designs which features over 2000 square feet of sculpted retaining wall mimicking a local quartzite rock. The design incorporates extensive water features such as sprayers and a waterfall curtain embedded in the sculpted GFRC play boulders.



Contact: Salt Lake County - parkopsfd@slco.org

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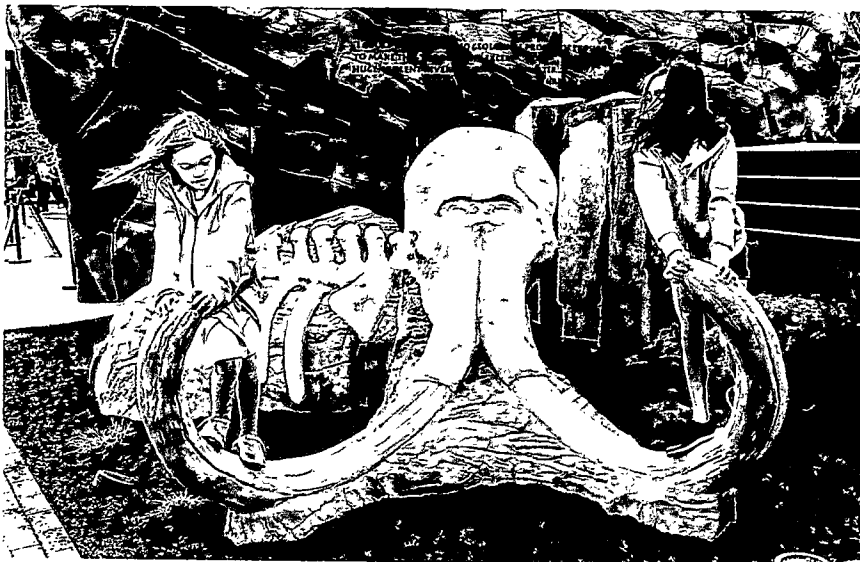
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Riverfront Park (2020)

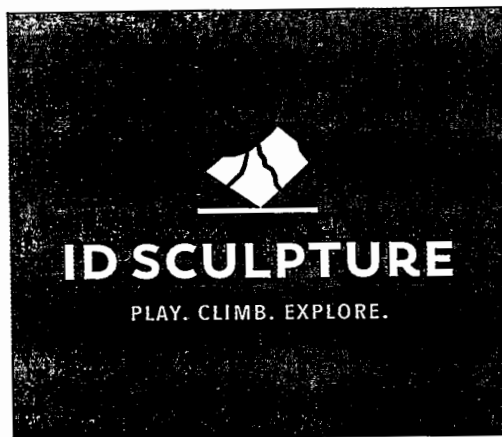
Spokane, WA - City of Spokane - \$581,000

Riverfront Park tells the story of the Missoula floods 15,000 years ago by intertwining geologically accurate sculpted rock with traditional play components, moving water, and sculpted fossils. IDS collaborated with geologists from the local university to match four rock types including columnar basalt and granite. The park went from concept to construction through numerous stakeholder meetings with the community and city throughout 2019 and 2020.



Contact: City of Spokane - rfpinfo@spokanecity.org

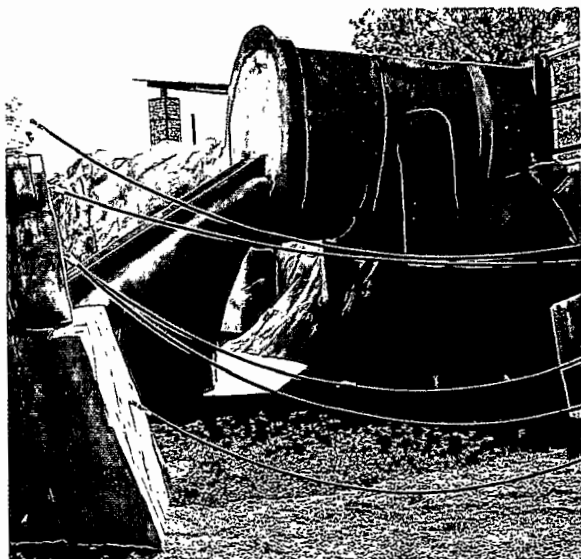
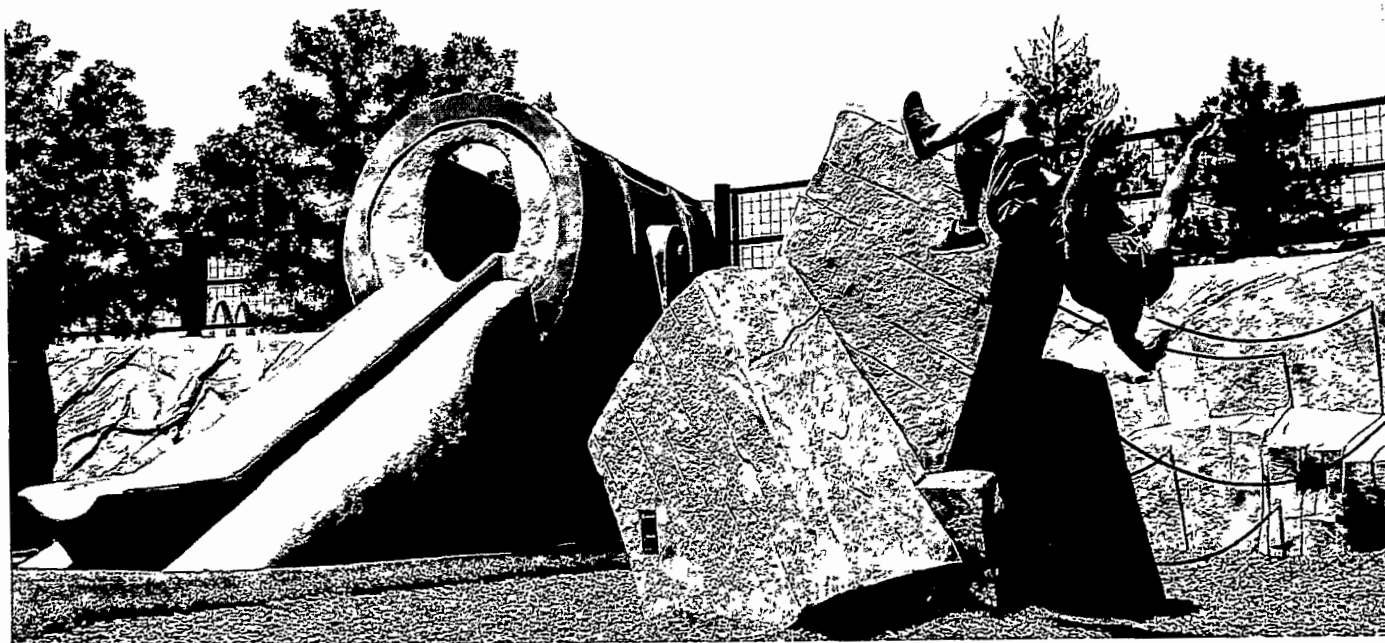
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Globeville Landing Park (2019)

Denver, CO - Denver Metro Parks - \$253,000

The Globeville project combined cutting edge stormwater management with revitalization of a former superfund site under the leadership of Merrick Engineering and Architerra Landscape Architecture. IDS' design references the area's industrial heritage with an ore-barrel slide and quarried stone blocks. Extensive collaboration with both Merrick and Architerra was vital to integrate our pieces with the site's challenging topography and green infrastructure.



Contact: Denver Dept. of Transportation and Infrastructure - (720) 913-1311

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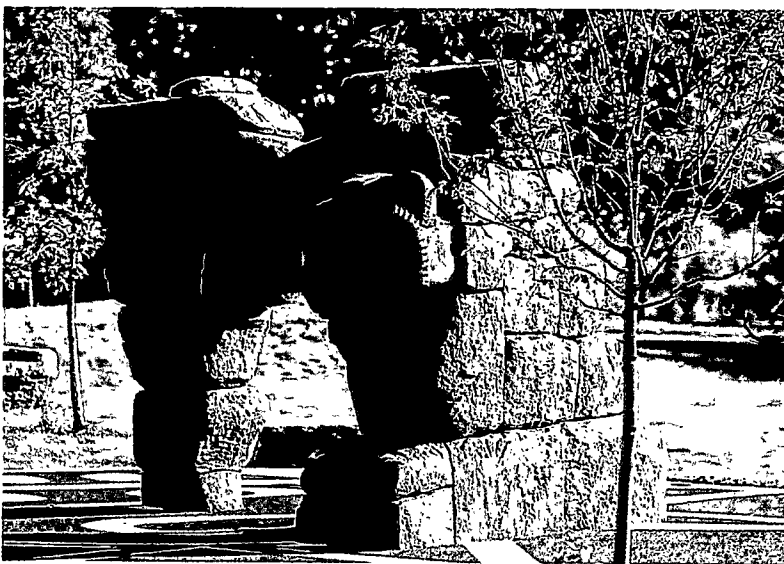
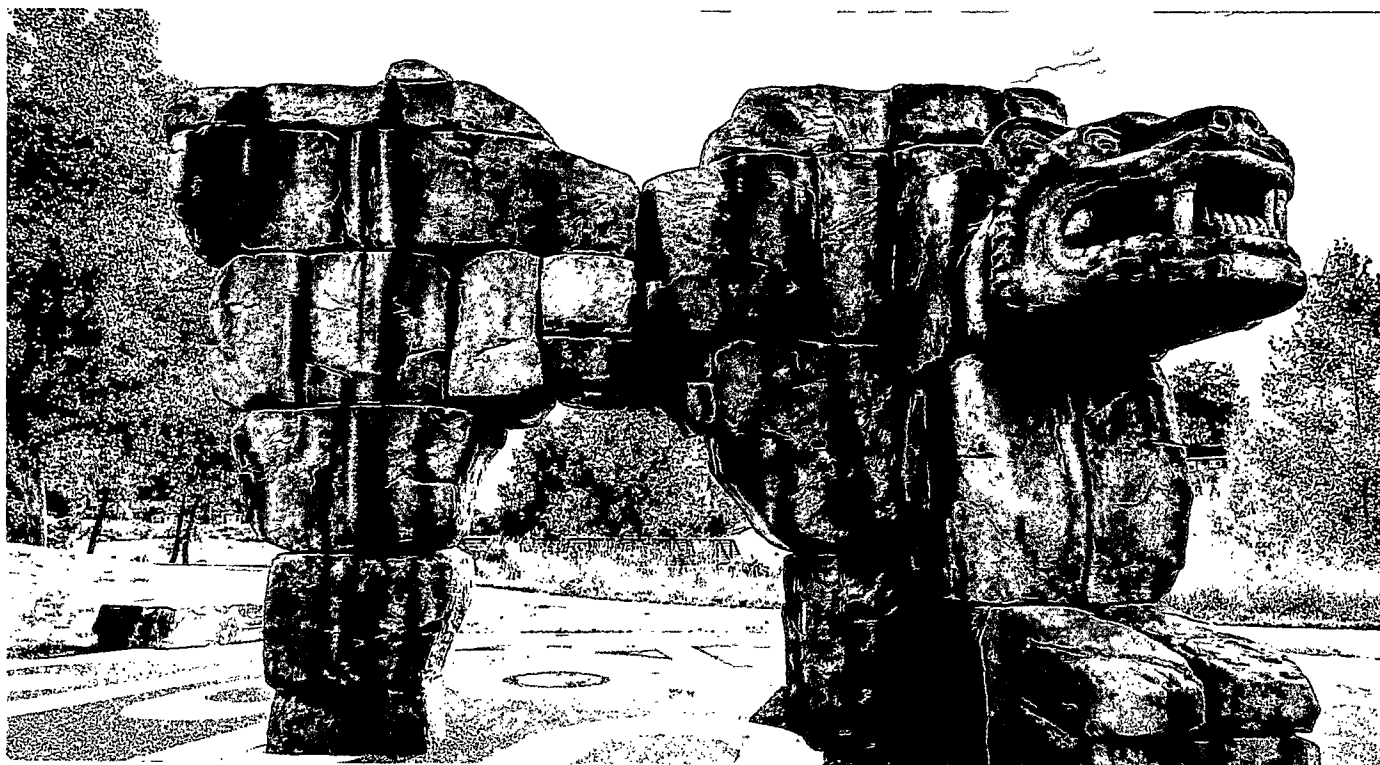
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Dry Gulch Park (2015)

Denver, CO - Denver Metro Parks - \$30,000

IDS worked with Mundus Bishop Landscape Architecture and the Lakewood Gulch community to craft a unique climber that reflected the neighborhood's indigenous Mayan heritage. Our designers used 3D scanning technology to incorporate the jaguar head from a real archeological dig into this piece of fully-climbable public art.



Contact: Denver Dept. of Transportation and Infrastructure - (720) 913-1311

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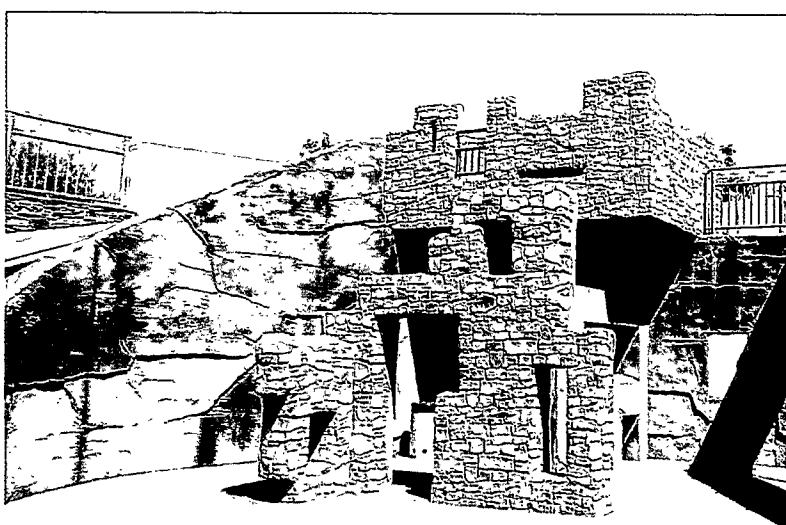
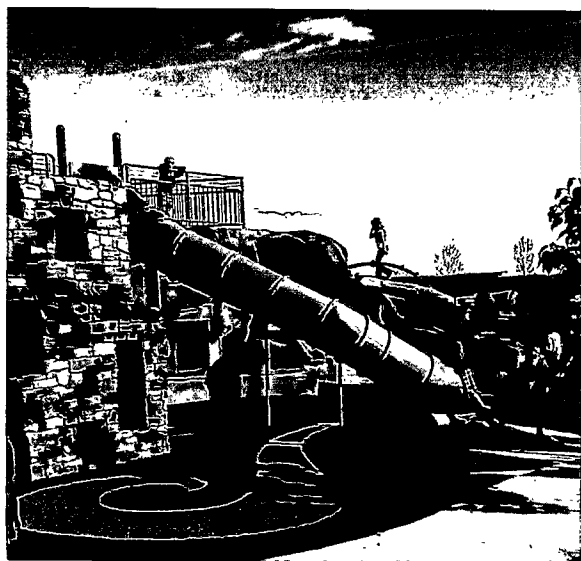
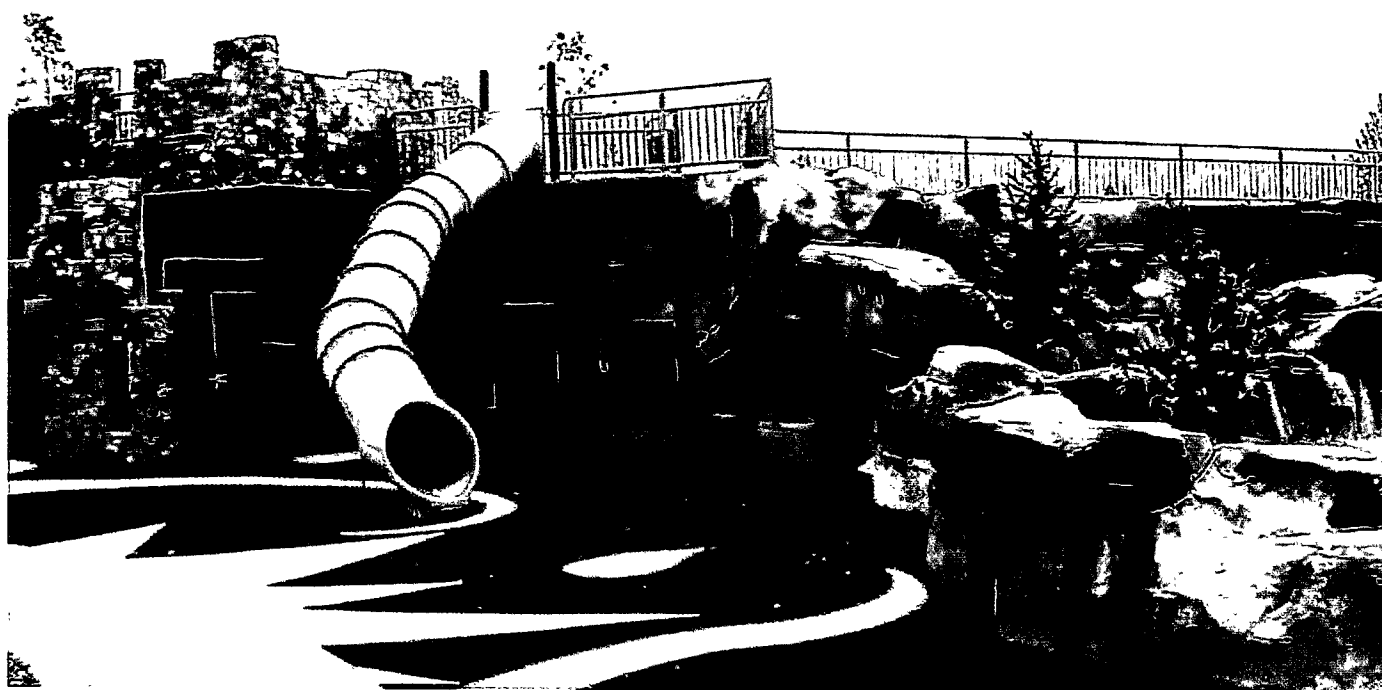
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Elk Ridge Park (2011)

Castle Pines, CO - City of Castle Pines - \$274,000

Elk Ridge Park highlights IDS' unique ability to sculpt GFRC into distinct materials that blend together seamlessly. The extensive playground at this 11 acre suburban park was a collaboration between IDS and Design Concepts. The design merges architectural stone-effect walls with sculpted GFRC sandstone and traditional play equipment to transform the site's natural grade into a memorable and artistic play environment.



Contact: City of Castle Pines - 303.705.0200

591 South Boulevard Street | Gunnison, Colorado 81230 | info@idsculpture.com



Additional questions from RFQ

- Cost of manufacturing and delivery: Bliss Products and ID Sculpture, through detailed design and pricing, will manufacture and deliver the concept to the City of Duluth for an amount not to exceed \$350,000.
- Timeline: We anticipate approximately 6-8 weeks for design and engineering, and 16 weeks for fabrication from project approval and contracting.
- Warranty: see attachment
- References: see attachment
- Installation: All of our projects are designed and fabricated with installation in mind. We understand the realities of construction sites and have learned how to properly execute even the most demanding installations.
Most of our sculptures are installed by local certified playground installers and are excited to be partnering with Bliss Products. Depending on design and scale, we may send our sculptors and fabricators to build on site. However, some of the scope (surfacing, electrical, footings, etc.) would be completed by Bliss Products to save on labor and mobilization costs. Installation costs depend on design and complexity, but if selected, we can tailor design and installation to meet your budget. Most site-builds require 20-30 days to complete.
- Contract: Bliss Products and ID Sculpture are capable of complying with the contract provisions.



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Climbing Sculpture Product Warranty

Limited Warranty

The company warrants their Sculptures, Playground Sculptures and Climbing Walls against failure or defect, under normal usage conditions, for 10 years (10) from delivery-acceptance, excluding normal wear and tear. Normal wear and tear includes slight polishing of hand and footholds, slight fading of the color, and hairline cracking of the concrete shell at stress points. The company shall be notified of such failure or defect and shall repair or replace the damaged portion of the Structure within 30 working days of notification at the company's sole expense.

Limitation of Remedies

The Company acknowledges that the remedies under this Limited Warranty shall be the repair or replacement of the Products or any components thereof which are determined by the Company to be defective in material or workmanship or, at the sole option of the Company, the refund of the purchase price of the Products in question. The Company shall not be liable for injury to property other than the Products themselves.

Products Covered by This Warranty

This Limited Warranty shall extend to the Products and components thereof manufactured, supplied or repaired by the Company, but shall not extend to products, parts or equipment supplied by other manufacturers and installed by the Company.

Automatic Termination of Warranty Obligations

Any obligation of the Company under this Limited Warranty shall automatically and immediately terminate, without notice from or any further action by the Company and the Company shall have no responsibility for damages of any kind as a result of the occurrence of any of the following:

- i. Accident, misuse, abuse or negligent use of the Products or any component thereof;
- ii. Any repair or alteration of the Products or any component thereof made outside the Company's facility, except by an employee of the Company authorized to do so;



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- iii. Improper installation or operation (including both mechanical and electrical) of the Products or any component thereof;
- iv. Failure to provide normal maintenance for the Products or any component thereof.

Limitation on Damages (Consequential Damages Excluded)

The Company shall not be responsible for, nor does this Limited Warranty extend to, any consequential or incidental damages or expenses of any kind or nature, regardless of the cause thereof or any knowledge which the Company may have regarding the probability of the occurrence of such damages or expenses including, without limitation, injury to persons or property, loss of use of the Products, lost goodwill, lost resale profits, work stoppage, impairment of other goods, breach of contract, negligence or such other actions as may be deemed or alleged to be the cause of a loss or damage to the Owner, its agents, sub-distributors, customers or any other persons.

Enforcement of Limited Warranty

Owner will immediately notify the Company in writing of any Product or component thereof to be repaired or replaced. Owner's written notice shall specify the Product or component thereof as well as list the facts or reasons supporting or underlying owners claim for relief under this Limited Warranty. Allegedly defective Products or components thereof shall be made available to the Company for repair or replacement. In the event that the Company elects to repair or replace the allegedly defective Product or component thereof, the Company shall ship and or travel, at the Company's expense, said replacement or repaired Product or component to owner via the lowest priced transportation available to the Company.

Disclaimers from Warranty

THIS LIMITED WARRANTY IS GIVEN IN LIEU OF ALL OTHER WARRANTIES, WHETHER EXPRESS OR IMPLIED. THERE ARE NO WARRANTIES THAT EXTEND BEYOND THE FACE OF THIS LIMITED WARRANTY.

For any questions or claims please contact:

Integrated Design Solutions, LLC
591 South Boulevard
Gunnison CO 81230
P: 970 641 1747
F: 970 641 1036
info@IDSculpture.com

Bliss Products and Services, Inc.
6831 S Sweetwater Road
Lithia Springs, GA 30122
P: 800 248 2547
F: 866 920 1915
info@blissproducts.com



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Operations and Maintenance Instructions

The following operations and maintenance instructions apply to all GFRC concrete features installed by Integrated Design Solutions, LLC.

Manufacturers Point of Contact:

Integrated Design Solutions, LLC DBA ID Sculpture
info@idsculpture.com
(970) 641 1747

Annual Inspections:

An inspection should be conducted annually that includes:

1. A detailed examination of all concrete surfaces. Hairline cracks will typically manifest throughout the concrete shell, particularly concentrated at stress points. This fine cracking is a normal effect of the curing and weathering process and does not represent a manufacturing flaw, nor do they compromise the structural integrity of the concrete shell in any way. If new cracks develop that are larger than 1/8" in width over a span greater than three inches, please contact IDS.
2. During the inspection, nooks and crannies throughout the contour of the concrete surface should be checked for debris.
3. In areas where engineered wood fiber is the primary landing surface, the depth should be checked to insure a minimum depth of 12 inches.
4. Check to insure that all manufacturer identification plaques and warning/caution signs are intact and secure.
5. Inspect all rope components for fraying, signs of fraying or chafe. Check the tightness of threaded connections at rope end fittings. Loctite has been applied to all threaded connections, should a threaded connection become loose, application of Loctite or similar is recommended.

Modular Handholds

Some IDS sculptures have modular handholds. Please refer to "Course Setting 101" for instructions on removing and repositioning handholds. On new sculptures, handholds may loosen due to expansion and contraction and "settling" of the hold on the sculpture. Handholds should be inspected on a weekly basis and tightened as necessary. Handholds



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should remain tight after 3-4 weeks of weekly inspection and tightening. In the unlikely event that your handholds continue to loosen after 4 inspections, please contact IDS.

Annual Cleaning

IDS sculptures may be cleaned on an as needed basis. The concrete shell can be effectively cleaned with a pressure washer. When using a pressure washer, do not exceed 1800psi and take care to keep the tip at least 6" from the surface of the sculpture. In lieu of a pressure washer, smaller areas of the simulated rock surface can be washed by hand using a spray bottle, nylon brush and rag. This method is particularly effective in removing isolated areas of chalk, grime and marks left by the rubber soles of shoes.

GFRC - Cleaning Methods

1. For smaller surface areas, a scrub brush and light cleaning detergent mixed with water is the best approach. A ZEP exterior siding cleaner can be heavily diluted and scrubbed on and off with the brush.
2. For larger areas, you can use a pressure washer. The pressure washer should be no greater than an 1800 PSI washer. Use a 25 to 40-degree wide nozzle to prevent surface damage of the topical paints on the theme finishes. Hold the nozzle a minimum of 6" away from the surface. Clean a small, hidden test area before starting the project to ensure the pressure washer will not damage the surface. Pressure washers generate very high pressure, so it's essential to take safety precautions and follow all the manufactures instructions when using them:
 - Use both hands when holding the spray nozzle.
 - Don't use pressure washers while standing on a ladder.
 - Wear protective eyewear at all times.
 - Never point the nozzle at anyone.
3. An alternative to using a pressure washer is to use a *home-washing kit* that attaches to the garden hose. The kits aren't as quick or as effective as pressure washers but are easier to use and are available at most local hardware stores.

GFRC - Cleaning

1. Cover or remove anything you don't want wet or washed from the area that is to be cleaned.
2. Check the theme finishes for trouble spots that are covered in mildew, mold or moss. To determine whether a trouble area is affected by mildew, apply a small amount of diluted household bleach to the area. If it clears up, the problem is mildew. Pressure washers usually don't remove mildew, so you'll need to clean those areas by hand. Scrub off the mildew using a solution of 9 parts water and 1 part bleach.



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3. If using a power washer with a soap feed, you may use a mild solution of water and detergent, or you may also use a ZEP cleaner or alternative that is specifically for power washers, following the instructions for that specific cleaner.
4. If there is indication of efflorescence (white streaks and or spots) on the GFRC surface, this can be cleaned with a 10% muriatic acid solution. Take care to rinse area immediately after using muriatic acid to avoid discoloration
5. Remember, always perform cleaning on test area and inspect for damage before proceeding.
6. Begin spraying the surface, holding the nozzle at a 45-degree angle. Work from the bottom up, and move across the surface from side to side at a steady pace, maintaining the 6" to 2' distance between the surface and the nozzle head.
7. Rinse with clean water from the top down to prevent streaks.

Graffiti Protection and Cleaning

All concrete surfaces have been treated with a surface applied prophylactic to reduce the damage caused by, and ease the removal of graffiti. All chemical applications have been approved safe for public domain applications. IDS uses Blokguard S by Prosoco (www.prosoco.com). Please refer to manufacturers specifications for graffiti removal.

Paint Repair

IDS maintains a record of the combination of stains and paints that comprise the custom color pallet for each installation. In the event that a paint repair is desired or required, please contact IDS for either a paint-repair kit (cost dependent upon number of colors required) or a list of specific stains that can be used to repair the area independently. All stains used by IDS are playground safe Behr Siliconized Acrylic Solid Color Concrete stains that can be procured at Home Depot retail locations.

When contacting IDS with a request for a paint-repair kit or color pallet, please be sure to provide an image of the area in question.



References

Pedro Campos, RLA / ASLA

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Zehren And Associates, Inc.
Avon, CO 81620
(970) 949-0257
PedroC@zehren.com
www.zehren.com

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Design Concepts
Lafayette, CO 80026
303-664-5301
carolh@dcla.net

Morgan Selph

Formerly:
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Sharon Engelstein

Artist
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Brett Russell

Maintenance Coordinator
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Wichita, KS 67213
(316) 350-3176 - Office
(316) 253-7424 - Cell

Lisa Donnelly

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OlatheKS.org

Loretta E. Pineda

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Environmental Learning for Kids
Denver, CO 80221
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lpineda@elkkids.org
www.ELKKids.org

Dan Ampierto

Director of Parks and Recreation
City of Gunnison
200 E Spencer Avenue
Gunnison, CO 81230
(970) 641-8060
DAmpietro@gunnisonco.gov



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

7/20/2022

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PRODUCER HDINS, Inc dba Harry Daniel Insurance P.O. 2077 Cartersville, GA 30120 www.hdins.com AYP070759	CONTACT NAME: Meg Stover PHONE (A/C, No, Ext): 770-382-8954 FAX (A/C, No): 770-386-4081 E-MAIL ADDRESS: MStover@hdins.com INSURER(S) AFFORDING COVERAGE INSURER A: Cincinnati Specialty Underwriters INSURER B: Twin City Fire Insurance Co. INSURER C: Sentinel Insurance Co, Ltd INSURER D: Certain Underwriters at Lloyd's, London INSURER E: INSURER F:
INSURED Bliss Products and Services, Inc. 6831 S. Sweetwater Rd. Lithia Springs GA 30122	NAIC # 13037 29459 11000

COVERAGES**CERTIFICATE NUMBER:** 69371059**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Contract & XCU <input checked="" type="checkbox"/> \$5000 Deductible per claim GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:		CSU0024940	1/17/2022	1/17/2023	EACH OCCURRENCE \$1000000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100000 MED EXP (Any one person) \$5000 PERSONAL & ADV INJURY \$1000000 GENERAL AGGREGATE \$3000000 PRODUCTS - COMP/OP AGG \$3000000 \$
C	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY		20UECKN3349	7/29/2022	7/29/2023	COMBINED SINGLE LIMIT (Ea accident) \$1000000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$0		CSU0024939	1/17/2022	1/17/2023	EACH OCCURRENCE \$5000000 AGGREGATE \$5000000 Occur/Aggregate \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A	20WECAT3242	7/29/2022	7/29/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$1000000 E.L. DISEASE - EA EMPLOYEE \$1000000 E.L. DISEASE - POLICY LIMIT \$1000000
C	IM-Installation		20SBAZT2793	4/19/2022	4/19/2023	\$100000
D	Professional Liability		HPL22-0066	4/28/2022	4/28/2023	\$1000000 per claim/aggregate

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

-See Attached Remarks Schedule-

Information provided by this certificate (including any addendum/attachment) is strictly limited per State of Georgia statute OCGA 33-24-19.1

CERTIFICATE HOLDER**CANCELLATION**Bliss Products & Services, Inc.
6831 S. Sweetwater Rd.
Lithia Springs GA 30122

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

H. L. Daniel

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ACORD 25 (2016/03)

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AGENCY CUSTOMER ID: A

LOC #: _____

**ADDITIONAL REMARKS SCHEDULE**

Page ____ of ____

AGENCY HDINS, Inc dba Harry Daniel Insurance		NAMED INSURED Bliss Products and Services, Inc. 6831 S. Sweetwater Rd. Lithia Springs GA 30122	
POLICY NUMBER			
CARRIER	NAIC CODE	EFFECTIVE DATE:	

ADDITIONAL REMARKS**THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,****FORM NUMBER:** 25 **FORM TITLE:** ACORD 25 (03/16)**HOLDER:** Bliss Products & Services, Inc.**ADDRESS:** 6831 S. Sweetwater Rd. Lithia Springs GA 30122

GENERAL LIABILITY: Additional insured for ongoing and completed operations, on a primary and non-contributory basis, when required by executed written contract per form, CSGA437 12/13.

GENERAL LIABILITY: Waiver of subrogation when required by executed written contract per form, CSGA4087 12/12.

AUTO LIABILITY: Additional insured, on a primary and non-contributory basis, and waiver of subrogation when required by executed written contract per form, HA9916 12/21.

EXCESS LIABILITY: General Liability, Auto Liability and Workers' Compensation policies are all listed on the Schedule of Underlying Insurance. Additional insured and waiver of subrogation per forms, CSCX100 02/13 and CSCX 207 10/20.

WORKERS' COMP: Waiver of subrogation when required by executed written contract per form, WC000313.



INTEDES-02

AWRIGHT

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/2/2022

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PRODUCER PFS Insurance Group 5201 S Yosemite Street Greenwood Village, CO 80111	CONTACT NAME: Andrea Wright	
	PHONE (A/C, No, Ext): (303) 997-4605	FAX (A/C, No): (303) 997-7751
INSURED Integrated Design Solutions LLC 591 S Boulevard Street Gunnison, CO 81230	E-MAIL ADDRESS: andreaw@mypfsinsurance.com	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Crum & Forster Specialty Insurance Company	
	INSURER B: EMC Property & Casualty Compnay	
	INSURER C: Pinnacol Assurance Co	
	INSURER D: Employers Mutual Casualty Company	
INSURER E:		
INSURER F:		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			GLO-086305	1/16/2022	1/16/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY			4E86973	1/16/2022	1/16/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$			SEO-116997	1/16/2022	1/16/2023	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/>	N/A	4163216	4/1/2022	4/1/2023	PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
D	Scheduled Equipment			4C86973	1/16/2022	1/16/2023	Limit 26,759
D	Leased/Rented Equip			4C86973	1/16/2022	1/16/2023	Limit 50,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

CANCELLATION

For Informational Purposes Only

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



October 1, 2022

To Whom It May Concern:

Please accept this letter as confirmation that products sold by Integrated Design Solutions, LLC (DBA ID Sculpture) conform to the ASTM 1487-17 and CPSC standards. Whenever applicable, ID Sculpture products can be used in an ADA compliant layout. Compliance assumes that all products are installed according to the manufacturer's installation specifications and that appropriate safety surfacing is installed.

In addition, ID Sculpture offers a line of IPEMA certified components, for a complete list of IPEMA certified components, please visit www.IPEMA.org.

Please feel free to contact ID Sculpture with any questions or requests.

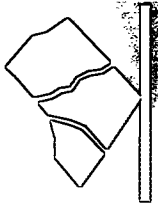
Best Regards,

A handwritten signature in black ink, appearing to read "Andris Zobs", is placed above the printed name.

Andris Zobs

COO


OUR PLAYGROUND



ID SCULPTURE

PLAY. CLIMB. EXPLORE.





**In our world
the impulse to play,
climb and explore does
not end with childhood.**

Our obsession with play-based learning has its roots in the mountains and is born out of a love for adventure. We are climbers, skiers, boaters, mountain bikers and hikers, who explore the natural world with our family and friends.

True to these roots, our team of talented designers and fabricators use this intimacy with the outdoors to create nature inspired play sculptures that are authentic down to the smallest detail.

Wardle Fields Regional Park • Bluffdale, UT
idsculpture.com

WHAT WE BRING TO EVERY PLAYGROUND

ID Sculpture is the industry leader in meeting the developmental needs of children through climbing activities. We do this by combining carefully designed physical challenges with imaginative play and a commitment to our core principals.

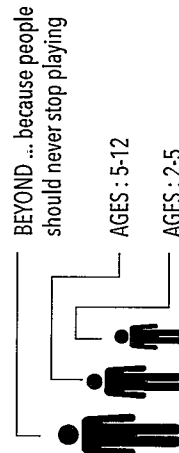
We believe :

- Kids thrive when they feel an authentic sense of adventure and can safely explore their limits
- That nothing fosters learning like imagination
- Every project is local and should reflect the spirit of its community
- Everyone should have access to play; universal design should be a part of all playgrounds
- Playgrounds should appeal to adults as much as children
- Collaboration is the cornerstone of good design
- As stewards of the environment, we have a responsibility to minimize our impacts and build the most durable products possible

"If you are looking for a collaborative design process with a group of creative, innovative design professionals for a one-of-a-kind children's play environment, then you need to be teaming with ID Sculpture."

- Kerry White, RLA, ASLA, LEED TM & Principal, Urban Play Studio

The symbols below indicate the age appropriateness of each component based on ASTM 1487.



The IPEMA Certified logo will be used to signify products that are IPEMA certified to ASTM F1487.



TECHNOLOGY + ENGINEERING

ID Sculpture combines
old world sculptural
techniques with modern
digital technology. This
gives us the power to
realize virtually any
theme or form.



HAND CRAFTED ACCURACY

ID Sculpture's marriage of digital fabrication and handcraft allows us to create products that are unique to your needs while maintaining accurate detail at all scales.

Throughout the creative process, we use tried and true technology to make sure we're creating structures and designs that match your expectations. We use laser scanning, Haptic modeling and 3D visualization to test our concepts three-dimensionally. Once a sculpture is approved, we use CNC machines to exactly replicate the approved design. Finally, our talented team of artists hand sculpt and finish the surface.

This method allows us to work quickly and accurately at a variety of scales while maintaining complete creative control—the options for customization are nearly limitless.





STATE OF GEORGIA
BRAD RAFFENSPERGER, Secretary of State
State Licensing Board for Residential and General Contractors
LICENSE NO. RLCO002596
Bliss Products and Services Inc

6831 S. Sweetwater Road
Lithia Springs GA 30122

Qualifying Agent: Gregg R Bliss
Qualifying Agent License NO: RLQA002637
Residential Light Company

EXP DATE - 06/30/2024 Status: Active
Issue Date: 03/23/2009

A pocket-sized license card is below. Above is an enlarged copy of your pocket card.

Please make note of the expiration date on your license. It is your responsibility to renew your license before it expires. Please notify the Board if you have a change of address.

Wall certificates suitable for framing are available at cost, see board fee schedule. To order a wall certificate, please order from the web site – www.sos.ga.gov/plb.

Please refer to Board Rules for any continuing education requirements your profession may require.

Georgia State Board of Professional Licensing
237 Coliseum Drive
Macon GA 31217
Phone: (404) 424-9966
www.sos.ga.gov/plb

Bliss Products and Services Inc
6831 S. Sweetwater Road
Lithia Springs GA 30122

STATE OF GEORGIA
BRAD RAFFENSPERGER, Secretary of State
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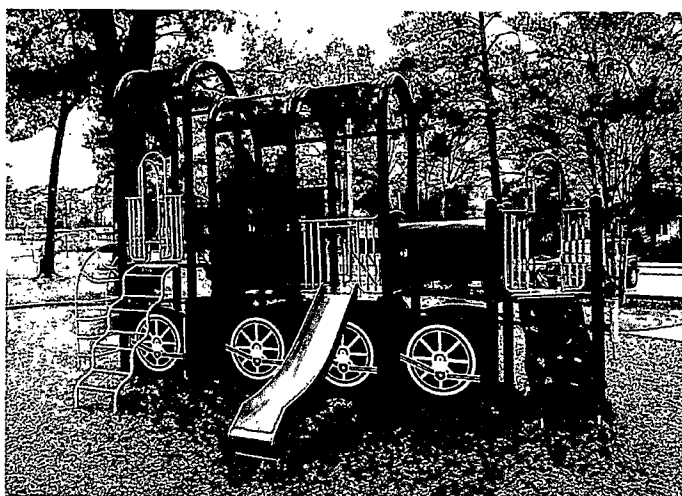
EXP DATE - 06/30/2024 Status: Active
Issue Date: 03/23/2009



About Bliss Products and Services, Inc.

Bliss Products and Services, Inc. has been in the recreation business since 1984. Not only have we survived over thirty years in an ever changing market, but we've undergone tremendous growth that has enabled our organization to expand from servicing a few states to being a formidable presence in the Southeast.

We take pride in this growth, which can be directly attributed to our "low key" and customer focused sales solutions. BPS provides exceptional customer service and quality recreational equipment. Thirty years in the industry has enabled us to develop long term relationships with vendors, clients and our sales force.



Our team has experience in design and development of all types of play environments. Our services include custom design consultations, site evaluations, budgeting, and installation. We are CPSI certified, industry trained, customer oriented, and committed to ensuring that our customers are treated as a part of our team.

You'll find our sales representatives, inside sales support, and install team are enthusiastic, responsive, and ready to work with you at your convenience.



BPS Product Offerings

With the wide variety of products offered at Bliss Products and Services, Inc., (BPS) we are able to propose a solution for all of your recreation equipment needs: playground equipment, playground surfacing, shades, shelters, bleachers, dog parks, outdoor fitness, site amenities and athletic equipment.



PLAYGROUND EQUIPMENT

BPS is the exclusive distributor for Play & Park Structures in the Southeast. Play & Park Structures is owned by Playcore, Inc. By joining the Playcore family of companies, BPS is able to ensure our customers always receive an outstanding product, a competitive price and excellent customer service.

We also represent : BigToys, UltraPlay, Sportsplay, and Elephant Play



DOG PARKS, SITE AMENITIES, ETC.

By incorporating a dog park within your recreational area, you can create an environment that allows all family members to play, socialize, and get the physical activity so critical to health and well being.

Adding other site amenities, such as trash receptacles and benches, to your site, you can provide comfortability and cleanliness.



SHADES, SHELTERS & MORE

Shade is becoming more and more of an important part of any recreation environment. Fabric shades over a playground, dog park, or over a pool can provide relief from the sun while being active. Metal or wood picnic shelters, paired with picnic tables and grills, are a great addition to serve as a gathering space for the community.

EXHIBIT B-CONTRACTOR'S QUOTE, CONCEPT SITE PLAN
AND CONCEPTUAL DESIGN PLAN



Bliss Products and Services, Inc
6831 S. Sweetwater Rd.
Lithia Springs, GA 30122
(800) 248-2547
(770) 920-1915 Fax

Quote # **66416**

Sales Rep: Adam Schmansky
adam@blissproducts.com
C: (248) 882-0567

City Of Duluth

Date 3/23/2023

Project Taylor Park - Playable Art

Bill To

City Of Duluth
3167 Main Street
Duluth, Georgia 30096
T: (770) 476-3434

Ship To

City Of Duluth
City Of Duluth

Contact

James Riker
City Manager

Approximate Ship Date

Ship Via

Terms
Net 30

Vendor	Part #	Description	Qty
BPS		<p>Electrical Contractor -</p> <ul style="list-style-type: none"> -Electrical work per plans and specifications as indicated on documents listed above. - Furnish the electrical permit. - Furnish the electrical engineering. - Furnish and install the main electrical branch conduit and feeder wires from the landlord s existing electrical equipment to the Nova Aqua Illuminators. - Furnish and install the empty branch conduit with pull-string for the 100-foot lighting tails and DMX cabling. Lighting tails, DMX cabling and connections are to be provided by others. - Furnish the labor and equipment to trench, backfill and compact for the electrical and DMX/light tails conduits. - Reuse and rework the existing electrical panels, homerun conduits, and circuits as needed. - Furnish and install breakers if needed. - Installation of Nova Aqua Illuminators. Nova Aqua Illuminators are to be provided by the IDS. - Furnish and install electrical connections and junction boxes as needed. - All branch wiring between Illuminators to be installed with PVC. - All DMX cabling between Light Tails to be installed with PVC. <p>Excludes:</p> <ul style="list-style-type: none"> - Utility company fees for CT cabinets, meter bases, and service connections. - Rock removal. - Concrete scanning, cutting, removal, and patching. - Asphalt cutting, removal, and patching. - Fire protection and/or fire caulking for existing electrical work that penetrates fire rated barriers. 	1
BPS		Site Restoration Allowance Not to Exceed	1

Vendor	Part #	Description	Qty
BPS		6Ft Panel Construction Fence	1
IDS		Custom Tree Design - With Fiber Optic Bundles as Shown in Conceptuals	1
IDS	AP026	Melrose Vine	1
IDS	AP025	Perry Vine	1
IDS	Freight	Shipping, Logistic and Mobilization Included: - Shipping - Construction documentation - Fiber Optic Lighting System - Installation - Bond	1
INS		Excavator Work - Site Prep Form and Pour Concrete Stairs and Sculpture Foundations Including 3" Conduit for Electrical Brick Wall and Columns Backfill and Drainage Haul away of spoils and mulch where necessary	1
INS		Installation of Triangle Sail Cluster	1
MOD		Triangle Sail Cluster - Sail 1 15' x 16'6" x 16'6", Sail 2 16'6" x 16'6" x 24'9", Sail 3 15' x 16'6" x 16'6" Eave Heights Vary - 8', 8', 11'6", 12' Fabric Com-95-340 Standard Colors	1
MOD		Engineering	1
Note:		Quote does not include commissioning of the lighting system. This can be added for an additional cost or booked directly with manufacture of the lighting system.	
Note:		Schedule Start Site Prep Oct 2nd - Oct 16 IDS Expected on Site Oct 16th - Nov 6th Site Clean Up and Restoration if Needed Nov 6th- 10th	



1

Perspective

Taylor Park
Duluth, GA
Age Group: 5-12

50% Construction Drawings

All IDS projects are designed to meet or exceed ASTM 1487.
Not all equipment may be appropriate for all children. Supervision is required.
ASTM compliant safety surfacing is required under and around all play equipment.
The Americans with Disabilities Act (ADA) may require your play area to be accessible, please consult with an ADA professional to ensure compliance.

Date	4/28/23
Drawing Title	Perspective
Sheet #	A.01.1



Taylor Park

Duluth, GA

Age Group: 5-12

50% Construction Drawings

All IDS projects are designed to meet or exceed ASTM 1487.

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Date

4/28/23

Drawing Title

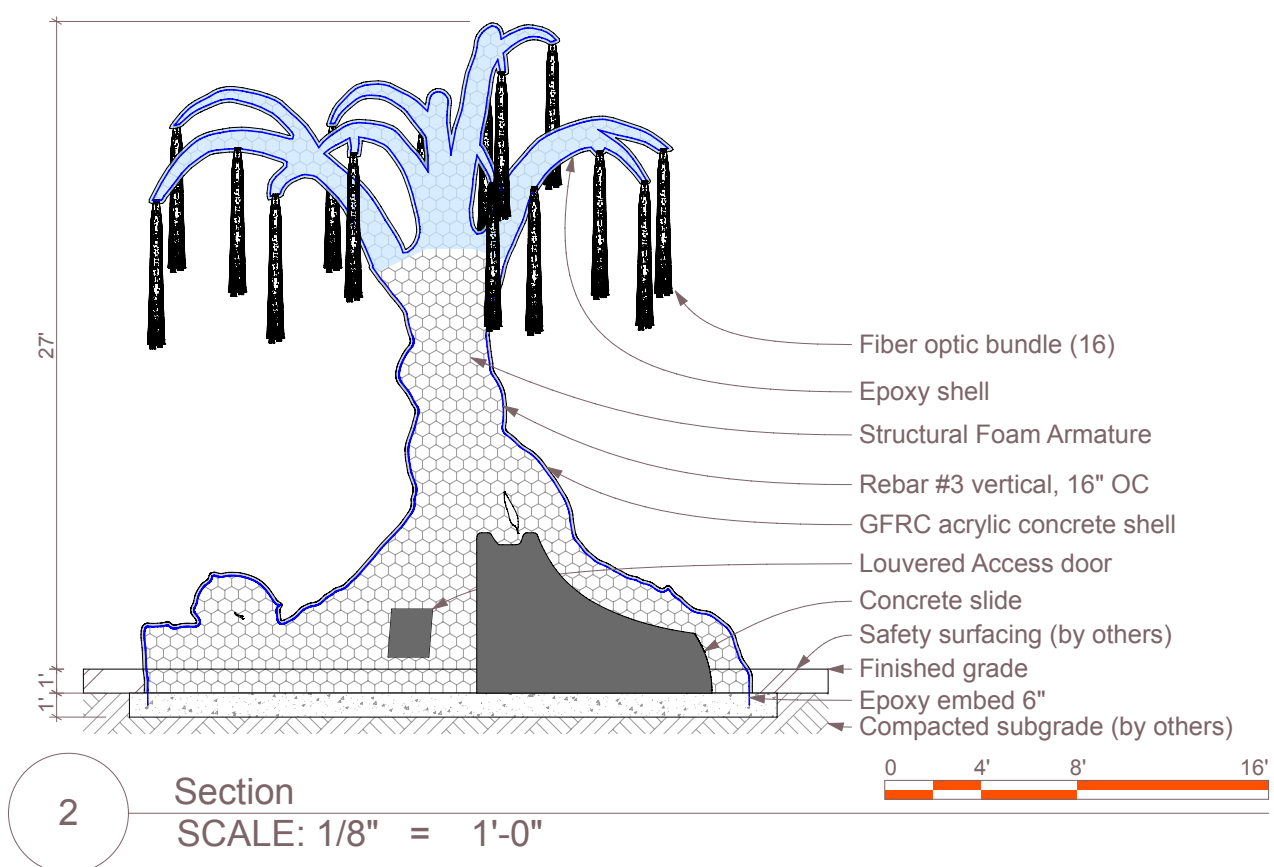
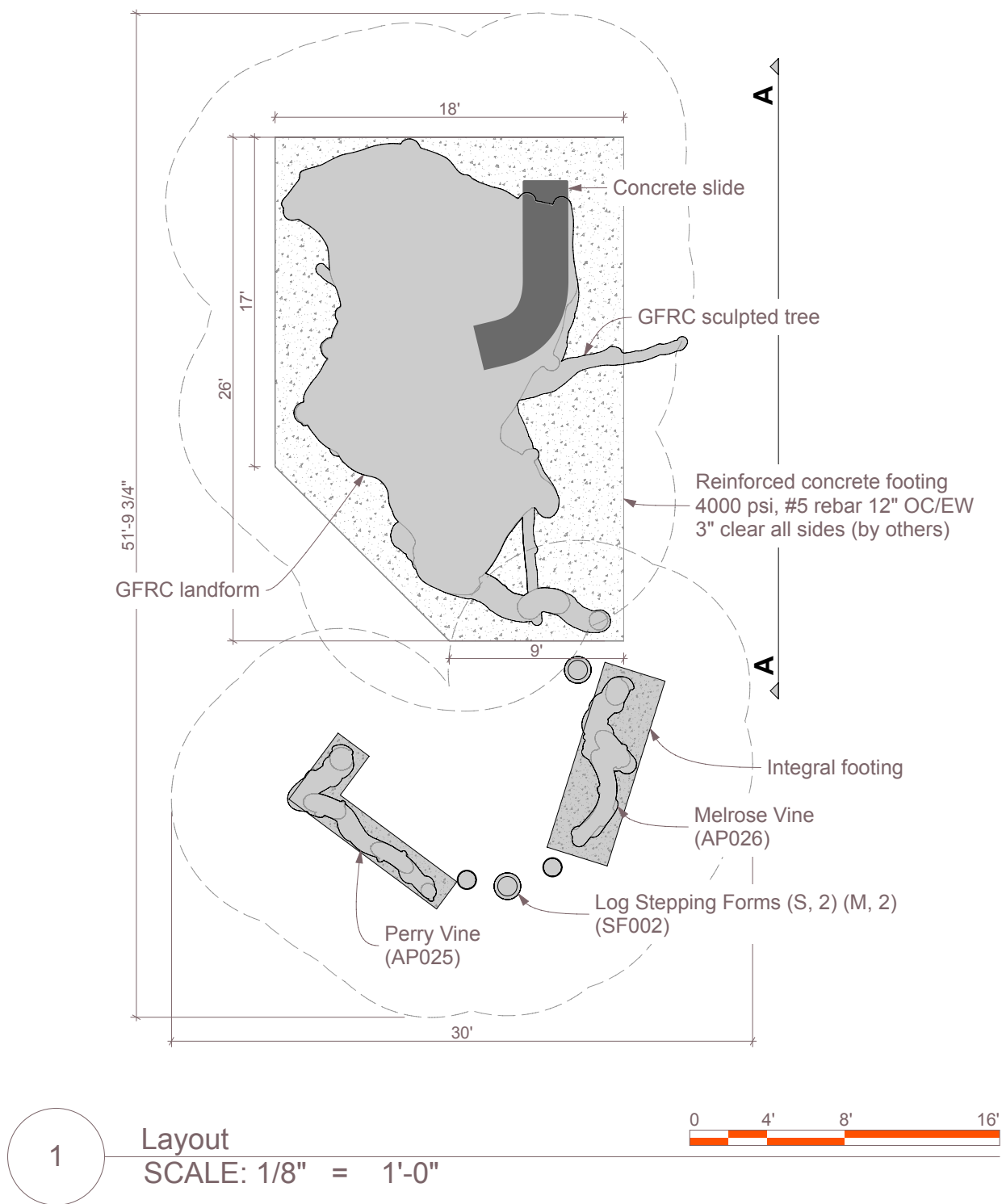
Perspective

Sheet #

A.01.2



591 South Boulevard Street
Gunnison, Colorado 81230
info@idsculpture.com



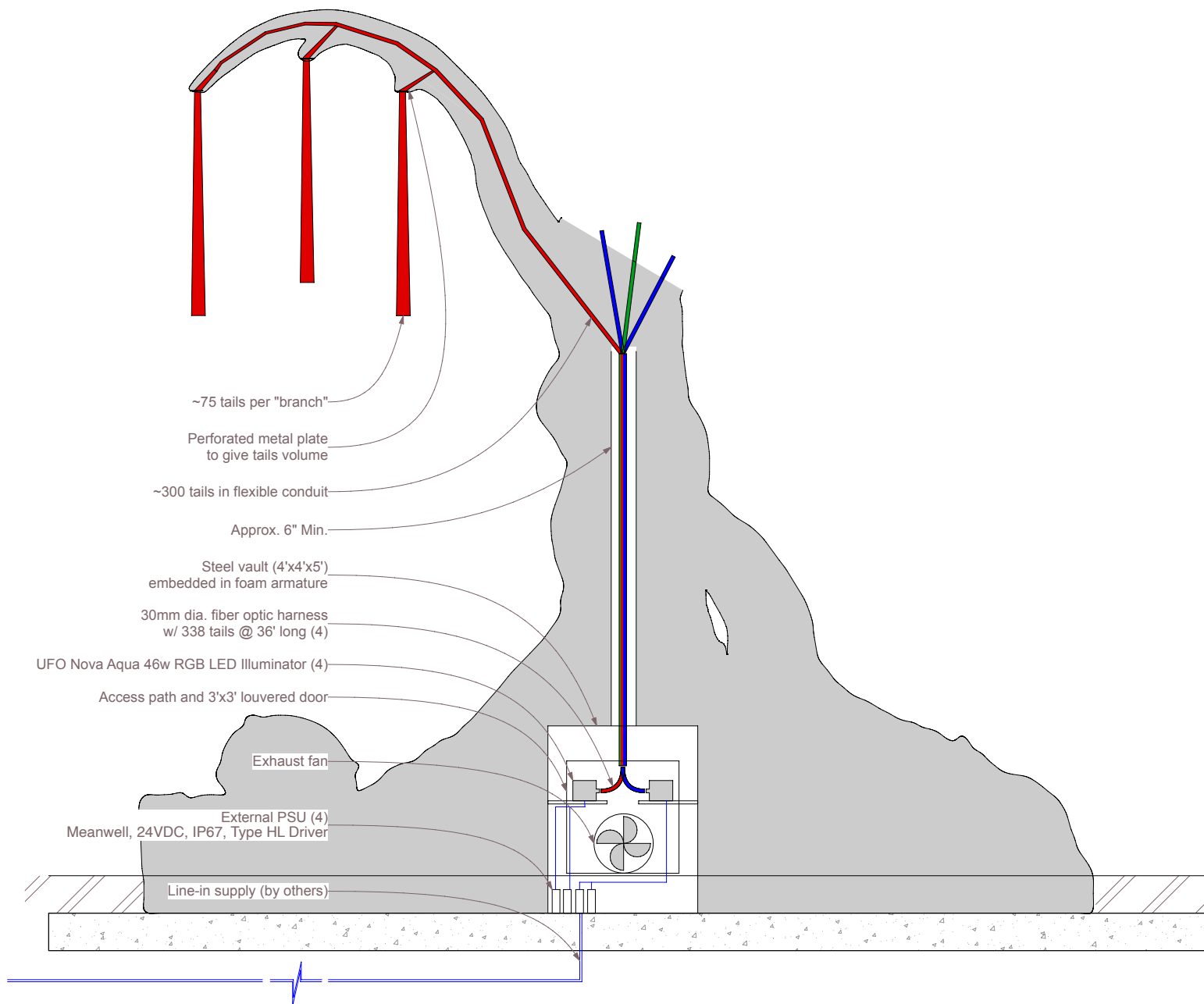
Taylor Park
Duluth, GA

Age Group: 5-12

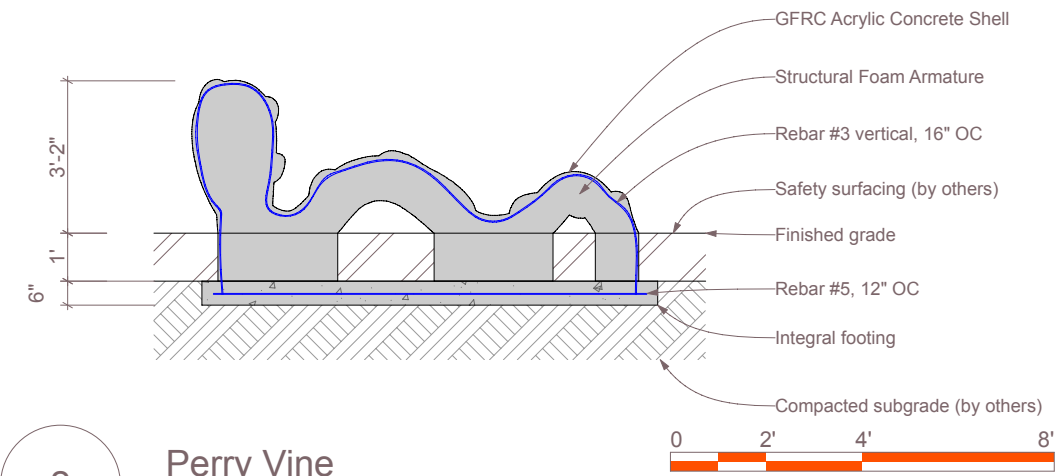
50% Construction Drawings

All IDS projects are designed to meet or exceed ASTM 1487. Not all equipment may be appropriate for all children. Supervision is required. ASTM compliant safety surfacing is required under and around all play equipment. The Americans with Disabilities Act (ADA) may require your play area to be accessible, please consult with an ADA professional to ensure compliance.

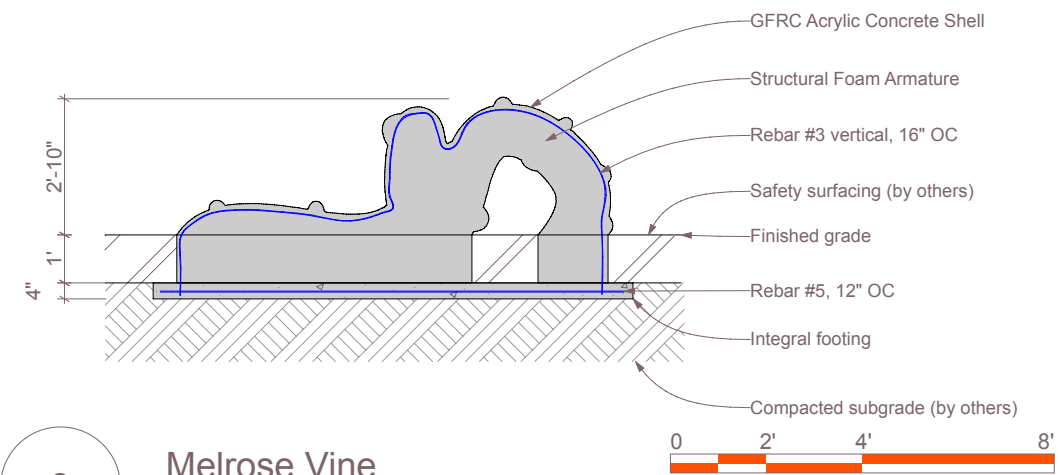
Date	4/28/23
Drawing Title	Layout
Sheet #	A.01.3



1 Technical Section
SCALE: 1/4" = 1'-0"



2 Perry Vine
SCALE: 1/4" = 1'-0"



3 Melrose Vine
SCALE: 1/4" = 1'-0"



4 Perf. metal plate



5 UFO Nova Aqua

Taylor Park

Duluth, GA

Age Group: 5-12

50% Construction Drawings

All IDS projects are designed to meet or exceed ASTM 1487. Not all equipment may be appropriate for all children. Supervision is required.

ASTM compliant safety surfacing is required under and around all play equipment.

The Americans with Disabilities Act (ADA) may require your play area to be accessible, please consult with an ADA professional to ensure compliance.

Date

4/28/23

Drawing Title

Layout

Sheet #

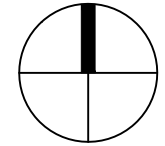
A.01.4

Rep Name: Adam Schmansky



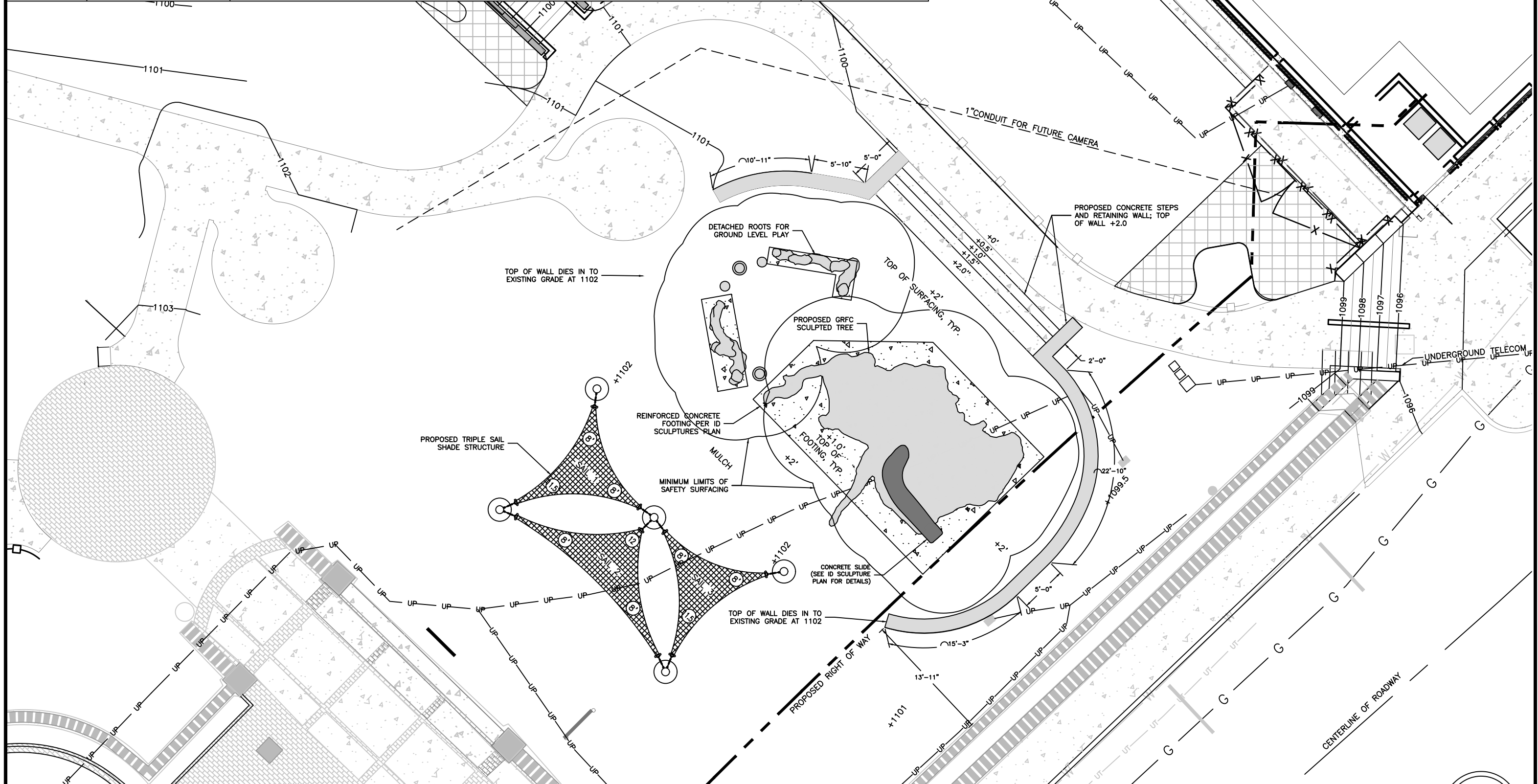
BLISS
PRODUCTS

everything under the sun



Scale: 1" = 10'-0"

Revision	Date	Description	Drawn By:
A	5/2/2023	Reduce retaining wall; Increase stair length	ML



IMPORTANT: Never install play equipment over hard, unresilient surfaces such as asphalt, concrete, or compacted earth. It is the owner's responsibility to ensure the "minimum area required" contains an appropriate amount of resilient material to cushion accidental falls.

Exhibit C

Georgia Security and Immigration Compliance Act.

Contractor shall comply with the provisions of the Georgia Security and Immigration Compliance Act of 2006 (O.C.G.A. §§ 13-10-90 & 13-10-91) and the Rules of the Georgia Department of Labor implementing the Georgia Security and Immigration Compliance Act of 2006 (Rules 300-10-1-.01 through 300-10-1-.09). Contractor's obligations under this section shall include, but not be limited to the following:

1. Contractor must initial one of the sections below:

_____ Contractor has 500 or more employees and has complied with the provisions of the Georgia Security and Immigration Compliance Act of 2006 (O.C.G.A. §§ 13-10-90 & 13-10-91) and the Rules of the Georgia Department of Labor implementing the Georgia Security and Immigration Compliance Act of 2006 (Rules 300-10-1-.01 through 300-10-1-.09).

_____ Contractor has 100 to 499 employees and Contractor warrants that no later than July 1, 2008, Contractor will comply with the provisions of the Georgia Security and Immigration Compliance Act of 2006 (O.C.G.A. §§ 13-10-90 & 13-10-91) and the Rules of the Georgia Department of Labor implementing the Georgia Security and Immigration Compliance Act of 2006 (Rules 300-10-1-.01 through 300-10-1-.09).

_____ Contractor has 99 or fewer employees and Contractor warrants that no later than July 1, 2009, Contractor will comply with the provisions of the Georgia Security and Immigration Compliance Act of 2006 (O.C.G.A. §§ 13-10-90 & 13-10-91) and the Rules of the Georgia Department of Labor implementing the Georgia Security and Immigration Compliance Act of 2006 (Rules 300-10-1-.01 through 300-10-1-.09).

2. Contractor agrees to execute and comply with the Contractor Affidavit and Agreement attached as Exhibit C1.

3. Contractor agrees that in the event any subcontractor is retained to perform any services under this contract the Contractor will insure that the subcontractor will comply with the requirements of the Georgia Security and Immigration Compliance Act of 2006 (O.C.G.A. §§ 13-10-90 & 13-10-91) and the Rules of the Georgia Department of Labor implementing the Georgia Security and Immigration Compliance Act of 2006 (Rules 300-10-1-.01 through 300-10-1-.09). Contractor further agrees to require all subcontractors performing work under this Contract to execute the Subcontractor Affidavit attached as Exhibit C2. Contractor further agrees to maintain records of the Subcontractor Affidavit(s) and to make such Subcontractor Affidavit(s) available for inspection by the CITY at any time.

Exhibit C (1)

CONTRACTOR AFFIDAVIT AND AGREEMENT

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. 13-10-91, stating affirmatively that the individual, firm, or corporation which is contracting with the CITY has registered with and is participating in a federal work authorization program [any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603], in accordance with the applicability provisions and deadlines established in O.C.G.A. 13-10-91.

The undersigned further agrees that, should it employ or contract with any subcontractor(s) in connection with the physical performance of services pursuant to this contract with the CITY of Duluth, contractor will secure from such subcontractor(s) similar verification of compliance with O.C.G.A. 13-10-91 on the Subcontractor Affidavit provided in Rule 300-10-01-.08 or a substantially similar form. Contractor further agrees to maintain records of such compliance and provide a copy of each such verification to the CITY at the time the subcontractor(s) is retained to perform such service.

Employment Eligibility Verification
User Identification Number

By:

Date

Title:

Date

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE
____ DAY OF _____, 2018.

Notary Public
My Commission Expires:

Exhibit C(2)

SUBCONTRACTOR AFFIDAVIT AND AGREEMENT

By executing this affidavit, the undersigned subcontractor verifies its compliance with O.C.G.A. 13-10-91, stating affirmatively that the individual, firm, or corporation which is engaged in the physical performance of services under a contract with Contractor on behalf of the CITY has registered with and is participating in a federal work authorization program [any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603], in accordance with the applicability provisions and deadlines established in O.C.G.A. 13-10-91.

Employment Eligibility Verification
User Identification Number

By: Authorized Officer or Agent
(Subcontractor Name)

Date

Title of Authorized Officer or Agent of Subcontractor

Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE
____ DAY OF _____, 2018.

Notary Public
My Commission Expires:

EXHIBIT D



E-VERIFY AND PRIVATE EMPLOYER AFFIDAVIT

The E-Verify Private Employer Affidavit must be collected when applying for occupational tax certificates, and alcohol licenses. The City of Duluth will not issue your license unless you are registered with and use the E-Verify program. If you have not registered with E-Verify, you can find the information at www.uscis.gov. By executing this affidavit under oath, as an applicant for an _____ Occupational Tax Certificate/Business License, Alcohol License or other document required to operate a business as referenced in O.C.G.A. § 36-60-6(d), from the City of Duluth, the undersigned applicant representing the private employer known as _____ (Printed Name of Private Employer) verifies one of the following with respect to my application for the above mentioned business document.

Choose one of the following in Section 1:

Section 1:

- A) On January 1st of the below signed year, the individual, firm, or corporation employed more than ten (10) employees. **If the employer selected (A) complete Section 2 below.**
- B) On January 1st of the below signed year, the individual, firm, or corporation employed less than ten (10) employees. **No E-Verify registration is required. Indicate N/A in Section 2.**

Section 2:

The employer has registered with and utilized the federal work authorization program in accordance with the applicable provisions and deadlines in O.C.G.A § 36-60-6 (e). The undersigned private employer also attests that its federal work authorization user identification number and date of authorization are listed below.

Federal Work Authorization User Identification Number or N/A

Date of Authorization

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement of representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20 and face criminal penalties allowed by such statute.

Completed by Notary:

I, _____ (representative for) _____
(Printed name of individual and natural person) (Title of Authorized Officer or Agent)

Signature of Applicant

Date

Subscribed and sworn before me on this the _____ day of _____, 20 _____.

Executed in _____ (City), _____ (State)

Notary public signature: _____ My commission expires: _____

EXHIBIT E

DRUG-FREE WORKPLACE CERTIFICATION

THE UNDERSIGNED CERTIFIES THAT THE PROVISIONS OF CODE SECTIONS 50-24-1 THROUGH 50-24-6 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED, RELATED TO THE **DRUG-FREE WORKPLACE, HAVE BEEN COMPLIED WITH IN FULL. THE UNDERSIGNED FURTHER CERTIFIES THAT:**

1. A DRUG-FREE WORKPLACE will be provided for the employees during the performance of the contract; and

2. Each sub-contractor under the direction of the contractor shall secure the following written certification:

_____(CONTRACTOR) certifies to the CITY of DULUTH that a DRUG-FREE WORKPLACE will be provided for the employees during the performance of this contract known as (PROJECT) pursuant to paragraph seven (7) of subsection (B) of Code Section 50-24-3. Also, the undersigned further certifies that he/she will not engage in the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana during the performance of the contract.

CONTRACTOR

DATE

NOTARY

DATE

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

AN ORDINANCE TO AMEND THE 2023 ANNUAL BUDGET FOR THE CITY OF DULUTH, GEORGIA, IN COMPLIANCE WITH THE LAWS OF THE STATE OF GEORGIA.

THE CITY COUNCIL OF THE CITY OF DULUTH HEREBY ORDAINS, the City of Duluth, Georgia, has previously adopted a budget for the 2023 fiscal year as follows:

Total Revenues:	<u>74,650,633</u>
Operations Expenditures:	<u>36,087,744</u>
Capital Improvement Expenditures:	<u>38,562,889</u>
Total Expenditures:	<u>74,650,633</u>

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

WHEREAS the City of Duluth has approved awarding a contract to Bliss Products for the construction and installation of a playable art piece in Taylor Park; and

WHEREAS additional General Funds of \$175,000 are needed for the installation of retaining walls, a cement art pad, shade sails and completion of the contract; and

WHEREAS it is requested \$175,000 in General Funds be added to the Urban Redevelopment – Special Recreational Facilities – Site Improvements line item including associated transfers; and

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

Total Revenues & Prior Yr Reserves	<u>74,825,633</u>
Operations Expenditures:	<u>36,087,744</u>
Capital Improvement Expenditures:	<u>38,737,889</u>
Total Expenditures:	<u>74,825,633</u>

IT IS SO ORDAINED this _____ day of _____, 2023.

Mayor Nancy Harris

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

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

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

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

WHEREAS the City of Duluth began receiving Hotel Motel Excise Tax revenue in May 2021 from a downtown hotel and various web based rental sites; and

WHEREAS based on current year activity in the fund revenue and expenditures will exceed budgeted amounts; and

WHEREAS it is requested \$77,000 be added to Hotel/Motel Tax Fund – Hotel Motel Excise Tax revenue line item and the following expenditure line items be added to Hotel Motel Tax Fund – Tourism – Transfer to General Fund \$58,000 and Payments to Other Agencies \$19,000; and

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

Total Revenues & Prior Yr Reserves	<u>74,650,633</u>
Operations Expenditures:	<u>36,087,744</u>
Capital Improvement Expenditures:	<u>38,562,889</u>
Total Expenditures:	<u>74,650,633</u>

IT IS SO ORDAINED this _____ day of _____, **2023**.

BA-FY23-24

Mayor Nancy Harris

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST:_____

Teresa S. Lynn, City Clerk

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

AN ORDINANCE TO AMEND THE 2023 ANNUAL BUDGET FOR THE CITY OF DULUTH, GEORGIA, IN COMPLIANCE WITH THE LAWS OF THE STATE OF GEORGIA.

THE CITY COUNCIL OF THE CITY OF DULUTH HEREBY ORDAINS, the City of Duluth, Georgia, has previously adopted a budget for the 2023 fiscal year as follows:

Total Revenues: 74,825,633

Operations Expenditures: 36,087,744

Capital Improvement Expenditures: 38,737,889

Total Expenditures: 74,825,633

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

WHEREAS the City of Duluth in September 2022, approved a modification to the paving contract with Stewart Brothers to add back streets on the alternate list; and

WHEREAS at the time if the bid award, funding for the cost of the alternate streets of \$696,393.47, including 10% contingency, was undetermined due to a staff request to wait until the end of the 2017 SPLOST collections and a final allocation could be made to the SPLOST Transportation category, which paving is a component of; and

WHEREAS it is requested \$696,400 in 2017 SPLOST Transportation funds be added to the Transportation/Infrastructure Improvements – Paved Streets – Repairs & Maintenance – Streets/Sidewalks line item including associated transfers; and

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

Total Revenues & Prior Yr Reserves 75,522,033

Operations Expenditures: 36,087,744

Capital Improvement Expenditures: 39,434,289

Total Expenditures: 75,522,033

IT IS SO ORDAINED this _____ day of _____, **2023**.

Mayor Nancy Harris

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk