



**MINUTES OF THE
MAYOR AND COUNCIL
CITY OF DULUTH, GA
JUNE 13, 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 5:45 p.m.

I. EXECUTIVE SESSION

A motion was made by Councilmember Thomas, seconded by Councilmember Whitlock, 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 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

Fridays-N-Duluth every Friday May -September, 6pm-9pm. Town Green/Parsons Alley.

Duluth Farmers & Artisan Market every 2nd Sunday of the month, 2:00-6:00pm. Town Green and Parsons Alley.

Viva Las Duluth June 25, 2022, 6:00-9:00pm. Town Green and Amphitheater.

III. MATTERS FROM CITIZENS

Rob Chester of 1324 Weatherstone Way, Atlanta, with the office of Congresswoman Carolyn Bordeaux came forward to give an update on the bi-partisan infrastructure spending on roads/bridges. The GDOT and the Treasury are still working on rules for how the funding will be disbursed. Congresswoman Bordeaux' office will continue to provide status updates.

IV. CONSENT AGENDA

1. APPROVAL OF MAY 9 & 23 MINUTES

2. INTERGOVERNMENTAL AGREEMENT – GWINNETT CTY – PINE NEEDLE BRIDGE

{A}

At the March 28, 2022 Council work session, staff provided results of the recent inspection of Pine Needle Drive over Rogers Creek Bridge and the estimated cost of needed repairs. Council authorized moving forward with a scope of work for minor repairs and asked staff to contact Gwinnett County to propose a cost sharing option. The County has agreed to split the cost. Approval of this item approves the Intergovernmental Agreement (IGA) as reviewed by the City Attorney. Bridge repair work is scheduled to begin on June 13.

3. ASSIGNMENT OF EASEMENT – GWINNETT COUNTY – HALL CIRCLE

{B}

At Council's direction, staff moved forward with developing plans for an extension of the sanitary sewer along Hall Circle and Fox Street to tie to the recently installed sanitary sewer by D.R. Horton for the Gardendale development. Before construction, the City acquired a permanent easement at the corner of Fox Street and Hall Circle and now must assign the permanent easement to Gwinnett County. Once the sewer line is installed, the County will be responsible for operations and maintenance.

4. ARPA SEWER PROJECTS—ORD TO AMEND BUDGET -RIGHT OF WAY ACQUISITION

{C}

As discussed previously with Mayor and Council, and as outlined in our executed IGA with Gwinnett County, the ARPA Sewer Projects are to be a joint effort between the City of Duluth and Gwinnett County. The County is well under way with design, and the City is now expected to move forward with land acquisition for the ultimate construction of sanitary sewer in the Pinecrest Neighborhood and the Hill Community. To acquire said right of way and easements, staff is requesting funds be authorized for acquisition costs and for land costs at this time. Staff is requesting the following estimated budget:

Acquisition Services:	\$540,000
Acquisition Contingency:	\$135,000
Property Costs:	\$1,500,000
Property contingency:	\$500,000
City Engineer Time:	\$ 25,000

Total Budget from ARPA Funds: \$2,700,000. This includes land from approximately 87 properties.

Previously, the City received its first installment of \$5,528,538.50 in ARPA funding from the State of Georgia and established a capital project fund to account for the funds. Staff is requesting \$700,000 in ARPA Funding be added to American Rescue Plan Act 2021 Fund - New Sewer Services - Professional Services line item and \$2,000,000 be added to Infrastructure line item. Approval of this item approves BA-FY22-39 to amend the FY22 budget as presented.

5. ORDINANCE TO AMEND LIST OF ROADS/SPEED ZONES {D}

Approval of this item approves ordinance O2022-22 revising the Georgia Department of Transportation/City of Duluth List of Roads (Speed Zone Ordinance #2410-04-22) outlining revised streets, school zones, and speed limits.

6. TITLE VI ANNUAL REPORTING {E}

At the April 25, 2022 Council work session, staff reviewed the City's Title VI reporting requirements as well as the City's annual accomplishments. Approval of this item authorizes the Mayor to sign the required documents for staff submission to Georgia Department of Transportation (GDOT) before June 30, 2022.

7. AUTHORIZATION FOR 2022 AD VALOREM – INSOLVENT ACCOUNTS {F}

Per Chapter 2, Article 1, Sec 2- 4 of the Duluth Code, approval of this item grants insolvency status to property tax accounts determined to be uncollectible for years up through 2021 in the base amount of \$10,089.78 plus penalties and interest for a total of \$11,725.22. Accounts are considered insolvent only after every effort to collect them has been exhausted, which includes processing late notices, returned mail investigation, cross checks with the Gwinnett County's Tax Assessors' real and personal property tax files, City and County Occupational Tax records, including onsite visits by the Licensing Compliance inspector.

8. BID OPENING FOR RECONSTRUCTION PROJECT – ST2022-01

In May of this year, staff advertised Reconstruction Project ST2022-01 relating to resurfacing of a .04-mile section of roadway. On June 6, the City received two (2) bids from Backbone Infrastructure and Wilson Construction Mgmt. Following a review and analysis of each bid and reference checks by Columbia Engineering, neither bidder provided all requested documentation. Accordingly, staff recommends rejection of all bids as outlined in the bid documents. Approval of this item authorizes the rejection of bids for ST2022-01.

9. AUTHORIZATION FOR PTV USAGE & CO-SPONSORSHIP-DULUTH FALL FESTIVAL

Council previously approved the Personal Transportation Vehicle (PTV) Ordinance, allowing PTV usage on an annual basis by Council. Per the ordinance, PTV usage is permitted only at specified events, and only in specific locations during those events. Staff recommends the following event permit PTV usage as follows:

Fall Festival 2022

Staff recommends this be a "Level I" event whereby the use of PTVs shall be authorized within the area generally bounded by West Lawrenceville Street between Hill and Main Streets, Main Street between West Lawrenceville Street and Davenport Extension, Davenport Extension between Main Street and Hill Street, and Hill Street between Davenport Extension and West Lawrenceville Street. The entire paved length of Ridgway Road is included in this area as well as the parking lots along each of these corridors. Unless Main Street and West Lawrenceville Streets are closed to traffic, PTVs are not permitted on these roads as their speed limit exceeds twenty-five (25) miles per hour. PTVs shall not be authorized to cross S.R. 120/Abbotts Bridge during "Level I" events. Dates of Authorization are September 22, 23, 24, & 25. Furthermore, no passengers other than authorized Fall Festival volunteers are allowed except for vendors who may be transported to the designated passenger van pick up location. No other events are recommended for PTV usage at this time.

Sponsored or Cosponsored Event - Approval of this item also acknowledges that this event is deemed sponsored or cosponsored by the City of Duluth and waives food service requirements per Section 26-2-370 of O.C.G.A., which exempts food vendors from having to obtain said permits provided that the event lasts 120 hours or less. The waiver applies to signage fees and signage location requirements provided that the City Clerk and Public Works Director are given a list of where signs will be erected throughout the City for promotion of the approved event. Fall Festival 2022 is recommended to be a Licensed Merchant Zone which allows alcohol to be purchased from Downtown Licensed Merchants and carried out into the Downtown area.

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

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

V. PUBLIC HEARINGS

1. ORDINANCE OF SPECIAL USE – SU2022-001 – OZONE EMISSION INC. {G}

Mayor Harris opened the public hearing to consider an application (SU2022-001) from Ozone Emission, Inc. for Special Use approval to operate an emissions facility as an accessory use on a +/- 1.36-acre property operating as a gas station in Land Lot 244 of the 7th District, Gwinnett County, consisting of tax parcel R7244 420. The subject property is located at 2880 Peachtree Industrial Boulevard, Duluth, Georgia 30096.

Planning Director Bill Aiken came forward to present. He stated the intent of a Special Use designation for an Emissions Testing Facility is to ensure that the use, intensity, and number of such facilities be consistent with the surrounding land-uses and future land uses of the area. He provided the history of the site, discussed the Character Area (Peachtree Retail Corridor), and explained why the recommended action was for approval.

It is Staff's opinion that the special circumstances of this site, being the preexistence of an emissions testing bay, provide Duluth with a use necessary to the community while limiting said use's overall impact on the area. This site was developed for the proposed use in mind in 2001. Therefore, the addition of the emissions testing facility will not over burden the existing infrastructure on or near the site.

The request is for approval of Special Use to allow for the operation of an emissions testing facility. In 2001 the gas station and car wash were approved and constructed. The location was closed from 2017 to 2020. In 2021 Peachtree Amoco Gas Station opened. The current zoning does not allow for the proposed development by right. The subject property is located in the Peachtree retail Corridor District. FORWARDuluth envisions the character area to be an attractive and energized retail corridor easily accessed by Duluth residents and non-Duluth residents. FORWARDuluth aspires for redevelopment and reinvestment of older commercial areas within the Peachtree Retail Corridor. Consistent with this aspiration, the property owner has redeveloped a once dilapidated and nuisance property into an operating gas station. The approval of the request would allow the applicant to utilize the last building on the property currently not in use. The Future Land Use Map classifies the subject property as Commercial/Retail/Office. At one point the subject property was an emission testing facility however as time lapsed between 2017 and 2020 it lost the legal non-conforming status.

The Duluth Planning Commission recommended approval of Case SU2022-001 as presented by staff at the April 4, 2022 public hearing. Staff recommends approval of Case SU2022-001 as outlined in ordinance O2022-20 with conditions and as long as the owner meets code compliance and development standards.

Mayor Harris called for discussion from Council. No comments brought forward.

The Mayor asked the applicant if he would like to comment; he declined.

Mayor Harris called for questions or comments from the public. There being none, she closed the public hearing and call for a motion.

A motion was made by Councilmember Harkness, seconded by Councilmember Graeder, to approve ordinance O2022-20 for Case SU2022-001 as presented.

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

2. SECOND PUBLIC HEARING/ORD TO ADOPT THE FY23 BUDGET {H}

The Mayor and Council considered approval of ordinance O2022-21 to adopt the Fiscal Year 2023 Annual Operating and Capital Projects Budget. Per State law, the Mayor and Council to hold public hearings to receive public comments on the proposed FY23 budget. Prior to this public hearing, staff and Council reviewed it at a work session held on April 18, 2022. The first public hearing was held on May 9, 2022 at the Council meeting, as duly noticed and open to the public.

Mayor Harris opened the public hearing and called City Manager James Riker forward to present.

Mr. Riker presented the City's vision statements, summary of the operating budget, revenues, expenditures, and capital projects. The FY23 Capital Reserves show the City in a strong cash position. He noted that revenue drivers do not change much from year to year.

Mr. Riker pointed out the budget changes by department, millage rate history and noted that before 2005, it was actually higher. He highlighted some of the revenues and expenditures.

Mayor Harris called for discussion from Council.

Councilmember Harkness asked what funds would be needed to balance this year's budget. Mr. Riker said it would be hard to estimate, but the potential is to end this year with a surplus of \$2M.

There being no further questions, the Mayor called for questions/comments from the public. Being none, Mayor Harris closed the public hearing and called for a motion.

A motion was made by Councilmember Whitlock, seconded by Councilmember Thomas, to approve Ordinance O2022-21 approving the Fiscal Year 2023 budget as presented.

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

VI. NEW BUSINESS

1. APPROVAL OF INTERGOVERNMENTAL AGREEMENT – 2022 SPLOST {I}

Mayor and Council to consider approving an Intergovernmental Agreement (IGA) with Gwinnett County for use and distribution of proceeds generated by the 2022 Special Purpose Local Option Sales Tax Referendum. The attached IGA is in draft form.

A motion was made by Councilmember Harkness, seconded by Councilmember Whitlock, to authorize Mayor Harris to sign an Intergovernmental Agreement (IGA) with Gwinnett County for use and distribution of proceeds generated by the 2022 Special Purpose Local Option Sales Tax Referendum subject to review and approval of the final agreement by the City Manager and City Attorney.

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

2. APPROVAL OF INTERGOVERNMENTAL AGREEMENT – URA – PARCEL R6293 004

{J, K}

The proposed Intergovernmental Agreement (IGA) transfers .964 acres of tax parcel R6293 004 of real property located on Old Peachtree Road, also identified as 3279 Buford Highway, from the City of Duluth to the City of Duluth Urban Redevelopment Agency (URA). Said property is to be used for the construction of the Davenport Road extension and other redevelopment activities consistent with the adopted Urban Redevelopment Plan and previously approved Intergovernmental Redevelopment Cooperation and Assistance Agreement.

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

A motion was made by Councilmember Doss, seconded by Councilmember Graeder, to approve the Intergovernmental Agreement (IGA) transferring .964 acres of tax parcel R6293 004 of real property located on Old Peachtree Road also identified as 3279 Buford Highway from the City of Duluth to the City of Duluth Urban Redevelopment Agency (URA) 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 FY22 BUDGET - \$16,170 – HVAC REPAIRS {L}

The HVAC in the council chambers recently stopped working. Staff called in our HVAC contractor, Classic Air, to troubleshoot and evaluate the unit. A single unit serves the council chambers exclusively; it has no refrigerant in circuit #1 and is currently only working on circuit #2. The unit is 15 years old and utilizes R-22 refrigerant. Due to the phasing out of this type of refrigerant, it is hard to obtain and extremely expensive.

Staff was given estimates for both repairing and replacing the unit. The repair would cost \$4,010 and is contingent on the contractor finding and being able to repair the source of the leak. If the leak is in the coil, it will require an additional estimate of the repair cost. The replacement cost is \$16,170 and includes a one-year parts and labor warranty and a 5-year compressor parts warranty. The HVAC contractor recommend we replace the unit, based on the age of the unit and the cost to repair.

For this reason, staff is requesting \$16,170 in unallocated 2014 SPLOST Administrative Facilities funds be added to the City Hall Design/Build - General Government Buildings - Buildings line item, including associated transfers.

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

A motion was made by Councilmember Whitlock, seconded by Councilmember Harkness, to approve ordinance BA-FY22-38 for HVAC repairs as presented.

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

VIII. MATTERS FROM COUNCIL

Councilmember Whitlock thanked staff for a successful Amnesty "Clean up" Day.

Councilmember Thomas noted that friends who live in downtown Atlanta chose Duluth to hold their wedding. They booked 15 rooms at the hotel and rented out space in a downtown brewery for the rehearsal dinner.

Median landscaping on Peachtree Industrial Blvd. looks very nice.

IX. MATTERS FROM CITY MANAGER

Duluth Public Art Commission received 175 submittals for the Playable Art piece and narrowed down to nine. The Mayor and Council will be review them in July and the award will be placed on the August agenda.

Upgraded pet stations have been installed throughout the downtown

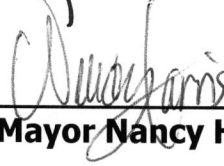
The town green is getting a lot of use, which is causing the green areas to be stressed. Due to construction closing certain areas, wear and tear in other sections has increased.

X. ADJOURNMENT

A motion was made by Councilmember Graeder, seconded by Councilmember Whitlock, to adjourn at 6:35 pm.

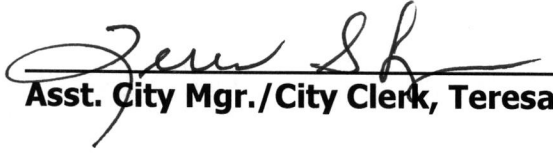
**Voting for: Council members Harkness, Thomas, Doss, Graeder, and Whitlock
Motion carried.**

Approved this 11 day of July, 2022.



Mayor Nancy Harris

ATTEST:



Asst. City Mgr./City Clerk, Teresa Lynn