



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

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

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

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

I. EXECUTIVE SESSION

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

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

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

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

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

II. ANNOUNCEMENTS

1. AGENDA CHANGES (none)

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

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

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

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

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

III. MATTERS FROM CITIZENS

No matters brought forward.

IV. CONSENT AGENDA

1. APPROVAL OF MARCH 13/27TH MINUTES

2. ORDINANCE TO APPOINT PARKS BOARD MEMBER {A}

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

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

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

V. PUBLIC HEARINGS

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

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

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

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

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

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

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

Mayor Harris called for discussion from Council.

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

The Mayor called for questions/comments from the public.

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

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

Councilmember Harkness asked how a school would be treated now.

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

Councilmember Whitlock agreed with Councilmember Graeder.

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

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

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

2. ORDINANCE OF SPECIAL USE – CASE SU2023-001

{C}

Mayor Harris opened the public hearing.

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

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

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

Mayor Harries called for discussion from Council.

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

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

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

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

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

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

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

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

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

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

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

Councilmember Thomas asked about the identification system for student carpool.

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

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

Mayor called the applicant forward.

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

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

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

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

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

Councilmember Graeder asked about a future playground.

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

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

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

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

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

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

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

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

Mayor Harris called for questions/comments from the public.

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

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

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

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

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

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

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

Councilmember Harkness was concerned about relying on enforcement.

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

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

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

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

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

VI. NEW BUSINESS

1. SELECTION OF PROPOSER – SOLID WASTE SERVICES

{D}

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

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

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

Mayor Harris called for discussion from Council.

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

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

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

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

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

Mayor Harris called for questions/comments from the public.

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

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

2. APPROVAL - ARPA SANITARY SEWER PLAN

{E,F}

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

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

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

Mayor Harris called for discussion from Council.

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

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

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

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

VII. MATTERS FROM COUNCIL

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

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

VIII. MATTERS FROM CITY MANAGER

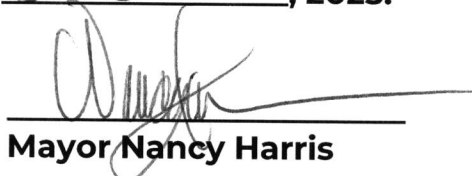
Mr. Riker noted that the bricks have been repaired on the town green and sod installation is still ongoing.

IX. ADJOURNMENT

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

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

Approved this 12th day of June, 2023.



Mayor Nancy Harris

ATTEST:



Asst. City Mgr./City Clerk, Teresa Lynn