

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**

MARCH 14, 2022

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 Whitlock

I. 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).

INVOCATION OR MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

II. ANNOUNCEMENTS

1. AGENDA CHANGES (IF NECESSARY)

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

***Little Beer Festival, Saturday, April 9, 12:00-5:00pm.
Parsons Alley/Town Green***

[Good Word Brewing](http://goodword.com) is partnering with the City of Duluth to celebrate lower gravity beer in Downtown Duluth on Saturday, April 9. This event will showcase pale lagers and other seasonal beers. Over 30 breweries from around the country will be onsite with samplings for ticketholders. Tickets are required to participate in the beer sampling portion of the event, but non-ticket holders are welcome to come out and enjoy the DJ, food vendors and other Downtown businesses. Tickets are priced at \$65 for General Admission. Tickets are limited and no tickets will be sold on the day of the event. Tickets may be purchased at <https://goodword.oznr.com/offers/1830484>.

Farmers & Artisan Market

Sunday, April 10 (and every 2nd Sun/Month), 2:00-6:00pm. Town Green

Featuring vendors who bring in-season, local produce, baked goods and other locally made food products. Purchasing locally grown produce means fresh-picked nutritious, and flavorful produce for maintaining a healthy lifestyle. The Duluth Farmers Market is also a fun place to shop for other homemade items such as jams, jellies, pickles, salsa, canned vegetables, honey, cut flowers, herbs, spices, homemade candles, soaps, lotions, pottery, baskets etc.

Duluth Spring Arts Festival, April 29-May 1, 2022.

Saturday: 10am-5pm, Sunday: 11am-5pm. Town Green

The Duluth Arts Festival features up to 60 painters, photographers, sculptors, leather and metalwork, glass blowers, jewelers, and crafters! The Duluth ARTS Festival will offer artist demonstrations, live acoustic music, a children's play area, plus festival foods and beverages. Brought to you by The Atlanta Foundation for Public Spaces, LLC. For more information such as vendor applications and sponsorship opportunities visit www.duluthartsfestival.com/

III. MATTERS FROM CITIZENS

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

IV. CONSENT AGENDA

1. APPROVAL OF FEBRUARY 14 AND 28 MINUTES
2. ORDINANCE TO APPOINT ALCOHOL REVIEW BOARD

Approval of this item approves ordinance O2022-09 appointing Demetrius Nelson and Michael Ashley and reappointing Joy Thompson and Rod Parris to the Alcohol Review Board with terms expiring March 31, 2026.

3. ORDINANCE TO APPOINT DOWNTOWN DEVELOPMENT AUTHORITY

Approval of this item approves ordinance O2022-10 appointing Tammy Lopez and reappointing Robb Watson, Ken Odum, and Fred Butler to the Downtown Development Authority with terms expiring March 31, 2026.

4. ORDINANCE TO APPOINT PUBLIC ARTS COMMISSION

Approval of this item approves ordinance O2022-11 appointing Dr. Augustine Emmanuel and Sheila Harmony to the Duluth Public Arts Commission with terms expiring March 31, 2026.

5. ORDINANCE TO APPOINT EMPLOYEE BENEFITS COMMITTEE

Approval of this item approves ordinance O2022-12 appointing Sharee Smith, Michael Park, Carla Montgomery and Helen Boyce and reappointing John Howard to the Employee Benefits and Audit Review Committee with terms expiring March 31, 2026.

6. ORDINANCE TO APPOINT ETHICS COMMITTEE MEMBERS

Approval of this item approves ordinance O2022-13 appointing Nate Benard, Kyle Drake, Lana Tolbert, and Sarah Park, and reappointing Ann Tiberghien, Jean Harrivel, Alexis Server, Brett Duke, and Chip Sweeney to the Ethics Committee with terms as stated.

7. ORDINANCE TO APPOINT JUDGES – MUNICIPAL COURT

Per OCGA 36-32-2, municipal court judges are to be appointed for a term of not less than one year. Approval of this item approves ordinance O2022-14 reappointing Charles Barrett, Margaret Washburn, Claude Mason and Chung Hun Lee as Duluth Municipal Court Judges until March 31, 2023.

8. ORDINANCE TO APPOINT PARSONS ALLEY DESIGN REVIEW

Approval of this item approves ordinance O2022-15 appointing Ray Williams and Ken Odum and reappointing Greg Whitlock, Nancy Harris, Betsy McAtee, and Ryan Skinner to the Parsons Alley Design Review Committee with terms as stated.

9. ORDINANCE TO APPOINT PLANNING COMMISSION

Approval of this item approves ordinance O2022-16 appointing Scott Perkins and Shenee Holloway, and reappointing Alana Moss to the Planning Commission.

10. ORDINANCE TO APPOINT ZONING BOARD OF APPEALS

Approval of this item approves ordinance O2022-17 appointing Robert Pennington and William Latta, and reappointing Ken Wilson to the Zoning Board of Appeals.

V. NEW BUSINESS

1. RESOLUTION – CHIEF OF DULUTH POLICE DEPARTMENT

As previously discussed after Chief Belcher announced his upcoming retirement, the Mayor and Council to consider approving resolution R2022-04 appointing Colonel Jacquelyn Carruth as Chief of the Duluth Police Department, effective July 22, 2022.

2. AUTHORIZATION FOR AGREEMENT – PINE NEEDLE IGA

A portion of Pine Needle Drive resides in unincorporated Gwinnett County, outside the Duluth City Limit. As part of project CD-73, once the City constructs the cul-de-sac, the County will no longer have direct access to that section of roadway and therefore the City will need to maintain it. The Mayor and Council to consider approval of an inter-governmental agreement (IGA), which specifies the details of this maintenance agreement and has been approved by the City Attorney.

3. AUTHORIZATION FOR CONTRACT – ROGERS BRIDGE ART PROJECT

As discussed at the February 28 Work Session, the Duluth Public Arts Commission (DPAC) recommends authorizing a contract with Phil Proctor of Nucleus Sculpture Studio for the construction of the Rogers Bridge Park art project entitled "Composition 1." The project funding of \$100,000 will come from the DPAC PAAF funds, account 209-111111.

VI. MATTERS FROM DEPT HEADS/CITY ATTORNEY

1. ORDINANCE TO AMEND BUDGET - \$19,252 - POLICE VEHICLES

The Police Department recently sold three vehicles at auction; after commission and fees they received \$19,252. To continue maintaining a vehicle fleet that is low maintenance and dependable, the Police Department has requested that \$19,252 be added to the Police - Consolidated Vehicle Maintenance Division - Vehicles line item. The Mayor and Council are asked to consider ordinance BA-FY22-33 to amend the FY22 budget as presented.

VII. MATTERS FROM COUNCIL

VIII. MATTERS FROM CITY MANAGER

IX. ADJOURNMENT

The next scheduled meeting of the Mayor and Council is a work session for March 28, 2022 at 5:30 p.m.



**DRAFT MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
FEBRUARY 14, 2022**

PRESENT: Mayor Harris, Councilmembers 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 5:45 p.m. to hold an Executive Session to discuss pending/potential litigation, personnel and or real estate matters which are 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 Whitlock, seconded by Councilmember Harkness, to adjourn to executive session at 5:45 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 Graeder, to return to regular session at 6:00 p.m.

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

Mayor Harris welcomed the 2022 L.E.A.D. Class.

MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

I. ANNOUNCEMENTS

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

II. CEREMONIAL MATTERS

1. PROCLAMATION-KELVIN "KELLY" KELKENBERG DAY {A}

Mayor Harris, Councilmembers Whitlock and Thomas issued a proclamation to Kim Kelkenberg proclaiming February 14, 2022 as Kelvin "Kelly" Kelkenberg Day in Duluth for his outstanding contributions to the citizens of Duluth during his tenure as a member of Council.

III. MATTERS FROM CITIZENS

1. DAVENPORT ROAD SAFETY CONCERN

Michael Hopkins 3379 Windsor Valley Court came forward to express his concern with the reopening of Davenport Road and requested that Council consider police assistance between the hours of 4:30pm and 6:30pm.

IV. CONSENT AGENDA

1. APPROVAL OF JANUARY 10 & 26 MINUTES
2. ORDINANCE TO APPOINT URBAN REDEVELOPMENT MEMBER {B}

Approval of this item approves ordinance O2022-05 appointing Councilmember Marline Thomas to the Urban Redevelopment Agency (URA), fulfilling the unexpired term of former member Kelly Kelkenberg and starting a new term ending March 31, 2026.

3. ORDINANCE TO APPOINT EMPLOYEE BENEFIT/AUDIT REVIEW {C}

Approval of this item approves ordinance O2022-06 appointing Councilmember Jamin Harkness to the Employee Benefit and Audit Review Committee (EBARC), term ending March 31, 2026.

4. ORDINANCE TO AMEND DULUTH CODE – CHAPTER 7 BILLIARDS {D}

The current billiards ordinance contains a requirement for those applying for an Occupational Tax Certificate to submit to a federal background check, which involves fingerprinting of each owner and manager. Staff worked with the Chief of Police, Deputy Chief and City Attorney and concluded there is no need to have this requirement in the process; background checks would still be required if the owner applies for an alcohol license. Approval of this item approves ordinance O2022-07 amending Duluth Code Chapter 7, Article III - Billiards Room removing the language requiring background checks when applying for an Occupational Tax Certificate to operate a Billiard Room.

5. ORDINANCE TO AMEND BUDGET - \$4,025 – VEHICLES

{E}

The Police Department recently sold a vehicle at auction and received \$4,025 after commission and fees. To continue maintaining a vehicle fleet that is low maintenance and dependable, the Police Department has requested that \$4,025 and associated transfer be added to the Police Vehicle - Consolidated Vehicle Maintenance - Vehicle line item. Approval of this item approves ordinance BA-FY22-29 to amend the FY22 budget as presented.

6. BID AWARD– ROGERS BRIDGE TRAILHEAD – PHASE I

{F}

On November 5, 2021, the City advertised for prospective contractors for the Rogers Bridge Park Trailhead - Phase I project. On December 14, 2021, three proposal packages were received. Proposals were scored based on cost (65%), written approach (25%), and resumes/references (10%). Three independent evaluators averaged their scores together to rank the three proposals as follows:

Astra Group - total score of 94.3 (bid amount of \$1,730,000)
Diversified Construction - total score of 90.7 (bid amount of \$1,615,192)
Magnum Construction - total score of 71.7 (bid amount of \$1,980,068)

Approval of this item accepts Staff's recommendation to award the bid to Astra in the amount of \$1,730,000, and further authorize the City Manager execute the contract.

7. ORDINANCE TO AMEND BUDGET– \$921,026.50 –TRAILHEAD

{G}

Based on council awarding a bid to Astra Group for the Rogers Bridge Park Trailhead - Phase I Project, staff requested approval of a budget amendment to fund the construction project. Funding for the project will come from currently budgeted SPLOST funds, unallocated SPLOST funds and General Funds as follows: 1) \$203,012 in unallocated 2017 SPLOST interest, 2) \$3,547.50 in unallocated 2009 SPLOST, 3) \$8,710.75 in unallocated 2014 SPLOST, 4) \$310,716.25 in unallocated 2017 SPLOST and 5) \$395,040 in General Funds. With approval of this request and prior approved funding, the overall budget for the construction of the trailhead is \$2,000,000. Approval of this item approves ordinance BA-FY22-30 to add \$513,728.25 in unallocated 2017 SPLOST Park funds, \$3,547.50 in unallocated 2009 SPLOST Park funds, \$8,710.75 in unallocated 2014 SPLOST Park funds, and \$395,040 in General Funds to Rogers Bridge Park - Park Areas - Restroom - Buildings line item and associated transfers.

8. ORDINANCE TO AMEND BUDGET - \$309,213 – STORMWATER

{H}

Each year after the audit is complete, staff presents 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, 2021, the Stormwater Utility Fund had an Unrestricted Fund Balance Reserve of \$660,450. Since most of 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 \$351,237 at the end of FY 2021. Therefore, \$309,213 is available for allocation to the current year's budget.

Approval of this item approves ordinance (BA-FY22-31) to add \$309,213 to the Stormwater Utility - Stormwater Collection & Disposal - Repairs & Maintenance/Drainage line item.

9. ORDINANCE TO AMEND BUDGET- \$16,058 – FED/STATE DRUG FUNDS {I}

The City of Duluth Police Department manages two drug funds, a Federal and a State Drug Fund. Revenue to the funds comes mainly from the seizure of property that is forfeited by the court based on civil asset forfeiture laws. By law, these forfeited funds are required to be used for law enforcement purposes. Both the federal and state drug funds have received revenue in excess of the amount budgeted and staff is requesting the budgets for each fund be amended to allow for the expenditure of these funds. Approval of this item approves ordinance BA-FY22-32 to add \$13,817 to the Police Federal Drug Fund - Police Administration - Police Equipment line item and to add \$2,241 to the Police State Drug Fund - Police Administration - Police Equipment line item.

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

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

V. OATHS OF OFFICE

1. URBAN REDEVELOPMENT AGENCY & EMPLOYEE BENEFITS/AUDIT REVIEW

Prior to entering the duties of office, newly elected board members 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. Judge Barrett administered the Oaths to Councilmember Thomas (URA) and to Councilmember Harkness (EBARC).

VI. NEW BUSINESS

1. AUTHORIZATION FOR AGREEMENTS - OPIOID SETTLEMENT {J}

City Attorney Stephen Pereira explained that the State of Georgia has elected to join two settlements with respect to a national opioid settlement agreement. The agreement allows for cities to join the settlement if they so desire. These settlements are in the amount of approximately \$22.7 billion to be distributed to states, cities, and counties.

Based on the provided distribution formula, Duluth could receive approximately \$20,493. Each State will determine how and where funds can be used. To participate, the Mayor and Council are required to authorize the City's participation. The City Attorney has reviewed and confirmed the legitimacy of the settlements.

Being no further discussion, Mayor Harris called for a motion.

A motion was made by Councilmember Doss, seconded by Councilmember Harkness, to approve the authorization for the City Manager to sign all necessary documents to join the settlement agreement.

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

2. APPROVAL FOR CONTRACTS – “ON-CALL” STORMWATER LABOR {K,L,M,N}

Stormwater Supervisor Josh Arnold came forward to discuss the labor needs for the division. With the escalation of materials and labor, he reported that it has become difficult to get contractors to perform maintenance and repair work under the current contract unit rates. To fairly compensate them and have a list of reliable contractors available for the stormwater program needs, the City solicited proposals from qualified contractors in the following areas:

1. Hydrovac and CCTV (cleaning and videotaping the inside of pipe systems for accurate condition assessment by staff)
2. Repair and Maintenance (of all facets of the system)
3. Trenchless Pipe Repair (lining the inside of a pipe from beginning to end without cutting into the pavement).

The above contracts are intended to apply to projects (task orders) with a value less than \$100,000. All projects assumed to be greater than \$100,000 will be advertised through the legal process using the state procurement registry and the City's legal organ.

The request for proposals was advertised on December 20, 2021 with bids due on January 31, 2022. Contractors were permitted to bid on one or more of the three areas listed above. Seventeen proposals were received from eight contractors. Staff reviewed and evaluated the proposals, checked references, and compared unit costs, and made the following recommendations:

HYDROVAC/CCTV

- Southern Premier Contractors, Inc.
- Vortex Services, LLC

REPAIR & MAINTENANCE

- Southern Premier Contractors, Inc.
- Precise Development Group, Inc.
- Vortex Services, LLC
- The Dickerson Group, Inc.

TRENCHLESS PIPE REPAIR

- Southeast Pipe Survey, Inc.
- Southern Premier Contractors, Inc.
- Vortex Services, LLC
- The Dickerson Group, Inc.

Staff requested that Council authorize City-Attorney approved contracts as listed above with a contract start date of March 1, 2022. Contracts are for one year, with terms renewable for two additional one-year terms.

A motion was made by Councilmember Harkness, seconded by Councilmember Thomas, to approve the contract list recommended by staff, and further authorize the City Manager to execute them as presented.

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

VII. MATTERS FROM DEPT HEADS/CITY ATTORNEY

1. ORDINANCE TO AMEND THE DULUTH CODE – SECTION 3-111 {0}

Planning Director Bill Aiken explained that the Mayor and Council were asked to consider ordinance O2022-08 amending Section 3-111(a) of the Duluth Municipal Code to provide clarification regarding measuring distances separating businesses licensed to sell alcohol and various land-uses.

Mayor Harris called for discussion. Being none, she called for a motion.

A motion was made by Councilmember Whitlock, seconded by Councilmember Graeder, to approve the ordinance to amend the Duluth Code as presented.

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

2. 2022 FIREWORKS DISPLAY

Events Coordinator Jessica Gross came forward to discuss the July 3rd event and explain the previous setup for the fireworks launch site.

At a recent planning meeting, the fireworks production company expressed concern about new construction in the downtown fallout zone. A meeting was arranged with Fire Marshal Matthew Phillips, Pyro Shows East Coast Production Manager Rick Lambright and event staff for January 26. At this meeting Fire Marshal Phillips stated he would not approve the fallout zone with the addition of the newest building as it was directly in the line of fire with a Thermoplastic Polyolefin (TPO) roof.

Ms. Gross presented several options. The high school could be a firework launching point, but this would rule out parking, and visibility from downtown would be impacted. Optimal visibility is between 900 - 1200 feet; City Hall is 2100 feet from the launch site. Sound impact would also be delayed and muted.

Additionally, there would also be staffing concerns, parking limitations/traffic congestion, and significant increase to budget. To determine if it would be at all feasible, staff could schedule permitting and insurance for a test launch for \$750, to determine the fireworks size needs and establish the fallout zone.

Another option could be to add another large summer event, such as a tribute band concert, which are typically more expensive. She also mentioned a Mapping project such as laser show to explore for future years. This process is relatively expensive and there is not enough time to plan this project for 2022.

A last option would be to spread the budget across the 2022 event season, providing more pop-ups, highlighting Parsons Alley, etc.

Questions were raised about several possible alternative launch sites or options such as laser shows. Overall, Council felt that, as our largest-attended event- drawing crowds of up to 9,000 or so- Duluth Celebrates America is very important to the community. They agreed that it may not be able to include fireworks display but wanted to conduct the testing before making a final decision. Either way, they preferred to explore something unique that would still stand out and keep the July 3 event.

VIII. MATTERS FROM CITY MANAGER

1. LEGISLATIVE UPDATE

City Manager James Riker requested Council authorization to send a letter on behalf of the Mayor and Council supporting the recommendation of the Georgia Municipal Association to oppose the following House/Senate bills.

| | |
|---------------|---|
| HB 805/SB831 | Repeal of State and Local Alcohol Excise Taxes |
| HB 664 | Municipal Regulation of Industrialized Buildings |
| HB 302 | Restriction on methods of calculating Regulatory Fees |
| HB 243 | Land Use and Annexation – Changing how contiguous areas are calculated. |
| HB 352 | State Limit on Property Tax Revenues – changing the Tax Assessors position from appointed to elected. |
| HB 1009 | Preemption to allow personal delivery devices on sidewalks |
| HB 138 | Notice to tenants of crime on property – local government responsible |
| HB 1093/SB494 | Restrict Cities to deny rental single-family communities |

IX. ADJOURNMENT

A motion was made by Councilmember Whitlock, seconded by Councilmember Thomas, to adjourn at 6:58 pm.

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



**DRAFT WORK SESSION NOTES
MAYOR AND COUNCIL
CITY OF DULUTH, GA
FEBRUARY 28, 2022**

PRESENT: Mayor Harris, Council members Harkness, Thomas, Doss, Graeder and Whitlock, City Manager, Department Directors, City Attorney
Special Guests: Berkeley Lake City Council members Scott Lee, Chip Wheeler, Rodney Hammond

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

I. PUBLIC COMMENTS

1. CARRIAGE GATE/ROGERS MILL STORMWATER

Mr. Greg LaHatte came forward representing Carriage Gate/Rogers Mill Homeowners' Association (HOA) with concerns regarding stormwater and the funding for needed repairs. As a non-mandatory HOA membership, only a small portion of the homeowners participate and therefore they are only able to cover maintenance for their pool, two tennis courts and entrances. They have less than \$10,000 in their emergency fund and would not have the means to complete all the corrective actions necessary.

2. NOISE COMPLAINT/MAIN STREET – RIVERBROOKE SUBDIVISION

Mr. Ahmed Kamali of Riverbrooke came forward to express concern about a fitness facility on Main Street. Initially, the neon lighting was a constant emission directly in the back of the house during late nights. Once the gym opened, there was loud booming music Mondays, Wednesdays, Fridays at 5:00am. He submitted several complaints. A survey was conducted and the issues were determined to be within limits of enforcement and the nuisance was deemed subjective. He spoke to the property owner who had at one point agreed to reduce the volume. However, the loud noise has started again, in the evenings now as well, and is causing stress on the family. The City Manager will look into the matter.

II. DISCUSSION ITEMS/PRESENTATIONS/UPDATES

1. STORMWATER UPDATE

Planning Director Bill Aiken came forward to give a presentation on the City's stormwater program, outlining some pending stormwater (SW) issues and mentioning the possibility of expanding the city's "extent of service" as it relates to what infrastructure is maintained by the city.

He outlined the program to discuss the extent of service, discussing:

- Ownership, Repair, and Maintenance of Infrastructure on Private Single-Family Residences
- Access, Repair, and Maintenance of Detention Facilities in Single-Family Residential Areas

He explained the special stormwater fee, which started with the 2011 tax bills, and explained the customer rate classes which fund needed repairs. There is a Project Priority List based on seven criteria for priority scoring. As of today, there are 156 projects listed which are classified as public infrastructure, valued at a cost of almost \$9 million.

Mr. Aiken then defined "Public vs. Private" infrastructure projects and showed detailed examples of each. As of now, all private property issues have been excluded from the City's priority list. However, there are definite concerns for private citizens to pay for and coordinate repairs. If the City amends the extent of service to include portions of currently deemed Private Stormwater Management Systems and Facilities, do we:

- (1) Increase stormwater fees to allow the City to take on the additional infrastructure, while maintaining the trajectory of the current project priority list (15 years from reactive to proactive)?
- (2) Maintain stormwater fees as is, and add the new projects to our current project priority list, extending the time it will take for the City to transition from reactive to proactive?
- (3) Investigate the extent of incorporating this infrastructure into the public conveyance system and add projects to the priority list in future years (+/- 13 years based on current trajectory)?

Mr. Aiken noted there would be an estimated cost of \$20,000 to complete step (3), and reported that the City did not receive any funding from the SW grant that staff recently applied for.

Mr. Aiken detailed access, repair and maintenance of the 88 detention ponds located in the City, which would require maintenance 3 times annually at an average cost of \$1,000 per visit. The City would only take over maintenance of ponds with a legally recorded access and maintenance agreement and only if the pond is in good repair. He said it was more likely that this program will build and stabilize over several years, never reaching 100% participation with existing neighborhoods. At this point, probably less than 10 would be eligible for this takeover based on prior maintenance records.

Repair of individual projects could be accomplished via special assessment, based on original neighborhood platting. Mr. Aiken gave case study examples and showed photos. He discussed the challenges with getting citizen buy-in, and noted the importance of emphasizing messages of sustainability, environmental protection, as well as economic development.

Effective stormwater management protects our environment, reduces flooding occurrences, reduces the escape of sediment pollution into our waterways, and protects people and property. It also reduces demand on the citywide stormwater drainage system, supports healthy streams and rivers (drinking water, aquatic life), contributes to a healthier, more attractive and sustainable community, and improves the overall quality of life for our residents.

After a brief discussion, staff was authorized to investigate the extent of incorporating additional infrastructure into the public conveyance system before making any further changes to the current stormwater plans and fees.

2. DULUTH FESTIVAL CENTER MANAGEMENT LEASE

Economic Development Director Chris McGahee came forward to propose a temporary lease of the Festival Center (Parkside Suite on the second floor) for the SODO apartment complex leasing office. Staff was authorized to place the lease agreement on the next Council agenda for authorization.

3. ECONOMIC DEVELOPMENT UPDATE {A}

Economic Development staff gave a presentation on citywide economic development activities, discussing corridor personalities, key factors to induce investment, commercial vacancy rates based on use types, and future plans for specific retail centers. They explained the essential use of Code Enforcement, highlighted the Downtown mix of businesses, and discussed current construction projects.

4. ROGERS BRIDGE ART – DPAC {B}

City Manager James Riker outlined the master plan for Rogers Bridge Park. Councilmember Whitlock explained the recommendation from DPAC on the selection of the structural art piece proposed for Rogers Bridge Park. He showed the first and second choice submissions. Council authorized DPAC to engage Phil Proctor to move forward as long as the structure is determined to be feasible for the location. Project location approval, award of bid/artist contract is set for the March 14th Consent Agenda.

5. FALLEN SOLDIER MEMORIAL GARDEN UPDATE {C}

City Manager James Riker gave an update on the final concept design for the Fallen Soldier memorial. Some funding has been set aside but cost estimates need to be obtained for the landscape portion; additional fundraising may be necessary. Staff was authorized to proceed with cost estimates.

6. BOARDS/COMMISSIONS

City Manager James Riker reviewed the Operating Instructions (O/I) process for board appointments. Staff presented recommendations for Board and Commission appointments. Councilmember Graeder commented that some of the applicants had participated in LEAD, but most people had never attended a meeting for the board they were seeking. Staff was authorized to place the ordinances of appointment on the next Council agenda for approval.

7. SPHERE OF INFLUENCE

{D}

Planning Director Bill Aiken came forward and explained the Gwinnett County "Sphere of Influence" policy which enables cities within Gwinnett County to have input into zoning actions. The County has accepted an application of rezoning (case number RZC2021-00031) for a 20.87-acre property on Duluth Highway at McDaniel Farm Road (parcels R7119 100, R7119 114, R7119 116, and R7119 118) that would allow for the construction of 289 multi-family residential dwelling units and 59,210 square feet of retail.

A similar application was received by the County in 2020. At that time, staff was directed by City Council to provide comments on the proposal.

Mr. Aiken noted that the current application is incomplete and therefore no hearing has been scheduled at this point. Gwinnett County has indicated that they will notify us when any future actions are scheduled.

III. MATTERS FROM COUNCIL

Councilmember Thomas noted the moving of the "Living Honorarium" and asked whether there would be a "rehoming" ceremony.

Council and Staff Annual Strategic Meeting will be held Thursday and Friday, March 3rd and 4th.

IV. ADJOURNMENT

Meeting adjourned at 8:45pm.

The next scheduled meeting of the Mayor and Council is March 14, 2022 at 6:00 p.m.

**ORDINANCE
CITY OF DULUTH
ALCOHOL BEVERAGE REVIEW BOARD**

WHEREAS, Pursuant to Section 3-115 of the Duluth Code of Ordinances establish the Alcohol Review Board. Membership is comprised of (5) members and two (2) alternates, who must all be residents of the City for a least one (1) year. Two (2) members may be an owner/manager of a business located and licensed within the City Limits for at least one (1) year prior to nomination. Members appointed must pass a background check conducted by the City Police Department.

WHEREAS, Pursuant to Section 2-49 Term Limits for Board and Commissions (established 2012). Service on each board, authority, commission, or committee of the City of Duluth shall be limited to three consecutive full four-year terms. In no event shall a member serve over fourteen (14) consecutive years.

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby ordains that the following individuals be appointed as a members of the Alcohol Beverage Review Board and be authorized to serve in their positions for four-year terms unless a majority vote of Council removes such member(s).

Appoint:

| | | |
|--|-----------------|-----------------------|
| Demetrius Nelson (Alt 1) (filling expired term of Kimberley Stufflet) | Expires 3/31/26 | Term begin date: 2022 |
| Michael Ashley (Alt 2) (filling vacant seat) | Expires 3/31/26 | Term begin date: 2022 |

Reappoint:

| | | |
|--------------|-----------------|-----------------------|
| Joy Thompson | Expires 3/31/26 | Term begin date: 2011 |
| Rod Parris | Expires 3/31/26 | Term begin date: 2012 |

Current Members:

| | | |
|------------------|-----------------|-----------------------|
| William Corley | Expires 3/31/25 | Term begin date: 2017 |
| Richard T. Hill | Expires 3/31/25 | Term begin date: 2015 |
| Bethany Marcinik | Expires 3/31/25 | Term begin date: 2017 |

IT IS SO ORDAINED this 14th day of March, 2022.

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
DOWNTOWN DEVELOPMENT AUTHORITY**

WHEREAS, the Mayor and Council of the City of Duluth did pass a Resolution on December 12, 1983 determining that there was a need for a Downtown Development Authority for the City Duluth; and as allowed and required by the laws of the State of Georgia including, but not limited to, O.C.G.A. Chapter 36-42-7 which provides for the qualifications of directors;

WHEREAS, Pursuant to Section 2-49 Term Limits for Board and Commissions (established 2012). Service on each board, authority, commission or committee of the City of Duluth shall be limited to three consecutive full four-year terms. In no event shall a member serve over fourteen (14) consecutive years.

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby ordains that the following individuals be appointed as a members of the Downtown Development Authority and be authorized to serve in their positions for four-year terms unless a majority vote of Council removes such member(s).

Appoint:

| | | |
|--|-----------------|-----------------------|
| Tammy Lopez (Economic Interest) (filling expired term of Pam Smith) | Expires 3/31/26 | Term begin date: 2022 |
|--|-----------------|-----------------------|

Reappoint:

| | | |
|---------------------------------|-----------------|-----------------------|
| Robb Watson (Economic Interest) | Expires 3/31/26 | Term begin date: 2021 |
| Ken Odum (Economic Interest) | Expires 3/31/26 | Term begin date: 2016 |
| Fred Butler (At Large) | Expires 3/31/26 | Term begin date: 2021 |

Current Members:

| | | |
|--------------------------------|-----------------|-----------------------|
| Richard Meehan (At Large) | Expires 3/31/24 | Term begin date: 2018 |
| Slade Lail (Economic Interest) | Expires 3/31/24 | Term begin date: 2016 |
| Jim Graham (At Large) | Expires 3/31/24 | Term begin date: 2016 |

IT IS SO ORDAINED this 14th day of March 2022.

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
DULUTH PUBLIC ART COMMISSION**

WHEREAS, In accordance with Section 2-270 of the Duluth Code of Ordinances, the Duluth Public Art Commission shall be made up of six (6) regular members and one (1) member of the mayor and council, DPAC membership must at all times contain at least five (5) members who are citizens of the City of Duluth.

WHEREAS, Section 2-49 Term Limits for Board and Commissions (established 2012). Service on each board, authority, commission or committee of the City of Duluth shall be limited to three consecutive full four-year terms. In no event shall a member serve over fourteen (consecutive) years.

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby ordains that the following individuals be appointed to the Duluth Public Art Commission for a four-year term unless a majority vote of Council removes such member(s). Board shall serve without compensation.

Appoint:

| | | |
|--|-----------------|-----------------------|
| Dr. Augustine Emmanuel (filling expired term of Kathleen Innes) | Expires 3/31/26 | Term begin date: 2022 |
| Sheila Harmony (filling expired term of Mary Buck) | Expires 3/31/26 | Term begin date: 2022 |
| (vacancy) (to fill expired term of Marty Dorfman) | Expires 3/31/26 | Term begin date: 2022 |

Current Members:

| | | |
|------------------|-----------------|-----------------------|
| Sanjay Parekh | Expires 3/31/24 | Term begin date: 2020 |
| Kristina Jackson | Expires 3/31/24 | Term begin date: 2020 |
| Julie McKevitt | Expires 3/31/24 | Term begin date: 2020 |

Governing Body:

| | | |
|---------------|-----------------|-----------------------|
| Greg Whitlock | Expires 3/31/26 | Term begin date: 2019 |
|---------------|-----------------|-----------------------|

City Staff Appointed by City Manager:

Kristin McGregor
Kim Jackson

IT IS SO ORDAINED this 14th day of March, 2022.

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
EMPLOYEES BENEFITS AND AUDIT REVIEW COMMITTEE**

WHEREAS, Pursuant to Section 2-96 of the Duluth Code of Ordinances establish that the Employees Benefits and Audit Committee be comprised of up to eight (8) members, and shall consist of two (2) members of the governing body, one (1) to four (4) city residents with investment experience, may consists of up to two (2) business owners with a current city occupational tax certificate and two (2) city residents, one designated as an alternate.

WHEREAS, Section 2-49 Term Limits for Boards and Commissions (established 2012). Service on each and every board, authority, commission or committee of the City of Duluth shall be limited to three consecutive full four-year terms. Four-year terms to begin at the time of term expiration after 2012. In no event shall a member serve over fourteen (14) consecutive years.

NOW THEREFORE, the City Council of the City of Duluth hereby ordains that the following members to be appointed to the Employees Benefits and Audit Committee and are authorized to serve in said position unless a majority vote of Council removes such member.

New Appointments:

| | | |
|--|-----------------|-----------------------|
| Sharee Smith (filling unexpired term of Susan Porteous) | Expires 3/31/25 | Term begin date: 2022 |
| Michael Park (filling expired term of John Monk) | Expires 3/31/26 | Term begin date: 2022 |
| Carla Montgomery (filling vacant position) | Expires 3/31/26 | Term begin date: 2022 |
| Helen Boyce (filling vacant position) | Expires 3/31/26 | Term begin date: 2022 |

Reappoint:

| | | |
|--------------------|-----------------|-----------------------|
| John Howard (Alt.) | Expires 3/31/26 | Term begin date: 2013 |
|--------------------|-----------------|-----------------------|

Current Member:

| | | |
|--------------|-----------------|-----------------------|
| Brandon Odum | Expires 3/31/25 | Term begin date: 2017 |
|--------------|-----------------|-----------------------|

Governing Body:

| | | |
|----------------|-----------------|-----------------------|
| Marline Thomas | Expires 3/31/26 | Term begin date: 2021 |
| Jamin Harkness | Expires 3/31/26 | Term begin date: 2022 |

Permanent Positions:

Ken Sakmar (Asst. City Manager/Finance)
Ed Johnson (HR Manager)

IT IS SO ORDAINED this 14th day of March 2022.

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
BOARD OF ETHICS**

WHEREAS, Section 2-228 (a), ((1-3)) of the Duluth Code of Ordinances establishes that the Board of Ethics shall be appointed by the mayor and council members. Each shall designate two (2) qualified citizens to provide a pool of twelve (12) individuals who have consented to serve as a member of such board of ethics and who will be available for a period of four (4) years to be called upon to serve in the event a board of ethics is appointed. Each member of the board of ethics shall have been a resident of the city for at least one (1) year immediately preceding the date of taking office and shall remain a resident of the city while serving as a member of the board of ethics. No person shall serve as a member of the board of ethics if the person has or has had within the preceding one (1) year period, any interest in any contract, transaction, or official action of the city. The city manager shall maintain a listing of these twelve (12) qualified citizens. Should the investigating committee determine a complaint warrants a hearing before the board of ethics, the mayor and council, at the first public meeting after such determination, shall draw names randomly from the listing of qualified citizens until the specified five (5) members of the board of ethics have been appointed. Such board will elect one (1) of its members to serve as chairman.

WHEREAS, Section 2-49 Term Limits for Board and Commissions (established 2012). Service on each board, authority, commission or committee of the City of Duluth shall be limited to three consecutive full four-year terms. In no event shall a member serve over fourteen (consecutive) years.

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby ordains that the following individuals be appointed to the City Board of Ethics for a four-year term unless a majority vote of Council removes such member(s). Board shall serve without compensation.

Appoint:

| | | |
|---|-----------------|-----------------------|
| Nate Benard (Doss) | Expires 3/31/26 | Term begin date: 2022 |
| Kyle Drake (Doss) | Expires 3/31/26 | Term begin date: 2022 |
| Lana Tolbert (Thomas) | Expires 3/31/25 | Term begin date: 2022 |
| (filling unexpired term of Shenee Holloway) | | |
| Sarah Park (Whitlock) | Expires 3/31/25 | Term begin date: 2022 |
| (filling unexpired term of Lamar Doss) | | |
| Vacant (Harkness) | Expires 3/31/25 | Term begin date: 2022 |
| (filling unexpired term of Michael Park) | | |

Reappoint:

| | | |
|--------------------------|-----------------|-----------------------|
| Ann Tiberghien (Harris) | Expires 3/31/26 | Term begin date: 2018 |
| Jean Harrivel (Graeder) | Expires 3/31/26 | Term begin date: 2012 |
| Alexis Server (Harkness) | Expires 3/31/26 | Term begin date: 2018 |
| Brett Duke (Thomas) | Expires 3/31/26 | Term begin date: 2021 |
| Chip Sweney (Whitlock) | Expires 3/31/26 | Term begin date: 2013 |

Current Members:

| | | |
|----------------------------|-----------------|-----------------------|
| Priscilla Crowgey (Harris) | Expires 3/31/25 | Term begin date: 2009 |
| Margaret Wharton (Graeder) | Expires 3/31/25 | Term begin date: 2021 |

IT IS SO ORDAINED this 14th day of March, 2022.

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
MUNICIPAL COURT JUDGES**

WHEREAS, Section 4.11 of the Duluth Code of Ordinances establishes that the selection and terms of the part-time, full-time, or stand-by judges who preside over the Municipal Court shall be provided by ordinance.

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby ordains that the following individuals be appointed as Municipal Court Judges of the City of Duluth, and shall serve for a term of one year:

Reappoint:

| | | |
|---|-----------------|-----------------------|
| Charles L. Barrett, III, Chief Judge/ Crt Admin | Expires 3/31/23 | Term begin date: 2005 |
| Margaret Gettle Washburn, Associate Judge | Expires 3/31/23 | Term begin date: 2005 |
| Claude Mason, Associate Judge | Expires 3/31/23 | Term begin date: 2017 |
| Chung Hun Lee, Associate Judge | Expires 3/31/23 | Term begin date: 2011 |

IT IS SO ORDAINED THIS 14th **day of** March , **2022.**

Mayor Nancy Harris

Those council members 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
PARSONS ALLEY DESIGN REVIEW COMMITTEE**

WHEREAS, to govern operations and common property which it controls, the City of Duluth created the Declaration of Covenants, Conditions, Restrictions, And Easements for Parsons Alley. The Declaration requires the creation of the Parsons Alley Design Review Committee (DRC).

NOW THEREFORE, the City Council of the City of Duluth hereby ordains that the following individuals be appointed as Parsons Alley Design Review Committee member of the City of Duluth, GA for two-year terms as follows.

Appoint:

| | | |
|-------------------------|-----------------|-----------------------|
| Ray Williams (Chair PC) | Expires 3/31/24 | Term begin date: 2022 |
| Ken Odum (Chair DDA) | Expires 3/31/24 | Term begin date: 2022 |

Reappoint:

| | | |
|----------------------------------|-----------------|-----------------------|
| Greg Whitlock (City Council) | Expires 3/31/24 | Term begin date: 2016 |
| Nancy Harris (City Council Alt.) | Expires 3/31/24 | Term begin date: 2019 |
| Betsy McAtee (Dreamland) | Expires 3/31/24 | Term begin date: 2021 |
| Ryan Skinner (Good Word) | Expires 3/31/24 | Term begin date: 2021 |

IT IS SO ORDAINED this 14th day of March, 2022.

Mayor Nancy Harris

Those councilmembers voting in favor:

Charles Jamin Harkness, Post 1

Marlene 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
PLANNING COMMISSION**

WHEREAS, Pursuant to Section 1302.01 of the Duluth Unified Development Code, the Planning Commission shall be comprised of five (5) members and one (1) alternate. All members shall be residents of the City of Duluth or the owner or operator of a business located within the City of Duluth, provided the business is current in the payment of its City Occupational Tax and all other payments due to the City. The five (5) members and the alternate member are to be appointed by the City Council. The term of office for members shall be four (4) years, said terms to be staggered, to begin on April 1 and end on March 31.

WHEREAS, Pursuant to Section 2-49 Term Limits for Board and Commissions (established 2012), service on each board, authority, commission or committee of the City of Duluth shall be limited to three (3) consecutive full four (4) year terms. In no event shall a member serve over fourteen (14) consecutive years.

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby ordains that the following individuals be appointed as a members of the Planning Commission and be authorized to serve in their positions for four-year terms unless a majority vote of Council removes such member(s). The compensation shall be \$25 per meeting for two (2) meetings per month.

Appoint:

| | | |
|--|-----------------|-----------------------|
| Scott Perkins | Expires 3/31/26 | Term begin date: 2022 |
| (filling expired term of Robert Pennington who moved to ZBA) | | |
| Shenee Holloway (Alt) | Expires 3/31/23 | Term begin date: 2022 |
| (filling unexpired term of Manfred Graeder) | | |
| | | Term begin date: 2022 |

Reappoint:

| | | |
|------------|-----------------|-----------------------|
| Alana Moss | Expires 3/31/26 | Term begin date: 2012 |
|------------|-----------------|-----------------------|

Current Members:

| | | |
|--------------|-----------------|-----------------------|
| Ray Williams | Expires 3/31/25 | Term begin date: 2013 |
| Niti Gajjar | Expires 3/31/24 | Term begin date: 2020 |
| Carey Fisher | Expires 3/31/24 | Term begin date: 2020 |

IT IS SO ORDAINED this 14th day of March, 2022.

Mayor 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 S. Lynn, City Clerk

**ORDINANCE
CITY OF DULUTH
ZONING BOARD OF APPEALS APPOINTMENT**

WHEREAS, Pursuant to Section 1303.01 of the Duluth Unified Development Code, the Zoning Board of Appeals shall consist of five (5) members and one (1) alternate. All members must be residents of the city; or the owner or operator of a business located within the City of Duluth, provided the business is current in the payment of its City Occupational Tax and all other payments due to the City. One (1) member shall be on the Planning Commission. The five (5) members and the alternate member are to be appointed by the City Council. The term of office for members shall be four (4) years, said terms to be staggered, to begin on April 1 and end on March 31.

WHEREAS, Pursuant to Section 2-49 Term Limits for Board and Commissions (established 2012), service on each board, authority, commission or committee of the City of Duluth shall be limited to three (3) consecutive full four (4) year terms. In no event shall a member serve over fourteen (14) consecutive years.

NOW THEREFORE, the Mayor and Council of the City of Duluth hereby ordains that the following individuals be appointed as a members of the Zoning Board of Appeals and be authorized to serve in their positions for four-year terms unless a majority vote of Council removes such member(s). The compensation shall be \$25 per meeting for one (1) meeting per month.

Appoint:

| | | |
|--|-----------------|-----------------------|
| Robert Pennington | Expires 3/31/25 | Term begin date: 2022 |
| (filling unexpired term of Scott Perkins who move to PC) | | |
| William Latta (Alt) | Expires 3/31/23 | Term begin date: 2022 |
| (filling unexpired term of Patrick Lynch) | | |

Reappoint:

| | | |
|------------|-----------------|-----------------------|
| Ken Wilson | Expires 3/31/26 | Term begin date: 2011 |
|------------|-----------------|-----------------------|

Current Members:

| | | |
|--|-----------------|-----------------------|
| Verdi Avila | Expires 3/31/23 | Term begin date: 2015 |
| K.C. Callaway | Expires 3/31/25 | Term begin date: 2010 |
| Niti Gajjar | Expires 3/31/25 | Term begin date: 2021 |
| (Secretary of PC required to serve on ZBA) | | |

IT IS SO ORDAINED this 14th day of March, 2022.

Mayor Nancy Harris

Charles Jamin Harkness, Post 1

Marline Thomas, Post 2

Kenneth Lamar Doss, Post 3

Those councilmembers voting in favor:

Manfred Graeder, Post 4

Greg Whitlock, Post 5

Those councilmembers voting in opposition:

ATTEST: _____
Teresa S. Lynn, City Clerk

**RESOLUTION
APPOINTING CHIEF OF POLICE**

WHEREAS, Article VII. Section 2-106 of the Duluth Code of Ordinances provides that the Mayor and Council shall appoint the Chief of Police; and

WHEREAS, A vacancy will exists in the position of Chief of Police by reason of the retirement of the current Chief effective July 22, 2022, and

WHEREAS, Jacquelyn Carruth currently holds the rank of Colonel with the Duluth Police Department and has distinguished herself in her service to the Duluth Police Department; and

WHEREAS, the City of Duluth finds and determines that Jacquelyn Carruth exceeds all qualification requirements for appointment to said position;

NOW THEREFORE, BE IT RESOLVED by the City of Duluth Mayor and Council, that Col. Jacquelyn Carruth is hereby promoted and appointed to the position of Chief-of-Police effective July 22, 2022.

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 Lynn, Asst. City Mgr./City Clerk

INTERGOVERNMENTAL AGREEMENT BETWEEN GWINNETT COUNTY AND THE
CITY OF DULUTH REGARDING PINE NEEDLE DRIVE

This Agreement (hereinafter referred to as "Agreement") made by and between the City of Duluth, a municipal corporation chartered by the State of Georgia and headquartered at 3167 Main Street, Duluth, Georgia 30096 (hereinafter referred to as "CITY") and Gwinnett County, Georgia, a political subdivision of the State of Georgia headquartered at 75 Langley Drive, Lawrenceville, Georgia 30046, (hereinafter referred to as "COUNTY") each of whom has been duly authorized to enter into this Agreement.

WITNESSETH

WHEREAS, the parties to this Agreement are governmental units located within the State of Georgia and authorized by law to enter into intergovernmental agreements; and

WHEREAS, both parties believe that it would be in the interest of the health, safety, and welfare of the citizens of Gwinnett County to allocate resources and efforts to undertake a transportation project; and

WHEREAS, the City has undertaken a 2017 Special Purpose Local Option Sales Tax (SPLOST) project to improve Pine Needle Drive at its intersection with SR 120/Abbots Bridge Road (hereinafter 2017 SPLOST project or project); and

WHEREAS, the CITY wishes to assume responsibility for the maintenance of a portion of Pine Needle Drive;

NOW, THEREFORE, in consideration of the mutual promises, covenants, and undertakings set forth herein and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the parties hereto do consent and agree that:

1. The CITY has undertaken a 2017 SPLOST project to improve Pine Needle Drive at its intersection with SR 120/Abbots Bridge Road. More specifically, the City-managed project will close the intersection and construct a cul-de-sac on Pine Needle Drive.
2. Thereafter, the CITY will be responsible for the ongoing maintenance of Pine Needle Drive, as depicted in Exhibit A, after the completion of the project. The ongoing maintenance costs will be funded solely by the CITY and the COUNTY will bear no financial responsibility for the ongoing maintenance of this section of Pine Needle Drive.

The COUNTY and the CITY shall each bear its own costs, expenses and claims to attorneys' fees incurred or arising out of this Agreement. Neither the COUNTY nor the CITY shall indemnify or hold harmless the other party or its agents, inspectors, servants, and employees, past and present, for any costs, expenses and claims to attorneys' fees incurred or arising out of this Agreement.

All notices pursuant to this Agreement shall be served as follows: As to the COUNTY, Chairwoman, Gwinnett County Board of Commissioners, 75 Langley Drive, Lawrenceville, Georgia 30046. As to the CITY, Mayor, City of Duluth, 3167 Main Street, Duluth, Georgia 30096.

This Agreement constitutes the entire written agreement between the parties hereto as to all matters contained herein. All subsequent changes to this Agreement must be in writing and signed by both parties. This Agreement is for the benefit of the parties hereto only and is not intended to benefit any third party or to give rise to any duty or causes of action for any third party, and no provisions contained within this Agreement are intended to nor shall they in any way be construed to relieve any contractor performing services in connection with the project of any liability or to complete the work in a good, substantial and workmanlike manner. No provision in this Agreement is intended to nor shall it be construed to in any way waive immunities or protections provided to either the COUNTY or to the CITY by the Constitution and laws of the State of Georgia.

IN WITNESS WHEREOF, the parties hereto acting through their duly authorized agents have caused this agreement to be signed and delivered on the date set forth below.

This _____ day of _____, 2022.

GWINNETT COUNTY, GEORGIA

CITY OF DULUTH, GEORGIA

By: _____
NICOLE L. HENDRICKSON

By: _____

Title: CHAIRWOMAN

Title: MAYOR

ATTEST:

ATTEST:

By: _____

By: _____

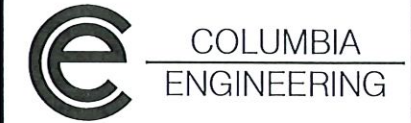
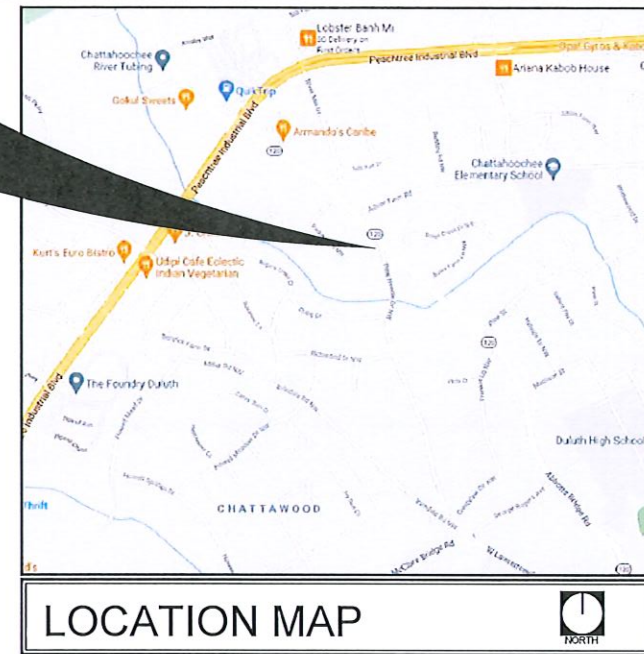
Title: County Clerk/Deputy County Clerk (SEAL)

Title: City Clerk (SEAL)

APPROVED AS TO FORM:

Senior Assistant County Attorney

SITE

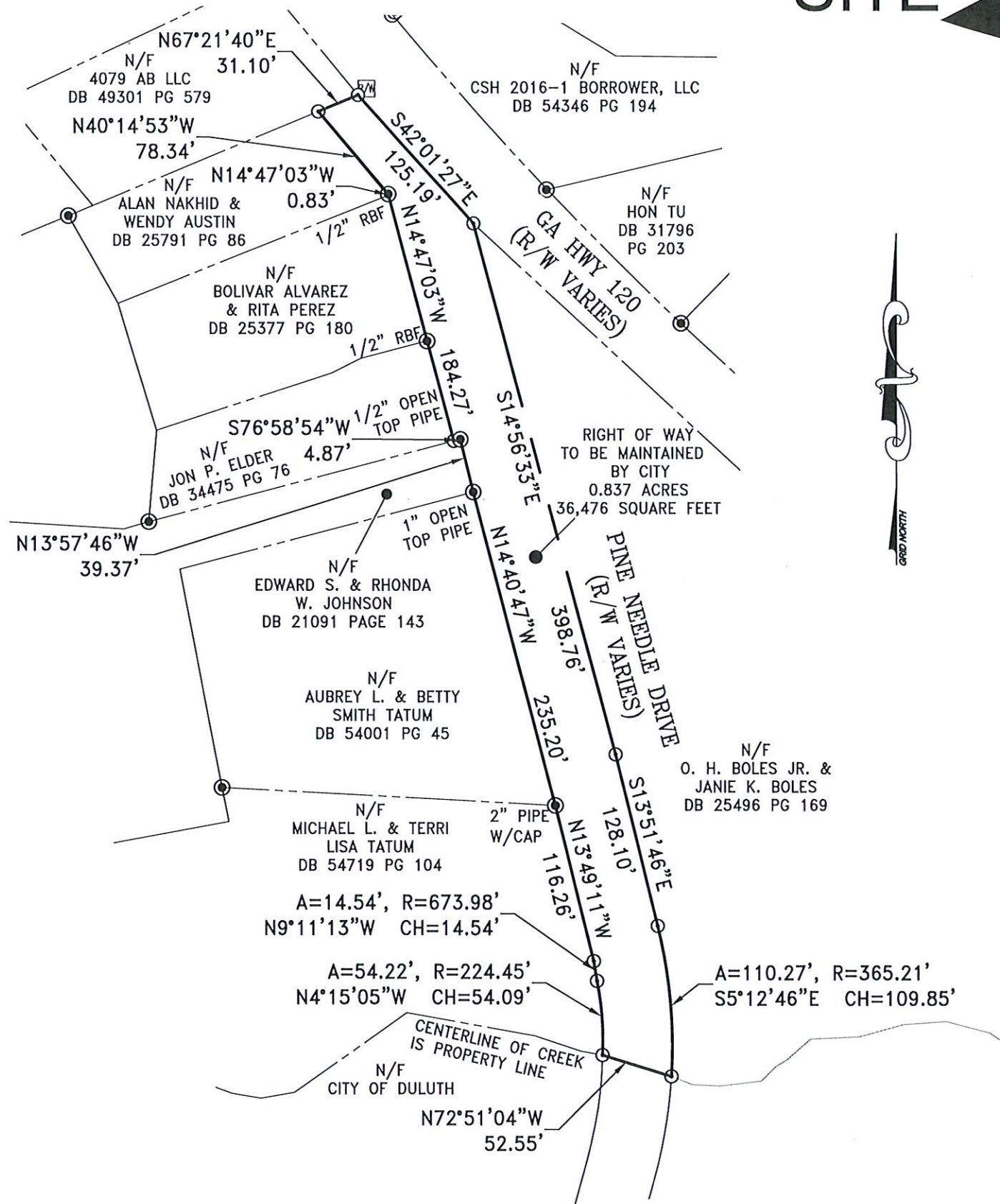


2862 BUFORD HIGHWAY
SUITE 200
DULUTH, GEORGIA 30096
(770) 925-0357

RIGHT OF WAY MAINTENANCE EXHIBIT

CITY OF DULUTH

LAND LOT 323, 6th DISTRICT
GWINNETT COUNTY, GEORGIA



GEORGIA SURVEYOR CERTIFICATION

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

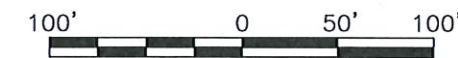
BRANDON T. MILLER, RLS No. 2945



2-4-2022

GENERAL NOTES

- EQUIPMENT USED FOR MEASUREMENTS IS AS FOLLOWS: TRIMBLE S7 TOTAL STATION AND A TRIMBLE R6 GPS RECEIVER WITH THE eGPS NETWORK.
- THE HORIZONTAL DATUM AND BASIS FOR BEARINGS FOR THIS SURVEY IS: GEORGIA WEST ZONE, NAD 83.
- THE FIELD DATA COLLECTED TO SUPPORT THIS PLAT WAS COMPLETED ON 07/08/2021.
- THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 37,197 FEET, AND AN ANGULAR ERROR OF 5 SECONDS PER ANGLE POINT AND WAS ADJUSTED WITH COMPASS RULE.
- THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 101,781 FEET.



BAR SCALE
1" = 100'

CIVIL ENGINEERS * LAND PLANNERS
* LANDSCAPE ARCHITECTS * SURVEYORS

| REVISIONS | DATE |
|---------------|------------|
| REVISED TITLE | 02/04/2022 |
| | |
| | |
| | |
| | |

DRAWING TITLE
RIGHT OF WAY MAINTENANCE EXHIBIT

| | |
|----------------------------|-------------|
| FILE NAME: 5065.03-RW_PLAT | |
| DRAWN BY: CB | DRAWING NO. |
| PROJECT NO. 5065.03 | 1 OF 1 |
| FIELD DATE: 07/08/21 | |
| PLAT DATE: 07/20/21 | |
| SCALE: 1"=100' | |

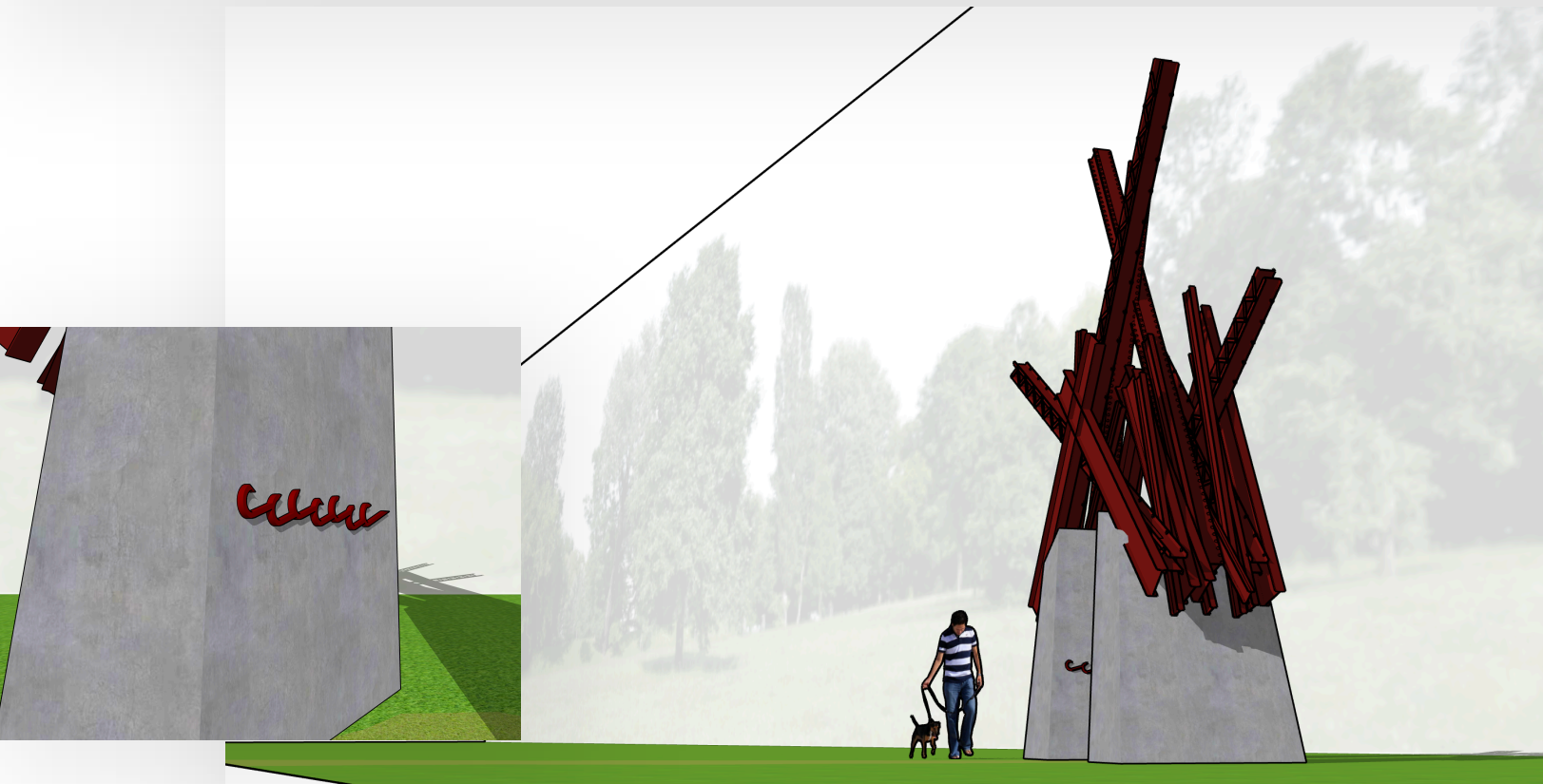
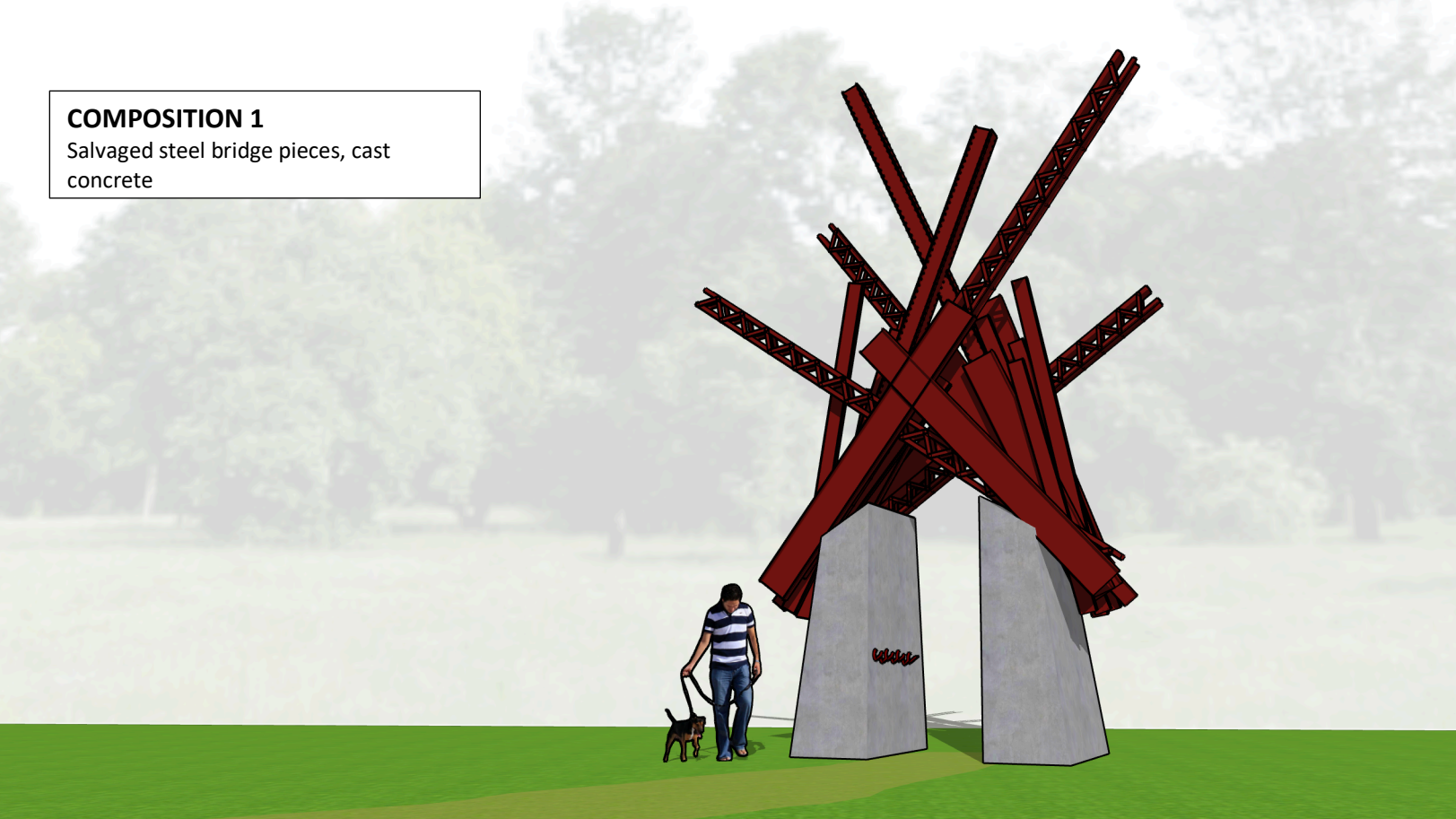


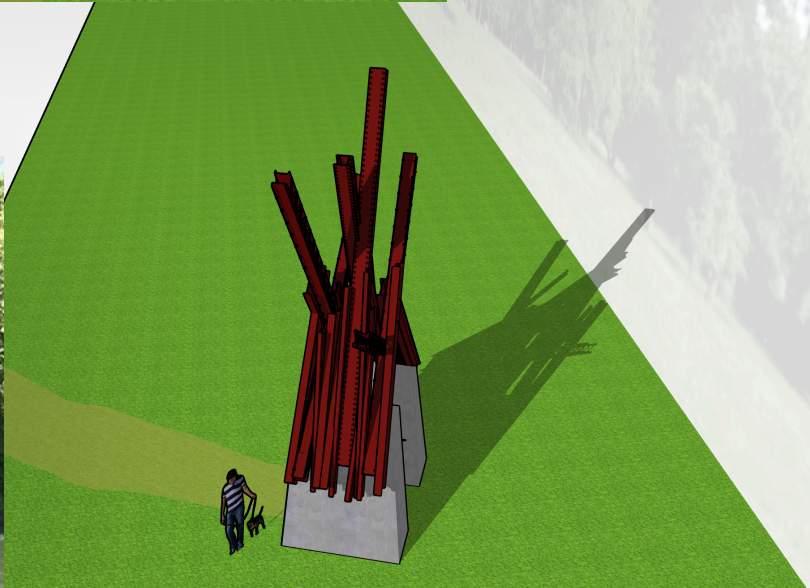
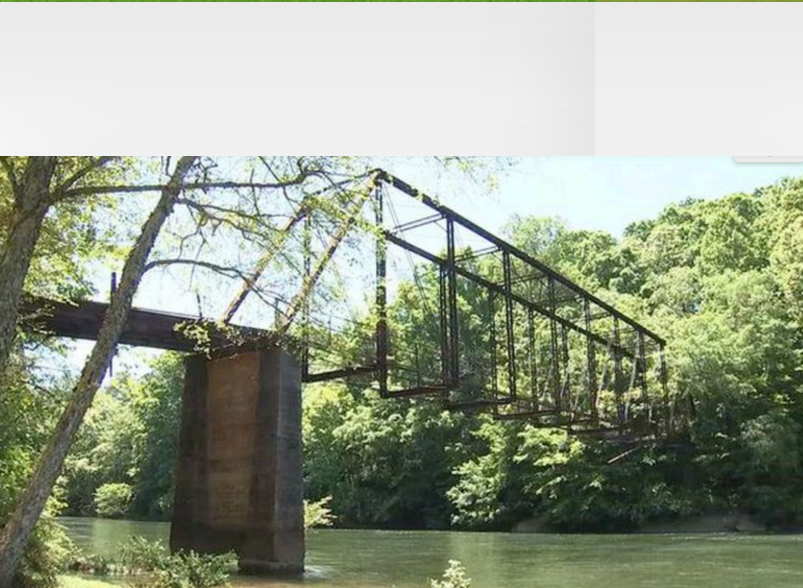
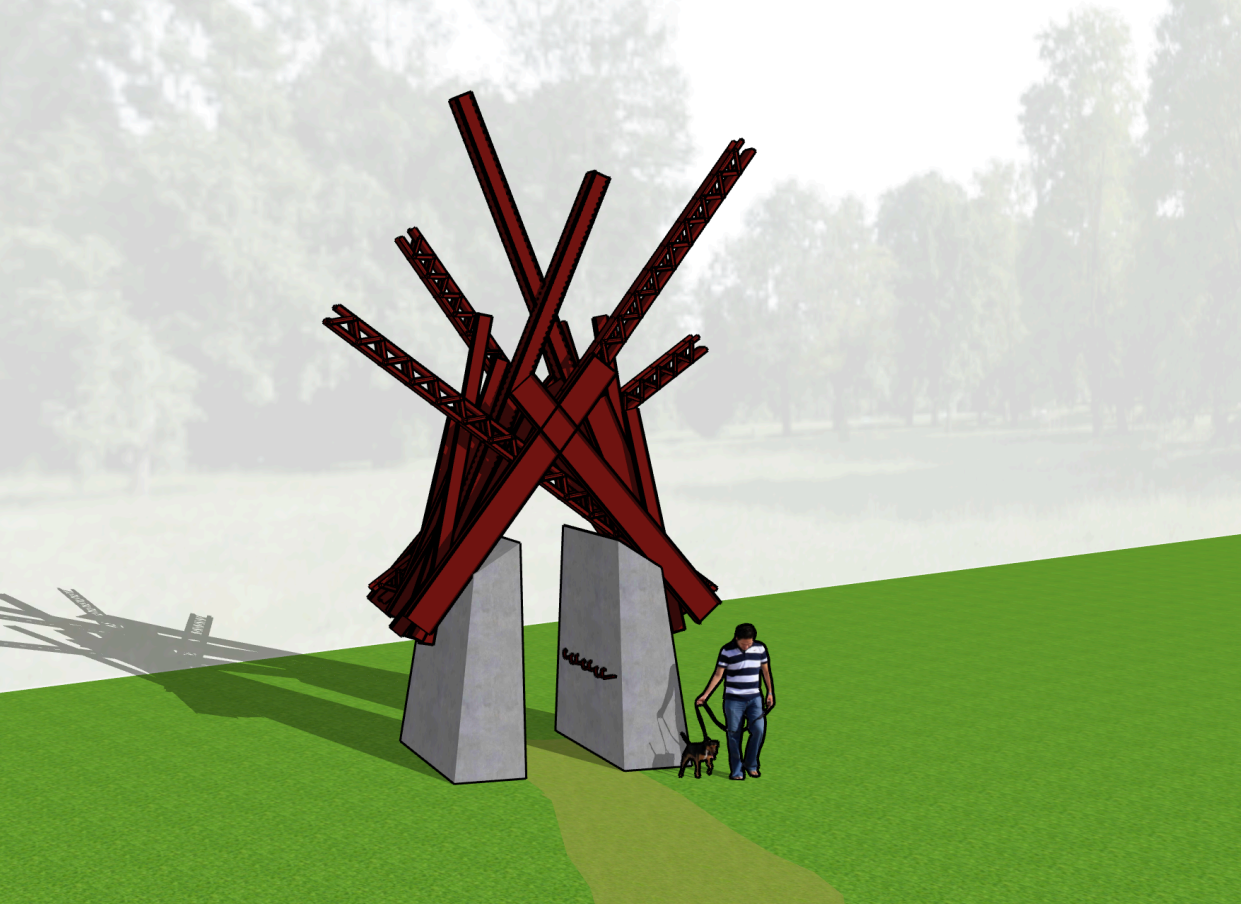
PHIL PROCTOR nucleus sculpture studio llc.

1300 Fleetwood Dr SE, Atlanta, GA 30316 | 678-851-9726 | shapingspace100@gmail.com
| www.philproctor.com

COMPOSITION 1

Salvaged steel bridge pieces, cast
concrete





COMPOSITION 1

The abstract design is a composition of bridge components salvaged from Rogers bridge which represents the rivers water as it embraces the bridge column. This constant and boundless interaction between earth and water brings the river to life. The sculpture is also a literal passageway, a symbol that represents the connection between two places; the driving force for the restoration of the new bridge and the partnership of the communities it connects. This composition is anchored through two massive cast concrete columns. These columns, inspired by many of the stone and concrete bridge columns along the Chattahoochee River, is a simplified, geometric concrete structure.

Approximate dimensions: 18' width x 7' depth x 27' tall

Approximate weight: 70,000 lbs. (not including underground footers)

Budget: \$100,000.00

**ORDINANCE
TO AMEND THE CITY OF DULUTH
2022 FISCAL YEAR BUDGET**

AN ORDINANCE TO AMEND THE 2022 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 2022 fiscal year as follows:

| | |
|-----------------------------------|-------------------|
| Total Revenues: | <u>74,408,054</u> |
| Operations Expenditures: | <u>32,438,833</u> |
| Capital Improvement Expenditures: | <u>41,969,221</u> |
| Total Expenditures: | <u>74,408,054</u> |

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

WHEREAS the City of Duluth Police Department recently sold three vehicles at auction, after commission and fees, receiving \$19,252; and

WHEREAS to maintain a vehicle fleet that is low maintenance and dependable, the Police Department is requesting the \$19,252 be added back to their budget to fund addition vehicle purchases; and

WHEREAS it is requested \$19,252 be added to Police – Consolidated Vehicle Maintenance Division – Vehicle line items; and

NOW THEREFORE, the City of Duluth 2022 Fiscal Year Budget is amended as follows:

| | |
|------------------------------------|-------------------|
| Total Revenues & Prior Yr Reserves | <u>74,427,306</u> |
| Operations Expenditures: | <u>32,458,085</u> |
| Capital Improvement Expenditures: | <u>41,969,221</u> |
| Total Expenditures: | <u>74,427,306</u> |

IT IS SO ORDAINED this _____ day of _____, **2022**.

BA-FY22-33

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