



**MINUTES OF THE  
MAYOR AND COUNCIL  
CITY OF DULUTH, GA  
JANUARY 9, 2023**

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

**ABSENT:** Councilmember Harkness

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.**

**I. EXECUTIVE SESSION**

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

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

**Voting for:** Council members 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 5:45 p.m.**

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

**MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

## **II. ANNOUNCEMENTS**

1. AGENDA CHANGES (none)

## **III. MATTERS FROM CITIZENS**

*None.*

## **IV. CONSENT AGENDA**

1. APPROVAL OF DECEMBER 3 & 12 MINUTES
2. RESOLUTION – 2023 MEETING DATES & TIMES {A}

Approval of this item approves resolution R2023-01 to set and publicize regularly scheduled Mayor and Council meetings for 2023 in accordance with Georgia law.

3. ORDINANCE SETTING 2023 MILEAGE REIMBURSEMENT RATES {B}

The IRS announced that the business standard mileage rate for transportation expenses paid, or incurred beginning January 1, 2023 will be 65.5 cents per mile. Approval of this item adopts ordinance O2023-01 setting the reimbursement rates, effective January 1, 2023.

4. ORDINANCE TO APPOINT ASSISTANT CITY SOLICITOR {C}

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. Ms. Ashley Trinh, appointed as the Assistant Solicitor by the Mayor and Council in 2022 has resigned and therefore requires an appointee to fulfill the vacancy. Chief Carruth recommends the appointment of Ms. Kelsey Wiley as the Assistant Solicitor of the Duluth Municipal Court. The compensation of the Assistant Solicitor shall be on an hourly basis and the rate shall be 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 O2023-02 appoints Ms. Kelsey Wiley as the Assistant Solicitor of the Duluth Municipal Court.

5. RESOLUTION TO APPOINT LEGAL ORGAN {D}

Approval of this item approves resolution R2023-02 naming the “Gwinnett Daily Post” as the City’s Legal Organ for 2023. This resolution shall not be construed to prevent the City from utilizing a newspaper of general circulation within the City of Duluth or Gwinnett County when authorized to do so by state or local law.

6. RESOLUTION – DEPOSITORIES & CHECK SIGNING

{E}

Approval of this item approves resolution R2023-03 regarding check signing authority and depositories as per the Financial Policy.

7. APPOINTMENT - EMPLOYEE BENEFIT AUDIT REVIEW

{F}

Approval of this item approves ordinance O2023-03 appoints Susan Porteous to the Employee Benefit and Audit Review Committee (EBARC) filling the unexpired term of John Howard ending 2026.

8. ORDINANCE-2023 MUNICIPAL ELECTION APPTS & QUALIFYING

{G}

The State of Georgia requires that municipalities fix and publish qualifying fees pursuant to O.C.G.A. § 21-2-131 by February 1 of the year in which the relevant election is to be held. The 2023 election will be held on Tuesday, November 7, 2023. Qualifying fees are 3% of the total gross salary of the preceding year (Georgia Election Code 21-2-131 (a) (1) (A). Qualifying fees for the Office of Mayor is \$288.00 and for the office of Council member Post 4 and 5, the qualifying fee is \$180.00.

9. ORDINANCE TO AMEND BUDGET - PUBLIC SAFETY HVAC

{H}

Staff is working with Midatech, Inc. to upgrade the control systems for the HVAC system at the Public Safety building. The control systems need to be upgraded due the current configuration being outdated and no longer serviceable. The upgrade will replace the three control systems which regulate the temperature throughout the building at a cost of \$32,990.73. Staff is requesting approval of a budget amendment to add \$13,058.73 in 2014 SPLOST funds to the Police Capital Projects budget. Additional funds to complete the upgrade will come from budgeted General Funds. Approval of this item approves ordinance BA-FY23-17 to add \$13,058.73 in 2014 SPLOST Administrative Facility funds to Police Capital Projects - Police - Buildings line item, including associated transfers.

10. APPROVAL OF INTERGOVERNMENTAL AGREEMENT– SIGNS

{I}

To install and maintain decorative city limit signs and median maintenance signs on Gwinnett County roads, an intergovernmental agreement (IGA) is required for permission that also specifies no cost to the County. Staff has coordinated the locations of these signs and had the required engineering study completed to ensure no new signage would compromise sight distance for drivers. The County will approve the signage and location at their next Commission meeting. Approval of this item approves the IGA as presented and authorizes city staff to order the new signs, remove the old signs, and relocate any necessary co-located signs that need to remain in the field.

11. DESIGNATION OF OPEN RECORDS OFFICERS

{J}

Approval of this item approves resolution R2023-04 designating the Assistant City Manager/City Clerk or his/her designee as the Open Records Officer(s) for the City of Duluth.

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

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

**V. NEW BUSINESS**

1. APPOINTMENT OF MAYOR PRO TEMPORE

The Charter of the City of Duluth states the Mayor Pro tempore will be selected by a majority vote of the Mayor and Council in each year at the first regular meeting. The Council shall elect a council member to serve as the Mayor Pro tempore, who shall assume the duties and powers of the Mayor during the Mayor's absence. Mayor Harris suggested Councilmember Thomas as the 2023 Mayor Pro tempore.

**A motion was made by Councilmember Whitlock, seconded by Councilmember Graeder, to appoint Councilmember Thomas as Mayor Pro tem for 2023.**

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

2. AUTHORIZATION FOR CONTRACT –NORFOLK SOUTHERN

{K}

City Engineer Margie Pozin came forward to explain the request. As part of the Davenport Road extension project, the City wishes to install a fiber optic under the railroad to facilitate the use of cameras and eventually tie the Public Safety Building to City Hall. The best time to install the conduit and the cable is during construction of the new crossing.

Staff has coordinated with Norfolk Southern (NS), applied for a permit, and successfully completed the plan review stage. The City is at a point where we need to enter a contract with NS allowing us to install and maintain our utility line within their right of way. The cost of the installation is covered by the current Davenport Project budget, previously approved by Council.

Staff is requesting Council approve a contract with NS allowing the City to install and maintain a single conduit with fiber for current and future needs. The cost of doing so is a one-time license fee of \$19,635. This cost can be covered by the project's original contingency budget. The contract duration is 20 years.

**A motion was made by Councilmember Doss, seconded by Councilmember Thomas, to approve the signing of the contract with Norfolk Southern for utility installation within their right of way by the City Manager as presented.**

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

3. AWARD OF BID – PINE NEEDLE DRIVE

{L}

City Engineer Margie Pozin explained the request. The Pine Needle intersection improvements at SR 120/Abbott's Bridge Road were included in the City's 2017 SPLOST projects that are split via intergovernmental agreement (IGA) with Gwinnett County 81% (County) and 19% (City).

The project advertised for construction on November 4, 2022 and bids were opened on December 9, 2022. Six bids were received and reviewed as follows:

|                           |                |
|---------------------------|----------------|
| Zaveri Enterprises, Inc   | \$558,349.00   |
| Ohmshiv Construction, LLC | \$567,962.75   |
| CMC Inc                   | \$573,745.00   |
| Backbone Infrastructure   | \$574,316.00   |
| Summit Construction & Dev | \$664,378.83   |
| IP Construction, LLC      | \$1,284,432.54 |

Staff recommends award of the construction contract to the low bid, Zaveri Enterprises, Inc. in the amount of \$558,349.00 and requests Council authorize the City Manager to enter such contract upon award.

It is anticipated the contractor will break ground on or around March 1 and be substantially complete in mid to late summer of 2023.

**A motion was made by Councilmember Whitlock, seconded by Councilmember Graeder, to award the construction contract for the Pine Needle Drive at SR 120 intersection to Zaveri Enterprises, Inc. in the amount of \$558,349.00 and further authorize the City Manager to sign said contract.**

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

4. ORDINANCE TO AMEND FY23 BUDGET – PINE NEEDLE DR

{M}

In accordance with awarding of the contract to Zaveri Enterprises, Inc for the construction of a cul-de-sac on Pine Needle Drive at the intersection with SR 120 in the amount of \$558,349, it is necessary to approve of a budget amendment for the overall construction cost including the construction contract, construction engineering, materials testing, and construction administration as detailed below.

|                                  |              |
|----------------------------------|--------------|
| Contractor                       | \$558,349.00 |
| Contingency (15%)                | \$ 83,750.00 |
| CE&I, CA, Materials Testing (5%) | \$ 27,920.00 |
| City Engineer                    | \$ 15,000.00 |

TOTAL BUDGET: \$685,019.00

This is a joint fund Gwinnett County (81%) and City of Duluth (19%) project. Approval of this item approves ordinance (BA-FY23-18) to add the following to the Pine Needle Drive capital improvement project. Add revenue of \$554,865 to the Gwinnett County Grant line item, \$130,154 in unallocated 2017 SPLOST Transportation funds to the SPLOST 2017-line item, \$42,920 Pine Needle Improvements - Paved Streets - Professional Services and \$642,099 Pine Needle Improvements - Paved Streets - Infrastructure line item including associated transfer.

**A motion was made by Councilmember Thomas, seconded by Councilmember Whitlock, to approve ordinance BA-FY23-18 as presented.**

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

5. BID AWARD - HALL CIRCLE SEWER EXTENSION

{N}

City Engineer Margie Pozin came forward to explain the request. The Hall Circle Sewer Extension project will include a new line of sanitary sewer along a portion of the northern leg of Hall Circle and along Fox Street between the two legs of Hall Circle. It will tie to the existing sanitary sewer installed on the southern leg of Hall Circle by D.R. Horton during their construction of Gardendale.

The project advertised for construction on November 4, 2022 and bids were opened on December 9, 2022. Two bids were received and reviewed as follows:

The Dickerson Group \$692,053.50  
Site Engineering, Inc. \$770,125.00

As staff was checking the bids, it was evident there was a \$100,000.00 error in the Dickerson Group bid, causing the contractor to withdraw his bid. Staff recommended moving forward with and awarding the contract to the second bidder, Site Engineering, Inc., in the amount of \$770,125.00 and requested Council authorize the City Manager to enter such contract upon award. Work can begin in April providing the materials have been procured by that time. Project duration is 3 months.

**A motion was made by Councilmember Graeder, seconded by Councilmember Doss, to approve awarding the construction contract for the Hall Circle Sewer Extension to Site Engineering, Inc. in the amount of \$770,125.00. I further move to authorize the Mayor or City Manager to sign said contract.**



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

6. ORDINANCE TO AMEND FY23 BUDGET – HALL CIRCLE

{O}

In accordance with awarding of the contract to Site Engineering, Inc for the construction of the Hall Circle Sewer Extension in the amount of \$770,125.00, staff requested approval of a budget amendment for the overall construction cost including the construction contract, construction engineering, materials testing, and construction administration as detailed below.

|                                  |                     |
|----------------------------------|---------------------|
| Contractor                       | \$770,125.00        |
| Contingency (15%)                | \$115,520.00        |
| CE&I, CA, Materials Testing (5%) | \$38,505.00         |
| City Engineer                    | \$5,000.00          |
| <b>TOTAL BUDGET:</b>             | <b>\$929,150.00</b> |

Approval of this item approves ordinance (BA-FY23-19) to add \$929,150 in American Rescue Plan Act 2021 revenue to American Rescue Plan Act 2021 - ARP Act of 2021 Local Fiscal Recovery Funds line item, expenditures of \$43,505 to American Rescue Plan Act 2021 - Hall Circle Sewer Services - Professional Services line item and \$885,645 to American Rescue Plan Act 2021 - Hall Circle Sewer Services - Infrastructure line item.

**A motion was made by Councilmember Thomas, seconded by Councilmember Graeder, to approve ordinance BA-FY23-19 as presented.**

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

**VI. MATTERS FROM CITY MANAGER**

Mayor and Event with legislative body


- Sinkhole on Hwy 120 by Mattison Rd is under repair by the State
- On-street parking – going to be having message through PD and PIO, enforcement starting in February
- Activity Lawn should be completed within the next 60 days
- New art by Brenda Ehly on the windows of Nacho Daddy based on a historic photo, paid by DDA funds. Add a QR code to bring to the original photo.

## VII. ADJOURNMENT

A motion was made by Councilmember Whitlock, seconded by Councilmember Doss, to adjourn at 6:18 pm.

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

Approved this 13 day of February, 2023.

  
\_\_\_\_\_  
Mayor Nancy Harris

ATTEST:

  
\_\_\_\_\_  
Asst. City Mgr./City Clerk, Teresa Lynn