



**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

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. {H}

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.

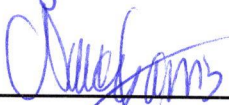
Councilmember Graeder noted that the Mayor and Council have ample time during prior work sessions to review the agenda items brought before them during voting meetings, which is why there is generally light discussion. He also expressed appreciation for the weekend events.

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.**

Approved this 14 day of August, 2023.



Mayor Nancy Harris

ATTEST:



Asst. City Mgr./City Clerk, Teresa Lynn