

Duluth



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

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

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

JULY 10, 2023

CITY HALL COUNCIL CHAMBERS

6:00 pm

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

5:30 P.M. – AGENDA REVIEW

Main St. Conference Room

6:00 P.M. - CALL TO ORDER

Mayor Harris or Mayor Pro tem Thomas

INVOCATION OR MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

I. ANNOUNCEMENTS

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

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

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

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

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

Back to School Bubblepalooza, Wednesday, July 26, 11am - 1pm. Town Green. Bring the kids down to Duluth Town Green for this free event to enjoy one of the last days of summer break! We'll have bubbles for the kids to play in along with large yard games and a DJ for entertainment. Bubble zones will be split into two age groups (5 & under and 6 & up). Pico's Hotdogs and Kona Ice will be on site selling concessions.

II. CEREMONIAL MATTERS

1. "CITY OF CIVILITY" DESIGNATION

The City of Duluth has become a certified "City of Civility" through the Georgia Municipal Association. "Civility is more than just politeness. It is about disagreeing without disrespect, seeking common ground as a starting point for dialogue about differences, listening past one's preconceptions and teaching others to do the same. Civility is the hard work of staying present even with those with whom we have deep-rooted and fierce disagreement." The City has passed a resolution and leaders have taken a pledge in order to foster respect among themselves and the community, to be respectful in positions of leadership, and counteract growing polarization and the challenges of today's society.

2. COUNCILMEMBER RECOGNITION

The Mayor and Council to recognize Councilmember Graeder for achieving a "Certificate of Recognition" from the Georgia Municipal Association at the annual conference in Savannah for his 42 hours of training, which includes 18 hours through the Newly Elected Officials Institute.

III. MATTERS FROM CITIZENS

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

IV. CONSENT AGENDA

1. APPROVAL OF JUNE 12, 2023 MINUTES

2. ORDINANCE – CALL FOR 2023 MUNICIPAL ELECTION

Approval of this item approves ordinance O2023-20 setting qualifying times, dates, and other matters relevant for the November 7, 2023 City of Duluth General Election, for the purpose to elect the Mayor and two posts of Council: Post 4 currently held by Manfred Graeder, and Post 5 currently held by Greg Whitlock.

3. ORD TO AMEND BUDGET - \$28,664 – POLICE VEHICLES

The Police Department recently received an insurance settlement of \$19,493.68 for two vehicles involved on separate accidents. In addition, they sold a seized vehicle and a horse trailer that was no longer being used at auction, and after commission and fees received \$9,170.00. To continue maintaining a vehicle fleet that is low maintenance and dependable, the Police Department is requesting \$28,664 be added to the Police Vehicle - Consolidated Vehicle Maintenance - Vehicle line item, including associated transfer. Approval of this item authorizes ordinance BA-FY24-01 to amend the FY24 budget as presented.

V. PUBLIC HEARINGS

1. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN – ROGERS 3068 WASHINGTON STREET - TAX PARCEL 7161 002

The Mayor and Council to consider adoption of a resolution to approve use of eminent domain to acquire 3068 Washington Street for water and sewer infrastructure improvements.

2. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN - ROGERS MURPHY CIRCLE – TAX PARCEL 7161 004

The Mayor and Council to consider adoption of a resolution to approve use of eminent domain to acquire Murphy Circle property for water and sewer infrastructure improvements.

3. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN - BROGDON 3331 WASHINGTON STREET – TAX PARCEL 7202 077

The Mayor and Council to consider adoption of a resolution to approve use of eminent domain to acquire 3331 Washington Street for temporary construction easements for water and sewer infrastructure improvements.

4. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN–WATERS/HARRIS
3326 WASHINGTON STREET – TAX PARCEL 7202 076

The Mayor and Council to consider adoption of a resolution to approve use of eminent domain to acquire 3326 Washington Street for temporary construction easements for water and sewer infrastructure improvements.

5. RESOLUTION TO APPROVE USE OF EMINENT DOMAIN–WATERS/HARRIS
3328 WASHINGTON STREET – TAX PARCEL 7202 076A

The Mayor and Council to consider adoption of a resolution to approve use of eminent domain to acquire 3328 Washington Street for temporary construction easements for water and sewer infrastructure improvements.

6. ORDINANCE OF SPECIAL USE – SU2023-005 – SHORT TERM RENTAL

The purpose of this Special Use request (SU2023-005) is to allow for the operation of a short term rental at a duplex in the R-100 (Single Family Residential-100) zoning district. The subject property is located at 3595 North Street.

Planning Commission heard the item June 5, 2023, and recommended approval of SU2023-005 with conditions of approval. Staff recommended approval of SU2023-005 with the conditions as written in the staff report.

On June 29, the applicant submitted a request to continue the public hearing from July 10th to August 14th. Staff recommends opening the public hearing and then approving a motion to continue the public hearing to August 14, 2023.

VI. MATTERS FROM DEPT HEADS/CITY ATTORNEY

1. ORDINANCE TO AMEND THE BUDGET - \$60,000 – CITY LIMIT SIGNAGE

Based on council approval, staff has installed decorative city limit signs on several state routes and local roads leading into the city based on a design study conducted by Columbia Engineering. The design study contemplated the installation of decorative city limit signs on county roads once an agreement was reached with Gwinnett County. Staff received a quote of \$35,000 from the sign vendor for the manufacture and installation of the new signs. Staff is also requesting \$25,000 in contingency funds for any decorative signs in downtown and throughout the city which are damaged and need to be replaced. Approval of this item approves ordinance BA-FY24-02 to add \$60,000 in prior years reserves to the Rental Motor Vehicle Tax Fund - Downtown Development - Signs/Banners line item.

VII. MATTERS FROM COUNCIL

VIII. MATTERS FROM CITY MANAGER

IX. EXECUTIVE SESSION

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

X. ADJOURNMENT

The next scheduled meeting of the Mayor and Council is a special called meeting for the tax millage on July 24, 2023 at 10:00am in the Council chambers and again at 5:30pm in the Community Room, followed by the regular work session of the Mayor and Council.



**DRAFT MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
JUNE 12, 2023**

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

ABSENT: Councilmember Doss

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

Mayor Harris called the meeting to order at 5:36 p.m.

I. EXECUTIVE SESSION

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

A motion was made by Councilmember Thomas, seconded by Councilmember Graeder, to adjourn to executive session at 5:36 p.m.

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

After the discussion, a motion was made by Councilmember Harkness, seconded by Councilmember Whitlock, to return to regular session at 5:47 p.m.

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

II. ANNOUNCEMENTS

1. AGENDA CHANGES (none)
2. COMMUNITY CLEANUP DAY

Public Works Director Audrey Turner came forward to report on the annual community clean-up event and share pictures from the day. She thanked those who volunteered and the police for their support, and said the event was a huge success.

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

Duluth Live every Thursday, Friday 5-8pm, and Sunday 2-5pm.

Fridays-N-Duluth every Friday May 26 through July 6pm-9pm. Town Green and Parsons Alley.

Duluth Farmers & Artisan Market every second and fourth Sunday, March through November. 2pm-5pm. Town Green.

Night at the Red Clay featuring Fish Sticks Improv Comedy Thursday, June 22 6:30pm. Red Clay Music Foundry.

Viva Las Duluth, Saturday, July 8. 6:00pm-9:00pm. Duluth Town Green and Amphitheater.

III. CONSENT AGENDA

1. APPROVAL OF MAY 8TH & 22ND MINUTES
2. FISCAL YEAR 2022 AUDIT

{A}

The FY22 audit was presented to the Mayor and Council at the May 22 work session by Josh Carroll of Mauldin & Jenkins. The audit report includes the city as a whole, including the Downtown Development Authority and Urban Redevelopment Agency. The audit confirms that the financial statements were prepared in accordance with generally accepted accounting principles (GAAP). The auditor issued an unqualified or “clean” opinion; in the independent auditor's judgement the financial statements are fairly and appropriately presented and in compliance with GAAP. Approval of this item accepts the report as presented.

3. RESOLUTION OF APPOINTMENT –PLANNING DIRECTOR

{B}

Per Article 13 Section 1301, of the Unified Development Code, the Mayor and Council shall appoint the Director of Planning and Development. Approval of resolution R2023-08 appoints Director of Community Development and Engineering Margie Pozin as Director of Planning and Development, effective June 5, 2023.

4. APPROVAL OF TITLE VI ANNUAL REPORT

{C}

As discussed during the May 22 work session, the City is required to submit annual reports to the Georgia Department of Transportation (GDOT) for the Title VI (non-discrimination) program each year. As such, approval of this item authorizes the Mayor to sign the updated forms for submission prior to June 30, 2023.

5. AWARD OF BID – 2023 LMIG PAVING

{D}

Approval of this item awards the 2023 LMIG Paving and Full Depth Reclamation bid to Stewart Brothers in an amount not to exceed \$1,867,899.17. Total includes base bid of \$1,357,768.19 and Alternate One bid of \$340,321.97 and 10% contingency. Base bid funds five streets (Barkley Square Drive, Canter Way, Winsley Place, Chattawood Drive and Timberridge Trail), Alternate One funds three streets (Gate House Lane, Hawks Nest Court, and White Owl Court).

6. ORDINANCE TO AMEND THE BUDGET - \$1,900,000 – LMIG

{E}

Based on council approval to award the 2023 LMIG Paving and Full Depth Reclamation contract to Stewart Brothers, approval of this item approves budget amendment BA-FY23-29 to add \$1,900,000 in unallocated 2017 SPLOST Transportation funds to Transportation/Infrastructure Improvements - Paved Streets - Repairs & Maintenance - Streets/Sidewalks line item, including associated transfers.

7. AWARD OF BID – 2023 HDMB PAVEMENT PRESERVATION

{F}

Approval of this item awards the 2023 HDMB (High Density Mineral Bond) Pavement Preservation Bid to Holbrook Asphalt in an amount not to exceed \$244,624.16. Total includes bid of \$222,385.60 and 10% contingency for the treatment of 18 streets.

8. ORDINANCE TO AMEND THE BUDGET - \$1,900,000 – HDMB

{G}

Based on the bid award of the 2023 HDMB Pavement Preservation Bid to Holbrook Asphalt, approval of this item approves budget amendment BA-FY23-30 to add \$250,000 in unallocated 2017 SPLOST Transportation Funds to the Transportation/Infrastructure Improvements - Paved Streets - Repairs & Maintenance - Streets/Sidewalks line item, including associated transfers.

Mayor Harris highlighted the favorable audit report results. Councilmember Graeder noted the consent items regarding street paving and asked Public Works Director Audrey Turner to give a brief overview.

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

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

IV. PUBLIC HEARINGS

1. ORDINANCE OF SPECIAL USE – SU2023-004 – MOORING PLAZA {H}

Mayor Harris opened the public hearing.

City Manager James Riker came forward to present. He explained that the purpose of this Special Use request (SU2023-004) is to allow for the operation of a gas station in the HC-R (Highway Commercial - Retail) District. The subject property contains a 20,000sf commercial building on 2.6 acres located at 2856 Buford Highway in the Mooring Plaza, tax parcel 7202 188. The gas station will occupy Suite 9 of the plaza.

Mr. Riker showed the site plan and discussed the considerations for the site. The Planning Commission recommended approval with conditions regarding the detention pond as well as parking lot paving. As the property was previously operating as a gas station, it adheres to the Comprehensive Plan and is compatible with surrounding uses.

The Mayor called for discussion from Council.

Councilmember Harkness asked whether it would remain a Marathon, and how the City would prevent unlawful gaming in back rooms. He also asked if the tenant was going to have cameras, and recommended they contact the Duluth Police Department for details on how the city can help with monitoring.

Councilmember Graeder said he noted deficiencies in the stormwater/detention report, and wanted to ensure the next inspection/report cycle includes gas station use since that triggers other items to review in the NPDES inspections including HVPS once the gas station is open and operational.

Mayor Harris asked what portion of the parking lot would be repaved and who would be responsible for landscaping.

Mayor Harris called the applicant forward to answer Council's questions.

David Chong of 4463 Faircroft Carriage, Suwanee came forward on behalf of his parents, who are the property owners. He noted that plans are well underway for the needed repairs, and they are in the final stages of Engineering review working with Kevin McInturff. They are making progress on the paving requirements but those are weather dependent. His parents have owned the property for six years and very proud of being part of the City of Duluth. He said they plan to mill and resurface the whole parking lot.

David Darusha of 2857 Bridgeview Drive, Gainesville GA came forward representing the tenant. He reported that it was going to be a Citgo gas station and it would take 30-60 days to get everything finalized and get the business license. They have a long term lease and are planning to invest in quality improvements. They will not have any

gaming machines and there is a landscape company to maintain the steep grassy areas.

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

A motion was made by Councilmember Thomas, seconded by Councilmember Harkness, to approve ordinance O2023-17 as presented.

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

2. ORDINANCE TO AMEND THE UDC – SECTIONS 1103-1104, 1206-1208 {I}

Mayor Harris opened the public hearing. City Attorney Stephen Pereira presented.

The purpose of this Text Amendment (TA2023-002) is to ensure local zoning procedures are following state statute, which was enacted in 2022. Sections 1103-1104, 1206-1208 are affected, regarding notice and hearing requirements for proposed land use changes.

Mr. Pereira noted that most are simple changes, but section 1103.06 is lengthy and substantive, regarding special public hearings for proposed multi-family uses. In summary, this section is pertaining to widespread rezoning of residential areas. He explained that if the City is going to initiate a rezoning from residential to multi family, there would be heightened notice and hearing requirements. The other amendments define quasi-judicial vs. zoning decisions.

The Mayor called for discussion from Council.

Councilmember Graeder clarified that two public hearings would be required in front of the Planning Commission, followed by two City Council hearings for the multi-family. Essentially, the process would take four months due to this schedule.

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

A motion was made by Councilmember Harkness, seconded by Councilmember Whitlock, to approve ordinance O2023-18 as presented.

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

3. ORDINANCE TO ADOPT FISCAL YEAR 2024 BUDGET {J}

Mayor Harris opened the public hearing. City Manager James Riker came forward to present.

After several budget work sessions in April, the first public hearing was held before the Mayor and Council on May 8th. No public comments were received at that time.

Mr. Riker presented the strategic vision statements of the City and the proposed balanced FY 2024 budget, which is \$41,443,162. 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. For 2024, the funds required to balance the budget are \$809,872.

Mr. Riker summarized the revenues; property taxes make up the largest portion at 42%. On the expenditure side, the largest item is salaries. He reviewed the expenditures by department and said the intent is to keep the tax millage rate the same at 6.5651 mills.

Asst. City Manager Ken Sakmar came forward to cover the highlights for this year's budget. Some of the notable items:

- Property tax revenue increased by \$1,450,000.
- Motor Vehicle Title Ad Valorem or TAVT revenue increased by \$267,000
- Alcohol Beverage/Mixed Drink Excise Tax revenue increased by \$55,000
- Insurance Premium Tax revenue increased by \$500,000
- Building Plan Review revenue increased by \$157,423
- Investment Income (Money Market and Certificates of Deposit) revenue increased \$409,000
- Intergovernmental (new E-911 Agreement) revenue decreased \$59,941
- Photo Enforcement revenue decreased \$290,000
- Transfer from Hotel/Motel Fund increased by \$48,656
- Transfer from Police Technology Fund decreased by \$140,000
- Draft budget includes funding of \$36,235 for the upcoming November council elections including the regular election and potential run-off election.
- The draft budget includes \$74,000 for an enhanced cyber security preparedness program, password management and 2 factor authentication.
- In the Public Works Department – Solid Waste Disposal line item the draft budget includes \$134,000 for the new solid waste contract anticipated to take effect May 2024. The contract will be fully implemented in the FY25 budget.

Additionally, he discussed and explained other funds as follows:

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

Hotel Excise Tax Fund - Revenues and expenditures were increased to account for recent activity in the fund based on historical data.

Rental Motor Vehicle Fund - Fund revenue increase based this excise tax being collected for an additional car rental provider.

Stormwater Utility Fund - Continues to receive funding based on an annual assessment which is dedicated to the maintenance and construction of the stormwater infrastructure and ongoing inspections.

Council had no further questions.

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

A motion was made by Councilmember Thomas, seconded by Councilmember Whitlock, to approve ordinance O2023-19 adopting the fiscal year 2024 budget as presented.

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

V. NEW BUSINESS

1. BID AWARD – ROGERS BRIDGE PARK TRAILHEAD, PHASE 2 {K}

Community Development/Engineering Director Margie Pozin explained the request. On May 16, 2023, four proposal packages were received by the City for the project Rogers Bridge Park Trailhead - Phase 2 (CP23-01). The packages were evaluated by a team of three independent evaluators and scored based on cost (65%), written approach to completing the work (25%), and resumes/references (10%). The evaluation resulted in the following scores:

IP Construction	70 points
Magnum Construction, LLC	76 points
Astra Group	81 points
Tri Scapes, Inc	93 points

Tri Scapes was the highest scoring proposal, with a cost of \$3,106,577.65. Therefore, Staff recommends awarding Rogers Bridge Park Trailhead - Phase 2 project to Tri-Scapes as presented.

The goal is to start immediately after the bridge ribbon cutting in early/mid-July, and have one of the two parking lots open within 60 days.

A motion was made by Councilmember Whitlock, seconded by Councilmember Graeder, to award the Rogers Bridge Park Trailhead - Phase 2 Project to Tri-Scapes in the amount of \$3,106,577.65 and further authorize the City Manager to execute a city-attorney approved contract.

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

2. ORDINANCE TO AMEND FY23 BUDGET – ROGERS BR TRAILHEAD {L}

As Council approved awarding of the Rogers Bridge Park Trailhead - Phase 2 Project to Tri Scapes, Inc, in the amount of \$3,106,577.65, Asst. City Manager Ken Sakmar requested a budget amendment to cover the construction phase as follows:

Construction (Tri Scapes) -	\$3,106,577.65
Contingency 20% -	\$ 621,315.53
Materials Testing & Inspection Services & Construction Administration -	\$ 72,106.82
Total Budget	\$3,800,000

There are different funding sources for this project, but they are all SPLOST related. Approval of ordinance BA-FY23-31 adds \$862,603.25 in unallocated 2017 Parking Facilities funds, \$640,921 in unallocated 2017 Transportation funds, and \$2,296,475.75 in unallocated 2023 Recreation Facilities & Equipment funds to Rogers Bridge Park - Park Areas - Parking Lot - Professional Services line item \$72,200 and Site Improvements line item \$3,727,800 including associated transfers.

A motion was made by Councilmember Harkness, seconded by Councilmember Thomas, to approve ordinance BA-FY23-31 as presented.

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

3. PURCHASE AND SALE AGREEMENT- 3542 NORTH STREET {M}

Staff has negotiated a Purchase and Sale Agreement (PSA) in the amount of \$449,000 for acquisition of 3542 North Street from the owners, Timothy Logan Higgins (AKA Timothy Logan Allen) and Harriet Higgins in her capacity as Executor of the Estate of Marilyn Allen . The PSA includes a 90 day lease back period by the owners following closing.

City Manager James Riker explained that the acquisition is affiliated with Main St Phase II Enhanced Sidewalk project.

A motion was made by Councilmember Thomas, seconded by Councilmember Whitlock, to approve the purchase and sale agreement with Timothy Logan Higgins (AKA Timothy Logan Allen) and Harriet Higgins, individually and in her capacity as Executor of the Estate of Marilyn Allen, for acquisition of 3542 North Street, Duluth Georgia, 30096 also known as tax parcel number 7202-042 for an amount of \$449,000 as presented.

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

VI. MATTERS FROM DEPT HEADS/CITY ATTORNEY

1. ORDINANCE TO AMEND FY23 BUDGET – WORKERS' COMP {N}

The City's Workers Compensation Fund continues to experience some large claims expenditures as a result of a significant claim involving a police officer. Because the

City has met its maximum out of pocket expenditure of \$650,000 for this claim, we are now reimbursed by our excess workers compensation carrier, Midwest Employers Casualty, for our ongoing expenditures. Staff will continue to seek reimbursement from the carrier; however the Workers Compensation Fund must pay the claims prior to seeking reimbursement. For this reason staff is requesting approval of ordinance BA-FY23-32 to add \$225,000 to Workers Compensation - Insurance Claims Reimbursements line item and \$225,000 to Workers Compensation - Risk Management - Claims Police Uniform line item.

A motion was made by Councilmember Whitlock, seconded by Councilmember Graeder, to approve ordinance BA-FY23-32 as presented.

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

VII. MATTERS FROM COUNCIL

Councilmember Graeder expressed appreciation for the weekend events.

Councilmember Thomas expressed condolences to the family of Alaina Moss for the loss of her husband Scott, who have both been very active volunteers for the city.

VIII. MATTERS FROM CITY MANAGER

1. ENCORE @ ROGERS BRIDGE PARK – PROPERTY DONATION {O}

Mr. Riker reported that the City Attorney has been working diligently with Encore developer Ashton Woods, who officially dedicated the promised eight acres of riverfront property becoming part of Rogers Bridge Park.

2. DRAG RACING

Mr. Riker noted some of the NextDoor social media concerns regarding drag racing etc. The Duluth Police Department has a Zero tolerance policy and have posted on all our social media platforms to that effect.

IX. ADJOURNMENT

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

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

There is no work session for June due to the Georgia Municipal Association annual conference. The next scheduled meeting of the Mayor and Council will be held on July 10, 2023 at 6:00 p.m.

KM 6/14

ORDINANCE
2023 CALL OF ELECTION
TO REGULATE AND PROVIDE FOR THE CALLING OF THE GENERAL MUNICIPAL ELECTION
TO FILL THE EXPIRED TERMS OF THE MAYOR AND COUNCIL POSTS 4 AND 5

WHEREAS, under the Charter of the City of Duluth, the Georgia Election Code codified at OCGA § 21-2-1 et seq., and the Constitution of the State of Georgia of 1983, Art. 9, Para., 1. the City of Duluth shall call a general municipal election to fill the expired terms of its elected members.

WHEREAS, the position of the mayor and two Council member posts are expiring on the second Monday in January 2023; and

WHEREAS, their successors are required to be elected on the municipal election date set by law;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF DULUTH, A GEORGIA MUNICIPAL CORPORATION, AND BY THE AUTHORITY OF THE SAME, IT IS HEREBY ORDAINED AS FOLLOWS:

Section 1. That under and by virtue of the Charter of the City of Duluth, Constitution and laws of the State of Georgia, a general municipal election be, and is hereby called to be held in the City of Duluth on November 7, 2023, at which election there shall be submitted to the qualified voters of said City election for the expired terms of the following offices, to wit:

Mayor		(to succeed Nancy Harris)
Council Member	Post 4	(to succeed Manfred Graeder)
Council Member	Post 5	(to succeed Greg Whitlock)

Section 2. The voting polls shall open at 7:00 am and close at 7:00 pm on November 7, 2023. The place for holding municipal elections will be held at Duluth City Hall, 3167 Main Street. Said election shall be held in accordance and in conformity with the laws of the State of Georgia. Computation of votes casts in the November 7 election will be conducted at the time the poll closes. If no candidate receives a majority of the votes cast, a run-off election shall be held between the candidates receiving the two highest numbers of votes on December 5, 2023.

Section 3. The voting polls shall be opened for advance in person voting at Duluth City Hall during the dates of October 16 - 21 from 9:00 am to 5:00 pm, October 23 - 28 from 9:00 am to 5:00 pm, and October 30 – November 3 from 9:00 am to 5:00 pm. Said election shall be held in accordance and in conformity with the laws of the State of Georgia.

Section 4. Qualifying for said offices shall open Monday, August 21, 2023 at 8:30 am and will close at 4:30 pm on Wednesday, August 23, 2023. Individuals intending to qualify shall remit the qualification fee of \$288.00 for Mayor or \$180.00 for Council member.

Section 5. All duly qualified electors of the City of Duluth, Georgia, are urged to participate. Those qualified to vote at said election shall be determined in all respects in accordance and in conformity with the laws of the State of Georgia. Any person whose name is not on the municipal registration list who desires to vote at said election, he or she shall register on or before 5:00 pm on October 10, 2023. Registration forms are available in the office of the City Clerk, or before midnight at any other authorized location. Any person who is presently registered as a voter in said City but who now resides outside the City limits is not eligible to vote in said election. Information on voter registration may be obtained through the Chief Registrar of Gwinnett County, Georgia.

Section 6. The Georgia Municipal Election Code requires that the Mayor and Council appoint certain officials prior to the election – including a Superintendent, Poll Manager, Chief Registrar, and an Absentee Ballot Clerk. Duluth City Clerk Teresa S. Lynn is hereby appointed to the position of Municipal Superintendent and Registrar; the Gwinnett Board of Registration and Elections is hereby appointed Chief Registrar; Kristin McGregor is hereby appointed as Assistant Superintendent of Elections and Absentee Ballot Clerk, and Janice Williams is appointed as Poll Manager. Poll Workers will be appointed by the Superintendent of Elections and/or Poll Manager at a later date. The compensation of managers and clerks serving in elections shall be fixed and paid by the governing authority. The workers who are employees of the City of Duluth will either be given “comp time” or paid for hours above the regular eight hours at the overtime rate depending on FLSA status.

Section 7. The City shall utilize paper ballots to tabulate the respective votes.

Section 8. That a notice of the general municipal election be advertised at least 30 days prior to the date of the election in the legal organ of the City of Duluth and a copy be transmitted to the Secretary of State’s office pursuant to O.C.G.A. 21-2-9 and O. C. G.A. 21-2-70.

Section 9. The Election Superintendent shall take such action as is necessary to properly call the municipal election scheduled for November 7, 2023, including, but not limited to properly publishing a public notice to notify the public of said election. The City Clerk and/or Election Superintendent shall take such other actions as necessary and appropriate to make certain that the election is conducted accordance with, and in conformity with, the laws of the State of Georgia, the Duluth City Charter, and Duluth Ordinances. That the notice of said election shall be in substantially the following form as the attached Exhibit “A.”

APPROVED AND ADOPTED THIS 10th DAY OF JULY, 2023.

Nancy Harris, Mayor

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

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

APPROVED AS TO FORM:

Stephen Pereira, City Attorney

EXHIBIT A
NOTICE OF CITY OF DULUTH
GENERAL MUNICIPAL ELECTION

Pursuant to OCGA § 21-2-1 et seq. and all other applicable Georgia laws, please be advised that on November 7, 2023, a general municipal election will be held in the City of Duluth, Georgia, at which time there will be submitted to the qualified voters of said City for their determination the expired term of Mayor (to succeed Nancy Harris), Council Member Post 4 (to succeed Manfred Graeder), and Council Member Post 5 (to succeed Greg Whitlock).

Those interested in qualifying for said offices should be advised that the respective qualification period shall run from Monday, August 21, 2023 at 8:30 am through Wednesday, August 23, 2023 at 4:30 pm in the office of the City Clerk at Duluth City Hall, located at 3167 Main Street, Duluth, GA, 30096. Individuals intending to qualify shall remit the sum of \$288.00 for Mayor or \$180.00 for Council Member.

All duly qualified electors of the City of Duluth, Georgia, are urged to participate. Those qualified to vote at said election shall be determined in all respects in accordance and in conformity with the State of Georgia. The registration deadline to vote in this election shall close at 5:00 pm October 10, 2023. Any person who is presently registered as a voter in said City but who now resides outside the city limit is not eligible to vote in said election. Information on voter registration may be obtained through the Chief Registrar of Gwinnett County, Georgia.

The election shall be held on Tuesday, November 7, 2023, between 7:00 am and 7:00 pm at Duluth City Hall, 3167 Main Street, Duluth, Georgia. Absentee voting will be available per state law. In accordance with the City Charter, the successful candidate (s) will be determined by majority of votes. If no candidate receives a majority of the votes cast, a run-off election shall be held between the candidates receiving the two highest numbers of votes on December 5, 2023.

The voting polls shall be opened for advance in person voting at Duluth City Hall during the dates of October 16 - 21 from 9:00 am to 5:00 pm, October 23 - 28 from 9:00 am to 5:00 pm, and October 30 – November 3 from 9:00 am to 5:00 pm. Said election shall be held in accordance and in conformity with the laws of the State of Georgia.

The City shall utilize paper ballots to tabulate the respective votes. This and all City of Duluth elections is governed by the Elections Code of the State of Georgia and the City Charter. A copy of the ordinance and/or resolution calling for the election is on file, together with other relevant documents, for inspection at the City Clerk's office, 3167 Main St, Duluth, GA 30096, between the hours of 8:00 am and 4:30 pm, Monday through Friday. For additional information contact the City Clerk's office at 770-476-3434.

This 10th day of July, 2023.

Teresa S. Lynn, Election Superintendent
City of Duluth, Georgia

**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>78,682,239</u>
Operations Expenditures:	<u>37,239,077</u>
Capital Improvement Expenditures:	<u>41,443,162</u>
Total Expenditures:	<u>78,682,239</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 \$19,493.68 for two vehicles involved in separate accidents, and sold a seized vehicle and a horse trailer that was no longer being use at auction, and after commission and fees received \$9,170; and

WHEREAS on order to continue to maintain a vehicle fleet that is low maintenance and dependable, the Police Department is requesting the \$28,663.68 be added to the Police Vehicle Fund; and

WHEREAS it is requested \$28,663 in General Funds be added to the Police Vehicle – Consolidated Vehicle Maintenance – Vehicle 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>78,710,902</u>
Operations Expenditures:	<u>37,239,077</u>
Capital Improvement Expenditures:	<u>41,471,825</u>
Total Expenditures:	<u>78,710,902</u>

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

Mayor Nancy Harris

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

**RESOLUTION TO APPROVE USE OF EMINENT DOMAIN TO ACQUIRE
3068 WASHINGTON STREET, DULUTH, GEORGIA 30096 FOR A PUBLIC PURPOSE**

WHEREAS, the City of Duluth, Georgia (hereinafter the “City”) was awarded funds pursuant to the State American Rescue Plan Act Fund (hereinafter “ARPA”); and

WHEREAS, these ARPA funds are required to be used for water and sewer infrastructure projects; and

WHEREAS, the City has determined that there are areas where water and sewer infrastructure need to be improved to prevent threats to public health and environmental quality. Specifically, the City has approved plans for the City of Duluth Sewer Project (See Exhibit A); and

WHEREAS, the property that the City needs to acquire to complete such sewer system improvement project is described in Exhibit B, which is attached hereto and incorporated herein by reference (hereinafter the “Property”); and

WHEREAS, the City has determined that there is a public need and public use for the Property to complete the sewer system improvement project; and

WHEREAS, the City has attempted to acquire the Property necessary to complete the sewer system improvement project through negotiation with the owner; and

WHEREAS, the negotiations with the owner of the Property, GRADY ROGERS, have been unsuccessful; and

WHEREAS, the Property has been appraised and the owner of the Property has been offered the fair market value of the Property as established by the appraisal; and

WHEREAS, the owner of the Property has been given due notice, as required by law, that this Resolution would be considered at a public meeting of City Council of the City of Duluth, Georgia on July 10, 2023, at a meeting to be convened at 6:00 p.m.; and

WHEREAS, on June 5, 2023, fifteen (15) or more days prior to said public meeting, a notice was published in the Gwinnett Daily Post giving notice that a Resolution to consider the approval of the use of Eminent Domain to acquire the Property would be considered at a public meeting of the City Council; and

WHEREAS, on June 21, 2023, more than fifteen (15) days prior to said public meeting, a sign was posted on the Property giving notice that a Resolution to consider the approval of the use of Eminent Domain to acquire the Property would be considered at a public meeting of the City Council.

NOW THEREFORE, the City Council of the City of Duluth, Georgia hereby adopts the whereas provisions of this Resolution as the findings of the City Council and further finds and

determines that the acquisition of the Property is necessary for a public purpose to complete a sewer system improvement project and that the circumstances are such that it is necessary that the property described in Exhibit B be acquired by the use of Eminent Domain.

The City Council of the City of Duluth, Georgia hereby resolves and ordains that the City shall proceed to acquire the total Property herein described by condemnation under the provisions of Georgia law, and that the Attorney for the City is authorized and directed to file condemnation proceedings as provided by Georgia law to acquire said Property and to take all other actions necessary and appropriate to obtain such Property as authorized by law.

IT IS SO RESOLVED AND ORDAINED this ____ day of _____, 2023.

CITY OF DULUTH, GEORGIA

By: _____
Nancy Harris, Mayor

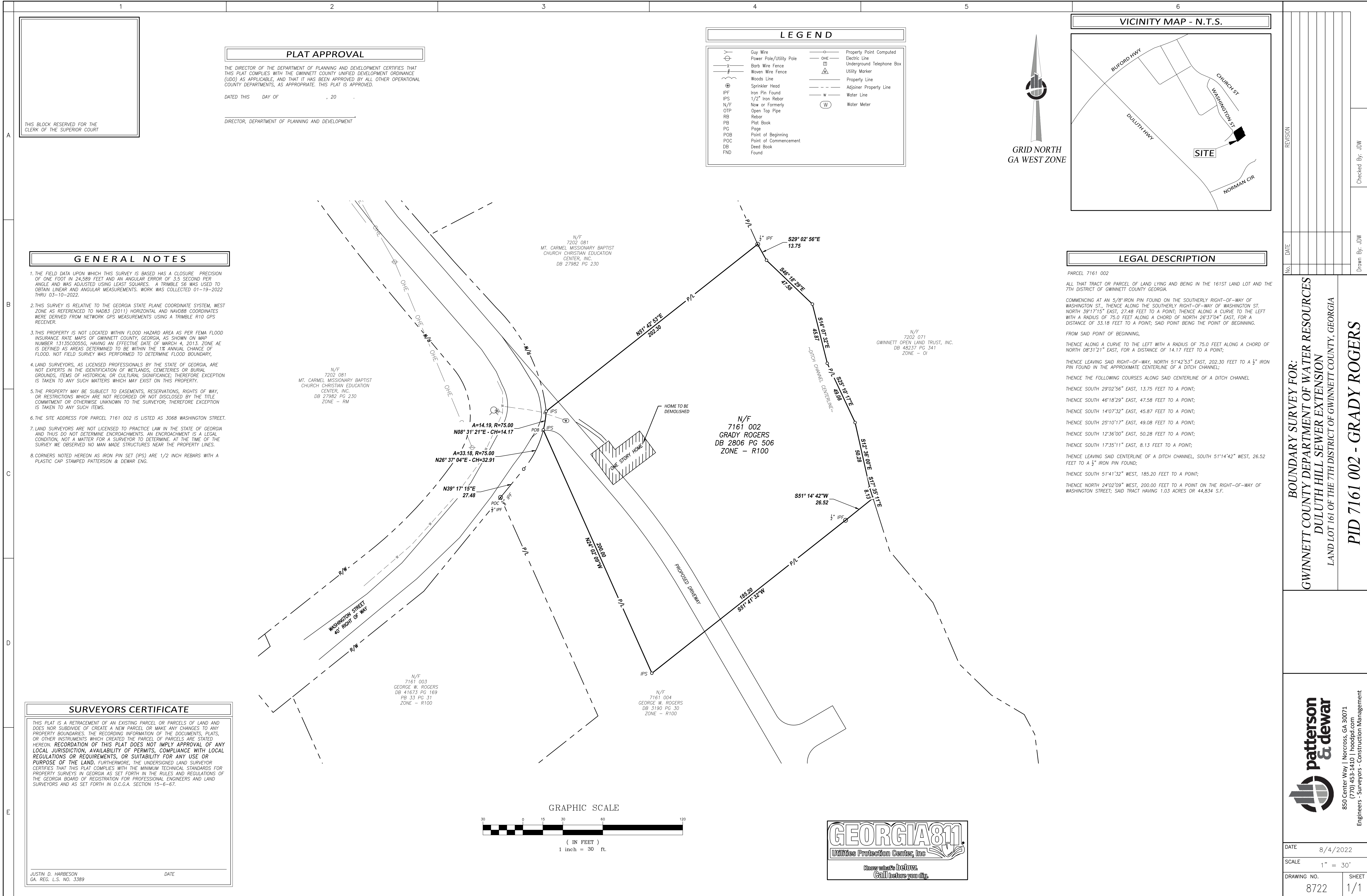
(SEAL)

Attest:

By: _____
Teresa Lynn, City Clerk

EXHIBIT A
SEWER MAP AND MINUTES OF APPROVAL THEREOF

Drawing File: S:\8722 SV E5 DULUTH HILL SEWER EXTENSION\DWG\EASEMENTS\PID 7161 002 FEE SIMPLE BOUNDARY.DWG
Plotted by: JASON WOODS
Date: Thu, 4 Aug 2022
Time: 09:27:16 am
Images:





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

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

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

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

I. EXECUTIVE SESSION

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

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

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

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

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

II. ANNOUNCEMENTS

1. AGENDA CHANGES (none)

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

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

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

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

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

III. MATTERS FROM CITIZENS

No matters brought forward.

IV. CONSENT AGENDA

1. APPROVAL OF MARCH 13/27TH MINUTES

2. ORDINANCE TO APPOINT PARKS BOARD MEMBER {A}

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

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

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

V. PUBLIC HEARINGS

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

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

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

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

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

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

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

Mayor Harris called for discussion from Council.

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

The Mayor called for questions/comments from the public.

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

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

Councilmember Harkness asked how a school would be treated now.

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

Councilmember Whitlock agreed with Councilmember Graeder.

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

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

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

2. ORDINANCE OF SPECIAL USE – CASE SU2023-001

{C}

Mayor Harris opened the public hearing.

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

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

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

Mayor Harries called for discussion from Council.

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

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

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

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

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

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

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

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

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

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

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

Councilmember Thomas asked about the identification system for student carpool.

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

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

Mayor called the applicant forward.

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

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

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

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

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

Councilmember Graeder asked about a future playground.

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

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

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

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

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

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

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

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

Mayor Harris called for questions/comments from the public.

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

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

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

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

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

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

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

Councilmember Harkness was concerned about relying on enforcement.

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

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

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

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

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

VI. NEW BUSINESS

1. SELECTION OF PROPOSER – SOLID WASTE SERVICES

{D}

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

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

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

Mayor Harris called for discussion from Council.

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

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

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

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

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

Mayor Harris called for questions/comments from the public.

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

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

2. APPROVAL - ARPA SANITARY SEWER PLAN

{E,F}

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

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

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

Mayor Harris called for discussion from Council.

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

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

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

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

VII. MATTERS FROM COUNCIL

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

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

VIII. MATTERS FROM CITY MANAGER

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

IX. ADJOURNMENT

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

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

Approved this 8th day of May, 2023.



Mayor Nancy Harris

ATTEST:



Asst. City Mgr./City Clerk, Teresa Lynn

EXHIBIT B**LEGAL DESCRIPTION**

The City of Duluth, Georgia seeks to acquire certain property necessary to install a new water and sewer line project. Said project will bring sanitary sewer to the Pinecrest and Hill communities. The property to be acquired is property commonly known as **3068 Washington Street, Duluth, Georgia 30096** (Gwinnett County Tax Parcel # R7161 002 and is more particularly described as:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE 161ST LAND LOT AND THE 7TH DISTRICT OF GWINNETT COUNTY GEORGIA. COMMENCING AT AN 5/8" IRON PIN FOUND ON THE SOUTHERLY RIGHT-OF-WAY OF IRON PIN FOUND ON THE SOUTHERLY RIGHT-OF-WAY OF WASHINGTON ST., THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY OF WASHINGTON ST. NORTH 39°17'15" EAST, 27.48 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 75.0 FEET ALONG A CHORD OF NORTH 26°37'04" EAST, FOR A DISTANCE OF 33.18 FEET TO A POINT; SAID POINT BEING THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING, THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 75.0 FEET ALONG A CHORD OF NORTH 08°31'21" EAST, FOR A DISTANCE OF 14.17 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY, NORTH 51°42'53" EAST, 202.30 FEET TO A " IRON 12" IRON PIN FOUND IN THE APPROXIMATE CENTERLINE OF A DITCH CHANNEL; THENCE THE FOLLOWING COURSES ALONG SAID CENTERLINE OF A DITCH CHANNEL THENCE SOUTH 29°02'56" EAST, 13.75 FEET TO A POINT; THENCE SOUTH 46°18'29" EAST, 47.58 FEET TO A POINT; THENCE SOUTH 14°07'32" EAST, 45.87 FEET TO A POINT; THENCE SOUTH 25°10'17" EAST, 49.08 FEET TO A POINT; THENCE SOUTH 12°36'00" EAST, 50.28 FEET TO A POINT; THENCE SOUTH 17°35'11" EAST, 8.13 FEET TO A POINT; THENCE LEAVING SAID CENTERLINE OF A DITCH CHANNEL, SOUTH 51°14'42" WEST, 26.52 FEET TO A " IRON PIN FOUND; 12" IRON PIN FOUND; THENCE SOUTH 51°41'32" WEST, 185.20 FEET TO A POINT; THENCE NORTH 24°02'09" WEST, 200.00 FEET TO A POINT ON THE RIGHT-OF-WAY OF WASHINGTON STREET; SAID TRACT HAVING 1.03 ACRES OR 44,834 S.F.

**RESOLUTION TO APPROVE USE OF EMINENT DOMAIN TO ACQUIRE
MURPHY CIRCLE, DULUTH, GEORGIA 30096 FOR A PUBLIC PURPOSE**

WHEREAS, the City of Duluth, Georgia (hereinafter the “City”) was awarded funds pursuant to the State American Rescue Plan Act Fund (hereinafter “ARPA”); and

WHEREAS, these ARPA funds are required to be used for water and sewer infrastructure projects; and

WHEREAS, the City has determined that there are areas where water and sewer infrastructure need to be improved to prevent threats to public health and environmental quality. Specifically, the City has approved plans for the City of Duluth Sewer Project (See Exhibit A); and

WHEREAS, the property that the City needs to acquire to complete such sewer system improvement project is described in Exhibit B, which is attached hereto and incorporated herein by reference (hereinafter the “Property”); and

WHEREAS, the City has determined that there is a public need and public use for the Property to complete the sewer system improvement project; and

WHEREAS, the City has attempted to acquire the Property necessary to complete the sewer system improvement project through negotiation with the owner; and

WHEREAS, the negotiations with the owner of the Property, GEORGE W. ROGERS, JR., have been unsuccessful; and

WHEREAS, the Property has been appraised and the owner of the Property has been offered the fair market value of the Property as established by the appraisal; and

WHEREAS, the owner of the Property has been given due notice, as required by law, that this Resolution would be considered at a public meeting of City Council of the City of Duluth, Georgia on July 10, 2023, at a meeting to be convened at 6:00 p.m.; and

WHEREAS, on June 5, 2023, fifteen (15) or more days prior to said public meeting, a notice was published in the Gwinnett Daily Post giving notice that a Resolution to consider the approval of the use of Eminent Domain to acquire the Property would be considered at a public meeting of the City Council; and

WHEREAS, on June 21, 2023, more than fifteen (15) days prior to said public meeting, a sign was posted on the Property giving notice that a Resolution to consider the approval of the use of Eminent Domain to acquire the Property would be considered at a public meeting of the City Council.

NOW THEREFORE, the City Council of the City of Duluth, Georgia hereby adopts the whereas provisions of this Resolution as the findings of the City Council and further finds and

determines that the acquisition of the Property is necessary for a public purpose to complete a sewer system improvement project and that the circumstances are such that it is necessary that the property described in Exhibit B be acquired by the use of Eminent Domain.

The City Council of the City of Duluth, Georgia hereby resolves and ordains that the City shall proceed to acquire a portion of the Property as well as permanent construction easements and temporary construction easements in the Property herein described by condemnation under the provisions of Georgia law, and that the Attorney for the City is authorized and directed to file condemnation proceedings as provided by Georgia law to acquire said interest in the Property and to take all other actions necessary and appropriate to obtain such interest in the Property as authorized by law.

IT IS SO RESOLVED AND ORDAINED this ____ day of _____, 2023.

CITY OF DULUTH, GEORGIA

By: _____
Nancy Harris, Mayor

(SEAL)

Attest:

By: _____
Teresa Lynn, City Clerk

EXHIBIT A
SEWER MAP AND MINUTES OF APPROVAL THEREOF

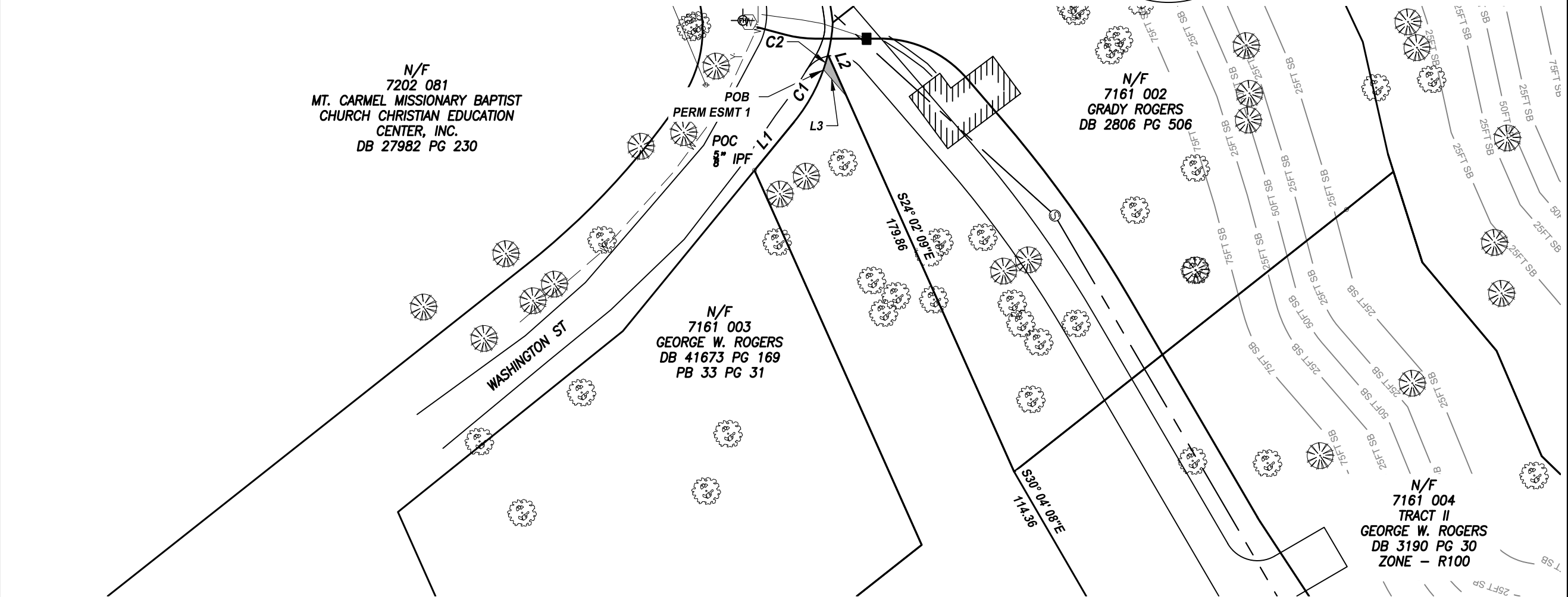


DRAWING SCALE
1" = 50'

EASEMENT TABLE	
	TEMPORARY EASEMENT 1 - 6,789 SQ. FT. TEMPORARY EASEMENT 2 - 7,378 SQ. FT.
	PERMANENT EASEMENT 1 - 45 SQ. FT. PERMANENT EASEMENT 2 - 21,250 SQ. FT.



GRID NORTH
GA WEST ZONE



DATE	7/19/22
SCALE	1" = 50'
DRAWING NO.	8722
SHEET	1/5

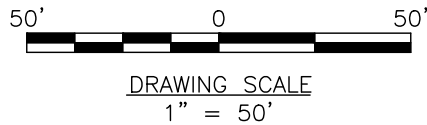




**patterson
& dewar**
ENGINEERS

850 Center Way | Norcross, GA 30071
(770) 453-1410 | pdengineers.com
Engineers - Surveyors - Construction Management

EASEMENT EXHIBIT
GCDWR
DULUTH HILL SEWER EXTENSION
LAND LOT 161 OF THE 7TH DISTRICT OF GWINNETT COUNTY, GEORGIA
PARCEL ID - 7161 004

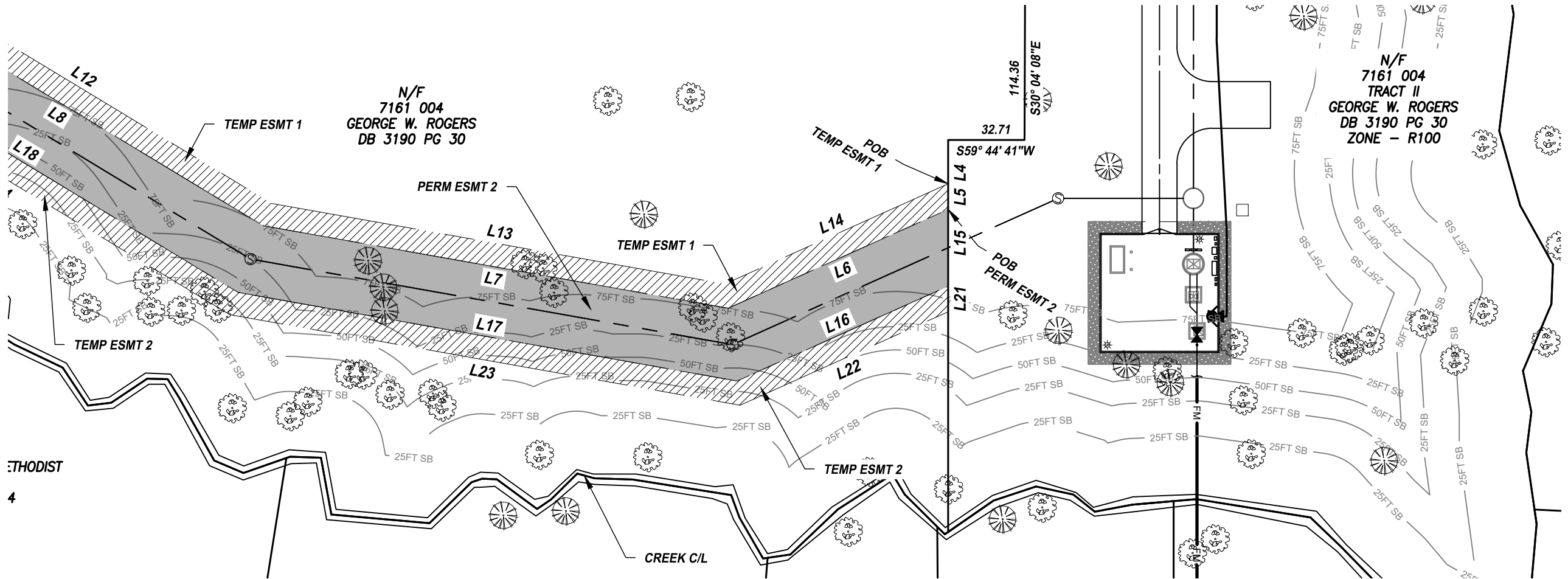
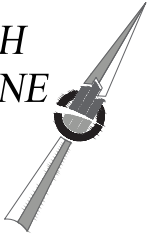
No.	DATE	REVISION
Drawn By: JDW		Checked By: JDH



EASEMENT TABLE	
	TEMPORARY EASEMENT 1 - 6,789 SQ. FT. TEMPORARY EASEMENT 2 - 7,378 SQ. FT.
	PERMANENT EASEMENT 1 - 45 SQ. FT. PERMANENT EASEMENT 2 - 21,250 SQ. FT.



GRID NORTH
GA WEST ZONE



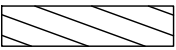

DATE	7/19/22
SCALE	1" = 50'
DRAWING NO.	8722
SHEET	2/5

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EASEMENT EXHIBIT
GCDWR
DULUTH HILL SEWER EXTENSION
LAND LOT 161 OF THE 7TH DISTRICT OF GWINNETT COUNTY, GEORGIA
PARCEL ID - 7161 004

No.	DATE	REVISION
Drawn By: JDW		Checked By: JDH

EASEMENT TABLE	
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	PERMANENT EASEMENT 1 - 45 SQ. FT. PERMANENT EASEMENT 2 - 21,250 SQ. FT.



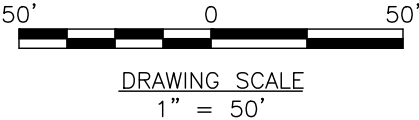
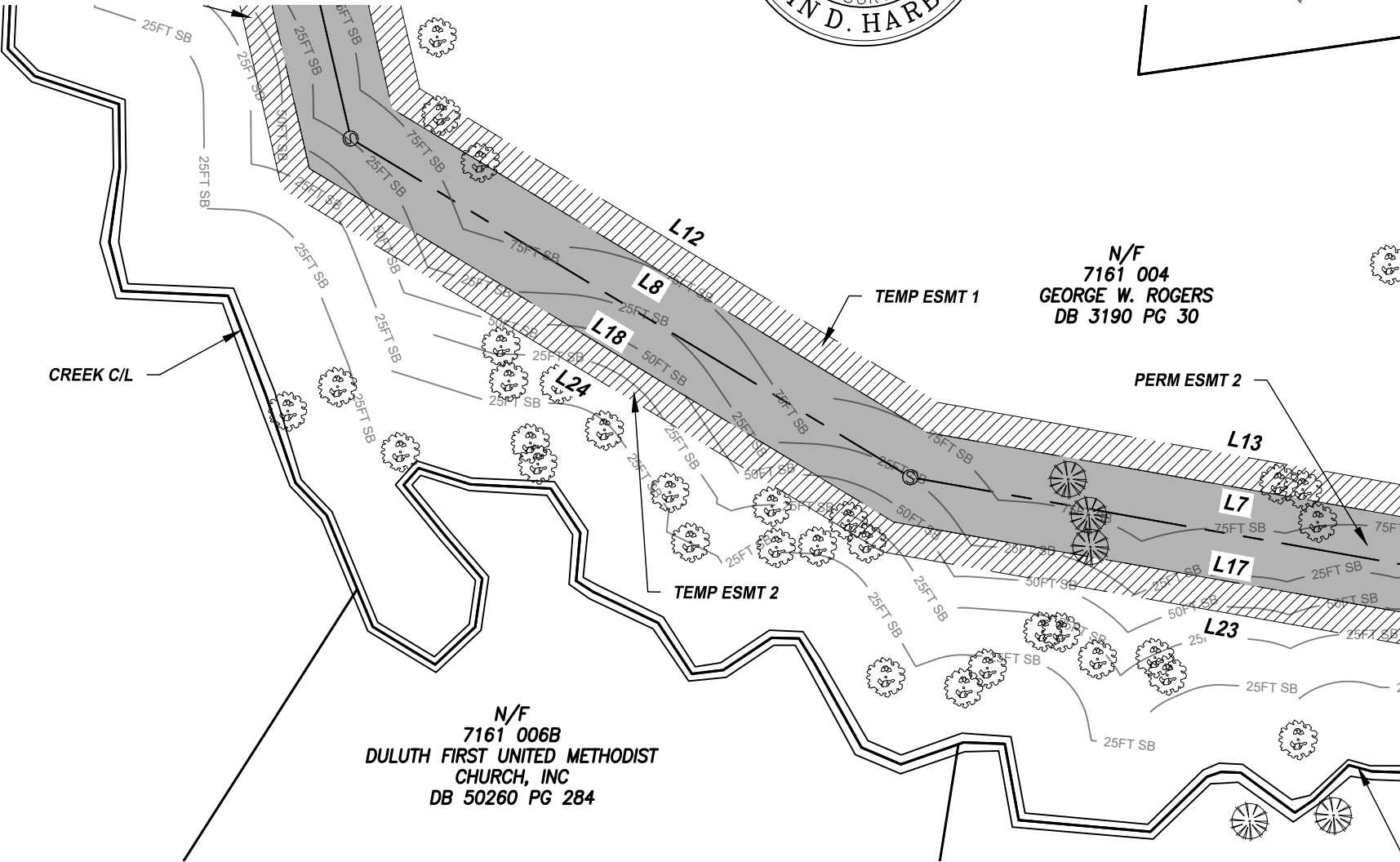
GRID NORTH
GA WEST ZONE



N/F
7161 006
ZION KOREAN UNITED METHODIST
CHURCH
DB 40391 PG 198

N/F
7161 004
GEORGE W. ROGERS
DB 3190 PG 30

N/F
7161 006B
DULUTH FIRST UNITED METHODIST
CHURCH, INC
DB 50260 PG 284



DATE	7/19/22
SCALE	1" = 50'
DRAWING NO.	8722
SHEET	3/5



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& dewar**
ENGINEERS

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Engineers - Surveyors - Construction Management

EASEMENT EXHIBIT

GCDWR

DULUTH HILL SEWER EXTENSION

LAND LOT 161 OF THE 7TH DISTRICT OF GWINNETT COUNTY, GEORGIA

PARCEL ID - 7161 004

No.	DATE	REVISION
Drawn By: JDW		Checked By: JDH



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

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

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

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

I. EXECUTIVE SESSION

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

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

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

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

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

II. ANNOUNCEMENTS

1. AGENDA CHANGES (none)

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

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

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

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

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

III. MATTERS FROM CITIZENS

No matters brought forward.

IV. CONSENT AGENDA

1. APPROVAL OF MARCH 13/27TH MINUTES

2. ORDINANCE TO APPOINT PARKS BOARD MEMBER {A}

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

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

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

V. PUBLIC HEARINGS

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

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

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

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

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

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

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

Mayor Harris called for discussion from Council.

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

The Mayor called for questions/comments from the public.

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

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

Councilmember Harkness asked how a school would be treated now.

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

Councilmember Whitlock agreed with Councilmember Graeder.

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

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

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

2. ORDINANCE OF SPECIAL USE – CASE SU2023-001

{C}

Mayor Harris opened the public hearing.

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

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

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

Mayor Harries called for discussion from Council.

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

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

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

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

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

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

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

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

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

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

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

Councilmember Thomas asked about the identification system for student carpool.

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

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

Mayor called the applicant forward.

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

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

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

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

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

Councilmember Graeder asked about a future playground.

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

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

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

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

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

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

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

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

Mayor Harris called for questions/comments from the public.

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

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

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

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

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

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

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

Councilmember Harkness was concerned about relying on enforcement.

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

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

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

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

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

VI. NEW BUSINESS

1. SELECTION OF PROPOSER – SOLID WASTE SERVICES

{D}

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

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

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

Mayor Harris called for discussion from Council.

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

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

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

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

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

Mayor Harris called for questions/comments from the public.

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

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

2. APPROVAL - ARPA SANITARY SEWER PLAN

{E,F}

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

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

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

Mayor Harris called for discussion from Council.

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

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

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

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

VII. MATTERS FROM COUNCIL

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

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

VIII. MATTERS FROM CITY MANAGER

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

IX. ADJOURNMENT

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

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

Approved this 8th day of May, 2023.



Mayor Nancy Harris

ATTEST:



Asst. City Mgr./City Clerk, Teresa Lynn

EXHIBIT B**LEGAL DESCRIPTION**

Fee Simple Boundary Tract 1- PID 7161 004

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

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

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

THENCE South 24°01'59" East, 200.02 feet to 1/2" iron pin found;

THENCE South 30°04'08" East, 114.36 feet to 1/2" iron pin found;

THENCE South 59°44'41" West, 32.71 feet to 1/2" iron pin found;

THENCE South 30°15'19" East, 142.86 feet to 1/2" offset iron pin set;

THENCE South 30°15'19" East, 25.00 feet to a point, said point being the center line of creek;

THENCE following said creek the said courses and distances South 25°02'41" West, 1.72 feet to a point;

THENCE North 75°27'12" West, 24.17 feet to a point;

THENCE North 61°13'23" West, 10.13 feet to a point;

THENCE South 27°05'06" West, 27.79 feet to a point;

THENCE South 16°08'21" West, 28.10 feet to a point;

THENCE South 51°23'27" West, 11.85 feet to a point;

THENCE North 60°11'40" West, 20.30 feet to a point;

THENCE North 50°12'50" West, 10.19 feet to a point;

THENCE South 68°43'35" West, 8.08 feet to a point;

THENCE South 68°41'05" West, 34.69 feet to a point;

THENCE South 61°31'38" West, 16.32 feet to a point;

THENCE South 75°06'16" West, 7.62 feet to a point;

THENCE South 15°07'30" West, 15.70 feet to a point;

THENCE South 25°22'03" West, 7.32 feet to a point;

THENCE North 83°51'59" West, 21.46 feet to a point;

THENCE South 62°02'44" West, 6.29 feet to a point;

THENCE South 40°57'30" West, 4.74 feet to a point;

THENCE North 44°44'34" West, 16.07 feet to a point;
THENCE North 22°17'08" West, 23.91 feet to a point;
THENCE North 30°55'38" West, 20.37 feet to a point;
THENCE South 78°08'12" West, 28.29 feet to a point;
THENCE North 74°55'48" West, 12.18 feet to a point;
THENCE North 27°39'42" West, 41.55 feet to a point;
THENCE North 28°25'56" West, 37.47 feet to a point;
THENCE North 62°51'43" West, 4.34 feet to a point;
THENCE South 60°58'28" West, 14.40 feet to a point;
THENCE North 11°21'30" West, 43.16 feet to a point;
THENCE North 21°35'53" West, 23.08 feet to a point;
THENCE leaving said creek North 51°38'10" East, 25.00 feet to 1/2" iron pin set;
THENCE North 51°38'10" East, 155.40 feet to 1/2" iron pin found;
THENCE South 24°01'59" East, 75.00 feet to 1/2" iron pin found;
THENCE North 51°38'10" East, 75.00 feet to 1/2" iron pin found;
THENCE South 24°01'59" East, 53.00 feet to 1/2" iron pin found;
THENCE North 51°38'10" East, 128.00 feet to 1/2" iron pin found;
THENCE South 24°01'59" East, 82.00 feet to 1/2" iron pin found;
THENCE North 51°38'10" East, 210.00 feet to 1/2" iron pin found;
THENCE North 24°01'59" West, 179.59 feet to 5/8" iron pin found; said pin being the Point of Beginning.

Said tract having 3.903 acres or 17,013 SQ. FT. more or less.

Fee Simple Boundary Tract 2 - PID 7161 004

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THENCE North 68°40'43" West, 14.30 feet to a point;

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

PERMANENT EASEMENT 1 - PID 7161 004

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

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

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

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

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

Said tract having 0.001 acres or 45 S.F.

PERMANENT EASEMENT 2 - PID 7161 004

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

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

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

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

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

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

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

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

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

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

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

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

TEMPORARY EASEMENT 1 - PID 7161 004

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

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

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

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

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

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

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

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

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

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

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

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

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

TEMPORARY EASEMENT 2 - PID 7161 004

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

Commencing at an 5/8" iron pin found on the southerly right-of-way of Washington St., THENCE along the southerly right-of-way of Washington St. North 39°17'15" East, 27.48 feet to a point; THENCE along a curve to the left with a radius of 75.0 feet along a chord of North 29°15'39" East, for a distance of 26.15 feet to a point; THENCE along a curve to the left with a radius of 75.0 feet along a chord of North 16°32'14" East, for a distance of 6.88 feet to a point; THENCE leaving said right of way, South 24°02'09" East, for a distance of 20.15 feet to a point; Thence South 24°02'09" East, for a distance of 179.86 feet to a point; Thence South 30°04'08" East, for a distance of 114.36 feet to a point; Thence South 59°44'41" West, for a distance of 32.71 feet to a point; Thence South 30°15'19" East, for a distance of 18.77 feet to a point; Thence South 30°15'19" East, for a distance of 10.96 feet to a point; Thence South 30°15'19" East, for a distance of 32.89 feet to a point; said point being the Point of Beginning. From said Point of Beginning,

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

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

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

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

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

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

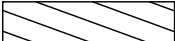

THENCE South 43°09'37" East, 196.54 feet to a point;

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

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

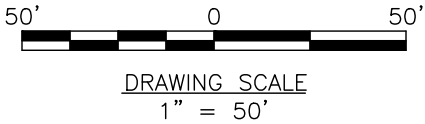
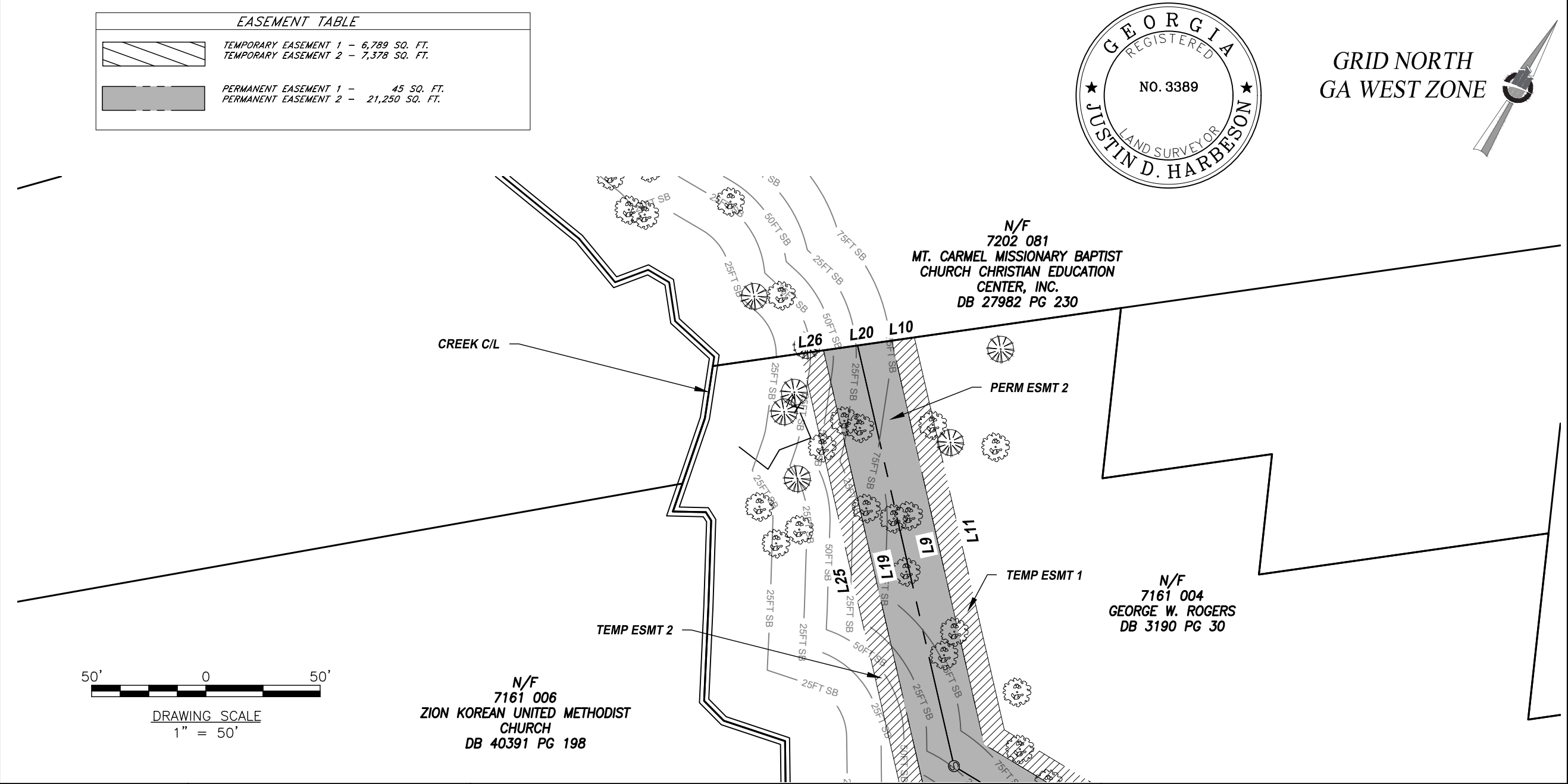
THENCE North 35°33'12" East, 99.04 feet to a point; said point being the Point of Beginning.

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

EASEMENT TABLE	
	TEMPORARY EASEMENT 1 - 6,789 SQ. FT. TEMPORARY EASEMENT 2 - 7,378 SQ. FT.
	PERMANENT EASEMENT 1 - 45 SQ. FT. PERMANENT EASEMENT 2 - 21,250 SQ. FT.



GRID NORTH
GA WEST ZONE



DATE	7/19/22
SCALE	1" = 50'
DRAWING NO.	8722
SHEET	4/5



**patterson
& dewar**
ENGINEERS

850 Center Way | Norcross, GA 30071
(770) 453-1410 | pdengineers.com
Engineers - Surveyors - Construction Management

EASEMENT EXHIBIT

GCDWR

DULUTH HILL SEWER EXTENSION

LAND LOT 161 OF THE 7TH DISTRICT OF GWINNETT COUNTY, GEORGIA

PARCEL ID - 7161 004

No.	DATE	REVISION
Drawn By: JDW		Checked By: JDH

EASEMENT TABLE				
Line #/Curve #	LENGTH	BEARING	RADIUS	ARC LENGTH
C1	26.14	N29° 14' 46"E	74.96	26.27
C2	6.88	N16° 32' 14"E	72.55	6.88
L1	27.49	N39° 17' 15"E		
L2	20.15	S24° 02' 09"E		
L3	15.58	N40° 44' 13"W		
L4	18.77	S30° 15' 19"E		
L5	10.96	S30° 15' 19"E		
L6	103.28	S35° 33' 12"W		
L7	202.16	S69° 48' 12"W		
L8	199.53	N89° 04' 40"W		
L9	181.31	N43° 09' 37"W		
L10	10.04	N51° 38' 10"E		
L11	176.24	S43° 09' 37"E		
L12	193.43	S89° 04' 40"E		
L13	197.21	N69° 48' 12"E		
L14	104.69	N35° 33' 12"E		
L15	32.89	S30° 15' 19"E		
L16	99.04	N35° 33' 12"E		
L17	216.99	N69° 48' 12"E		
L18	217.83	S89° 04' 40"E		

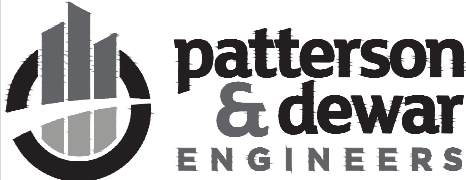
EASEMENT TABLE				
Line #/Curve #	LENGTH	BEARING	RADIUS	ARC LENGTH
L19	196.54	S43° 09' 37"E		
L20	30.11	N51° 38' 10"E		
L21	10.96	S30° 15' 19"E		
L22	97.63	S35° 33' 12"W		
L23	221.94	S69° 48' 12"W		
L24	223.93	N89° 04' 40"W		
L25	201.62	N43° 09' 37"W		
L26	10.04	N51° 38' 10"E		

DATE7/19/22

SCALE1" = 50'

DRAWING NO.8722

SHEET5/5



850 Center Way | Norcross, GA 30071
(770) 453-1410 | pdengineers.com
Engineers - Surveyors - Construction Management

EASEMENT EXHIBIT
GCDWR
DULUTH HILL SEWER EXTENSION
LAND LOT 161 OF THE 7TH DISTRICT OF GWINNETT COUNTY, GEORGIA
PARCEL ID - 7161 004

No.	DATE	REVISION
Drawn By: JDW		Checked By: JDH

**RESOLUTION TO APPROVE USE OF EMINENT DOMAIN TO ACQUIRE
3331 WASHINGTON STREET, DULUTH, GEORGIA 30096 FOR A PUBLIC PURPOSE**

WHEREAS, the City of Duluth, Georgia (hereinafter the “City”) was awarded funds pursuant to the State American Rescue Plan Act Fund (hereinafter “ARPA”); and

WHEREAS, these ARPA funds are required to be used for water and sewer infrastructure projects; and

WHEREAS, the City has determined that there are areas where water and sewer infrastructure need to be improved to prevent threats to public health and environmental quality. Specifically, the City has approved plans for the City of Duluth Sewer Project (See Exhibit A); and

WHEREAS, the property that the City needs to acquire to complete such sewer system improvement project is described in Exhibit B, which is attached hereto and incorporated herein by reference (hereinafter the “Property”); and

WHEREAS, the City has determined that there is a public need and public use for the Property to complete the sewer system improvement project; and

WHEREAS, the City has attempted to acquire the Property necessary to complete the sewer system improvement project through negotiation with the owner; and

WHEREAS, the negotiations with the owner of the Property, BERNICE D. BROGDON, have been unsuccessful; and

WHEREAS, the Property has been appraised and the owner of the Property has been offered the fair market value of the Property as established by the appraisal; and

WHEREAS, the owner of the Property has been given due notice, as required by law, that this Resolution would be considered at a public meeting of City Council of the City of Duluth, Georgia on July 10, 2023, at a meeting to be convened at 6:00 p.m.; and

WHEREAS, on June 5, 2023, fifteen (15) or more days prior to said public meeting, a notice was published in the Gwinnett Daily Post giving notice that a Resolution to consider the approval of the use of Eminent Domain to acquire the Property would be considered at a public meeting of the City Council; and

WHEREAS, on June 21, 2023, more than fifteen (15) days prior to said public meeting, a sign was posted on the Property giving notice that a Resolution to consider the approval of the use of Eminent Domain to acquire the Property would be considered at a public meeting of the City Council.

NOW THEREFORE, the City Council of the City of Duluth, Georgia hereby adopts the whereas provisions of this Resolution as the findings of the City Council and further finds and

determines that the acquisition of the Property is necessary for a public purpose to complete a sewer system improvement project and that the circumstances are such that it is necessary that the property described in Exhibit B be acquired by the use of Eminent Domain.

The City Council of the City of Duluth, Georgia hereby resolves and ordains that the City shall proceed to acquire a temporary construction easement in the Property herein described by condemnation under the provisions of Georgia law, and that the Attorney for the City is authorized and directed to file condemnation proceedings as provided by Georgia law to acquire said easement and to take all other actions necessary and appropriate to obtain such easement to said Property as authorized by law.

IT IS SO RESOLVED AND ORDAINED this ____ day of _____, 2023.

CITY OF DULUTH, GEORGIA

By: _____
Nancy Harris, Mayor

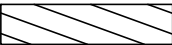
(SEAL)

Attest:

By: _____
Teresa Lynn, City Clerk

EXHIBIT A
SEWER MAP AND MINUTES OF APPROVAL THEREOF

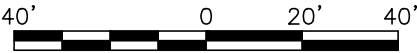
EASEMENT TABLE



PROPOSED TEMP CONSTRUCTION EASEMENT - 2,354 SQ. FT.

EASEMENT TABLE

Line #/Curve #	LENGTH	BEARING
L1	60.66	S22° 35' 36"E
L2	33.50	S35° 30' 45"E
L3	58.34	S43° 02' 34"E
L4	55.85	S38° 34' 43"E
L5	14.57	S38° 11' 12"E
L6	14.75	S56° 05' 03"W
L7	10.01	S53° 25' 21"W
L8	10.01	N34° 22' 47"W
L9	14.06	N54° 13' 09"E
L10	3.76	N38° 11' 12"W
L11	55.43	N38° 34' 43"W
L12	58.61	N43° 02' 34"W
L13	35.29	N35° 30' 45"W
L14	56.13	N22° 35' 36"W
L15	11.49	N37° 53' 34"E

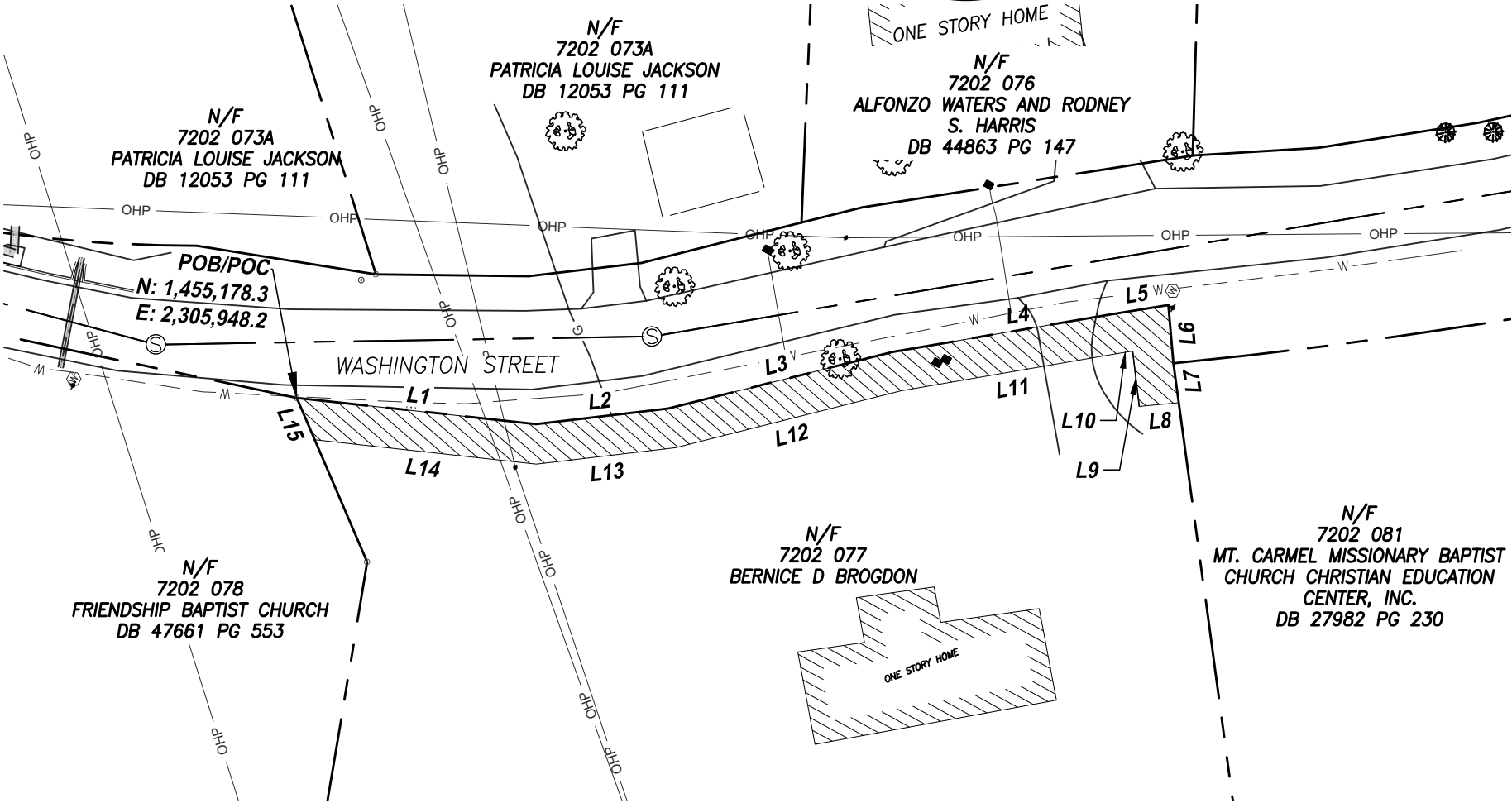
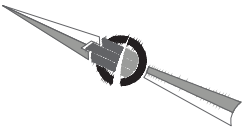


DRAWING SCALE

1" = 40'



GRID NORTH
GA WEST ZONE



DATE 7/14/2022

SCALE 1" = 40'

DRAWING NO. 8722
SHEET 1



**patterson
& dewar**
ENGINEERS

850 Center Way | Norcross, GA 30071
(770) 453-1410 | pdengineers.com
Engineers - Surveyors - Construction Management

EASEMENT EXHIBIT

GCDWR

DULUTH HILL SEWER EXTENSION

LAND LOT 202 OF THE 7TH DISTRICT OF GWINNETT COUNTY, GEORGIA

PARCEL ID - 7202 077

No.	DATE	REVISION
Drawn By: MDW		Checked By: JDH



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

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

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

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

I. EXECUTIVE SESSION

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

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

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

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

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

II. ANNOUNCEMENTS

1. AGENDA CHANGES (none)

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

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

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

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

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

III. MATTERS FROM CITIZENS

No matters brought forward.

IV. CONSENT AGENDA

1. APPROVAL OF MARCH 13/27TH MINUTES

2. ORDINANCE TO APPOINT PARKS BOARD MEMBER {A}

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

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

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

V. PUBLIC HEARINGS

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

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

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

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

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

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

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

Mayor Harris called for discussion from Council.

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

The Mayor called for questions/comments from the public.

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

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

Councilmember Harkness asked how a school would be treated now.

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

Councilmember Whitlock agreed with Councilmember Graeder.

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

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

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

2. ORDINANCE OF SPECIAL USE – CASE SU2023-001

{C}

Mayor Harris opened the public hearing.

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

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

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

Mayor Harries called for discussion from Council.

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

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

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

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

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

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

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

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

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

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

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

Councilmember Thomas asked about the identification system for student carpool.

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

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

Mayor called the applicant forward.

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

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

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Mayor Harris called for questions/comments from the public.

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

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

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

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

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

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

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

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

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

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

VI. NEW BUSINESS

1. SELECTION OF PROPOSER – SOLID WASTE SERVICES

{D}

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

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

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

Mayor Harris called for discussion from Council.

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

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

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

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

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

Mayor Harris called for questions/comments from the public.

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

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

2. APPROVAL - ARPA SANITARY SEWER PLAN

{E,F}

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

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

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

Mayor Harris called for discussion from Council.

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

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

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

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

VII. MATTERS FROM COUNCIL

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

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

VIII. MATTERS FROM CITY MANAGER

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

IX. ADJOURNMENT

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

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

Approved this 8th day of May, 2023.



Mayor Nancy Harris

ATTEST:



Asst. City Mgr./City Clerk, Teresa Lynn

EXHIBIT B**LEGAL DESCRIPTION****TEMPORARY EASEMENT - PID 7202 077**

All that tract or parcel of land lying and being in the 202ND Land Lot and the 7th District of Gwinnett County Georgia. Commencing at point (N 1,455,178.3 , E 2,305,948.2) on the SOUTHERLY right-of-way of Washington St., said point being the Point of Beginning. From said Point of Beginning,

THENCE South 22°35'36" East, 60.66 feet to a point;
THENCE South 35°30'45" East, 33.50 feet to a point;
THENCE South 43°02'34" East, 58.34 feet to a point;
THENCE South 38°34'43" East, 55.85 feet to a point;
THENCE South 38°11'12" East, 14.57 feet to a point;
THENCE South 56°05'03" West, 14.75 feet to a point;
THENCE South 53°25'21" West, 10.01 feet to a point;
THENCE North 34°22'47" West, for a distance of 10.01 feet to a point;
THENCE North 54°13'09" East, 14.06 feet to a point;
THENCE North 38°11'12" West, 3.76 feet to a point;
THENCE North 38°34'43" West, 55.43 feet to a point;
THENCE North 43°02'34" West, 58.61 feet to a point;
THENCE North 35°30'45" West, 35.29 feet to a point;
THENCE North 22°35'36" West, 56.13 feet to a point;
THENCE North 37°53'34" East, 11.49 feet to a point; said point being the Point of Beginning. Said tract having 0.054 acres or 2,354 S.F.

**RESOLUTION TO APPROVE USE OF EMINENT DOMAIN TO ACQUIRE
3326 WASHINGTON STREET, DULUTH, GEORGIA 30096 FOR A PUBLIC PURPOSE**

WHEREAS, the City of Duluth, Georgia (hereinafter the “City”) was awarded funds pursuant to the State American Rescue Plan Act Fund (hereinafter “ARPA”); and

WHEREAS, these ARPA funds are required to be used for water and sewer infrastructure projects; and

WHEREAS, the City has determined that there are areas where water and sewer infrastructure need to be improved to prevent threats to public health and environmental quality. Specifically, the City has approved plans for the City of Duluth Sewer Project (See Exhibit A); and

WHEREAS, the property that the City needs to acquire to complete such sewer system improvement project is described in Exhibit B, which is attached hereto and incorporated herein by reference (hereinafter the “Property”); and

WHEREAS, the City has determined that there is a public need and public use for the Property to complete the sewer system improvements; and

WHEREAS, the City has attempted to acquire the Property necessary to complete the sewer system improvement project through negotiation with the owners; and

WHEREAS, the negotiations with the owners of the Property, RODNEY S. HARRIS and ALFONZO WATERS, have been unsuccessful; and

WHEREAS, the Property has been appraised and the owners of the Property have been offered the fair market value of the Property as established by the appraisal; and

WHEREAS, the owners of the Property have been given due notice, as required by law, that this Resolution would be considered at a public meeting of City Council of the City of Duluth, Georgia on July 10, 2023, at a meeting to be convened at 6:00 p.m.; and

WHEREAS, on June 5, 2023, fifteen (15) or more days prior to said public meeting, a notice was published in the Gwinnett Daily Post giving notice that a Resolution to consider the approval of the use of Eminent Domain to acquire the Property would be considered at a public meeting of the City Council; and

WHEREAS, on June 21, 2023, more than fifteen (15) days prior to said public meeting, a sign was posted on the Property giving notice that a Resolution to consider the approval of the use of Eminent Domain to acquire the Property would be considered at a public meeting of the City Council.

NOW THEREFORE, the City Council of the City of Duluth, Georgia hereby adopts the whereas provisions of this Resolution as the findings of the City Council and further finds and

determines that the acquisition of the Property is necessary for a public purpose to complete a sewer system improvement project and that the circumstances are such that it is necessary that the property described in Exhibit B be acquired by the use of Eminent Domain.

The City Council of the City of Duluth, Georgia hereby resolves and ordains that the City shall proceed to acquire a temporary construction easement in the Property herein described by condemnation under the provisions of Georgia law, and that the Attorney for the City is authorized and directed to file condemnation proceedings as provided by Georgia law to acquire said easement and to take all other actions necessary and appropriate to obtain such easement to said Property as authorized by law.

IT IS SO RESOLVED AND ORDAINED this ____ day of _____, 2023.

CITY OF DULUTH, GEORGIA


By: _____
Nancy Harris, Mayor

(SEAL)

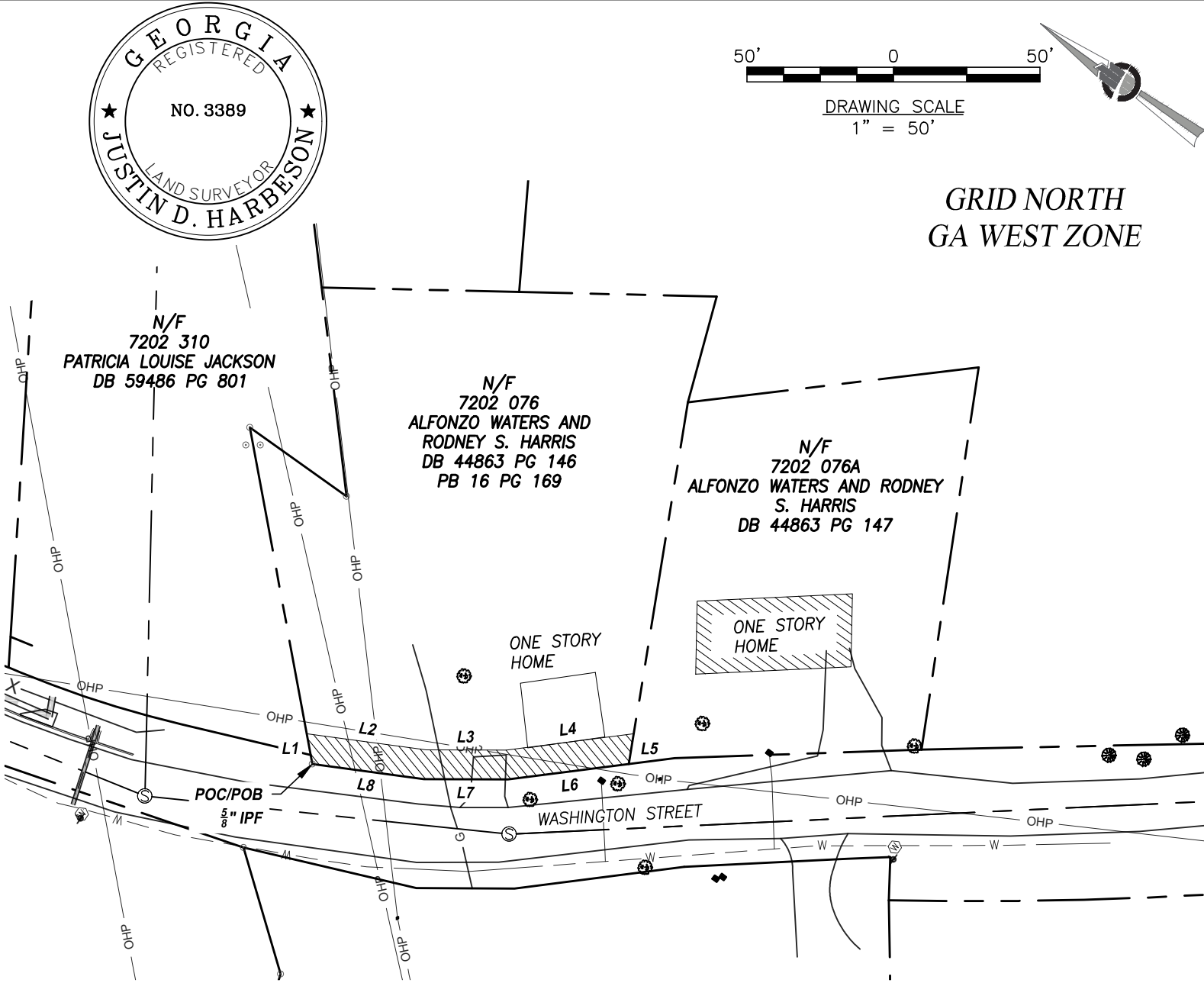
Attest:

By: _____
Teresa Lynn, City Clerk

EXHIBIT A
SEWER MAP AND MINUTES OF APPROVAL THEREOF

EASEMENT TABLE	
	PROPOSED TEMP CONSTRUCTION EASEMENT - 1,105 SQ.FT.

EASEMENT TABLE		
Line #	Length	Direction
L1	10.53	N43° 42' 15"E
L2	41.06	S28° 04' 22"E
L3	27.34	S35° 30' 45"E
L4	43.91	S43° 02' 34"E
L5	10.43	S63° 30' 00"W
L6	41.60	N43° 02' 34"W
L7	28.65	N35° 30' 45"W
L8	38.42	N28° 04' 22"W



DATE	7/13/2022
SCALE	1" = 50'
DRAWING NO.	8722
SHEET	1



**patterson
& dewar**
ENGINEERS

850 Center Way | Norcross, GA 30071
(770) 453-1410 | pdengineers.com
Engineers - Surveyors - Construction Management

EASEMENT EXHIBIT

GCDWR

DULUTH HILL SEWER EXTENSION

LAND LOT 202 OF THE 7TH DISTRICT OF GWINNETT COUNTY, GEORGIA

PARCEL ID - 7202 076

No.	DATE	REVISION
1	7/28/22	REVISED PARCEL 7202 076 ID LOCATION
Drawn By: JDW		Checked By: JDH



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

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

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

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

I. EXECUTIVE SESSION

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

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

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

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

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

II. ANNOUNCEMENTS

1. AGENDA CHANGES (none)

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

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

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

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

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

III. MATTERS FROM CITIZENS

No matters brought forward.

IV. CONSENT AGENDA

1. APPROVAL OF MARCH 13/27TH MINUTES

2. ORDINANCE TO APPOINT PARKS BOARD MEMBER {A}

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

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

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

V. PUBLIC HEARINGS

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

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

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

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

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

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

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

Mayor Harris called for discussion from Council.

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

The Mayor called for questions/comments from the public.

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

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

Councilmember Harkness asked how a school would be treated now.

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

Councilmember Whitlock agreed with Councilmember Graeder.

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

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

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

2. ORDINANCE OF SPECIAL USE – CASE SU2023-001

{C}

Mayor Harris opened the public hearing.

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

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

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

Mayor Harries called for discussion from Council.

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

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

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

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

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

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

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

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

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

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

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

Councilmember Thomas asked about the identification system for student carpool.

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

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

Mayor called the applicant forward.

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

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Councilmember Graeder asked about a future playground.

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

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

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

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

VI. NEW BUSINESS

1. SELECTION OF PROPOSER – SOLID WASTE SERVICES

{D}

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

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

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

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

Mayor Harris called for questions/comments from the public.

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

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

2. APPROVAL - ARPA SANITARY SEWER PLAN

{E,F}

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

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

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

Mayor Harris called for discussion from Council.

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

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

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

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

VII. MATTERS FROM COUNCIL

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

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

VIII. MATTERS FROM CITY MANAGER

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

IX. ADJOURNMENT

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

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

Approved this 8th day of May, 2023.



Mayor Nancy Harris

ATTEST:



Asst. City Mgr./City Clerk, Teresa Lynn

EXHIBIT B

LEGAL DESCRIPTION

TEMPORARY EASEMENT - PID 7202 076

All that tract or parcel of land lying and being in the 202ND Land Lot and the 7th District of Gwinnett County Georgia. Commencing at an 5/8" iron pin found on the northeasterly right-of-way of Washington St., said point being the Point of Beginning. From said Point of Beginning,

THENCE leaving said right-of-way, North 43°42'15" East, 10.53 feet to a point; THENCE South 28°04'22" East, 41.06 feet to a point;

THENCE South 35°30'45" East, 27.34 feet to a point; THENCE South 43°02'34" East, 43.91 feet to a point;

THENCE South 63°30'00" West, 10.43 feet to a point on the existing right-of-way of Washington Street;

THENCE along said right-of-way, North 43°02'34" West, 41.60 feet to a point;

THENCE North 35°30'45" West, 28.65 feet to a point;

THENCE North 28°04'22" West, 38.42 feet to a point; said point being the Point of Beginning. Said tract having 0.025 acres or 1,105 S.F.

**RESOLUTION TO APPROVE USE OF EMINENT DOMAIN TO ACQUIRE
3328 WASHINGTON STREET, DULUTH, GEORGIA 30096 FOR A PUBLIC PURPOSE**

WHEREAS, the City of Duluth, Georgia (hereinafter the “City”) was awarded funds pursuant to the State American Rescue Plan Act Fund (hereinafter “ARPA”); and

WHEREAS, these ARPA funds are required to be used for water and sewer infrastructure projects; and

WHEREAS, the City has determined that there are areas where water and sewer infrastructure need to be improved to prevent threats to public health and environmental quality. Specifically, the City has approved plans for the City of Duluth Sewer Project (See Exhibit A); and

WHEREAS, the property that the City needs to acquire to complete such sewer system improvement project is described in Exhibit B, which is attached hereto and incorporated herein by reference (hereinafter the “Property”); and

WHEREAS, the City has determined that there is a public need and public use for the Property to complete the sewer system improvement project; and

WHEREAS, the City has attempted to acquire the Property necessary to complete the sewer system improvement project through negotiation with the owners; and

WHEREAS, the negotiations with the owners of the Property, RODNEY S. HARRIS and ALFONZO WATERS, have been unsuccessful; and

WHEREAS, the Property has been appraised and the owners of the Property have been offered the fair market value of the Property as established by the appraisal; and

WHEREAS, the owners of the Property have been given due notice, as required by law, that this Resolution would be considered at a public meeting of City Council of the City of Duluth, Georgia on July 10, 2023, at a meeting to be convened at 6:00 p.m.; and

WHEREAS, on June 5, 2023, fifteen (15) or more days prior to said public meeting, a notice was published in the Gwinnett Daily Post giving notice that a Resolution to consider the approval of the use of Eminent Domain to acquire the Property would be considered at a public meeting of the City Council; and

WHEREAS, on June 21, 2023, more than fifteen (15) days prior to said public meeting, a sign was posted on the Property giving notice that a Resolution to consider the approval of the use of Eminent Domain to acquire the Property would be considered at a public meeting of the City Council.

NOW THEREFORE, the City Council of the City of Duluth, Georgia hereby adopts the whereas provisions of this Resolution as the findings of the City Council and further finds and

determines that the acquisition of the Property is necessary for a public purpose to complete a sewer system improvement project and that the circumstances are such that it is necessary that the property described in Exhibit B be acquired by the use of Eminent Domain.

The City Council of the City of Duluth, Georgia hereby resolves and ordains that the City shall proceed to acquire a temporary construction easement in the Property herein described by condemnation under the provisions of Georgia law, and that the Attorney for the City is authorized and directed to file condemnation proceedings as provided by Georgia law to acquire said easement and to take all other actions necessary and appropriate to obtain such easement to said Property as authorized by law.

IT IS SO RESOLVED AND ORDAINED this ____ day of _____, 2023.

CITY OF DULUTH, GEORGIA


By: _____
Nancy Harris, Mayor

(SEAL)

Attest:

By: _____
Teresa Lynn, City Clerk

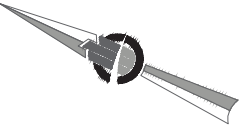
EXHIBIT A
SEWER MAP AND MINUTES OF APPROVAL THEREOF

EASEMENT TABLE	
	PROPOSED TEMP CONSTRUCTION EASEMENT - 994 SQ. FT.

EASEMENT TABLE		
Line #	Length	Direction
L1	10.43	N63° 30' 00"E
L2	13.24	S43° 02' 34"E
L3	86.63	S37° 44' 34"E
L4	10.17	S62° 44' 52"W
L5	84.31	N37° 44' 34"W
L6	15.74	N43° 02' 34"W



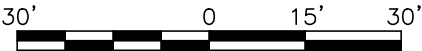
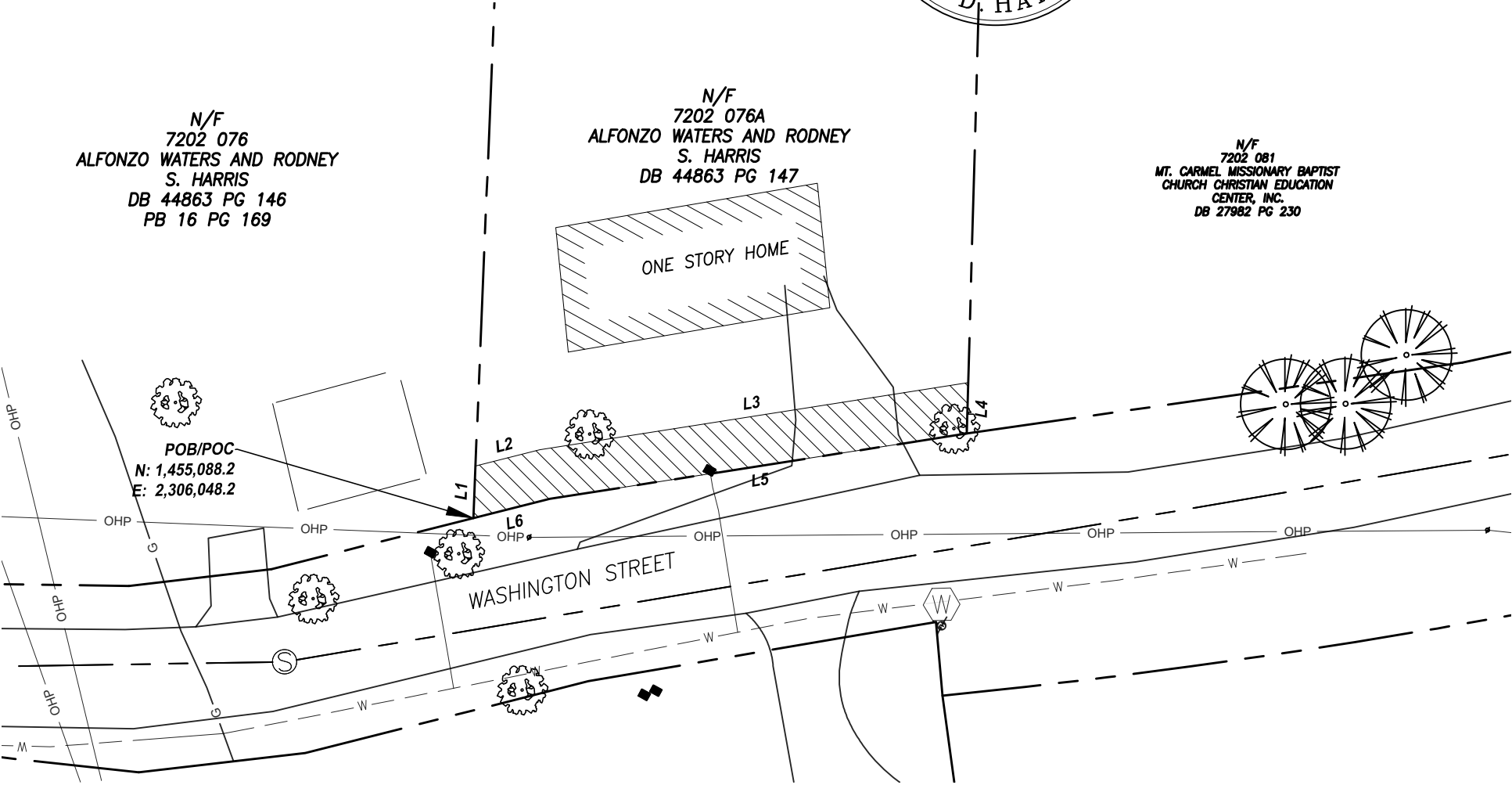
GRID NORTH
GA WEST ZONE



N/F
7202 076
ALFONZO WATERS AND RODNEY
S. HARRIS
DB 44863 PG 146
PB 16 PG 169

N/F
7202 076A
ALFONZO WATERS AND RODNEY
S. HARRIS
DB 44863 PG 147

N/F
7202 081
MT. CARMEL MISSIONARY BAPTIST
CHURCH CHRISTIAN EDUCATION
CENTER, INC.
DB 27982 PG 230



DRAWING SCALE
1" = 30'

DATE	7/13/2022
SCALE	1" = 30'
DRAWING NO.	8722
SHEET	1



**patterson
& dewar**
ENGINEERS

850 Center Way | Norcross, GA 30071
(770) 453-1410 | pdengineers.com
Engineers - Surveyors - Construction Management

EASEMENT EXHIBIT

GCDWR

DULUTH HILL SEWER EXTENSION

LAND LOT 202 OF THE 7TH DISTRICT OF GWINNETT COUNTY, GEORGIA

PARCEL ID - 7202 076A

No.	DATE	REVISION
1	7/28/22	REVISED PARCEL ID
Drawn By: MDW		Checked By: JDH



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

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

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

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

I. EXECUTIVE SESSION

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

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

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

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

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

II. ANNOUNCEMENTS

1. AGENDA CHANGES (none)

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

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

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

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

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

III. MATTERS FROM CITIZENS

No matters brought forward.

IV. CONSENT AGENDA

1. APPROVAL OF MARCH 13/27TH MINUTES

2. ORDINANCE TO APPOINT PARKS BOARD MEMBER {A}

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

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

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

V. PUBLIC HEARINGS

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

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

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

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

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

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

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

Mayor Harris called for discussion from Council.

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

The Mayor called for questions/comments from the public.

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

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

Councilmember Harkness asked how a school would be treated now.

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

Councilmember Whitlock agreed with Councilmember Graeder.

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

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

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

2. ORDINANCE OF SPECIAL USE – CASE SU2023-001

{C}

Mayor Harris opened the public hearing.

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

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

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

Mayor Harries called for discussion from Council.

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

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

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

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

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

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

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

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

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

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

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

Councilmember Thomas asked about the identification system for student carpool.

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

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

Mayor called the applicant forward.

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

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

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

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

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

Councilmember Graeder asked about a future playground.

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

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

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

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

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

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

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

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

Mayor Harris called for questions/comments from the public.

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

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

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

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

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

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

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

Councilmember Harkness was concerned about relying on enforcement.

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

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

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

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

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

VI. NEW BUSINESS

1. SELECTION OF PROPOSER – SOLID WASTE SERVICES

{D}

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

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

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

Mayor Harris called for discussion from Council.

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

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

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

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

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

Mayor Harris called for questions/comments from the public.

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

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

2. APPROVAL - ARPA SANITARY SEWER PLAN

{E,F}

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

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

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

Mayor Harris called for discussion from Council.

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

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

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

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

VII. MATTERS FROM COUNCIL

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

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

VIII. MATTERS FROM CITY MANAGER

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

IX. ADJOURNMENT

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

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

Approved this 8th day of May, 2023.



Mayor Nancy Harris

ATTEST:



Asst. City Mgr./City Clerk, Teresa Lynn

EXHIBIT B

LEGAL DESCRIPTION

TEMPORARY EASEMENT - PID 7202 076A

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

Commencing at point (N 1,455,088.2, E 2,306,048.2) on the Northly right-of-way of Washington St., said point being the Point of Beginning. From said Point of Beginning,

THENCE North 63°30'00" East, 10.43 feet to a point;

THENCE South 43°02'34" East, 13.24 feet a point;

THENCE South 37°44'34" East, 86.63 feet to a point;

THENCE South 62°44'52" West, 10.17 feet to a point;

THENCE North 37°44'34" West, 84.31 feet a point;

THENCE North 43°02'34" West, 15.74 feet to a point; said point being the Point of Beginning. Said tract having 0.023 acres or 994 S.F.

**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>78,710,902</u>
Operations Expenditures:	<u>37,239,077</u>
Capital Improvement Expenditures:	<u>41,471,825</u>
Total Expenditures:	<u>78,710,902</u>

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

WHEREAS the City of Duluth is installing decorative city limit signs on several state routes and local roads leading into the City, with additional signs installed on county road once an agreement is reached, which was recently accomplished; and

WHEREAS staff is requesting \$35,000 based on a quote to manufacture and install the new signs, plus \$25,000 in contingency funds for any signs that are damaged and need to be replaced; and

WHEREAS it is requested \$60,000 in prior year reserves be added to the Rental Motor Vehicle Tax Fund – Downtown Development – Signs/Banners line item; and

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

Total Revenues & Prior Yr Reserves	<u>78,770,902</u>
Operations Expenditures:	<u>37,299,077</u>
Capital Improvement Expenditures:	<u>41,471,825</u>
Total Expenditures:	<u>78,770,902</u>

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

Mayor Nancy Harris

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk