

Duluth



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

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

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

August 14, 2023

CITY HALL COUNCIL CHAMBERS

6:00 pm

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

5:30 P.M. – AGENDA REVIEW Main St. Conference Room

6:00 P.M. - CALL TO ORDER Mayor Harris or Mayor Pro tem Thomas

INVOCATION OR MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

I. ANNOUNCEMENTS

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

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

Duluth Farmers & Artisan Market every 2nd and 4th Sunday through November.
2pm-5pm. Town Green. Featuring local produce, baked goods and other locally made food products such as jams, jellies, pickles, salsa, canned vegetables, honey,

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.

cut flowers, herbs, spices, candles, soaps, lotions, pottery, baskets etc. Live music, themed photo-ops, and free kids' activities in Parsons Alley.

Duluth Art Month: Various locations and times. The month of August is dedicated to unleashing your creative spirit. Prepare to be captivated by a diverse range of interactive art experiences, including a new Chalk Art Festival, a month-long Seek Duluth adventure, an eclectic array of musical experiences, Creativity Workshops at the Festival Center and so much more. Go to www.duluthga.net/artmonth for more information and to register for events that require registration.

II. MATTERS FROM CITIZENS

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

III. CONSENT AGENDA

1. APPROVAL OF JULY 10TH AND 24TH MINUTES
2. ORDINANCE TO AMEND BUDGET - \$300,000 – TRANSPORTATION MGMT

At the July 24 council work session, staff discussed the need for additional funds for the Public Works Transportation Infrastructure Capital Project Fund for outside professional oversight for projects, smaller projects not requiring an RFP performed by staff or contractors, and incidental project costs such as cutting trees and preparing and advertising RFPs. An additional \$300,000 is requested from unallocated 2017 SPLOST Transportation funds. Approval of this item approves BA-FY24-03 to amend the FY24 budget as presented.

3. ORDINANCE TO AMEND BUDGET - \$100,000 – HVAC

At the July 24 council work session, staff requested consideration for funds to replace the HVAC system at the Public Safety building. Staff requests approval of a budget amendment to add \$100,000 in 2023 SPLOST unallocated Administrative Facilities funds to the Police Capital Projects/Building line item including associated transfers. These funds will be used to hire a consultant to develop a Request for Proposal (RPF) and oversee the project during installation. Approval of this item authorizes ordinance BA-FY24-04 to amend the FY24 budget as presented.

4. ORDINANCE TO AMEND BUDGET - \$1,500,000 – STORMWATER UTILITY

At the July 24 work session, staff updated council on recent stormwater projects and pipe inspections. Recent storms and the overall age of the City's stormwater infrastructure have caused several additional critical projects to be added to the priority list of known projects. Since most of the available stormwater funding has already been earmarked for current projects, additional funding is required to address the additional projects. Therefore, a transfer of prior year reserves of

\$1,500,000 from the General Fund is requested. Approval of this item authorizes ordinance BA-FY24-05 to amend the FY24 budget as presented.

5. ORDINANCE TO AMEND BUDGET - \$457,900 – STORMWATER

Based on the directive from the July 24 council work session, staff is presenting a budget amendment for the Stormwater Utility Fund to allocate funds to the current year's budget in excess of the 25% required fund balance reserve. On June 30, 2023, the Fund had an unrestricted fund balance of \$890,084. Since most the fund's revenue comes from a single billing, and the potential need for funding of emergency repairs, policy requires a minimum unrestricted fund balance be maintained equal to 25% of the annual billing or \$432,106 on June 30, 2023. Allowing for this requirement, \$457,900 is available for allocation to the current year's budget. Approval of this item approves ordinance BA-FY24-06 to add \$457,900 to the Stormwater Utility in the FY24 budget as presented.

6. ORDINANCE TO AMEND BUDGET - \$200,000 – POLICE CAMERA ROOM

Staff has developed a proposal to upgrade the police camera room to a real time crime center which will allow the police department to be more proactive in apprehending suspects and investigating incidents. The overall cost for the upgrade is approximately \$380,000, part of which would be paid with previously approved 2017 SPLOST funds of \$180,000 earmarked for cameras and camera room upgrades. Staff is requesting \$200,000 in unallocated 2017 SPLOST funds be added to Police Capital Projects, including associated transfers. As discussed at the July 24 work session, approval of this item approves ordinance BA-FY24-07 approving an additional \$200,000 to complete the upgrade.

7. ORDINANCE TO AMEND BUDGET - \$3,000 – ROGERS BRIDGE ART

Approval of this item approves ordinance BA-FY23-33 to add \$3,000 to the Duluth Public Art Fund for the design, fabrication, and installation of the signage plaque (also made from the old bridge material) by Nucleus Sculpture Studio for the public art at Rogers Bridge Park. This request will add prior year reserves of \$3,000 to the Public Art/Site Improvements line item.

8. ORDINANCE TO APPOINT ASST. CITY SOLICITOR

Pursuant to the Duluth City Code, Section 2-208, the Mayor and Council are authorized to appoint an Assistant Solicitor of the Municipal court of the city. Chief Carruth recommends the appointment of Robert Giannini as an Assistant Solicitor of the Duluth Municipal Court. The compensation of the Assistant Solicitor shall be on an hourly basis and the rate shall fixed by the Mayor and Council on an annual basis during the regular budget process. Before entering on the duties of office, the Assistant Solicitor shall take an oath before an officer duly authorized to administer oaths that he or she will truly, honestly, and faithfully discharge the duties of his or her office. Approval of ordinance O2023-22 appoints Robert Giannini as an Assistant Solicitor of the Duluth Municipal Court.

IV. PUBLIC HEARINGS

1. ORDINANCE SETTING THE 2023 TAX MILLAGE RATE

Each year, the Gwinnett County Tax Assessor reviews the assessed value of taxable property in the County. When the total digest of taxable property is prepared, Georgia Law requires calculation of a "rollback" millage rate (RMR) that produces the same total revenue on the current year's new digest that last year's millage rate would have produced, had no reassessments occurred. The City of Duluth is considering maintaining the same millage rate as last year, which is 6.551 mills. For the 2023 digest, the current millage rate exceeded the rollback millage rate by 0.509 mills, or stated another way, as a percentage of the rollback millage rate, the current millage rate represents an 8.42% "increase." The reassessment revenue added is approximately \$1,220,489. Georgia law requires that the City publish a "Notice of Property Tax Increase" in the legal organ when the tentative adopted millage rate exceeds the rollback millage rate. In addition, three public hearings must be scheduled to allow the public an opportunity to express their opinion on the proposed tax millage. No comments were received at either of the first two public hearings; this is the third and final public hearing prior to adoption of the ordinance setting the 2023 tax millage rate.

V. NEW BUSINESS

1. AWARD OF CONTRACTS – ON CALL MATERIALS TESTING SERVICES

The Mayor and Council are asked to consider awarding contracts for materials testing services.

In 2018, the City awarded three on-call contracts for materials testing and other related services which started on October 1, 2018 and will expire on September 30, 2023. To continue the convenience of having on-call service providers, the City released a request for qualifications (GA Procurement Registry, city website, and legal organ) on May 12 and received six qualification packages on June 14. The packages were reviewed independently by three evaluators and the scores were added together to arrive at the following ranks:

Terracon -	281.25
United Consulting -	263.5
Willmer Engineering -	257.5
Nova -	255.8
ECS, Inc -	248.0
MC Squared, Inc -	213.8

Due to current workload, staff recommends awarding two contracts, one to Terracon and one to United Consulting. Each contract would be for one year, starting on October 1, and expiring (if not renewed) on September 30 of the

following year. The contract duration would be up to five years. Each firm was required to submit a schedule of unit rate costs that will be opened after selections were made and are binding throughout the duration of the contracts.

2. TAD DEVELOPMENT AGREEMENT ADDENDUM - (REDEVELOPMENT AGENCY)

The Mayor and Council to consider authorizing an addendum to the Greystar/ Everleigh TAD agreement.

In 2019, the City Council, acting as the Redevelopment Agency, executed a development agreement with Greystar GP II, LLC (Greystar) relating to reimbursement of TAD funds associated with the Everleigh Duluth project, located at 3221 Hill Street. Greystar desires to end the City's obligation to make annual TAD payments to Greystar in exchange for payment of a discounted lump sum. Such a change requires an amendment to the Development Agreement. The discounted lump sum payment is beneficial to the City and URA.

Approval of this item authorizes the Mayor to execute an amendment to the development agreement as presented.

3. TAD DEVELOPMENT AGREEMENT ASSIGNMENT (REDEVELOPMENT AGENCY)

In 2019, the City Council (acting as the Redevelopment Agency) executed a development agreement with The Residential Group (TRG) relating to reimbursement of TAD funds associated with the SODO Duluth project. TRG is intending to sell the project and is requesting the agreement be assigned to the new owner. The development agreement requires the assignment of the contract should the property be sold.

Approval of this item authorizes the Mayor to execute the assignment consistent with the development agreement.

VI. MATTERS FROM DEPT HEADS/CITY ATTORNEY

1. ORDINANCE TO AMEND BUDGET - \$125,000 – RED CLAY SOUND SYSTEM

Previously, the City upgraded the lighting at the Red Clay Theatre. Based on conversations with Eddie Owen, staff feels it is time to upgrade the sound/speaker system to create a better overall listening experience. Recently a Request for Proposal was issued with bids due back later this month. Staff is requesting \$125,000 in unallocated 2023 SPLOST Cultural Facility funds be added to the City Theatre - Special Recreational Facilities - Buildings line item, including associated transfers.

2. ORDINANCE TO AMEND BUDGET - \$72,196 – VEHICLES

Mayor and Council to consider approval of a budget amendment to carry-forward \$72,196 in FY23 budgeted funds to the FY24 fiscal year for a Marketing/PIO vehicle purchase (\$31,993), Police vehicle equipment (\$23,525) and Public Works vehicle work zone lighting package (\$16,678). Approval of this item approves ordinance (BA-FY24-09) to add \$72,196 in prior year General Fund reserves to the following line items: 1) Public Information/Marketing - Downtown/Main Street - Vehicles \$31,993, 2) Police - Consolidated Vehicle Maintenance - Vehicle Repairs/Maintenance \$23,525, 3) Public Works - Public Works Administration - Vehicles \$16,678.

3. ORDINANCE TO AMEND BUDGET - \$82,636.05 – SCOTT HUDGENS PARK

Staff is requesting council consider a budget amendment ordinance, BA-FY24-10 to fund the replacement of a stormwater pipe inside of Scott Hudgens Park. The stormwater pipe was undersized and not able to handle stormwater flow during heavy rains. In addition, the pipe was failing and starting to undermine the road above. An on-call contractor was able to remove the existing pipe and replace it with three 30" reinforced concrete pipes, at a cost of \$99,419.06. Staff is requesting approval of a budget amendment to add \$82,636.05 in unallocated 2017 SPLOST Parks and Recreation funds to Scott Hudgens Park - Park Areas - Site Improvements. The additional \$16,783.01 will come from funds remaining in the Rogers Bridge Park Restroom Facility project.

4. PLUMBING CODE UPDATES

The City's plumbing code currently meets State regulations; however, the Metro North Ga Water Planning District is requiring all 15 metro counties within its jurisdiction to implement codes that are more stringent than state standards in an effort to promote efficiency and save significant amounts of water for the region. The standards for faucets, irrigation, shower heads, commodes, washing machines and cooling towers will all become more restrictive starting January 1, 2024, affecting all new construction as well as renovations within the City.

Mayor and Council will be asked to adopt a model findings resolution at the September 11 Council meeting, which will then be sent to DCA for a 60-day review period and be ready for final council adoption on December 11.

VII. MATTERS FROM COUNCIL

VIII. MATTERS FROM CITY MANAGER

1. UPDATE ON SPECIAL USE CASE – SU2023-005 - SHORT TERM RENTAL

City Manager to report on the status for SU2023-005, which was postponed from the July 10 meeting.

IX. EXECUTIVE SESSION

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

X. ADJOURNMENT

The next scheduled meeting of the Mayor and Council is a special called meeting and work session for August 28, 2023 at 5:30 p.m.

Duluth



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

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

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

August 14, 2023

CITY HALL COUNCIL CHAMBERS

6:00 pm

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

5:30 P.M. – AGENDA REVIEW Main St. Conference Room

6:00 P.M. - CALL TO ORDER Mayor Harris or Mayor Pro tem Thomas

INVOCATION OR MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

I. ANNOUNCEMENTS

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

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

Duluth Farmers & Artisan Market every 2nd and 4th Sunday through November.
2pm-5pm. Town Green. Featuring local produce, baked goods and other locally made food products such as jams, jellies, pickles, salsa, canned vegetables, honey,

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.

cut flowers, herbs, spices, candles, soaps, lotions, pottery, baskets etc. Live music, themed photo-ops, and free kids' activities in Parsons Alley.

Duluth Art Month: Various locations and times. The month of August is dedicated to unleashing your creative spirit. Prepare to be captivated by a diverse range of interactive art experiences, including a new Chalk Art Festival, a month-long Seek Duluth adventure, an eclectic array of musical experiences, Creativity Workshops at the Festival Center and so much more. Go to www.duluthga.net/artmonth for more information and to register for events that require registration.

II. MATTERS FROM CITIZENS

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

III. CONSENT AGENDA

1. APPROVAL OF JULY 10TH AND 24TH MINUTES

3 attachments

2. ORDINANCE TO AMEND BUDGET - \$300,000 – TRANSPORTATION MGMT *attachment*

At the July 24 council work session, staff discussed the need for additional funds for the Public Works Transportation Infrastructure Capital Project Fund for outside professional oversight for projects, smaller projects not requiring an RFP performed by staff or contractors, and incidental project costs such as cutting trees and preparing and advertising RFPs. An additional \$300,000 is requested from unallocated 2017 SPLOST Transportation funds. Approval of this item approves BA-FY24-03 to amend the FY24 budget as presented.

3. ORDINANCE TO AMEND BUDGET - \$100,000 – HVAC

attachment

At the July 24 council work session, staff requested consideration for funds to replace the HVAC system at the Public Safety building. Staff requests approval of a budget amendment to add \$100,000 in 2023 SPLOST unallocated Administrative Facilities funds to the Police Capital Projects/Building line item including associated transfers. These funds will be used to hire a consultant to develop a Request for Proposal (RPF) and oversee the project during installation. Approval of this item authorizes ordinance BA-FY24-04 to amend the FY24 budget as presented.

4. ORDINANCE TO AMEND BUDGET - \$1,500,000 – STORMWATER UTILITY *attachment*

At the July 24 work session, staff updated council on recent stormwater projects and pipe inspections. Recent storms and the overall age of the City's stormwater infrastructure have caused several additional critical projects to be added to the priority list of known projects. Since most of the available stormwater funding has already been earmarked for current projects, additional funding is required to address the additional projects. Therefore, a transfer of prior year reserves of

\$1,500,000 from the General Fund is requested. Approval of this item authorizes ordinance BA-FY24-05 to amend the FY24 budget as presented.

5. ORDINANCE TO AMEND BUDGET - \$457,900 – STORMWATER

attachment

Based on the directive from the July 24 council work session, staff is presenting a budget amendment for the Stormwater Utility Fund to allocate funds to the current year's budget in excess of the 25% required fund balance reserve. On June 30, 2023, the Fund had an unrestricted fund balance of \$890,084. Since most the fund's revenue comes from a single billing, and the potential need for funding of emergency repairs, policy requires a minimum unrestricted fund balance be maintained equal to 25% of the annual billing or \$432,106 on June 30, 2023. Allowing for this requirement, \$457,900 is available for allocation to the current year's budget. Approval of this item approves ordinance BA-FY24-06 to add \$457,900 to the Stormwater Utility in the FY24 budget as presented.

6. ORDINANCE TO AMEND BUDGET - \$200,000 – POLICE CAMERA ROOM

attachment

Staff has developed a proposal to upgrade the police camera room to a real time crime center which will allow the police department to be more proactive in apprehending suspects and investigating incidents. The overall cost for the upgrade is approximately \$380,000, part of which would be paid with previously approved 2017 SPLOST funds of \$180,000 earmarked for cameras and camera room upgrades. Staff is requesting \$200,000 in unallocated 2017 SPLOST funds be added to Police Capital Projects, including associated transfers. As discussed at the July 24 work session, approval of this item approves ordinance BA-FY24-07 approving an additional \$200,000 to complete the upgrade.

7. ORDINANCE TO AMEND BUDGET - \$3,000 – ROGERS BRIDGE ART

attachment

Approval of this item approves ordinance BA-FY23-33 to add \$3,000 to the Duluth Public Art Fund for the design, fabrication, and installation of the signage plaque (also made from the old bridge material) by Nucleus Sculpture Studio for the public art at Rogers Bridge Park. This request will add prior year reserves of \$3,000 to the Public Art/Site Improvements line item.

8. ORDINANCE TO APPOINT ASST. CITY SOLICITOR

attachment

Pursuant to the Duluth City Code, Section 2-208, the Mayor and Council are authorized to appoint an Assistant Solicitor of the Municipal court of the city. Chief Carruth recommends the appointment of Robert Giannini as an Assistant Solicitor of the Duluth Municipal Court. The compensation of the Assistant Solicitor shall be on an hourly basis and the rate shall fixed by the Mayor and Council on an annual basis during the regular budget process. Before entering on the duties of office, the Assistant Solicitor shall take an oath before an officer duly authorized to administer oaths that he or she will truly, honestly, and faithfully discharge the duties of his or her office. Approval of ordinance O2023-22 appoints Robert Giannini as an Assistant Solicitor of the Duluth Municipal Court.

Discussion? Call for motion.

Councilmember: *I move to approve the Consent Agenda as presented. OR to approve item (s) _____ of the Consent Agenda, and to transfer item(s) _____

to "Matters from Council/Dept. Heads" for discussion later in this meeting.

Councilmember: *Second.

Mayor: I have a motion by Councilmember -----, seconded by -----.

May I have a vote from Harkness, Thomas, Doss, Graeder and Whitlock?

Announce, "Motion carried" or "Motion failed."

IV. PUBLIC HEARINGS

1. ORDINANCE SETTING THE 2023 TAX MILLAGE RATE

attachment

James/Ken

Mayor to open public hearing.

Each year, the Gwinnett County Tax Assessor reviews the assessed value of taxable property in the County. When the total digest of taxable property is prepared, Georgia Law requires calculation of a "rollback" millage rate (RMR) that produces the same total revenue on the current year's new digest that last year's millage rate would have produced, had no reassessments occurred. The City of Duluth is considering maintaining the same millage rate as last year, which is 6.551 mills. For the 2023 digest, the current millage rate exceeded the rollback millage rate by 0.509 mills, or stated another way, as a percentage of the rollback millage rate, the current millage rate represents an 8.42% "increase." The reassessment revenue added is approximately \$1,220,489. Georgia law requires that the City publish a "Notice of Property Tax Increase" in the legal organ when the tentative adopted millage rate exceeds the rollback millage rate. In addition, three public hearings must be scheduled to allow the public an opportunity to express their opinion on the proposed tax millage. No comments were received at either of the first two public hearings; this is the third and final public hearing prior to adoption of the ordinance setting the 2023 tax millage rate.

Mayor to call for discussion from Council.

Mayor to call for questions/comments from the public.

Mayor to close public hearing and call for a motion.

Councilmember: *I move to (approve, deny, postpone, postpone indefinitely) ordinance O2023-21 setting the 2023 tax millage rate at 6.551 mills as presented.

Councilmember: *Second.

I have a motion by Councilmember ----, seconded by -----.

May I have a vote from Harkness, Thomas, Doss, Graeder and Whitlock?

Announce, "Motion carried" or "Motion failed."

V. NEW BUSINESS

1. AWARD OF CONTRACTS – ON CALL MATERIALS TESTING SERVICES

Margie

The Mayor and Council are asked to consider awarding contracts for materials testing services.

In 2018, the City awarded three on-call contracts for materials testing and other related services which started on October 1, 2018 and will expire on September 30, 2023. To continue the convenience of having on-call service providers, the City released a request for qualifications (GA Procurement Registry, city website, and legal organ) on May 12 and received six qualification packages on June 14. The packages were reviewed independently by three evaluators and the scores were added together to arrive at the following ranks:

Terracon -	281.25
United Consulting -	263.5
Willmer Engineering -	257.5
Nova -	255.8
ECS, Inc -	248.0
MC Squared, Inc -	213.8

Due to current workload, staff recommends awarding two contracts, one to Terracon and one to United Consulting. Each contract would be for one year, starting on October 1, and expiring (if not renewed) on September 30 of the following year. The contract duration would be up to five years. Each firm was required to submit a schedule of unit rate costs that will be opened after selections were made and are binding throughout the duration of the contracts.

Discussion? Call for motion.

Councilmember: *I move to (approve, deny, postpone, postpone indefinitely) awarding the contracts to Terracon and United Consulting for on-call materials testing and related services, and authorize the City Manager to execute the City-Attorney approved agreements. Contract duration shall be for one year and renewable to a maximum duration of five years.

Councilmember: Second.

**I have a motion by Councilmember -----, seconded by -----.
May I have a vote from Harkness, Thomas, Doss, Graeder and Whitlock?
Announce, "Motion carried" or "Motion failed."**

2. TAD DEVELOPMENT AGREEMENT ADDENDUM - (REDEVELOPMENT AGENCY) *attachment*

James

The Mayor and Council to consider authorizing an addendum to the Greystar/ Everleigh TAD agreement.

In 2019, the City Council, acting as the Redevelopment Agency, executed a development agreement with Greystar GP II, LLC (Greystar) relating to reimbursement of TAD funds associated with the Everleigh Duluth project, located at 3221 Hill Street. Greystar desires to end the City's obligation to make annual TAD payments to Greystar in exchange for payment of a discounted lump sum. Such a change requires an amendment to the Development Agreement. The discounted lump sum payment is beneficial to the City and URA.

Approval of this item authorizes the Mayor to execute an amendment to the development agreement as presented.

Discussion? Call for motion.

Councilmember: *I move to (approve, deny, postpone) the addendum to the TAD agreement with Greystar as recommended and authorize the Mayor to execute all necessary documents.

**May I have a vote from Harkness, Thomas, Doss, Graeder and Whitlock?
Announce, "Motion carried" or "Motion failed."**

3. TAD DEVELOPMENT AGREEMENT ASSIGNMENT (REDEVELOPMENT AGENCY)

2 attachments

James

In 2019, the City Council (acting as the Redevelopment Agency) executed a development agreement with The Residential Group (TRG) relating to reimbursement of TAD funds associated with the SODO Duluth project. TRG is intending to sell the project and is requesting the agreement be assigned to the new owner. The development agreement requires the assignment of the contract should the property be sold.

Approval of this item authorizes the Mayor to execute the assignment consistent with the development agreement.

Discussion? Call for motion.

Councilmember: *I move to (approve, deny, postpone) the assignment of the Development Agreement as presented.

Councilmember: Second.

**I have a motion by Councilmember -----, seconded by -----.
May I have a vote from Harkness, Thomas, Doss, Graeder and Whitlock?
Announce, "Motion carried" or "Motion failed."**

VI. MATTERS FROM DEPT HEADS/CITY ATTORNEY

1. ORDINANCE TO AMEND BUDGET - \$125,000 – RED CLAY SOUND SYSTEM

Ken

attachment

Previously, the City upgraded the lighting at the Red Clay Theatre. Based on conversations with Eddie Owen, staff feels it is time to upgrade the sound/speaker system to create a better overall listening experience. Recently a Request for Proposal was issued with bids due back later this month. Staff is requesting

\$125,000 in unallocated 2023 SPLOST Cultural Facility funds be added to the City Theatre - Special Recreational Facilities - Buildings line item, including associated transfers.

Discussion? Call for motion.

Councilmember: *I move to (approve, deny, postpone, postpone indefinitely) ordinance BA-FY24-08 to amend the FY24 budget as presented.

Councilmember: Second.

**I have a motion by Councilmember -----, seconded by -----.
May I have a vote from Harkness, Thomas, Doss, Graeder and Whitlock?
Announce, "Motion carried" or "Motion failed."**

2. ORDINANCE TO AMEND BUDGET - \$72,196 – VEHICLES *attachment*

Ken

Mayor and Council to consider approval of a budget amendment to carry-forward \$72,196 in FY23 budgeted funds to the FY24 fiscal year for a Marketing/PIO vehicle purchase (\$31,993), Police vehicle equipment (\$23,525) and Public Works vehicle work zone lighting package (\$16,678). Approval of this item approves ordinance (BA-FY24-09) to add \$72,196 in prior year General Fund reserves to the following line items: 1) Public Information/Marketing - Downtown/Main Street - Vehicles \$31,993, 2) Police - Consolidated Vehicle Maintenance - Vehicle Repairs/Maintenance \$23,525, 3) Public Works - Public Works Administration - Vehicles \$16,678.

Discussion? Call for motion.

Councilmember: *I move to (approve, deny, postpone, postpone indefinitely) ordinance BA-FY24-09 to amend the FY24 budget as presented.

Councilmember: Second.

**I have a motion by Councilmember -----, seconded by -----.
May I have a vote from Harkness, Thomas, Doss, Graeder and Whitlock?
Announce, "Motion carried" or "Motion failed."**

3. ORDINANCE TO AMEND BUDGET - \$82,636.05 – SCOTT HUDGENS PARK

Ken

attachment

Staff is requesting council consider a budget amendment ordinance, BA-FY24-10 to fund the replacement of a stormwater pipe inside of Scott Hudgens Park. The stormwater pipe was undersized and not able to handle stormwater flow during heavy rains. In addition, the pipe was failing and starting to undermine the road above. An on-call contractor was able to remove the existing pipe and replace it with three 30" reinforced concrete pipes, at a cost of \$99,419.06. Staff is requesting approval of a budget amendment to add \$82,636.05 in unallocated 2017 SPLOST Parks and Recreation funds to Scott Hudgens Park - Park Areas - Site Improvements. The additional \$16,783.01 will come from funds remaining in the Rogers Bridge Park Restroom Facility project.

Discussion? Call for motion.

Councilmember: *I move to (approve, deny, postpone, postpone indefinitely) ordinance BA-FY24-10 to amend the FY24 budget as presented.

Councilmember: Second.

I have a motion by Councilmember -----, seconded by -----.

May I have a vote from Harkness, Thomas, Doss, Graeder and Whitlock?

Announce, "Motion carried" or "Motion failed."

4. PLUMBING CODE UPDATES

Margie

The City's plumbing code currently meets State regulations; however, the Metro North Ga Water Planning District is requiring all 15 metro counties within its jurisdiction to implement codes that are more stringent than state standards in an effort to promote efficiency and save significant amounts of water for the region. The standards for faucets, irrigation, shower heads, commodes, washing machines and cooling towers will all become more restrictive starting January 1, 2024, affecting all new construction as well as renovations within the City.

Mayor and Council will be asked to adopt a model findings resolution at the September 11 Council meeting, which will then be sent to DCA for a 60-day review period and be ready for final council adoption on December 11.

VII. MATTERS FROM COUNCIL

VIII. MATTERS FROM CITY MANAGER

1. UPDATE ON SPECIAL USE CASE – SU2023-005 - SHORT TERM RENTAL

City Manager to report on the status for SU2023-005, which was postponed from the July 10 meeting.

IX. EXECUTIVE SESSION

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

Mayor call for motion to adjourn to executive session.

Councilmember: *So moved.

Councilmember: *Second.

I have a motion by Councilmember ----, seconded by -----.

May I have a vote from Harkness, Thomas, Doss, Graeder and Whitlock?

Announce, "Motion carried" or "Motion failed."

After the discussion,

Mayor call for motion to reconvene into regular session.

Councilmember: *I move to reconvene into regular session.

Councilmember: *Second.

I have a motion by Councilmember ----, seconded by -----.

May I have a vote from Harkness, Thomas, Doss, Graeder and Whitlock?

Announce, "Motion carried" or "Motion failed."

X. ADJOURNMENT

Call for motion to adjourn.

Councilmember*: So moved.

Councilmember*: Second.

I have a motion by Councilmember -----, seconded by -----.

May I have a vote from Harkness, Thomas, Doss, Graeder and Whitlock?

Motion carried, meeting adjourned.

The next scheduled meeting of the Mayor and Council is a special called meeting and work session for August 28, 2023 at 5:30 p.m.



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

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

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

Mayor Harris called the meeting to order at 5:35 p.m., and called for a motion to enter into an Executive Session for the purpose to discuss pending/potential litigation, personnel and or real estate matters, which is properly excluded from the Georgia Open and Public Meeting Law (O.C.G.A. 50-14).

I. EXECUTIVE SESSION

A motion was made by Councilmember Graeder, seconded by Councilmember Thomas, to adjourn to executive session at 5:35 p.m.

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

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

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

II. ANNOUNCEMENTS

1. AGENDA CHANGES (*none*)

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

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

Live music and various street performers in Parsons Alley and the Activity Lawn.

Fridays-N-Duluth every Friday May 26 through July 28, 6pm-9pm.

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

Back to School Bubblepalooza, Wednesday, July 26, 11am - 1pm. Town Green.

III. CEREMONIAL MATTERS

1. RIBBON CUTTING - OPENING OF ROGERS BRIDGE AND ARTWORK

Mayor Harris announced the ribbon cutting/grand opening of Rogers Bridge over the Chattahoochee River in Rogers Bridge Park. This project was a coordinated effort among Duluth, Gwinnett County, Johns Creek, and Fulton County. Council also unveiled the art project that was created from remnants of the original bridge. Led by the Duluth Public Art Commission, the project is titled "Shape of Time and Water" by Phil Proctor of Nucleus Sculpture Studios in Atlanta.

2. "CITY OF CIVILITY" DESIGNATION

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

3. COUNCILMEMBER RECOGNITION

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

IV. MATTERS FROM CITIZENS

No comments brought forward.

V. CONSENT AGENDA

1. APPROVAL OF JUNE 12, 2023, MINUTES

2. ORDINANCE – CALL FOR 2023 MUNICIPAL ELECTION {A}

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

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

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

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

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

VI. PUBLIC HEARINGS

Mayor Harris announced the procedures for tonight's public comments. Comments from the public will be limited to 10 minutes for those who wish to speak in favor of the project and 10 minutes for those that wish to speak in opposition.

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

Mayor opened the public hearing.

Community Development/Engineering Director Margie Pozin came forward with opening remarks for the first five public hearings. She stated that on April 10, 2023 the sewer plans were presented to Council and approved. Atlas Consulting was subsequently hired to acquire the necessary approvals/acquisitions of all the affected properties. Less the few remaining, Atlas has successfully negotiated for both the Hill community project and Pinecrest. In order to meet the timeline set forward by Gwinnett County, we have to quit claim the property to Gwinnett

County by the end of December in order to move forward with the property. Therefore, the resolutions presented for consideration this evening authorize the City Attorney to take legal action to move forward with the sewer projects that are made possible with American Rescue Plan Act (ARPA) federal grants.

The Mayor and Council considered adoption of a resolution to approve use of eminent domain to acquire 3068 Washington Street, Parcel #28 on the map for water and sewer infrastructure improvements. This request would acquire the full parcel.

The Mayor called for discussion from Council. Being none, Mayor Harris called for questions/comments from the public.

Attorney Brian Easley of 1550 North Brown Road, Lawrenceville, GA came forward representing the George Rogers family. He expressed his disappointment with the lack of negotiations with his client, and hopeful that moving forward, further negotiations would be held on the valuation of the property.

Being no further comments, Mayor Harris closed the public hearing and call for a motion.

A motion was made by Councilmember Whitlock, seconded by Councilmember Thomas, to approve, resolution R2023-10 authorizing the use of eminent domain to acquire 3068 Washington Street for public purposes as presented.

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

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

Mayor Harris opened the public hearing.

Community Development/Engineering Director Margie Pozin came forward to request Council adoption of a resolution to approve use of eminent domain to acquire Murphy Circle property for water and sewer infrastructure improvements.

Ms. Pozin identified the property as parcel 12/27 on the sewer project map and noted that both permanent and temporary easements are required for the placement of the pump station.

Mayor Harris called for discussion from Council and public. Being none, Mayor Harris closed the public hearing and call for a motion.

A motion was made by Councilmember Graeder, seconded by Councilmember Thomas, to approve, resolution R2023-09 authorizing the use of eminent domain to acquire Murphy Circle property for public purposes as presented.

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

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

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

Council considered adoption of a resolution to approve use of eminent domain to acquire 3331 Washington Street, parcel #19 on the map, for temporary construction easements for water and sewer infrastructure improvements. This property will be returned to the owner once the project is completed.

Mayor Harris called for discussion from Council. Being none, Mayor Harris called for questions/comments from the public.

Receiving no comments, Mayor Harris closed the public hearing and called for a motion.

A motion was made by Councilmember Thomas, seconded by Councilmember Whitlock, to approve resolution R2023-11 authorizing the use of eminent domain to acquire 3331 Washington Street for public purposes as presented.

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

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

Mayor Harris opened the public hearing. Community Development/Engineering Director Margie Pozin came forward to summarize the request for this property.

The Mayor and Council considered adoption of a resolution to approve use of eminent domain to acquire 3326 Washington Street, labeled as parcel 14 on the map, for temporary construction easements for water and sewer infrastructure improvements.

Mayor Harris called for discussion from Council. Being none, Mayor Harris called for questions/comments from the public.

Rodney Harris of 1312 Nicholson Place, Suwanee GA came forward. He expressed his concerns on what he perceived as unfairness to the residents in the Hill area and stated he would continue to fight for them.

Being no further comments, Mayor Harris closed the public hearing and call for a motion.

A motion was made by Councilmember Doss, seconded by Councilmember Harkness, to approve resolution R2023-12 authorizing the use of eminent domain to acquire 3326 Washington Street for public purposes as presented.

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

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

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

The Mayor and Council considered adoption of a resolution to approve use of eminent domain to acquire 3328 Washington Street, parcel #13 on map, for temporary construction easements for water and sewer infrastructure improvements.

Mayor Harris called for discussion from Council. Being none, Mayor Harris called for questions/comments from the public.

Rodney Harris, 1312 Nicholson Place, Suwanee, GA came forward to speak in objection to the project.

Janice Wheeler of 3009 Apartment Drive came forward and stated that she agreed with the comments made by Judge Rodney Harris and Attorney Brian Easley. She wanted to know how many people in the Hill area would benefit and what the purpose of the sewer would be; she did not feel it would benefit her or her family.

Michael Daley of 3361 Church Street came forward requesting restroom facility be placed in the Church Street Park area. He noted that Church Street Park is the only park located in the county without restrooms and a water fountain.

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

A motion was made by Councilmember Harkness, seconded by Councilmember Whitlock, to approve resolution R2023-13 authorizing the use of eminent domain to acquire 3328 Washington Street for public purposes as presented.

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

Councilmember Whitlock left the meeting at 6:23 pm.

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

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

Mr. Riker said that the purpose of this Special Use request (SU2023-005) is to allow for the operation of a short-term rental at a duplex in the R-100 (Single Family Residential-100) zoning district. The subject property is located at 3595 North Street. The Planning Commission heard the item June 5, 2023, and recommended approval of SU2023-005 with conditions of approval. Staff recommended approval of SU2023-005 with the conditions as written in the staff report.

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

A motion was made by Councilmember Thomas, seconded by Councilmember Doss, to continue the public hearing for Case SU2023-005 on August 14.

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

VII. MATTERS FROM DEPT HEADS/CITY ATTORNEY

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

{H}

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

Mayor Harris called for discussion from Council and public. Being none, Mayor Harris called for a motion.

A motion was made by Councilmember Thomas, seconded by Councilmember Graeder, to approve, BA-FY24-02 as presented.

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

VIII. MATTERS FROM COUNCIL

Councilmember Thomas expressed her appreciation for open discussion during the public hearings. She stated these are quality of life issues and hopes to continue collaboration between the city and community.

Councilmember Graeder noted that the Mayor and Council have ample time during prior work sessions to review the agenda items brought before them during voting meetings, which is why there is generally light discussion. He also expressed appreciation for the weekend events.

IX. ADJOURNMENT

A motion was made by Councilmember Thomas, seconded by Councilmember Graeder, to adjourn at 6:30 pm.

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

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



**DRAFT MINUTES
SPECIAL CALLED
MAYOR AND COUNCIL MEETING
CITY OF DULUTH, GA
JULY 24, 2023**

PRESENT: Mayor Harris, Council members Thomas, Graeder, and Whitlock, City Manager James Riker, Asst. City Managers Teresa S. Lynn and Ken Sakmar, Deputy City Clerk Kristin McGregor and Admin. Asst/Tax Clerk Kimberly Outz

ABSENT: Council members Harkness and Doss

Mayor Harris called the meeting to order at 10:00am.

I. PUBLIC HEARING

Mayor Harris opened the public hearing.

1. PROPOSED TAX MILLAGE RATE - 2023

Each year, the Gwinnett County Tax Assessor reviews the assessed value of taxable property in the County. When the total digest of taxable property is prepared, Georgia Law requires calculation of a "rollback" millage rate (RMR) that produces the same total revenue on the current year's new digest that last year's millage rate would have produced, had no reassessments occurred. The City of Duluth is considering maintaining the same millage rate as last year, which is 6.551 mills. For the 2023 digest, the current millage rate exceeded the rollback millage rate by 0.509 mills, or stated another way, as a percentage of the rollback millage rate, the current millage rate represents an 8.42% "increase". The reassessment revenue added is approximately \$1,220,489.

Georgia law requires that the City publish a "Notice of Property Tax Increase" in the legal organ when the tentative adopted millage rate exceeds the rollback millage rate. In addition, three public hearings must be scheduled to allow the public an opportunity to express their opinion on the proposed tax millage.

Mayor called for discussion/questions from Council and public. Being none, Mayor Harris closed the public hearing and announced the second public hearing will be held at 5:30 pm this evening, July 24th in the Community Room.

No motion necessary.

II. ADJOURNMENT

A motion was made by Councilmember Whitlock, seconded by Councilmember Thomas, to adjourn at 10:15 am.

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

Approved this _____ day of _____, 2023.

Mayor Nancy Harris

ATTEST:

Asst. City Mgr./City Clerk, Teresa Lynn



**DRAFT MINUTES OF THE
MAYOR AND COUNCIL
SPECIAL CALLED MEETING
CITY OF DULUTH, GA
JULY 24, 2023**

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

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

I. PUBLIC HEARING

Mayor Harris opened the public hearing.

1. PROPOSED TAX MILLAGE RATE - 2023

Assistant City Manager Ken Sakmar presented. Each year, the Gwinnett County Tax Assessor reviews the assessed value of taxable property in the County. When the total digest of taxable property is prepared, Georgia Law requires calculation of a "rollback" millage rate (RMR) that produces the same total revenue on the current year's new digest that last year's millage rate would have produced, had no reassessments occurred.

Georgia law requires that the City publish a "Notice of Property Tax Increase" in the legal organ when the tentative adopted millage rate exceeds the rollback millage rate. In addition, three public hearings must be scheduled to allow the public an opportunity to express their opinion on the proposed tax millage.

Mr. Sakmar said that the City of Duluth is considering maintaining the same millage rate as last year, which is 6.551 mills. For the 2023 digest, the current millage rate exceeded the rollback millage rate by 0.509 mills, or stated another way, as a percentage of the rollback millage rate, the current millage rate represents an 8.42% "increase."

Items worth noting:

- Other Changes to the Taxable Digest, mainly the growth in real and personal property of \$123,228,252 accounted for a 5.14% increase in the overall digest
- Reassessments of Existing Real Property (reassessments less projected appeal losses) are projected to result in an increase of \$186,305,848 or 7.76% in the overall digest

- Due to vehicles transitioning to TAVT, the assessed value for motor vehicles decreased by \$514,780

The average annual increase to a property valued at \$350,000 would be approximately \$70 or \$6 per month.

Mr. Sakmar referenced the available exemptions that some homeowners can qualify for. He also mentioned the state Homeowner Tax Relief Grant (HTRG) credit that those with homestead exemptions will receive for the 2023 tax bill, which amounts to approximately \$117 in savings per household on the city bill. There will be the same \$18,000 reduction in taxable amount for Gwinnett County taxes.

He concluded by announcing that this is the second public hearing; the third is scheduled for August 14, 2023, at 6:00pm in the City Hall Council Chambers, after which an ordinance will be presented for adoption.

Mayor Harris called for discussion from Council. No comments were made.

Mayor Harris called for questions/comments from the public.

Being none, Mayor Harris closed the public hearing. No motion was required.

II. ADJOURNMENT

A motion was made by Councilmember Whitlock, seconded by Councilmember Doss, to adjourn from Special Called into work session at 5:40 pm.

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

WORK SESSION NOTES MAYOR AND COUNCIL CITY OF DULUTH, GA JULY 24, 2023

I. PUBLIC COMMENTS

No comments received.

II. DISCUSSION ITEMS/PRESENTATIONS/UPDATES

1. ROAD PAVING PROJECTS UPDATE

Public Works Director Audrey Turner presented an update on the status of recently approved paving projects.

The City will begin the new paving technique High Density Mineral Bond on 18 streets. This technique, HA5, has been in use for close to two decades out west and protects over 600 million square feet of roadways across 25 states.

HA5 is arguably the fastest-growing trend in pavement preservation, now in use by over 200 public agencies. Meeting the stringent demands of a High Density Mineral Bond, HA5 is uniquely emulsified with a near neutral charge that is able to hold a unique blend of fine aggregates. Limiting oxidative damage from moisture is fundamental to HA5's preservation qualities. But just as critical to the prevention of oxidative damage from moisture is preventing oxidative damage from Ultraviolet (UV) radiation. HA5 combats oxidation from UV by including limited amounts of specific polymers to reflect damaging UV rays.

HA5 features include:

- A specialized, non-ionic emulsion specifically engineered to carry mineral types that are not compatible with anionic and cationic emulsions.
- A blend of ultra-dense, angular-shaped fine aggregates formerly unavailable in a thin surface treatment.
- A combination of specific polymers that combat oxidation by deflecting Ultra-Violet Rays.

Ms. Turner noted there will be inconveniences and disruptions and residents will be affected, but feels that once the streets are paved and striped, the residents will be pleased. This new type of paving carries a 5-year warranty on the product. The contractor will be working on the streets simultaneously and plan on finishing all of them within 3 to 4 days.

A resident of Ennfield requested that their streets be assessed as soon as possible. Ms. Turner said they are in the next phase of scheduled roadwork, within the next 3-year window.

Asst. Manager Ken Sakmar came forward and requested authorization to place a budget amendment on the next agenda. This would cover funding for professional consultants to oversee some of the upcoming Public Works projects.

Council authorized staff to place a budget amendment on the next Council agenda for approval.

2. REQUESTED AMENDMENT TO PATIO LEASE AGREEMENT - 6s BREWING

Economic Development Director Chris McGahee came forward on behalf of Robb Watson, owner of 6S Brewing, who currently leases a 534 sq. ft. brick paver patio from the City of Duluth. He is requesting an additional 21 x 17 or 357 sq. ft. of adjoining space located inside the existing gazebo. Staff recommended approving the lease request by amending the existing lease. There would be additional revenue for the space.

Mr. McGahee said that the space sits vacant most of the time. During the school year, school kids congregate there after school, and it renders the 6s back service window almost unusable, since visibility is blocked. It has also been reported that 6s staff has been subject to some unruly actions of unsupervised teens. The space would be closed off until it was utilized by the business. Any updates to the area would have to be approved by the City Manager.

Questions and concerns were raised by several councilmembers who felt that it is difficult to balance public access to public space with needs of business owners. Some felt that people were going there for shade and relaxing on the swing, and were not supportive of giving the business exclusive access. Comments were also made regarding the peak hours of use and that 6s isn't open enough hours to block off the space for the rest of the time.

Council asked staff to follow up with the owner to offer options, and to report back.

3. FUTURE BUDGET REQUEST – HVAC CAPITAL PROJECT

City Manager James Riker explained that staff anticipates the need to replace the HVAC system at the Public Safety building in 2024. It will be necessary to contract with a consultant to prepare the Request for Proposal (RFP). Funding would come from SPLOST – Admin. Facilities.

Council authorized staff to place a budget amendment for the RFP consultant on the next Council agenda.

4. INSTALLATION OF DOWNTOWN ELECTRIC CHARGING STATIONS

City Manager James Riker explained that several years ago, the City refurbished the parking area behind the Red Clay Theatre. During the refurbishment, conduit was installed to accommodate the installation of electric charging stations. Subsequently, Council did not want to move forward with this project. Staff asked Council if there was any renewed interest in moving forward with installation of the charging stations at this time.

Economic Development Director Chris McGahee explained that the City would pay the power, but the consumer pays for the service and that revenue goes back to the City. The City can determine the charges, and there are penalties for taking the parking space up for longer than needed. It was noted that there are some charging stations installed at the District and at SoDo, and Tesla has some by the new ChicFILA. However, Chargepoint and Tesla are not interchangeable for all vehicles.

Council authorized staff to investigate next steps for installation of charging stations.

5. AMEND DEVELOPMENT AGREEMENT – EVERLEIGH

City Manager James Riker came forward and explained that, under the current Greystar TAD Development Agreement for the Everleigh project, the City still owes the owner \$500,193. Greystar is willing to accept a one-time lump sum payment of \$437,000 which would be due by August 31, 2023. Upon receipt of the payment, the Development Agreement would be considered extinguished.

The proposed amendment will result in a savings to the City of \$63,193. Gary Mongeon from KB Advisory reviewed the lump sum payment and recommends approval.

Council authorized staff to place the Development agreement amendment for early payment and termination on the next Council agenda for approval.

6. STORMWATER UTILITY UPDATE

{A}

City Manager James Riker explained that there have been recent infrastructure challenges, and introduced staff to discuss some of the more urgent matters affecting the stormwater division.

Josh Arnold and Alyssa Gilhooly gave a presentation showing recent stormwater projects and pipe inspections. They explained the zones, scoring criteria, and reported that 83 projects have been completed since 2019 at a cost of approximately \$3,100,000.

Emergency repairs seem to have become more widespread and obviously move ahead on the priority listing. In this case, several structures that were identified as top priorities have been postponed for several years due to sinkholes or other failures causing flooding. Staff noted one such concern for River Green Parkway due to standing water/flooding along this busy corridor, which had to be addressed during the summer break months because there are three schools in the area.

Mr. Arnold reported that a recent closed circuit TV (CCTV) inspection for Howell Wood Trail, Howell Wood and Whitney Place now shows these areas as higher priority, and several days later a sinkhole appeared on Tinsley Place. Items such as driveway location, trees, etc. make this a costly repair.

Asst. City Manager Ken Sakmar came forward and said the annual stormwater collections and budget is \$1.7 million. There are administrative, consulting, reporting and operating costs which leave approximately \$1 million per year to spend on the projects. He referenced staff's estimates of approximately \$7 million in repairs has already been identified on the current priority list.

For this reason, staff would propose a budget amendment to roll funds forward from the FY23 budget year, however, staff would also like to request a possible reserve fund transfer of \$1.5M to tackle some of the larger projects as well.

The City has 5 on-call contractors and should have enough resources to complete many of the simpler projects.

Mr. Riker referenced other recent emergency repairs and noted that they are very unpredictable. Council was in favor but wanted to ensure staff is focusing on public education as well.

Staff was authorized to place the budget amendment and line-item transfer on the next Council agenda for approval.

7. POLICE CAMERA ROOM UPGRADE

Capt. Robert Montgomery and Sgt. William Alexander came forward to present the request.

Capt. Montgomery said that the camera systems started in 2016. In 2019, another \$35,000 was invested to add screens and laser projectors. As the camera systems have proven to be invaluable, in 2022 more employees were hired and the camera room has become more of a real time crime center.

Sgt. William Alexander has been working to develop a proposal to upgrade the police camera room to a real time crime center which will allow the police department to be more proactive in apprehending suspects and investigating incidents. The existing equipment would be replaced with an LCD screen that expands to the entire wall and could display either one picture or 75 different ones. Staff has looked at Cobb County and Gwinnett County for their setup to ensure it would work for Duluth.

The overall cost for the upgrade is approximately \$380,000. Part of this could be paid with previous council approved 2017 SPLOST funds of \$180,000 earmarked to be used towards cameras and camera room upgrades. Staff is requesting an additional \$200,000 in unallocated 2017 SPLOST Funds be allocated to complete the upgrade.

The cameras have assisted the PD in solving hit and run accidents, homicides, and identified many suspects and vehicles in criminal investigations.

Staff was authorized to place a budget amendment on the next Council agenda for approval.

III. MATTERS FROM COUNCIL

- Emergency plan/storm event: Leaving many without power for a lengthy time, consideration for the need for centralized cooling (or heating) stations to open for the public as solutions for long term extreme weather events. The text alert system could be used for public notification.

- Deadly motorcycle accident on PIB: concerns about the intersection and proper timing of yellow turn signals. This is a question for Gwinnett County, who is assisting with the ongoing investigation.
- Recent rash of Car break-ins: Will there be cameras in the Thrive parking lot? There are plans to have them on the RR observation tower once that is complete, but they can be installed on the light poles in the interim if there is access to uninterrupted power.
- Sidewalk overgrowth: On Old Peachtree to Bunten Road, evergreens are blocking the sidewalk causing residents to walk in the street. Code enforcement has been contacted and is handling the concern with appropriate residents.
- Commendation for staff: Wonderful job on cleanup after the storm.
- Update on housing numbers: Delivery drivers come all times of night and have trouble locating addresses in the dark. Staff will revisit.
- GwMA meeting next Wednesday August 2.

IV. ADJOURNMENT

Meeting adjourned at 7:45 pm.

The 5th Monday work session on July 31, 2023 at 5:30pm has been cancelled. The next council meeting is scheduled for Monday, August 14, 2023 at 6:00pm.

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

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

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

Total Revenues:	<u>78,770,902</u>
Operations Expenditures:	<u>37,299,077</u>
Capital Improvement Expenditures:	<u>41,471,825</u>
Total Expenditures:	<u>78,770,902</u>

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

WHEREAS the City of Duluth hires outside professional oversight for its Public Works bid capital project, small projects not requiring bidding that are performed by staff or contractors and incidental project cost such as cutting trees and preparing RFP's; and

WHEREAS staff is requesting \$300,000 in 2017 SPLOST funds to cover these cost for ongoing and upcoming projects; and

WHEREAS it is requested \$300,000 in unallocated 2017 SPLOST Transportation funds be added to the Transportation/Infrastructure Improvements – Paved Streets – Professional Services line item including associated transfers; and

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

Total Revenues & Prior Yr Reserves	<u>79,070,902</u>
Operations Expenditures:	<u>37,299,077</u>
Capital Improvement Expenditures:	<u>41,771,825</u>
Total Expenditures:	<u>79,070,902</u>

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

Mayor Nancy Harris

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

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

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

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

Total Revenues:	<u>79,070,902</u>
Operations Expenditures:	<u>37,299,077</u>
Capital Improvement Expenditures:	<u>41,771,825</u>
Total Expenditures:	<u>79,070,902</u>

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

WHEREAS the City of Duluth needs to replace the HVAC system at the Public Safety and needs to hire an outside consultant to develop a Request for Proposal (RFP) and oversee the project during installation; and

WHEREAS staff is requesting \$100,000 in 2023 SPLOST to cover the cost of the outside consultant; and

WHEREAS it is requested \$100,000 in unallocated 2023 SPLOST Administrative Facilities funds be added to the Police Capital Projects – Police – Building line item including associated transfers; and

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

Total Revenues & Prior Yr Reserves	<u>79,170,902</u>
Operations Expenditures:	<u>37,299,077</u>
Capital Improvement Expenditures:	<u>41,871,825</u>
Total Expenditures:	<u>79,170,902</u>

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

Mayor Nancy Harris

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

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

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

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

Total Revenues:	<u>79,170,902</u>
Operations Expenditures:	<u>37,299,077</u>
Capital Improvement Expenditures:	<u>41,871,825</u>
Total Expenditures:	<u>79,170,902</u>

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

WHEREAS the City of Duluth staff explained how recent storms and the overall age of the City's stormwater infrastructure have caused several additional critical projects to be added to the list of current known projects; and

WHEREAS council authorized the transfer of \$1,500,000 in General Fund prior year reserves to the Stormwater Utility Fund; and

WHEREAS it is requested \$1,500,000 in prior year reserves be added to General Fund – Other Financing Uses – Transfer to Stormwater Utility line item and Stormwater Utility – Transfer from the General Fund line item; and

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

Total Revenues & Prior Yr Reserves	<u>80,670,902</u>
Operations Expenditures:	<u>38,799,077</u>
Capital Improvement Expenditures:	<u>41,871,825</u>
Total Expenditures:	<u>80,670,902</u>

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

Mayor Nancy Harris

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

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

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

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

Total Revenues:	<u>80,670,902</u>
Operations Expenditures:	<u>38,799,077</u>
Capital Improvement Expenditures:	<u>41,871,825</u>
Total Expenditures:	<u>80,670,902</u>

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

WHEREAS the City of Duluth's Stormwater Utility Fund after allowing for a policy requiring a 25% unrestricted fund balance, had an additional fund balance for \$457,900 in excess of the requirement; and

WHEREAS it is requested \$457,900 in prior year Unrestricted Fund Balance be carried forward to the current year's budget and added to the Stormwater Utility – Stormwater Collection & Disposal – Repairs & Maintenance Drainage line item; and

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

Total Revenues & Prior Yr Reserves	<u>81,128,802</u>
Operations Expenditures:	<u>39,256,977</u>
Capital Improvement Expenditures:	<u>41,871,825</u>
Total Expenditures:	<u>81,128,802</u>

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

Mayor Nancy Harris

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

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

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

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

Total Revenues:	<u>81,128,802</u>
Operations Expenditures:	<u>39,256,977</u>
Capital Improvement Expenditures:	<u>41,871,825</u>
Total Expenditures:	<u>81,128,802</u>

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

WHEREAS the City of Duluth Police Department developed a proposal to upgrade the police camera room to a real time crime center which will allow the police department to be more proactive in apprehending suspects and investigating incidents; and

WHEREAS the overall cost is \$380,000, however using available funds of \$180,000, the police are request an additional \$200,000 in unallocated 2017 SPLOST Public Safety Fund; and

WHEREAS it is requested \$200,000 in unallocated 2017 SPLOST Public Safety funds be added to Police Capital Projects – Police – Computers line item, including associated transfers; and

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

Total Revenues & Prior Yr Reserves	<u>81,328,802</u>
Operations Expenditures:	<u>39,256,977</u>
Capital Improvement Expenditures:	<u>42,071,825</u>
Total Expenditures:	<u>81,328,802</u>

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

Mayor Nancy Harris

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

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

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

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

Total Revenues:	<u>82,026,733</u>
Operations Expenditures:	<u>36,312,744</u>
Capital Improvement Expenditures:	<u>45,713,989</u>
Total Expenditures:	<u>81,026,733</u>

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

WHEREAS the City of Duluth has installed a new art piece partially fabricated from the steel of the bridge that was replaced at the river in Rogers Bridge Park; and

WHEREAS the City has commissioned the artist with Nucleus Sculpture Studio for \$2,500 to design, fabricate, and install a plaque base using bridge material cut-offs to be place near the new art piece; and

WHEREAS it is requested \$3,000 be added to Public Art – Spectator Recreation – Site Improvements line item; and

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

Total Revenues & Prior Yr Reserves	<u>82,029,733</u>
Operations Expenditures:	<u>36,315,744</u>
Capital Improvement Expenditures:	<u>45,713,989</u>
Total Expenditures:	<u>82,029,733</u>

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

Mayor Nancy Harris

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

**ORDINANCE
CITY OF DULUTH**

The Council of the City of Duluth hereby ordains:

That the following individual be appointed as Assistant Municipal Court Solicitor of the Municipal Court of the City of Duluth and are authorized to serve in said position unless a majority vote of Council removes such member(s) or until successors are appointed.

Robert Giannini

DULY ADOPTED this 14th day of August, 2023.

Mayor Nancy Harris

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

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

**ORDINANCE
TO SET THE MILLAGE RATE FOR TAX YEAR 2023**

WHEREAS, the Tax Millage rate for tax year 2022 was 6.551 mills: and

WHEREAS, the Mayor and Council of the City of Duluth, Georgia, have expressed a desire to maintain the millage rate at 6.551 mills for tax year 2023,

NOW THEREFORE, BE IT HEREBY ORDAINED by the Mayor and Council of the City of Duluth, GA, that the millage rate for the 2023 Tax Year shall be 6.551 mills. This ordinance is adopted in accordance with the provisions of O.C.G.A. 48-5-32.1 and section 6.11 of the Charter of the City of Duluth.

BE IT FURTHER ORDAINED by the Mayor and Council that the Asst. City Manager/City Clerk and other designated administrative officials of the City of Duluth are hereby authorized and directed to take necessary and appropriate action to produce and to collect the City of Duluth taxes for the year 2023 in accordance with the provisions of Georgia law.

IT IS SO ORDAINED this 14th day of August, 2023.

Nancy Harris, Mayor

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

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

AMENDMENT TO DEVELOPMENT AGREEMENT

This Amendment to the Development Agreement, dated as of the 14th day of August, 2023 (the “**Effective Date**”), is made between the City of Duluth, a municipal corporation of the State of Georgia (the “**City**”) and Hill Street NW Apartments Investors LLC, a Delaware limited liability company, its successors and assigns (hereinafter “**Greystar**”). This Amendment is supplemental to and amends the original Development Agreement between the City and Greystar GP II, LLC (predecessor-in-interest to Greystar) dated February 11, 2019 (the “**Development Agreement**”) and as such the terms of the Development Agreement shall remain except as specifically amended as stated herein. Capitalized terms used but not defined herein shall have the meaning in the Development Agreement.

WHEREAS, pursuant to Section 7.1 of the Development Agreement, Greystar GP II, LLC assigned the Development Agreement to its Affiliate, Greystar, pursuant to that certain Assignment of Agreements dated November 20, 2019;

WHEREAS, as authorized in that certain Consent to Collateral Assignment of Development Agreement executed by City on November 20, 2019, Greystar executed a collateral assignment of the Development Agreement to First-Citizens Bank & Trust Company, a North Carolina banking corporation (the “**Lender**”) pursuant to that certain Collateral Assignment of Development Agreement dated November 20, 2019 (“**Collateral Assignment**”);

WHEREAS, the Development Agreement provides that the City would contribute tax increment financing (TIF) through annual TAD Payments to a maximum amount of Nine Hundred Thousand Dollars (\$900,000) to Greystar to allow for the development of a certain age-restricted, multi-family apartment complex upon a parcel located at 3221 Hill Street; and

WHEREAS, Greystar has completed the development consistent with the terms of the Development Agreement and is entitled to continuing annual TAD Payments; and

WHEREAS, the City has made agreed upon Annual City TAD Payments to Greystar in the amount of \$399,807 as of the Effective Date; and the City currently owes \$500,193 in remaining TAD Payments to Greystar; and

WHEREAS, Section 5.3 of the Development Agreement authorizes the City to prepay or finance all or a portion of the TAD Project in lieu of making the Annual City TAD Payments to Greystar, and upon such payment the Development Agreement will terminate; and

WHEREAS, the City and Greystar desire to end the City’s obligation to make annual TAD Payments to Greystar in exchange for payment of a discounted lump sum;

NOW THEREFORE, the City and Greystar for and in consideration of the mutual promises, covenants, obligations and benefits of this Amendment hereby agree as follows:

1. The City shall make a one-time payment to Greystar in the amount of Four Hundred Thirty-Seven Thousand Dollars (\$437,000) on or before August 31, 2023.
2. In exchange for the one-time payment set forth in paragraph 1, Greystar will release the City from any additional TAD payment obligations under the Development Agreement.
3. Upon Greystar's receipt of the payment in paragraph 1 hereof, the Development Agreement shall terminate and be of no further force and effect, in which event Greystar and the City will be released of all obligations under the Development Agreement.
4. Pursuant to the Collateral Assignment, this Amendment is not effective until Lender consents to this Amendment.

[Signature Pages Follow]

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be duly executed as of the 14th day of August, 2023.

HILL STREET NW APARTMENTS INVESTORS LLC,
a Delaware limited liability company

By: GS Duluth AA Holdings, LLC, a Delaware limited
liability company, its Manager

BY: _____
NAME: _____
ITS: _____

CITY OF DULUTH, GEORGIA

BY: _____
Nancy Harris, Mayor

ATTEST: _____
Teresa Lynn, City Clerk

CONSENT

The undersigned, **First-Citizens Bank & Trust Company**, a North Carolina banking corporation (the “**Bank**”), being the secured party under (i) that certain Deed to Secure Debt, Assignment of Rents, Security Agreement and Fixture Filing dated November 20, 2019 in the original principal amount of \$29,929,164.00 from **Hill Street NW Apartments Investors, LLC**, a Delaware limited liability company (“**Borrower**”) in favor of Bank, recorded on November 22, 2019 at Book 57055, Page 164, Gwinnett County Registry, (ii) that certain Assignment of Leases, Rents and Profits dated November 20, 2019 from Borrower in favor of Bank recorded on November 22, 2019 at Book 57055, Page 182, Gwinnett County Registry, and (iii) any associated UCC Financing Statements related to the foregoing (collectively, as amended, the “**Security Instruments**”), which Security Instruments encumber the real property subject to the foregoing Amendment to Development Agreement with the City of Duluth (the “**Amendment to Development Agreement**”), hereby executes this Consent for purposes of confirming its consent to the Amendment to Development Agreement, except that no violation of the terms of the Amendment to Development Agreement shall defeat or render invalid the lien of the Security Instruments. The execution of this Consent by the Bank shall not have the effect of creating any relationship of partnership or of a joint venture nor shall anything contained hereunder be deemed to impose upon the Bank any of the liabilities, duties or obligations of Borrower under the Amendment to Development Agreement. The Bank executes this Consent solely for the purposes set forth herein.

BANK:

FIRST-CITIZENS BANK & TRUST COMPANY, a
North Carolina banking corporation

By: _____

Name: Jeff O'Connor

Title: Sr. Vice President



July 31, 2023

Mr. James Riker
City Manager
City Hall, 2nd Floor
3167 Main Street
Duluth, Georgia 30096

**RE: Consent to Assign TAD Development Agreement
The Residential Group
SODO Apartments**

Mr. Riker:

The purpose of this letter is to formally request the City of Duluth's consent to approve the assignment of the Development Agreement dated October 14, 2019. The agreement between the City of Duluth and The Residential Group authorized TAD funds for the project now known as the SODO Apartments.

It is TRG's intention to sell the SODO Apartment project and transfer TAD agreement to the purchaser, WMCi Atlanta IV-A, LLC, a Virginia limited liability company.

Attached to this letter is the Assignment and Assumption of TAD Development Agreement, please review the attached documents and provide any comments necessary to approve. We further request that you sign-off on the Consent of the City of Duluth form which is the last page of the agreement.

It has been a pleasure developing this project with the City of Duluth and look forward to working with you again in the future. If you have any questions, please do not hesitate to contact us.

Sincerely,

The Residential Group, LLC

A handwritten signature in black ink that reads 'Kurt Alexander'.

Kurt R. Alexander
Principal

cc: Ron Ben-Moshe, McClure & Kornheiser
File

ASSIGNMENT AND ASSUMPTION OF TAD DEVELOPMENT AGREEMENT

This Assignment and Assumption of TAD Development Agreement (this “**Agreement**”) is made and entered into this ____ day of _____, 2023, by and between **SODO APARTMENTS, LLC**, a Georgia limited liability company (“**Seller**”), **WMCi Atlanta IV-A, LLC**, a Virginia limited liability company (“**Purchaser**”)

W I T N E S S E T H:

WHEREAS, Seller and Purchaser have previously entered into that certain Purchase and Sale Agreement, dated _____, 2023 (the “**Contract**”);

WHEREAS, concurrently with the execution and delivery of this Agreement and pursuant to the Contract, Seller is conveying to Purchaser, by Limited Warranty Deed, (i) those certain tracts or parcels of real property located in the City of Duluth, Gwinnett County, Georgia, and more particularly described on Exhibit A, attached hereto and made a part hereof (the “**Land**”), (ii) the rights, easements and appurtenances pertaining to the Land (the “**Related Rights**”), and (iii) the buildings, structures, fixtures and other improvements on and within the Land (the “**Improvements**”; and the Land, the Related Rights and the Improvements being sometimes collectively referred to as the “**Real Property**”);

WHEREAS, Seller has agreed to assign to Purchaser the TAD Development Agreement (as hereinafter defined). “**TAD Development Agreement**” means, collectively, (i) that certain Resolution No.R2019-12 adopted and approved by the City Council of the City of Duluth, Georgia on October 14, 2019 with respect to the Property, and (ii) that certain Development Agreement between the City of Duluth, a municipal corporation of the State of Georgia, and The Residential Group, LLC, its successors and assigns, dated as of October 14, 2019;

NOW, THEREFORE, in consideration of the receipt of Ten Dollars (\$10.00), the assumptions by Purchaser hereinafter set forth and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Seller, Seller and Purchaser agree as follows:

1. Assignment and Assumption of TAD Development Agreement:

(a) Seller hereby sells, assigns, transfers and conveys to Purchaser all of Seller’s right, title and interest in, to and under the TAD Development Agreement, together with any and all payments and other amounts payable thereunder, including, without limitation, all “TAD Payments” (as defined in the TAD Development Agreement) (collectively, the “**TAD Payments**”). Purchaser hereby assumes all of the covenants, agreements, conditions and other terms and provisions stated in the TAD Development Agreement which, under the terms of the TAD Development Agreement, are to be performed, observed, and complied with by Seller thereunder from and after the date of this Agreement. Purchaser acknowledges that, as between Purchaser, on the one hand, and Seller, on the other hand, Purchaser shall, subject to the terms of this Agreement, become solely responsible and liable as “Seller” under the TAD Development

Agreement for obligations arising and accruing thereunder from and after the date hereof.

(c) Seller indemnify, hold harmless and defend Purchaser from and against any and all claims, demands, causes of action, liabilities, losses, costs, damages and expenses (including reasonable attorneys' fees and expenses and court costs incurred in defending any such claim or in enforcing this indemnity) that may be incurred by Purchaser by reason of the assertion by the City of Duluth that Seller has failed to perform, observe or comply with their respective obligations under the TAD Development Agreement during the period before the date of this Agreement.

(d) Purchaser shall indemnify, hold harmless and defend Seller from and against any and all claims, demands, causes of action, liabilities, losses, costs, damages and expenses (including reasonable attorneys' fees and expenses and court costs incurred in defending any such claim or in enforcing this indemnity) that may be incurred by Seller by reason of the assertion by the City of Duluth that Purchaser failed to perform, observe and comply with Purchaser's obligations under TAD Development Agreement arising or accruing during the period from and after the date of this Agreement.

2. Qualifications. This Agreement is subject to Section 14.18 of the Contract.

3. Counterparts. This Agreement may be executed in two or more identical counterparts, and it shall not be necessary that any one of the counterparts be executed by all of the parties hereto. Each fully or partially executed counterpart shall be deemed an original, but all of such counterparts taken together shall constitute one and the same instrument.

4. Successors and Assigns. This Agreement shall inure to the benefit of, and be binding upon, the successors, executors, administrators, legal representatives and assigns of the parties hereto.

5. Governing Law. This Agreement shall be construed under and enforced in accordance with the laws of the State of Georgia.

[signatures appear on following page]

EXECUTED UNDER SEAL effective as of the date first above written.

SELLER:

SODO APARTMENTS, LLC, a Georgia
limited liability company

By: The Residential Group, LLC, its
Manager

By: _____[SEAL]
Name: Pablo Diego
Title: Manager

TRG DULUTH:

SELLER VILLAGE, LLC, a Georgia
limited liability company

By: _____[SEAL]
Name: Pablo Diego
Title: Manager

PURCHASER:

WMCi Atlanta IV-A, LLC,
a Virginia limited liability company

By: _____
Its: _____

By: _____
Its: _____

Consent of the City of Duluth

The undersigned, City of Duluth, a municipal corporation of the State of Georgia (the “City”) hereby consents to the assignment and assumption of the TAD Development Agreement pursuant to the Assignment and Assumption of TAD Development Agreement to which this Consent of the City of Duluth is attached and hereby certifies and represents to Purchaser as follows: (i) the TAD Development Agreement is in full force and effect and has not been assigned, transferred, pledged, hypothecated or disposed of by the City, or to the City’s knowledge, Seller or Seller, (ii) the TAD Development Agreement has not been amended, modified or supplemented, (iii) there is no breach or default by any party under the TAD Development Agreement, nor has any event or circumstance occurred for which the passage of time or the giving of notice or both could or would constitute or become a breach or default under the TAD Development Agreement, (iv) any and all amounts required to be paid by the Seller or Seller under the TAD Development Agreement have been paid to date, (v) there are no set-offs, claims, counterclaims or defenses being asserted, or otherwise known by the City, against the enforcement of any of the terms or provisions of the TAD Development Agreement, (vi) the copy of the TAD Development Agreement attached hereto as Exhibit B is true, correct and complete, (vii) no “TAD Payments” (as defined in the TAD Development Agreement) or any other amounts have been paid by the City under the TAD Development Agreement, (viii) the “Outstanding Balance of City TAD Payments” (as defined in the TAD Development Agreement) is \$2,100,000 and (ix) all approvals and consents of the City that are required with respect to the development, ownership and management of the Project (as defined in the TAD Development Agreement) pursuant to the TAD Development Agreement have been given by the City and remain in full, force and effect. The City acknowledges and agrees that Purchaser is relying on the certifications and representations of the City set forth in this Consent of the City of Duluth in acquiring the Property. Capitalized terms used and not defined in this Consent of the City of Duluth shall have the meanings ascribed to such terms in the Assignment and Assumption of TAD Development Agreement to which this Consent of the City of Duluth is attached.

CITY OF DULUTH, GEORGIA

By:_____

Name:_____

Title:_____

Exhibit A

LEGAL DESCRIPTION

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:

BEGINNING at an iron pin set on the northerly most mitered intersection of the northeasterly Right of Way of Davenport Road (Variable R/W) and the southeasterly Right of Way of U.S. Highway 23/State Route 13 a.k.a. Buford Highway (Variable R/W); from point thus established and running along said Right of Way U.S. Highway 23/State Route 13 a.k.a. Buford Highway the following courses: North 36° 08' 36" East a distance of 190.34 feet to a point; thence North 36° 08' 36" East a distance of 167.03 feet to a point; thence North 36° 08' 36" East a distance of 100.56 feet to an iron pin set; thence leaving said Right of Way South 53° 39' 59" East a distance of 288.88 feet to a 1/2" rebar found; thence South 53° 39' 59" East a distance of 301.32 feet to a point; thence South 62° 05' 25" West a distance of 111.69 feet to a point; thence South 62° 05' 25" West a distance of 192.32 feet to an iron pin set; thence South 62° 05' 25" West a distance of 143.31 feet to a 1/2" rebar found; thence South 33° 10' 12" East a distance of 175.06 feet to a 1/2" rebar found; thence South 57° 29' 23" West a distance of 204.93 feet to an iron pin set on the northeasterly Right of Way of Davenport Road; thence running along said Right of Way the following courses: running along a curve to the right an arc length of 103.40 feet, (said curve having a radius of 1138.18 feet, with a chord bearing of North 32° 53' 12" West, and a chord length of 103.36 feet) to a point; thence North 30° 22' 37" West a distance of 209.13 feet to a point; thence running along a curve to the left an arc length of 62.40 feet, (said curve having a radius of 623.43 feet, with a chord bearing of North 33° 36' 21" West, and a chord length of 62.37 feet) to a magnetic nail found; thence South 85° 39' 56" East a distance of 12.92 feet to an iron pin set; thence running along a curve to the left an arc length of 71.04 feet, (said curve having a radius of 543.76 feet, with a chord bearing of North 39° 29' 06" West, and a chord length of 70.99 feet) to a point; thence North 43° 01' 14" West a distance of 67.70 feet to an iron pin set on the southerly most mitered intersection of the northeasterly Right of Way of Davenport Road (Variable R/W) and the southeasterly Right of Way of U.S. Highway 23/State Route 13 a.k.a. Buford Highway (Variable R/W); thence running along said miter North 03° 59' 22" East a distance of 23.53 feet to the TRUE POINT OF BEGINNING. Said tract contains 6.425 Acres (279,871 Square Feet).

Exhibit B

TAD DEVELOPMENT AGREEMENT

(Attached)

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

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

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

Total Revenues:	<u>81,328,802</u>
Operations Expenditures:	<u>39,256,977</u>
Capital Improvement Expenditures:	<u>42,071,825</u>
Total Expenditures:	<u>81,328,802</u>

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

WHEREAS the City of Duluth want to upgrade the sound/speaker system to create a better overall listening experience; and

WHEREAS staff has developed a request for proposal for the project, which vendors will respond to shortly, therefore staff is requesting \$125,000 in unallocated 2023 SPLOST Cultural Facility funds; and

WHEREAS it is requested \$200,000 in unallocated 2017 SPLOST Public Safety funds be added to Police Capital Projects – Police – Computers line item, including associated transfers; and

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

Total Revenues & Prior Yr Reserves	<u>81,453,802</u>
Operations Expenditures:	<u>39,256,977</u>
Capital Improvement Expenditures:	<u>42,196,825</u>
Total Expenditures:	<u>81,453,802</u>

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

Mayor Nancy Harris

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

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

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

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

Total Revenues:	<u>81,453,802</u>
Operations Expenditures:	<u>39,256,977</u>
Capital Improvement Expenditures:	<u>42,196,825</u>
Total Expenditures:	<u>81,453,802</u>

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

WHEREAS the City of Duluth staff is requesting the carry-forward of \$72,196 in FY23 budgeted funds to the current fiscal year; and

WHEREAS the request is to carry-forward \$31,993 for a cargo van, \$23,525 for police vehicle equipment, \$16,678 for a vehicle work zone lighting package; and

WHEREAS it is requested \$31,993 be added to PIO/Marketing – Downtown/Main Street – Vehicles, \$23,525 be added to Police – Consolidated Vehicle Equipment – Vehicle Repairs/Maintenance, \$16,678 be added to Public Works – Public Works Administration – Vehicles line items; and

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

Total Revenues & Prior Yr Reserves	<u>81,525,998</u>
Operations Expenditures:	<u>39,329,173</u>
Capital Improvement Expenditures:	<u>42,196,825</u>
Total Expenditures:	<u>81,525,998</u>

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

Mayor Nancy Harris

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

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

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

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

Total Revenues:	<u>81,525,998</u>
Operations Expenditures:	<u>39,329,173</u>
Capital Improvement Expenditures:	<u>42,196,825</u>
Total Expenditures:	<u>81,525,998</u>

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

WHEREAS the City of Duluth staff is requesting funds for the replacement of a stormwater pipe inside Scott Hudgens Park due to the pipe being undersized and not able to handle stormwater flow during heavy rains; and

WHEREAS the replacement cost \$99,419.06, but staff is only requesting \$82,636.05 in 2017 SPLOST Recreation & Parks funds, due to the remainder coming for fund remaining in the Rogers Bridge Park Restroom Facility project; and

WHEREAS it is requested \$82,636.05 in unallocated 2017 SPLOST Parks and Recreation Fund be added to Scott Hudgens Park – Park Areas – Site Improvements line item, including associated transfers; and

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

Total Revenues & Prior Yr Reserves	<u>81,608,634</u>
Operations Expenditures:	<u>39,329,173</u>
Capital Improvement Expenditures:	<u>42,279,461</u>
Total Expenditures:	<u>81,608,634</u>

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

Mayor Nancy Harris

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk