



**MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
NOVEMBER 13, 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 5:40 pm.

I. EXECUTIVE SESSION

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

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

All for. Motion carried.

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

All for. Motion carried.

MOMENT OF SILENCE – honoring Veterans.

Mayor Harris noted that Public Works installs over 800 Veteran's flags and markers and she receives many compliments on them.

PLEDGE OF ALLEGIANCE – led by veteran Councilmember Marline Thomas

II. ANNOUNCEMENTS

1. AGENDA CHANGES (none)
2. UPCOMING EVENTS – www.duluthga.net/events

Festival of Trees at SE Railroad Museum through December.

Duluth Live every Thursday & Friday 5-8pm and Sunday 4-7 pm through November. Live music & street performers in Parsons Alley and the Activity Lawn.

Duluth Farmers & Artisan Market every 2nd and 4th Sunday through November. 2pm-5pm.

Frosty Fun: Live Ice Carving - November 18 from 12-5pm. Parsons Alley
Ice Sculpture Inc. creates ice-cold wonders right before your eyes. Watch as they carve their frosty magic into an elf photo-op.

Frosty Fun: Roller Skating - November 18 & 19 from 2-6pm and Nov 20 from 4-8pm. Activity Lawn. Get ready to glide on ice-cold wheels!

Frosty Fun: Love the Butterfly - November 21 & 22 from 12-5pm. Town Green
Your favorite butterfly exhibit returns for Frosty Fun!

Frosty Fun: Mini Golf - November 24 from 2-8pm on the Activity Lawn
Enjoy a frosty twist on mini-golf with our 9-hole course on the new Activity Lawn.

Frosty Fun: Whoville Pop-Up - November 26 from 2-5pm in Parsons Alley
Join in the frosty fun with a Whoville Hair station (registration is required and will open on Nov 20), Grinch appearances, and frosty activities with Cindy Lou Who, including free temporary tattoos, photo ops, and crafts.

Deck the Hall, December 2, 2-7pm. Downtown Duluth. Live entertainment, crafts for the kids, a real snow playground and snow slide, photo ops with Santa and holiday light installations. Take an opportunity to chat with City Council members in a Community Chat from 4pm-5pm.

III. MATTERS FROM CITIZENS

Michael Hopkins of 3379 Windsor Valley Court, Duluth came forward and asked when the Davenport Road/Buford Highway traffic light would be completed. Community Development/Engineering Director Margie Pozin responded Gwinnett County working with Georgia Power to establish power before installation is complete.

IV. CONSENT AGENDA

1. APPROVAL OF OCTOBER 9TH/16TH MINUTES

2. ORDINANCE TO AMEND DULUTH CODE – CHAPTER 5 {A}

In previous meetings this year, Council discussed and approved amendments to the Plumbing Codes as required by the Metropolitan North GA Water Planning District, for greater water efficiency. In order to amend the Duluth code, an official ordinance must be approved. Approval of this item approves ordinance O2023-27 as presented.

3. ORDINANCE TO AMEND BUDGET - \$44,232 – INSURANCE {B}

As a result of the heavy rain received the evening of August 29th, two insurance claims were filed with our insurance carrier, GIRMA. One involved damage to the pour in place playground surface at Bunten Road Park which ultimately had to be replaced and the second involved the flooding of the restroom at WP Jones Park. Damage estimates of \$15,975 and \$28,256.76 were submitted and paid by GIRMA for these claims. Staff is requesting the funds from the insurance settlements be added to the budget to offset these expenditures. Approval of this item approves ordinance (BA-FY24-12) to add the insurance settlements of \$44,232 to the City Manager - City Manager's Office - General Emergency Repairs line item.

4. CERTIFICATION OF RESULTS - 2023 GENERAL MUNICIPAL ELECTION

Section 21-2.493(k) of the Georgia Election Code authorizes the Election Superintendent to certify the November 7, 2023 election results. Approval of this item accepts the following results of the November 7, 2023 General Municipal Election:

Mayor: Greg Whitlock - 985
Post 4: Manfred Graeder - 927
Post 5: Augustine Emmanuel - 355
Post 5: Shenee Holloway - 734

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

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

V. NEW BUSINESS

1. ORDINANCE TO AMEND DULUTH CHARTER – 1st READING {C}

Staff held a discussion with the Mayor and Council at the September work session proposing amendments to the City Charter. Under Georgia law, cities are allowed under home rule status to amend certain provisions of their charter by requiring two readings of an ordinance at two regular consecutive meetings.

City Attorney Stephen Pereira read the ordinance to amend the Charter of the City of Duluth, Georgia, for Council's consideration.

- Section 1.13 (40)- Examples of Powers Taxicabs - regulations removed from under municipal and placed under State.
- Section 1.13 (23) Examples of Powers – Specific penalties, remove reference to Gwinnett County Health & Sanitation Ordinance.
- Section 2.18 – inserting “Mayor or” City Clerk.
- Section 4.14 – Certiorari - Superior and State court appellate act effective July 1, 2023, which now governs all appeals from Municipal Courts to State or Superior Court which in the past was handled by the Writ of Certiorari.
- Section 4.15 - Rules for Court. The Uniform Municipal Court Rules were approved by the Supreme Court of Georgia in 2010, and now govern all the Municipal Court procedures.
- Removing where referenced “Georgia Municipal Election Code” and replacing with “Georgia Election Code.”

A motion was made by Councilmember Harkness, seconded by Councilmember Graeder, to approve the first reading of ordinance 02023-26 as presented.

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

2. AWARD OF BID/ORD TO AMEND BUDGET – DEMOLITION {D, E}

Community Development/Engineering Director Margie Pozin explained the request. In June 2023, the City executed a purchase and sale agreement for 3542 North Street, in order to facilitate the next phase of the Main Street Sidewalk project and the APRA funded Pinecrest Sanitary Sewer project. In July, the property closed, and in October, the occupant moved out. Immediately thereafter, the asbestos study was completed in an effort to get demolition bids.

Seven bids were solicited. Two bids were received.

- Wrecking Corp of America, LLC - \$19,200
- Complete Demolition Services - \$27,000

Staff recommends the contract be awarded to Wrecking Corp of America in the amount of \$19,200, and further authorize the City Manager to execute the contract once it is approved by the City Attorney. Staff recommends a 20% contingency be

included in the budget in the amount of \$3,840 to cover unforeseen circumstances on site during demolition. Contractor would only access these funds through written request and approval, if justified.

Should the Council award the demolition bids to Wrecking Corp of America, an ordinance to amend the FY24 budget, including contingency funds, is necessary. This project is part of the 2014 and 2017 Intergovernmental Agreements (IGA's) with Gwinnett County. Per the City's IGA with Gwinnett County, the City will be reimbursed 81% of the cost. Approval of this item approves ordinance BA-FY24-13 to add revenue of \$18,662 to the Gwinnett County Grants line item, \$4,378 in unallocated 2014 SPLOST Transportation funds to the Transfer from 2014 SPLOST line item, and \$23,040 to the Main Street Multi-Use Trail - Parkways & Boulevards - Land line item, including associated transfers.

A motion was made by Councilmember Thomas, seconded by Councilmember Whitlock, to approve awarding the demolition contract for 3542 North Street to Wrecking Corp of America in the amount of \$19,200 and further authorize the City Manager to execute said contract, as well as approve ordinance BA-FY24-13 as presented.

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

3. ORDINANCE TO AMEND BUDGET – RIVERGREEN PKWY { F,G}

Ms. Pozin came forward to present this request. With the presence of several schools that do not offer bus transportation within the Rivergreen Business Park, traffic along Rivergreen Parkway has several additional peak traffic hours. For most of the park this is not problematic as there are two business park entrances/exits (one of which is signal controlled), and interparcel connectivity. The only section of Rivergreen Park that is a concern during peak school traffic times is the section accessed from Corporate Way, as it is a cul-de-sac with a school at its intersection with Rivergreen Parkway.

Staff proposing an additional median opening and driveway on Rivergreen Parkway to access the rear property off of Corporate Way. Along with an access agreement between the City and the property owner this would allow a secondary point of ingress and egress in the event Corporate Way is blocked.

For this effort, the following was proposed:

- Traffic Counts - \$2,428
- Traffic Study and Concept Design - \$20,481
- Survey and Construction Plans - \$48,356
- 20% Contingency - \$14,253

TOTAL = \$85,518

Therefore, the Mayor and Council considered approval of budget amendment BA-FY24-14 to add \$85,518 in unallocated 2017 SPLOST Transportation funds to Rivergreen Medians CD-79 - Paved Streets - Professional Services line item, including associated transfers.

A motion was made by Councilmember Whitlock, seconded by Councilmember Doss, to approve ordinance BA-FY24-14 as presented.

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

4. ORDINANCE TO AMEND BUDGET - \$50,000 – REAL ESTATE {H,I,J}

The City of Duluth has entered into a purchase and sale agreement to purchase parcel R7204-577 located at 2516 Main Street. The property consists of 4.17 acres with current light industrial use. The agreement calls for \$20,000 in earnest money and a 90 day inspection period. Additionally, staff is requesting \$30,000 to hire an outside firm to conduct Phase I and II soil testing during the inspection period and for any additional cost necessary to close on the property. Approval of this item approves budget ordinance BA-FY24-15 to add \$50,000 in unallocated 2023 SPLOST Administrative Facilities funds to Public Works Land Acquisition - General Government Buildings - Professional Services line item, including associated transfers.

A motion was made by Councilmember Graeder, seconded by Councilmember Thomas, to approve ordinance BA-FY24-15 as presented.

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

VI. MATTERS FROM COUNCIL

Councilmember Graeder noted that the Main St. Phase I project is close to completion and asked about a ribbon cutting. Ms. Pozin said we are waiting for a meter and power service for completion. He also asked for status on the Pine Needle cul-de-sac. Ms. Pozin reported that it maybe completed by the end of the year; they are currently waiting for AT&T and AGL (Atlanta Gas Light).

VII. MATTERS FROM CITY MANAGER

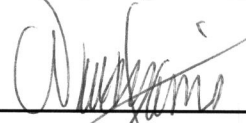
The Taylor Park "Gigglebark" tree has been delivered and the contractor hopes to get it installed and finished by the end of the year, weather permitting.

VIII. ADJOURNMENT

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

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

Approved this 11 day of December, 2023.



Mayor Nancy Harris

ATTEST:



Asst. City Mgr./City Clerk, Teresa Lynn