



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

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

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

JUNE 10, 2024

CITY HALL COUNCIL CHAMBERS

6:00 pm

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

5:30 P.M. – AGENDA REVIEW

Main St. Conference Room

6:00 P.M. - CALL TO ORDER

Mayor Whitlock or Mayor Pro tem Thomas

INVOCATION OR MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

I. APPROVAL OF MEETING AGENDA

II. APPROVAL OF MINUTES

III. ANNOUNCEMENTS

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

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

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

Fridays N Duluth, every Friday, May-July, 6-9pm. Downtown Duluth. Experience exotic flavors in a mobile vending setting with amazing local cuisine while listening to live entertainment and connecting with your community.

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

Rotary Car Show, Saturday, June 15, 10am-2pm. Parking Lot behind Thrive building, Downtown Duluth. This event is sure to keep your wheels spinning as Exotic Cars, Antique Classics, Foreign Sports, Hot Rods, Muscles and more take over Downtown Duluth! Cars will be located in the parking lot that runs along the railway. This event is free to attend and is hosted by the Rotary Club of Duluth.

Juneteenth Celebration, Saturday, June 15, 2-4pm. Duluth Library. Join us at the Duluth Branch of the Gwinnett County Library System to commemorate and celebrate Juneteenth. Featuring guest speaker Aliza Leslie from Georgia State University and storyteller Sharyn Riggs, plus live music, face painting, crafts, frozen sweets and more!

IV. MATTERS FROM CITIZENS

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

V. CONSENT AGENDA

1. APPROVAL OF TITLE VI CONTRACTS & REPORTS

As presented and discussed at the March work session, approval of this item approves the submission of City of Duluth Title VI documentation to the Georgia Department of Transportation as presented.

2. ORDINANCE TO AMEND THE FY24 BUDGET – VEHICLES

Approval of this item authorizes ordinance BA-FY24-31 to amend the FY24 budget. Recently, the Police Department sold three (3) vehicles at auction, after commission and fees the City received \$15,887. In addition, the Police Department received an insurance settlement of \$36,150 for a police vehicle that was involved in an accident that our insurance carrier determined to be a total loss. Staff is requesting \$52,037 be added to Police Vehicles - Consolidated Vehicle Maintenance - Vehicles line item, including associated transfers.

VI. PUBLIC HEARINGS

1. FY25 BUDGET – SECOND PUBLIC HEARING/ORDINANCE OF ADOPTION

Per Georgia law, the Mayor and Council to hold public hearings to receive public comments on the proposed FY 2025 Annual Operating and Capital Projects Budget. Prior to this public hearing, council and staff reviewed the proposed budget at a workshop on April 15, and the first public hearing was held on May 13.

The Assistant City Manager will present the proposed budget, prior year audit results, and highlight various changes in the budget. Following the public hearing an ordinance adopting the FY 2025 budget will be presented for consideration.

2. ORDINANCE OF REZONING – CASE Z2024-001 – FUTURES CHURCH

The Mayor and Council to consider an ordinance of rezoning for Case Z2024-001.

Owner, Paradise Evangelistic Association, Inc., and Applicant, The Providence Group, LLC, c/o J. Alexander Brock of Smith Gambrell, and Russell, LLP, are requesting the rezoning of 0 NE Old Peachtree Road. This is the undeveloped property at the eastern corner of Old Peachtree Road and Sugarloaf Parkway (parcel ID R7199 224). The property is currently zoned O-I (Office-Institutional District). The owner and applicant wish to rezone the property to PUD (Planned Unit Development) to allow for the construction of 71 townhome units and an approximately 31,000 SF church building (636 seat sanctuary) with a 150 seat accessory chapel and amphitheater.

The Planning Commission recommended approval with conditions on May 6. Staff also recommends approval with conditions and will outline the conditions in the public hearing. Ordinance and staff report are attached for reference.

3. APPROVAL OF FEE SCHEDULE – COMMUNITY DEVELOPMENT PERMITS

House Bill (HB) 461, which passed on May 6, 2024, requires, among other things, that local governments charge regulatory fees for construction projects based on certain methods. This change in GA law is set to take effect on July 1, 2024.

Staff is recommending this item be continued to the Special Called meeting on June 17, 2024 to allow for refinement of the updated fee schedule.

4. ORDINANCE TO AMEND UNIFIED DEVELOPMENT CODE

Mayor and Council to consider an ordinance to amend various sections of the Unified Development Code (UDC).

Staff has created text amendments relating to the zoning use chart, short term rentals, vape shops, mobile kitchens, and commercial vehicle parking, and will present these amendments to Mayor and Council.

Planning Commission recommended approval of these text amendments on June 3, 2024.

VII. NEW BUSINESS

1. AUTHORIZATION FOR CONTRACT – STREET SWEEPING

The Mayor and Council to consider awarding the on-call contract for street sweeping. The current contract is set to expire at the end of June and the new contract would start on July 1 to avoid a gap in service.

On April 5, 2024, the City advertised for the procurement of an on-call street sweeping service. On May 8, four qualification and proposal packages were received and opened. Each was evaluated by three independent evaluators based on experience and qualifications (30%), references (10%), and cost (60%). The following were the scores:

*Disinfectant Solutions of Atlanta, LLC - 15.5
(*disqualified for not being in business at least 5 years)
ICRO Enterprise, Inc - 32.7
Pateco Services, LLC - 50.7
Sweeping Corporation of America, LLC - 62.2

Staff recommends awarding the contract to Sweeping Corporation of America, LLC. Their scope includes annual street sweeping, post-event sweeping, and on-demand specialty sweeping as needed.

2. WOODEHAVEN NEIGHBORHOOD DRIVEWAY REPLACEMENT

Woodehaven, a neighborhood off of Peachtree Industrial Boulevard has approximately 20 concrete driveways that were accepted as streets when the development was built. Over the years, the City has completely replaced two of the concrete driveways and made major repairs to several others. In June of 2023, Keck and Wood engineers were contracted to do a pavement evaluation on concrete driveways that had not been replaced or repaired (14) and determine a priority list for replacement. (The Pavement Evaluation Report is attached for review.) This bid is for the concrete driveways that were listed as highest priority, Nutmeg Drive and Quincey Lane. Base bid was for Nutmeg and Alternate was for Quincey.

The City received nine bids for this project. Bid tabulation is attached. Base bid and alternate is shown.

Company	Base Bid	Alternate	Total
Ryals Brothers LLC	\$92,671.20	\$109,426.85	\$202,098.05
CMC LLC	\$103,745.00	\$123,667.50	\$227,412.50
CGS LLC	\$112,400.00	\$135,473.00	\$247,873.00

Zaveri Enterprises, Inc	\$114,600.00	\$144,300.00	\$258,900.00
9 Yards Infrastructure, LLC	\$118,190.00	\$143,410.00	\$261,600.00
KB Contracting of GA LLC	\$125,004.00	\$149,562.00	\$274,566.00
Ohmshiv Construction	\$129,640.00	\$154,510.00	\$284,150.00
R&B Developer, Inc	\$144,000.00	\$153,800.00	\$297,800.00
Lagniappe Development Co.	\$143,386.00	\$164,069.80	\$307,455.80

Following an analysis of each bid, plus reference checks by Keck and Wood Engineering, staff recommends awarding the Woodehaven Neighborhood Driveway Replacement project bid (with contingency) to Ryals Brothers, LLC , in an amount not to exceed \$222,307.85. This funds the base bid and alternate bid. Funds will come from SPLOST.

3. ORDINANCE TO AMEND BUDGET – \$230,000 – WOODEHAVEN

Should council approve the awarding of the bid for the Woodhaven Driveway Replacement project to Ryals Brothers, LLC for \$222,307.85, staff is requesting approval of a budget amendment to fund the project including the cost of project oversight.

Approval of this item approves ordinance BA-FY24-32 to add \$222,308 in unallocated 2023 SPLOST Transportation funds to (ST-32) Transportation/Infrastructure Improvements - Paved Streets - Repairs & Maintenance - Sidewalks/Streets and \$7,692 to Transportation/Infrastructure Improvements - Paved Streets - Professional Services, including associated transfers.

VIII. MATTERS FROM DEPT HEADS/CITY ATTORNEY

1. APROVAL OF CITY SIDEWALK PLAN

Mayor and Council to consider approval of the updated sidewalk map/plan. Over time, sidewalk projects are completed or added to the map/plan requiring periodic updates. Staff will present an updated map/plan and recommendations for approval.

2. ORDINANCE TO AMEND BUDGET - \$200,000 – POLICE TECH FUND

Staff is requesting approval of a budget amendment to transfer \$200,000 from the Police Technology Fund to the General Fund. Per the City's Ordinance this fee is to defray the cost of operation of the Municipal Court which are accounted for in the General Fund.

Approval of this item approves ordinance BA-FY24-33 to add \$200,000 to Police Technology Fund - Other Financing Uses - Transfer to General Fund and a like amount to General Fund - Transfer from Police Technology Fund.

3. ORDINANCE TO AMEND BUDGET - \$1,640,350.79 – PAVING

Staff is requesting approval of a budget amendment to fund the bid awards for asphalt rejuvenation, 2024 LMIG milling, patching and resurfacing, project oversight, “one-off projects and the 2024 LMIG Supplemental Grant.

This budget request breaks down as follows:

1. Bid award at the May 13th council meeting for asphalt rejuvenation to extend the service life of the road and reduce maintenance cost with a budgeted amount of \$110,100.
2. Bid award at the May 13th council meeting for 2024 LMIG mill, patch and resurfacing of six (6) streets and two (2) alternate streets with a budgeted amount of \$937,500.
3. Project oversight and one-off smaller projects with a budgeted amount of \$250,000.
4. Recently received State of Georgia Local Maintenance and Improvement Grant (LMIG) Supplemental for \$342,750.79. Will include both budgeted revenue and expenditure.

Overall budget request is \$1,297,600 and will be funded with unallocated 2023 SPLOST Transportation Funds \$954,849.21 and 2023 LMIG Supplemental Grant \$342,750.79. Staff is requesting approval of a budget amendment (BA-FY24-34) to add \$1,147,600 in unallocated 2023 SPLOST Transportation and \$342,750.79 in LMIG Supplemental Grant funds to Transportation/Infrastructure Improvements - Paved Streets - Repairs & Maintenance - Streets/Sidewalks line item and \$150,000 to Transportation/Infrastructure - Paved Street - Professional Services line item, including associated transfer and \$342,750.79 to Transportation/Infrastructure Improvements - GDOT State Grant line item.

IX. MATTERS FROM MAYOR & COUNCIL

X. MATTERS FROM CITY MANAGER

XI. EXECUTIVE SESSION (if necessary)

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

XII. ADJOURNMENT

There is no work session in June due to the GMA conference in Savannah, GA. The next scheduled meeting of the Mayor and Council is a regular meeting on July 8, 2024 at 6:00 p.m.



**DRAFT MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
MAY 13, 2024**

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

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

Mayor Whitlock called the meeting to order at 5:55 p.m.

I. EXECUTIVE SESSION

Mayor Whitlock called the meeting to order for the purpose 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 Thomas, seconded by Councilmember Graeder to adjourn to executive session at 5:55 p.m.

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

After the discussion, a motion was made by Councilmember Graeder, seconded by Councilmember Holloway, to return to regular session at 6:03 p.m.

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

II. APPROVAL OF MEETING AGENDA

A motion was made by Councilmember Doss, seconded by Councilmember Thomas, to approve the May 13 Council Agenda as presented.

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

III. APPROVAL OF MINUTES

A motion was made by Councilmember Graeder, seconded by Councilmember Doss, to approve the April 8 and April 22 meeting minutes as presented.

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

IV. ANNOUNCEMENTS

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

Duluth Live Thursdays, Fridays, and Saturdays from 6pm-9pm and Sundays from 2-5pm in Parsons Alley and the Activity Lawn.

Fridays N Duluth every Friday, May-July, 6-9pm. Downtown Duluth.
Experience exotic flavors in a mobile vending setting with amazing local cuisine while listening to live entertainment and connecting with your community.

Duluth Farmers & Artisan Market every 2nd and 4th Sunday of the month April-October from 2:00-5:00pm. Town Green.

SummerStage Concert featuring Pop2000, June 1 from 8-10pm. Town Green and Amphitheater. Join us for a free concert hosted by *NSYNC's Chris Kirkpatrick. .

V. MATTERS FROM CITIZENS

Tuwanda Rush Williams of 2461 Tack Hill Court, Dacula, Georgia came forward to announce her candidacy for Superior Court Judge.

VI. CONSENT AGENDA

1. ORDINANCE TO APPOINT COURT SOLICITORS

{A}

Chief Solicitor Richard Armond has requested a second Assistant Solicitor be appointed to be assured of having a back-up solicitor for all court sessions.

Approval of this item approves ordinance O2024-24 appointing the following individuals as Municipal Court Solicitors of the Municipal Court of the City of Duluth, who are authorized to serve in said positions unless a majority vote of Council removes such member(s) or until successors are appointed: Mr. Richard Armond-Chief Solicitor, Robert Giannini-Assistant Solicitor, Kelsey Wiley-Assistant Solicitor, Maggie Benson-Assistant Solicitor(new).

2. INSOLVENT AD VALOREM TAXES {B}

Per Chapter 2, Article 1, Sec 2- 4 of the Duluth Code, approval of this item grants insolvency status to personal property tax accounts determined to be uncollectible for years up through 2023 in the base amount of \$22,449.12 plus penalties and interest for a total of \$28,353.48. 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, and onsite visits by the City's Licensing Compliance inspector.

3. FINANCE/PURCHASING POLICY {C}

As reviewed at the April 22 work session, approval of this item approves the updated purchasing policy, which outlines allowable methods for city purchases and clarifies spending thresholds.

4. APPROVAL OF CONTRACT - ANNUAL LANDSCAPE MAINTENANCE {D}

The annual landscape maintenance contract will expire on June 30, 2024. The City advertised a Request for Proposal (RFP) for a new contract to provide citywide landscape maintenance. The new contract will be for a term of one year, beginning on July 1, 2024, and will be renewable annually for up to five total years. As discussed at the March 25 work session, after reviewing all of the responses, approval of this item accepts the staff's recommendation to award the annual landscape maintenance contract to Yellowstone Landscape.

5. ORDINANCE TO AMEND DULUTH CODE – CHAPTER 10 {E}

The proposed ordinance will establish regulations on use of Unmanned Aircraft Systems (UAS), commonly known as drones, on City-owned or City-operated property. Approval of this item approves ordinance O2024-26 as presented.

6. LAP RECERTIFICATION – ADOPTION OF GDOT PROCUREMENT POLICY {F,G}

Georgia Dept. of Transportation (GDOT) requires that local governments adopt a formal procurement policy that strictly follows Federal and State requirements where federal funds are being used.

In the absence of a separate policy, GDOT allows for local governments to adopt GDOT's policy by way of a letter of agreement. The council last adopted GDOT's procurement policy in October of 2021. To maintain LAP Certification, the City must adopt GDOT's procurement policy every three years and sign letters of agreement. Local projects will continue using local procurement policies. Approval of this item authorizes the Mayor and Council to sign the agreement letters as presented.

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

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

VII. PUBLIC HEARINGS

1. FY25 BUDGET – FIRST PUBLIC HEARING

{H}

Mayor Whitlock opened the public hearing and called Assistant City Manager/ Finance Director Ken Sakmar forward to present.

Per the State of Georgia code, the Mayor and Council are to hold a public hearing to receive public comments on the proposed FY 2025 Annual Operating and Capital Projects Budget. Prior to this public hearing, the council and staff reviewed the proposed FY 2025 budget at a budget workshop on held April 15th.

Mr. Sakmar presented the strategic vision statements of the City and the proposed balanced FY25 proposed budget, prior year audit results, and various changes in the budget. He gave a budget comparison for the General Fund and explained that the conservative approach used for projections means that revenues are based on long term trends and expenditures are projected without discounting. He summarized the revenues and expenditures, noting that the highest expenditure items were staff salaries and the addition of the trash collection service. He reviewed the expenditures by department and the stated the intent to keep the tax millage rate the same for 2024.

Mr. Sakmar highlighted other funds such as the Public Art Fund, Stormwater Utility, Rental Motor Vehicle, Tax Allocation District, and American Rescue Plan (ARPA).

A second public hearing will be held on Monday, June 10, 2024, at the regularly scheduled meeting of the Mayor and Council. Following the second public hearing, an ordinance adopting the FY 2025 budget will be presented for consideration.

Mayor Whitlock called for discussion from Council.

Councilmember Thomas requested that the increase in the Mayor and Council budget be communicated clearly. It was a result of moving the Gwinnett Municipal Association annual dues to the Mayor and Council budget.

The Mayor called for questions/comments from the public. Being none, Mayor Whitlock closed the public hearing and announced that the second public hearing will be held on June 10, 2024. No motion was necessary at this time.

2. ORDINANCE OF SPECIAL USE – CASE SU2024-001- SMOKE FACTORY

{/}

Mayor Whitlock opened the public hearing to consider the special use request.

Community Development/Engineering Director Margie Pozin came forward to present. She explained that Property Owner Young Seo, and Applicant Mohammed Alhadad have applied for special use permit for parcel R6322 151, which is located at 3308 Peachtree Industrial Boulevard. The request is for opening a vape shop, which requires a special use permit.

Ms. Pozin showed a map of the area and described the existing conditions on the adjacent properties. She also discussed the Character Area in the Peachtree Retail Corridor District and the recommended conditions that were placed on the Planning Commission approval at their May 6, 2024 meeting. Staff also recommended approval with conditions.

Mayor Whitlock called for discussion from Council.

Councilmember Harkness said he was morally against it and felt that the City has enough smoke shops; therefore he would not support it.

Councilmember Holloway questioned the conditions regarding signage and asked if vehicle signage was prohibited also. Ms. Pozin said the restriction only applies to signage on the property.

Councilmember Graeder asked for clarification on the use. He asked if it was sale of products only, as it appears to include hookah products and also consumption of hookah on premise. Ms. Pozin confirmed that the applicant asked for sale of tobacco products, but a secondary use could include hookah consumption on premise.

Councilmember Doss noted that there is a Child Day Care next door and thus he could not support.

Mayor Whitlock felt that onsite smoking invokes different requirements and wanted to ensure other tenants would not be disturbed.

Councilmember Thomas asked what the main points are to review from staff perspective since the Planning Commission and staff both recommended approval with conditions.

Ms. Pozin responded that Staff reviewed the primary purpose to determine land use conformity and compliance with the Comprehensive Plan. Any additional permits governing the onsite activity would be under the authority of Gwinnett County.

City Attorney Stephen Pereira clarified that the City has no specific regulations regarding hookah bars, but the applicant has not asked for that at this point.

Mayor Whitlock called the applicant forward for a response. The applicant was not present.

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

A motion was made by Councilmember Holloway, seconded by Councilmember Thomas to approve ordinance O2024-28 with conditions as presented.

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

3. ORDINANCE OF REZONING – CASE Z2024-001- FUTURES CHURCH

Mayor Whitlock opened the public hearing to consider a rezoning request.

Property Owner Paradise Evangelistic Association, Inc. and Applicant, The Providence Group, LLC, are requesting a rezoning of parcel R7199 224, which is located at the east corner of Old Peachtree Road and Sugarloaf Parkway. The property is currently zoned Office-Institutional (O-I). The request is to rezone the property to a Planned Unit Development (PUD) to allow for the development of the Church as well as townhomes on the same property.

Planning Commission recommended approval with revised conditions on May 6, 2024. Staff recommends approval with original conditions.

As of May 8, 2024, the applicant has requested a continuation of this case until June 10, 2024.

The Mayor called for a motion.

A motion was made by Councilmember Harkness, seconded by Councilmember Graeder, to continue the public hearing for case Z2024-001 until June 10, 2024.

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

VIII. OLD BUSINESS

1. ORDINANCE OF REZONING – CASE Z2024-002 – ANNEXED PARCELS {J}

City Attorney Stephen Pereira presented the request. He explained that, on April 8, 2024, in accordance with the requirements of O.C.G.A. 36-66-4(d)(1), the Mayor and Council held a public hearing to consider the appropriate zoning of 110 unincorporated parcels proposed to be legislatively annexed into the City of Duluth, Georgia by House Bill 1465. The legislation annexing the 110 parcels was signed by Governor Kemp on May 7, 2024. Mayor and Council now consider the adoption of an ordinance of rezoning for the subject properties.

Staff is requesting all annexed properties be zoned R-75 (City of Duluth).

Being no further discussion, Mayor called for a motion.

A motion was made by Councilmember Holloway, seconded by Councilmember Doss, Pursuant to OCGA 36-66-4(d) and the approval of House Bill 1465, to approve ordinance O2024-30 rezoning the subject properties from R-75 (County) to R-75 (City) as presented.

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

IX. NEW BUSINESS

1. ORDINANCE TO AMEND BUDGET – BUNTEN PARK TRAIL {K}

Assistant City Manager/Finance Director Ken Sakmar came forward to present. At the October 23, 2023 Work Session of the Mayor and Council, staff presented a project scope and improvement changes to the Bunten trail improvements project based on consultation with Columbia Engineering and staff recommendations. The changes include additional site/survey work, improvements for green infrastructure and hydrology, ADA and trail improvements, pedestrian access and plaza design, and architectural modifications. Staff is requesting a budget amendment of \$205,000 to fund the scope changes, plus a 10% contingency. Funding for this budget amendment will come from unallocated SPLOST 2023 Recreational Facilities funds.

Council was asked to approve ordinance BA-FY24-29 to add \$205,000 in unallocated 2023 SPLOST Recreational Facilities funds to (PK-35) Bunten Road Park - Park Areas - Professional Services line item including associated transfers.

A motion was made by Councilmember Thomas, seconded by Councilmember Graeder, to approve ordinance BA-FY24-29 as presented.

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

2. AWARD OF BID – 2024 ASPHALT REJUVENATION

{L}

The Mayor and Council considered awarding the bid for asphalt rejuvenation. Part of Duluth's "Pavement Preservation" program, asphalt rejuvenation is a method of applying a penetrating sealer to pavement to replace ingredients that are lost from the pavement overtime due to exposure to sun and other elements. Application of this treatment at the right time to the right road extends the service life of the road and helps reduce maintenance costs. The legal notice is attached and was run twice in the Gwinnett Daily Post and posted on the City website.

One bid was received. After review, Staff recommends awarding the Asphalt Rejuvenation bid (with contingency) to Pavement Technology, Inc. in an amount not to exceed, \$110,057.64. Funds will come from SPLOST.

Councilmember Thomas requested the list of streets being considered to be added as part of these minutes and to send a copy to the Mayor and Council.

- Charleston Bay: Ashley Lane, East Bay Street (both sections), Meeting Street
- Barkley Square: Barkley Square Drive, Canter Way, Winsley Place
- Castlemaine: Bennigan Lane, Castlemaine Drive, Galway Court, Leprechan Way
- Berkeley Park: Berkeley Park Court, Berkeley Park Drive
- Riverbrooke: Brookhurst Court, Lake Villas Court, Lake Villas Lane, Villa Brooke Court, Longlake Drive, Longlake Way
- Chattawood: Chattawood Drive, North Whippoorwill Drive, Timberridge Trail
- Olde Towne Residences: Creek Village Court, River Village Court, Stone Village Court, Towne Village Drive
- Carriage Gate: Gate House Lane
- Village at Albion Farm: Hawks Nest Court, White Owl Court
- Windsor Gate: Northgate Lane, Windsor Gate Run, Windsor Valley Court
- All asphalt streets in Woodehaven (Hackberry Circle, Laurel Club Drive, Riverwood Parkway, Royal Oaks Circle)

A motion was made by Councilmember Graeder, seconded by Councilmember Holloway, to award the bid to Pavement Technology as presented.

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

3. AWARD OF BID – 2024 LMIG PAVING

{M}

The Mayor and Council considered awarding the bid for 2024 LMIG Mill, Patch and Resurface project of various City streets. (Legal notice is attached and was run twice in Gwinnett Daily Post as well as placed on Georgia Procurement Registry

site and City website). Project was bid as base with one alternate. Base streets are Albion Farm Way, Barnwood Crossing, Chattahoochee Trace, Roundfield Circle, Mill Run Drive, and River Shoals Court. Alternates are: Ennfield Lane and Olde Towne Parkway.

The City received six (6) bids for this project. Bid tabulation is attached. Base bid and alternates are shown.

<u>Company</u>	<u>Base Bid</u>	<u>Alternates</u>	<u>Total</u>
MHB Paving	565,222.00	286,946.20	852,168.20
Sunbelt Asphalt Surfaces, Inc	584,032.00	271,756.00	855,788.00
Blount Construction Co. Inc.	592,678.85	265,802.51	858,481.36
Allied Paving Contractors, Inc	600,062.00	292,520.00	892,582.00
C.W. Matthews	953,912.00	390,785.96	1,344,697.96
Stewart Brothers	966,363.25	559,449.00	1,525,812.25

Following an analysis of each bid, plus reference checks by Keck and Wood Engineering, staff recommend awarding the 2024 LMIG, Mill, Patch and Resurface project bid (with contingency) to MHB Paving, in an amount not to exceed \$937,385.02. This funds the base bid and alternate bid. Funds will come from 2024 LMIG, 2024 Supplemental LMIG and SPLOST.

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

A motion was made by Councilmember Thomas, seconded by Councilmember Doss, to approve awarding the 2024 LMIG Mill, Patch and Resurface bid to MHB Paving, in an amount not to exceed \$937,835.02 as presented and authorize the Mayor or City Manager to execute the contract as approved by the City Attorney.

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

X. MATTERS FROM DEPT HEADS/CITY ATTORNEY

1. ORDINANCE TO AMEND BUDGET - \$549,000 – POLICE EQUIPMENT {N}

Assistant City Manager/Finance Director Ken Sakmar summarized the request. During the recent FY25 budget capital projects meetings, the Police Department discussed their equipment needs. The company supporting body cameras worn by the officers had been acquired by Motorola, who notified them they would no longer be supporting the body cameras. In addition, the in-car video systems are about 6 to 8 years old and the officer's in-field laptops are as well, and thus at end of life.

The Police Department is requesting approval of a budget amendment in the amount of \$549,000 for the purchase of 20 new in-car video systems, 74 officer worn body cameras, and 28 officer laptops. The cameras and in-car video systems

will be supplied and supported by Genetic, the company that supports our city-wide camera system, which will allow them to be tied into the same system.

The purchase will be funded with Public Safety unallocated 2017 SPLOST and unallocated 2023 SPLOST. Staff is requesting approval of a budget amendment (BA-FY24-30) to add \$279,785.03 in unallocated 2017 SPLOST Public Safety funds and \$269,214.97 in unallocated 2023 SPLOST Public Safety funds to (PD-20) SPLOST Vehicles - Police - Consolidated Vehicle Maintenance - Vehicles line item, including associated transfers.

A motion was made by Councilmember Harkness, seconded by Councilmember Thomas, to approve ordinance BA-FY24-30 as presented.

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

XI. MATTERS FROM MAYOR & COUNCIL

Councilmember Harkness referenced a great article in South Gwinnett Magazine highlighting Chief Carruth and Duluth's businesses. He also expressed thanks to the Marketing Department for the roll out of the new trash service.

Councilmember Holloway noted that she and Mayor Pro tem Thomas attended the ribbon cutting and opening of Co-Hatch.

Councilmember Graeder and Councilmember Thomas said there were great events held in the downtown past few weeks and thanked the staff.

Councilmember Whitlock reported that the Duluth Courtyard by Marriott Hotel ranked #1 boutique hotel out of over 1,000 hotels worldwide.

XII. MATTERS FROM CITY MANAGER

The City applied for an award for the Rogers Bridge replacement and was awarded "Project of the Year" from the Georgia Chapter of the American Public Works Association. The award is presented in July, and this automatically enters the project into the National competition.

Duluth was chosen to be highlighted at the GMA conference in Savannah. Chris McGahee will give a presentation on how to activate downtowns with playable art featuring the "Gigglebark Tree."

XIII. ADJOURNMENT

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

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

The next scheduled meeting of the Mayor and Council is June 10, 2024 at 6:00 pm.
There is no 4th Monday meeting in May due to Memorial Day.



TITLE VI OUTREACH PLAN CITY OF DULUTH, GEORGIA

City of Duluth is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. City of Duluth assures that no person shall on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. City of Duluth further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether or not those programs and activities are federally funded. In addition, City of Duluth will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

As part our efforts to include all of our citizens in a meaningful way, the City is committed to reaching out to populations that are typically underserved. The City is implementing an outreach plan as outlined on the following pages, to engage and include the diverse population we serve. This is intended to be a living document that is revised based on the needs of the community.

Mayor Greg Whitlock
Authorized Representative

Demographics

According to the 2020 census results, the City's population (currently estimated at 32,000) has the following characteristics:

- Caucasian - approx 32 %
- African American – approx 24%
- Asian – approx 23%
- Latino - approx 15%
- Two or more races* – approx 9% (May have also reported under one of the four categories above)
- Other – less than 1%
- **NOTE*: by reporting “two or more races”, the total exceeds 100%**
- **Foreign Born – approximately 30%.**
- **Language other than English spoken at home – approx 38%**

Duluth has a very diverse population, leading to a melting pot of cultures, languages, lifestyles, and needs.

Prevalent Languages

While English is the predominant language spoken in Duluth, it is by no means the only language. The following languages are also known to be spoken within the City:

Spanish	French	Hindi
Korean	Arabic	Vietnamese
Mandarin	Portuguese	Turkish
Japanese	Swahili	Russian

This has led staff to use language translation aps, handheld devices, online tools, and interpreters/bilingual staff.

Duluth High School has reported that over 50 different languages are spoken due to the diversity in the student population.

NOTE – Duluth High School is home to one of Gwinnett County's six “International Transition Centers”, helping newcomers acclimate to the American School System, and assisting with accelerated English proficiency, math skills, and career skills.

Potential Barriers to Participation

- Ineffective Advertisements (if only advertised in one language or to only one target audience, or via one method only such as newsprint OR social media)
- Time of day participatory events are held
- Location of events, if held in person
- Access to computer(s) and/or internet if event is held virtually
- Transportation to/from event (Duluth currently has very limited public transit service)
- Language and translation service availability

Identifying and Connecting with Underserved Areas of the Community

- Identify Community Champions outside of elected officials
- Involving local schools, churches, media outlets, civic organizations, senior organizations
- Involving HOAs and Apartment Complex Management
- Enhancing relationships already developed with Public Safety Department
- Informational handouts, brochures, and educational materials in multiple languages
- Advertisement of the Language Line (in multiple languages) – this is a pay-as-you-go interpreting service currently used by the Courts, Public Safety, and the City Clerk's Office. Can expand usage to entire City. <http://www.languageline.com/>
- Formal interpreters (similar to the services used by the Court System)
- Hiring of future City staff with multilingual capabilities (as possible)

Implementing Improvements

We do not have the resources to translate everything into 12+ languages every time we advertise an event. Need to determine which events are translated, and which languages are used.

- Example – Determine cost to publish website in multiple languages (English, Spanish, Korean are the three most common)
- Example – Determine cost to publish *Duluth Life* magazine in multiple languages
- Example – Determine cost to publish event advertisements in multiple languages
- Example – Determine cost of having in-person translators at targeted events (Which ones? How many?)

We do have citizens that are influential within their communities with whom we can partner.

- Example – May want to start at ground zero with an outreach event to identify the local champions, civic leaders of minority groups, potential diversity partners, and get a conversation started. The results of that meeting may help guide future versions of this outreach plan.
- Example – Marketing efforts can include reaching out to media outlets that serve Hispanic and Asian populations.
- Example – May be able to build off of City's LEAD program to identify partners/champions, and works with those identified as we move forward in our outreach efforts.
 - o https://www.duluthga.net/community/get_involved/learn_engage_advance_duluth.php
 - o LEAD (Learn, Engage, Advance Duluth) Academy is a six week program that teaches citizens and business owners in the City about municipal operations, City services, and the responsibilities of local government. Participants are encouraged to become active on various City Boards and Committees, and to volunteer their time and talents to help solve community issues. This may be an ideal environment to kick off a Diversity Committee to partner with the City on outreach opportunities.
 - o Student LEAD program is led by the Mayor and held in partnership with Duluth High School. This is a six month program with six students, meeting once per month, to learn about municipal government operations. The goal is to engage students and get them educated and involved with civic programs. They participate as juniors so that they can lead a project as seniors for the next student LEAD class of juniors. Students are selected from a diverse population by the high school administration.

Timeline

Our initial outreach plan was vetted and approved by Staff/Council/Mayor in 2016. Since the plan is a living document, strategies that work well will be documented and maintained, and strategies that do not work well will be documented and adjusted or removed. Each successive draft will include a list of strategies that were implemented in the previous 3-year period.

Documentation/Strategies – What we have done to date:

I. Initial Reporting Year – Up to and including 2016:

- a. All City-owned facilities are ADA compliant. (ongoing)
- b. City uses on-demand language translation services for Court system, Public

Safety, and the City Clerk's Office. (ongoing)

- c. City's Parks & Recreation Programming caters to an exceptionally wide range of ages and interests, with bilingual instructors for some of their programs. (ongoing)
- d. Stormwater educational outreach brochures (RE Pet Waste) were published in English, Spanish, and Korean. All left over fliers were donated to local veterinary clinics to distribute to their clients. (2016 event)
- e. City's LEAD and Student LEAD programs recruit participants from diverse communities, and encourage ongoing participation after class is complete. (ongoing)
- f. City has relationship with Korean media outlets and forwards event information to them for publication. (ongoing)
- g. City staff participate in career fairs at Duluth Middle School to reach diverse student populations at the one-on-one level. (ongoing)
- h. City staff personally recruited a diverse group of students from Chattahoochee and Mason Elementary Schools to attend the State of the City address. This includes attendance by their parents and teachers that may not otherwise happen. (2016)
- i. City Public Safety Department runs a Citizens Police Academy and a Hispanic Citizens Police Academy. The Police Academy is a seven week (20+ hour) training class. It covers subject matters such as active shooter, accident reconstruction, traffic law, and DUI enforcement. The Hispanic class is advertised and taught completely in Spanish. Students are recruited via social media, community outreach, and advertisement through a Hispanic church within the City. It is another way our PD builds positive relationships in the Hispanic Community. In 2016, we had 28 participants. (ongoing two times per year)

II. Renewal reporting year – up to and including 2018:

- a. Previous strategies were continued (as listed above).
- b. Full time Spanish translator was hired for the court system with a Korean translator on call.
- c. Our new and improved website can now translate any of our posted information into over 100 languages simply by clicking the "Translate" icon at the top right of the page. (ongoing)
- d. Local elections (November 2017) were advertised and held in English and in Spanish. 100% of the materials, signs, ballots, and information were available in both languages. An interpreter was onsite at polling locations to assist with Spanish translation. (Ongoing moving forward)
- e. City initiated the NOW Program (Neighborhood Outreach Work) where City Staff and traditionally underserved neighborhoods work together to improve and stabilize their area. This includes neighborhood clean ups, meetings with HOA's (at their convenient time and location) to discuss specific concerns, identification of areas in special need of code enforcement and those in need of City and/or privately sponsored maintenance and/or capital

improvement projects. To date, City sponsored a neighborhood cleanup event in two specific neighborhoods, a stream cleanup in another neighborhood, and a post hurricane cleanup in several neighborhoods around town that did not have the resources to clean up on their own. All of these efforts were run/staffed by volunteer city staff and elected officials with help from local sponsors that provided food and water to the volunteers, the participants, and the neighborhoods. Additional programming is being planned. (Ongoing since inception)

- f. Public meetings for our bridge replacement project (Parks & Rec) were held in two locations on two separate days and online for 30 days, and included all materials (advertisements, fact sheets, comment cards) translated into Spanish and Korean. (2017)
- g. City staff extended its student outreach/school partnerships to include Coleman Middle School. Coleman MS also includes a diverse population that mirrors the City's. Staff coordinates regularly with school officials and teachers to support student curriculum, projects, and special events.

III. Renewal reporting year – up to and including 2021:

- a. Previous strategies were continued (as listed above).
- b. Elections continue to be advertised and held in English and Spanish.
- c. Make up of City Council is more diverse with more segments of the population being represented.
- d. More meetings are held virtually (due to COVID-19). Now that technology is available for ongoing use as needed.
- e. Expanded the Duluth NOW program with more outreach and more events (less the time during COVID-19 when in person events were cancelled/reschedule to a safer date).
- f. Stormwater educational outreach at our July 3rd event continues to be in multiple languages (less the 7/3/20 event that was cancelled due to COVID).
- g. In 2021, department heads were requested to set goals for non-discrimination outreach and education among their staff and within the community. The following draft goals were recommended for implementation in the next 3 years:
 - i. Public Information / Events Department – Add more diverse events and advertise them in multiple languages
 - ii. Planning & Zoning Department – Continue to work on long range goals from the City's comp plan
 - iii. Stormwater Department – Continue developing targeted informational/educational brochures/articles about stormwater issues, and make them available in multiple languages
 - iv. Public Safety Department – Continue the Hispanic Citizens Police Academy (as COVID permits), translate crime prevention information into additional languages, and proactively target crime prevention where it exists in underserved populations.
 - v. Courts – Proactive outreach to the Korean Community to educate

them about court operations, and allow them to meet the judges, ask questions, and gain familiarity with the system through positive and open programming. Our Korean-American Judge would be the interpreter/translator for the event(s).

- vi. Parks & Recreation Department – Expand programming for the elderly population.
- vii. Public Works Department – May translate garbage dump cards into Spanish and proactively reach out to the Hispanic community to educate them on what the dump card is, how to acquire one, and the rules of use.
- viii. Business Office – Continue elections in English and Spanish. Have basic applications translated into additional languages – ie liquor license, business license, etc.
- ix. Human Resources Department – Continue to educate new hires on Discrimination, EEO, and ADA Policies of the City. Recruit, as able, bilingual staff.

IV. Renewal reporting year – up to and including 2024:

- i. Previous strategies were continued (as listed above).
- ii. Elections continue to be advertised and held in English and Spanish. Online materials were also translated into Spanish.
- iii. Make up of City Council is even more diverse with more segments of the population being represented.
- iv. In 2024, department heads were requested to update and report on their goals for non-discrimination outreach and education among their staff and within the community. The following reports were received:
 - 1. Public Information / Events Department – Add more diverse events (based on our population) and advertise them in multiple languages. Include at least one article in “Duluth Life” each year to educate our traditional underserved population(s). Content TBD.
 - 2. Community Development & Engineering Department (formerly Planning & Zoning) – Continue to work on long range goals from the City’s comp plan. Continue following federal policy for procurement and project development. Include DBE participation in preconstruction and construction efforts.
 - 3. Stormwater Department – Continue developing targeted informational/educational brochures/articles about stormwater issues and make them available in multiple languages. In addition, the stormwater team is working on more outreach with the local schools.
 - 4. Public Safety Department – Continue the Hispanic Citizens Police Academy (as COVID permits), translate crime prevention information into additional languages, and proactively target crime prevention where it exists in underserved populations. In addition, the Public Safety Department actively recruits bilingual staff and participates in numerous outreach events (in multiple languages).

5. Courts – Proactive outreach to the Korean Community to educate them about court operations, and allow them to meet the judges, ask questions, and gain familiarity with the system through positive and open programing. Our Korean-American Judge is the interpreter/translator for the event(s).
6. Parks & Recreation Department – Expand programming for the elderly population. Continue hiring bilingual staff as able. Continue offering financial assistance to community members so as not to deny participation in paid events/camps/services.
7. Public Works Department – May translate garbage dump cards into Spanish and proactively reach out to the Hispanic community to educate them on what the dump card is, how to acquire one, and the rules of use. They are currently looking at geographic areas within the city to disseminate this targeted information.
8. Business Office – Continue elections in English and Spanish. Have basic applications translated into additional languages – ie liquor license, business license, etc. They recently translated their alcohol permit teat into additional languages. Business office will start posting City Hall closures in multiple languages this coming year.
9. Human Resources Department – Continue to educate new hires on Discrimination, EEO, and ADA Policies of the City. Recruit, as able, bilingual staff. Disseminate information related to diversity, equity, and inclusion.

TITLE VI NON-DISCRIMINATION AGREEMENT

The Georgia Department of Transportation
and

City of Duluth

Policy Statement

The **(Name of Recipient)** City of Duluth, hereinafter referred to as the “Recipient” assures that no person shall on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Recipient further assures every effort will be made to ensure non-discrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include **all** programs or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not.

In the event the Recipient distributes federal aid funds to a sub-recipient, the Recipient will include Title VI language in all written agreements and will monitor for compliance.

The Recipient’s **(Name of person/division)** James Riker, City Manager, is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulation(CFR) 200 and 49 Code of Federal Regulation 21.

Greg Whitlock

Name of Responsible Agency Official (Please Print)

Mayor

Title

6/10/24

Date

Title VI Program

Organization and Staffing

Pursuant to 23 CFR 200, **(Name of Recipient)** City of Duluth has appointed a Title VI Specialist who is responsible for **Attachment 1**, which describes the hierarchy for **(Name of Recipient)'s** City of Duluth's Title VI Program, including an organization's chart illustrating the level and placement of Title VI responsibilities.

Assurances

49 CFR Part 21.7

The City of Duluth, hereby gives assurances:

1. That no person shall on the grounds of race, color, national origin, and sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the recipient regardless of whether those programs and activities are Federally funded or not. Activities and programs which the recipient hereby agrees to carry out in compliance with Title VI and related statutes include but are not limited to:
 - List all major programs and activities of the recipient and Title VI responsibilities for each one of them. Include information as **Attachment 2** to this Nondiscrimination Agreement.
2. That it will promptly take any measures necessary to effectuate this agreement.
3. That each program, activity, and facility as defined at 49 CFR 21.23(b) and (e), and the Civil Rights Restoration Act of 1987 will be (with regard to a program or activity) conducted, or will be (with regard to a facility) operated in compliance with the nondiscriminatory requirements imposed by, or pursuant to, this agreement.
4. That these assurances are given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the recipient by the Georgia Department of Transportation (GDOT) under the Federally-Funded Program and is binding on it, other recipients, subgrantees, contractors, sub-contractors, transferees, successors in interest and other participants. The person or persons whose signatures appear below are authorized to sign these assurances on behalf of the Recipient.
5. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federally-Funded programs and, in adapted form all proposals for negotiated agreements.

The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 23 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration for an award.

6. That the Recipient shall insert the clauses of Appendix A of this Agreement in every contract subject to the Act and the Regulations.
7. That the Recipient shall insert the clauses of Appendix B of this Agreement, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
8. That the Recipient shall include the appropriate clauses set forth in Appendix C of this Agreement, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under a Federal Aid Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under a Federal Aid Program.
9. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this agreement.

Implementation Procedures

This agreement shall serve as the recipient's Title VI plan pursuant to 23 CFR 200 and 49 CFR 21.

For the purpose of this agreement, "Federal Assistance" shall include:

1. grants and loans of Federal funds,
2. the grant or donation of Federal property and interest in property,
3. the detail of Federal personnel,
4. the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and
5. any Federal agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance.

The recipient shall:

1. Issue a policy statement, signed by the head of the recipient, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the recipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.
2. Take affirmative action to correct any deficiencies found by GDOT or the United States Department of Transportation (USDOT) within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement. The head of the recipient shall be held responsible for implementing Title VI requirements.
3. Establish a civil rights unit and designate a coordinator who has a responsible position in the organization and easy access to the head of the recipient. This unit shall contain a Title VI Specialist, who shall be responsible for initiating and monitoring Title VI activities and preparing required reports.
4. Adequately staff the civil rights unit to effectively implement the civil rights requirements.
5. Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigation. Identify each complainant by race, color, national origin or sex, the nature of the complaint, the date the complaint was filed, the date the investigation was completed, the disposition, the date of the disposition, and other pertinent information. A copy of the complaint, together with a copy of the recipient's report

of investigation, will be forwarded to GDOT's Office of Equal Employment Opportunity (OEEO) within 10 days of the date the complaint was received by the recipient.

6. Collect statistical data (race, color, national origin, sex) of participants in, and beneficiaries of the programs and activities conducted by the recipient.
7. Conduct Title VI reviews of the recipient and sub-recipient contractor/consultant program areas and activities. Revise where applicable, policies, procedures and directives to include Title VI requirements.
8. Conduct training programs on Title VI and related statutes.
9. Prepare a yearly report of Title VI accomplishments for the last year and goals for the next year.

a) Annual Work Plan

Outline Title VI monitoring and review activities planned for the coming year; state by which each activity will be accomplished and target date for completion.

b) Accomplishment Report

List major accomplishments made regarding Title VI activities. Include instances where Title VI issues were identified and discrimination was prevented. Indicate activities and efforts the Title VI Specialist and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special reviews (internal or external) conducted by the Title VI Specialist. List any major problem(s) identified and corrective action taken. Include a summary and status report on any Title VI complaints filed with the recipient.

Discrimination Complaint Procedure

1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with the recipient. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the recipient's Title VI Specialist for review and action.
2. In order to have the complaint consideration under this procedure, the complainant must file the complaint no later than 180 days after:
 - a) The date of alleged act of discrimination; or
 - b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, the recipient or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Title VI Specialist. If necessary, the Title VI Specialist will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the recipient's investigative procedures.
4. Within 10 days, the Title VI Specialist will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as GDOT and USDOT.
5. The recipient will advise GDOT within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to GDOT:
 - a) Name, address, and phone number of the complainant.
 - b) Name(s) and address (es) of alleged discriminating official(s).
 - c) Basis of complaint (i.e., race, color, national origin or sex)
 - d) Date of alleged discriminatory act(s).
 - e) Date of complaint received by the recipient.
 - f) A statement of the complaint.

- g) Other agencies (state, local or Federal) where the complaint has been filed.
 - h) An explanation of the actions the recipient has taken or proposed to resolve the issue raised in the complaint.
- 6. Within 60 days, the Title VI Specialist will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the head of the recipient. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.
 - 7. Within 90 days of receipt of the complaint, the head of the recipient will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with GDOT, or USDOT, if they are dissatisfied with the final decision rendered by the Recipient. The Title VI Specialist will also provide GDOT with a copy of this decision and summary of findings upon completion of the investigation.
 - 8. Contact for GDOT's Title VI staff is as follows:

Georgia Department of Transportation
Office of Equal Opportunity, Title VI/ Program
600 West Peachtree Street, N.W. 7th Floor
Atlanta, GA 30308
(404) 631-1497

Sanctions

In the event the recipient fails or refuses to comply with the terms of this agreement, the GDOT may take any or all of the following actions:

- a) Cancel, terminate, or suspend this agreement in whole or in part;
- b) Refrain from extending any further assistance to the recipient under the program from which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the recipient.
- c) Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient.
- d) Refer the case to the Department of Justice for appropriate legal proceedings.

SIGNED FOR THE GEORGIA DEPARTMENT OF TRANSPORTATION:

Signature

Commissioner

Title

Date

NAME OF RECIPIENT:

Signature

Mayor

Title

6/10/24

Date

Appendix A

During the performance of this contract, the contractor/consultant, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. Compliance with Regulations

The contractor shall comply with the Regulations relative to non-discrimination in federally assisted programs of United States Department of Transportation (USDOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Non-discrimination

The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of sub-contractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Sub-contracts, Including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to non-discrimination on the grounds of race, color, sex, or national origin.

4. Information and Reports

The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the contracting agency or the appropriate federal agency to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to GDOT or the USDOT as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Non-compliance

In the event of the contractor’s non-compliance with the non-discrimination provisions of this contract, the contracting agency shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to:

- Withholding of payments to the contractor under the contract until the contractor complies, and/or;
- Cancellation, termination, or suspension of the contract, in whole or in part

6. Incorporation of Provisions

The contractor shall include the provisions of paragraphs (1) through (5) in every sub-contract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any sub-contractor or procurement as the contracting agency or USDOT may direct as a means of enforcing such provisions including sanctions for non-compliance.

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the contractor may request GDOT enter into such litigation to protect the interests of the state and, in addition, the contractor may request the USDOT enter into such litigation to protect the interests of the United States.

Appendix B

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

GRANTING CLAUSE

NOW THEREFORE, Department of Transportation, as authorized by law, and upon the condition that the state of Georgia will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the United States Department of Transportation and, also in accordance with an in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, the Department of Transportation GDOT (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252: 42 USC 2000d to 2000d - 4) does hereby remise, release, quitclaim, and convey unto the state of Georgia all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit A attached hereto and made a part thereof.

HABENDUM CLAUSE

TO HAVE AND TO HOLD said lands and interests therein unto the state of Georgia, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which the federal financial assistance is extended or for another purpose involving the provisions of similar services or benefits and shall be binding on the state of Georgia, its successors, and assigns.

The state of Georgia, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed (,)(and)* (2) that the state of Georgia, shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination of federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above mentioned non-discrimination conditions, the department shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.¹

¹ Reverter Clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

Appendix C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by (Recipient) pursuant to the provisions of Assurance 8.

The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose of which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination in federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

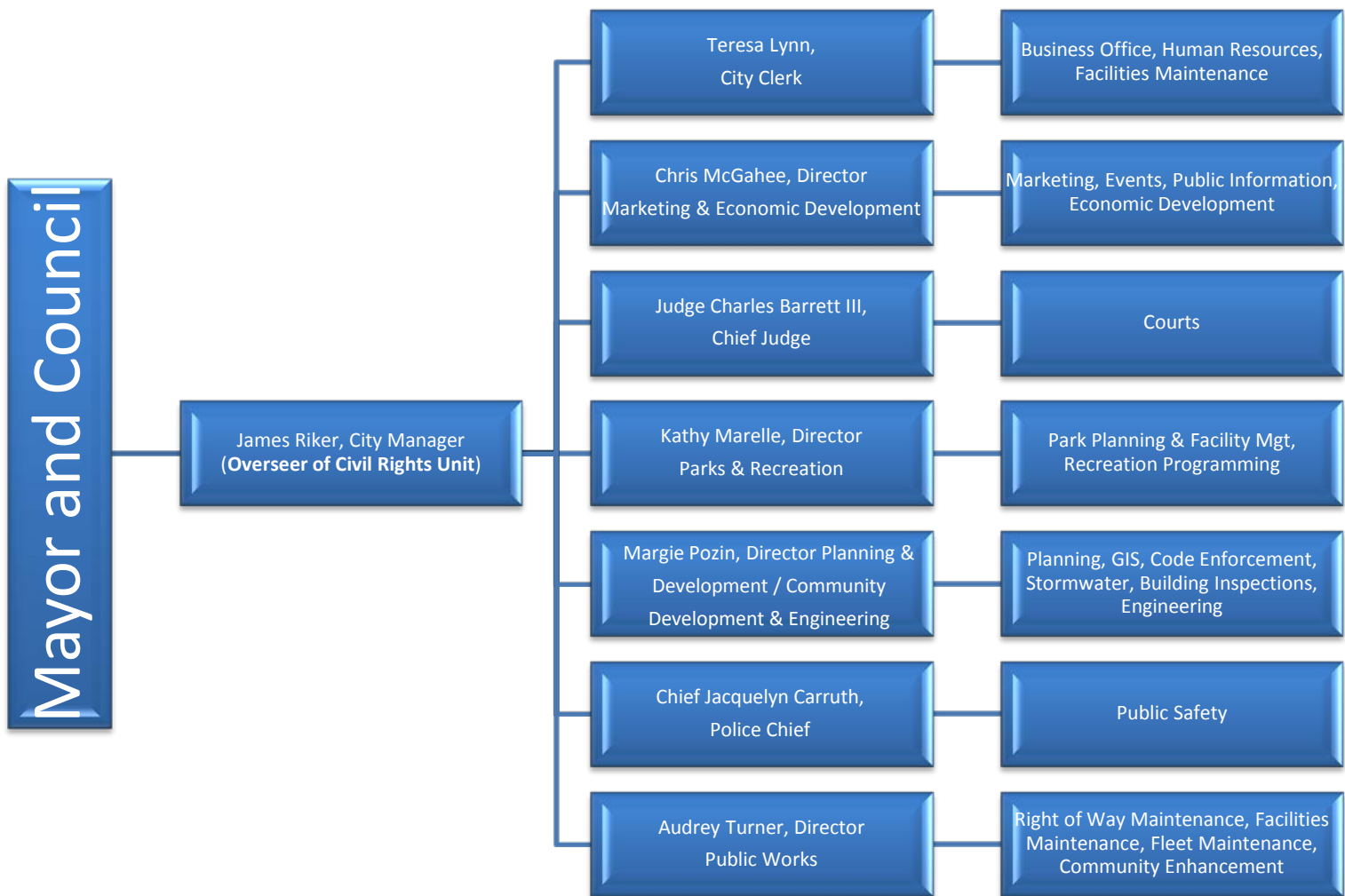
That in the event of breach of any of the above non-discrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease has never been made or issued.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Georgia State Department of Transportation pursuant to the provisions of Assurance 8.

The LESSEE, or himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that (1) no person, on the grounds of race, color, sex, or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, and national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination in federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above non-discrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

Title VI Non-Discrimination Agreement - Attachment 1



City of Duluth Organizational Chart

The Civil Rights Unit is a part of the City Manager's Office. The City Manager, or his appointee, compiles reports, processes complaints, and ensures compliance with the City's policies.

Title VI Program Organizational Chart



Programs and Activities - Attachment 2

Department	Activities	Title VI Responsibilities
Mayor and Council (Elected)	Set policy, approve ordinances	Compliance agreement
City Attorney (Outsourced)	Reviews contracts and legal documents	Ensures compliance with the law
	Investigates civil rights complaints	
City Manager	Manages daily operations	Compliance oversight and oversight of Civil Rights Unit
	Ensures compliance with City policies	
City Clerk	Finance/Accounting	Ensures timely payments to SBE/DBE.MBE/WBE
	Human Resources	Ensures compliance with EEO policy, Title VI, and other policy
	Alcohol Licensing	Ensures fair and equal licensing practices
	Tax Collection	Ensures fair and equal tax collection practices
	Information Technology	Maintains hardware/software - follows city policy
	Municipal Elections	Ensures legal req. for elections are followed - in multiple languages
	Support for Mayor and Council	
Marketing and Economic Development	Local Business Assistance	Ensures fair and equal treatment of all business and potential business owners
	Events	Ensures multilingual ads and diverse programming for inclusion of all population
	Publications	Ensures diverse materials to reach maximum population
	Website Management	Ensures timely info sharing in multiple languages
	Marketing and Outreach	Ensures a variety of methods to reach the max number of citizens
	Information Sharing	Ensures a variety of methods to reach the max number of citizens
Courts	Adjudicates cases	Ensures fair and equal treatment of all citizens, according to the law
	Public Education/Awareness of the law	Conducted in multiple languages to suit the needs of the community
	Citation collections	Ensures fair and equal collection of fees or equivalent value
	Teen Court	Ensures additional education for the younger offenders, according to the law
Parks & Recreation	Park planning and maintenance	Ensures compliance with ADA and other legal requirements
	Sports programming (youth & adult)	Strives to be as inclusive as possible
	Special events	Strives to be as inclusive as possible
	Summer camps	Strives to be as inclusive as possible
	Active adult programming	Strives to be as inclusive as possible
	Other programming	Strives to be as inclusive as possible
Planning & Development	Long and short range planning	Planning done in accordance with legal and professional standards
	Development reviews and inspections	Ensures fair and equal treatment based solely on standards, codes, and policies
	Land use modifications	Ensures fair and equal treatment based solely on standards, codes, and policies
	Code enforcement	Ensures fair and equal enforcement without preference or prejudice
	Permit issuance	Ensures fair and equal treatment based solely on standards, codes, and policies
	Transportation planning	Planning done in accordance with legal and professional standards
	Stormwater/LIA and MS4 compliance	Program managed in compliance with federal, state, and local laws and ordinances
	GIS	
	Engineering and capital improvements	Ensures RFP/RFB/RFQ and resulting contracts are compliant with federal law, as required
	Utility Coordination	Ensures fair and equal treatment based solely on standards, codes, and policies
	Neighborhood outreach	Strives to be as inclusive as possible
Public Safety	Traffic enforcement	Ensures fair and equal treatment of citizens, according to the law
	Crime prevention / crime lab	Ensures fair and equal treatment of citizens, according to the law
	Public outreach /education	Strives to be as inclusive as possible. Held in multiple languages to serve diverse population
Public Works	Right of way maintenance	Identifies and mitigates barriers to ADA compliance
	Facilities maintenance	Identifies and mitigates barriers to ADA compliance
	Fleet maintenance	
	Community enhancement	Strives to be as inclusive as possible



GEORGIA DEPARTMENT OF TRANSPORTATION
Title VI Self-Survey: FY 2024

Survey Date: February 2024

Local Government: City of Duluth

Name of Program/Grant:

- Rogers Bridge PI 0014160 (CFDA #20.205)

Summary of Complaints:

Number of complaints for the past year: Zero

Number of complaints voluntarily resolved: Zero

Number of complaints currently unresolved: Zero

Attach a summary of any type of complaint and provide:

- Name of complainant
- Race
- Charge
- Findings
- Corrective Action
- Identify any policy/procedure changes required as a result of the complaint
- Provide the date history (date complaint received through resolution)

Distribution of Title VI Information:

Are new employees made aware of Title VI responsibilities pertaining to their specific duties?

Yes ☒ No ☐

In addition, all contracts and subcontracts include the required federal attachments and clauses

Do new employees receive this information via employee orientation?

Yes ☒ No ☐

New employees receive the City's Title VI policy during HR orientation, but GDOT's policy is only shared with those employees assigned to GDOT projects.

New contractors receive reminders at preconstruction conferences. This info is already in their written contracts and subcontracts.

Is Title VI information provided to all employees and program applicants?

Yes ☒ No ☐

All employees receive the City's Title VI policy during HR orientation, but GDOT's policy is only shared with those employees assigned to GDOT projects.

All contractors are required to follow Federal guidelines when working on State or federally funded projects.

Is Title VI information prominently displayed in the organization and on any program materials distributed?

Yes ☒ No ☐

All employees receive a printed copy of the City's Title VI policy during HR orientation. Additional Title VI policy information is displayed on posters in common areas such as the break rooms. This includes the City's policies only. GDOT policies are not given to each employee from HR and are not posted in our common areas.

Each construction project has a bulletin board in the field with the required federal and EEO elements per GDOT's checklist.

Identify any improvements you plan to implement before the next self-survey to better support Title VI communication to employees and program applicants.

Continue to attend training and implement requirements.

Identify any problems encountered with Title VI compliance.

No problems encountered this reporting year.

Signature: _____

Title: Mayor, City of Duluth

Date: _____

Return to: Georgia Department of Transportation
Equal Employment Opportunity Division
600 W. Peachtree St.
Atlanta, GA 30308
PHONE: (404) 631-1497
FAX: (404) 631-1943
ATTENTION: Byron M. Browning, Title VI/Environmental Justice Specialist

GDOT Title VI Assurances

The City of Duluth (hereinafter referred to as the “Recipient”), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d—42 USC 2000d—4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its Federal Aid Highway Program.

1. That the Recipient agrees that each “program” and each “facility” as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with Federal Aid Highway and in adapted form in all proposals for negotiated agreements:

“The Georgia Department of Transportation in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d—42 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award.”

3. That the Recipient shall insert the clauses of Appendix A of this Assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient received federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over, or under such property.

7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of, or access to space on, over, or under, real property acquired or improved under the Federal Aid Highway Program.
8. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, or is in the form of personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program, as are found by the State Secretary of Transportation or the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

Date

Greg Whitlock
Mayor, City of Duluth

by _____
(Signature of Authorized Official)

Attachments: Appendices A, B and C.

APPENDIX A

The text below, in its entirety, is in all contracts entered into by GDOT. All of the text including the final section, entitled “Incorporation of Provisions,” should be included in any contract entered into by any GDOT contractor.

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “Contractor”), agree as follows:

1. Compliance with Regulations

The Contractor shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter referred to as DOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Nondiscrimination

The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the Contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, sex, or national origin.

4. Information and Reports

The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the **City of Duluth** or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the **City of Duluth**, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance

In the event of the Contractor’s noncompliance with the nondiscrimination provisions of this contract, the **City of Duluth** shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a. Withholding of payments to the Contractor under the contract until the Contractor complies; and/or
- b. Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions

The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The Contractor shall take such action with respect to any subcontractor or procurement as the ***City of Duluth*** or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the ***City of Duluth*** enter into such litigation to protect the interests of the state and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures, or improvements thereon, or interest therein from the United States.

Granting Clause

NOW, THEREFORE, the Georgia Department of Transportation (GDOT)—as authorized by law, and upon the condition that the state of Georgia will accept title to the lands and maintain the project constructed thereon, in accordance with and in compliance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways; the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation; and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252: 42 USC 2000d to 2000d-4)—does hereby remise, release, quitclaim, and convey unto the state of Georgia all the right, title, and interest of the GDOT in and to said land described in Exhibit A attached hereto and made a part thereof.

Habendum Clause

TO HAVE AND TO HOLD said lands and interests therein unto the state of Georgia, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the state of Georgia, its successors, and assigns.

The state of Georgia, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree, as a covenant running with the land for itself, its successors and assigns, that (1) no person shall, on the grounds of race, color, sex, disability, national origin, age, or religion, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed*, (2) that the state of Georgia shall use the lands, and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination of Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, (3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the agency shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in, and become the absolute property of, GDOT and its assigns as such interest existed prior to this instruction.¹

¹ Reverter Clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of Civil Rights Act of 1964.

APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by GDOT pursuant to the provisions of Assurance 7.

The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land, that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose for which a GDOT program or activity is extended, or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by GDOT pursuant to the provisions of Assurance 7.

The LESSEE, for himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant, and agree as a covenant running with the land, that (1) no person, on the grounds of race, color, sex, or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, and national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to terminate the [license, lease, permit, etc.] and to reenter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

*[Include in deeds subject to a reverter clause]

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to reenter said land and facilities there-on, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the STATE and its assigns.

* Reverter Clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of Civil Rights Act of 1964.



TITLE VI POLICY STATEMENT CITY OF DULUTH, GEORGIA

City of Duluth is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. City of Duluth assures that no person shall on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. City of Duluth further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether or not those programs and activities are federally funded. In addition, City of Duluth will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

As provided under Section 162a of the Federal-Aid Highway Act of 1973 (section 324, title 23 U.S.C.), City of Duluth shall not discriminate on the ground of sex and City of Duluth shall submit a certification to the Federal Highway Administration (FHWA) indicating that the requirements of section 162a of the Federal-Aid Highway Act of 1973 have been added to its assurances.

City of Duluth is responsible for initiating and monitoring Title VI activities, preparing required reports and other responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 Code of Federal Regulation 21.

Mayor Greg Whitlock
Authorized Representative

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

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

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

Total Revenues:	<u>91,689,451</u>
Operations Expenditures:	<u>42,166,985</u>
Capital Improvement Expenditures:	<u>49,522,466</u>
Total Expenditures:	<u>91,689,451</u>

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

WHEREAS the City of Duluth Police Department received an insurance settlement of \$36,150 for a police vehicle involved in an accident which was determined to be a total loss; and

WHEREAS the Police Department sold three vehicles at auction, after commission and fees, they received \$15,887; and

WHEREAS it is requested to add \$52,037 in auction and insurance proceeds to (PD-20) SPLOST Vehicles – Police – Consolidated Vehicle Maintenance -Vehicles line item, including associated transfers; and

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

Total Revenues & Prior Yr Reserves	<u>91,741,488</u>
Operations Expenditures:	<u>42,166,985</u>
Capital Improvement Expenditures:	<u>49,574,503</u>
Total Expenditures:	<u>91,741,488</u>

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

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Kristin McGregor, Deputy City Clerk

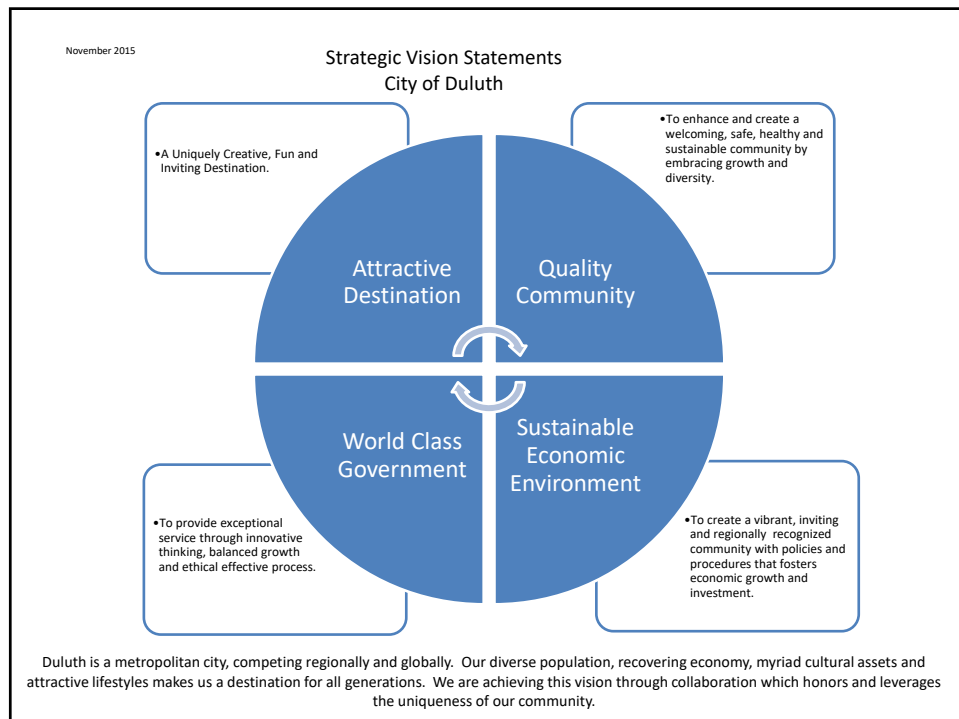
FY 2025 BUDGET PRESENTATION PUBLIC HEARING



CITY OF DULUTH

Presented by James Riker, City Manager
Ken Sakmar, Assistant City Manager

1



2

FY25 Budget Totals		
<u>OPERATING BUDGETS</u>		
<u>Expenditures</u>		
General Fund		\$30,496,985
Other Funds		8,385,958
Stormwater Utility		1,837,705
	Total Expenditures:	<u>\$40,720,648</u>
<u>Revenues</u>		
General Fund		\$32,280,229
Other Funds		6,424,565
Stormwater Utility		2,093,173
Prior Year Reserves		(77,319)
	Total Revenues:	<u>\$40,720,648</u>
<u>PROJECT LENGTH BUDGETS</u>		
<u>Expenditures</u>		
Capital Projects		<u>\$54,763,031</u>
<u>Revenues</u>		
Capital Projects		<u>\$54,763,031</u>

3

General Fund Budget Comparison		
	FY2024	FY2025
Operating Revenues:	\$28,670,343	\$32,280,229
Operating Expenditures:	\$29,480,215	\$30,496,985
Reserves to Balance Budget:	<u>\$(809,872)</u>	<u>\$1,783,244</u>

4

FY 2025 General Fund Budget

Revenues	\$32,280,229
Expenditures	<u>30,496,985</u>
Budget Surplus	\$ 1,783,244

Revenues are budget conservatively based on long term trends and current conditions. Expenditures are projected without discounting.

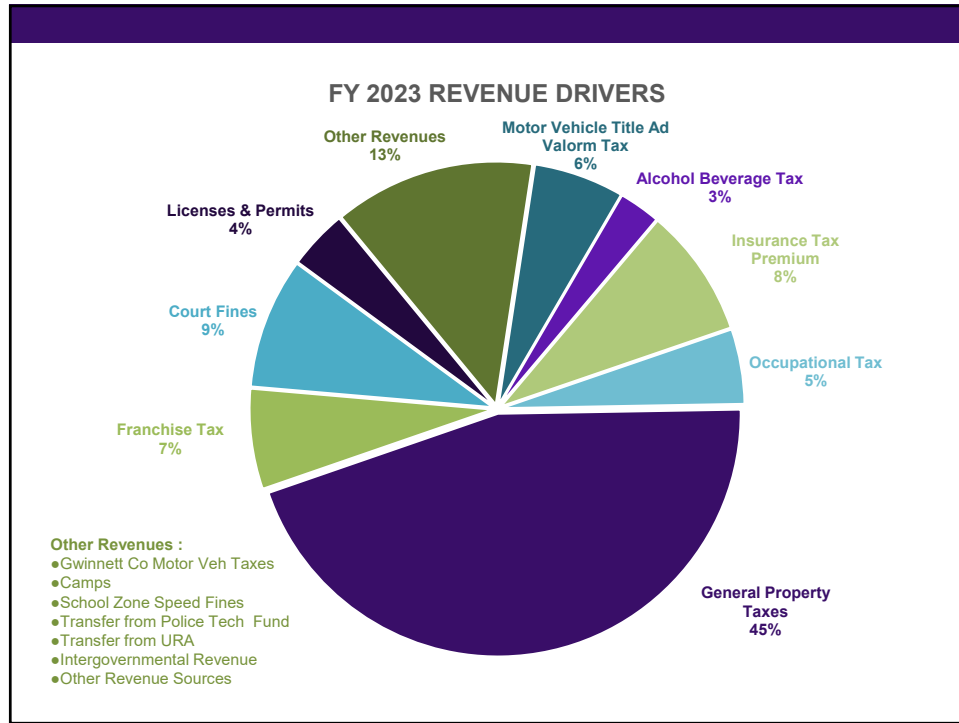
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Capital Reserves

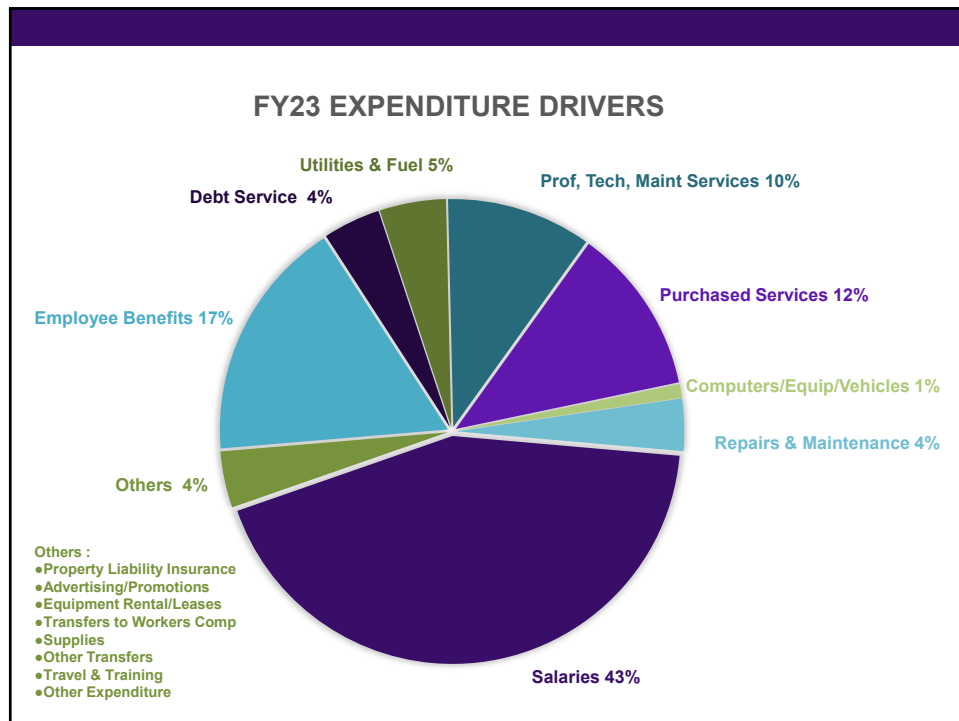
City Cash Reserve Deposits	\$31,163,010
Designated Reserves	(1,300,423)
Capital Reserve Fund	(2,712,478)
Four Months Operating Reserve	(10,165,662)
Funds to balance budget	<u>-0-</u>
 Balance of Unobligated Reserves	 <u>\$16,984,447</u>

*balances as of 4-30-24

6



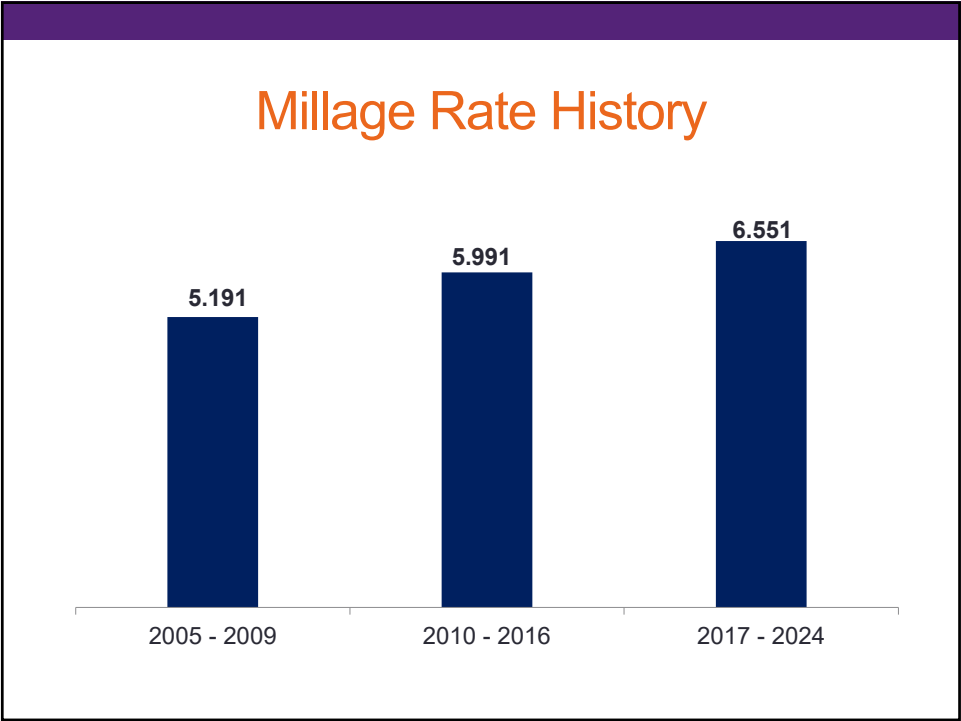
7



8

General Fund Expenditures by Department			
DEPARTMENT	FY 2024	FY 2025	% CHANGE
Mayor and Council	\$134,878	\$181,789	35%
Boards and Committees	6,459	6,459	-0%
City Manager's Office	2,055,998	1,297,162	-36%
City Clerk/Business Office	3,241,602	3,529,840	9%
General Government	578,501	702,964	22%
Public Information/Marketing	1,304,438	1,326,979	2%
Municipal Court	736,811	789,053	7%
Public Safety	11,375,356	12,037,130	6%
Public Works	4,247,388	5,392,235	27%
Parks and Recreation	2,337,055	2,378,273	2%
Planning & Development	1,879,508	2,279,215	21%
Economic Development	322,929	340,887	6%
Other Financing Uses	1,259,291	235,000	-81%
TOTAL	\$29,480,215	\$30,496,985	3%

9



10

Highlights “Revenues”

- Property tax revenue increased by \$245,600
- Motor Vehicle Title Ad Valorem or TAVT revenue increased by \$52,000
- Franchise Tax revenue increased by \$100,000
- Occupational Tax revenue increased by \$121,700
- Insurance Premium Tax revenue increased by \$328,300
- Building Plan Review revenue decreased by \$199,227

11

Highlights “Revenues”

- Court Fine revenue decreased \$350,000
- Investment Income (Money Market and Certificates of Deposit) revenue increased \$259,000
- Transfer from the American Rescue Plan Act (ARPA) increased by \$90,000

12

Highlights “Expenses”

- The draft budget proposes the following personnel changes:
 - a) Staff is requesting a part time Grant Writer in the Stormwater Utility Department.
 - b) Requesting a full time Code Enforcement Office in the Planning Department.
 - c) Police Department retitled two current positions to Public Safety Ambassador.
- Medical insurance increase of 5.1% or \$127,370 and Dental insurance increase of 2.8% or \$4,447.
- The draft budget contemplates a 5% COLA increase for all full time and permanent part time employees.

13

Highlights “Expenses”

- Draft budget includes \$600,000 for new accounting software. The current software is being updated for security issues, tax table updates and minor enhancement, but no major revisions are contemplated by the software provider.
- The draft budget includes \$250,000 for the maintenance of the City Hall and Public Safety buildings. Funding includes exterior building repairs, power washing and exterior painting.
- Draft budget includes the purchase of (3) vehicles in the Public Works Department and (1) vehicle in the PIO/Marketing Department totaling \$222,031. These vehicles have been on back order for several months due to supply chain issues.

14

Highlights “Expenses”

- Draft budget includes an increase of \$128,710 for additional cybersecurity software, new document storage/retrieval, and human resources software
- The draft budget includes \$100,414 for new citywide landscaping contract with request for additional landscaped areas.
- Solid Waste Disposal budget increased \$1,095,760 for the new solid waste contract which takes effect May 2024.
- Other Financing Uses decreased by \$1,024,291 due to the pay off of the Series 2006 and 2012 Bond obligation in June 2024.

15

Other Funds

Public Art Fund

- Includes a transfer of \$35,000 from the General Fund for future public art projects.

American Rescue Plan Act 2021 Fund

- Transfer to the General Fund of \$2,850,000 based on lost revenue expenditures for police uniform salaries.

Tax Allocation District (TAD) Fund

- Fund revenue increased \$889,267 based on redevelopment within the TAD boundary.

Stormwater Utility Fund

- Continues to receive funding based on an annual assessments and anticipated rate increase which is dedicated to the construction of the stormwater infrastructure and ongoing inspections.

16

Budget Meeting/Public Hearing Dates

- March 29, 2024 Proposed 2025 draft budget finalized by City Manager
- April 8, 2024 Proposed 2025 draft budget presented to Mayor & Council for review
- April 15, 2024 Budget workshop held to review draft budget with the Mayor & Council
- May 13, 2024 1st Public Hearing on proposed draft budget to accept public comments
- June 10, 2024 2nd Public Hearing on proposed draft budget to accept public comments and consider resolution for adoption

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Thank You



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ORDINANCE

TO ADOPT THE FISCAL YEAR 2024 BUDGET FOR EACH FUND OF THE CITY OF DULUTH, GEORGIA, APPROPRIATING THE AMOUNTS SHOWN IN EACH BUDGET AS EXPENDITURES/EXPENSES, ADOPTING THE SEVERAL ITEMS OF REVENUE ANTICIPATIONS, AND PROHIBITING EXPENDITURES OR EXPENSES FROM EXCEEDING THE ACTUAL FUNDING AVAILABLE. THE FISCAL YEAR 2024 BUDGET IS ATTACHED AS EXHIBIT "A."

WHEREAS, sound governmental operations require a budget in order to plan the financing of services for the residents of the City of Duluth; and

WHEREAS, Title 36, Chapter 81, Article 1 of the Official Code of Georgia, Annotated (OCGA) requires a balanced budget for the City's fiscal year, which runs from July 1st to June 30th of each year; and

WHEREAS, the City Council held public hearings on May 13, 2024, and June 10, 2024, duly noticed as prescribed by law and published in the Gwinnett Daily Post at which time the public was given the opportunity to voice their protests, suggestions, or criticisms, if any, on the budget; and

WHEREAS, the Mayor and Council of the City of Duluth have reviewed the proposed FY25 budget as presented by the Assistant City Manager; and

WHEREAS, each of these funds is a balanced budget, so that anticipated revenues and other financial resources for each fund equal the proposed expenditures or expenses; and

WHEREAS, the Mayor and Council wish to adopt this proposal as the Fiscal Year 2025 Annual Budget, effective July 1, 2024 to June 30, 2025.

NOW THEREFORE, the Council of the City of Duluth, Georgia hereby ordains as follows:

Section 1. That the proposed Fiscal Year 2025 Budget attached hereto as shown on Exhibit "A" and incorporated herein as a part of this Ordinance is hereby adopted as the Budget for the City of Duluth, Georgia for Fiscal Year 2025 with a tentative millage rate of 6.551 mills.

Section 2. That the several items of revenues, other financial resources, and sources of cash shown in the budget for each fund in the amounts anticipated are hereby adopted, and that the several amounts shown in the budget for each fund as proposed expenditures or expense, and uses of cash are hereby appropriated to the departments named in each fund.

- Section 3. That the “Legal levels of Control” as defined in OCGA 36-81 are set at the departmental fund level.
- Section 4. That all appropriations shall lapse at the end of the fiscal year.
- Section 5. That this Ordinance shall be and remain in full force and effect from and after its date of adoption.

IT IS SO ORDAINED this 10th day of June, 2024.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST _____
Kristin McGregor, Deputy City Clerk

ORDINANCE NO. O-2024-29

AN ORDINANCE FOR THE REZONING OF ± 11.2 ACRES OF PROPERTY IN LAND LOT 199, 7TH DISTRICT, GWINNETT COUNTY CONSISTING OF TAX PARCEL R7199 224 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, The Providence Group, LLC, c/o J. Alexander Brock Smith, Gambrell, and Russell, LLP, and the following property owner: Paradise Evangelistic Association, Inc. have filed a complete application (Z2024-001) with the City of Duluth seeking a rezoning. Said rezoning plan includes, but is not limited to, the rezoning of ±11.2 acres of property from O-I (Office-Institutional District) to PUD (Planned Unit Development District).

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

WHEREAS, the City of Duluth Planning Commission held a public hearing at the meeting of May 6, 2024, duly noticed as prescribed by law and published in the Gwinnett Daily Post, regarding the application. At that meeting, the Planning Commission recommended approval with conditions of the rezoning as is set forth in the minutes of said meeting; and

WHEREAS, the City Council held a public hearing at the meeting of May 13, 2024, duly noticed as prescribed by law and published in the Gwinnett Daily Post, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF DULUTH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS.

Pursuant to Article 11 of the Duluth Unified Development Code, the City Council finds that it is appropriate to rezone the property from O-I (Office-Institutional District) to PUD (Planned Unit Development District), for the following reasons:

- A. The rezoning is suitable given the use and development of adjacent and nearby properties. The subject property lies on the edge of unincorporated Gwinnett County along Sugarloaf Parkway. To the east of the subject property is Hull Middle School, which is zoned R-100 (Single-Family Residential), but functions as O-I in this case. The subject property is bound to the north by Old Peachtree Road. Across from Old Peachtree Road to the north is a single-family neighborhood known as the Haven at Sugarloaf Ridge, which is zoned PUD (Planned Unit Development). The subject parcel is bound to the west by Sugarloaf Parkway. Across from Sugarloaf Parkway is a single-family subdivision known as Sugarloaf Country club, which lies in unincorporated Gwinnett County. To the south of the subject is zoned RTH (Residential Town Home) in unincorporated Gwinnett County. It is currently being developed into a townhome development with 33 townhomes on 6.055 acres, which yields a density of 5.45 units per acre.
- B. The proposed rezoning is not anticipated to adversely affect the existing use or usability of adjoining or nearby properties as conditions will be imposed on the development that address uses and intensities, architecture and design, landscape and screening, transportation and parking, roadways, stormwater facilities, street lighting and signage.

- C. The proposed rezoning is not anticipated to cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- D. While every section of FORWARDuluth (Duluth Comprehensive Plan, 2045) is central to implementing the City's vision and goals, the Character Areas and Future Land Use Maps are the most influential in terms of daily decision-making and land use changes. A mixed use development has been envisioned on this property through the Comprehensive Plan and the Future Land Use Map.

In February of 2024, the City adopted FORWARDuluth, the 2045 update to the Comprehensive Plan. The subject property is located within the Established Neighborhoods Character Area. The aspiration for this area is identify opportunities to increase walkability and connectivity through possible street and pedestrian connections between neighborhoods and maintain a high level of owner occupancy. The established neighborhoods district is to be the backbone of Duluth's residential community.

SECTION 2. LEGAL DESCRIPTION.

The property that is subject to this ordinance consists of $\pm$ 11.2 acres and is legally described on Exhibit "A", attached hereto. Said Exhibit is incorporated by reference as if fully set forth herein.

SECTION 3. CONDITIONS OF APPROVAL

Conditions of approval attached hereto as Exhibit "B". Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

All conflicting ordinances and conditions are hereby repealed and replaced with the conditions of approval set forth in this Ordinance, No. O-2024-29.

ATTACHMENTS:

Exhibit "A": Legal Description

Exhibit "B": Conditions of Approval

Exhibit "C": Maps

Exhibit "D": Applicant's Responses to the Standards Governing the Exercise of Zoning Power

Exhibit "E": Public Hearing Advertisement/Public Notice

{Signatures on the Following Page}

IT IS SO ORDAINED this 10th day of June, 2024.

Those councilmembers voting in favor:

Mayor Greg Whitlock

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

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

Exhibit "A"
Legal Description

ALL THAT TRACT or parcel of land lying and being in Land Lot 199 of the 7th Land District of Gwinnett County, Georgia, and being more particularly described according to said survey as follows:

TO FIND THE TRUE PLACE OR POINT OF BEGINNING, commence at the land lot corner common to Land Lots 163, 164, 199 and 200, run thence along the land lot line common to Land Lots 164 and 199 North 60 degrees 06 minutes 23 seconds East 331.21 feet to a point marked by a ½" rebar found on the southwesterly right-of-way line of Sugarloaf Parkway (a one-hundred sixty-foot (160') right-of-way), said point being the TRUE PLACE OR POINT OF BEGINNING. From the TRUE PLACE OR POINT OF BEGINNING as thus established, run thence along said right-of-way North 68 degrees 36 minutes 06 seconds West 90.23 feet to a point; run thence along said right-of-way North 67 degrees 30 minutes 00 seconds West 55.68 feet to a point; run thence along said right-of-way and following the arc of a curve to the right an arc distance of 536.17 feet to a point (said arc having a radius of 1,447.91 feet and being subtended by a chord bearing North 55 degrees 47 minutes 22 seconds West 533.11 feet); run thence along said right-of-way North 05 degrees 26 minutes 24 seconds West 126.48 feet to the point of intersection of said right-of-way and the southerly right-of-way of Old Peachtree Road (a one-hundred twenty foot (120') right-of-way); run thence along the right-of-way line of Old Peachtree Road North 68 degrees 19 minutes 45 seconds East 69.58 feet to a point; run thence along said right-of-way and following the arc of a curve to the right an arc distance of 506.51 feet to a point (said arc having a radius of 4,523.66 feet and being subtended by a chord bearing North 71 degrees 32 minutes 13 seconds East 506.25 feet); run thence along said right-of-way North 74 degrees 44 minutes 40 seconds East 294.95 feet to a point; departing from said right-of-way, run thence South 29 degrees 45 minutes 31 seconds East 524.42 feet to a point marked by a ½" RBF set in concrete with HJ&A cap located on the Land Lot line common to Land Lots 199 and 164; run thence along said land lot line South 60 degrees 06 minutes 23 seconds West 578.34 feet to a point marked by a ½" rebar found, said point being the TRUE PLACE OR POINT OF BEGINNING. Said tract is shown to contain 11.209 acres on a certain Boundary Survey for Jay Eun, dated May 4, 2004, prepared by Precision Planning, Inc., Planners, Engineers, Architects & Surveyors, and certified by Randall W. Dixon, Georgia Registered Land Surveyor No. 1678.

Exhibit "B"
Conditions of Approval

General

1. The subject property shall be developed in substantial accordance with the exhibits listed in this report, except as modified by the conditions contained herein and on file in the office of Community Development and Engineering.
2. All conditions shall be shown on the final plat.
3. An enhanced landscape plan shall be submitted and reviewed by the Community Development and Engineering Department. Enhanced planting along Sugarloaf Parkway and Old Peachtree shall be installed. Maintenance of the enhanced buffer shall be performed in perpetuity regardless of change of ownership.
4. All requirements imposed under this Ordinance shall meet or exceed the minimum standards of the Unified Development Code, unless modified by the conditions contained herein, regardless of any change in ownership.
5. Driveways must conform to the Driveway Design Standards listed in the UDC.
909.07.b.1.b
6. All retaining walls, as needed, shall be constructed of interlocking masonry block, brick or other decorative material as approved by the Community Development and Engineering Department. Gabion baskets and similar ecofriendly walls may be approved at the Director's discretion. Timber and other wooden walls are prohibited. All walls shall meet all City design standards and must be included in the site development plans. All walls over 3' in height require separate review and permitting.
7. The Developer shall provide underground utilities throughout the entire development. Utility meters, power transformers, air conditioner units, etc. shall be located in the rear of buildings and not visible from the right-of-way. Placement of utilities shall be designed to maximize the quality and quantity of landscaping visible from the street and in no case should utility placement be designed to limit opportunities for improved streetscape.
8. Roof equipment shall be screened from the public right-of-way and adjacent property. The method of screening shall be integrated with the structure in terms of its architectural form, materials, color, shape and size. Ground mounted mechanical, HVAC and similar equipment shall be screened on all sides by dense landscaping or walls constructed of the principal material of the building and located so as not to be visible from the public right-of-way and adjacent properties. Additional screening requirements, as identified in Section 306 of the Unified Development Code, shall be implemented to ensure adequate screening of equipment.
9. An outdoor lighting plan shall be approved by the Director of Community Development and Engineering prior to the issuance of a development permit. Lighting plans shall include location type, and operation of all exterior lighting on the site. Site lighting shall be maintained in good repair and operational at all times. The lighting plan must demonstrate how there will be no light intrusion into the neighboring properties.

10. The property shall be cleared of all trash and collections of illegal dumping throughout the site prior to the issuance of a Certificate of Occupancy.

11. A master signage plan shall be submitted to and approved by the Community Development and Engineering Department prior to the issuance of any building permits.

12. 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.

13. O-I (Office-Institutional District) shall be the underlying zoning for the property. As such, the nonresidential accessory uses listed in the Unified Development Code under Table 2-D shall apply. The nonresidential accessory uses allowed by right are: Automatic Teller Machine (ATM) customary to a bank or financial institution without drive-in facilities; automatic Teller Machine (ATM) customary to a bank or financial institution with drive-in facilities; Accessory Uses Customary to a Church or Other Place of Worship (meeting facilities, administrative office, parsonage, classrooms/schools, cemeteries and mausoleums, day care (when a church service is occurring)); Accessory Retail Uses within an Office, Hospital, Hotel or Multi-Family Building; Clinics Cafeterias and Employee Credit Unions within an Office Building (for employees only); Dumpster/Waste Container; Unattended Donation Box. The nonresidential accessory uses allowed by special use are: Community Food Bank and Housing, and Emergency and Other Relief Services (accessory to a Church or Other Place of Worship); Accessory Day Care Centers (above 15 children in care); Accessory Group Day Care Center (7-15 children); Helicopter Landing Pad; Outdoor Storage Area, except Equipment; Outdoor Storage Area, Equipment.

14. Residential development shall be subject to protective covenants of the homeowner association as approved by the Planning and Development Department and recorded in the Gwinnett County Clerk of Court prior to the issuance of any development permits. In the protective covenants there shall be a restriction of no more than 10% of the residential units to be leased.

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

Such conditions:

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

Variances

1. The developer is proposing 318 residential parking spaces as well as 262 parking spaces for church use. The residential parking exceeds the allowable 120% maximum parking by 16 parking spaces. The church parking exceeds the allowable 120% maximum parking by 97 parking spaces.

Exhibit "C"
Maps



Z2024-001 PARADISE EVANGELISTIC ASSOCIATION INC		Planning Commission: May 6, 2024	Streets Address Outline Parcel
From: O-I	To: PUD	City Council: June 10, 2024	
 City of Duluth Georgia Community Development & Engineering GIS		130 Feet 	Tax Parcel(s): R7199 224



Z2024-001 PARADISE EVANGELISTIC ASSOCIATION INC	Planning Commission: May 6, 2024	 O-I PUD
From: O-I To: PUD	City Council: June 10, 2024	
City of Duluth Georgia Community Development & Engineering GIS	130 Feet N Tax Parcel(s): R7199 224	



Z2024-001 PARADISE EVANGELISTIC ASSOCIATION INC		Planning Commission: May 6, 2024	 Established Neighborhoods
From: O-I	To: PUD	City Council: June 10, 2024	
 City of Duluth Georgia Community Development & Engineering GIS		130  Feet  N	
		Tax Parcel(s): R7199 224	

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

**FIRST AMENDED
STATEMENT OF INTENT/
WRITTEN JUSTIFICATION**

and

Other Material Required by
The City of Duluth Unified Development Code
for the
Rezoning Application
of

THE PROVIDENCE GROUP OF GEORGIA.

for

±11.208 Acres of Land

located in

Land Lot 199, 7th District, Gwinnett County, City of Duluth

Address: Southeast Quadrant of the Intersection of Old Peachtree Rd and Sugarloaf
Parkway

O-I to PUD

Submitted for Applicant by:

SMITH, GAMBRELL & RUSSELL, LLP

Kathryn M. Zickert

Dennis J. Webb, Jr.

J. Alexander Brock

1105 W. Peachtree Street, NE

Suite 1000

Atlanta, Georgia 30309

404-815-3500

I. INTRODUCTION

This Application seeks to rezone ± 11.208 acres of land located in the Land Lot 199, 7th District, Gwinnett County, City of Duluth, Georgia (“Subject Property”). More particularly, the Subject Property is located in the southeast quadrant of the intersection of Old Peachtree Road and Sugarloaf Parkway (“Subject Property”) from Office-Institutional District (O-I) to Planned Unit Development (PUD) to allow the development of 71 single family townhomes and a church. The Subject Property has a lengthy rezoning history dating back 20 years. In 2003, the Subject Property was annexed into the City of Duluth as part of a larger ± 120 -acre annexation and rezoning. Prior to the annexation into the City, the property was zoned R-100 by Gwinnett County. The annexation was accompanied with a rezoning application for PUD (“2003 PUD”). Between 2004 and 2007, the residential portion of the PUD was developed into the 350 unit Sugarloaf Ridge neighborhood. In 2009, an amended site plan for the Subject Property was submitted and approved which contained six buildings, all restaurant and retail uses. However, the envisioned commercial PUD was never developed and in 2018 an application was submitted by the current owner, Paradise Evangelistic Association, Inc., (“Owner” and/or “Futures Church”)¹ to rezone the property to O-I to allow the development of a $\pm 60,000$ square foot church. This zoning was modified in 2020 to allow a slightly smaller church building and the incorporation of a medical office building. The Church’s vision for the medical office building, however, never materialized and likewise the church was not constructed. Since that time, the Church has been searching for opportunities for the development of this property. The Church in partnership with The Providence Group of

¹ Paradise Evangelistic Association, Inc., is the legal entity of Futures Church.

Georgia (“TPG” and/or “Applicant”) now seeks to rezone the Subject Property back to PUD to allow a ±30,890 square foot church with 71 residential townhomes.

The proposed townhome units will be two to three stories and range in size from 2,000 to 2,300 square feet. They will be arranged in buildings of three to eight units each. The units along the property’s perimeter with Old Peachtree Road and the First Polzin Road right-of-way will be front loaded. The buildings located in the property’s interior will be rear loaded with front pedestrian entrances facing roadways or upon landscaped mews areas. The landscaped areas will provide an attractive common area between the buildings for residents to gather and interact. The ground floor of the rear-entry units will each have a recessed patio area, providing an outdoor living space for each unit. It should also be noted that the development will contain sufficient parking. Each unit will have a two-car garage with a 20-foot driveway. Counting both the garage and driveway, there will be four parking spaces per unit plus an additional 34 guest parking spaces located throughout the residential side of the development.

In addition to the 71 townhome residences, the Proposed Development will provide a home for Futures Church. The proposed church building will be smaller than the previous proposal, with a total floor area of ±30,890 square feet² and a 636 seat sanctuary.³ In addition, the church will also provide a daycare use, which was included in the 2020 approval, spaces for community events, and a 150 seat accessory chapel and amphitheater. The chapel and amphitheater are intended to host special events and occasions. The proposed church will also have 262 parking spaces to accommodate its congregation. The proposed parking exceeds the minimum required by the Duluth Unified Development Code⁴, however, it is sized to accommodate Futures Church’s

² The ±30,890 floor area includes the 150-seat chapel building.

³ In comparison the design proposed for the 2020 Rezoning included a 36,000 square foot church with 1,400 seats.

⁴ The Duluth UDC Table 4-B requires 1 space per 5 seats, which would equate to a minimum required parking of approximately 158 spaces.

anticipated needs. The Futures Church congregation is composed of a wide variety of individuals, many of whom travel in single- or low-occupancy cars. Most of the higher occupancy cars consist of young families, which compose around 20% of the congregation. The remaining 80% is composed largely of couples, single young adults, divorced, or otherwise unmarried, adults, and older couples who tend to travel by themselves or as a two-person car. In addition, there may be 70 to 100 volunteers that travel to the church in single- or low-occupancy cars. As a consequence, the operational parking need is closer to 1 parking space for every 3 seats of the assembly area, which equates to the 262 spaces being proposed. It is also important to note that Futures Church, then Influencers Church, proposed a similar 1 space per 3 seat parking ratio in its approved 2018 and 2020 rezoning applications.

Church facilities often see an intense use on Sundays and limited use during the remainder of the week. To capitalize on that fact Influencer's will offer its space for community events and meetings during the week. Anticipated events may include weddings, community group award ceremonies, and dance recitals. The 2020 approval allowed the following uses for the church, which Futures Church wishes to retain for the present development:

Religious Organizations (NAICS 8131) and professional, administrative, and financial offices (NAICS 51-55). Accessory uses shall be allowed as listed in Table 2-D of the Unified Development Code for the O-I zoning district.

It is the intent of the Applicant and Futures Church to create a development with two highly compatible uses that will be complementary to each other. Religious facilities are often found in close proximity to residential neighborhoods and exist harmoniously. The Subject Property is in a primarily residential area that is an ideal location for the proposed mix of uses.

The Subject Property is in an area characterized by single family residential and institutional developments. To the east of the Subject Property is Hull Middle School in

unincorporated Gwinnett County, zoned Single Family Residence District (R-100) (Parcel ID: 7199 004). To the south the Subject Property is bounded by undeveloped property in unincorporated Gwinnett County, zoned Residence Townhouse District (R-TH) (Parcel ID: 7164 183), and which is currently being developed for townhome residential. To the west the Subject Property abuts the right-of-way of Sugarloaf Parkway and further to the west, across the right-of- way of Sugarloaf Parkway is the Sugarloaf Country Club, a single-family residential subdivision in unincorporated Gwinnett County, zoned Single Family Residence District (R-75). The northern part of the Subject Property abuts the right-of-way of Old Peachtree Road and further north across Old Peachtree Road is the Haven at Sugarloaf Ridge, a single family residential subdivision zoned PUD.

The Subject Property is well suited for the Proposed Development and the PUD district. The property is located on the corner of two heavily traveled roads, making it conducive to a non-residential use. However the nearby residential uses are more compatible with church and residential. The proposed church fits perfectly within these limitations by providing a use that can take advantage of the intersection, while providing townhomes closer to the adjacent school and residential. In effect the Proposed Development will act as a transition from the intensity of the adjacent intersection and the residentially zoned properties to the east and south. A denser townhome use is ideal for this type of transition and this use is often seen as a step down of the intensity between nonresidential and traditional single family residential.

This document is submitted as a Statement of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, and a Letter of Intent as required by the City of Duluth's Unified Development Code §1107.01.

II. HISTORY

As noted above, the Subject Property was included in an application by McDaniel Enterprises, Inc. to annex into the City of Duluth and rezone ± 100.579 acres to PUD and C-2 in 2003. The Subject Property was rezoned to PUD and subject to a site plan. In 2009, a Major Modification to the PUD zoning was approved to update the site plan for the Subject Property to the one prepared by Architectural Design Concepts, LLC, dated April 1, 2009. In 2018, the property was rezoned to O-I to allow the development of a $\pm 60,000$ square foot church. This zoning was modified in 2020 to allow a smaller church building and the incorporation of a 120,000 square foot medical office building.

III. IMPACT ANALYSIS

The following is an analysis of the factors to allow a rezoning as outlined in the City of Duluth's Unified Development Code §1107.01:

A.

THE ZONING PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY

Yes, the proposed church and townhome residential uses are suitable in view of the use and development of the adjacent and nearby property. The Subject Property is in the vicinity of several residential neighborhoods and immediately adjacent to the existing Hull Middle School. In addition, the Subject Property is located at the intersection of two heavily traveled roadways. The proposed PUD zoning will allow a development that is both fitting for its location at a busy intersection yet still complements the single family residential developments surrounding it. In addition, the Applicant's design gives appropriate attention to scale, buffering, setbacks, landscaping, and tree preservation to ensure that the Proposed Development will blend harmoniously with its surroundings.

B.

WHETHER THE ZONING PROPOSAL WILL ADVERSELY AFFECT THE EXISTING USE
OR USABILITY OF ADJACENT OR NEARBY PROPERTY

Prior to the filing of this Application, the Applicant has engaged in conversations with City Staff and will engage the community to make sure its proposal is acceptable to the neighbors. The primary goal of land use planning is to eliminate or minimize the potential adverse effect of the dissimilar uses of adjacent tracts of land by establishing a harmonious transition between them. The traditional method of achieving this goal is through both "off-site" and "on-site" transition. Off-site transition consists of avoiding the placement of dissimilar uses next to each other by placing uses of intermediate density between them. On-site transition, which might either supplement or replace off-site transition, consists of measures imposed on or adjacent to the more intensive use to protect neighborhoods from adverse effects. Thus, this method of land use planning includes measures such as maintenance of buffers; walls, fences or berms; lighting control; noise control; aesthetic control; limitations on building location and orientation; location of or restrictions upon accessory uses; and prohibition of certain uses or hours of use normally permitted for that district. All of these devices have been utilized in this Application.

C.

WHETHER THE ZONING PROPOSAL WILL RESULT IN A USE THAT WILL OR COULD
CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS,
TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS.

No. The proposed development will not overly burden existing streets or transportation facilities. According to the Institute of Traffic Engineers (ITE) Trip Generation Manual (Ninth Edition) (Land Use Category 560: Church), the proposed 686 seat church⁵ and 71 townhomes

⁵ The main church building will have ±636 seats and the chapel will provide an additional 50 seats.

((Land Use Category 230: Townhome) will generate approximately 38.10 trips during a weekday a.m. peak hour, 57.80 trips during a weekday p.m. peak hour, 714.35 total trips on a weekday and 384.16 trips on a Sunday⁶. The Proposed Development's vehicular trips are not anticipated to cause any significant detrimental impacts on the adjacent roadways, however. As indicated above, the Subject Property has direct access to Sugarloaf Parkway and Old Peachtree Road, respectively classified as principal arterial and a minor arterial. *See Gwinnett County's Destination 2040 Comprehensive Transportation Plan, Long Range Road Classification Map*. These types of roadways are intended for a high volume of traffic and are expected to easily handle the number of trips generated. For example, Sugarloaf Parkway near the property experiences an average daily volume of $\pm 32,700$ vehicles with an average peak hour of $\pm 2,800$ vehicles⁷ and Old Peachtree Road has an average daily volume of $\pm 11,500$ vehicles with an average peak hour of ± 866 vehicles.⁸ Thus, the Proposed Development's projected trips are inconsequential when compared to the number of vehicles currently accommodated on the adjacent roadways. In addition, the largest traffic is expected on Sunday mornings during Futures Church's regular services. Sunday mornings are not typically times of heavy traffic volumes for roadways and consequently when Futures Church will have its most traffic, the adjacent roadways are anticipated to have significantly lower volumes.

Also, in comparison to the 2020 zoning modification the Proposed Development will be less impactful. The 2020 zoning modification allowed a 1,100 seat church, 450 student daycare and $\pm 120,000$ square feet of medical office space. That design generated approximately 679 trips

⁶ The ITE manual does not account for trips generated by the townhomes on a Sunday. The Sunday trips calculated are for the church use only.

⁷ Trip data was taken from the Georgia Department of Transportation's Traffic Analysis and Data Application, Station ID 135-6756.

⁸ Trip data was taken from the Georgia Department of Transportation's Traffic Analysis and Data Application, Station ID 135-0538.

during a weekday a.m. peak hour, 742 trips during a weekday p.m. peak hour, 6,892 total trips on a weekday and 654 trips on a Sunday. As can be seen from the data, the Proposed Development will be a dramatic decrease over what is currently approved for the site.

Any school age children that might live in the development will attend Parsons Elementary School, Hull Middle School, and Peachtree Ridge High School. Hull Middle School is currently listed as under capacity. Parsons Elementary School and Peachtree Ridge High School are currently over capacity, however future enrollment is expected to trend downward.⁹ The target market for the townhomes, however, are young professionals and empty nesters, which do not normally have school-age children. Consequently, there will not be a significant negative impact on local schools.

As for utilities, the Subject Property has access to water and sewer.

D.

WHETHER THE ZONING PROPOSAL IS CONSISTENT WITH THE LAND
USE POLICY PLAN, COMPREHENSIVE PLAN, TRANSPORTATION
PLANS, OR OTHER PLANS ADOPTED FOR GUIDING DEVELOPMENT
WITHIN THE CITY OF DULUTH

The City of Duluth's Forward Duluth 2040 Comprehensive Plan ("Comp Plan") indicates that the property is within the Established Neighborhoods character area and designated as Commercial/Retail/Office on the Future Land Use Map. The Established Neighborhoods character area is compatible with the proposed PUD zoning, as well as the residential townhome and church use. The Comp Plan defines the intent of the Established Neighborhoods character area as:

⁹ Refer to the Residential Rezoning Impact on Local Schools Prepared for Gwinnett County BOC, June 2023 and Residential Rezoning Impact on Local Schools Prepared for Gwinnett County BOC, May 2022.

- Established Neighborhoods offer residents a high standard of family living near all of the amenities and employment that Duluth has to offer and with close proximity to regional connectors *See Comp Plan*, pg. 60.
- Ranging from traditional suburban neighborhoods to more walkable and community centered town-home developments, a variety of housing types and price ranges gives a wide variety of people across income levels, age groups and other social strata the opportunity to live in Duluth. *Id.*
- Maintain a high level of owner occupancy. *Id.*

The Applicant's proposed townhomes align well with the Comp Plan's ideals for this character area. Additionally, the Subject Property is already approved for a larger church and thus found to be fitting for the area. The proposed reduced sized church building will still be well fitting, but with potentially less impact, if any.

E.

WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF PROPERTY THAT GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE ZONING OR SPECIAL USE PROPOSAL.

As stated in previous paragraphs, the previously approved medical office building did not materialize and Futures Church has been looking for a development opportunity that will complement a church use. The Applicant's proposal for townhome residential and Futures Church's proposed church will result in a practical, useful, and marketable development on vacant property, creating an asset for the surrounding community. The development will blend in and complement the neighboring residential and school developments.

F.

WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED

Currently, the zoning allows development of a 36,000 square foot church and 120,000 square foot medical office building. Neither use materialized. The Church has determined that a

much smaller structure would be sufficient for its congregation and that the adjacent residential use would be complementary to its operations. Regardless, any development of the Subject Property other than the church and medical office building envisioned in the 2020 rezoning would require a rezoning of the property or at least a modification of the zoning conditions. Absent a rezoning to allow a practical development, the Subject Property will likely remain vacant.

IV. NOTICE OF CONSTITUTIONAL CHALLENGE TO UNDERLYING ZONING AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that the current zoning classification of the Subject Property and any proposed intervening district is unconstitutional and that rules relative to the Subject Property owner's right to use the Property established in the City of Duluth's Unified Development Code, to the extent they prohibit this use, constitute an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The Applicant respectfully submits that the Mayor and City Council's failure to approve the requested rezoning would be unconstitutional and would discriminate in an arbitrary,

capricious and unreasonable manner between the Subject Property's owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

A refusal to allow the rezoning in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The Proposed Development at issue in this Rezoning is a church that will house a religious assembly protected by the Religious Land Use and Institutionalized Persons Act of 2000. A denial of this Rezoning will impose a substantial burden on the religious assembly's free exercise and will result in disparate treatment of a religious institution in violation of the Religious Land Use and Institutionalized Persons Act of 2000 of the United States.

Opponents to this request, if any, lack standing; have failed to exhaust administrative remedies; and have waived their rights to appeal by failing to assert legal and constitutional objections.

V. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Rezoning and Concurrent Applications at issue be approved. The Applicant also invites and welcomes any

comments from Staff or other officials of the City of Duluth so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 22nd day of April, 2024.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "J. Alexander Brock", is written over a horizontal line.

Kathryn M.
Zickert Dennis J.
Webb, Jr.

J. Alexander Brock
Smith, Gambrell & Russell, L.L.P.

1105 W. Peachtree Street, NE
Atlanta, GA 30309
404-815-3500

Exhibit "E"

Public Notice

GDP3574
9pm16
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council to consider a rezoning request from The Providence Group, on approximately 11.208 acres of property in Land Lot 199, 7th District, Gwinnett County, located at NE Old Peachtree Rd, consisting of tax parcels 7199-242, case number Z2024-001. The request is to rezone the above property currently zoned O-I to PUD district to allow for the development of Townhomes and a church. The public is invited to attend this hearing before the Mayor and Council on the proposed rezoning. The meeting date, place and time regarding this matter are as follows:

WHEN:
June 10, 2024 - 6:00 p.m.
WHERE:
City Hall Council
Chambers
3167 Main Street
Duluth, GA 30096

PERSONS INTERESTED IN THIS MATTER are invited to review the proposed rezoning, which is on file with the Department of Planning & Development of the City of Duluth and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. Written comments may be sent to the following address:
City of Duluth
ATTN: Planning Department
3167 Main Street
Duluth, GA 30096
OR
Email: Planning@duluth-ga.net

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

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

5:19,2024



CITY OF DULUTH
Mayor and Council
Staff Report
June 10, 2024

CASE NUMBER:	Z2024-001
LOCATION:	0 NE Old Peachtree Road
PARCEL(S):	R7199 224
CURRENT ZONING:	O-I (Office-Institutional District)
PROPOSED ZONING:	PUD (Planned Unit Development)
ACREAGE:	+/- 11.2 acres
REQUEST:	Approval of a Rezoning from O-I (Office-Institutional District) to PUD (Planned Unit Development) to allow for a church and townhome development.
OWNER/APPLICANT:	Paradise Evangelistic Association, Inc. 3675 Crestwood Parkway, Suite 400 Duluth, GA 30096 The Providence Group, LLC, c/o J. Alexander Brock Smith, Gambrell, and Russell, LLP 1105 W. Peachtree St. NE, Suite 1000 Atlanta, GA 30309

STAFF RECOMMENDATION Z2024-001:	Approval with Conditions
PLANNING COMMISSION RECOMMENDATION Z2024-001:	Approval with Conditions

I. PURPOSE AND DESCRIPTION OF THE REQUEST

The purpose of the rezoning request (Z2024-001) is to rezone the current parcel from O-I (Office-Institutional District) to PUD (Planned Unit Development).

Maps detailing the location, zoning district and character area of the subject property are attached hereto as Exhibit "A". The legal description of the subject property is attached hereto as Exhibit "B". Recommended conditions of approval are detailed in Exhibit "C". Applicant's Responses to the Standards Governing Special Use Consideration are provided in Exhibit "D". Applicant's Letter of Intent is provided in Exhibit "E". The Master Plan is located in Exhibit "F".

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

II. EXISTING CONDITIONS

The subject property totals +/- 11.2 acres and is currently undeveloped. The subject property lies on the edge of unincorporated Gwinnett County along Sugarloaf Parkway. To the east of the subject property is Hull Middle School, which is zoned R-100 (Single-Family Residential), but functions as O-I in this case. The subject property is bound to the north by Old Peachtree Road. Across from Old Peachtree Road to the north is a single-family neighborhood known as the Haven at Sugarloaf Ridge, which is zoned PUD (Planned Unit Development). The subject parcel is bound to the west by Sugarloaf Parkway. Across from Sugarloaf Parkway is a single-family subdivision known as Sugarloaf Country club, which lies in unincorporated Gwinnett County. To the south of the subject is zoned RTH (Residential Town Home) in unincorporated Gwinnett County. It is currently being developed into a townhome development with 33 townhomes on 6.055 acres, which yields a density of 5.45 units per acre.

III. ZONING HISTORY

In 2003, the subject property was annexed into the City of Duluth as part of a larger +/-120 acre annexation and rezoning. Prior to the annexation into the City, the property was zoned R-100 (Single-family Residential) by Gwinnett County. The annexation was accompanied by a rezoning application for a PUD (Planned Unit Development). As is typical with PUD application, the applicant submitted a master concept plan to be approved with the rezoning. The subject property was shown to be the commercial portion of the mixed-use PUD with the remaining property being residential. Between 2004 – 2007, the residential portion of the PUD was developed by Pulte into the 350-unit Haven at Sugarloaf Ridge subdivision. The subject property remained undeveloped.

In 2009, an amended site plan for the subject site was submitted and approved. The amended site plan included six (6) buildings consisting of grocery, restaurant, office, retail and food court uses. The total square footage of the proposed buildings was 178,796 sf. The plan also called for a "central park" feature in the middle of the site.

In 2018, Paradise Evangelistic Association applied for and was approved for a rezone from PUD (Planned Unit Development) to O-I (Office-Institutional District) to allow for the construction of a +/- 60,000 sf building intended to be used a place of religious assembly.

In 2020 the zoning was, again, modified to allow a slightly smaller church building and a medical office building.

Paradise Evangelistic Association, LLC has amended the proposal and is seeking approval for a rezoning from O-I (Office-Institutional) to PUD (Planned Unit Development) to allow for a smaller footprint church from the previously requested +/- 60,000 sf building to a +/- 30,890 sf building (636 seat sanctuary) , a 150 seat accessory chapel and amphitheater, and a residential

component composed of 71 townhome residences on the remaining 7.504 acres, yielding a density of 9.42 units per acre.

IV. REVIEW OF THE REQUEST

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

- A. Section 1101.02 of the UDC states if a proposed use is not allowed by right under the existing zoning on a property, a request for an amendment to the Official Zoning Map (often called a “rezoning”) must be approved prior to development, construction, or occupancy.

2. Standards Governing the Exercise of Zoning Power

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

- A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
- C. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- D. Whether the zoning proposal is consistent with the Land Use Policy Plan, Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Duluth.
- E. Whether there are other existing or changing conditions affecting the use and development of property that give supporting grounds for either approval or disapproval of the zoning or special use proposal.

The Applicant has provided written responses to the above Special Use standards and Rezoning 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 Established Neighborhoods Character Area. FORWARDuluth envisions this Character Area to be the backbone of Duluth’s residential community. Ranging from traditional suburban neighborhoods to more walkable and community centered townhome developments, a variety of housing types and price ranges gives a wide variety of people across income levels, age groups and other social strata the opportunity to live in Duluth. The Future Land Use Map (FLUM) envisions this parcel as mixed use.

V. PLANNING STAFF REVIEW

Density

Staff had the opportunity to visit two different sites that The Providence Group, LLC has developed in Alpharetta: Atley and East of Main. Both of these developments represent the product that The Providence Group can bring to the City of Duluth. The products are unique, and staff agrees that they would be a welcome addition to the housing stock within the city. The proposed density is at a level similar to others developed in other areas of the City.

Development	Acres	Units	Units/Acre	Min. Heated Floor
Gardendale	6.01	55	9	2400 sq/ft
Riviere	8.58	72	8.5	1869 sq/ft (average)
Sherwood Crossing	8.87	79	8.91	2200 sq/ft
Glens at Sugarloaf	10.43	92	8.82	1800 sq/ft
Greysolon	4.81	47	9.77	1800 sq/ft
Evanshire	25.24	140	5.55	2000 sq/ft (average)
Futures Church Site	7.504	71	9.42*	Range: 2000 sq/ft to 2,300 sq/ft

*If considering the overall acreage of this mixed use site, the density would be 6.33 units/acre.

Walkability

With its proximity to many commercial and entertainment nodes including Sugarloaf Market, the mixed-use development at Old Peachtree Rd and Meadow Church Rd known as The Haven at Sugarloaf, Galleria at Sugarloaf and the Gas South District, the proposed development is well served; however, the walkability aspect that can support a dense development is missing. While the Sugarloaf Market and the Gas South District are both roughly a mile away, this is just outside the comfortability range of how far pedestrians are willing to walk, especially along a busy 4-lane divided road such as Sugarloaf Parkway. Therefore, more often than not, people living here will be driving to and from their daily destinations.

Please see Applicant's response to transportation in Section C of Exhibit "D".

Landscaping

It is staff's opinion that a key feature of this development would be a lush landscape plan. The landscape plan should enhance the buffer between Sugarloaf Parkway, Old Peachtree Road and the subject property. The buffer should incorporate a mix of region appropriate evergreen trees and shrubs along with a mix of native deciduous trees. This mix of deciduous trees should incorporate small, medium and large canopy trees throughout the site. This enhanced buffer is in addition to the required 224.16 Tree Density Units for the entire site. An approved landscape plan shall be reviewed and approved prior to development.

Please see the Landscape Plan in Exhibit "E".

Open Space

A minimum of 10% of the gross area of the site shall be retained in common open space that is required to be deeded as a separate tract to an Owners Association and shall forever remain as open space. The required common open space shall include any conservation areas within a conservation easement established in accordance with Section 505. Without underground detention, meeting this requirement will be difficult.

While this PUD is not solely multi-family dwellings, the uses are so disparate that 504.02 (c) will be considered, meaning that there should be some programmed ground floor space area for non-residential use, such as access to a church gym or common room for the residents of the townhome development.

The proposal demonstrates a pocket park, gazebo and fire pit among elements of the open space.

Parking

Per the UDC (Unified Development Code), Townhome uses require 2 enclosed spaces per dwelling unit, plus an additional outdoor space per 5 units. With 71 units, there are, proposed, 142 garage covered parking spaces, with an additional 142 by way of driveway. Proposed guest parking is at 34 spaces, which is over required parking by 19 spaces, exceeding the allowable 120% excess of minimum parking spaces.

Per the UDC, Churches or other Places of Worship require 1 space per 5 seats. The proposed church is proposing 262 parking spaces, which exceeds the allowable parking spaces by 187 parking spaces by 75 parking spaces.

Please see how parking was discussed in the "First Amended Statement of Intent/Written Justification" in Exhibit "F"

All driveways must be 22' in length per UDC 909.07.b.1.b.

VI. RECOMMENDATION

Planning staff recommends **Approval with Conditions** of case Z2024-001. Planning Commission recommends Approval with Conditions of case Z2024-001.

Planning Commission added an extra condition at the meeting of May 6th, 2024 which reads: "Applicant shall work with staff to modify master plan to include pervious materials where possible when installing additional parking spaces over the maximum allowed." Staff does not support this added condition as it puts additional financial burden on the future homeowners' association (HOA) to maintain pervious pavement.

ATTACHMENTS:

Exhibit "A": Maps

Exhibit "B": Legal Description

Exhibit "C": Conditions of Approval

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

Exhibit "E": Applicant's Letter of Intent

Exhibit "F": Master Planned Development

Exhibit "G": Public Hearing Advertisement/Public Notice

Exhibit "A"
Maps

Location Map



Zoning Map



Z2024-001 PARADISE EVANGELISTIC ASSOCIATION INC		Planning Commission: May 6, 2024	O-I PUD
From: O-I	To: PUD	City Council: June 10, 2024	
 City of Duluth Georgia Community Development & Engineering GIS		130  Feet	Tax Parcel(s): R7199 224

Character Map



Z2024-001 PARADISE EVANGELISTIC ASSOCIATION INC		Planning Commission: May 6, 2024		Established Neighborhoods
From: O-I	To: PUD	City Council: June 10, 2024		
 City of Duluth Georgia Community Development & Engineering GIS 130 Feet N  Tax Parcel(s): R7199 224				

Exhibit "B"
Legal Description

ALL THAT TRACT or parcel of land lying and being in Land Lot 199 of the 7th Land District of Gwinnett County, Georgia, and being more particularly described according to said survey as follows:

TO FIND THE TRUE PLACE OR POINT OF BEGINNING, commence at the land lot corner common to Land Lots 163, 164, 199 and 200, run thence along the land lot line common to Land Lots 164 and 199 North 60 degrees 06 minutes 23 seconds East 331.21 feet to a point marked by a ½" rebar found on the southwesterly right-of-way line of Sugarloaf Parkway (a one-hundred sixty-foot (160') right-of-way), said point being the TRUE PLACE OR POINT OF BEGINNING. From the TRUE PLACE OR POINT OF BEGINNING as thus established, run thence along said right-of-way North 68 degrees 36 minutes 06 seconds West 90.23 feet to a point; run thence along said right-of-way North 67 degrees 30 minutes 00 seconds West 55.68 feet to a point; run thence along said right-of-way and following the arc of a curve to the right an arc distance of 536.17 feet to a point (said arc having a radius of 1,447.91 feet and being subtended by a chord bearing North 55 degrees 47 minutes 22 seconds West 533.11 feet); run thence along said right-of-way North 05 degrees 26 minutes 24 seconds West 126.48 feet to the point of intersection of said right-of-way and the southerly right-of-way of Old Peachtree Road (a one-hundred twenty foot (120') right-of-way); run thence along the right-of-way line of Old Peachtree Road North 68 degrees 19 minutes 45 seconds East 69.58 feet to a point; run thence along said right-of-way and following the arc of a curve to the right an arc distance of 506.51 feet to a point (said arc having a radius of 4,523.66 feet and being subtended by a chord bearing North 71 degrees 32 minutes 13 seconds East 506.25 feet); run thence along said right-of-way North 74 degrees 44 minutes 40 seconds East 294.95 feet to a point; departing from said right-of-way, run thence South 29 degrees 45 minutes 31 seconds East 524.42 feet to a point marked by a ½" RBF set in concrete with HJ&A cap located on the Land Lot line common to Land Lots 199 and 164; run thence along said land lot line South 60 degrees 06 minutes 23 seconds West 578.34 feet to a point marked by a ½" rebar found, said point being the TRUE PLACE OR POINT OF BEGINNING. Said tract is shown to contain 11.209 acres on a certain Boundary Survey for Jay Eun, dated May 4, 2004, prepared by Precision Planning, Inc., Planners, Engineers, Architects & Surveyors, and certified by Randall W. Dixon, Georgia Registered Land Surveyor No. 1678.

Exhibit "C"

Conditions of Approval

General

- 1.** The subject property shall be developed in substantial accordance with the exhibits listed in this report, except as modified by the conditions contained herein and on file in the office of Community Development and Engineering.
- 2.** All conditions shall be shown on the final plat.
- 3.** An enhanced landscape plan shall be submitted and reviewed by the Community Development and Engineering Department. Enhanced planting along Sugarloaf Parkway and Old Peachtree shall be installed. Maintenance of the enhanced buffer shall be performed in perpetuity regardless of change of ownership.
- 4.** All requirements imposed under this Ordinance shall meet or exceed the minimum standards of the Unified Development Code, unless modified by the conditions contained herein, regardless of any change in ownership.
- 5.** Driveways must conform to the Driveway Design Standards listed in the UDC. 909.07.b.1.b
- 6.** All retaining walls, as needed, shall be constructed of interlocking masonry block, brick or other decorative material as approved by the Community Development and Engineering Department. Gabion baskets and similar ecofriendly walls may be approved at the Director's discretion. Timber and other wooden walls are prohibited. All walls shall meet all City design standards and must be included in the site development plans. All walls over 3' in height require separate review and permitting.
- 7.** The Developer shall provide underground utilities throughout the entire development. Utility meters, power transformers, air conditioner units, etc. shall be located in the rear of buildings and not visible from the right-of-way. Placement of utilities shall be designed to maximize the quality and quantity of landscaping visible from the street and in no case should utility placement be designed to limit opportunities for improved streetscape.
- 8.** Roof equipment shall be screened from the public right-of-way and adjacent property. The method of screening shall be integrated with the structure in terms of its architectural form, materials, color, shape and size. Ground mounted mechanical, HVAC and similar equipment shall be screened on all sides by dense landscaping or walls constructed of the principal material of the building and located so as not to be visible from the public right-of-way and adjacent properties. Additional screening requirements, as identified in Section 306 of the Unified Development Code, shall be implemented to ensure adequate screening of equipment.
- 9.** An outdoor lighting plan shall be approved by the Director of Community Development and Engineering prior to the issuance of a development permit. Lighting plans shall include location type, and operation of all exterior lighting on the site. Site lighting shall be maintained in good repair and operational at all times. The lighting plan must demonstrate how there will be no light intrusion into the neighboring properties.
- 10.** The property shall be cleared of all trash and collections of illegal dumping throughout the site prior to the issuance of a Certificate of Occupancy.
- 11.** A master signage plan shall be submitted to and approved by the Community Development and Engineering Department prior to the issuance of any building permits.

12. 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.
13. O-I (Office-Institutional District) shall be the underlying zoning for the property. As such, the nonresidential accessory uses listed in the Unified Development Code under Table 2-D shall apply. The nonresidential accessory uses allowed by right are: Automatic Teller Machine (ATM) customary to a bank or financial institution without drive-in facilities; automatic Teller Machine (ATM) customary to a bank or financial institution with drive-in facilities; Accessory Uses Customary to a Church or Other Place of Worship (meeting facilities, administrative office, parsonage, classrooms/schools, cemeteries and mausoleums, day care (when a church service is occurring)); Accessory Retail Uses within an Office, Hospital, Hotel or Multi-Family Building; Clinics Cafeterias and Employee Credit Unions within an Office Building (for employees only); Dumpster/Waste Container; Unattended Donation Box. The nonresidential accessory uses allowed by special use are: Community Food Bank and Housing, and Emergency and Other Relief Services (accessory to a Church or Other Place of Worship); Accessory Day Care Centers (above 15 children in care); Accessory Group Day Care Center (7-15 children); Helicopter Landing Pad; Outdoor Storage Area, except Equipment; Outdoor Storage Area, Equipment.
14. **(Recommended by Planning Commission) Applicant shall work with staff to modify master plan to include pervious materials where possible when installing additional parking spaces over the maximum allowed.**
15. **Residential development shall be subject to protective covenants of the homeowner association as approved by the Planning and Development Department and recorded in the Gwinnett County Clerk of Court prior to the issuance of any development permits. In the protective covenants there shall be a restriction of no more than 10% of the residential units to be leased. (This condition was omitted from the Planning Commission staff report and added prior to the Mayor and Council Meeting).**

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

Such conditions:

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

Variances

1. The developer is proposing 318 residential parking spaces as well as 262 parking spaces for church use. The residential parking exceeds the allowable 120% maximum parking by 16 parking spaces. The church parking exceeds the allowable 120% maximum parking by 97 parking spaces.

Exhibit "D"

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

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

See applicants Statement of Intent

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

See applicants Statement of Intent

3. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

See applicants Statement of Intent

4. Whether the zoning proposal is consistent with the Land Use Policy Plan, Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Duluth.

See applicants Statement of Intent

5. Whether there are other existing or changing conditions affecting the use and development of property that give supporting grounds for either approval or disapproval of the zoning or special use proposal.

See applicants Statement of Intent

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

See applicants Statement of Intent

Exhibit "E"
Applicant's Letter of Intent

FIRST AMENDED
STATEMENT OF INTENT/
WRITTEN JUSTIFICATION

and

Other Material Required by
The City of Duluth Unified Development Code
for the
Rezoning Application
of

THE PROVIDENCE GROUP OF GEORGIA.

for

±11.208 Acres of Land

located in

Land Lot 199, 7th District, Gwinnett County, City of Duluth

Address: Southeast Quadrant of the Intersection of Old Peachtree Rd and Sugarloaf Parkway

O-I to PUD

Submitted for Applicant by:

SMITH, GAMBRELL & RUSSELL, LLP

Kathryn M. Zickert

Dennis J. Webb, Jr.

J. Alexander Brock

1105 W. Peachtree Street, NE

Suite 1000

Atlanta, Georgia 30309

404-815-3500

I. INTRODUCTION

This Application seeks to rezone ± 11.208 acres of land located in the Land Lot 199, 7th District, Gwinnett County, City of Duluth, Georgia (“Subject Property”). More particularly, the Subject Property is located in the southeast quadrant of the intersection of Old Peachtree Road and Sugarloaf Parkway (“Subject Property”) from Office-Institutional District (O-I) to Planned Unit Development (PUD) to allow the development of 71 single family townhomes and a church. The Subject Property has a lengthy rezoning history dating back 20 years. In 2003, the Subject Property was annexed into the City of Duluth as part of a larger ±120-acre annexation and rezoning. Prior to the annexation into the City, the property was zoned R-100 by Gwinnett County. The annexation was accompanied with a rezoning application for PUD (“2003 PUD”). Between 2004 and 2007, the residential portion of the PUD was developed into the 350 unit Sugarloaf Ridge neighborhood. In 2009, an amended site plan for the Subject Property was submitted and approved which contained six buildings, all restaurant and retail uses. However, the envisioned commercial PUD was never developed and in 2018 an application was submitted by the current owner, Paradise Evangelistic Association, Inc., (“Owner” and/or “Futures Church”)¹ to rezone the property to O-I to allow the development of a ±60,000 square foot church. This zoning was modified in 2020 to allow a slightly smaller church building and the incorporation of a medical office building. The Church’s vision for the medical office building, however, never materialized and likewise the church was not constructed. Since that time, the Church has been searching for opportunities for the development of this property. The Church in partnership with The Providence Group of

¹ Paradise Evangelistic Association, Inc., is the legal entity of Futures Church.

Georgia (“TPG” and/or “Applicant”) now seeks to rezone the Subject Property back to PUD to allow a ±30,890 square foot church with 71 residential townhomes.

The proposed townhome units will be two to three stories and range in size from 2,000 to 2,300 square feet. They will be arranged in buildings of three to eight units each. The units along the property’s perimeter with Old Peachtree Road and the First Polzin Road right-of-way will be front loaded. The buildings located in the property’s interior will be rear loaded with front pedestrian entrances facing roadways or upon landscaped mews areas. The landscaped areas will provide an attractive common area between the buildings for residents to gather and interact. The ground floor of the rear-entry units will each have a recessed patio area, providing an outdoor living space for each unit. It should also be noted that the development will contain sufficient parking. Each unit will have a two-car garage with a 20-foot driveway. Counting both the garage and driveway, there will be four parking spaces per unit plus an additional 34 guest parking spaces located throughout the residential side of the development.

In addition to the 71 townhome residences, the Proposed Development will provide a home for Futures Church. The proposed church building will be smaller than the previous proposal, with a total floor area of ±30,890 square feet² and a 636 seat sanctuary.³ In addition, the church will also provide a daycare use, which was included in the 2020 approval, spaces for community events, and a 150 seat accessory chapel and amphitheater. The chapel and amphitheater are intended to host special events and occasions. The proposed church will also have 262 parking spaces to accommodate its congregation. The proposed parking exceeds the minimum required by the Duluth Unified Development Code⁴, however, it is sized to accommodate Futures Church’s

² The ±30,890 floor area includes the 150-seat chapel building.

³ In comparison the design proposed for the 2020 Rezoning included a 36,000 square foot church with 1,400 seats.

⁴ The Duluth UDC Table 4-B requires 1 space per 5 seats, which would equate to a minimum required parking of approximately 158 spaces.

anticipated needs. The Futures Church congregation is composed of a wide variety of individuals, many of whom travel in single- or low-occupancy cars. Most of the higher occupancy cars consist of young families, which compose around 20% of the congregation. The remaining 80% is composed largely of couples, single young adults, divorced, or otherwise unmarried, adults, and older couples who tend to travel by themselves or as a two-person car. In addition, there may be 70 to 100 volunteers that travel to the church in single- or low-occupancy cars. As a consequence, the operational parking need is closer to 1 parking space for every 3 seats of the assembly area, which equates to the 262 spaces being proposed. It is also important to note that Futures Church, then Influencers Church, proposed a similar 1 space per 3 seat parking ratio in its approved 2018 and 2020 rezoning applications.

Church facilities often see an intense use on Sundays and limited use during the remainder of the week. To capitalize on that fact Influencer's will offer its space for community events and meetings during the week. Anticipated events may include weddings, community group award ceremonies, and dance recitals. The 2020 approval allowed the following uses for the church, which Futures Church wishes to retain for the present development:

Religious Organizations (NAICS 8131) and professional, administrative, and financial offices (NAICS 51-55). Accessory uses shall be allowed as listed in Table 2-D of the Unified Development Code for the O-I zoning district.

It is the intent of the Applicant and Futures Church to create a development with two highly compatible uses that will be complementary to each other. Religious facilities are often found in close proximity to residential neighborhoods and exist harmoniously. The Subject Property is in a primarily residential area that is an ideal location for the proposed mix of uses.

The Subject Property is in an area characterized by single family residential and institutional developments. To the east of the Subject Property is Hull Middle School in

unincorporated Gwinnett County, zoned Single Family Residence District (R-100) (Parcel ID: 7199 004). To the south the Subject Property is bounded by undeveloped property in unincorporated Gwinnett County, zoned Residence Townhouse District (R-TH) (Parcel ID: 7164 183), and which is currently being developed for townhome residential. To the west the Subject Property abuts the right-of-way of Sugarloaf Parkway and further to the west, across the right-of-way of Sugarloaf Parkway is the Sugarloaf Country Club, a single-family residential subdivision in unincorporated Gwinnett County, zoned Single Family Residence District (R-75). The northern part of the Subject Property abuts the right-of-way of Old Peachtree Road and further north across Old Peachtree Road is the Haven at Sugarloaf Ridge, a single family residential subdivision zoned PUD.

The Subject Property is well suited for the Proposed Development and the PUD district. The property is located on the corner of two heavily traveled roads, making it conducive to a non-residential use. However the nearby residential uses are more compatible with church and residential. The proposed church fits perfectly within these limitations by providing a use that can take advantage of the intersection, while providing townhomes closer to the adjacent school and residential. In effect the Proposed Development will act as a transition from the intensity of the adjacent intersection and the residentially zoned properties to the east and south. A denser townhome use is ideal for this type of transition and this use is often seen as a step down of the intensity between nonresidential and traditional single family residential.

This document is submitted as a Statement of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, and a Letter of Intent as required by the City of Duluth's Unified Development Code §1107.01.

II. HISTORY

As noted above, the Subject Property was included in an application by McDaniel Enterprises, Inc. to annex into the City of Duluth and rezone ±100.579 acres to PUD and C-2 in 2003. The Subject Property was rezoned to PUD and subject to a site plan. In 2009, a Major Modification to the PUD zoning was approved to update the site plan for the Subject Property to the one prepared by Architectural Design Concepts, LLC, dated April 1, 2009. In 2018, the property was rezoned to O-I to allow the development of a ±60,000 square foot church. This zoning was modified in 2020 to allow a smaller church building and the incorporation of a 120,000 square foot medical office building.

III. IMPACT ANALYSIS

The following is an analysis of the factors to allow a rezoning as outlined in the City of Duluth's Unified Development Code §1107.01:

A.

THE ZONING PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY

Yes, the proposed church and townhome residential uses are suitable in view of the use and development of the adjacent and nearby property. The Subject Property is in the vicinity of several residential neighborhoods and immediately adjacent to the existing Hull Middle School. In addition, the Subject Property is located at the intersection of two heavily traveled roadways. The proposed PUD zoning will allow a development that is both fitting for its location at a busy intersection yet still complements the single family residential developments surrounding it. In addition, the Applicant's design gives appropriate attention to scale, buffering, setbacks, landscaping, and tree preservation to ensure that the Proposed Development will blend harmoniously with its surroundings.

B.

WHETHER THE ZONING PROPOSAL WILL ADVERSELY AFFECT THE EXISTING USE
OR USABILITY OF ADJACENT OR NEARBY PROPERTY

Prior to the filing of this Application, the Applicant has engaged in conversations with City Staff and will engage the community to make sure its proposal is acceptable to the neighbors. The primary goal of land use planning is to eliminate or minimize the potential adverse effect of the dissimilar uses of adjacent tracts of land by establishing a harmonious transition between them. The traditional method of achieving this goal is through both "off-site" and "on-site" transition. Off-site transition consists of avoiding the placement of dissimilar uses next to each other by placing uses of intermediate density between them. On-site transition, which might either supplement or replace off-site transition, consists of measures imposed on or adjacent to the more intensive use to protect neighborhoods from adverse effects. Thus, this method of land use planning includes measures such as maintenance of buffers; walls, fences or berms; lighting control; noise control; aesthetic control; limitations on building location and orientation; location of or restrictions upon accessory uses; and prohibition of certain uses or hours of use normally permitted for that district. All of these devices have been utilized in this Application.

C.

WHETHER THE ZONING PROPOSAL WILL RESULT IN A USE THAT WILL OR COULD
CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS,
TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS.

No. The proposed development will not overly burden existing streets or transportation facilities. According to the Institute of Traffic Engineers (ITE) Trip Generation Manual (Ninth Edition) (Land Use Category 560: Church), the proposed 686 seat church⁵ and 71 townhomes

⁵ The main church building will have ±636 seats and the chapel will provide an additional 50 seats.

((Land Use Category 230: Townhome) will generate approximately 38.10 trips during a weekday a.m. peak hour, 57.80 trips during a weekday p.m. peak hour, 714.35 total trips on a weekday and 384.16 trips on a Sunday⁶. The Proposed Development's vehicular trips are not anticipated to cause any significant detrimental impacts on the adjacent roadways, however. As indicated above, the Subject Property has direct access to Sugarloaf Parkway and Old Peachtree Road, respectively classified as principal arterial and a minor arterial. See *Gwinnett County's Destination 2040 Comprehensive Transportation Plan, Long Range Road Classification Map*. These types of roadways are intended for a high volume of traffic and are expected to easily handle the number of trips generated. For example, Sugarloaf Parkway near the property experiences an average daily volume of $\pm 32,700$ vehicles with an average peak hour of $\pm 2,800$ vehicles⁷ and Old Peachtree Road has an average daily volume of $\pm 11,500$ vehicles with an average peak hour of ± 866 vehicles.⁸ Thus, the Proposed Development's projected trips are inconsequential when compared to the number of vehicles currently accommodated on the adjacent roadways. In addition, the largest traffic is expected on Sunday mornings during Futures Church's regular services. Sunday mornings are not typically times of heavy traffic volumes for roadways and consequently when Futures Church will have its most traffic, the adjacent roadways are anticipated to have significantly lower volumes.

Also, in comparison to the 2020 zoning modification the Proposed Development will be less impactful. The 2020 zoning modification allowed a 1,100 seat church, 450 student daycare and $\pm 120,000$ square feet of medical office space. That design generated approximately 679 trips

⁶ The ITE manual does not account for trips generated by the townhomes on a Sunday. The Sunday trips calculated are for the church use only.

⁷ Trip data was taken from the Georgia Department of Transportation's Traffic Analysis and Data Application, Station ID 135-6756.

⁸ Trip data was taken from the Georgia Department of Transportation's Traffic Analysis and Data Application, Station ID 135-0538.

during a weekday a.m. peak hour, 742 trips during a weekday p.m. peak hour, 6,892 total trips on a weekday and 654 trips on a Sunday. As can be seen from the data, the Proposed Development will be a dramatic decrease over what is currently approved for the site.

Any school age children that might live in the development will attend Parsons Elementary School, Hull Middle School, and Peachtree Ridge High School. Hull Middle School is currently listed as under capacity. Parsons Elementary School and Peachtree Ridge High School are currently over capacity, however future enrollment is expected to trend downward.⁹ The target market for the townhomes, however, are young professionals and empty nesters, which do not normally have school-age children. Consequently, there will not be a significant negative impact on local schools.

As for utilities, the Subject Property has access to water and sewer.

D.

WHETHER THE ZONING PROPOSAL IS CONSISTENT WITH THE LAND
USE POLICY PLAN, COMPREHENSIVE PLAN, TRANSPORTATION
PLANS, OR OTHER PLANS ADOPTED FOR GUIDING DEVELOPMENT
WITHIN THE CITY OF DULUTH

The City of Duluth's Forward Duluth 2040 Comprehensive Plan ("Comp Plan") indicates that the property is within the Established Neighborhoods character area and designated as Commercial/Retail/Office on the Future Land Use Map. The Established Neighborhoods character area is compatible with the proposed PUD zoning, as well as the residential townhome and church use. The Comp Plan defines the intent of the Established Neighborhoods character area as:

⁹ Refer to the Residential Rezoning Impact on Local Schools Prepared for Gwinnett County BOC, June 2023 and Residential Rezoning Impact on Local Schools Prepared for Gwinnett County BOC, May 2022.

- Established Neighborhoods offer residents a high standard of family living near all of the amenities and employment that Duluth has to offer and with close proximity to regional connectors *See Comp Plan*, pg. 60.
- Ranging from traditional suburban neighborhoods to more walkable and community centered town-home developments, a variety of housing types and price ranges gives a wide variety of people across income levels, age groups and other social strata the opportunity to live in Duluth. *Id.*
- Maintain a high level of owner occupancy. *Id.*

The Applicant's proposed townhomes align well with the Comp Plan's ideals for this character area. Additionally, the Subject Property is already approved for a larger church and thus found to be fitting for the area. The proposed reduced sized church building will still be well fitting, but with potentially less impact, if any.

E.

WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF PROPERTY THAT GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE ZONING OR SPECIAL USE PROPOSAL.

As stated in previous paragraphs, the previously approved medical office building did not materialize and Futures Church has been looking for a development opportunity that will complement a church use. The Applicant's proposal for townhome residential and Futures Church's proposed church will result in a practical, useful, and marketable development on vacant property, creating an asset for the surrounding community. The development will blend in and complement the neighboring residential and school developments.

F.

WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED

Currently, the zoning allows development of a 36,000 square foot church and 120,000 square foot medical office building. Neither use materialized. The Church has determined that a

much smaller structure would be sufficient for its congregation and that the adjacent residential use would be complementary to its operations. Regardless, any development of the Subject Property other than the church and medical office building envisioned in the 2020 rezoning would require a rezoning of the property or at least a modification of the zoning conditions. Absent a rezoning to allow a practical development, the Subject Property will likely remain vacant.

IV. NOTICE OF CONSTITUTIONAL CHALLENGE TO UNDERLYING ZONING AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that the current zoning classification of the Subject Property and any proposed intervening district is unconstitutional and that rules relative to the Subject Property owner's right to use the Property established in the City of Duluth's Unified Development Code, to the extent they prohibit this use, constitute an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The Applicant respectfully submits that the Mayor and City Council's failure to approve the requested rezoning would be unconstitutional and would discriminate in an arbitrary, 11

capricious and unreasonable manner between the Subject Property's owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

A refusal to allow the rezoning in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A.

§ 36-66-1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The Proposed Development at issue in this Rezoning is a church that will house a religious assembly protected by the Religious Land Use and Institutionalized Persons Act of 2000. A denial of this Rezoning will impose a substantial burden on the religious assembly's free exercise and will result in disparate treatment of a religious institution in violation of the Religious Land Use and Institutionalized Persons Act of 2000 of the United States.

Opponents to this request, if any, lack standing; have failed to exhaust administrative remedies; and have waived their rights to appeal by failing to assert legal and constitutional objections.

V. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Rezoning and Concurrent Applications at issue be approved. The Applicant also invites and welcomes any

comments from Staff or other officials of the City of Duluth so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 22nd day of April, 2024.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "K. Zickert", is written over a horizontal line.

Kathryn M. Zickert

Dennis J. Webb, Jr.

J. Alexander Brock

Smith, Gambrell & Russell, L.L.P.

1105 W. Peachtree Street, NE
Atlanta, GA 30309
404-815-3500



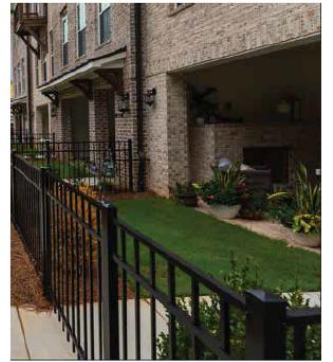


Master Landscape Plan



Townhomes (Attached) - Front Entry - Braxton II
Old Peachtree Road & Sugarloaf Parkway

Front Loaded



Townhomes (Attached) – Alley – Rear Load, Terrace Entry
Old Peachtree Road & Sugarloaf Parkway

THE
PROVIDENCE
GROUP
A BRIDGES BUCK PARTNER

Rear Loaded



Futures Church Renderings
Old Peachtree Road & Sugarloaf Parkway

THE
PROVIDENCE
GROUP
A GREEN SPOCK PARTNER

Church Renderings

Exhibit “G” Public Notice

Public Notice Printed in Gwinnett Daily Post 5/19/2024

**GDP3574
gpn16
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council to consider a rezoning request from The Providence Group, on approximately 11.208 acres of property in Land Lot 199, 7th District, Gwinnett County, located at NE Old Peachtree Rd, consisting of tax parcels 7199-242, case number Z2024-001. The request is to rezone the above property currently zoned O-I to PUD district to allow for the development of townhomes and a church. The public is invited to attend this hearing before the Mayor and Council on the proposed rezoning. The meeting date, place and time regarding this matter are as follows:

WHEN:
June 10, 2024 - 6:00 p.m.

WHERE:
City Hall Council
Chambers
3167 Main Street
Duluth, GA 30096

PERSONS INTERESTED IN THIS MATTER are invited to review the proposed rezoning, which is on file with the Department of Planning & Development of the City of Duluth and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. Written comments may be sent to the following address:
City of Duluth
ATTN: Planning Department
3167 Main Street
Duluth, GA 30096
OR
Email: Planning@duluth-ga.net

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

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

5:19,2024



ORDINANCE 02024-32
CITY OF DULUTH
UNIFIED DEVELOPMENT CODE
AMENDING ARTICLE 2 “USE OF LAND AND STRUCTURES”, ARTICLE 3 “RESTRICTIONS ON
PARTICULAR USES” and ARTICLE 4 “PARKING AND LOADING REQUIREMENTS”

WHEREAS, the Mayor and City Council of the City of Duluth, Georgia recognizes the importance of promoting the community’s health, safety and welfare by providing clear, correct and consistent zoning regulations and compliance with the goals, objectives and policies identified within the adopted Community Agenda; and

WHEREAS, the Unified Development Code of the City of Duluth, Georgia, specifically authorizes the City Council to amend the text of the City of Duluth Unified Development Code by the City Council; and

WHEREAS, the Unified Development Code of the City of Duluth, Georgia, grants authority to the Director of Community Development and Engineering to initiate amendments to the text of the City of Duluth Unified Development Code; and

WHEREAS, the Mayor and City Council recognize the importance of ensuring that the regulations promote the quality of life in the City; and

WHEREAS, on June 3, 2024, the City of Duluth Planning Commission held a public hearing duly noticed and voted to recommend approval of the text amendment (TA2024-002, TA2024-003, TA2024-004, TA2024-005, TA2024-006, TA2024-007) as set forth in the minutes of said meeting; and

WHEREAS, the Duluth City Council held a public meeting on June 10, 2024, duly noticed as prescribed by law and published in the Gwinnett Daily Post regarding the text amendments as 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 by amending: Article 2, Article 3 and Article 4 as attached hereto in Exhibit “A”.

ATTACHMENTS:

Exhibit “A”: Proposed Text Amendments to the Unified Development Code
Exhibit “B”: Public Hearing Advertisement/Public Notice

{Signatures on the Following Page}

IT IS SO ORDAINED this 10th day of June, 2024.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Kristin McGregor, Deputy City Clerk

Exhibit “A”

1. TA2024-002

Residential Uses																				
	Single-Family Detached: Site-Built or Modular Home		A	A	A	A		A	A						A				Sec. 304	a.1.
	Single-Family Detached: Manufactured Home		S	S	S	S	A												Sec. 331	a.1.
	Single-Family Attached: Townhomes or Condominiums	A							A										Sec. 304	a.3.
	Two-Family Dwelling: Duplex						A													a.2.
	Three-Family Dwelling: Triplex						A													a.4.
	Four-Family Dwelling: Quadruplex						A													a.4.
	Multi-Family: Apartments						A			A									Sec. 305	a.4.
	Manufactured Home Park							A											Sec. 330	a.1.
7213	Rooming and Boarding Houses						A						S	S						a.7

2. TA2024-003

Residential Uses																				
	Single-Family Detached: Site-Built or Modular Home		A	A	A	A		A	A						A				Sec. 304	a.1.
	Single-Family Detached: Manufactured Home		S	S	S	S	A												Sec. 331	a.1.
	Single-Family Attached: Townhomes or Condominiums	A				A			A										Sec. 304	a.3.
	Two-Family Dwelling: Duplex		A	A	A	A														a.2.
	Three-Family Dwelling: Triplex					A														a.4.
	Four-Family Dwelling: Quadruplex					A														a.4.
	Multi-Family: Apartments					A			A										Sec. 305	a.4.
	Manufactured Home Park						A												Sec. 330	a.1.
7213	Rooming and Boarding Houses					A						S	S							a.7
	Upper Floor Residential Lofts in Mixed-Use Building								A											---

3. TA2024-004

NAICS 2022	PRINCIPAL USES	R-TH	RA-200	R-100	R-75	RM	MH	HRD	CBD	C-1	C-2	HC-Retail	HC-Auto	O-I	O-N	M-1	M-2	RD	See Also Article 3	For Parking, See Table 4-B:
	Day Care Services:																			
6244	Day Care Center (more than 18 persons in care)						S				A			A		S	S		Sec. 319	b.5.
6244	Group Day Care Home (18 or fewer persons in care)						S												Sec. 319	b.5.
	Transient Lodging:																			
7211	Hotels, not Extended Stay								A		A	A	A	S		S	S		Sec. 327	a.8.
7211	Hotels, Extended Stay										S	A	A	S		S	S		Sec. 327	a.8.
721191	Bed-and-Breakfast Inns								S											a.7.
72119	Other Transient Lodging			S	S	S		S	S											

4. TA2024-005

City of Duluth UDC

Section 207 Uses Allowed in Each Zoning District.

Table 2-C: Principal Uses Allowed by Zoning District

A Use is allowed by right in the zoning district indicated.

S Use is allowed in the district if approved as a Special Use.

A/S Use is allowed by right unless approval as a Special Use is required in Article 3.

NAICS 2022	PRINCIPAL USES	R-TH	RA-200	R-100	R-75	RM	MH	HRD	CBD	C-1	C-2	HC-Retail	HC-Auto	O-I	O-N	M-1	M-2	RD	See Also Article 3	For Parking, See Table 4-B:
459	Miscellaneous Store Retailers:																			b.23.
4593	Florists								A/S	A	A	A	A		S				Sec. 322 Sec. 338	
45941	Office Supplies Stores										A	A	A							b.23.
45941	Stationery Stores								A/S	A	A	A	A		S				Sec. 338	b.21.
45942	Gift, Novelty and Souvenir Stores								A/S	A	A	A	A		S				Sec. 338	b.23.
459510	Antiques Shop								A/S		A	A	A						Sec. 338	b.23.
459510	Used Books, Second-Hand Clothing, Indoor Flea Markets and Other Used Merchandise Stores (not including Pawnshops or Antique Shops)										A	A	A							b.23.
459510	Pawnshop										S	S	S						Sec. 335	b.23.
45991	Pet and Pet Supply Stores										A	A	A							b.23.
459920	Art Dealers								A/S		A	A	A						Sec. 338	b.23.
45993	Manufactured Home Dealers										S	S	S							b.8.
459991	Cigar, Tobacco and Other Smoker's Supply Stores										S								Sec. 317	b.23.
459999	Swimming Pool and Pool Supply Stores, no outdoor storage										A	A	A			S	S			b.23.
459999	Swimming Pool and Pool Supply Stores, with outdoor storage										S					S	S		Sec. 349	b.8.

Section 317. Cigar, Tobacco and Other Smoker's Supply Stores

Special use approval is required for Cigar, Tobacco and Other Smoker's Supply Stores within C-2 (General Business District).

Distance Requirements are as follows:

1. 200 Yards from any daycare or school (Public or Private)
2. 500 yards from another Cigar, Tobacco and Other Smoker's Supply Store

Distance shall be measured by a straight line without regard to intervening structures or objects, from the front door of the cigar, tobacco and other smoker's supply store to the closest point on a boundary line of any parcels containing a daycare, school (public or private) or a Cigar, Tobacco and Other Smoker's Supply Store.

5. TA2024-006

Section 207 Uses Allowed in Each Zoning District.

City of Duluth UDC

Table 2-D: Accessory and Temporary Uses Allowed by Zoning District

A Use is allowed by right in the zoning district indicated.

S Use is allowed in the district if approved as a Special Use.

NAICS 2012	USES	R-TH	RA-200	R-100	R-75	RM	MH	HRD	C-1	C-2	HC-Retail	HC-Auto	O-I	O-N	CBD	M-1	M-2	RD	See Also Article 3:
	Clinics, Cafeterias and Employee Credit Unions within an Office Building (for employees only)									A	A	A	A	A	A	A	A		
	Accessory Uses Customary to a Golf Course		A							A									
	Dumpster/Waste Container					A	A		A	A	A	A	A	A	A	A	A	A	Sec. 306.07
481219	Helicopter Landing Pad									S			S			S	S		
	Manufacturing of Products for Sale On-Site																		
	Outdoor Display Area								A	A	A	A						A	Sec. 348
	Outdoor Storage Area, except Equipment									S	S	S	S						Sec. 349
	Outdoor Storage Yard, Equipment									S	S	S	S			A	A		Sec. 349
	Temporary Office for a Development		A	A	A	A	A											A	
	Night Watchman Residence															A	A		
	Unattended Donation Box								A	A	A	A	A						Sec. 350
	TEMPORARY USES																		
8131	Charitable or non-profit events								A	A	A	A							Sec. 341
72119	Other Transient Lodging			S	S	A		S							S				
	Temporary Sales Events:																		
45439	Retail Sales of Seasonal Items								A	A	A	A							Sec. 341
45439	Tent Sale								A	A	A	A							Sec. 341
45439	Outdoor Markets and Swap Meets								A	A	A	A							Sec. 341
45439	Yard or Garage Sale		A	A	A		A	A											Sec. 341
	Temporary Entertainment Events:																		
71119	Carnival Rides									A	A	A							Sec. 341
71119	Community Festival														A				Sec. 341
722330	Mobile Kitchens	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 351

Section 351. Mobile Kitchens

The following standards shall apply to Mobile Kitchens:

- Mobile Kitchens shall be allowed in any zoning category with an approved temporary use permit.
- The temporary use permit allows one MFSE (Mobile Food Service Establishment) to operate for up to two days per quarter.
- An MFSE, or the property owner, can request a temporary use permit up to one (1) time per quarter per calendar year (up to 4 permits will be issued per calendar year).
- MFSEs shall meet all requirements for overnight parking (Chap. 8 Article III Code of Ordinances).
- MFSEs must abide by the Noise Ordinance (Chap. 9 Article III Code of Ordinances)
- Permit must be displayed at all times.

6. TA2024-007

Section 203. Definitions.

Vehicle. Any device in, upon, or by which any person or property is or may be transported or drawn upon a highway.

Business Vehicle. Any non-commercial vehicle that is used for daily transportation to and from a resident's place of employment, or used for a home occupation business that may display a business name, logo, or graphics.

Commercial Vehicle. Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway in intrastate or interstate commerce or both to transport passengers or property when the vehicle:

- (a) Has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight of 4,536 kg (10,001 lbs.) or more;
- (b) Is designed or used to transport more than eight passengers, including the driver, for compensation;
- (c) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- (d) Is used to transport material determined to be hazardous by the Secretary of the United States Department of Transportation under 49 U.S.C. Section 5103 and transported in a quantity that requires placards under regulations prescribed under 49 C.F.R., Subtitle B, Chapter 1, Subchapter C.

Section 346. Home Occupations.

~~(g) One business vehicle used exclusively by the resident is permitted. Panel trucks shall not be permitted. The business vehicle shall be no larger in size than a pick-up truck or van and not have a carrying capacity over one and one-half tons. The business vehicle shall not have business identification (signs) on it when it is parked at the premises and will not have any equipment used in the business left on the business vehicle in a manner that can be seen from the surrounding property. The business vehicle must be parked in a driveway, garage, or carport. No trailers are allowed.~~

(g) One (1) business vehicle that conforms to the parking management regulations in Section 405.01 (Parking in a Residential District) is permitted. Trailers that display company names, brands, logos, or graphics shall be counted as a business vehicle.

Section 405. Prohibited Off-Street Parking.

405.01 Parking in a Residential District.

In any residential district the following requirements shall apply:

- ~~a) The parking of any vehicle in the front yard or in front of the principal building line is prohibited except on a hard surfaced driveway or in a carport or garage.~~

- ~~b) Parking or storing any motor vehicle, boat, RV, trailer, camper, camper top, machinery, mobile equipment or automobile shall not be allowed in the front yard, side yard or rear yard of a dwelling unless said motor vehicle, boat, RV, trailer, camper, camper top, machinery, mobile equipment or automobile is parked on a concrete or gravel driveway. Therefore, it shall be unlawful to park or store any such named item or similar item on the grass, lawn, or dirt areas in the yard of any dwelling located within the corporate boundaries of the city.~~
- ~~c) No more than 35% of a combination of the front, side and rear yards may consist of a concrete or gravel driveway or parking area and the remaining percentage shall be grass or landscaped area.~~

A. Prohibited Vehicle Parking

1. Parking of the following vehicles is not allowed in residential districts: any vehicle for hire including but not limited to, limousines, taxis, box trucks, flatbed trucks, dump trucks, tow trucks, transport wreckers, tandem axle trucks, cab-on-chassis trucks, tractor trailers, bucket trucks, busses, earthmoving machinery, and semi-trailers.
2. Parking or storing the following trailers is not allowed in residential districts: towable cement mixers, tree chippers, flatbed trailers, dump trailers, livestock trailers, low boy trailers, gooseneck trailers, auto hauler trailers, drop deck trailers, and/or any trailer over 12 feet in length.
3. Parking of any vehicle (other than recreational and watercraft) over 23 feet in length, or 7 feet in height, or 7 feet in width is prohibited in residential districts.

Vehicles and equipment used for agricultural purposes on residential property of 5 acres or more are allowed if they are not parked or stored in the front yard.

B. Allowed Vehicle Parking

1. Residential lots shall have no more than one (1) business vehicle that is used to provide daily transportation to and from work or falls under the provisions of Section 346 (Home Occupation), provided that any ladders, machinery, or equipment must be removed from the business vehicle while parked at the residence.
2. Residents subject to these parking management regulations may request a waiver to park up to two business vehicles at a residential property. The request will be reviewed by the Director of Community Development and Engineering. A totality of the circumstances including but not limited to the vehicles' sizes, proposed parking location, zoning district, proof the vehicles are both operable and actively used by a licensed driver at the residence will be considered.
3. One recreational vehicle up to 30 feet in length that is parked or stored completely enclosed within a garage, or on the side or rear driveway parking area constructed of an improved hard surface, or gravel, is permitted in accordance with Section 405.01 (C) (Driveways and Parking Surfacing). The recreational vehicle may be connected to electrical service, but it shall not be occupied.
4. One watercraft up to 30 feet in length that is parked completely enclosed within a garage, or in the side or rear driveway parking area constructed of an improved hard surface, or gravel is permitted in accordance with Section 405.01 (C) (Driveways and Parking Surfacing).

C. Driveways and Parking Surfacing.

The following applies only to driveways and parking serving residential zoning districts.

1. All residential driveways shall meet the requirements of Section 909.07(b) (Driveway Design Standards) by being paved between the street and principal building.
2. Gravel driveways and gravel parking areas are prohibited in front of the principal building's front elevation and within the required front setback.
3. No more than 35% of the front, or side, or rear yards shall consist of a driveway or parking areas constructed of impervious material or gravel. The front yard shall not exceed 35% in impervious surface area.

Exemptions to this section shall include:

1. Any vehicle parked in a fully enclosed structure when that structure meets all other criteria of the zoning district and UDC.
2. Any vehicle parked temporarily making a pick-up or delivery or providing a service.
3. Vehicles used for the primary purpose of transporting children to and from State licensed or accredited elementary, middle, or high schools provided such vehicle is parked off of any public right-of-way or throughfare.
4. Vehicles used for the primary purpose of transporting persons in wheelchairs or mobility devices.
5. Emergency response vehicles as defined by O.C.G.A. 40-1-1(5).
6. Construction vehicles and equipment on active construction sites including work in the public right-of-way.

Exhibit "B"

Public Notice Posted in the Gwinnett Daily Post 5/19/2024

GDP3573
gpn16
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council regarding updates to the UDC (Unified Development Code) within the following Articles: Article 2: Use of Land and Structures, Article 3: Restrictions on Particular Uses, and Article 4: Parking and Loading. The public is invited to attend this hearing before the Mayor and Council on the proposed UDC updates. The meeting date, place and time regarding this matter are as follows:

WHEN:
June 10, 2024 - 6:00 p.m.
WHERE:
City Hall Council
Chambers
3167 Main Street
Duluth, GA 30096

PERSONS INTERESTED IN THIS MATTER are invited to review the proposed special use, which is on file with the Department of Planning & Development of the City of Duluth and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. Written comments may be sent to the following address:
 City of Duluth
 ATTN: Planning Department
 3167 Main Street
 Duluth, GA 30096
 OR
 Email: Planning@duluth-ga.net

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

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

5/19/2024

CITY OF DULUTH
PLANNING COMMISSION
Staff Report
June 10, 2024

CASE NUMBER:	TA2024-002
REQUEST:	Text Amendments to Table 2-C: Principal Uses Allowed by Zoning District of the City of Duluth Unified Development Code to omit Two-Family Dwelling: Duplex as an allowed use in RA-200, R-100 and R-75 Districts.
APPLICANT:	City of Duluth

Staff Recommendation: Planning Commission Recommendation:	Approval Approval
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I. Background:

Since the Unified Development Code (UDC) was adopted June 8, 2015, Two-family dwelling: Duplex has been allowed by right in all single-family zoning districts – a contradiction of single-family zoning.

Staff is proposing to omit Two-family dwelling: Duplex as an allowed use in all single-family zoning districts: RA-200, R-100 and R-75.

II. Description of the Request:

1. *Attached is a redlined copy of the proposed Unified Development Code Amendments.*

III. Exhibits

Exhibit “A”: Public Notice

II. Description of the Request

Residential Uses																					
	Single-Family Detached: Site-Built or Modular Home		A	A	A	A		A	A						A					Sec. 304	a.1.
	Single-Family Detached: Manufactured Home		S	S	S	S	A													Sec. 331	a.1.
	Single-Family Attached: Townhomes or Condominiums	A							A											Sec. 304	a.3.
	Two-Family Dwelling: Duplex		A	A	A	A															a.2.
	Three-Family Dwelling: Triplex					A															a.4.
	Four-Family Dwelling: Quadruplex					A															a.4.
	Multi-Family: Apartments					A			A											Sec. 305	a.4.
	Manufactured Home Park						A													Sec. 330	a.1.
7213	Rooming and Boarding Houses					A						S	S								a.7
	Upper Floor Residential Lofts in Mixed-Use Building								A												---

Residential Uses																				
	Single-Family Detached: Site-Built or Modular Home		A	A	A	A		A	A						A				Sec. 304	a.1.
	Single-Family Detached: Manufactured Home		S	S	S	S	A												Sec. 331	a.1.
	Single-Family Attached: Townhomes or Condominiums	A							A										Sec. 304	a.3.
	Two-Family Dwelling: Duplex					A														a.2.
	Three-Family Dwelling: Triplex					A														a.4.
	Four-Family Dwelling: Quadruplex					A														a.4.
	Multi-Family: Apartments					A			A										Sec. 305	a.4.
	Manufactured Home Park						A												Sec. 330	a.1.
7213	Rooming and Boarding Houses					A						S	S							a.7

WHEN:
June 10, 2024 - 6:00 p.m.
WHERE:
City Hall Council
Chambers
3167 Main Street
Duluth, GA 30096

CITY OF DULUTH
PLANNING COMMISSION
Staff Report
June 10, 2024

CASE NUMBER:	TA2023-003
REQUEST:	Text Amendments to Table 2-C: Principal Uses Allowed by Zoning District of the City of Duluth Unified Development Code to allow by right Single-Family Attached: Townhomes or Condominiums in the RM (Residential Multi-Family District) Zoning District.
APPLICANT:	City of Duluth

Staff Recommendation: Planning Commission Recommendation:	Approval Approval
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I. Background:

When the Unified Development Code (UDC) was adopted June 8, 2015, there was no category for Single-Family Attached: Townhomes or Condominiums. Multi-Family: Townhouses was an allowed use in RM (Residential Multi-Family) zoning until March of 2021 when the Council introduced the new zoning category, R-TH (Residential Townhouse). With the addition of the R-TH zoning district, Multi-Family: Townhouses as a principal use was omitted and Single-Family Attached: Townhomes or Condominium was introduced, but only in the R-TH zoning district.

With the extension of sewer on Hall Circle, staff has seen an influx of interest in building townhouses in the RM (Residential Multi-Family) district. With Single-Family Attached: Townhomes or Condominiums being allowed only in the R-TH zoning district, it makes it impossible for a developer to build townhomes and sell them individually.

Staff is proposing to add Single-Family Attached: Townhomes or Condominiums as an allowed use by right in RM (Residential Multi-Family).

II. Description of the Request:

1. *Attached is a redlined copy of the proposed Unified Development Code Amendments.*

III. Exhibits

Exhibit "A": Public Notice

II. Description of the Request

[illegible][illegible]

Exhibit "A"

Public Notice Posted in the Gwinnett Daily Post 5/19/2024

**GDP3573
gpn16
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council regarding updates to the UDC (Unified Development Code) within the following Articles: Article 2: Use of Land and Structures, Article 3: Restrictions on Particular Uses, and Article 4: Parking and Loading. The public is invited to attend this hearing before the Mayor and Council on the proposed UDC updates. The meeting date, place and time regarding this matter are as follows:

WHEN:

June 10, 2024 - 6:00 p.m.

WHERE:

**City Hall Council
Chambers
3167 Main Street
Duluth, GA 30096**

PERSONS INTERESTED IN THIS MATTER are invited to review the proposed special use, which is on file with the Department of Planning & Development of the City of Duluth and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. Written comments may be sent to the following address:
City of Duluth
ATTN: Planning Department
3167 Main Street
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OR
Email: Planning@duluth-ga.net

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

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5:19,2024

CITY OF DULUTH
PLANNING COMMISSION
Staff Report
June 10, 2024

CASE NUMBER:	TA2023-004
REQUEST:	Text Amendments to Table 2-C: Principal Uses Allowed by Zoning District of the City of Duluth Unified Development Code to omit Other Transient Lodging by right in RM (Residential Multi-Family) and add approved by Special Use in RM (Residential Multi-Family)
APPLICANT:	City of Duluth

Staff Recommendation: Planning Commission Recommendation:	Approval Approval
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I. Background:

Currently, the principal use “Other Transient Lodging”, refers to short-term rental of a unit not to exceed 30 days. “Other Transient Lodging” is allowed by special use approval in R-100, R-75, HRD and CBD. It is allowed by right in RM (Residential Mixed-Density).

Staff recommends that “Other Transient Lodging” be allowed only by special use approval in the RM (Residential Mixed-Density) district along with R-100, R-75, HRD and CBD.

II. Description of the Request:

1. *Attached is a redlined copy of the proposed Unified Development Code Amendments.*

III. Exhibits

Exhibit “A”: Public Notice

II. Description of the Request

[illegible][illegible]

Exhibit "A"

Public Notice Posted in the Gwinnett Daily Post 5/19/2024

**GDP3573
gpn16
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council regarding updates to the UDC (Unified Development Code) within the following Articles: Article 2: Use of Land and Structures, Article 3: Restrictions on Particular Uses, and Article 4: Parking and Loading. The public is invited to attend this hearing before the Mayor and Council on the proposed UDC updates. The meeting date, place and time regarding this matter are as follows:

WHEN:

June 10, 2024 - 6:00 p.m.

WHERE:

**City Hall Council
Chambers
3167 Main Street
Duluth, GA 30096**

PERSONS INTERESTED IN THIS MATTER are invited to review the proposed special use, which is on file with the Department of Planning & Development of the City of Duluth and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. Written comments may be sent to the following address:
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For more information, contact Planning & Development, at (770) 476-1790.

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5:19,2024

CITY OF DULUTH
PLANNING COMMISSION
Staff Report
June 10, 2024

CASE NUMBER:	TA2023-005
REQUEST:	Text Amendments to amend Section 317 to the UDC for Restriction on Particular Uses: Cigar, Tobacco and Other Smoker’s Supply Stores.* Text Amendment to amend Table 2-C in order to reference Article 3 in the Principal Uses Allowed by Zoning District under Cigar, Tobacco and Other Smoker’s Supply Stores.
APPLICANT:	City of Duluth

*All subsequent numbering in Division II. Restrictions That Apply To Specific Uses will move up one number in sequence in order to keep the restrictions that apply to specific uses in alphabetical order. Sixty-Four (64) cross references in Table 2-C will be affected by this change and will have to be updated.

Staff Recommendation: Planning Commission Recommendation:	Approval Approval
--	--

I. Background:

Vape shops fall under the Principal Use “Cigar, Tobacco, and Other Smoker’s Supply Stores” which are only allowed by Special Use in C-2 (General Business District). There are no further restrictions other than conditions which staff recommends within the Special Use Staff Report.

Within the past seven months, Mayor and Council have denied two requests for special use approval for two different vape shops at two different locations. This has led staff to research avenues in which Cigar, Tobacco and Other Smoker’s Supply Stores may be more appropriate for Mayor and Council to approve for any future Special Use applications.

The City of Lilburn is the only City within Gwinnett County to prohibit vape shops in all zoning districts. Fulton County has vape shops listed under Accessory Uses and limits floor area of a building to no more than 25% in both their C-1 and C-2 districts. The City of John’s Creek puts distance requirements such as 200 yards from any church, temple or place of worship, daycare, school, College, University or Government-owned facility or property and 500 yards from another smoke shop.

There have been four (4) Cigar, Tobacco and Other Smoker’s Supply Stores that have acquired an Occupational Tax Certificate within the City of Duluth. There have been zero (0) Special Use applications approved since the UDC was adopted in 2015.

II. Description of the Request:

1. *Attached is a redlined copy of the proposed Unified Development Code Amendments.*

III. Exhibits

Exhibit “A”: Public Notice

II. Description of the Request

City of Duluth UDC

Section 207 Uses Allowed in Each Zoning District.

Table 2-C: Principal Uses Allowed by Zoning District

A Use is allowed by right in the zoning district indicated.

S Use is allowed in the district if approved as a Special Use.

A/S Use is allowed by right unless approval as a Special Use is required in Article 3.

NAICS 2022	PRINCIPAL USES	R-TH	RA-200	R-100	R-75	RM	MH	HRD	CBD	C-1	C-2	HC-Retail	HC-Auto	O-I	O-N	M-1	M-2	RD	See Also Article 3	For Parking, See Table 4-B:
459	Miscellaneous Store Retailers:																			b.23.
4593	Florists								A/S	A	A	A	A		S				Sec. 322 Sec. 338	
45941	Office Supplies Stores										A	A	A							b.23.
45941	Stationery Stores								A/S	A	A	A	A		S				Sec. 338	b.21.
45942	Gift, Novelty and Souvenir Stores								A/S	A	A	A	A		S				Sec. 338	b.23.
459510	Antiques Shop								A/S		A	A	A						Sec. 338	b.23.
459510	Used Books, Second-Hand Clothing, Indoor Flea Markets and Other Used Merchandise Stores (not including Pawnshops or Antique Shops)										A	A	A							b.23.
459510	Pawnshop										S	S	S						Sec. 335	b.23
45991	Pet and Pet Supply Stores										A	A	A							b.23.
459920	Art Dealers								A/S		A	A	A						Sec. 338	b.23.
45993	Manufactured Home Dealers										S	S	S							b.8.
459991	Cigar, Tobacco and Other Smoker's Supply Stores										S								Sec. 317	b.23.
459999	Swimming Pool and Pool Supply Stores, no outdoor storage										A	A	A			S	S			b.23.
459999	Swimming Pool and Pool Supply Stores, with outdoor storage										S					S	S		Sec. 349	b.8

Section 317. Cigar, Tobacco and Other Smoker's Supply Stores

Special use approval is required for Cigar, Tobacco and Other Smoker's Supply Stores within C-2 (General Business District).

Distance Requirements are as follows:

1. 200 Yards from any daycare or school (Public or Private)
2. 500 yards from another Cigar, Tobacco and Other Smoker's Supply Store

Distance shall be measured by a straight line without regard to intervening structures or objects, from the front door of the cigar, tobacco and other smoker's supply store to the closest point on a boundary line of any parcels containing a daycare, school (public or private) or a Cigar, Tobacco and Other Smoker's Supply Store.

Exhibit "A"
Public Notice Post in the Gwinnett Daily Post 5/19/2024

**GDP3573
gpn16
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council regarding updates to the UDC (Unified Development Code) within the following Articles: Article 2: Use of Land and Structures, Article 3: Restrictions on Particular Uses, and Article 4: Parking and Loading. The public is invited to attend this hearing before the Mayor and Council on the proposed UDC updates. The meeting date, place and time regarding this matter are as follows:

WHEN:
June 10, 2024 - 6:00 p.m.
WHERE:
City Hall Council
Chambers
3167 Main Street
Duluth, GA 30096

PERSONS INTERESTED IN THIS MATTER are invited to review the proposed special use, which is on file with the Department of Planning & Development of the City of Duluth and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. Written comments may be sent to the following address: City of Duluth, ATTN: Planning Department, 3167 Main Street, Duluth, GA 30096. OR Email: Planning@duluth-ga.net

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

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5:19,2024

CITY OF DULUTH
PLANNING COMMISSION
Staff Report
June 10, 2024

CASE NUMBER:	TA2023-006
REQUEST:	Text Amendments to add Section 352. Mobile Kitchens to the UDC (Unified Development Code). Amendment to add Mobile Kitchens to Table 2-C: Temporary Uses
APPLICANT:	City of Duluth

Staff Recommendation: Planning Commission Recommendation:	Approval Approval
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I. Background:

In May of 2022 HB 1443 was signed into law in Georgia which mandated that an MFSE (Mobile Food Service Establishment) permitted in any county within the State of Georgia shall have that permit recognized in all other outside counties within the state. This law makes it much easier for MFSEs to travel anywhere in the state, but the laws within Duluth are very prohibitive, making it confusing for operators and burdensome for staff.

Staff fields many inquiries as to how to permit food trucks for special events on private property. Currently, a mobile kitchen is only allowed in the CBD (Central Business District) AND only if it has gone through the vendor applicant process for operation during City of Duluth sanctioned events. A food truck operating outside of these parameters is limited to the following:

(a) Mobile Kitchens shall be allowed by Special Use approval in areas zoned CBD, C-1, C-2, HC-Retail and HC-Auto.

(b) Mobile Kitchens must be integrated with a bar, brewpub, and/or restaurant that is legally in existence and meets all City, County, and State requirements.

(c) Mobile Kitchens must be kept in an area that is enclosed on a minimum of three (3) sides by a minimum of (6) foot high structure attached to the primary building. Materials and design shall be approved by the Planning and Development Director.

(d) All Mobile Kitchens must use utilities provided by the primary building that they are associated with. Portable generators are prohibited.

Staff recommends that Mobile Kitchens be allowed in any zoning district with a temporary use permit for up to two days a quarter.

II. Description of the Request:

1. *Attached is a redlined copy of the proposed Unified Development Code Amendments.*

III. Exhibits

Exhibit "A": Public Notice

II. Description of the Request

Section 207 Uses Allowed in Each Zoning District.

City of Duluth UDC

Table 2-D: Accessory and Temporary Uses Allowed by Zoning District

A Use is allowed by right in the zoning district indicated.

S Use is allowed in the district if approved as a Special Use.

NAICS 2012	USES	R-TH	RA-200	R-100	R-75	RM	MH	HRD	C-1	C-2	HC-Retail	HC-Auto	O-I	O-N	CBD	M-1	M-2	RD	See Also Article 3:
	Clinics, Cafeterias and Employee Credit Unions within an Office Building (for employees only)									A	A	A	A	A	A	A	A		
	Accessory Uses Customary to a Golf Course		A							A									
	Dumpster/Waste Container					A	A		A	A	A	A	A	A	A	A	A	A	Sec. 306.07
481219	Helicopter Landing Pad									S			S			S	S		
	Manufacturing of Products for Sale On-Site																		
	Outdoor Display Area								A	A	A	A						A	Sec. 348
	Outdoor Storage Area, except Equipment									S	S	S	S						Sec. 349
	Outdoor Storage Yard, Equipment									S	S	S	S			A	A		Sec. 349
	Temporary Office for a Development		A	A	A	A	A											A	
	Night Watchman Residence															A	A		
	Unattended Donation Box								A	A	A	A	A						Sec. 350
TEMPORARY USES																			
8131	Charitable or non-profit events								A	A	A	A							Sec. 341
72119	Other Transient Lodging			S	S	A		S							S				
	Temporary Sales Events:																		
45439	Retail Sales of Seasonal Items								A	A	A	A							Sec. 341
45439	Tent Sale								A	A	A	A							Sec. 341
45439	Outdoor Markets and Swap Meets								A	A	A	A							Sec. 341
45439	Yard or Garage Sale		A	A	A		A	A											Sec. 341
	Temporary Entertainment Events:																		
71119	Carnival Rides									A	A	A							Sec. 341
71119	Community Festival														A				Sec. 341
722330	Mobile Kitchens	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 351

Section 351. Mobile Kitchens

The following standards shall apply to Mobile Kitchens:

- Mobile Kitchens shall be allowed in any zoning category with an approved temporary use permit.
- The temporary use permit allows one MFSE (Mobile Food Service Establishment) to operate for up to two days per quarter.
- An MFSE, or the property owner, can request a temporary use permit up to one (1) time per quarter per calendar year (up to 4 permits will be issued per calendar year).
- MFSEs shall meet all requirements for overnight parking (Chap. 8 Article III Code of Ordinances).
- MFSEs must abide by the Noise Ordinance (Chap. 9 Article III Code of Ordinances).
- Permit must be displayed at all times.

Exhibit "A"
Public Notice Posted in Gwinnett Daily Post 5/19/2024

**GDP3573
gpn16
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council regarding updates to the UDC (Unified Development Code) within the following Articles: Article 2: Use of Land and Structures, Article 3: Restrictions on Particular Uses, and Article 4: Parking and Loading. The public is invited to attend this hearing before the Mayor and Council on the proposed UDC updates. The meeting date, place and time regarding this matter are as follows:

WHEN:
June 10, 2024 - 6:00 p.m.
WHERE:
City Hall Council
Chambers
3167 Main Street
Duluth, GA 30096

PERSONS INTERESTED IN THIS MATTER are invited to review the proposed special use, which is on file with the Department of Planning & Development of the City of Duluth and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. Written comments may be sent to the following address:
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5:19,2024

CITY OF DULUTH
PLANNING COMMISSION
Staff Report
June 10, 2024

CASE NUMBER:	TA2023-007
REQUEST:	Text Amendments regarding Commercial Vehicle Parking, to Section 203. Definitions, Section 346. Home Occupations and Section 405. Prohibited Off-Street Parking.
APPLICANT:	City of Duluth

Staff Recommendation: Planning Commission Recommendation:	Approval Approval
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I. Background:

Staff is making recommendations to clarify commercial vehicle parking in residentially zoned districts.

II. Description of the Request:

1. *Attached is a redlined copy of the proposed Unified Development Code Amendments.*

III. Exhibits

Exhibit "A": Public Notice

II. Description of the Request

Section 203. Definitions.

Vehicle. Any device in, upon, or by which any person or property is or may be transported or drawn upon a highway.

Business Vehicle. Any non-commercial vehicle that is used for daily transportation to and from a resident's place of employment, or used for a home occupation business that may display a business name, logo, or graphics.

Commercial Vehicle. Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway in intrastate or interstate commerce or both to transport passengers or property when the vehicle:

- (a) Has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight of 4,536 kg (10,001 lbs.) or more;
- (b) Is designed or used to transport more than eight passengers, including the driver, for compensation;
- (c) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- (d) Is used to transport material determined to be hazardous by the Secretary of the United States Department of Transportation under 49 U.S.C. Section 5103 and transported in a quantity that requires placards under regulations prescribed under 49 C.F.R., Subtitle B, Chapter 1, Subchapter C.

Section 346. Home Occupations.

~~(g) One business vehicle used exclusively by the resident is permitted. Panel trucks shall not be permitted. The business vehicle shall be no larger in size than a pick-up truck or van and not have a carrying capacity over one and one-half tons. The business vehicle shall not have business identification (signs) on it when it is parked at the premises and will not have any equipment used in the business left on the business vehicle in a manner that can be seen from the surrounding property. The business vehicle must be parked in a driveway, garage, or carport. No trailers are allowed.~~

(g) One (1) business vehicle that conforms to the parking management regulations in Section 405.01 (Parking in a Residential District) is permitted. Trailers that display company names, brands, logos, or graphics shall be counted as a business vehicle.

Section 405. Prohibited Off-Street Parking.

405.01 Parking in a Residential District.

In any residential district the following requirements shall apply:

- ~~a) The parking of any vehicle in the front yard or in front of the principal building line is prohibited except on a hard surfaced driveway or in a carport or garage.~~
- ~~b) Parking or storing any motor vehicle, boat, RV, trailer, camper, camper top, machinery, mobile equipment or automobile shall not be allowed in the front yard, side yard or rear yard of a dwelling unless said motor vehicle, boat, RV, trailer, camper, camper top, machinery, mobile equipment or automobile is parked on a concrete or gravel driveway. Therefore, it shall be unlawful to park or store any such named item or similar item on the grass, lawn, or dirt areas in the yard of any dwelling located within the corporate boundaries of the city.~~
- ~~c) No more than 35% of a combination of the front, side and rear yards may consist of a concrete or gravel driveway or parking area and the remaining percentage shall be grass or landscaped area.~~

A. Prohibited Vehicle Parking

1. Parking of the following vehicles is not allowed in residential districts: any vehicle for hire including but not limited to, limousines, taxis, box trucks, flatbed trucks, dump trucks, tow trucks, transport wreckers, tandem axle trucks, cab-on-chassis trucks, tractor trailers, bucket trucks, busses, earthmoving machinery, and semi-trailers.
2. Parking or storing the following trailers is not allowed in residential districts: towable cement mixers, tree chippers, flatbed trailers, dump trailers, livestock trailers, low boy trailers, gooseneck trailers, auto hauler trailers, drop deck trailers, and/or any trailer over 12 feet in length.
3. Parking of any vehicle (other than recreational and watercraft) over 23 feet in length, or 7 feet in height, or 7 feet in width is prohibited in residential districts.

Vehicles and equipment used for agricultural purposes on residential property of 5 acres or more are allowed if they are not parked or stored in the front yard.

B. Allowed Vehicle Parking

1. Residential lots shall have no more than one (1) business vehicle that is used to provide daily transportation to and from work or falls under the provisions of Section 346 (Home Occupation), provided that any ladders, machinery, or equipment must be removed from the business vehicle while parked at the residence.
2. Residents subject to these parking management regulations may request a waiver to park up to two business vehicles at a residential property. The request will be reviewed by the Director of Community Development and Engineering. A totality of the circumstances including but not limited to the vehicles' sizes, proposed parking location, zoning district, proof the vehicles are both operable and actively used by a licensed driver at the residence will be considered.

3. One recreational vehicle up to 30 feet in length that is parked or stored completely enclosed within a garage, or on the side or rear driveway parking area constructed of an improved hard surface, or gravel, is permitted in accordance with Section 405.01 (C) (Driveways and Parking Surfacing). The recreational vehicle may be connected to electrical service, but it shall not be occupied.
4. One watercraft up to 30 feet in length that is parked completely enclosed within a garage, or in the side or rear driveway parking area constructed of an improved hard surface, or gravel is permitted in accordance with Section 405.01 (C) (Driveways and Parking Surfacing).

C. Driveways and Parking Surfacing.

The following applies only to driveways and parking serving residential zoning districts.

1. All residential driveways shall meet the requirements of Section 909.07(b) (Driveway Design Standards) by being paved between the street and principal building.
2. Gravel driveways and gravel parking areas are prohibited in front of the principal building's front elevation and within the required front setback.
3. No more than 35% of the front, or side, or rear yards shall consist of a driveway or parking areas constructed of impervious material or gravel. The front yard shall not exceed 35% in impervious surface area.

Exemptions to this section shall include:

1. Any vehicle parked in a fully enclosed structure when that structure meets all other criteria of the zoning district and UDC.
2. Any vehicle parked temporarily making a pick-up or delivery or providing a service.
3. Vehicles used for the primary purpose of transporting children to and from State licensed or accredited elementary, middle, or high schools provided such vehicle is parked off of any public right-of-way or throughfare.
4. Vehicles used for the primary purpose of transporting persons in wheelchairs or mobility devices.
5. Emergency response vehicles as defined by O.C.G.A. 40-1-1(5).
6. Construction vehicles and equipment on active construction sites including work in the public right-of-way.

Exhibit "A"

Public Notice Posted in the Gwinnett Daily Post 5/19/2024

**GDP3573
gpn16
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WHEN:

June 10, 2024 - 6:00 p.m.

WHERE:

**City Hall Council
Chambers
3167 Main Street
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5:19,2024



Woodehaven Subdivision Concrete Pavement Evaluation

Duluth, GA

Keck & Wood Project No.
221300

June 15, 2023

Prepared by:



3090 Premiere Pkwy, Suite 200
Duluth, GA 30097
(678) 417-4000

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APPENDIX A – DRIVEWAY CONDITION EXHIBIT

1. INTRODUCTION

The City of Duluth is responsible for the maintenance of approximately 0.7 miles of concrete within the subdivision of Woodehaven. In order to discharge its maintenance responsibilities in the most effective and efficient manner, this report inventories the concrete driveways and assesses their current condition, and also provides cost estimates for rebuilding them.

2. METHODOLOGY

A field study was performed to evaluate the current condition of concrete driveways in the Woodehaven subdivision. The driveways were evaluated using Road AI, which generates a geospatial video that assesses existing pavement conditions. The Road AI software detects and classifies multiple road defect categories. Additionally, a geotechnical exploration was conducted which consisted of collecting concrete core samples to determine thickness, and conducting hand auger borings to evaluate subgrade materials. The driveways were then categorized by a ranking of 1 to 5 with 0.25 increments, with the rankings representing varying levels of distress. The rankings were determined by multiplying the weighted average of each drive's distress level by the average thickness of the driveways. The weighted average of each road is determined through the assessment that Road AI makes. Road AI divides each road into 10-meter segments and gives each segment an evaluation rating. The segments were averaged to get the total grade of each driveway. Once the average condition of each driveway was determined it was multiplied by the average concrete thickness. The thickness of the road will affect how susceptible the concrete is to further deterioration. Multiplying the grade of each drive by the average thickness allows for an inverse relationship so when the resulting value increases, the need to be rebuilt decreases. This was done to create an objective prioritized list of driveways to be replaced. The result is if two driveways have the same condition rating, but differing thicknesses, the thicker drive will score better because it theoretically has a longer useful life. The driveways were then assigned a number 1-5 based on the results of the average grade and average thickness so that the driveways could be easily prioritized.

3. CURRENT CONDITIONS OF THE CONCRETE PAVEMENT

The City of Duluth has approximately 0.7 miles of concrete pavement under its maintenance jurisdiction within the subdivision of Woodehaven. The concrete cores and hand auger borings throughout the Woodehaven neighborhood show varying subgrade conditions including the absence of a crushed stone base materials, widely variable fill materials in the upper 4 feet of subgrade soils, and organic materials such as topsoil and mulch in some locations. Reconstructing the pavement will involve reconditioning the subgrade. The hand auger borings indicate that in some areas it will be necessary to "chase out" soft, unstable, or highly organic soils to create a stable subgrade suitable for paving.

Using the methodology explained previously, the existing concrete driveway system was evaluated. Listed below are the streets in order of prioritization rank with 1 being highest priority and 5 being lowest priority.

Road	Priority Ranking
Nutmeg Dr	1
Quincey Ln	2.25
Jasmine Tri	2.5
Elder Ln	2.75
Fernsberry Ct	3
Paddington Dr	3
Hackeberry Cir	3
Gray Birch Ln	3.25
Mulberry Way	3.25
Crape Myrtle	3.5
Folkstone Dr	3.5
Oakwood Way	3.5
Darby Way	3.75
Islington Way	3.75

4. COST ESTIMATES

Street	Area sq yd	Item	Unit	Unit Cost	Quantities	Total Cost
Nutmeg Dr	605	Traffic Control	EA	\$1,500.00	1	\$1,500.00
		Grading Complete	LS	\$40,578.71	1	\$40,578.71
		6" Conc.	SY	\$80.00	605	\$48,400.00
		5" GAB	SY	\$15.00	605	\$9,075.00
		12" Subgrade	SY	\$20.00	605	\$12,100.00
		Erosion Control	LS	\$500.00	1	\$500.00
		Tensor TX-140 Geogrid	SY	\$10.00	181.5	\$1,815.00
		#57 Stone	SY	\$15.00	181.5	\$2,722.50
		2.5' GAB	SY	\$100.00	181.5	\$18,150.00
					Total	\$134,841.21
Quincey Ln	764	Traffic Control	EA	\$1,500.00	1	\$1,500.00
		Grading Complete	LS	\$50,996.32	1	\$50,996.32
		6" Conc.	SY	\$80.00	764	\$61,120.00
		5" GAB	SY	\$15.00	764	\$11,460.00
		12" Subgrade	SY	\$20.00	764	\$15,280.00
		Erosion Control	LS	\$500.00	1	\$500.00
		Tensor TX-140 Geogrid	SY	\$10.00	229.2	\$2,292.00
		#57 Stone	SY	\$15.00	229.2	\$3,438.00
		2.5' GAB	SY	\$100.00	229.2	\$22,920.00
					Total	\$169,506.32
Jasmine Tri	1003	Traffic Control	EA	\$1,500.00	1	\$1,500.00
		Grading Complete	LS	\$27,909.88	1	\$66,562.51
		6" Conc.	SY	\$80.00	540	\$80,240.00
		5" GAB	SY	\$15.00	540	\$15,045.00
		12" Subgrade	SY	\$20.00	540	\$20,060.00
		Erosion Control	LS	\$500.00	1	\$500.00
		Tensor TX-140 Geogrid	SY	\$10.00	162	\$3,009.00
		#57 Stone	SY	\$15.00	162	\$4,513.50
		2.5' GAB	SY	\$100.00	162	\$30,090.00
					Total	\$221,520.01
Elder Ln	540	Traffic Control	EA	\$1,500.00	1	\$1,500.00
		Grading Complete	LS	\$27,909.88	1	\$27,909.88
		6" Conc.	SY	\$80.00	540	\$43,200.00
		5" GAB	SY	\$15.00	540	\$8,100.00

		12" Subgrade	SY	\$20.00	540	\$10,800.00
		Erosion Control	LS	\$500.00	1	\$500.00
		Tensar TX-140 Geogrid	SY	\$10.00	162	\$1,620.00
		#57 Stone	SY	\$15.00	162	\$2,430.00
		2.5' GAB	SY	\$100.00	162	\$16,200.00
					Total	\$112,259.88
Fernsberry Ct	448	Traffic Control	EA	\$1,500.00	1	\$1,500.00
		Grading Complete	LS	\$30,151.49	1	\$30,151.49
		6" Conc.	SY	\$80.00	448	\$35,840.00
		5" GAB	SY	\$15.00	448	\$6,720.00
		12" Subgrade	SY	\$20.00	448	\$8,960.00
		Erosion Control	LS	\$500.00	1	\$500.00
		Tensar TX-140 Geogrid	SY	\$10.00	134.4	\$1,344.00
		#57 Stone	SY	\$15.00	134.4	\$2,016.00
		2.5' GAB	SY	\$100.00	134.4	\$13,440.00
					Total	\$100,471.49
Paddington Dr	611	Traffic Control	EA	\$1,500.00	1	\$1,500.00
		Grading Complete	LS	\$40,906.01	1	\$40,906.01
		6" Conc.	SY	\$80.00	611	\$48,880.00
		5" GAB	SY	\$15.00	611	\$9,165.00
		12" Subgrade	SY	\$20.00	611	\$12,220.00
		Erosion Control	LS	\$500.00	1	\$500.00
		Tensar TX-140 Geogrid	SY	\$10.00	183.3	\$1,833.00
		#57 Stone	SY	\$15.00	183.3	\$2,749.50
		2.5' GAB	SY	\$100.00	183.3	\$18,330.00
					Total	\$136,083.51
Hackberry Cir	314	Traffic Control	EA	\$1,500.00	1	\$1,500.00
		Grading Complete	LS	\$40,906.01	1	\$21,325.22
		6" Conc.	SY	\$80.00	314	\$25,120.00
		5" GAB	SY	\$15.00	314	\$4,710.00
		12" Subgrade	SY	\$20.00	314	\$6,280.00
		Erosion Control	LS	\$500.00	1	\$500.00
		Tensar TX-140 Geogrid	SY	\$10.00	94.2	\$942.00
		#57 Stone	SY	\$15.00	94.2	\$1,413.00
		2.5' GAB	SY	\$100.00	94.2	\$9,420.00
					Total	\$71,210.22

Gray Birch Ln	509	Traffic Control	EA	\$1,500.00	1	\$1,500.00
		Grading Complete	LS	\$34,246.75	1	\$34,246.75
		6" Conc.	SY	\$80.00	509	\$40,720.00
		5" GAB	SY	\$15.00	509	\$7,635.00
		12" Subgrade	SY	\$20.00	509	\$10,180.00
		Erosion Control	LS	\$500.00	1	\$500.00
		Tensor TX-140 Geogrid	SY	\$10.00	152.7	\$1,527.00
		#57 Stone	SY	\$15.00	152.7	\$2,290.50
		2.5' GAB	SY	\$100.00	152.7	\$15,270.00
					Total	\$113,869.25
Mulberry Way	617	Traffic Control	EA	\$1,500.00	1	\$1,500.00
		Grading Complete	LS	\$41,291.96	1	\$41,291.96
		6" Conc.	SY	\$80.00	617	\$49,360.00
		5" GAB	SY	\$15.00	617	\$9,255.00
		12" Subgrade	SY	\$20.00	617	\$12,340.00
		Erosion Control	LS	\$500.00	1	\$500.00
		Tensor TX-140 Geogrid	SY	\$10.00	185.1	\$1,851.00
		#57 Stone	SY	\$15.00	185.1	\$2,776.50
		2.5' GAB	SY	\$100.00	185.1	\$18,510.00
					Total	\$137,384.46
Crape Myrtle	570	Traffic Control	EA	\$1,500.00	1	\$1,500.00
		Grading Complete	LS	\$38,217.80	1	\$38,217.80
		6" Conc.	SY	\$80.00	570	\$45,600.00
		5" GAB	SY	\$15.00	570	\$8,550.00
		12" Subgrade	SY	\$20.00	570	\$11,400.00
		Erosion Control	LS	\$500.00	1	\$500.00
		Tensor TX-140 Geogrid	SY	\$10.00	171	\$1,710.00
		#57 Stone	SY	\$15.00	171	\$2,565.00
		2.5' GAB	SY	\$100.00	171	\$17,100.00
					Total	\$127,142.80
Folkstone Dr	344	Traffic Control	EA	\$1,500.00	1	\$1,500.00
		Grading Complete	LS	\$23,462.97	1	\$23,462.97
		6" Conc.	SY	\$80.00	344	\$27,520.00
		5" GAB	SY	\$15.00	344	\$5,160.00
		12" Subgrade	SY	\$20.00	344	\$6,880.00
		Erosion Control	LS	\$500.00	1	\$500.00
		Tensor TX-140 Geogrid	SY	\$10.00	103.2	\$1,032.00

		#57 Stone	SY	\$15.00	103.2	\$1,548.00
		2.5' GAB	SY	\$100.00	103.2	\$10,320.00
					Total	\$77,922.97
Oakwood Way	751	Traffic Control	EA	\$1,500.00	1	\$1,500.00
		Grading Complete	LS	\$50,186.85	1	\$50,186.85
		6" Conc.	SY	\$80.00	751	\$60,080.00
		5" GAB	SY	\$15.00	751	\$11,265.00
		12" Subgrade	SY	\$20.00	751	\$15,020.00
		Erosion Control	LS	\$500.00	1	\$500.00
		Tensar TX-140 Geogrid	SY	\$10.00	225.3	\$2,253.00
		#57 Stone	SY	\$15.00	225.3	\$3,379.50
		2.5' GAB	SY	\$100.00	225.3	\$22,530.00
					Total	\$166,714.35
Darby Way	548	Traffic Control	EA	\$1,500.00	1	\$1,500.00
		Grading Complete	LS	\$36,738.41	1	\$36,738.41
		6" Conc.	SY	\$80.00	548	\$43,840.00
		5" GAB	SY	\$15.00	548	\$8,220.00
		12" Subgrade	SY	\$20.00	548	\$10,960.00
		Erosion Control	LS	\$500.00	1	\$500.00
		Tensar TX-140 Geogrid	SY	\$10.00	164.4	\$1,644.00
		#57 Stone	SY	\$15.00	164.4	\$2,466.00
		2.5' GAB	SY	\$100.00	164.4	\$16,440.00
					Total	\$122,308.41
Islington Way	618	Traffic Control	EA	\$1,500.00	1	\$1,500.00
		Grading Complete	LS	\$41,356.11	1	\$41,356.11
		6" Conc.	SY	\$80.00	618	\$49,440.00
		5" GAB	SY	\$15.00	618	\$9,270.00
		12" Subgrade	SY	\$20.00	618	\$12,360.00
		Erosion Control	LS	\$500.00	1	\$500.00
		Tensar TX-140 Geogrid	SY	\$10.00	185.4	\$1,854.00
		#57 Stone	SY	\$15.00	185.4	\$2,781.00
		2.5' GAB	SY	\$100.00	185.4	\$18,540.00
					Total	\$137,601.11

					Total Neighborhood	\$1,828,835.99
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The cost estimate shown above breaks down the costs for all materials expected to be needed to reconstruct each driveway, listed in the same order as they are in the ranking chart. The last three items in each estimate are for Soil Stabilization which is a contingency to implement stabilization for roughly 30 percent of each driveway as needed.

APPENDIX A – DRIVEWAY CONDITION EXHIBIT



BID TABULATION
WOODEHAVEN NEIGHBORHOOD CONCRETE DRIVEWAY REPLACEMENT
CITY OF DULUTH, GA

RECEIVED BY: CITY OF DULUTH, GEORGIA
 AT OFFICE OF CITY ADMINISTRATOR
 9:45 A.M, LOCAL TIME, THURSDAY, MAY 23, 2024

				BIDDER NO. 1 Ryals Brothers LLC 600 West Peachtree State, NW Atlanta, GA 30308		BIDDER NO. 2 CMC LLC 269 Twickenham Trace Suwanee, GA 30024		BIDDER NO. 3 CGS LLC 6040 Dawson Blvd, Suite K Norcross, GA 30093	
ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
NUTMEG DRIVE									
1	5000 psi with WWF 6x6 W2.9xW2.9 on approved chair supports	700	SY	\$86.09	\$60,263.00	\$129.06	\$90,342.00	\$113.00	\$79,100.00
2	Remove & replace unsuitable soils (as needed)	80	CY	\$142.27	\$11,381.60	\$25.00	\$2,000.00	\$142.00	\$11,360.00
3	Graded Aggregate Base Course, (5" thick)	700	SY	\$21.43	\$15,001.00	\$12.49	\$8,743.00	\$27.00	\$18,900.00
4	Remove & replace 24" curb & gutter	80	LF	\$75.32	\$6,025.60	\$33.25	\$2,660.00	\$38.00	\$3,040.00
TOTAL BASE BID AMOUNT					\$92,671.20		\$103,745.00		\$112,400.00
ALTERNATE BID									
QUINCEY LANE									
1	5000 psi with WWF 6x6 W2.9xW2.9 on approved chair supports	850	SY	\$86.09	\$73,176.50	\$127.86	\$108,681.00	\$113.20	\$96,220.00
2	Remove & replace unsuitable soils (as needed)	95	CY	\$142.27	\$13,515.65	\$25.00	\$2,375.00	\$146.00	\$13,870.00
3	Graded Aggregate Base Course, (5" thick)	850	SY	\$21.43	\$18,215.50	\$12.49	\$10,616.50	\$27.18	\$23,103.00
4	Remove & replace 24" curb & gutter	60	LF	\$75.32	\$4,519.20	\$33.25	\$1,995.00	\$38.00	\$2,280.00
TOTAL ALTERNATE BID AMOUNT					\$109,426.85		\$123,667.50		\$135,473.00
TOTAL BID AMOUNT WITH ALTERNATE					\$202,098.05		\$227,412.50		\$247,873.00
BID BOND				5%		5%		5%	
NOTE REFERENCE				(1) (2)		(1) (2)		(1) (2)	
LICENSE NUMBER				Business: 2455		GDOT: 2CM083, could not read business		CQA003051, GDOT: 2992970, Business	

BID TABULATION
WOODEHAVEN NEIGHBORHOOD CONCRETE DRIVEWAY REPLACEMENT
CITY OF DULUTH, GA

RECEIVED BY: CITY OF DULUTH, GEORGIA
AT OFFICE OF CITY ADMINISTRATOR
9:45 A.M, LOCAL TIME, THURSDAY, MAY 23, 2024

				BIDDER NO. 4 Zaveri Enterprizes INC 2184 Sugar Springs Drive Lawrenceville, GA 30043		BIDDER NO. 5 9 Yards Infrastructure LLC 3465 Olivia Ridge Court Suwanee, GA 30024		BIDDER NO. 6 KB Contracting of GA LLC 5175 Scenic View Road Flowery Branch, GA 30542	
ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
NUTMEG DRIVE									
1	5000 psi with WWF 6x6 W2.9xW2.9 on approved chair supports	700		\$130.00	\$91,000.00	\$140.50	\$98,350.00	\$121.75	\$85,225.00
2	Remove & replace unsuitable soils (as needed)	80		\$80.00	\$6,400.00	\$63.00	\$5,040.00	\$65.00	\$5,200.00
3	Graded Aggregate Base Course, (5" thick)	700		\$20.00	\$14,000.00	\$16.00	\$11,200.00	\$42.97	\$30,079.00 *
4	Remove & replace 24" curb & gutter	80		\$40.00	\$3,200.00	\$45.00	\$3,600.00	\$56.25	\$4,500.00
TOTAL BASE BID AMOUNT					\$114,600.00		\$118,190.00		\$125,004.00
ALTERNATE BID									
QUINCEY LANE									
1	5000 psi with WWF 6x6 W2.9xW2.9 on approved chair supports	850		\$138.00	\$117,300.00	\$142.50	\$121,125.00	\$121.75	\$103,487.50
2	Remove & replace unsuitable soils (as needed)	95		\$80.00	\$7,600.00	\$63.00	\$5,985.00	\$65.00	\$6,175.00
3	Graded Aggregate Base Course, (5" thick)	850		\$20.00	\$17,000.00	\$16.00	\$13,600.00	\$42.97	\$36,524.50
4	Remove & replace 24" curb & gutter	60		\$40.00	\$2,400.00	\$45.00	\$2,700.00	\$56.25	\$3,375.00 *
TOTAL ALTERNATE BID AMOUNT					\$144,300.00		\$143,410.00		\$149,562.00
TOTAL BID AMOUNT WITH ALTERNATE					\$258,900.00		\$261,600.00		\$274,566.00
BID BOND				5%		5%		5%	
NOTE REFERENCE				(1) (2)		(1) (2)		(1) (2)	
LICENSE NUMBER				GDOT: 2ZA500		GDOT: 18276, Business: 2024214213		Business: HBUSR24-1208	

				BIDDER NO. 7 Ohmshiv Construction LLC 805 Progress Court Suite A Lawrenceville, GA 30043		BIDDER NO. 8 R&B Developer INC 4150 Suwanee Bend Drive Suwanee, GA 30024		BIDDER NO. 9 Lagniappe Development Co. INC 1190 W Shadburn Ave Buford, GA 30518	
ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
NUTMEG DRIVE									
1	5000 psi with WWF 6x6 W2.9xW2.9 on approved chair supports	700		\$158.00	\$110,600.00	\$185.00	\$129,500.00	\$131.76	\$92,232.00
2	Remove & replace unsuitable soils (as needed)	80		\$58.00	\$4,640.00	\$10.00	\$800.00	\$241.75	\$19,340.00
3	Graded Aggregate Base Course, (5" thick)	700		\$12.00	\$8,400.00	\$15.00	\$10,500.00	\$38.02	\$26,614.00
4	Remove & replace 24" curb & gutter	80		\$75.00	\$6,000.00	\$40.00	\$3,200.00	\$65.00	\$5,200.00
TOTAL BASE BID AMOUNT					\$129,640.00		\$144,000.00		\$143,386.00
ALTERNATE BID									
QUINCEY LANE									
1	5000 psi with WWF 6x6 W2.9xW2.9 on approved chair supports	850		\$158.00	\$134,300.00	\$168.00	\$142,800.00	\$122.18	\$103,853.00
2	Remove & replace unsuitable soils (as needed)	95		\$58.00	\$5,510.00	\$10.00	\$950.00	\$283.74	\$26,955.30
3	Graded Aggregate Base Course, (5" thick)	850		\$12.00	\$10,200.00	\$9.00	\$7,650.00	\$34.19	\$29,061.50
4	Remove & replace 24" curb & gutter	60		\$75.00	\$4,500.00	\$40.00	\$2,400.00	\$70.00	\$4,200.00
TOTAL ALTERNATE BID AMOUNT					\$154,510.00		\$153,800.00		\$164,069.80
TOTAL BID AMOUNT WITH ALTERNATE					\$284,150.00		\$297,800.00		\$307,455.80
BID BOND				5%		5%		5%	
NOTE REFERENCE				(1) (2)		(1) (2)		(1) (2)	
LICENSE NUMBER				GDOT: 2OH750, Business: 202416620		GDOT: 17922, Business: 2024208388		GDOT: 2LA101	

BID TABULATION
WOODEHAVEN NEIGHBORHOOD CONCRETE DRIVEWAY REPLACEMENT
CITY OF DULUTH, GA

RECEIVED BY: CITY OF DULUTH, GEORGIA
AT OFFICE OF CITY ADMINISTRATOR
9:45 A.M, LOCAL TIME, THURSDAY, MAY 23, 2024

NOTES:

* DENOTES CORRECTED VALUE

- (1) SURETY COMPANY LISTED ON U. S. TREASURY CIRCULAR 570 (7/1/23).
- (2) BIDDER ACKNOWLEDGED RECEIPT OF ADDENDUM NO. 1 & 2.
- (3) BIDDER DID NOT USE REVISED BID FORM ISSUED PER ADDENDUM NO. 1.

READ ALOUD IN THE PRESENCE OF THE OWNER'S REPRESENTATIVE.



KECK & WOOD, INC.

5/24/24

DATE

TIMES JOURNAL, INC.
P.O. BOX 1633
ROME GA 30162-1633
(770) 7953050

ORDER CONFIRMATION

Salesperson: TINA PARTRIDGE

Printed at 04/10/24 15:35 by tparttj

Acct #: 238452

Ad #: 405102

Status: New WHOLD

DULUTH, CITY OF (LEGAL ADS)
3167 MAIN ST
DULUTH GA 30096

Start: 04/24/2024 Stop: 05/08/2024

Times Ord: 2

Times Run: ***

LEGLV 1.00 X 15.69 Words: 800

Total LEGLV 15.69

Class: 9020 SERVICE/CONSTRUCTION BIDS

Rate: LEGL

Cost: 240.00

Ad Descrpt: GDP2672 WOODHAVEN BID

Descr Cont: GDP2672 GPN05 ADVERTISEME

Given by: JOHN GRACIA

P.O. #: WOODHAVEN CONCRETE

Contact: DULUTHCITYOFLEGALADS

Phone: (770) 476-1790

Fax#: (770) 814-3008

Email: accountspayable@duluthga.net Created: tpart 04/10/24 15:21

Agency: Last Changed: tpart 04/10/24 15:35

PUB ZONE EDT TP RUN DATES
GDP A 95 S 04/24 05/08

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

(CONTINUED ON NEXT PAGE)

TIMES JOURNAL, INC.
P.O. BOX 1633
ROME GA 30162-1633
(770) 7953050

ORDER CONFIRMATION (CONTINUED)

Salesperson: TINA PARTRIDGE

Printed at 04/10/24 15:35 by tparttj

Acct #: 238452

Ad #: 405102

Status: New WHOLD WHOL

GDPS172
04/10/24
Advertisement for Bids
Woodhaven Neighborhood Concrete Driveway Replacement The City of Duluth is accepting sealed bids from qualified contractors to provide all necessary labor, material and equipment necessary to perform concrete driveway removal, grading and subgrade preparation, unsuitable soil remediation as needed, graded aggregate base course installation, concrete driveway and curb & gutter installation. All work shall be in accordance with the specifications, the applicable drawings and subject to the terms and conditions of this contract.
The contract will include one BASE concrete driveway project for the scope listed above, as well as a proposed Alternative driveway is included in the full invitation to bid available at www.duluthga.net under the heading Notices and RF-
Ps.
All sealed bids will be received by the City of Duluth City Clerk, 3167 Main Street, Duluth, Georgia 30096, until 9:45 A.M. local time on Thursday, May 23, 2024. Bids received after the stated time will not be accepted. Bids will be opened publicly and read aloud on Thursday, May 23, 2024 at 10:00 A.M. on the second floor of Duluth City Hall, 3167 Main Street, Duluth GA 30096, in the Executive Conference Room. The bid envelope must be marked on the outside with the following information:
City of Duluth
Bid Woodhaven Neighborhood Concrete Driveway Replacement within City of Duluth
Date and Hour of Bid Opening
Company Name
Winning contractor will be required to provide an eighteen month (18) warranty on all work completed.
Pre-Bid Conference will be held at Woodhaven of Chattahoochee Townhomes off of Peachtree Industrial Boulevard in Duluth, Georgia 30096, on Thursday, May 9, 2024 at 10:00 A.M. Use Darby Way, Duluth, Georgia 30096 in your map software, we will meet in the parking area near Darby Way.
Full Invitation to Bid is available on the City of Duluth website, www.duluthga.net under the heading Notices and RF-
Ps. Full Invitation to Bid is also available for viewing at the Duluth Public Works Department, 2450 Main Street, Duluth, Georgia 30097.
Bids will be awarded based upon Base Bid.
Contract will be awarded, if at all, within sixty (60) calendar days after opening of the proposal.
Deadline for questions is Wednesday, May 15, 2024 at 5 P.M. Submit all questions to Adam Shelton, PE, at K&K Wood of - bidquestions@k&kwood.com. No phone calls will be accepted.
The selected contractor must be able to start work within ten (10) calendar days after the Notice to Proceed is issued. The time of completion for the project is sixty (60) calendar days from the date of the Notice to Proceed.
All bids shall be accompanied by a bid bond in favor of the City, in the amount of five percent (5%) of the total bid, (but not less than \$5,000); such bid bond representing that the bidder, if awarded a contract, will promptly enter into a contract and furnish performance bond and payment bond as provided by law and approved by the attorney for the City. Failure to submit a bid bond with the proper rating will result in the bid being deemed non-responsive.
Successful bidder will be required to meet insurance requirements, Performance and Payment bonds will be required upon acceptance of the proposal and contract submitted.
The Performance Bond shall be equal to one hundred percent (100%) of the contract amount. The Payment Bond shall be equal to one hundred ten percent (110%) of the contract amount.
Insurance and Bonding Company must be licensed to do business by the Georgia Secretary of State, authorized to business in Georgia by the Georgia Insurance Department, listed in the Department of Treasurers Publication of Companies holding Certificates of Authority as Acceptable Surety on Federal Bonds and as acceptable reinsuring companies. The bid bond, payment bond and performance bond must have an A.M. Best rating of A-2 or higher.
Award will be made to the lowest responsible and responsive bidder.
The City of Duluth reserves the right to reject any and all bids to waive technicalities and to make an award as deemed in its best interest.
Any change to the conditions and specifications must be in the form of a written addendum to be valid; therefore the City will issue a written addendum to document each approved change.
4/24/24, 2024

Public Sales/Auctions	9004 Public Sales/Auctions	9004 Public Sales/Auctions	9004 Public Sales/Auctions	9004 Public Sales/Auctions	9004 Public Sales/Auctions	9004 Public Sales/Auctions	9004 Public Sales/Auctions	9010 Alcoholic Beverages	9020 Service/Construction Bids				
public auction to satisfy a lien placed on the contents (pursuant to the Self Storage Facility Act of the Georgia Code). The sale will take place at the website Storage Treasures.com on May 20nd, 2024 at 9:00 am. The sale will be conducted under the guidance of Cheli Rosa (AU003807) on behalf of the facility's management. Contents will be sold for cash only to the highest bidder. A 10% buyers premium will be charged as well as a \$150 cleaning deposit per unit. All sales are final. Seller reserves the right to withdraw the property at any time before the sale or to refuse any bids. The property to be sold is described as general household items unless otherwise noted.	Vehicle Make: CHEVROLET Year: 1996 Model: S10 IGCS1448TK135052	Vehicle ID #: 1N4AL21E77C192405	Vehicle Make: HONDA Year: 2003 Model: ODYSSEY Vehicle ID #: 5FNRL18033B050924	2005 GRAY YV1MS382352100098 TOYOTA TUNDRA 481438 License#NA RED 5TBRT341X35426730 NISSAN ALTIMA 2004 TAN 1N4AL21E37C112601 HONDA PILOT 2004 GRAY 5FNYF18544B006866 JEEP LIBERTY 2002 BLUE 1J4FK48112W295414	Magistrate Court Case No.:24-M-17199 Vehicle make:NISSAN Year:2014 Model:MAXIMA VehicleID#1N4AA5AP9EC 481438 License#NA Red Magistrate Court Case No.:24-M-17222 Vehicle make:FORD Year:2000 Model:EXPEDITION VehicleID#1FM- RU15LSYLCO2195 Li- cense#:TEY2811 State:GA Magistrate Court Case No.:24-M-17280 Vehicle make:KIA Year:2014 Model:FORTE VehicleID#NKFAX5A88E5 166443 License#:PKQ8982 State:GA Magistrate Court Case No.:24-M-17400 Vehicle make:KIA Year:2016 Model:SORENTO VehicleID#5XYPKDA57G- G172508 License#NA State:GA Magistrate Court Case No.:24-M-17400 Vehicle make:FORD Year:2001 Model:F150 VehicleID#1FTFR- W07139567507 Li- cense#:SKF0148 State:TX Magistrate Court Case No.:24-M-17402 Vehicle make:PONTIAC Year:2007 Model:VIBE VehicleID#1GZG58N374 159070 License#NA Magistrate Court Case No.:24-M-17419 Vehicle make:CHEVRO- LET Year:2008 VehicleID#EQUINOX- NDL33F686283710 Li- cense#:RRR0827 State:GA Magistrate Court Case No.:24-M-17423 Vehicle make:CHEVRO- LET Year:2004 Model:VENTURE VehicleID#1GNDX03E34D 24M17776 Li- cense#:D315196 State:AL Magistrate Court Case No.:24-M-17431 Vehicle make:NISSAN Year:2015 Model:MURA- NO VehicleID#5N1A2ZM41F N238792 License#:SDT4113 State:GA Magistrate Court Case No.:24-M-17430 Vehicle make:CHEVRO- LET Year:2014 Model:SIL- VERADO 1500 VehicleID#1G1GRCRE- H2E2209728 License#:RWE7017 State:GA Magistrate Court Case No.:24-M-17429 Vehicle make:CADILLAC Year:2002 Model:ES- CALADE VehicleID#1GYEC83792R 199807 License#:RDI3964 State:GA Magistrate Court Case No.:24-M-17446 Vehicle make:MERCURY Year:2002 Model:SABLE VehicleID#1MEFMS0UX2 A648603 License#:RP- B3612 State:GA Magistrate Court Case No.:24-M-17439 Vehicle make:TOYOTA Year:2021 Model:COROL- LA VehicleID#JTDVP- ME0MJ151276 Li- cense#:RYG5248 State:GA Magistrate Court Case No.:24-M-17451 Vehicle make:INFINITI Year:2012 Model:QX56 VehicleID#JN8A2ZNCX- C9317586 License#:RUJ2724 State:GA Magistrate Court Case No.:24-M-17449 Vehicle make:VOLVO Year:2009 Model:XC90 VehicleID#YV43C- N982691506736 Li- cense#:CWQ7210 State:GA Magistrate Court Case No.:24-M-17453	5/8,15,2024	5/8,15,2024	5/8,15,2024	5/8,15,2024				
#443- Mark Evans- Household Items #461- Kevin Wimbush Household Items #818 Julie Blair House- hold Items #920 Cheryl Carpenter Household Items #1059 Dallas Davis Household Items#408 Items	Vehicle Make: NISSAN Year: 2005 Model:ARMADA Vehicle ID #: 5N1AA08A75N702384	Vehicle Make: HYUNDAI Year: 2016 Model:VELOSTAR Vehicle ID #: KMHTC6AD8GU20763	Vehicle Make: NISSAN Year: 2019 Model:CAMARO Vehicle ID #: 1G1FB1R53K0154356	Vehicle Make: CHEVROLET Year: 2011 Model: MALIBU Vehicle ID #: 1G1ZC5E10BF136098	Vehicle Make: BUICK Year: 2004 Model:LESABRE Vehicle ID #: 1G4HR54K14U132955	Vehicle Make: LAND ROVER Year: 2016 Model:RANGE ROVER EVOQUE Vehicle ID #: SALVP2BGXGH156302	Vehicle Make: NISSAN Year: 2010 Model:SENTRA Vehicle ID#: 3N1ABA6P8AL68890	Vehicle Make: HONDA Year: 2017 Model: TUCSON Vehicle ID #: KMBJ33A26HU445341	Vehicle Make: SEA DOO Year Model: VOLVO VehicleID#YV4952C2B1 505195 License#:PWR5936 State:TX Magistrate Court Case No.:24-M-16626 Vehicle make:NISSAN Year:2015 Model:VER- SA VehicleID#3N1CE2CP0FL 425994 License#:CXK2961 State:GA Magistrate Court Case No.:24-M-17030 Vehicle make:DODGE Year:2010 Model:CHAL- Lenger VehicleID#2B3GC4JDVX- AH289801 License#:CXK2961 State:GA Magistrate Court Case No.:24-M-17031 Vehicle make:DODGE Year:1979 Model:ASPEN VehicleID#1G0000N- L41GFP205366 License#NA Magistrate Court Case No.:24-M-17032 Vehicle make:JEEP Year:2012 Model:GRAND CHEROKEE VehicleID#1C4RJFAG1C 158949 License#:TFA9680 State:GA Magistrate Court Case No.:24-M-17034 Vehicle make:MERC- CEDES Year:2000 Model:C230 VehicleID#WDB- HA24GS4850763 Li- cense#:RVU8350 State:GA Magistrate Court Case No.:24-M-17033 Vehicle make:CHEVRO- LET Year:2000 Model:SIL- VERADO 1500 VehicleID#1G1GRCRE- H2E2209728 License#:RWE7017 State:GA Magistrate Court Case No.:24-M-17034 Vehicle make:TOYOTA Year:2021 Model:COROL- LA VehicleID#JTDVP- ME0MJ151276 Li- cense#:RYG5248 State:GA Magistrate Court Case No.:24-M-17446 Vehicle make:MERCURY Year:2002 Model:SABLE VehicleID#1MEFMS0UX2 A648603 License#:RP- B3612 State:GA Magistrate Court Case No.:24-M-17439 Vehicle make:TOYOTA Year:2021 Model:COROL- LA VehicleID#JTDVP- ME0MJ151276 Li- cense#:RYG5248 State:GA Magistrate Court Case No.:24-M-17449 Vehicle make:VOLVO Year:2009 Model:XC90 VehicleID#YV43C- N982691506736 Li- cense#:CWQ7210 State:GA Magistrate Court Case No.:24-M-17453	5/8,15,2024	5/8,15,2024	5/8,15,2024	5/8,15,2024
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**Advertisement for Bids
Woodehaven Neighborhood Concrete Driveway Replacement**

The City of Duluth is accepting sealed bids from qualified contractors to provide all necessary labor, material and equipment necessary to perform concrete driveway removal, grading and subgrade preparation, unsuitable soil remediation as needed, graded aggregate base course installation, concrete driveway and curb & gutter installation. All work shall be in accordance with the specifications, the applicable drawings and subject to the terms and conditions of this contract.

The contract will include one **BASE** concrete driveway project for the scope listed above, as well as a proposed **Alternate** driveway is included in the full Invitation to Bid available at www.duluthga.net under the heading "Notices and RFP's".

All sealed bids will be received by the City of Duluth City Clerk, 3167 Main Street, Duluth, Georgia 30096, until **9:45 A.M. local time on Thursday, May 23, 2024. Bids received after the stated time will not be accepted.** Bids will be opened publicly and read aloud on **Thursday, May 23, 2024 at 10:00 A.M.** on the second floor of Duluth City Hall, 3167 Main Street, Duluth GA 30096, in the Executive Conference Room. The bid envelope must be marked on the outside with the following information:

City of Duluth

**Bid – Woodehaven Neighborhood Concrete Driveway Replacement
within City of Duluth**

Date and Hour of Bid Opening

Company Name

Winning contractor will be required to provide an Eighteen month (18) warranty on all work completed.

Pre-Bid Conference will be held at Woodehaven at Chattahoochee Townhomes – off of Peachtree Industrial Boulevard in Duluth, Georgia 30096, on Thursday, May 9, 2024 at 10:00 A.M. Use Darby Way, Duluth, Georgia 30096 in your map software, we will meet in the parking area near Darby Way.

Full Invitation to Bid is available on the City of Duluth website, www.duluthga.net under the heading "Notices and RFP's"

Full Invitation to Bid is also available for viewing at the Duluth Public Works Department, 2450 Main Street, Duluth, Georgia 30097.

Bid will be awarded based upon Base Bid.

Contract will be awarded, if at all, within sixty (60) calendar days after opening of the proposal.

Deadline for questions is Wednesday, May 15, 2024 at 5 P.M. Submit all questions to Adam Shelton, PE, of Keck & Wood at bidquestions@keckwood.com No phone calls will be accepted.

The selected contractor must be able to start work within ten (10) calendar days after the "Notice to Proceed" is issued. The time of completion for the project is sixty (60) calendar days from the date of the "Notice to Proceed".

All bids shall be accompanied by a bid bond in favor of the City, in the amount of five percent (5%) of the total bid, (but not less than \$5,000); such bid bond representing that the bidder, if awarded a contract, will promptly enter into a contract and furnish performance bond and payment bond as provided by law and approved by the attorney for the City. **Failure to submit a bid bond with the proper rating will result in the bid being deemed non-responsive.**

Successful bidder will be required to meet insurance requirements. Performance and Payment bonds will be required upon acceptance of the proposal and contract submittal.

The Performance Bond shall be equal to one hundred percent (100%) of the contract amount. The Payment Bond shall be equal to one hundred ten percent (110%) of the contract amount.

Insurance and Bonding Company must be licensed to do business by the Georgia Secretary of State, authorized to business in Georgia by the Georgia Insurance Department, listed in the Department of Treasury's Publication of Companies holding Certificates of Authority as Acceptable Surety on Federal Bonds and as acceptable reinsuring companies. **The bid bond, payment bond and performance bond must have an A.M. Best rating of A-5 or higher.**

Award will be made to the lowest responsible and responsive bidder. The City of Duluth reserves the right to reject any and all bids, to waive technicalities and to make an award as deemed in its best interest.

Any change to the conditions and specifications must be in the form of a written addendum to be valid; therefore the City will issue a written addendum to document each approved change.

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

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

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

Total Revenues:	<u>91,741,488</u>
Operations Expenditures:	<u>42,166,985</u>
Capital Improvement Expenditures:	<u>49,574,503</u>
Total Expenditures:	<u>91,741,488</u>

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

WHEREAS the City of Duluth based on an evaluation of the condition of the concrete driveways in the Woodhaven has determined that Nutmeg Drive and Quincey Lane are the two having the highest priority for needing replacement; and

WHEREAS staff recommends awarding a contract to Ryals Brothers, LLC for \$222,307.85 for driveway replacement, plus \$7,692.15 for project oversight for a total project budget of \$230,000; and

WHEREAS it is requested to add \$222,308 in unallocated 2023 SPLOST Transportation funds to (ST-32) Transportation/Infrastructure Improvements – Paved Streets – Repairs & Maintenance – Streets/Sidewalks line item, and \$7,692 to Transportation/Infrastructure Improvements – Paved Streets – Professional Services line item, including associated transfers; and

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

Total Revenues & Prior Yr Reserves	<u>91,971,488</u>
Operations Expenditures:	<u>42,166,985</u>
Capital Improvement Expenditures:	<u>49,804,503</u>
Total Expenditures:	<u>91,971,488</u>

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

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

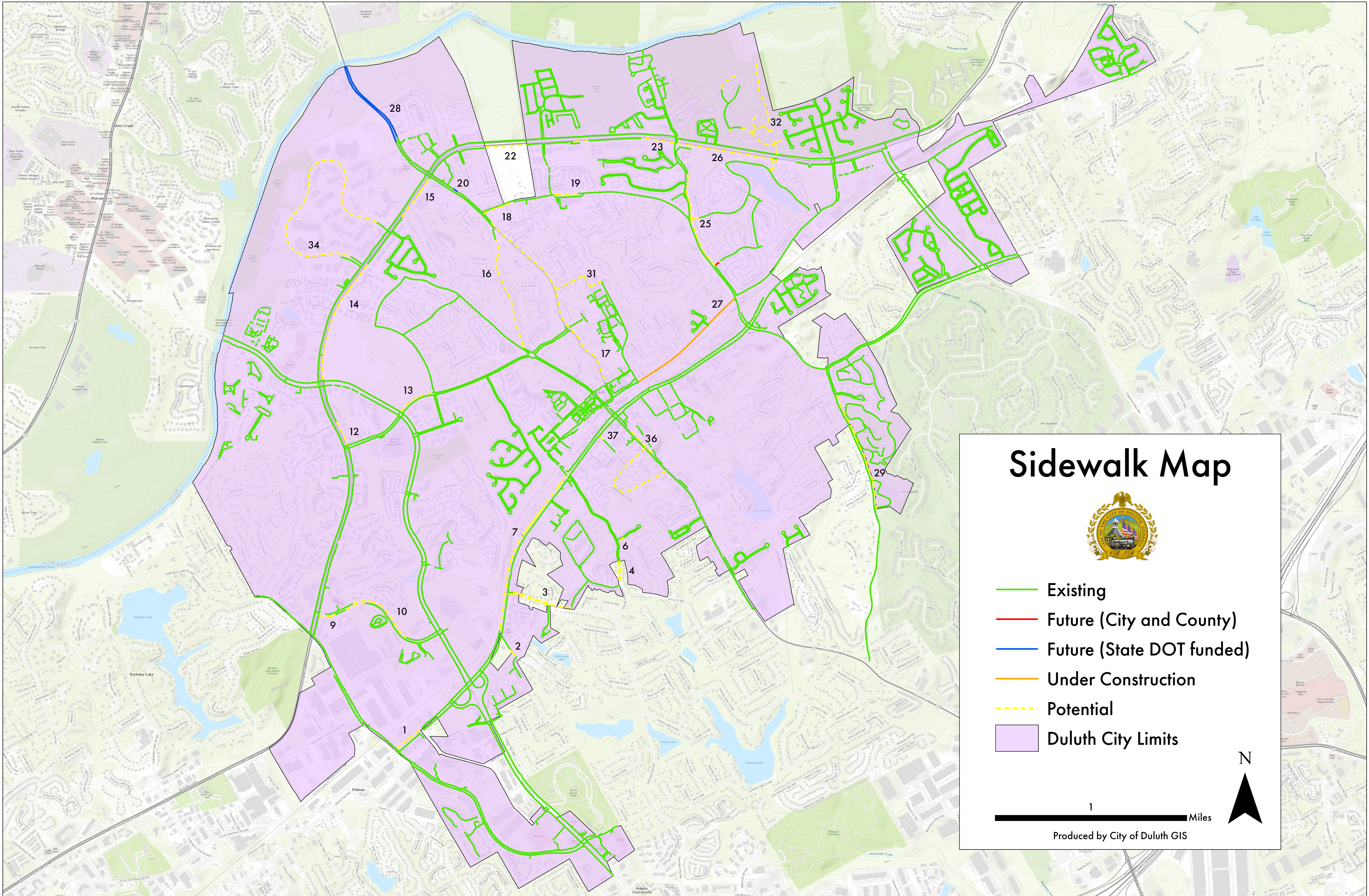
Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Kristin McGregor, Deputy City Clerk



Sidewalk Map



- Existing
- Future (City and County)
- Future (State DOT funded)
- Under Construction
- Potential
- Duluth City Limits



Produced by City of Duluth GIS

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

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

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

Total Revenues:	<u>91,971,488</u>
Operations Expenditures:	<u>42,166,985</u>
Capital Improvement Expenditures:	<u>49,804,503</u>
Total Expenditures:	<u>91,971,488</u>

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

WHEREAS the City of Duluth approximately 15 years ago approved an ordinance establishing a fee to defray the cost of operation of its Municipal Court which is accounted for in the City's General Fund; and

WHEREAS staff is requesting \$200,000 be transferred for the Police Technology Fund to the General Funds to defray the cost of Municipal Court operations; and

WHEREAS it is requested to add \$200,000 to Police Technology Fund – Other Financing Uses – Transfer to General Fund line item and a like amount to General Fund – Transfer from the Police Technology Fund line item; and

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

Total Revenues & Prior Yr Reserves	<u>92,171,488</u>
Operations Expenditures:	<u>42,366,985</u>
Capital Improvement Expenditures:	<u>49,804,503</u>
Total Expenditures:	<u>92,171,488</u>

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

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Kristin McGregor, Deputy City Clerk

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

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

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

Total Revenues:	<u>92,171,488</u>
Operations Expenditures:	<u>42,366,985</u>
Capital Improvement Expenditures:	<u>49,804,503</u>
Total Expenditures:	<u>92,171,488</u>

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

WHEREAS the City of Duluth awarded contracts for asphalt rejuvenation \$110,100 and the 2024 LMIG milling, and resurfacing \$937,500 and project oversight of \$250,000 and received the state LMIG 2024 Supplemental Grant \$342,750.79; and

WHEREAS staff is requesting an overall budget of \$1,297,600 which will be funded with unallocated 2023 SPLOST Transportation funds of \$954,849.21 and 2023 LMIG Supplemental Grant of \$342,750.79; and

WHEREAS it is requested funds be added to Transportation/Infrastructure Improvements line items as follows: Paved Streets - Repairs & Maint. – Streets/Sidewalks \$1,047,600 and Paved Streets - Professional Services \$250,000 and Transfer from 2023 SPLOST \$954,849.21 and GDOT State Grant \$342,750.79, including associated transfers; and

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

Total Revenues & Prior Yr Reserves	<u>93,469,088</u>
Operations Expenditures:	<u>42,366,985</u>
Capital Improvement Expenditures:	<u>51,102,103</u>
Total Expenditures:	<u>93,469,088</u>

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

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Kristin McGregor, Deputy City Clerk