

Duluth



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

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

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

JULY 14, 2025

CITY HALL COUNCIL CHAMBERS

6:00 pm

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

5:30 P.M. – AGENDA REVIEW

Main St. Conference Room

6:00 P.M. - CALL TO ORDER

Mayor Whitlock or Mayor Pro tem Thomas

INVOCATION OR MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

I. APPROVAL OF MEETING AGENDA

II. APPROVAL OF MINUTES

III. ANNOUNCEMENTS

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

Flavors on Main – Wednesdays 7/16, 7/23, 7/30. 6-9pm, Main Street

Parsons Thursday Nights Out – 7/17, 7/24, 7/31, 8/7. 6-9pm Parsons Alley

Duluth Live – Fridays 7/18, 7/25, 8/1, 8/8 and Sat 7/19 & 7/26. 6-9pm Parsons Alley.

Rock the Block/Live & Loud Fridays – 7/18, 7/25, 8/1, 8/8. 6-9pm, Town Green

Flicks on the Bricks – 7/25 featuring “Happy Feet” – 8-10pm, Town Green

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.*

*Night at the Red Clay: Funny First Fridays – 8/1
Multicultural Week – 8/6 through 8/9*

2. RECERTIFICATION – CITY OF ETHICS

The Georgia Municipal Association Ethics Certification Committee has determined that the City of Duluth meets the qualifications for recertification as a Certified City of Ethics. First designated in 2008, every five years cities are required to adopt a resolution of recertification, which applies to elected officials, board members and employees of the city. Some of the requirements to remain as certified are as follows: "to serve others, not ourselves, use resources with efficiency and economy, treat all people fairly, use power of positions for wellbeing of constituents, and create an environment of honesty, openness, and integrity." The City was officially recognized at the 2025 Annual GMA Conference.

IV. MATTERS FROM CITIZENS

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

V. CONSENT AGENDA

1. ORDINANCE – CALL OF 2025 MUNICIPAL ELECTION

Approval of this item approves ordinance O2025-30 setting qualifying times, dates, and other matters relevant for the November 4, 2025 City of Duluth General Election, for the purpose to elect the three (3) posts of Council: Post 1 currently held by Charles Jamin Harkness, Post 2 currently held by Marline Thomas and Post 3 currently held by Kenneth Lamar Doss.

2. RESOLUTION - AMICUS OPT-IN SUPPORTING CITY OF MILTON

The City of Duluth previously joined an initial multi-city Amicus Brief to the Georgia Supreme Court supporting the City of Milton in their case City of Milton v. John Chang et al. The Georgia Supreme the Court has now agreed to hear the case, and as a result the City of Milton has asked us to adopt an Amicus opt-in resolution. Approval of this item approves resolution RO2025-08 as approved by the City Attorney.

3. ORDINANCE TO AMEND BUDGET - \$38,200- ELEVATORS

The City Hall and Bunten Activity Building elevators are in need of modernization. Staff is recommending contracting with Pond & Company to assist the City in preparing an RFP, reviewing submittals and overseeing construction for the modernization. The contract amount is \$38,200 and be governed by our existing master service agreement. Funds for the above projects will come from SPLOST 23 Administrative Facilities and General Fund in the amount of \$38,200.

Approval of this item authorizes ordinance (BA-FY26-01) to add \$21,200 in 2023 SPLOST Administrative Facilities funds and \$ 17,000 of General Funds to the capital project City Hall - General Government Buildings - Professional Services line item, including associated transfers.

4. ORDINANCE TO AMEND DULUTH CODE – CH 10.5 ARTICLE II

Pursuant to House Bill 858 and the new verbiage in OCGA 6-1-4, all ordinances pertaining to UAS/Drones enacted after April 1, 2017 are null and void. Our current ordinance regarding UAS was adopted on May 13, 2024, and is now null and void according to state law. The new law allows for our current policy to be readopted, as it complies with the ordinances and restrictions allowed in the new state law. Approval of this item approves ordinance O2025-31 amending section 10.5-41 of the Duluth Code.

VI. OLD BUSINESS

1. ORDINANCE OF SPECIAL USE – CASE SU2025-001 – PARCEL 6323 086

Mayor and Council held a public hearing to consider an ordinance to allow a special use permit on Parcel 6323 086 located at 3285 Howell Meadow Dr. for Case SU2025-001 at their meeting of June 9, 2025. At that time, the Council voted to postpone this item.

Owner/Applicant Susan Clark was requesting a special use permit for 3285 Howell Ferry Rd. to allow the keeping of bees on R-100 (Single-Family Residential District).

The Planning Commission recommended approval with conditions at their June 2, 2025 hearing. Ordinance and staff report are attached for reference.

VII. NEW BUSINESS

1. RESOLUTION- ACCEPTANCE/ABANDONMENT – KNOT ST

City staff recently contacted adjoining property owners of the City's intention to solicit proposals for purchasing a 30"-0' unused portion of Knot Street, consistent with O.C.G.A. § 36-37-6 (g) and Chapter 2 Section 2-3 of the Duluth Code of Ordinances.

Staff received a response from only one of the adjoining property owners, Rainbow Village, Inc. Accordingly, staff recommends council adopt a resolution abandoning the unused right-of-way and accepting the offer to purchase said property for \$2,500.

2. AWARD OF BID – STREET SWEEPING (ON CALL) CONTRACT

The Mayor and Council to consider awarding on-call street sweeping contract.

A Request for Proposals (RFP) for street sweeping on an on-call basis was advertised in the Gwinnett Daily Post, on the State Procurement Registry, and on the City's procurement web page starting on May 7, 2025. Three packages were received and publicly opened on June 6, 2025.

Packages were first reviewed for completeness then evaluated by a team of three individuals in the Stormwater Department. Scoring was awarded based on qualifications (up to 30 points), cost (up to 60 points), and references (up to 10 points). The following are those results:

- Pateco Services, LLC - disqualified for failure to include all required items in the request
- Street Sweeping Corporation of America, LLC - scored 66.8 points
- Watt Commercial Sweeping - scored 76.0 points

Staff recommends awarding the contract to Watt Commercial Sweeping. The contract is for one year, renewable for up to a total of three years. It covers sweeping the entire city as well as spot sweeps after events and per direction of the Stormwater Program Manager.

3. BID AWARD – 2025.5 LMIG/LRA PAVING PROJECT

Mayor and Council to consider awarding bid for 2025.5 LMIG/LRA Paving Project on various City Streets. Bid was awarded to East Coast Grading during June 9, 2025 Council Meeting. After review, East Coast Grading found an error in their bid and requested it be pulled from consideration. The next lowest bidder is Triple R Paving & Construction with bids as follows:

Base Bid:	\$198,194.25
Alternate One:	\$136,600.46

Staff is requesting that Council award the 2025 LMIG/LRA Paving Project bid (with contingency) to Triple R Paving & Construction in an amount not to exceed \$368,544.18 to fund the base bid and the alternate. Funds will come from 2025 LMIG/LRA Supplemental Funds and SPLOST.

VIII. MATTERS FROM DEPT HEADS/CITY ATTORNEY

1. GRANT ACCEPTANCE/ORD TO AMEND BUDGET - BIOSWALE

The Stormwater Department applied for a \$3,500 Placemaking Grant through the Gwinnett Creativity Fund which is funded by Gwinnett County and managed and administered by Explore Gwinnett. The grant funds would be used to rehabilitate and improve the existing bioswale on Main Street in front of Coleman Middle School and would include a educational sign about the functions and benefits of a bioswale. The grant requires 25% matching funds or \$1,134.25 and will come for the existing Stormwater Utility Site Improvements line item. The Gwinnett Creativity Fund requires approval of the grant acceptance by July 18th.

Staff is also requesting approval of a budget amendment BA-FY26-02 to add \$3,500 in grant funds to Stormwater Utility - Gwinnett County Grant line item and a like amount to Stormwater Utility - Stormwater Collection & Disposal Site Improvements line item.

IX. MATTERS FROM MAYOR & COUNCIL

X. MATTERS FROM CITY MANAGER

XI. EXECUTIVE SESSION (if necessary)

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

XII. ADJOURNMENT

The next scheduled meeting of the Mayor and Council is a work session for July 28, 2025 at 5:30 p.m.



**DRAFT MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
JUNE 9, 2025**

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

ABSENT: Councilmember Thomas

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

Mayor Whitlock called the meeting to order at 5:45 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 Graeder, seconded by Councilmember Harkness, to adjourn to executive session at 5:45 p.m.

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

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

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

Boy Scout Pierce Frenchi – Troop 827 was present to earn Communication badge

II. APPROVAL OF MEETING AGENDA

A motion was made by Councilmember Holloway, seconded by Councilmember Doss, to approve the June 9, 2025 Council Agenda as presented.

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

III. APPROVAL OF MINUTES

A motion was made by Councilmember Doss, seconded by Councilmember Harkness, to approve the May 12, 2025 meeting minutes as presented.

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

IV. ANNOUNCEMENTS

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

Peach State Cornhole Summer leagues – Tuesdays/Thursdays starting 6/10

Duluth “Flavors on Main” – Wednesdays 6/11, 6/18, 6/25

Duluth “Parsons Thursday Nights Out” – 6/12, 6/19, 6/26

Eddie Own Presents “Paul Thorn” – 6/12

Duluth “Live” – Fridays 6/13, 6/20, 6/27 and Saturdays 6/14, 6/21, 6/28

Eddie Owen Presents “The Colombians, A Steely Dan Tribute” – 6/13

Eddie Owen Presents “Taj Farrant” – 6/14

Eddie Owen Presents “The Spirit of Rush” – 6/20

Rotary Club Car Show – 6/21

GWB Presents “Mighty Fine West Coast IPA Fest” – 6/21

Eddie Owen Presents “The Linda Ronstadt Experience: Featuring American Idol Star Tristan McIntosh” – 6/26

Duluth “Flicks on the Bricks – Jumanji: Welcome to the Jungle” – 6/27

2. “BATTLE OF THE CITIES” - BLOOD DRIVE

On May 1, 2025 the City of Duluth partnered with the City of Suwanee and the American Red Cross for the Battle of the Cities Blood Drive. Duluth was victorious with 38 units donated, compared to 22 units donated by Suwanee. The City of Duluth would also like to recognize Jenny and Joe Rose of King of Pops-Snellville for donating popsicles to volunteers and donors. Thank you to all the staff, business owners, and residents that donated as every two seconds someone in the U.S. needs blood.

V. CEREMONIAL MATTER

1. GEORGIA MUNICIPAL COURT CLERKS WEEK {A}

On January 27, 2025, Governor Kemp signed a proclamation declaring June 9-13th, 2025, as Georgia Municipal Court Clerk Week. The attached proclamation recognizes and shows appreciation for Duluth Municipal Court Clerks. Mayor Whitlock read and presented the proclamation to Chief Clerk Amanda Morrison and Deputy Clerk Juana Lugo.

2. EMPLOYEE RECOGNITION – KEN SAKMAR

Mayor Whitlock announced that Assistant City Manager/Finance & Redevelopment Director Ken Sakmar has just celebrated his 20th anniversary with the City of Duluth.

VI. MATTERS FROM CITIZENS

None.

VII. PUBLIC HEARINGS

1. FY26 BUDGET – SECOND PUBLIC HEARING/ORDINANCE OF ADOPTION {B}

Mayor Whitlock opened the public hearing.

Per the State Code of Georgia, the Mayor and Council to hold public hearings in order to receive public comments on the proposed FY 2026 Annual Operating and Capital Projects Budget. The first public hearing was held before Mayor and Council on May 12, 2025. No public comments were received at that time.

Asst. City Manager/Finance Director Ken Sakmar came forward to present.

He reviewed the city's Vision Statements and explained that they drive the budgeting decision. He referenced the Operating funds (expenditures and revenues) and Capital Projects, gave a comparison between FY25 and FY26, and discussed Capital reserves, noting that there was a revenue anomaly due to receipt of the American Rescue Plan Act funds.

Mr. Sakmar detailed some of the notable expenses and revenues and elaborated on funding requests by department and percentages of increase. He also reviewed the millage rate history and discussed some other funds. Lastly, he reviewed the timeline for this year's budget process and the prior discussions by Council.

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

A motion was made by Councilmember Doss, seconded by Councilmember Holloway, to approve O2025-29 adopting the FY2026 budget as presented.

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

2. ORDINANCE TO AMEND UDC ARTICLE 2 – USE OF LAND & STRUCTURES

{C}

Mayor Whitlock opened the public hearing to consider an ordinance to amend the Unified Development Code (UDC), Table 2-C: Principal Uses Allowed by Zoning District for Case TA2025-002.

Deputy Planning Director Aron Hall came forward to present. The City of Duluth is the applicant and is requesting a text amendment to the UDC to allow certain office uses with the O-I (Office-Institutional) and O-N (Office – Neighborhood) Districts. He showed the current use chart and noted that it should include all administrative, financial and professional offices and furthermore to add from the NAICS code 561 and 561110. Code 561 are industries in the administrative and supportive service subsector group establishments engaged in activities that support the day-to-day operations of other organizations.

Mr. Hall said that the processes employed in this sector are general management, personal administration, clerical activities, cleaning activities are often integral parts of the activities of establishments found in all sectors of the economy. Code 561110 is defined as industries that comprise establishments primarily engaged in providing a range of day-to-day office administrative services such as financial planning, billing, record-keeping, personnel, physical distribution, and logistics for others on a contract or fee basis. These establishments do not provide operating staff to carry out the complete operations of a business, so these are all just clerical. The new use chart would add to C1, C2, HC retail, HC auto, OI, ON, M1, M2, and RD.

The Planning Commission recommended approval on June 2, 2025. Staff also recommended approval.

Mayor Whitlock called for questions from Council. Being none, he called for comments from the public.

No comments were made. The Mayor closed the public hearing and called for a motion.

A motion was made by Councilmember Holloway, seconded by Councilmember Graeder to approve ordinance O2024-27 for Case TA2025-002 as presented.

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

3. ORDINANCE OF SPECIAL USE – SU2025-001 – 3285 HOWELL MEADOW DR

Mayor Whitlock opened the public hearing to consider an ordinance to allow a special use permit on Parcel 6323 086 located at 3285 Howell Meadow Dr for Case SU2025-001. Applicant Susan Clark requested a special use permit to allow the keeping of bees on R-100 (Single-Family Residential District).

Deputy Planning Director Aron Hall came forward to present. He summarized the location of the property and surrounding zonings. A special use is required to allow beekeeping in R100 single-family residential districts. The character area is the established neighborhoods district. Forward Duluth, the comprehensive plan envisions this character area to serve as the backbone of Duluth's residential community. The future land use map envisions this the uses to be low density residential.

Mr. Hall provided pertinent bee and beekeeping facts. Beekeepers usually have at least two hives for a healthy bee colony. They usually travel between one to two miles to forage but are known to travel up to five miles to forage. Bees are not aggressive, but they will defend their hives. In early spring, hives contain roughly ten to fifteen thousand bees. By summer's end populations can reach from sixty to eighty thousand per hive. The honeybee is one of 542 species of bees living in Georgia, and it has seen a sharp decline over the last several decades.

Mr. Hall said the proposal is for three beehives. The hives would be placed within the side yard and set back from the property line ten feet. The back setback is 80 feet from the property line. There is an evergreen buffer between the beehives and the neighboring property. The property to the rear also has a small evergreen hedge and there have not been any code of case violations on this property since the Clark's obtained the property over a year ago.

The conditions were outlined, and Staff is recommending approval of conditions and Planning Commission recommended approval with conditions at their last meeting. Mr. Hall clarified what was meant by the "side" yards; Irvindale is considered a front yard (referenced as the northeastern section).

Mayor Whitlock called for discussion from Council.

Councilmember Doss said he had recently read an article about the bee population being in decline and all the foods supplies are going to be affected if it continues, so he was supportive of the request.

Councilmember Graeder discussed the conditions regarding setbacks and said that he had rewritten that condition to be clearer, to read: "setbacks for the beehives shall be as follows: no beehives shall be allowed on the northeastern property or southeastern property. There shall be a 10 feet setback from the northwestern property line and the 50 feet setback from the southwestern property line."

Councilmember Graeder said he acknowledges honeybees are important for pollinating but there's certainly also a risk to people who are allergic. While they are not aggressive, a lot of people cannot differentiate between types of bees and can start swatting, which might then cause stinging. He felt that it was a big issue last year on the town green during the farmers market and some of the vendors had to close shop with all the bees around. What I see is it's in a neighborhood with a lot of houses close by.

Mayor Whitlock also noted that the approval would grant three hives with the possibility of an additional one, so the actual consideration is for a possibility of four.

Councilmember Holloway said that the Duluth library keeps bees as well and asked if that had been a concern.

Mayor Whitlock responded that the City asked them to remove the bees, but it was really for the health of the hive because we were having to spray to keep the downtown from the yellow jackets.

Applicant Susan Clark of 3285 Howell Meadow Drive came forward. She noted that she herself has a bee allergy as well. They have other hives in Blue Ridge and when they bought in Duluth, they called to see if permission was needed and were told they were fine. She later came to find out that approval was required but had already gotten the hives here. She apologized and said she was unaware of the requirements, and if not approved they would be moved.

Councilmember Graeder questioned how long the bees have been there, to see if there have been any reported issues.

Ms. Clark responded about two months, and said the number of hives allowed has to do with being classified as livestock and what is allowed per acre.

Mayor Whitlock called for comments from the public.

Ms. Marlene Tucker of 4190 Long Lake Drive came forward to say that she is also allergic, and had a service remove five hives from her attic recently. She wanted to ensure that the applicant has had conversations with the adjoining homeowners to see if they have some concerns as well.

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

A motion was made by Councilmember Doss to approve ordinance O2024-28 for Case SU2025-001 with conditions as presented.

Motion died for lack of a second.

A motion was made by Councilmember Graeder to deny ordinance O2024-28 for Case SU2025-001.

Motion died for lack of a second.

A motion was made by Councilmember Harkness, seconded by Councilmember Holloway, to postpone ordinance O2024-28 for Case SU2025-001.

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

VIII. NEW BUSINESS

1. AWARD OF BID – 2025 WOODEHAVEN DRIVEWAY PROJECT *{D}*

Public Works Director Audrey Turner presented. Keck and Wood Engineers was contracted in January 2025 to update a 2023 evaluation of 20 concrete driveways in the Woodehaven neighborhood. Fifteen driveways were included in the new evaluation. The project was bid as base bid for Elder Lane and alternate bid for Darby Way. On May 22, 2025 the following five (5) bids were received.

<u>Proposal</u>	<u>Base Bid</u>	<u>Alternate Bid</u>	<u>Total</u>
A&S Paving	\$134,800.00	\$134,800.00	\$269,600.00
CGS LLC	\$92,800.00	\$92,800.00	\$185,600.00
Lagniappe Dev Co	\$152,598.40	\$152,598.40	\$305,196.80
Ryals Bros	\$89,476.80	\$89,476.80	\$178,953.60
Tri Scapes	\$136,488.40	\$136,488.40	\$272,976.80

Following an analysis of each bid, and reference checks conducted by Keck and Wood Engineering, staff recommended awarding the 2025 Woodehaven Neighborhood Driveway Replacement Project to Ryals Brothers (with 10% contingency) in an amount not to exceed \$196, 848.96. Funds will come from SPLOST.

A motion was made by Councilmember Graeder, seconded by Councilmember Doss, to approve awarding the 2025 Woodehaven Neighborhood Driveway Replacement Project to Ryals Bros, in an amount not to exceed \$196,848.96 as presented and authorize the Mayor or City Manager to execute the contract as approved by the City Attorney.

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

2. AWARD OF BID – 2025 LMIG PAVING PROJECT {E}

Public Works Director Audrey Turner presented. The Mayor and Council considered awarding the 2025 LMIG Paving Project on various streets. The project was bid as a base bid with two (2) alternates. Base streets are Dundee Ridge Way, Gladwyn Court, Heathmoor Court, Hill Street (Brock Road to dead end only), Montrose Pond Walk, Peachtree Walk, Silver Ridge Court, and Swathmore Lane. Alternate one (1) is Corporate Way, Rivergreen Court, Whitney Park Drive, Whitney Place, and City Hall parking lot. Alternate two (2) was Balleycastle Court, Balleycastle Lane, Banegher Place, and Castlemaine Court. (Alternate two (2) is not being considered under this bid as these streets will be awarded under the 2025.5 LMIG/LRA Paving Project.)

On May 29, 2025, the following 12 bids were submitted:

<u>Proposal</u>	<u>Base Bid</u>	<u>Alt 1 Bid</u>	<u>Total</u>
A&S Paving	\$346,633.75	\$371,260.00	\$717,893.75
All About Asphalt Inc	\$339,990.00	\$396,985.00	\$736,975.00
Allied Paving	\$457,060.00	\$417,622.50	\$874,682.50
Atlanta Paving & Concrete	\$349,851.00	\$371,364.00	\$721,215.00
Blount Construction	\$377,409.00	\$401,876.50	\$779,285.50
DCBC LLC	\$474,450.00	\$454,284.00	\$928,734.00
East Coast Grading	\$395,579.00	\$373,940.00	\$769,519.00
Georgia Paving	\$343,777.00	\$340,000.00	\$683,777.00
MHB Paving	\$389,200.15	\$367,499.43	\$756,699.58
Stewart Bros	\$370,842.30	\$420,805.50	\$791,647.80
Triple R Paving	\$771,261.90	\$402,013.95	\$1,173,275.85
Vertical Earth	\$421,750.72	\$444,859.38	\$866,610.10

Following an analysis of each bid, and reference checks conducted by Keck and Wood Engineering, staff recommends awarding the 2025 LMIG Paving Project to Georgia Paving (with 10% contingency) in an amount not to exceed \$752,154.00. Funds will come from the Local Maintenance and Improvement Grant (LMIG) provided by Georgia DOT and SPLOST.

A motion was made by Councilmember Harkness, seconded by Councilmember Graeder, to approve awarding the 2025 LMIG Paving Project to Georgia Paving, in an amount not to exceed \$752,154 as presented and authorize the Mayor or City Manager to execute the contract as approved by the City Attorney.

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

3. AWARD OF BID – 2025.5 LMIG/LRA PAVING PROJECT

{F}

Public Works Director Audrey Turner presented. The Mayor and Council considered awarding the 2025.5 LMIG/LRA Paving Project on various streets. The project was bid as base bid with one alternate. Base streets are Balleycastle Court, Balleycastle Lane, Banegher Place, Castlemaine Court, and Pinecrest Circle. Alternate streets are Huxley Court, Montheath Court, Montheath Pass, and Sutton Place. On May 22, 2025, the following 10 bids were submitted.

<u>Proposal</u>	<u>Base Bid</u>	<u>Alternate Bid</u>	<u>Total</u>
A&S Paving	\$209,730.00	\$168,750.00	\$378,480.00
Allied Paving	\$224,910.00	\$161,655.00	\$386,565.00
Atlanta Paving	\$222,767.00	\$173,542.00	\$396,309.00
Blount Construction	\$234,967.90	\$164,134.95	\$399,102.85
East Coast Grading	\$151,362.00	\$177,445.00	\$328,807.00
Georgia Paving	\$201,588.30	\$161,050.15	\$362,638.45
MHB Paving	\$226,195.20	\$200,403.54	\$426,598.74
Stewart Bros	\$267,017.00	\$195,890.00	\$462,907.00
Triple R Paving	\$198,194.25	\$136,600.46	\$334,794.71
Vertical Earth	\$243,219.54	\$220,052.89	\$463,272.43

Following the analysis of each bid, and reference checks conducted by Keck and Wood Engineering, staff recommends awarding the 2025.5 LMIG/LRA Paving Project to East Coast Grading (with 10% contingency) in an amount not to exceed \$361,687.70. Funds will come from the 2025.5 LMIG/LRA Supplemental Funds and SPLOST.

A motion was made by Councilmember Holloway, seconded by Councilmember Doss, to approve awarding the 2025.5 LMIG/LRA Paving Project to East Coast Grading, in an amount not to exceed \$361,687.70 as presented and authorize the Mayor or City Manager to execute the contract as approved by the City Attorney.

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

4. ORDINANCE TO AMEND BUDGET - \$1,284,901 – PAVING

{G}

As council approved the awarding of the contracts for the 2025 Local Road Assistance (LRA) paving, the 2025 Local Maintenance Improvement Grant (LMIG) paving and the Woodehaven Driveway replacement, staff requested approval of budget amendment ordinance BA-FY25-32 for \$1,284,901 to fund the awards, plus additional projects associated with street resurfacing.

Funds for these projects will come for a variety of sources, including: 2025 Local Road Assistance (LRA) grants \$345,692.31, 2025 Local Maintenance Improvement

Grant (LMIG) \$281,776.32, 2023 SPLOST Transportation funds \$584,931.59 and 2023 SPLOST Parking funds \$72,500.00. The LRA grants do not require matching funds, but the LMIG grant requires a 30% match (\$84,532.90). The LMIG and LRA grant revenue was included in the budget when received and therefore not part of the budget amendment. The 2025 LMIG paving contract includes the City Hall parking lot, requiring that 2023 SPLOST Parking funds are included.

A motion was made by Councilmember Graeder, seconded by Councilmember Holloway, to approve ordinance BA-FY25-32 as presented.

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

IX. MATTERS FROM MAYOR & COUNCIL

Councilmember Graeder commented on the work done on the Bunten trails thus far.

Mayor Whitlock referenced the recent property tax assessment notices that have gone out and commented that due to House Bill 581, taxable values will be calculated on 2024 values for residential homestead properties.

X. MATTERS FROM CITY MANAGER

City Manager James Riker reported that City Hall and the Public Safety buildings have been power washed. The City Hall parking lot will also be repaved soon with SPLOST funding, and the stormwater pipes underneath will be lined prior to that work starting.

The Living Honorarium has been reinstalled at the Public Safety building.

XI. ADJOURNMENT

A motion was made by Councilmember Harkness, seconded by Councilmember Holloway, to adjourn at 5:55 pm.

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

The next scheduled meeting of the Mayor and Council is a special called joint meeting with the Urban Redevelopment Agency at 7:15pm.



**DRAFT MINUTES OF THE
SPECIAL CALLED JOINT MEETING
MAYOR & COUNCIL
URBAN REDEVELOPMENT AGENCY (URA)
JUNE 9, 2025**

Present: Mayor Whitlock, Councilmembers Harkness, Doss, Graeder, Holloway, James Riker, Ken Sakmar, Kris McGregor, Chris McGahee, Margie Pozin, Stephen Pereira

Absent: Councilmember Thomas

Present: *URA Board members Harris and Odum*

Absent: *Board member Thomas*

I. CALL TO ORDER

Mayor Whitlock called the meeting to order at 7:15pm.

URA Chair called the meeting to order at 7:15pm.

II. 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 Doss, seconded by Holloway for the Council to adjourn into executive session.

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

A motion was made by member Harris, seconded by Odum for the URA to adjourn into executive session.

Voting for: *Harris and Odum*
Motion carried.

After the discussion, a motion was made by Councilmember Graeder, seconded by Councilmember Harkness to reconvene into the special called meeting.

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

A motion was made by member Harris, seconded by Odum for the URA to reconvene into the special called meeting.

***Voting for: Harris and Odum
Motion carried.***

III. ADJOURNMENT

A motion was made by Councilmember Holloway, seconded by Councilmember Harkness to adjourn the Mayor & Council special called meeting.

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

A motion was made by member Harris, seconded by Odum for the URA to adjourn the URA special called meeting.

***Voting for: Harris and Odum
Motion carried.***

The next scheduled meeting of the Mayor and Council is a work session for July 14, 2025 at 5:30pm. The next regularly scheduled URA meeting is September 8, 2025.



President

Fred Perriman
Mayor, Madison

First Vice President

Bianca Motley Broom
Mayor, College Park

Second Vice President

Andrea Gibby
Mayor, Young Harris

Third Vice President

Jimmy Burnette
Mayor, Suwanee

Immediate Past President

Randall Walker
Mayor, Perry

CEO and Executive Director

Larry H. Hanson

June 18, 2025

TRANSMITTED VIA E-MAIL

(gwhitlock@duluthga.net)

Mr. Greg Whitlock

Mayor

City of Duluth

3167 Main St.

Duluth, GA 30096

RE: GMA Certified City of Ethics

Dear Mayor,

Congratulations! The GMA Ethics Certification Committee has determined that the City of Duluth meets the qualifications for recertification as a Certified City of Ethics.

GMA will officially recognize the city's continuing participation in the Ethics program at the Awards Luncheon to be held during the 2025 GMA Convention on Monday, June 23, 2025, at 12:30 p.m. in the Governor's Ballroom of the Savannah International Convention Center. Your city was one of many in the state to meet the requirements for recertification. Representatives from all cities will be asked to stand in recognition of this accomplishment as a group during the City of Ethics presentation.

The Awards Luncheon will require a separate ticket and can be purchased on-site at the registration desk for individuals who have not already purchased a ticket.

GMA appreciates the City of Duluth's participation in this important program. If you have any questions about the city's participation, please feel free to give Gina Gresham, GMA Legal Assistant a call at (678) 686-6258 or by emailing rgresham@gacities.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rusi Patel".

Rusi Patel
GMA General Counsel

C: Ms. Teresa Lynn, City Clerk (tlynn@duluthga.net)

ORDINANCE
2025 CALL OF ELECTION
TO REGULATE AND PROVIDE FOR THE CALLING OF THE GENERAL MUNICIPAL ELECTION
TO FILL THE EXPIRED TERMS OF THE COUNCIL POSTS 1, 2 AND 3

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 positions of the three (3) Council member posts are expiring on the second Monday in January 2026; 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 4, 2025, 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:

Council Member	Post 1	(to succeed Charles Jamin Harkness)
Council Member	Post 2	(to succeed Marline Thomas)
Council Member	Post 3	(to succeed Kenneth Lamar Doss)

Section 2. The voting polls shall open at 7:00 am and close at 7:00 pm on November 4, 2025. 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 4 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 2, 2025.

Section 3. The voting polls shall be opened for advance in-person voting at Duluth City Hall during the dates of October 14 - 18 from 9:00 am to 5:00 pm, October 20 - 25 from 9:00 am to 5:00 pm, and October 27 – October 31 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 18, 2025, at 8:30 am and will close at 4:30 pm on Wednesday, August 20, 2025. Individuals intending to qualify shall remit the qualification fee of \$180.00 for a 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 6, 2025. Registration forms are available in the office of the City Clerk, or on-line <https://mvp.sos.ga.gov>. 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 Managers 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 of Duluth shall utilize paper ballots for vote casting, and Dominion ImageCast Precinct (ICP) equipment for vote tabulation.

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 4, 2025, 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 in 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 14th DAY OF JULY, 2025.

Greg Whitlock, Mayor

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Holloway, 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 4, 2025, 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 terms of, Council Member Post 1 (to succeed Charles Jamin Harkness), Council member Post 2 (to succeed Marline Thomas) and Council Member Post 3 (to succeed Kenneth Lamar Doss).

Those interested in qualifying for said offices should be advised that the respective qualification period shall run from Monday, August 18, 2025, at 8:30 am through Wednesday, August 20, 2025 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 \$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 6, 2025. 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.

The election shall be held on Tuesday, November 4, 2025, 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 a 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 14 - 18 from 9:00 am to 5:00 pm, October 20 - 25 from 9:00 am to 5:00 pm, and October 27 – October 31 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 14th day of July, 2025.

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

**RESOLUTION OF THE CITY OF DULUTH, GEORGIA (the “CITY”)
AUTHORIZING PARTICIPATION IN AN AMICUS BRIEF IN THE CHANG V. CITY
OF MILTON APPEAL PENDING BEFORE THE GEORGIA SUPREME COURT**

WHEREAS, the Chang v. Milton litigation involves a claim of liability against the City of Milton, Georgia, for personal injuries due to a 2016 vehicle collision with a fixed obstruction (a masonry planter) located on City-owned right of way where the obstruction was outside the motoring lanes of travel;

WHEREAS, the masonry planter had been at the same location since 1992 and had never been the subject of a complaint or prior accident;

WHEREAS, at the trial court, the City of Milton was found to be partially at fault and a jury awarded money damages against the City of Milton of \$35,000,000;

WHEREAS, on September 16, 2024, the Court of Appeals affirmed the findings of the trial court, City of Milton v. Chang, et. al., 373 Ga. App. 667 (2024) (Court of Appeals ruling);

WHEREAS, on June 24, 2025, the Supreme Court of Georgia granted certiorari, Supreme Court docket number S25G0476;

WHEREAS, the Georgia Supreme Court identified three issues upon which it wanted the Parties to focus in their appellate briefing:

1. Is the design and placement of objects on a shoulder of a roadway part of the ministerial duty of a municipality to keep its “streets and sidewalks in a reasonably safe condition” or is it a governmental function? Compare Mayor, Etc., of Dalton v. Wilson, 118 Ga. 100 (44 SE 830) (1903) with Town of Fort Oglethorpe v. Phillips, 224 Ga. 834 (165 SE2d 141) (1968). See generally OCGA § 36-33-1.
2. Is the placement of a planter on the shoulder of a roadway a “defect[] in the public roads of [the municipality’s] municipal street system”? See OCGA § 32-4-93 (a).
3. For municipal immunity to be waived under the circumstances of this case, must the plaintiff show that the municipality violated its ministerial duty to keep its “streets and sidewalks in a reasonably safe condition” and that the planter on the shoulder of the roadway is a “defect[] in the public roads of [the municipality’s] municipal street system”? Please address the interplay between OCGA § 36-33-1 and OCGA § 32-4-93 (a).

WHEREAS, the CITY believes that answers to the above legal questions are of significant value to its citizens and residents;

WHEREAS, the CITY believes that Supreme Court guidance on such questions may lead to the Court of Appeals ruling being overturned

WHEREAS, the CITY believes the Court of Appeals ruling is inconsistent with existing legal precedent; and,

WHEREAS, the CITY believes that it is in the best interests of the health, welfare, and safety of its citizens that the Court of Appeals ruling be reversed and that the questions presented by the Supreme Court be answered in a way that benefits Georgia's cities.

NOW THEREFORE, the CITY does hereby authorize participation in an amicus brief before the Georgia Supreme Court asking that the Court of Appeals ruling be reversed and that the Supreme Court's three proffered questions be answered in a way that is legally advantageous to Georgia's cities. An amicus brief so tendered may include the City's name as a participating party.

IT IS SO RESOLVED this _____ day of _____ 2025.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

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

**ORDINANCE
TO AMEND THE CITY OF DULUTH
2026 FISCAL YEAR BUDGET**

AN ORDINANCE TO AMEND THE 2026 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 2026 fiscal year as follows:

Total Revenues:	83,504,277
Operations Expenditures:	32,212,480
Capital Improvement Expenditures:	51,291,797
Total Expenditures:	83,504,277

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

WHEREAS the City of Duluth needs to modernize the elevators at City Hall and the Bunten Road Activity buildings and will enter into a contract with Pond & Company to prepare an RFP, review submittals and oversee the modernization construction; and

WHEREAS the total project cost is \$38,200 with \$21,200 coming from 2023 SPLOST Administrative Facilities funds and \$17,000 coming from General Funds; and

WHEREAS it is requested \$21,200 in 2023 SPLOST Administrative Facilities funds and \$17,000 in General Funds be added to City Hall – General Government Buildings – Professional Services line item, including associated transfers; and

NOW THEREFORE, the City of Duluth 2026 Fiscal Year Budget is amended as follows:

Total Revenues & Prior Yr Reserves	83,542,477
Operations Expenditures:	32,212,480
Capital Improvement Expenditures:	51,329,997
Total Expenditures:	83,542,477

IT IS SO ORDAINED this _____ day of _____, **2025**.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

**ORDINANCE TO AMEND DULUTH CODE
CHAPTER 10.5
PARKS AND RECREATION**

WHEREAS, the Mayor and Council of the City of Duluth desires to make changes to Chapter 10.5 of the City of Duluth Code of Ordinances regarding the use of Unmanned Aircraft Systems (UAS), commonly known as drones;

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

PART I

The Council of the City of Duluth hereby ordains that the Duluth Code of Ordinances is hereby amended by deleting Section 10.5-41 and replacing with the following:

Sec. 10.5-41 Unmanned Aircraft Systems (UAS)

No person shall make any ascent or descent in any air vehicle, including, but not limited to the operation of an UAS/Drone, on any city-owned or city-operated property, except they are operating under a commercial capacity and have their UAS/Drone Pilot’s Certificate readily accessible, or they are operating under an official capacity for an event sponsored by the city. In addition, an exception is permitted if an emergency landing is required. Any person operating a UAS/Drone from city property shall do so in accordance with all applicable federal, state, and local laws, regulations, ordinances, and guidelines.

Any UAS/Drone belonging to the city, the operator of which is engaged in the performance of his or her duties as an employee of the city, is hereby exempted from the provisions of this chapter.

DULY ADOPTED this 14th day of July, 2025.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Holloway, Post 5

Those councilmembers voting in opposition:

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

**ORDINANCE OF REZONING
02025-28
CITY OF DULUTH**

AN ORDINANCE GRANTING SPECIAL USE APPROVAL TO ALLOW BEEHIVES ON A SINGLE-FAMILY RESIDENTIAL PROPERTY IN R-100 (SINGLE-FAMILY RESIDENTIAL DISTRICT) LOCATED ON A ± .56 ACRE PROPERTY IN LAND LOT 323 OF THE 6TH DISTRICT, GWINNETT COUNTY CONSISTING OF TAX PARCEL R6323 086 ADDRESSED AS 3285 HOWELL MEADOW DRIVE, DULUTH, GEORGIA 30096. THE PROPERTY, GENERALLY KNOWN AS “3285 HOWELL MEADOW DRIVE”, IS LEGALLY DESCRIBED ON THE ATTACHED EXHIBIT “B”. THE ORDINANCE PROVIDES FOR FINDINGS, ESTABLISHES CONDITIONS OF APPROVAL AS SHOWN ON ATTACHED EXHIBIT “C”, PROVIDES FOR SEVERABILITY, REPEALS CONFLICTING ORDINANCES, ESTABLISHES AN EFFECTIVE DATE, AND IS FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the applicant, Susan Clark has filed a complete application (SU2025-001) with the City of Duluth seeking Special Use approval to operate a Short-Term Rental in R-100 (Single-Family Residential District); and

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

WHEREAS, the City of Duluth Planning Commission held a public hearing at the meeting of May 5, 2025, duly noticed as prescribed by law and published in the Gwinnett Daily Post, regarding the application. At the May 5, 2025 meeting, the Planning Commission recommended approval with conditions as is set forth in the minutes of said meeting; and

WHEREAS, the City Council held a public hearing at the meeting of June 9, 2025, duly noticed as prescribed by law and published in the Gwinnett Daily Post, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

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

- A. The special use is suitable given the use and development of adjacent and nearby properties.
- B. The proposed special use is not anticipated to adversely affect the existing use or usability of adjoining or nearby properties.
- C. The proposed special use is not anticipated to cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

D. The Future Land-Use and Development section and supporting Character Area Map of FORWARDuluth (also known as the Comprehensive Plan, 2045) identifies the Character Area of this property as the Established Neighborhoods District. Special Use approval to keep bees on this particular R-100 (Single-Family Residential District) lot is consistent with the spirit and intent of the Comprehensive Plan.

SECTION 2. LEGAL DESCRIPTION.

The property that is subject to this ordinance consists of ±0.56 acres and is legally described on Exhibit “B”, attached hereto. Said Exhibit is incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

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

SECTION 5. REPEALER.

All conflicting ordinances and conditions are hereby repealed and replaced with the conditions of approval set forth in this Ordinance 02025-28.

ATTACHMENTS:

Exhibit "A": Maps

Exhibit "B": Legal Description

Exhibit "C": Conditions of Approval

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

Exhibit "E": Public Notice

{Signatures on the following page}

IT IS SO ORDAINED this _____ day of _____ 2025.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

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

Exhibit "A"
Maps
Location Map



SU2025-001 SUSAN CLARK		Planning Commission: May 5, 2025	
From: R-100	To: R-100	City Council: June 9, 2025	
City of Duluth Georgia Community Development & Engineering GIS		60 Feet	Tax Parcel(s): R6323 086

Zoning Map



SU2025-001 SUSAN CLARK		Planning Commission: May 5, 2025		<ul style="list-style-type: none"> PUD R-100 R-75
From: R-100	To: R-100	City Council: June 9, 2025		
 City of Duluth Georgia Community Development & Engineering GIS		60  Feet	N 	Tax Parcel(s): R6323 086

Character Area Map



SU2025-001 SUSAN CLARK		Planning Commission: May 5, 2025	 Established Neighborhoods
From: R-100	To: R-100	City Council: June 9, 2025	
 City of Duluth Georgia Community Development & Engineering GIS		 60 Feet	Tax Parcel(s): R6323 086

Exhibit "B"
Legal Description

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 323 of the 6th District of Gwinnett County, Georgia, being Lot 1, Block "D", Unit #1, Howell Glen subdivision, as per plat recorded in Plat Book 5, Page 16, Gwinnett County, Georgia Records, which plat is incorporated herein by this reference and made a part of this description.

Less and except all that tract or parcel of land conveyed to the City of Duluth by that certain Right of Way Deed recorded in Deed Book 50012, Page 248, aforesaid records.

Being the same property as conveyed in that certain Warranty Deed recorded at Deed Book 22646, Page 254, Gwinnett County, Georgia records.

Exhibit "C"

Conditions of Approval

General

1. The Special Use (SU2024-008) is hereby approved for Susan Clark, and their successors, for the keeping of three (3) beehives on their property. Notwithstanding, all Special Use applications shall be for firm proposals only.

Once established:

- A. If the use changes, the Special Use is hereby terminated.
 - B. If the use is discontinued or abandoned for a period of ninety (90) days, regardless of the intent of the owner or occupier to resume the use, the Special Use is hereby terminated.
 - C. If the use is extended in any way, either on the same or adjoining property, the Special Use is terminated.
2. Setbacks for the beehives shall be as follows: No beehives shall be allowed in the front or exterior side yard. There shall be a 10' side yard setback. There shall be a 50' rear setback.
 3. There shall be a maintained evergreen hedge blocking the view of the bees from the side yard property line. This evergreen hedge shall be maintained in perpetuity as long as the beehives are in operation.
 4. Should the special use permit holder wish to add more beehives, they would be allowed one (1) additional beehive.
 5. The property shall be maintained in a state of good repair at all times, free from any violations of the Property Maintenance Code; Unified Development Code; License and Business Regulations; Nuisance Codes, and any other codes adopted by the City of Duluth. Failure to maintain the property at or above the minimum standards adopted in the City of Duluth codes and ordinance shall be cause for possible legal action by the City.
 6. The privilege of a Special Use is subject to all conditions that have been attached to it. It is within the City's rights to take legal action if it is proven that the conditions of the Special Use have been violated.

Exhibit “D”**Applicant’s Response to the Standards Governing Special Use Consideration****How the proposed special use will allow a use that is suitable in view of the use and development of adjacent and nearby property.**

The proposed use, to allow for three beehives in our side yard (as defined by the City of Duluth – northwestern property line) is suitable with the surrounding single-family detached homes that currently exist in the area. The proposed hives will be setback from our rear property line by 10.1’, with approximately 50 feet between our proposed beehives and our closest neighboring dwelling (3973 Irvindale Road).

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

It is not anticipated that the proposed special use, to allow for three beehives, will adversely affect adjacent or nearby properties. Because of the nature of honeybees and their flight patterns, along with the proposed location of the beehives, in front of large evergreen shrubs (holly bushes), it is unlikely that any surrounding property owners will know that beehives exist on the property. It should also be noted that the beehives would be set back 10’ 1” from the side property line, which is double what is required of an accessory structure.

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

The property has a reasonable economic use as currently zoned.

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

It is not anticipated that the proposed beehives will result in excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. If the proposed special use is approved, there would be no impact on existing infrastructure and/or schools.

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

The proposed special use meets the intent of the City of Duluth Comprehensive Plan, Move Forward City wide policies: **Natural Resources** (preservation generally and environment) and **Economic Development** (Education and Training, Small Businesses, and Positive Business Climate) and several of the Short Term Work Program goals;

to unite property owners, business owners, and residents to create a better business and living environment and to expand and improve public outreach and education.

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

Our property is approximately 0.56 acres and is located at the western intersection of Irvindale Road and Howell Meadow Drive. Our house is oriented towards Howell Meadow Drive, but because we are located on a corner lot, we technically have two front yards (along Howell Meadow Drive and Irvindale Road) and two side yards, rather than one front, two sides, and once rear, like single-family detached lots with one road frontage. While corner lots are typically larger than their neighbors, corner lots have more restrictive buildable areas due to the required setbacks. In our case our setbacks are as follows:

Front (Irvindale):	Per plat: 40' Per Duluth zoning: 50'
Front (Howell Meadow):	Per plat: 40' Per Duluth zoning: 50'
Side: 10'	

The City of Duluth identifies bees and bee products as ‘animal production’ with the supplemental regulations that ‘no structure housing poultry or other livestock shall be located closer than 200’ to any property line’. Although bees are identified as livestock, their housing structures are far less intrusive than the housing structures of what is typically thought of as livestock (ie: cows, horses, etc.). As a result, we are proposing the three beehives to be set back 10’1” from our side (northwestern) property line, which is in keeping with and exceeds the minimum setback requirement of accessory structures in residentially zoned districts. The proposed hives would not be seen from the Right-of-Way along Irvindale Road or by the neighboring property owner (3973 Irvindale Road).

Exhibit "E"
Public Notice

CITY OF DULUTH
NOTICE OF PUBLIC HEARING

GDP5950
apn16
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before Mayor and Council to consider a special use request from Susan Clark, on approximately 0.56 acres of property in Land Lot 323, 6th District, Gwinnett County, located at 3985 Howell meadow road, consisting of tax parcels 6323-086, case number SU2025-001. The special use request is to allow bookkeeping. The public is invited to attend this hearing before the Mayor and Council on the proposed special use. The meeting date, place and time regarding this matter are as follows:

WHEN:

June 9, 2025 - 6:00pm.

WHERE:

City Hall Council Chambers
3167 Main Street
Duluth, GA 30096

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

Email: Planning@duluthga.net

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

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5:25, 2025

CITY OF DULUTH PUBLIC NOTICE

~~SU~~2025-001

REQUEST TO

Allow for keeping of three beehives in rear yard.

PARCEL: R6323-086

ADDRESS: 3285 Howell Meadow Drive

CURRENT ZONING: R-100

PROPOSED ZONING: R-100

Planning Comm DATE: 5-5-25 @6 p.m.

Mayor & Council DATE: 6-9-25 @6 p.m.

All interested members of the public are invited to attend the hearings at:

CITY HALL COUNCIL CHAMBERS
3167 MAIN STREET, DULUTH, GA 30096
770.476.1790

on the dates and times provided above.



**CITY OF DULUTH
PLANNING COMMISSION**
Staff Report
June 9, 2025

CASE NUMBER:	SU2025-001
LOCATION:	3285 Howell Meadow Drive
PARCEL(S):	R6323 086
CURRENT ZONING:	R-100 (Single-Family District)
PROPOSED ZONING:	R-100 (Single-Family District) with Special Use
ACREAGE:	+/- 0.56 acres
REQUEST:	Approval of Special Use to allow beehives on a single-family residential property.
OWNER/APPLICANT:	<p><i>Owner:</i> Susan Clark 3285 Howell Meadow Drive Duluth, GA 30096</p> <p><i>Applicant:</i> Susan Clark 3285 Howell Meadow Drive Duluth, GA 30096</p>

STAFF RECOMMENDATION SU2025-001:	APPROVAL WITH CONDITIONS
PLANNING COMMISSION RECOMMENDATION SU2025-001	APPROVAL WITH CONDITIONS

I. PURPOSE AND DESCRIPTION OF THE REQUEST

The purpose of this Special Use request (SU2025-001) is to allow beehives on a single-family residential property.

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

II. EXISTING CONDITIONS

The subject property totals +/- 0.56 acres. The applicant is proposing keeping three (3) beehives on the property. The subject property is fully surrounded by R-100 (Single-Family Residential District) zoning.

III. REVIEW OF THE REQUEST

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

- A. Table 2-C of the UDC allows "Bees and Bee Products" in R-100 zoning district as a special use.
- B. Section 1101.02 of the UDC states if a proposed use is not allowed by right under the existing zoning on a property, a request for an amendment to the Official Zoning Map (often called a "rezoning") must be approved prior to development, construction, or occupancy.
- C. Section 1105 of the UDC establishes the Special Use Considerations.

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

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

In order to accommodate these particular uses, Special Use approval allows the City Council to approve such a use on a particular parcel without changing the general zoning district.

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

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

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

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

2. Standards Governing the Exercise of Zoning Power

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

- A. How the proposed Special Use will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- B. How the proposed Special Use will adversely affect the existing use or usability of adjacent or nearby property.
- C. Whether the property to be affected by a proposed Special Use has a reasonable economic use as currently zoned.
- D. Whether the proposed Special Use will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- E. Whether the proposed Special Use is in conformity with the policy and interest of the Comprehensive Plan; Land Use Plan; transportation plans and other plans

adopted for guiding development within the City of Duluth.

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

The Applicant has provided written responses to the above Special Use standards as part of the application. That document is attached hereto as Exhibit "D".

3. Literal Interpretation of FORWARDuluth, Plan 2045 (Comprehensive Plan)

The subject property is located in the Established Neighborhoods District. FORWARDuluth envisions this Character Area to serve as the backbone of Duluth's residential community. The Future Land Use Map (FLUM) envisions the uses to be low density residential.

IV. PLANNING STAFF REVIEW

The proposal is for three (3) beehives on the approximately half-acre property. Staff was made aware of the beehives from the applicant who, after putting up the bee boxes (without the bees), was advised that there may be certain laws about keeping bees within the city limits. It was at this time that the applicant contacted the Community Development and Engineering Department and was informed that their property (R-100, Single-Family Residential) would be required to obtain a Special Use Permit.

Staff went out to the property and saw that the bee hives were roughly 80' from the back property line and 10' from the side property line. Additionally, the side property line has a thick evergreen buffer consisting of holly bushes. An accessory structure can be as close as 5' from the property line in the side and rear yard. Staff is recommending in the conditions that as long as the bee hives are on the property, there must be an evergreen buffer along the side property line. There is also a small evergreen buffer along the back property line which acts as a visual buffer between the neighboring property and the bee hives.

Bees are an extremely important part of any ecosystem, our urban ecosystem included. According to the website Bees of Georgia (native-bees-of-georgia.ggc.edu) bees pollinate 1 of every 3 bites of food we eat (native-bees-of-georgia.ggc.edu). Bees pollinate nearly every fruit, nut, and vegetable crop. "Recent estimates suggest that bees contribute \$15 billion in pollination services to the U.S. economy each year" (*id.*). While Georgia has 542 species of bees, the *Apis mellifera* (honeybee) are one of the few bees that A. do not live in the ground and B. are not solitary. These two facts combined make them a target of misinformation.

Apis mellifera, or the common honeybee, are not native to North America, but have become a key part of agriculture (as was sited earlier). Their populations hit a low point with a phenomenon called Colony Collapse Disorder, which "occurs when the majority of worker bees in a colony disappear and leave behind a queen, plenty of food and a few nurse bees to care for the remaining immature bees and the queen" (epa.gov). During the winter of 2006-2007 beekeepers reported unusually high losses of 30-90 percent of their hives. A few of the contributing factors of CCD are pesticides, pathogens, poor nutrition and lack of food (pollen).

There are ways to come back from these sudden losses. Smaller and more dispersed bee hives are being set up as hobbies in urban areas. It is staff's opinion that these hobby bee keepers are a benefit to the community. The more pollinator gardens a community sees being

installed is a benefit, as are the pollinators that are attracted to those gardens. Honey bees are defensive but not aggressive, meaning they will sting if provoked or when defending the hive. An evergreen hedge should provide the necessary buffer to keep any intrusion from neighbors away from the bees. The average hive in early spring contains roughly 10 – 15,000 bees. At the height of summer these number can swell to 60 – 80,000 bees. Bees' forage radius is roughly 1 – 2 miles from the hive, while some fly 3 to five miles, meaning that these bees have the potential to pollinate half of the City of Duluth.

V. RECOMMENDATION

Staff recommends **Approval with Conditions** of case SU2025-001. The Conditions of Approval are attached hereto as Exhibit "C". Planning Commission recommended Approval with Conditions at their May 5th 2025 meeting.

ATTACHMENTS:

Exhibit "A": Maps

Exhibit "B": Legal Description

Exhibit "C": Conditions of Approval

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

Exhibit "E": Public Hearing Advertisement/Public Notice

Exhibit "A"
Maps
Location Map



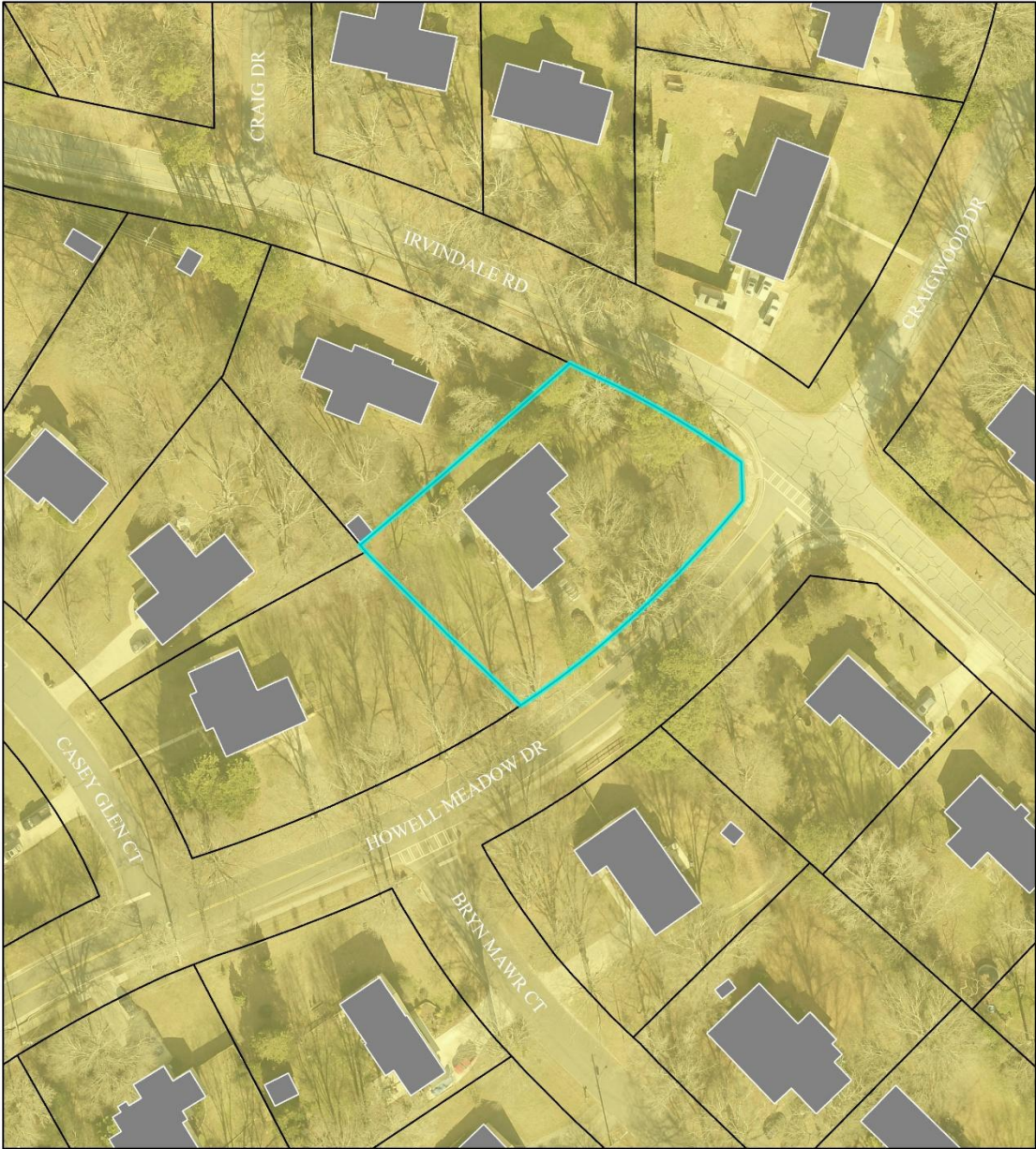
SU2025-001 SUSAN CLARK		Planning Commission: May 5, 2025	<ul style="list-style-type: none">  Streets  Address Outline  Parcel
From: R-100	To: R-100	City Council: June 9, 2025	
 City of Duluth Georgia Community Development & Engineering GIS		Tax Parcel(s): R6323 086	60  Feet 

Zoning Map



SU2025-001 SUSAN CLARK		Planning Commission: May 5, 2025		
From: R-100	To: R-100	City Council: June 9, 2025		
City of Duluth Georgia Community Development & Engineering GIS		60 Feet	Tax Parcel(s): R6323 086	

Character Map





SU2025-001 SUSAN CLARK		Planning Commission: May 5, 2025		 Established Neighborhoods
From: R-100	To: R-100	City Council: June 9, 2025		
 City of Duluth Georgia Community Development & Engineering GIS			Tax Parcel(s): R6323 086	

Exhibit "B"
Legal Description

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 323 of the 6th District of Gwinnett County, Georgia, being Lot 1, Block "D", Unit #1, Howell Glen subdivision, as per plat recorded in Plat Book 5, Page 16, Gwinnett County, Georgia Records, which plat is incorporated herein by this reference and made a part of this description.

Less and except all that tract or parcel of land conveyed to the City of Duluth by that certain Right of Way Deed recorded in Deed Book 50012, Page 248, aforesaid records.

Being the same property as conveyed in that certain Warranty Deed recorded at Deed Book 22646, Page 254, Gwinnett County, Georgia records.

Exhibit "C"
Conditions of Approval

General

1. The Special Use (SU2024-008) is hereby approved for Susan Clark, and their successors, for the keeping of three (3) beehives on their property. Notwithstanding, all Special Use applications shall be for firm proposals only.

Once established:

- A. If the use changes, the Special Use is hereby terminated.
 - B. If the use is discontinued or abandoned for a period of ninety (90) days, regardless of the intent of the owner or occupier to resume the use, the Special Use is hereby terminated.
 - C. If the use is extended in any way, either on the same or adjoining property, the Special Use is terminated.
2. Setbacks for the beehives shall be as follows: No beehives shall be allowed in the front or exterior side yard. There shall be a 10' side yard setback. There shall be a 50' rear setback.
 3. There shall be a maintained evergreen hedge blocking the view of the bees from the side yard property line. This evergreen hedge shall be maintained in perpetuity as long as the beehives are in operation.
 4. Should the special use permit holder wish to add more beehives, they would be allowed one (1) additional beehive.
 5. The property shall be maintained in a state of good repair at all times, free from any violations of the Property Maintenance Code; Unified Development Code; License and Business Regulations; Nuisance Codes, and any other codes adopted by the City of Duluth. Failure to maintain the property at or above the minimum standards adopted in the City of Duluth codes and ordinance shall be cause for possible legal action by the City.
 6. The privilege of a Special Use is subject to all conditions that have been attached to it. It is within the City's rights to take legal action if it is proven that the conditions of the Special Use have been violated.

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

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

The proposed use, to allow for three beehives in our side yard (as defined by the City of Duluth – northwestern property line) is suitable with the surrounding single-family detached homes that currently exist in the area. The proposed hives will be setback from our rear property line by 10.1’, with approximately 50 feet between our proposed beehives and our closest neighboring dwelling (3973 Irvindale Road).

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

It is not anticipated that the proposed special use, to allow for three beehives, will adversely affect adjacent or nearby properties. Because of the nature of honeybees and their flight patterns, along with the proposed location of the beehives, in front of large evergreen shrubs (holly bushes), it is unlikely that any surrounding property owners will know that beehives exist on the property. It should also be noted that the beehives would be set back 10’ 1” from the side property line, which is double what is required of an accessory structure.

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

The property has a reasonable economic use as currently zoned.

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

It is not anticipated that the proposed beehives will result in excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. If the proposed special use is approved, there would be no impact on existing infrastructure and/or schools.

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

The proposed special use meets the intent of the City of Duluth Comprehensive Plan, Move Forward City wide policies: **Natural Resources** (preservation generally and environment) and **Economic Development** (Education and Training, Small Businesses, and Positive Business Climate) and several of the Short Term Work Program goals; to unite property owners, business owners, and residents to create a better business and living environment and to expand and improve public outreach and education.

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

Our property is approximately 0.56 acres and is located at the western intersection of Irvindale Road and Howell Meadow Drive. Our house is oriented towards Howell Meadow Drive, but because we are located on a corner lot, we technically have two front yards (along Howell Meadow Drive and Irvindale Road) and two side yards, rather than one front, two sides, and once rear, like single-family detached lots with one road frontage. While corner lots are typically larger than their neighbors, corner lots have more restrictive buildable areas due to the required setbacks. In our case our setbacks are as follows:

Front (Irvindale):	Per plat: 40' Per Duluth zoning: 50'
Front (Howell Meadow):	Per plat: 40' Per Duluth zoning: 50'
Side: 10'	

The City of Duluth identifies bees and bee products as ‘animal production’ with the supplemental regulations that ‘no structure housing poultry or other livestock shall be located closer than 200’ to any property line’. Although bees are identified as livestock, their housing structures are far less intrusive than the housing structures of what is typically thought of as livestock (ie: cows, horses, etc.). As a result, we are proposing the three beehives to be set back 10’1” from our side (northwestern) property line, which is in keeping with and exceeds the minimum setback requirement of accessory structures in residentially zoned districts. The proposed hives would not be seen from the Right-of-Way along Irvindale Road or by the neighboring property owner (3973 Irvindale Road).

Exhibit "F"
Public Notice

Public Notice Printed in Gwinnett Daily Post 5/13/2025

GDP5950
gpn16
CITY OF DULUTH
NOTICE OF PUBLIC
HEARING

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3167 Main Street
Duluth, GA 30096

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5-15-2025



CITY OF DULUTH PUBLIC NOTICE

SU2025-001

REQUEST TO

Allow for keeping of three beehives in rear yard.

PARCEL: R6323-086

ADDRESS: 3285 Howell Meadow Drive

CURRENT ZONING: R-100

PROPOSED ZONING: R-100

Planning Comm DATE: 5-5-25 @6 p.m.

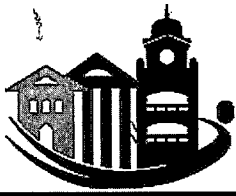
Mayor & Council DATE: 6-9-25 @6 p.m.

All interested members of the public are invited to attend the hearings at:

CITY HALL COUNCIL CHAMBERS
3167 MAIN STREET, DULUTH, GA 30096
770.476.1790

on the dates and times provided above.





Duluth
 Capture the Spirit
 of Good Living

Office of the City Clerk

3167 Main Street
 Duluth, GA 30096
 P 770-476-3434 • F 770-623-2780

CONFIRMATION RECEIPT

SUBMITTED BY: Melanie Conner / Rainbow Village
 (COMPANY NAME/INDIVIDUAL)

TYPE OF SUBMISSION
 Request for Bids
 Request for Proposals
 Request for Qualifications

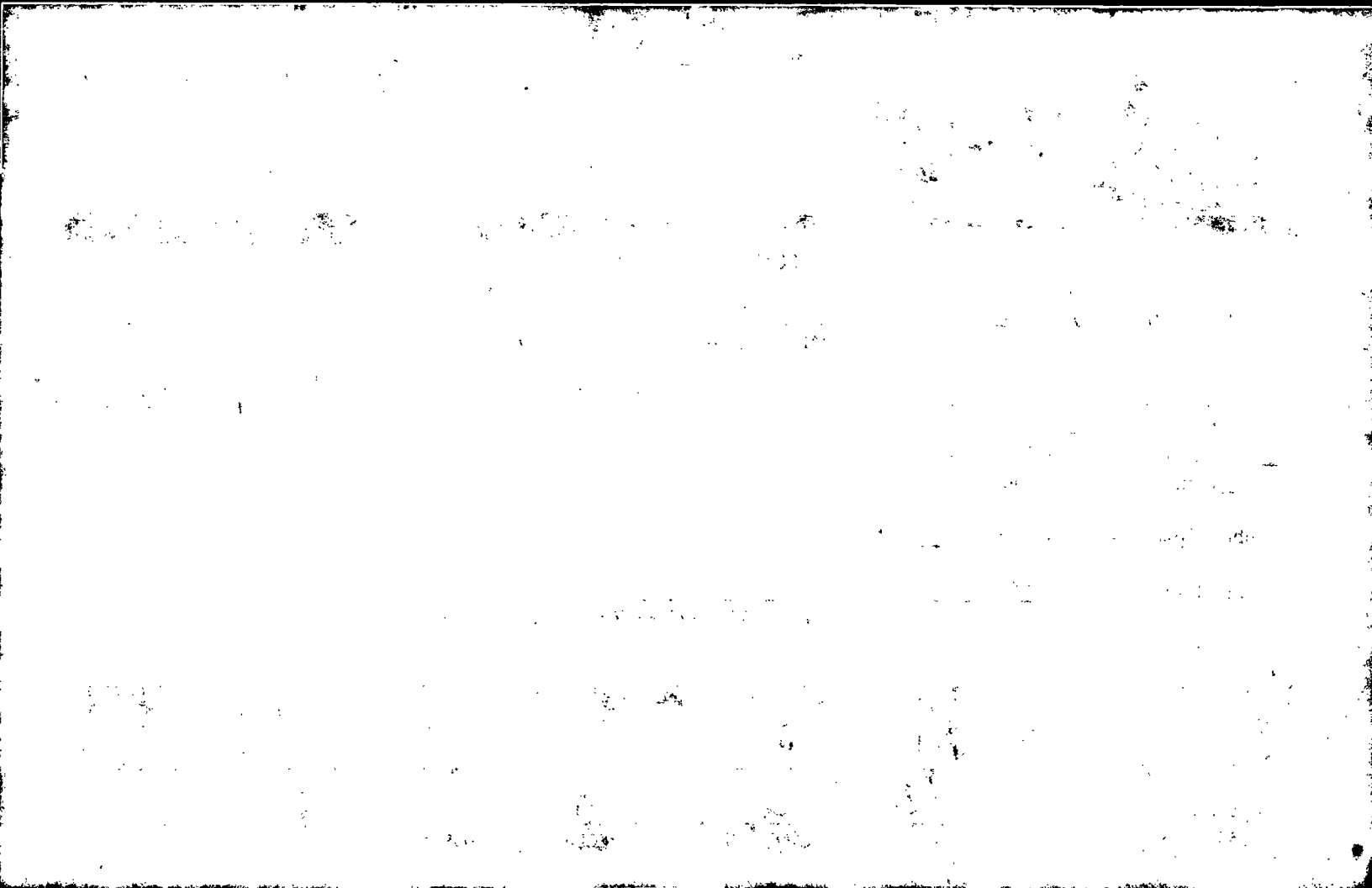
PROJECT NAME: Know Street Property

Number of packages submitted: 1

DELIVERED BY: Melanie Conner
 (PRINT NAME OF REPRESENTATIVE DELIVERING PROPOSAL)

OFFICE USE ONLY

DATE RECEIVED: Kim Hill TIME RECEIVED: 3:28 p.m.
 ACCEPTED BY: 6/24/25
 (PRINT NAME OF EMPLOYEE RECEIVING PROPOSAL)





June 24, 2025

Office of the City Clerk
Duluth City Hall
3167 Main Street
Duluth, GA 30096

RE: Proposal for Purchase of Unused Right-of-Way – Knot Street (Adjacent to 3431 Duluth Highway)

To Whom It May Concern:

On behalf of Rainbow Village, I am pleased to submit our proposal to purchase the unused 30-foot-wide right-of-way known as Knot Street adjacent to our existing property. Rainbow Village is a well-established nonprofit organization serving families experiencing homelessness, and we are proud to call Duluth our home.

We are currently advancing the next phase of our *Building Homes. Building Hope.* initiative to construct 36 additional transitional housing units on our campus. The Knot Street property will serve a vital role in this project, primarily as a fire egress route and utility access point. This includes tying into the existing sanitary sewer and stormwater infrastructure that crosses the Knot Street parcel.

In an effort to remain good neighbors to the adjacent District Apartments, we will install shrubbery to reduce car light intrusion into lower-level windows. Vehicular use of the area will be restricted by a secured gate, and a Knox box will be installed to ensure emergency personnel have access when needed.

Our offered purchase price is \$2,500. Enclosed with this proposal are preliminary site plans that show the proposed use of the right-of-way. We believe this use represents the highest and best use of the parcel—not in terms of price alone, but in terms of community value and alignment with the City of Duluth’s affordable housing goals.

We anticipate selecting a general contractor within the next few days and hope to begin construction as soon as permits are finalized and contracts are signed.



Thank you for your consideration. We look forward to continuing our long-standing partnership with the City as we work together to expand housing opportunities for families in need.

Warmest regards,

A handwritten signature in black ink that reads "Melanie Conner". The signature is written in a cursive style with a large initial "M" and a long, sweeping underline.

Melanie Conner
Chief Executive Officer
(404) 218-7810 - cell
mconner@rainbowvillage.org

E LAWRENCEVILLE
(DULUTH HIGHWAY - S.R. - 120)
 VARIABLE WIDTH R/W
 ASPHALT-PAVED PUBLIC ROADWAY
 D.B. 55718 PG. 802
 POSTED SPEED LIMIT - 45 MPH

GDOT COMMERCIAL DRIVEWAY
 (GDOT APPROVAL ALREADY OBTAINED)

FIRE EGRESS DRIVE: FOR FIRE DEPARTMENT USE ONLY. REQUIRED FOR COMPLIANCE WITH FIRE CODE WITH NO FEASIBLE ALTERNATIVES.

CONNECTION TO EXISTING DRAINAGE STRUCTURE FROM UNDERGROUND DETENTION SYSTEM. GDOT HAS APPROVED TYING INTO THIS MANHOLE WHICH TIES INTO THEIR ROADWAY SYSTEM.

3 STORY BUILDING
 TOTAL SF = 17,025
 BUILDING FFE: 1110.00

24 LF GATE WITH KNOX BOX TO CONTROL ACCESS

APPROX. LOCATION OF EXISTING EXISTING LATERALS

SANITARY SEWER CLEANOUT PLACE AT ELEVATION SUITABLE FOR CONNECTION TO EXISTING LATERALS (TYP)

PROPOSED UNDERGROUND DETENTION SYSTEM

EXISTING SANITARY SEWER MANHOLE TO BE REMOVED AND NEW MANHOLE PLACED AT THIS LOCATION. LATERALS FROM THE NEIGHBORING PROPERTY ARE PLANNED TO BE CAPTURED AND REROUTED TO THIS NEW MANHOLE.

SS MH A2 (CUT-IN MH PER COUNTY DETAILS)
 RIM: 1102.99
 INV IN: 1099.41 8" DIP
 INV IN: 1099.51 6" DIP
 INV OUT: 1099.21 8" CP (EXIST)

SANITARY SEWER CONNECTION FROM PROPOSED BUILDINGS LOCATED ON ADJACENT PROPERTY.

KNOT STREET BOUNDARY LINE, SEE SURVEY FOR MORE INFORMATION

3 STORY BUILDING
 TOTAL SF = 30,066
 BUILDING FFE: 1110.00

39' OF 8" DIP @ 2.31%


LANDS N/F PID: R6293 123
 O.R.B. 56325 PG. 116 USPA
 DISTRICT AT DULUTH, LLC

KNOT STREET
 30' WIDE R/W
 ASPHALT & GRAVEL
 PUBLIC ROADWAY
 D.B. 56325 PG. 116
 D.B. 55660 PG. 278

LANDS OF MBP, LLC
 D.B. 52077 PG. 378
 PID: R6293 121
 AREA: 32,046 S.F. OR 0.736 AC (MEASURED)
 "NO BUILDINGS"



AXIS INFRASTRUCTURE
 70 MANSELL CT., STE. 200
 ROSWELL, GEORGIA 30076
 PHONE: 678.395.4920

DRAWING TITLE:		SCALE AND NORTH ARROW	PROJ. MGR.:
PROJECT NAME:		 1" = 30'	TC
RAINBOW VILLAGE RESIDENCES CITY OF DULUTH			DRWN. BY:
CLIENT:		DATE:	CHKD. BY:
MBP, LLC		05/30/25	TC
1855 BRANDON HALL DRIVE, SANDY SPRINGS, GEORGIA 30350		DRAWING NO:	EXHIBIT

**RESOLUTION OF ABANDONMENT OF MUNICIPAL STREET
(UNUSED RIGHT-OF-WAY)**

WHEREAS, the Mayor and Council of the City of Duluth, Georgia have determined that a 30'-0" unused right-of-way located off of Duluth Highway, known as Knot Street has ceased to be used by the public to such an extent that no substantial public purpose is accomplished by leaving the street as part of the municipal street system; and

WHEREAS, the Mayor and Council of the City of Duluth have determined that the abandonment and closing of the street as shown on the plat which is attached hereto as Exhibit "A" and more fully described in the legal description attached hereto as Exhibit "B" is in the best interest of the citizens of the City of Duluth; and

WHEREAS, the City of Duluth, consistent with O.C.G.A. § 36-37-6 (g) and Chapter 2 Section 2-3 of the Duluth Code of Ordinances, notified adjoining property owners of intent to sell the unused right-of-way as described in Exhibit "A" and accepted proposals for acquisition of the property. The City received one proposal from Rainbow Village, Inc. for acquisition of the property.

NOW THEREFORE, the Council of the City of Duluth hereby resolves and ordains that the unused 30'-0" right-of-way shown on Exhibit "A" and fully described in Exhibit "B" which are attached hereto and incorporated herein by reference, is hereby declared to be closed and abandoned as a part of the municipal street system of the City of Duluth. This action is taken pursuant to O.C.G.A. § 36-37-6 (g) Chapter 2 Section 2-3 of the Duluth Code of Ordinances. This abandonment is subject to any and all previous utility easements conveyed to Gwinnett County, or any other public or private entity or franchise holder and these easements or other property rights previously conveyed shall not be extinguished or altered by this action.

IT IS FURTHER RESOLVED AND ORDAINED that the Council hereby authorizes the sale of the unused 30'-0" right-of-way to Rainbow Village, Inc. for the amount of \$ 2,500.00 and authorizes the Mayor, City Manager and the City Attorney to take such action and execute such documents as are necessary to dispose of the abandoned property in accordance with the laws of the State of Georgia. Any deed disposing of said property shall be a Quitclaim Deed and shall contain a provision that the transfer is subject to all existing easements, general layout and improvements as shown on Exhibit "C", attached hereto and incorporated herein by reference.

IT IS SO RESOLVED this _____ day of _____ 2025.

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

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

Exhibit A

Exhibit B

May 09, 2025

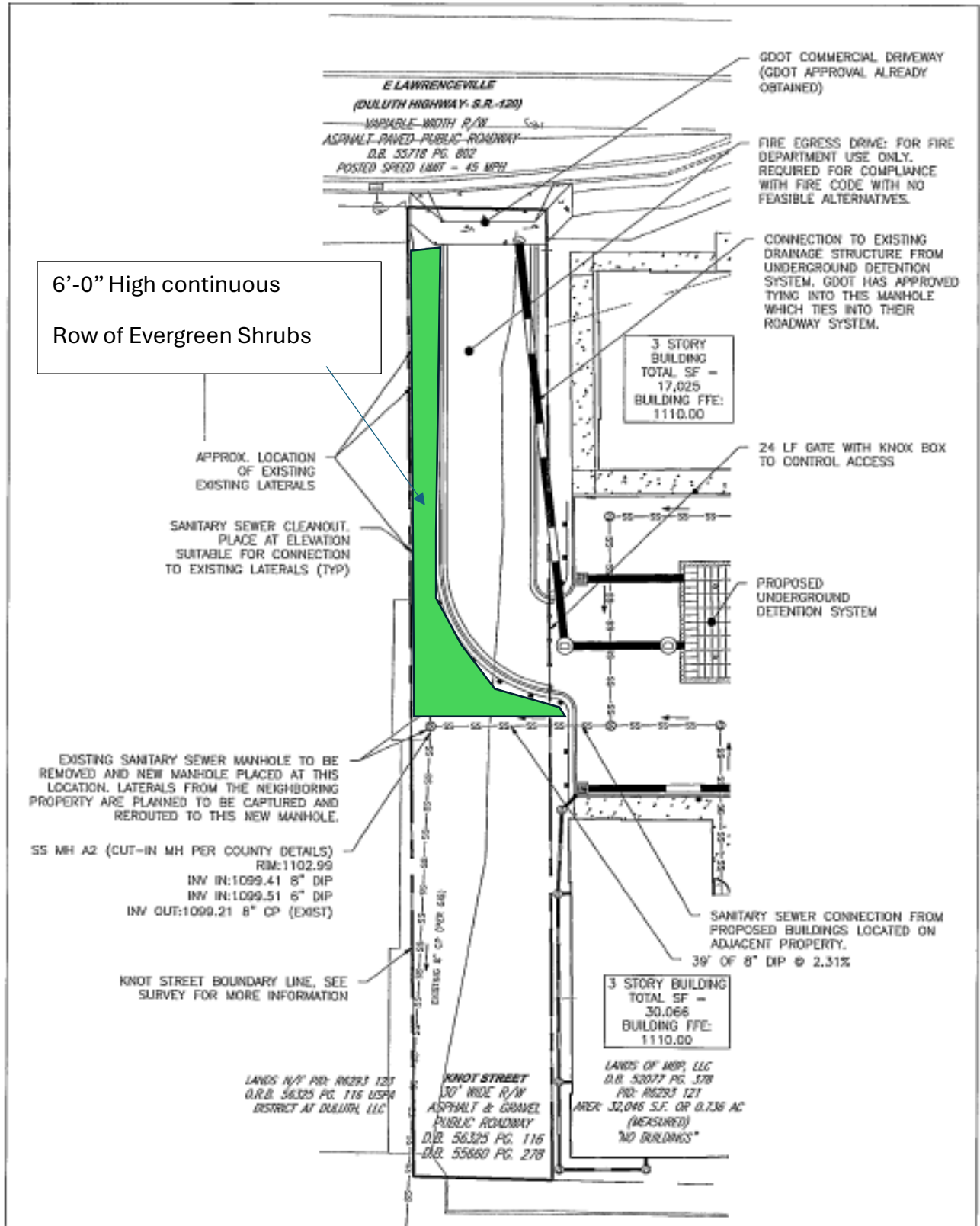
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 293 OF THE 6TH DISTRICT, CITY OF DULUTH, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERN MITERED CORNER OF THE INTERSECTION OF THE SOUTHEASTERN MARGIN OF BUFORD HIGHWAY (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) AND THE SOUTHWESTERN MARGIN OF EAST LAWRENCEVILLE STREET (AKA DULUTH HIGHWAY S.R. 120) (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY), THENCE WITH THE SOUTHWESTERN RIGHT-OF-WAY MARGIN OF EAST LAWRENCEVILLE STREET THE FOLLOWING SEVEN (7) COURSES AND DISTANCES,

- (A) NORTH 84°05'37" EAST, 58.69 FEET TO THE SOUTHEASTERN MITERED CORNER OF THE INTERSECTION OF BUFORD HIGHWAY AND EAST LAWRENCEVILLE STREET, THENCE;
 - (B) SOUTH 43°48'16" EAST, 15.03 FEET TO A NAIL FOUND, THENCE;
 - (C) SOUTH 46°10' 21" WEST, 11.00 FEET TO A NAIL FOUND, THENCE;
 - (D) SOUTH 43°49'39" EAST, 20.00 FEET TO A NAIL FOUND, THENCE;
 - (E) NORTH 46°10'21" EAST, 11.00 FEET TO A NAIL FOUND, THENCE;
 - (F) SOUTH 43°56'06" EAST, 397.64 FEET, THENCE;
 - (G) SOUTH 44°48'53" WEST, 8.98 FEET TO THE **POINT OF BEGINNING**, THENCE CONTINUING WITH SAID RIGHT-OF-WAY,
- (1) SOUTH 43°30'57" EAST, 29.48 FEET TO A CONCRETE MONUMENT FOUND, MARKING THE DIVISION LINE BETWEEN LANDS OF RAINBOW VILLAGE, INC. (DEED BOOK 61023 PAGE 649 AND DEED BOOK 61023 PAGE 652) AND KNOT STREET (AKA KNOTT STREET/KNOX STREET) (30' WIDE RIGHT-OF-WAY TO BE ABANDONED), THENCE DEPARTING SAID RIGHT-OF-WAY MARGIN OF EAST LAWRENCEVILLE STREET WITH SAID DIVISION LINE;
 - (2) SOUTH 44°48'53" WEST, 199.37 FEET TO A 1/2" REBAR SET (LSF1403) MARKING THE DIVISION LINE BETWEEN KNOT STREET AND THE LANDS OF MFREVF V-DULUTH, LLC (DEED BOOK 61435 PAGE 247), THENCE WITH SAID DIVISION LINE THE FOLLOWING TWO (2) COURSES AND DISTANCES;
 - (3) NORTH 43°38'37" WEST, 29.48 FEET, THENCE;
 - (4) NORTH 44°48'53" EAST, 199.44 FEET TO THE **POINT OF BEGINNING**.

SAID RIGHT-OF-WAY CONTAINING 5,876 SQUARE FEET, OR 0.135 ACRES.

Exhibit C





July 8, 2025

City of Duluth
3167 Main Street
Duluth, Georgia 30096

Dear Fiana,

Congratulations! We are pleased to announce that the **City of Duluth** was awarded **\$3,500** as a recipient of the inaugural 2025 Gwinnett Creativity Fund Placemaking Grant. The Placemaking Grant is Explore Gwinnett's newest grant cycle, developed to support the re-imagining, creation, and revitalization of public spaces throughout Gwinnett County.

The Gwinnett Creativity Fund is now starting our sixth full year and has recently topped over \$1 million in grant awards. This innovative program, with funding support from Gwinnett County Board of Commissioners, has supported over forty diverse non-profit arts and cultural organizations via both operations and project grants, with initiatives ranging from public art to literary events to film/entertainment workforce development.

For our first Placemaking Grant Cycle, our committee reviewed a diverse mix of innovative submissions. While we were unable to award each application their full request, we are extremely pleased to be able to offer substantial grant support to all qualified applicants.

Each application was reviewed carefully, with consideration for project creativity, innovation, location, intended audience and project viability.

The attached grant award packet includes the grant agreement with reporting requirements. Please review the enclosed agreement carefully, sign, initial and return to gcf@exploregwinnett.org by Friday, July 18th.

We look forward to collaborating with your organization. Please do not hesitate to reach out with any questions, or if you need additional information.

Sincerely,

Lisa Anders

Lisa Anders, Chief Operating Officer
Explore Gwinnett Tourism + Film

Encl:



2025 PLACEMAKING GRANT AGREEMENT

ORGANIZATION: **CITY OF DULUTH**

MAILING ADDRESS: 3167 Main Street
Duluth, Georgia 30096

AWARD AMOUNT: **\$3,500**

PLACEMAKING PROJECT DEADLINE: **November 15, 2025**

FINAL REPORT DEADLINE: **December 15, 2025 (OR within 45 days of project completion)**

FINAL REPORT

This Placemaking Grant is awarded in two installments. 50% of award is given with signed grant agreement and the final 50% following submission of final report as well as full documentation.

Please initial next to the line item below as acknowledgement your organization is aware of the Gwinnett Creativity Fund final report stipulations.

_____ I acknowledge my organization will submit a final report online using the Survey Monkey Apply platform (the same platform where the application was submitted) within 45 days of project completion (OR no later than December 15, 2025) with the following support materials:

- Final Report Form (budget section must be completed)
- Updated/Actual Project Budget (side-by-side comparison)
- Sponsor/Partners credit example
- Itemized receipts/invoices of grant fund expenses
- Marketing Materials
- Site Agreement
- Maintenance Plan
- Artist Contract
- Video testimonial

GRANT FUNDS

_____ **Approved Grant Uses** -- Based on your application project budget, the following expenses have been approved:

Bioswale project- design, signage, materials, plantings.



BIG CHECK PHOTO

_____ I acknowledge my organization will be responsible for appearing for a “Big Check Photo” at the Explore Gwinnett offices at 6500 Sugarloaf Pkwy Suite 200, Duluth, GA 30097. By appointment only. Available dates to be communicated via email.

PLACEMAKING PROJECT CHANGES

While programming and/or goals outlined in your original application may change significantly during the grant year due to unforeseen reasons, all major project changes will require GCF approval for grant reimbursement. Discussing changes with GCF early in the process is required to ensure change(s) are approved.

_____ I acknowledge that my organization will need to communicate, and GCF approve, any project changes.

RECOGNITION

Please initial next to the line item below as acknowledgment your organization is aware of the recognition stipulations for the Gwinnett Creativity Fund Placemaking Grant.

_____ I acknowledge that my organization will add Gwinnett Creativity Fund as a supporter for the current fiscal year, using the guidelines and digital logo provided.

VIDEO TESTIMONIAL

Please initial next to the line item below as acknowledgement your organization is aware of the video testimonial requirement for the Gwinnett Creativity Fund Placemaking Grant.

_____ I acknowledge my organization will be responsible for submitting a video testimonial showcasing the partnerships and value of your Gwinnett Creativity Fund Placemaking project. This can be anything from a montage of virtual activities you have done to a testimonial shot on your phone (horizontal please). Video can range from 30 seconds to 2 minutes in length.

SIGNATURE

“I certify that the information provided in my organization’s application is true and correct to the best of my knowledge. My organization will comply with all Gwinnett Creativity Fund Placemaking Grant guidelines, or be subject to returning grant funds and/or being ineligible to apply for future Gwinnett Creativity Fund Grants.”

Signature: _____

Date: _____ Signed By: _____

Please email initialed and signed form to gcf@exploreghwinnett.org

**ORDINANCE
TO AMEND THE CITY OF DULUTH
2026 FISCAL YEAR BUDGET**

AN ORDINANCE TO AMEND THE 2026 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 2026 fiscal year as follows:

Total Revenues:	83,542,477
Operations Expenditures:	32,212,480
Capital Improvement Expenditures:	51,329,997
Total Expenditures:	83,542,477

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

WHEREAS the City of Duluth Stormwater Department has received a \$3,500 Placemaking Grant through the Gwinnett Creativity Fund funded by Gwinnett County and administered by Explore Gwinnett; and

WHEREAS the grant will be used to rehabilitate and improve the existing bioswale on Main Street in front of Coleman Middle School and will include an educational sign about the functions and benefits of a bioswale; and

WHEREAS it is requested \$3,500 in grant funds be add to Stormwater Utility – Gwinnett County Grant line item and a like amount to Stormwater Utility – Stormwater Collection & Disposal – Site Improvements line item; and

NOW THEREFORE, the City of Duluth 2026 Fiscal Year Budget is amended as follows:

Total Revenues & Prior Yr Reserves	83,545,977
Operations Expenditures:	32,215,980
Capital Improvement Expenditures:	51,329,997
Total Expenditures:	83,545,977

IT IS SO ORDAINED this _____ day of _____, **2025**.

BA-FY26-01

Mayor Greg Whitlock

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Shenée Johnson Holloway, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk