



**MINUTES OF THE  
MAYOR AND COUNCIL  
CITY OF DULUTH, GA  
JANUARY 10, 2022**

**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 6:00pm**

**MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE** led by Mayor Harris and Scout Ben Harkness, Scout Troop 648

**I. ANNOUNCEMENTS**

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

**II. CEREMONIAL MATTER**

1. OATHS OF OFFICE

Before entering the duties of office, the newly elected councilmembers 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. Honorable Judge Charles Barrett administered the Councilmember oaths to Post 1 Councilmember Charles Jamin Harkness, Post 2 Councilmember Marline Thomas, and Post 3 Councilmember Kenneth Lamar Doss.

**III. MATTERS FROM CITIZENS**

1. SIDEWALK REQUEST – HOWELL FERRY ROAD

Ms. Suzanne Gavett of 4086 Howell Ferry Road came forward requesting Council consider the placement of sidewalks on Howell Ferry Road. Ms. Gavett presented a petition signed by several of the residents supporting the request.

#### IV. CONSENT AGENDA

1. APPROVAL OF DECEMBER 4 & 13 MINUTES

2. RESOLUTION – 2022 MEETING DATES & TIMES {A}

Approval of this item approves resolution R2022-01 to set and publicize regularly scheduled Mayor and Council meetings for 2022 in accordance with Georgia law.

3. ORDINANCE SETTING 2022 MILEAGE REIMBURSEMENT RATES {B}

The IRS announced that the business standard mileage rate for transportation expenses paid or incurred beginning January 1, 2022 will be 58.5 cents per mile. In addition, the 2022 standard rate for miles driven for medical or moving purposes will be 18 cents per mile. Approval of this item adopts ordinance O2022-01 setting the reimbursement rates, effective January 1, 2022.

4. ORDINANCE TO APPOINT CITY SOLICITOR {C}

Pursuant to the Duluth City Code, Section 2-208, the Mayor and Council are authorized to appoint a solicitor of the municipal court of the City. The solicitor shall be appointed by the Mayor and Council and shall serve at the pleasure of the Mayor and Council. The compensation of the 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 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 O2022-02 appoints Mr. Richard Armond as Solicitor of the Duluth Municipal Court as recommended by staff.

5. RESOLUTION TO APPOINT LEGAL ORGAN {D}

Approval of this item approves resolution R2021-02 naming the "Gwinnett Daily Post" as the City's Legal Organ for 2022. 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 – AUTHORIZING DEPOSITORIES & CHECK SIGNING {E}

Approval of this item approves resolution R2022-03 regarding check signing authority and depositories as per the Financial Policy.

7. ORDINANCE TO AMEND DULUTH CODE – CHAPTER 3 ALCOHOL {F}

As previously reported, HB 879 signed by the Governor required the Department of Revenue to develop and implement a state-wide, centralized application process for retail alcohol licensing. This new process ensures the applications, both for new businesses as well as renewals are sent simultaneously to the State and the Local Licensing Authority. This comprehensive approach to licensing will be managed through the Department of Revenue's

streamlined portal, the Georgia Tax Center (GTC). The centralized alcohol licensing will be implemented in two phases, the first being initial licensing (new applications) which becomes effective January 12. The second phase for "renewal licensing" is being developed and will become effective later this year. Currently the change will not affect any of our fee structures. For the City to comply with HB 879, the City Attorney met with staff and conducted a review of the alcohol ordinance. Due to time constraints, staff notified the Alcohol Review Board of the necessity of bringing an amendment before the Council to be compliant with HB 879 by January 12. Several housekeeping items were also noted during the review with the City Attorney which are also part of this amendment, such as deletions of those sections the city no longer regulates (such as wine tastings in grocery stores, wine tasting rooms, etc). Approval of this item approves ordinance O2022-04 as presented.

8. ORDINANCE TO AMEND BUDGET - \$766,271–MULTI-CORRIDOR LANDSCAPE {G}

At the December 13 meeting of the Mayor and Council, approval was given to award the contract for landscaping along the shoulder of Pleasant Hill Road from the Chattahoochee River to McClure Bridge Road as well as the medians of Peachtree Industrial Boulevard from SR 120 to Sugarloaf Parkway in the amount of \$766,270.40 to Tri-Scapes, Incorporated. As part of the bid award, staff requested approval of a budget amendment to add \$766,271 in unallocated 2017 SPLOST Transportation funds to this project. Approval of this item approves ordinance BA-FY22-24 to add \$766,271 in unallocated 2017 SPLOST Transportation funds to CD-77 Landscape Medians - Paved Streets - Infrastructure line item including associated transfers.

9. ORDINANCE TO AMEND BUDGET - \$2,475 – DAMAGE REIMBURSEMENT {H}

In September, a tractor trailer driver was caught on video making a sharp turn into the parking lot behind Pure Taqueria which resulted in extensive damage to a pedestrian railing next to the entrance. Upon reviewing the video, the Duluth Police Department was able to contact the driver's employer, Sungor Transportation, Inc., who assisted the police in locating the driver prior to leaving Duluth. The trucking company contacted staff to request the claim be settled without going through insurance. Staff submitted an invoice for the damage to the company and received reimbursement of \$2,475 for the damage. The damaged railing has been repaired and the repair company paid. Staff is requesting \$2,475 be added back to the budget line item where the repairs was paid from. Approval of this item approves ordinance (BA-FY22-25) to add \$2,475 to City Manager - City Manager's Office - General Emergency Repairs line item.

10. ORDINANCE TO AMEND BUDGET - \$650,000 – WORKERS' COMPENSATION {I}

In August 2021, Duluth Police Officer Rickey Porter was seriously injured in an auto accident while on duty. Recently, the City received the first of what is expected to be many medical bills related to this incident. The first bill totaled almost \$300,000, of what is expected to be a very costly overall claim. The City is covered by an Excess Workers' Compensation and Liability Policy and has a maximum exposure of \$650,000. Based on the serious injuries Officer Porter sustained in the accident, staff expects this claim will reach the maximum exposure. Council is asked to consider amending the Workers Compensation Fund budget for \$650,000. Approval of this item approves ordinance BA-FY22-26 to add Workers

Compensation prior year reserves of \$650,000 to the Workers' Compensation - Risk Management - Claims Police Uniform line item.

11. ORDINANCE TO AMEND BUDGET - \$5,100 – PINE NEEDLE TAP GRANT {J}

In June 2021, staff requested and received \$50,000 in SPLOST funding to apply for a Transportation Alternative Projects (TAP) grant, based on a May project presentation to Council for pedestrian enhancement to Pine Needle Drive. The request was based on staff's best estimate of the time necessary to complete the application process. However, the estimate was slightly off and an additional \$5,100 in SPLOST funding is needed. It should be noted that staff has completed the application process and is awaiting a response to the grant request. Staff is requesting an additional \$5,100 in 2014 SPLOST funds be allocated to this project. Approval of this item approves ordinance BA-FY22-27 to add \$5,100 in 2014 SPLOST funds to Pine Needle Drive Pedestrian - Sidewalk & Crosswalks - Professional Services line item.

12. ORDINANCE TO AMEND BUDGET - \$16,190 – HALL CIRCLE SEWER LINE {K}

In August 2021, the City received a performance bond from DR Horton for \$56,675 regarding the installation of a sewer line from Gardendale through Hall Circle. Planning staff later determined DR Horton did not meet its obligations associated with the install and hired a third-party contractor, Southern Premier Contractors, Inc., to complete the installation. The cost to complete the installation was \$16,190.00. To recoup this cost, the City is entitled to reimbursement through the performance bond. The remaining funds will be returned to DR Horton. For this reason, staff is requesting approval of a budget amendment in the Stormwater Utility Fund, who contracted with the third party, to recognize revenue and expenditure of \$16,190. Approval of this item authorizes ordinance BA-FY22-28 to add \$16,190 to the Stormwater Utility Funds - Miscellaneous Revenue and a like amount to Stormwater Collection & Disposal - Repairs & Maintenance - Drainage line items.

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

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

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

**V. PUBLIC HEARINGS**

1. ORDINANCE OF REZONING– CASE Z2021-003 SOUTHVINE MODIFICATION {L}

Mayor Harris opened the public hearing.

Planning Director Bill Aiken came forward to present. He summarized application for Case Z2021-003 from Southvine Homes LLC, on behalf of the property owner, Riversong Land Investments LLC, to modify rezoning of a +/- 11.08-acre tract of land located in Land Lot 243

of the 7th District, Gwinnett County, consisting of tax parcel R7243-003. Said property is currently zoned PUD (Planned Unit Development District).

The applicant is requesting the modified rezoning to relocate the location of the entrance drive along a County owned section of Rogers Bridge Road. The proposed modification will result in amendments to the Master Concept Plan and associated conditions of approval for the development and construction of a Single-Family Attached Dwelling residential development consisting of 51 townhouses and associated amenity areas.

Mr. Aiken outlined the conditions of subject property. The parcel slopes down from Rogers Bridge Road to the stream and is surrounded by a mixture of uses. To the north, across Peachtree Industrial Boulevard, is Windsor Court, a single-family neighborhood zoned PUD. To the east and south is Riverbrooke, a single-family neighborhood zoned PUD. To the west is a medical office and a multi-tenant commercial building containing restaurants, retail uses, and a gas station zoned C-2.

Mr. Aiken pointed out that the most significant modification to the Master Concept Plan is the proposed location of the entrance and the intersection that it creates with Rogers Bridge Road. The City regulates separation and spacing of driveways located within the City Limits. Section 909.07 of the codes requires that whenever possible, proposed driveways along one side of a street shall coincide with existing or proposed driveways on the opposite side of the street. When the parcel was originally rezoned for residential development, the intent was to align the new residential entrance drive with the existing residential Towne Village Drive across Rogers Bridge Road. However, the driveway was found to not meet sight distance minimums due to a curve on Rogers Bridge Road south of the subject property. Being a County Road, Gwinnett County DOT has reduced the speed limit along this stretch from 40 mph to 25 mph and provided a statement of support for the proposed location of the entrance drive.

The Master Concept Plan still proposes 51 front loaded single family attached dwellings units. The driveways are proposed to be at least twenty-two (22) in length measured from the back edge of the sidewalk. Driveways with no sidewalks bisecting them shall have a twenty-two (22) foot minimum driveway distance measure from the back edge of curb to the garage face which allows for a larger truck or SUV to park in the driveway without blocking the sidewalk. The proposed relocation results in slightly different site layout of the homes. Much of the area toward the eastern side of the property will remain undisturbed due to the slope of the property and the required stream buffer.

The Duluth Planning Commission recommended approval of application Z2021-003 with conditions as presented by staff at the December 6, 2021 public hearing. Staff recommends approval of application Z2021-003 with conditions.

Mayor Harris called for discussion from Council.

Councilmember Whitlock asked if there was a requirement to have parking areas more spread out throughout the plan, to prevent more on-street parking.

Mr. Aiken replied that staff worked with the applicant to determine the safest places to park. There were no spaces on the main roadway due to the steep slope, and they did meet the minimum ratio requirements were met with those around the pool area. They added some in this version of the plan but it wasn't required at the time of last approval.

Councilmember Thomas asked if there was a right only exit. She was also concerned with the sight distance and curve, and worried about stacking since it is a gated entry.

Mr. Aiken said there would be full access. Gwinnett County determined that the turning vehicles would enter their respective travel lanes immediately since there is no center lane. He noted that there is a deceleration lane to accommodate lines at the gate, and said that Gwinnett County performed an extensive safety review prior to their approval.

Councilmember Graeder asked if the newer residential townhome classification (RTH) would be more fitting.

Mr. Aiken replied that RTH would require significantly different lot lines and different minimum lot sizes, and the applicant expressed concerns with changing plans and the cost of making any changes when all they needed to do is move a driveway.

Councilmember Graeder asked about the fencing condition limited to along Peachtree Industrial and Rogers Bridge.

Mr. Aiken said there was no requirement along the Riverbrooke side due to the stream and natural buffers providing much more than the required distance, that the intent is to separate the property from non-residential uses, not to prevent people from using the recreational area.

Mayor Harris called the applicant forward.

Mitch Peavy of 4525 S. Lee Street, Buford Georgia came forward to state that the design plans had been completed and noted that slight changes have been made, but the topography of the site is very limiting.

Mayor Harris called for questions from Council. Being none, Mayor Harris called for questions/comments from the public. Being none, Mayor Harris closed the public hearing and call for a motion.

**A motion was made by Councilmember Whitlock, seconded by Councilmember Harkness, to approve ordinance O2022-03 for Case Z2021-003 as presented.**

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

**VI. 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 at the first regular meeting of the Mayor and Council in each year. 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 recommended the appointment of Councilmember Greg Whitlock as the 2022 Mayor Pro tempore.

**A motion was made by Councilmember Thomas, seconded by Councilmember Doss to appoint Councilmember Whitlock as Mayor Pro tem for 2022.**

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

2. OATH OF OFFICE – SOLICITOR RICHARD ARMOND

Before entering the duties of office, the newly appointed 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. Judge Barrett administered the Oath to Office to Richard Armond as Solicitor for the City of Duluth.

**VII. ADJOURNMENT**

Being no further business, Mayor Harris called for a motion to adjourn.

**A motion was made by Councilmember Whitlock, seconded by Councilmember Thomas, to adjourn at 6:32 pm.**

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

Approved this 14 day of February, 2022.

  
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**Mayor Nancy Harris**

**ATTEST:**

  
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**Asst. City Mgr/City Clerk, Teresa Lynn**