



CITY COUNCIL MEETING

Beverly Burks –Mayor
Jamie Carroll *Ahmed Hassan*
Awet Eyasu *Laura Hopkins*
Debra Johnson *Mark W. Perkins*

Robin I. Gomez– City Manager

AGENDA

Tuesday, May 4, 2021 7:00PM
By ZOOM

A. CALL TO ORDER

B. ROLL CALL/ PLEDGE OF ALLEGIANCE

C. ADMINISTRATIVE BUSINESS/ PRESENTATION

C1) Approve Minutes: Council Meeting 4-6-2021 and Work Session 4-27-21

D. REPORTS:

- 1) Planning & Zoning Report
- 2) City Manager's Report
- 3) City Attorney's Report
- 4) Council Remarks
- 5) Mayor's Report

E. PUBLIC COMMENTS

Any member of the public may address the Council, during the time allotted for public comment. Each attendee will be allowed 3 minutes for comments at the discretion of the Presiding Officer. The public comment period will be limited to 40 minutes and it is not a time for dialogue. If your public comment contains a series of questions, please submit those to the City Clerk in writing. This will facilitate follow-up by the council or staff. The City Council desires to allow an opportunity for public comment; however, the business of the City must proceed in an orderly, timely manner.

F. OLD BUSINESS

F1) Amend Section 3-58. New licenses permitted for certain designated businesses to define and permit a retail delivery shop to sell and deliver packaged beer, malt beverages and/or wine as a qualified business in the City of Clarkston.

F2) Amend the City Charter to modernize certain provisions; to Amend Article IV of the Charter Regarding Budgeting, Appropriations and Auditing; to Repeal Conflicting Provisions

G. NEW BUSINESS

G1) Public Hearing: Adoption of an ordinance to annex 1145 Cleavemark Drive, Clarkston, GA 30021, into the City of Clarkston.

G2) Public Hearing: Adoption of an ordinance to assign the zoning of NR-1 Low Density Residential to the property located at 1145 Cleavemark Drive, Clarkston, GA 30021.

G3) Adopt a City-wide Litter Control Ordinance

G4) Adopt Bike Month Resolution

G5) Commitment to phase-out the use of single-use plastics within Clarkston owned, operated, and leased buildings and facilities resolution

G6) Approve Appointments to the Police Community Task Force

G7) Adopt Resolution to Increase the Cap/Number of Refugees to a previously announced 62,500 (up from 15,000).

G8) Adopt a Proclamation Designating Nurse Week (May 6-12)

H. ADJOURNMENT:

CITY COUNCIL MEETING 4-6-2021

MINUTES

CLARKSTON CITY COUNCIL

Tuesday, April 6, 2021

Via Zoom

Officials Present by Teleconference

Mayor: Beverly H. Burks

Council: Jamie Carroll, Awet Eyasu, Ahmed Hassan,
Debra Johnson

City Manager: Robin I. Gomez

City Clerk: Tracy Ashby

City Attorney: Stephen Quinn

A. CALL TO ORDER

Mayor Burks called the meeting to order at 7:00pm

B. ROLL CALL/ PLEDGE OF ALLEGIANCE

Jamie Carroll, Awet Eyasu, Ahmed Hassan, Debra Johnson,
Laura Hopkins and Mark Perkins arrive 7:02p

C. ADMINISTRATIVE BUSINESS/ PRESENTATION

C1) Approve Minutes: 3-30-2021 Work Session/Special Call and 4-2-2021 Council Meeting

Debra Johnson made a motion to approve the 3-30-2021 Work Session/Special Call and 4-2-2021 Council minutes. Ahmed Hassan seconded the motion. A vote was called and the motion passed unanimously (6, 0).

D. REPORTS:

1) Planning & Zoning Report

Shawanna Qawiy reported that the Planning and Zoning Board will meet on April 20th to hear an annexation request 1145 Cleavemark Drive. The Zoning rewrite teams has extended the deadline for Mayor/Council to schedule a one-on-one meeting for April 7 and 8th. Mrs. Qawiy provided an update on the Comprehensive plan steering committee. A Virtual institute Planning institute training is scheduled for the Planning and Zoning Board on April 15 and 16. The Zoning rewrite technical advisory committee meeting is scheduled for April 13. A survey for community response is available on the city website and posts will appear on social media on April 7, 9, 13, 15, 3 times daily.

2) City Manager's Report

The City Manager provided update on City operations with offices closed to the public but services available by phone or email with appropriate staff. He provided details on upcoming vaccinations locations/time in Clarkston. He thanked participants on the March 27 Rivers Alive waterway cleanup. He provided a Streetscape project update and appreciated the public's patience. Mr. Gomez provided a detailed Year to Date Financial Report thru March 31, 2021. The City is currently planning to open Milam Pool on May 28 with normal season dates/times but with limited capacity. Mr. Gomez reported on the development projects such as the tiny Homes and Starnes Senior center.

3) City Attorney's Report

No report

4) Council Remarks

Vice Mayor Awet Eyasu reported on his attendance of the March 12 Friendship Forest reopening and it was a great event. He also participated in the March 27 waterway cleanup. He thanked the City Staff and volunteers that attended. He reminded residents that April is Autism Awareness month.

CITY COUNCIL MEETING 4-6-2021

Jamie Carroll discussed his attendance of the Friendship Forest and the Rivers Alive cleanup. He was happy to help and appreciated the great turnout. He reported he got his first Covid19 Moderna vaccine in March and he had no side effects and he encouraged everyone who has not been vaccinated to get the shot.

Debra Johnson welcomed new councilmember Mark Perkins. She attended the weekly GMA covid conference call and she found it very informative and encouraged other council members to attend. One March 24, she attended first steering committee meeting on comprehensive plan and on March 27 she also attended the water cleanup event.

Laura Hopkins had no report.

Mark Perkins reported that he attended the opening of Friendship Forest and the Rivers Alive clean-up before being sworn I and it was great to be part of these events. He completed the newly elected officials training and he was on the call for American Rescue Act and he completed a ride along with SGT Koirala of the CPD.

5) Mayor's Report

The Mayor reported she also attended the Friendship Forest opening as well as the Rivers Alive clean up. She attended the newly elected officials training and the American Somali basketball tournament for students across country. She is looking forward to the Pet Wellness event scheduled for April 25. Clarkston will celebrate May as Bike Month, along with the other cities in DeKalb. We will have adopted a resolution and we will take part in an event on the Stone Mountain Trail.

E. PUBLIC COMMENTS

Any member of the public may address the Council, during the time allotted for public comment. Each attendee will be allowed 3 minutes for comments at the discretion of the Presiding Officer. The public comment period will be limited to 40 minutes and it is not a time for dialogue. If your public comment contains a series of questions, please submit those to the City Clerk in writing. This will facilitate follow-up by the council or staff. The City Council desires to allow an opportunity for public comment; however, the business of the City must proceed in an orderly, timely manner.

Mayor Burks read the public comment policy.
Mr. Gomez provided the names of registered speakers.

Brian Medford liked meeting minutes format and posting of meeting video. He requested council review an email he submitted. He suggested a sunset for the proposed alcohol ordinance.

Amy Medford commended the hard work on the streetscape but was concerned on the CDA being dissolved. She discussed support of the alcohol delivery item.

Yterenickia Bell expressed concerns with the dissolving of the CDA and the limited public input on the resolution. She encouraged an adoption of a pet ordinance similar to Doraville.

Registered speakers that were not on the call:

Susan Hood (not on the call)
Tracy Bishop (not on the call)

Warren Hadlock supported the Council decision to dissolve the CDA. He discussed maintenance and plantings in Friendship Forest.

Mr. Awet provided information on Autism.

F. OLD BUSINESS

CITY COUNCIL MEETING 4-6-2021

G. NEW BUSINESS

G1) Amend Section 3-58. New licenses permitted for certain designated businesses to define and permit a retail delivery shop to sell and deliver packaged beer, malt beverages and/or wine as a qualified business in the City of Clarkston.

Shawanna Qawiy reported this request is to create an option for retail businesses who do not allow walk-in sales to receive a license for the retail sale, as a retail delivery shop, for package beer, malt beverages, and/or wine. As of July 3, 2016, the City no longer issues new licenses for the package sale of beer, malt beverages, and/or wine by package stores, convenience stores, other similar businesses, or any businesses other than those specifically identified in City Code of Ordinances Section 3-58. The applicant is requesting an ordinance amendment to venture into the delivery of beer and wine as a retail delivery shop.

Debra Johnson inquired on the council postponing this item to further research the request. Council discussion on the item and postponement.

Laura Hopkins made a motion to postpone the item until the May council meeting, Ahmed Hassan seconded the motion. No discussion. The Vote was called and the motion passed unanimously (6,0).

G2) Approve SPLOST 04 B & C – Rowland Street Pedestrian Enhancements & Trailhead Project, Proposed Changes in Project Scope

Mr. Gomez reported this item is to review and approve, or deny the proposed changes:

1. Addition of a sidewalk on Rowland St from N Indian Creek to Lovejoy
 2. Addition of a sidewalk on Rogers Street from Market to North Indian Creek
 3. Mill/Pave and construct two driveways in the Methodist Parking Lot, including drainage improvements on city right-of-way along Rogers Street
 4. Remove the Hill St raised landscape median and new granite curb
- Cost for projects and funding will be from SPLOST funds.

Discussion on considering removing the double yellow striping on Hill St and safety concerns if removed.

Awet Eyasu made a motion approve SPLOST 04 B & C – Rowland Street Pedestrian Enhancements & Trailhead Project Proposed Changes in Project Scope. Mark Perkins seconded the motion. Discussion that the changes adopted will include the striping. The Vote was called and the motion carried (5-Yes: Jamie Carroll, Awet Eyasu, Ahmed Hassan, Debra Johnson, Mark Perkins, 0-No, 1-Abstain: Laura Hopkins)

G3) Amend the City Charter to modernize certain provisions; to Amend Article IV of the Charter Regarding Budgeting, Appropriations and Auditing; to Repeal Conflicting Provisions

Mr. Gomez reported on the proposed charter amendment, which will require two readings and approvals of the council at two council meetings.

Proposed changes include:

1. expanding the city manager's duties to add proposing personnel rules (302 (d)(9));
2. specifying that municipal court has the authority to enforce the city's nuisance abatement ordinance (3.06 (h));
3. amending the oath of office to delete "So help me God." (3.11);
4. enhancing fiscal administration through the requirement for a city manager's budget message and procedures for amending appropriations (4.02); and
5. enhancing the audit function by specifying the use of a certified public accounting firm, expanding the review of the audit report and making the report available to the public (4.05).

The Mayor thanked the members of the Committee and members on the call spoke on the process.

CITY COUNCIL MEETING 4-6-2021

Ahmed Hassan addressed concerns and disagreed with the removal of “help me God” in the oath of office. Discussion to make the phrase optional by amending that portion to have two oaths and postponing the item for the next meeting cycle to allow further review.

Awet Eyasu made a motion to postpone this agenda item to the May council meeting to allow the City Attorney to provide an amended provision on the oath of office section. Discussion to hold preparing an amendment until consensus on the April work session. Jamie Carroll seconded the motion. A vote was called and the motion carried (6, 0)

G4) Proclamation Recognizing Pet Month for April

Mayor Burks spoke on the pet month proclamation and she encourage pet owners to vaccinate their pets. Residents are encouraged to attend the Pet Wellness event, scheduled for April 27th at Milam Park tennis courts 1-4p, which will offer pet vaccinations, microchipping and nail trimming. Services will be provided as no contact.

Debra Johnson motion to adopt Proclamation Recognizing Pet Month for April.

Laura Hopkins seconded the motion. A vote was called and the motion passed unanimously (6,0).

G5) Adopt a Resolution by the Clarkston Mayor and City Council in response to hate crimes against Asian Americans

Mayor Burks Carroll Johnson wanted to let the community know we are in support of our Asian community and that as a welcoming community we have no room for hate in our city.

Vice Mayor Eyasu appreciated this resolution and confirmed that as a welcoming city we are opposed to any hate and we are doing this due to the recent events and all communities are welcome in Clarkston and the blaming of an entire community due to a disease is unacceptable.

Laura Hopkins expressed support and pride of our welcoming community and that we want everyone to feel welcome and embraced.

Debra Johnson made a motion to Adopt a Resolution by the Clarkston Mayor and City Council in response to hate crimes against Asian Americans. Awet Eyasu seconded the motion. No discussion. A vote was called and the motion passed unanimously (6,0).

H. ADJOURNMENT:

Awet Eyasu made a motion to adjourn the meeting. Laura Hopkins seconded the motion.

A vote was called and the motion passed unanimously (6, 0). Meeting adjourned 8:47 pm.

COUNCIL WORK SESSION 4-27-21

WORK SESSION MINUTES CLARKSTON CITY COUNCIL

Tuesday, April 27, 2021

Via Zoom

Officials Present by Teleconference/Zoom

Mayor: Beverly H. Burks

Council: Jamie Carroll, Awet Eyasu, Laura Hopkins

Debra Johnson, Ahmed Hassan

City Manager: Robin I. Gomez

City Clerk: Tracy Ashby

City Attorney: Stephen Quinn

A. ROLL CALL

Mayor Burks, Awet Eyasu, Ahmed Hassan, Laura Hopkins, Debra Johnson, Jamie Carroll

B. WORK SESSION - RESIDENT COMMENT POLICY

Any member of the public may address questions or comments to the Council referencing only agenda items after the Mayor and Council have had the opportunity to discuss the agenda item. Each Attendee will be allowed 3 minutes for comments.

C. PRESENTATION/ ADMINISTRATIVE BUSINESS NEW BUSINESS

Presentation – 3/27/21 Waterway Clean-Up Event - Results

Kash Hatami gave a presentation on the Rivers Alive Cleanup

D. OLD BUSINESS

D1) Amend Section 3-58. New licenses permitted for certain designated businesses to define and permit a retail delivery shop to sell and deliver packaged beer, malt beverages and/or wine as a qualified business in the City of Clarkston.

Item D1 appeared on the April 4, 2021 Council Meeting agenda and City Council postponed to the May 4, 2021 Meeting. Shawanna Qawiy detailed the purpose of this request is to create an option for retail businesses who do not allow walk-in sales to receive a license for the retail sale, as a retail delivery shop, by the package of beer, malt beverages, and/or wine. The Georgia General Assembly adopted House Bill 879 last year allowing for the home delivery of beer, wine, and liquor. The business, Go Puff- Clarkston is requesting the ordinance amendment to venture into the delivery of beer and wine as a retail delivery shop. Per Section 3-58, of the City Code of Ordinance, goPuff is ineligible to obtain a new alcohol license in Clarkston as they currently do not meet the code requirement to sell as a growler shop, a specialty wine shop, or a grocery store.

Effective July 3, 2016, the City no longer issues new licenses for the package sale of beer, malt beverages, and/or wine by package stores, convenience stores, other similar businesses, or any businesses other than those specifically identified in City Code of Ordinances Section 3-58.

Council discussion on proposed Amendment to Section 3-58.

Public Speaker(s): Brian Medford

Item moved to May 4, 2021 Council Meeting Agenda.

D2) Amend the City Charter to modernize certain provisions; to Amend Article IV of the Charter Regarding Budgeting, Appropriations and Auditing; to Repeal Conflicting Provisions

Item D2 appeared on the April 4, 2021 Council Meeting agenda and City Council postponed to the May 4, 2021 Meeting Council for further discussion on the oath of office verbiage.

COUNCIL WORK SESSION 4-27-21

OPTIONS FOR END OF OATH:

Option 1 – “So help me God.” (This is the existing text).

Option 2 – Remove the reference to a higher power and have the oath end with the name of the office. (This was recommended by the Charter Review Committee).

Option 3 – “[At the option of the oath taker, he or she may elect to declare ‘so help me God’]”

Option 4 – “[Here the oath taker may insert a solemn declaration invoking the deity or higher power of the oath taker’s choice or elect not to do so.]”

Council discussion on proposed Amendments to the City Charter and preferred option to address the oath. General consensus on option 4

Public Speaker(s): Brian Medford, Warren Hadlock

Item moved to May 4, 2021 Council Meeting Agenda.

E. NEW BUSINESS

E1) Adoption of an ordinance to annex 1145 Cleavemark Drive, Clarkston, GA 30021, into the City of Clarkston.

The subject property known as 1145 Cleavemark Drive (parcel identification # 18 119 08 023) consists of a +/-2.114 acres tract of land that is requesting to be fully annexed into the City of Clarkston.

This request was reviewed and heard at the April 20th Planning and Zoning Board meeting.

Council discussion on proposed annexation of 1145 Cleavemark Drive (parcel identification # 18 119 08 023)

Public Speaker(s): Cathy Burroughs, Brian Medford

Item moved to May 4, 2021 Council Meeting Agenda.

E2) Adoption of an ordinance to assign the zoning of NR-1 Low Density Residential to the property located at 1145 Cleavemark Drive, Clarkston, GA 30021.

Agenda item is to adopt an ordinance assigning NR-1 Low Density Residential to parcel 18 119 08 023 known as 1145 Cleavemark Drive, Clarkston, GA 30021.

Council discussion on proposed assignment of the zoning of NR-1 Low Density Residential to the property located at 1145 Cleavemark Drive, Clarkston, GA 30021.

Public Speaker(s): No speakers

Item moved to May 4, 2021 Council Meeting Agenda.

E3) Approve Parking Lot Lease Agreement with the Clarkston United Methodist Church

The City of Clarkston originally approved an annual (and renewable) parking lot lease effective March 29, 2011, with the Clarkston United Methodist Church for the City’s use of the Church parking lot located at 1019 Rowland St. The lease has continued since then with at least one significant change that altered an annual \$600 lease payment from the City to the Church to a monthly payment (approximately \$134.57 monthly) for the Church’s use of a trash/solid waste disposal container (arrangement continues at present). The lease has allowed for additional and overflow parking needs by the City for meetings and events held mainly at Clarkston City Hall and the Clarkston Woman’s Club (both located diagonally and across the street from the referenced parking lot).

It is the City’s desire to continue a lease arrangement with the following main terms/specifics:

1. Length of lease - Annual lease to renew automatically for thirty (30) consecutive one-year terms.
2. Rent – no daily, weekly, monthly, or annual lease payment – City will pay monthly trash/solid waste container (8 yard size) fee, currently \$134.57, and any subsequent increases or decreases in said fee

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3. Parking Lot Improvements, valued at \$146,702 - Pave and construct two driveways in the Methodist Parking

Lot, including drainage improvements on city right-of-way along Rogers Street, more specifically:

- Mill existing asphalt and re-compact millings in-place
- Resurface with 3 inches of asphalt
- Restripe parking lot after paving; existing parking stalls - 59; new parking stalls – 60
- Remove asphalt between Friends of Refugee house and NAMB parking lot and grass
- Add dumpster pad and wooden enclosure with gate. Dumpster pad to be placed behind house
- Add 2 defined driveways onto Rogers Street – 30 feet wide each
- Add concrete curb along south end of parking lot to direct water to new drainage structures
- Add water quality device in church parking lot to address stormwater runoff quality issues
- Reconstruct existing storm lines on city ROW to address long history of flooding at houses on south side of Rogers Street
- Replace one existing dirt driveway with a concrete apron

Council discussion on proposed Parking Lot Lease Agreement with the Clarkston United Methodist Church

Public Speaker(s): No Speakers

Item moved to May 25, 2021 WS and June 1 Council Meeting Agenda.

E4) Adopt a City-wide Litter Control Ordinance

Mr. Gomez detailed that this item is to promote a clean, litter-free, beautiful City combined with a request resulting from an audit by the Metropolitan North Georgia Water Planning District, the City is desirous to consolidate various litter control sections in the current City Code of Ordinances in various chapters (5, 10, 12, 19) into one comprehensive new Section 23.

Specifically, the ordinance will:

1. Provide for uniform prohibition of any and all littering on public and private property.
2. Prevent the desecration of the beauty and quality of life of the City of Clarkston and prevent harm to the public health, safety, environment, and general welfare, including the degradation of water and aquatic resources caused by litter.

Council discussion on Adopting a City-wide Litter Control Ordinance

Public Speaker(s): No Speakers

Item moved to May 4, 2021 Council Meeting Agenda.

E5) Discuss adopting a Community Cats ordinance

The City has only adopted the DeKalb animal control ordinance and discussion that the City would adopt a Clarkston specific ordinance to include a community cat section. This item will be brought to the next Work Session.

Council discussion on a proposed Community Cats ordinance

Public Speaker(s): Cathy Burroughs, Chris Busing

Item moved to May 25 2021 Work Session Agenda and June 1 Council Meeting.

E6) Bike Month Resolution

To further promote a very high quality of life, health, and well-being for all in Clarkston, the City is encouraging bicycle riding as a viable option particularly using the PATH that runs through Clarkston (along Church St from N Decatur to Erskine Rd). Proclaiming May 2021 as Bicycle Month in Clarkston as part of National Bike Month serves both as an important reminder to continue to be physically active and to celebrate the proper and safe usage of bicycles throughout our City. Bike month will incorporate various events, educational programs, commuting events, and helmet promote

COUNCIL WORK SESSION 4-27-21

to encourage bicycle riders to go for a ride. The City of Clarkston will celebrate bike week from May 9 -15.

Council discussion on proposed Bike Month Resolution
Public Speaker(s): Brian Medford
Item moved to May 4, 2021 Council Meeting Agenda.

E7) Commitment to phase-out the use of single-use plastics by incrementally substituting such products with viable non-plastic alternatives with the aim of fully eliminating the usage of all single-use plastic products, within Clarkston owned, operated, and leased buildings and facilities resolution

Review/Discuss a proposed resolution to commit to phase-out the use of single-use plastics by incrementally substituting such products with viable non-plastic alternatives with the aim of fully eliminating the usage of all single-use plastic products, within Clarkston owned, operated, and leased buildings and facilities resolution

Council discussion on proposed phase-out the use of single-use plastics
Public Speaker(s): Warren Hadlock
Item moved to May 4, 2021 Council Meeting Agenda.

E8) Discuss Proposed Resolution to update, standardize, and streamline the submittal and archiving of City Council Worksessions, Meetings, and Committee Meetings.
Discussion for standardizing the process for submitting and archiving agendas and minutes for council and various committees and create quarterly reporting requirements.

Council discussion on proposed updating, standardizing, and streamlining the submittal and archiving of City Council Worksessions, Meetings, and Committee Meetings
Public Speaker(s): Brian Medford, Chris Busing
Council to work further on the item and bring forward at a alter meeting.

E9) Proposed Appointments to the Police Community Task Force
Council to discuss appointments to the Clarkston Police Community Task Force (CPCTF).
Addition of Kim Ault who submitted a resident application on 4-26-21.
Council discussion on proposed appointments to the Clarkston Police Community Task Force (CPCTF)
Public Speaker(s): Chris Busing
Item moved to May 4, 2021 Council Meeting Agenda.

E10) Discuss Proposed Resolution to Increase the Cap/Number of Refugees to a previously announced 62,500 (up from 15,000).
Council Discussion on a proposed resolution to encourage the US President to increase the number of refugees to be resettled during this Federal Fiscal Year (ending September 30, 2021).
Council discussion on proposed Resolution to Increase the Cap/Number of Refugees to a previously announced 62,500 (up from 15,000).
Public Speaker(s): Chris Busing
Item moved to May 4, 2021 Council Meeting Agenda.

E11) Adopt a Proclamation Designating Nurse Week (May 6-12)
The Mayor and City Council will consider adopting a proclamation designating May 6 to 12, 2021 as Nurses Week in Clarkston. The pandemic has shown the courage, compassion, dedication and leadership that Nurses have demonstrated in caring for our Clarkston community and families.

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Professional nurses and their families have sacrificed to provide safety and quality care to very ill hospitalized patients.

Council discussion on proposed

Public Speaker(s): No Speakers

Item moved to May 4, 2021 Council Meeting Agenda.

F. ADJOURNMENT

Meeting Adjourned.

CITY OF CLARKSTON

ITEM NO: F1

CLARKSTON CITY COUNCIL WORK SESSION

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
ORDINANCE

MEETING DATE: May 4, 2021

SUBJECT: Amend *Section 3-58* of the Clarkston City Code of Ordinances, *New licenses permitted for certain designated businesses*, to define and permit a retail delivery shop to sell packaged beer, malt beverages, and/or wine as a qualified business in the City of Clarkston.

DEPARTMENT:
Planning/Economic and Development

PUBLIC HEARING: YES NO

ATTACHMENTS: YES NO
Pages:

INFORMATION CONTACT:
Shawanna Qawiy, MSCM, MPA
Planning/Economic and Development Director
PHONE NUMBER: 404-296-6489

PURPOSE: Mayor and City Council shall discuss a request from go Puff to amend *Section 3-58. New licenses permitted for certain designated businesses* to define and permit the business, a retail delivery shop, to sell packaged beer, malt beverages, and/or wine in the City of Clarkston.

BACKGROUND:

The purpose of this request is to create an option for retail businesses who do not allow walk-in sales to receive a license for the retail sale, as a retail delivery shop, by the package of beer, malt beverages, and/or wine. The Georgia General Assembly adopted House Bill 879 last year allowing for the home delivery of beer, wine, and liquor. Go Puff- Clarkston is requesting the ordinance amendment to venture into the delivery of beer and wine as a retail delivery shop. Per Section 3-58, of the City Code of Ordinance, goPuff is ineligible to obtain a new alcohol license in Clarkston as they currently do not meet the code requirement to sell as a growler shop, a specialty wine shop, or a grocery store.

Effective July 3, 2016, the City no longer issues new licenses for the package sale of beer, malt beverages, and/or wine by package stores, convenience stores, other similar businesses, or any businesses other than those specifically identified in City Code of Ordinances Section 3-58.

GoPuff requests the following code change:

Sec. 3-58. - New licenses permitted for certain designated businesses.

After July 3, 2016, new licenses for the retail sale by the package of beer, malt beverages and/or wine may be obtained only for businesses that qualify as a "growler shop," "specialty wine shop," ~~or a~~ "grocery store" or a "retail delivery shop" as defined in this section and meet the other criteria for a license set forth in this Chapter. As used in this section, the following terms shall have the following meanings:

(a) Growler means a reusable glass jug, sized 32—64 ounces, used to transport beer for off-premises consumption. The container shall be sealed, on-premises, with a tamper-proof plastic cap.

(b) Growler shop means a business engaged primarily in the sale of growlers of beer. A growler shop must offer at least twelve (12) varieties of beer from at least six (6) beer manufacturers for sale by the growler. A growler shop may dedicate up to forty-nine (49) percent of its sales floor space to beer sold by the bottle or can.

(c) Specialty wine shop means a business engaged primarily in the sale of wine by the bottle. A specialty wine shop shall offer at least fifty (50) varieties of wine from at least twenty-five (25) wine manufacturers. A specialty wine shop may dedicate up to twenty-five (25) percent of its sales floor space to beer for sale by the bottle or can.

(d) Grocery store means a retail establishment which is primarily engaged in the sale of uncooked food, has a total retail floor space of at least ten thousand (10,000) square feet of which at least eighty-five (85) percent is reserved for the sale of food and other nonalcoholic items and conducts all of its sales inside the building containing its retail floor space.

(e) Retail Delivery Shop means a retail establishment, which is engaged in the retail sale of food products, household goods and other sundry items for delivery only, that has a total interior floor area of not more than 10,000 square feet.

Recommendation:

NA

Attachments:

House Bill 879.

go Puff commodity list.

House Bill 879 (AS PASSED HOUSE AND SENATE)

By: Representatives Harrell of the 106th, Carpenter of the 4th, Powell of the 32nd, Stephens of the 164th, Frye of the 118th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages,
2 so as to provide for and change certain regulations as to the sale and consumption of
3 alcoholic beverages; to provide for the Department of Revenue to develop and implement
4 a state-wide, centralized application process for retailers for initial applications and renewals
5 for licenses and permits; to provide for uniform procedures and forms for such online
6 process; to provide for remittance and reporting of application fees; to provide methods by
7 which the governing authority of a municipality or county may extend the hours of Sunday
8 sales of alcoholic beverages for consumption on the premises and for consumption off the
9 premises if Sunday sales of such alcoholic beverages are already lawful as a result of a
10 passage of a referendum; to provide the requirements and procedures of referendums,
11 ordinances, and resolutions to extend the hours on Sundays during which certain alcoholic
12 beverages may be sold; to provide for referendums; to provide for the legislative intent of the
13 General Assembly to exercise strict regulatory control over the three-tier system; to permit
14 certain retailers to make deliveries of alcoholic beverages pursuant to specific terms and
15 conditions; to provide for definitions; to allow certain retailers to market, receive, and
16 process orders for alcoholic beverages using electronic means owned, operated, or
17 maintained by third parties; to provide for the relationship between such retailers and third
18 parties; to provide certain requirements for individuals making deliveries; to provide for
19 warrantless searches and seizures by certain agents and officers of the Department of
20 Revenue; to provide for training on sales and delivery of alcoholic beverages; to provide for
21 the commissioner of revenue to promulgate certain rules and regulations; to provide for
22 penalties; to provide that licenses for retail sale packages of alcoholic beverages for
23 consumption off the premises shall be subject to regulation as to distances from college
24 campuses as determined by the local governing authority; to provide an exception; to provide
25 that retail package liquor stores may conduct tasting events at which samples of alcoholic
26 beverages may be served; to provide for terms and conditions of tasting events; to specify
27 that manufacturers and wholesalers may provide samples of alcoholic beverages to retail
28 dealers under certain conditions; to provide for the promulgation of rules and regulations by

29 the state revenue commissioner; to revise certain provisions for purposes of conformity; to
 30 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
 31 other purposes.

32 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

33 **SECTION 1.**

34 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
 35 amended by adding a new Code section to read as follows:

36 "3-2-7.1.

37 (a) On or before January 1, 2021, the department shall develop and implement a
 38 state-wide, centralized application process for initial applications and renewals for licenses
 39 and permits for retailers in order to provide for uniform and streamlined practices with
 40 respect to such application and renewal process that both the department and any local
 41 governing authority of any county or municipality that issues licenses or permits to retailers
 42 shall be required to use. Such process shall provide for such licenses and permits for
 43 retailers that may be issued by the department and by the governing authority of any county
 44 or municipality to be applied for and renewed online. The department in developing and
 45 implementing such process shall consider input from retailers, local governments, and the
 46 associations that represent them.

47 (b) The department shall prescribe uniform procedures and forms for the initial application
 48 and renewal for licenses and permits for retailers to be used in the state-wide, centralized
 49 application process and shall provide for the local governing authority of any county or
 50 municipality to provide electronic forms to be added to such process for any additional
 51 information that is necessary in order to determine if a local license or local permit may be
 52 issued or renewed that such local governing authority demonstrates substantially differs
 53 from that requested through the procedures and forms developed by the department, such
 54 as, but not limited to, any distance requirements.

55 (c) The state-wide, centralized application process shall ensure that any initial application
 56 or renewal is sent simultaneously upon completion to the department and the appropriate
 57 local governing authority; provided, however, that the department may require that a valid
 58 local license or permit be issued prior to granting a license or permit.

59 (d) The state-wide, centralized application process shall provide for the remittance and
 60 reporting of all fees for initial applications and renewals for licenses and permits for
 61 retailers and may do so by requiring the applicant to pay the department and the local
 62 governing authorities of the county or municipality separately at the time the initial
 63 application or renewal is submitted.

- 64 (e) The department shall administer the state-wide, centralized application process and
 65 shall provide access to the necessary authorized users.
 66 (f) The commissioner shall adopt rules and regulations necessary to implement and
 67 administer the provisions this Code section."

68 **SECTION 1A.**

69 Said title is further amended by adding a new Code section to read as follows:

70 "3-3-1.1.

71 (a) This title has been enacted pursuant to the authority granted to the state under the
 72 Twenty-first Amendment to the United States Constitution, the powers reserved to the state
 73 under the Tenth Amendment to the United States Constitution, and the inherent powers of
 74 the state under the Constitution of the State of Georgia of 1983. It is the intent of the
 75 General Assembly that this title do all of the following:

- 76 (1) Further regulate and control alcoholic beverage transactions in this state under the
 77 control and supervision of the commissioner;
 78 (2) Promote and assure the public's interest in fair and efficient distribution and quality
 79 control of alcoholic beverages in this state;
 80 (3) Promote orderly marketing of alcoholic beverages;
 81 (4) Prevent unfair business practices, discrimination, and undue control of one segment
 82 of the alcoholic beverage industry by any other segment;
 83 (5) Foster vigorous and healthy competition in the alcoholic beverage industry;
 84 (6) Preserve and promote a robust, stable system of distribution of alcoholic beverages
 85 to the public;
 86 (7) Provide for an orderly system of public revenues by facilitating the collection and
 87 accountability of this state and local excise taxes;
 88 (8) Facilitate the collection of state and local revenue;
 89 (9) Promote the health, safety, and welfare of residents of this state by, among other
 90 purposes, ensuring that the commissioner shall be able to inspect and seize any alcoholic
 91 beverage shipped into, distributed, and sold throughout this state and ensuring that any
 92 such alcoholic beverage:
 93 (A) Has been registered for sale in this state with the commissioner;
 94 (B) Is not subject to a government mandated or supplier initiated recall;
 95 (C) Is not counterfeit;
 96 (D) Is labeled in conformance with applicable laws, rules, and regulations;
 97 (E) Can be tested by the commissioner or an agent assigned by the commissioner; and
 98 (F) Is not prohibited by this state; and

99 (10) Promote and maintain a sound, stable, and viable three-tier system of distribution
 100 of alcoholic beverages to the public.
 101 (b) If any provision of this title or its application to any person or circumstance is
 102 determined by a court or other authority of competent jurisdiction to be invalid or
 103 unconstitutional, such provision shall be stricken and the remaining provisions shall be
 104 construed in accordance with the intent of the General Assembly to further limit rather than
 105 expand commerce in alcoholic beverages, and with respect to alcoholic beverages, the
 106 remaining provisions shall be construed to enhance strict regulatory control over the
 107 taxation, manufacture, distribution, and sale of alcoholic beverages through the three-tier
 108 regulatory system and the licensing laws imposed by this title."

109 SECTION 2.

110 Said title is further amended in Code Section 3-3-7, relating to local authorization and
 111 regulation of sales of alcoholic beverages on Sunday, by adding new subsections to read as
 112 follows:

113 "(j.2)(1) Notwithstanding any other provisions of law, on and after the effective date of
 114 this Code section, in all counties or municipalities in which governing authority has been
 115 authorized pursuant to a referendum held under this Code section to permit the sale of
 116 alcoholic beverages for consumption on the premises on Sundays from 12:30 P.M. until
 117 12:00 Midnight and has been authorized pursuant to a referendum held pursuant to
 118 subsection (p) of this Code section to permit package sales of malt beverages and wine,
 119 but not distilled spirits, on Sundays from 12:30 P.M. to 11:30 P.M., the governing
 120 authority of the county or municipality may, by resolution or ordinance conditioned on
 121 approval in a referendum, authorize on Sundays from 11:00 A.M. until 12:00 Midnight
 122 the sale of:

123 (A) Alcoholic beverages for consumption on the premises in any licensed
 124 establishment which derives at least 50 percent of its total annual gross sales from the
 125 sale of prepared meals or food in all of the combined retail outlets of the individual
 126 establishment where food is served and in any licensed establishment which derives at
 127 least 50 percent of its total annual gross income from the rental of rooms for overnight
 128 lodging; and

129 (B) Packages sales of malt beverages and wine.

130 (2) Any governing authority desiring to permit and regulate such Sunday sales pursuant
 131 to this subsection, but only after a referendum election, shall so provide by proper
 132 resolution or ordinance conditioned on a referendum. Not less than ten nor more than
 133 60 days after the date of approval of such resolution or ordinance, it shall be the duty of
 134 the election superintendent of the county or municipality to issue the call for an election

135 for the purpose of submitting the question of such Sunday sales to the electors of the
 136 county or municipality for approval or rejection. The superintendent shall set the date of
 137 the election for a day not less than 30 nor more than 60 days after the date of the issuance
 138 of the call. The superintendent shall cause the date and purpose of the election to be
 139 published in the official organ of the county once a week for two weeks immediately
 140 preceding the date thereof. The ballot shall have written or printed thereon the words:

141 ' () YES Shall the governing authority of (name of municipality or county) be
 142 authorized to permit and regulate Sunday sales of malt beverages and
 143 () NO wine by the drink from 11:00 A.M. to 12:00 Midnight and Sunday
 144 sales of malt beverages and wine by the package from 11:00 A.M. to
 145 12:00 Midnight?'

146 All persons desiring to vote for approval of such Sunday sales shall vote 'Yes,' and those
 147 persons desiring to vote for rejection of such Sunday sales shall vote 'No.' If more than
 148 one-half of the votes cast on the question are for approval of such Sunday sales, the
 149 governing authority may by appropriate resolution or ordinance permit and regulate such
 150 Sunday sales by licensees. Otherwise, such Sunday sales shall not be permitted. The
 151 expense of the election shall be borne by the county or municipality in which the election
 152 is held. It shall be the duty of the superintendent to hold and conduct the election. It
 153 shall be his or her further duty to certify the result thereof to the Secretary of State.

154 (3) Notwithstanding this subsection or any other provision of law, all county or
 155 municipal resolutions or ordinances enacted prior to the effective date of this Code
 156 section pursuant to the authorizations granted by any other provision of this Code section
 157 are declared to be valid and shall remain in full force and effect unless affirmatively
 158 repealed by the governing authority of the county or municipality.

159 (j.3)(1) Notwithstanding any other provisions of law, on and after the effective date of
 160 this Code section, in all counties or municipalities in which governing authority has been
 161 authorized pursuant to a referendum held under this Code section to permit the sale of
 162 alcoholic beverages for consumption on the premises on Sundays from 12:30 P.M. until
 163 12:00 Midnight and has been authorized pursuant to a referendum held under
 164 subsection (q) of this Code section to permit package sales of malt beverages, wine, and
 165 distilled spirits on Sundays from 12:30 P.M. to 11:30 P.M., the governing authority of the
 166 county or municipality may, by resolution or ordinance conditioned on approval in a
 167 referendum, authorize on Sundays from 11:00 A.M. until 12:00 Midnight the sale of:

168 (A) Alcoholic beverages for consumption on the premises in any licensed
 169 establishment which derives at least 50 percent of its total annual gross sales from the
 170 sale of prepared meals or food in all of the combined retail outlets of the individual
 171 establishment where food is served and in any licensed establishment which derives at

172 least 50 percent of its total annual gross income from the rental of rooms for overnight
 173 lodging; and

174 (B) Packages sales of malt beverages, wine, and distilled spirits.

175 (2) Any governing authority desiring to permit and regulate such Sunday sales pursuant
 176 to this subsection, but only after a referendum election, shall so provide by proper
 177 resolution or ordinance conditioned on a referendum. Not less than ten nor more than
 178 60 days after the date of approval of such resolution or ordinance, it shall be the duty of
 179 the election superintendent of the county or municipality to issue the call for an election
 180 for the purpose of submitting the question of such Sunday sales to the electors of the
 181 county or municipality for approval or rejection. The superintendent shall set the date of
 182 the election for a day not less than 30 nor more than 60 days after the date of the issuance
 183 of the call. The superintendent shall cause the date and purpose of the election to be
 184 published in the official organ of the county once a week for two weeks immediately
 185 preceding the date thereof. The ballot shall have written or printed thereon the words:

186 ' () YES Shall the governing authority of (name of municipality or county) be
 187 authorized to permit and regulate Sunday sales of malt beverages,
 188 () NO wine, and distilled spirits by the drink from 11:00 A.M. to
 189 12:00 Midnight and by the package from 11:00 A.M. to
 190 12:00 Midnight?'

191 All persons desiring to vote for approval of such Sunday sales shall vote 'Yes,' and those
 192 persons desiring to vote for rejection of such Sunday sales shall vote 'No.' If more than
 193 one-half of the votes cast on the question are for approval of such Sunday sales, the
 194 governing authority may by appropriate resolution or ordinance permit and regulate such
 195 Sunday sales by licensees. Otherwise, such Sunday sales shall not be permitted. The
 196 expense of the election shall be borne by the county or municipality in which the election
 197 is held. It shall be the duty of the superintendent to hold and conduct the election. It
 198 shall be his or her further duty to certify the result thereof to the Secretary of State.

199 (3) Notwithstanding this subsection or any other provision of law, all county or
 200 municipal resolutions or ordinances enacted prior to the effective date of this Code
 201 section pursuant to the authorizations granted by any other provision of this Code section
 202 are declared to be valid and shall remain in full force and effect unless affirmatively
 203 repealed by the governing authority of the county or municipality."

204 "(p.1) Notwithstanding other laws, in all counties or municipalities in which package sales
 205 by retailers of malt beverages and wine, but not distilled spirits, have been authorized on
 206 Sunday from 12:30 P.M. to 11: 30 P.M. pursuant to a referendum held under subsection (p)
 207 of this Code section and sales of alcoholic beverages for consumption on the premises on
 208 Sundays from 11:00 A.M. to 12:00 Midnight, including for an additional hour and a half

209 from 11:00 A.M. to 12:30 P.M., have been authorized pursuant to a referendum held under
 210 subsection (j) or (j.1) of this Code section, the governing authority of the county or
 211 municipality, as appropriate, may by adoption of a resolution or ordinance allow package
 212 sales by retailers of malt beverages and wine for consumption off the premises on Sundays
 213 from 11:00 A.M. until 12:00 Midnight. The provisions of this subsection are in addition
 214 to or cumulative of and not in lieu of any other provisions of this title relative to the sale
 215 of alcoholic beverages by retailers."

216 "(q.1) Notwithstanding other laws, in all counties or municipalities in which package sales
 217 by retailers of malt beverages, wine, and distilled spirits have been authorized on Sundays
 218 beginning from 12:30 P.M. to 11:30 P.M. pursuant to a referendum held under (q) of this
 219 Code section and sales of alcoholic beverages for consumption on the premises on Sundays
 220 from 11:00 A.M. to 12:00 Midnight have been authorized pursuant to a referendum held
 221 under subsection (j) or (j.1) of this Code section, the governing authority of the county or
 222 municipality, as appropriate, may by adoption of a resolution or ordinance allow package
 223 sales by retailers of malt beverages, wine, and distilled spirits for consumption off the
 224 premises on Sundays from 11:00 A.M. until 12:00 Midnight. The provisions of this
 225 subsection are in addition to or cumulative of and not in lieu of any other provisions of this
 226 title relative to the sale of alcoholic beverages by retailers."

227 **SECTION 3.**

228 Said title is further amended by adding a new Code section to read as follows:

229 "3-3-10.

230 (a) For purposes of this Code section, the term:

231 (1) 'Air carrier' means a person that undertakes by any means, directly or indirectly, to
 232 provide air transportation.

233 (2) 'Carrier' means any person, including without limitation any motor carrier, freight
 234 forwarder, or air carrier, whose business is to transport goods or people while acting in
 235 the capacity as common, private, or contract transporter of a product or service using its
 236 facilities or those of other carriers.

237 (3) 'Electronic means' means internet enabled technology and digital media, including,
 238 but not limited to, websites and consumer applications accessible through computers,
 239 smartphones, or other electronic devices.

240 (4) 'Employee' means an individual who is:

241 (A) A full-time or part-time employee of a packaged goods retailer; and

242 (B) Authorized to act as an agent of such packaged goods retailer.

243 (5) 'Freight forwarder' means a person holding itself out to the general public to provide
 244 transportation of property for compensation and in the ordinary course of its business:

- 245 (A) Assembles and consolidates, or provides for the assembly and consolidation of,
 246 shipments and performs or provides for break bulk and distribution operations of the
 247 shipments;
- 248 (B) Assumes responsibility for such transportation from the place of receipt to the
 249 place of destination; and
- 250 (C) Uses for any part of such transportation another freight forwarder, an air carrier,
 251 a motor carrier, or any other carrier.
- 252 (6) 'Motor carrier' means a person that provides motor vehicle transportation for
 253 compensation.
- 254 (7) 'Packaged goods retailer' means a person licensed under this title as a retailer to sell
 255 alcoholic beverages in unbroken packages for consumption off the premises that is not:
- 256 (A) A manufacturer or any other person licensed to manufacture alcoholic beverages;
 257 (B) A carrier;
 258 (C) A shipper; or
 259 (D) A person that takes delivery of alcoholic beverages directly from a:
- 260 (i) Retailer; or
 261 (ii) Manufacturer or any other person licensed to manufacture alcoholic beverages.
- 262 (8) 'Proper identification' shall have the same meaning as provided in Code
 263 Section 3-3-23.
- 264 (9) 'Third party' means:
- 265 (A) Any person that:
- 266 (i) Is registered to do business in this state;
 267 (ii) Has a contractual relationship with a packaged goods retailer;
 268 (iii) Is authorized to act as an agent of such packaged goods retailer; and
 269 (iv) Is not a manufacturer, any other person licensed to manufacture alcoholic
 270 beverages, or an affiliate of such manufacturer or such other person; or
- 271 (B) Any full-time or part-time employee or independent contractor of any person that:
- 272 (i) Is registered to do business in this state;
 273 (ii) Has a contractual relationship with such third party as defined in subparagraph
 274 (A) of this paragraph;
 275 (iii) Is authorized to act as an agent of such third party as defined in subparagraph (A)
 276 of this paragraph; and
 277 (iv) Is not a manufacturer, any other person licensed to manufacture alcoholic
 278 beverages, or an affiliate of such manufacturer or such other person.
- 279 (b) Notwithstanding any other provision of law, and except where prohibited by local
 280 ordinance or resolution, a packaged goods retailer may deliver malt beverages and wine in
 281 unbroken packages lawfully sold to and purchased by an individual for personal use and

282 not for resale to an address designated by such individual, subject to the following terms
 283 and conditions:

284 (1) The individual making the purchase shall, prior to ordering and purchasing malt
 285 beverages and wine for delivery, establish an account maintained by the packaged goods
 286 retailer that shall be available for inspection by the department;

287 (2) The packaged goods retailer or employee shall process all payments made by the
 288 individual who is transacting the purchase with the packaged goods retailer prior to the
 289 malt beverages and wine leaving such packaged goods retailer's licensed premises for
 290 delivery;

291 (3) The packaged goods retailer, employee, or third party shall assemble, package, and
 292 fulfill each order at the licensed premises of the packaged goods retailer from inventory
 293 located at such licensed premises and shall not pull from the inventory of any other
 294 person, including another retailer or licensed premises;

295 (4) All malt beverages and wine that leave the licensed premises of the packaged goods
 296 retailer for delivery shall:

297 (A) Remain in the possession of the individual, either the packaged goods retailer, the
 298 employee, or the third party, that removed it from the licensed premises for delivery
 299 and shall not be transferred to any other person until the time of delivery in compliance
 300 with the requirements of this subsection or until the time of the return to the packaged
 301 goods retailer if delivery is not made;

302 (B) Only be transported in a vehicle or other transportation device containing products
 303 or goods traveling in intrastate commerce for delivery in the local licensing jurisdiction
 304 of the licensed premises of such packaged goods retailer; and

305 (C) Not be carried, commingled, or stored with, or transported in any vehicle or other
 306 transportation device containing, products or goods traveling in interstate commerce for
 307 delivery;

308 (5) Delivery shall be made by the packaged goods retailer, employee, or third party who:

309 (A) Is at least 21 years of age;

310 (B) Has a valid Georgia driver's license;

311 (C) Has undergone within the last 12 months a background check that includes a local
 312 and national criminal history and driving records and:

313 (i) Has not had more than three moving violations in the prior three-year period;

314 (ii) Has not had a major traffic violation, as such term is defined in Code
 315 Section 40-5-142, in the prior three-year period;

316 (iii) Has not been convicted within the past seven years of driving under the influence
 317 of drugs or alcohol;

- 318 (iv) Has not been convicted at any time of fraud, a sexual offense, the use of a motor
319 vehicle to commit a felony, a crime involving property damage, a crime involving
320 theft, a crime involving an act of violence, or a crime involving an act of terror; and
321 (v) Does not have a match on the National Sex Offender Registry data base;
322 (D) Has undergone training approved by the department on sales and delivery of malt
323 beverages and wine in this state;
324 (E) Shall not possess or handle as part of or during the delivery forms of compensation
325 that are used to purchase or transact the sale of malt beverages and wine;
326 (F) Does not receive compensation based upon whether an attempted delivery results
327 in a completed transaction; and
328 (G) At all times during which the malt beverages and wine to be delivered are in the
329 vehicle, transportation device, possession, or care of such packaged goods retailer,
330 employee, or third party, shall not also have in his or her vehicle, transportation device,
331 possession, or care any products or goods traveling in interstate commerce;
332 (6) Delivery shall be made by the packaged goods retailer, employee, or third party to
333 an individual who is at least 21 years of age and presents proper identification verifying
334 the age of such individual;
335 (7) At the time of delivery, the packaged goods retailer, employee, or third party shall
336 verify the identity and age of the individual accepting delivery by validating the proper
337 identification of the individual accepting delivery in person and obtaining his or her
338 signature on a written or electronic acknowledgment of receipt of the order and
339 certification of legal age to purchase malt beverages and wine. The packaged goods
340 retailer, employee, or third party shall scan or otherwise verify the proper identification
341 of the individual accepting delivery at the time of delivery and shall retain a record of
342 such individual's name and date of birth that shall be available for inspection upon request
343 for a minimum of three years;
344 (8) The packaged goods retailer, employee, or third party conducting the delivery shall
345 refuse to make the delivery if:
346 (A) No individual is visibly present and available at the address to accept delivery; or
347 (B) The individual visibly present and available attempting to accept the delivery:
348 (i) Is less than 21 years of age;
349 (ii) Fails to produce proper identification verifying his or her age;
350 (iii) Fails to provide a signature that matches such proper identification; or
351 (iv) Is noticeably intoxicated;
352 (9) All deliveries shall be inspected at the time of delivery by the individual accepting
353 such delivery. The transaction shall be deemed complete upon acceptance of delivery of
354 the malt beverages and wine, and all sales shall be final;

- 355 (10) The delivery address shall be located within the local licensing jurisdiction of the
 356 packaged goods retailer;
- 357 (11) The delivery shall take place only during the lawful times when malt beverages and
 358 wine can be sold by the packaged goods retailer for consumption off the premises;
- 359 (12) The delivery shall be made only within the same calendar day on which the malt
 360 beverages and wine leave the licensed premises of the packaged goods retailer for
 361 delivery; and
- 362 (13) No delivery shall knowingly be made to any address or to any property that is part
 363 of:
- 364 (A) Any public or private elementary or secondary educational school, including
 365 without limitation any dormitory, housing, or common space located on the campus of
 366 any elementary or secondary educational school;
- 367 (B) Any prison, reformatory, and other correctional facilities;
- 368 (C) Any addiction or substance abuse facilities;
- 369 (D) Any locker, mailbox, package shipping location, or similar service or storage
 370 facility business; or
- 371 (E) Any retailer.
- 372 (c) A packaged goods retailer may use electronic means to market, receive, and process
 373 orders for malt beverages and wine it is licensed to sell placed by individuals who are at
 374 least 21 years of age, provided that any such orders shall be delivered in accordance with
 375 subsection (b) of this Code section.
- 376 (d) A packaged goods retailer may market, receive, and process orders for malt beverages
 377 and wine it is licensed to sell placed by individuals who are at least 21 years of age using
 378 electronic means owned, operated, or maintained by a third party, provided that any such
 379 orders shall be delivered in accordance with subsection (b) of this Code section and:
- 380 (1) The packaged goods retailer maintains control and responsibility over the sales
 381 transaction and the transfer of the physical possession of the malt beverages and wine
 382 from the inventory of such packaged goods retailer to the individual conducting the
 383 delivery in accordance with subsection (b) of this Code section;
- 384 (2) The packaged goods retailer shall retain sole discretion to determine whether to
 385 accept and complete an order or to reject an order;
- 386 (3) The purchase transaction takes place between the individual placing the order and the
 387 packaged goods retailer and the packaged goods retailer appears as the merchant of
 388 record at all times, including at the time of purchase and at the time of receipt of the
 389 delivery;

390 (4) Any credit or debit card information provided by the individual placing the order to
391 a third party for the purpose of transacting the purchase with the packaged goods retailer
392 is automatically directed to the packaged goods retailer;

393 (5) The packaged goods retailer that accepts the order receives the payment that is made
394 by the individual who is transacting the purchase with such packaged goods retailer; and

395 (6) The delivery of malt beverages and wine to the individual who placed the order is
396 made by the packaged goods retailer, employee, or third party in compliance with the
397 requirements of subsection (b) of this Code section.

398 (d.1) Notwithstanding any other provision of law, and except where prohibited by local
399 ordinance or resolution, a licensed retail package liquor store that is also a packaged goods
400 retailer may deliver distilled spirits in unbroken packages lawfully sold to and purchased
401 by an individual for personal use and not for resale in the same manner and under the same
402 terms and conditions as provided in this Code section for the delivery of malt beverages
403 and wine.

404 (e) The department shall develop a curriculum for or list of required elements of the sales
405 and delivery training required under subparagraph (b)(4)(D) of this Code section and shall
406 determine the providers approved to conduct such training. A packaged goods retailer or
407 third party may submit to the department a proposed program for such required training,
408 upon receipt of which the department shall have 15 days to approve, deny, or indicate what
409 modifications are necessary to such program.

410 (f) Persons appointed by the commissioner as special agents or enforcement officers of the
411 department shall, in addition to the powers and duties provided for in Code Section 3-2-30,
412 have the power to inspect, without a warrant, in a lawful manner any premises of the
413 packaged goods retailer or any vehicle or other transportation device being used by the
414 packaged goods retailer, employee, or third party to make a delivery under this Code
415 section for the purpose of:

416 (1) Determining if any of the provisions of this Code section or any rule or regulation
417 promulgated under its authority is being violated; or

418 (2) Securing evidence as may be needed for an administrative proceedings action, as
419 provided in this Code section or any other provisions of this title.

420 (g) The commissioner shall be authorized to promulgate and enforce such rules and
421 regulations as it may deem necessary to carry out or make effective the provisions of this
422 Code section, including, but not limited to, rules and regulations governing the training of
423 individuals making deliveries.

424 (h)(1) In addition to the commissioner's power to suspend, revoke, or cancel licenses,
425 permits, or registrations issued pursuant to this title, upon a violation of any provision of
426 this Code section or any rule or regulation promulgated thereunder, the commissioner

427 shall have the power to impose a fine not to exceed \$500.00 for each violation and may
 428 suspend for up to 30 days for each violation the authorization provided by this Code
 429 section for the packaged goods retailer to deliver malt beverages and wine or to use an
 430 employee or third party to deliver malt beverages and wine. Any violation committed by
 431 an employee or a third party shall be attributed to and deemed to be an act taken by a
 432 packaged goods retailer for purposes of this Code section. A packaged goods retailer,
 433 employee, and third party may each be fined for the same violation. Nothing in this
 434 paragraph shall be construed to allow the commissioner to suspend or terminate the
 435 authorization of a packaged goods retailer to sell malt beverages and wine on the licensed
 436 premises as a result of a violation of this Code section by a third party.

437 (2) Any local governing authority of a municipality or county that issues a license to a
 438 packaged goods retailer and allows for delivery of malt beverages and wine by a
 439 packaged goods retailer, an employee, or a third party may impose penalties upon a
 440 packaged goods retailer, employee, or third party, and may fine more than one person for
 441 the same violation, provided that such penalties do not exceed the amount of the fine or
 442 the number of delivery suspension days provided for in this paragraph. Nothing in this
 443 paragraph shall be construed to allow any local governing authority of a municipality or
 444 county to suspend or terminate the authorization of a packaged goods retailer to sell malt
 445 beverages and wine on the licensed premises as a result of a violation of this Code
 446 section.

447 (3) The penalties provided for in this Code section shall be in addition to any criminal
 448 penalties that may otherwise be provided by law."

449 **SECTION 4.**

450 Said title is further amended by revising subsection (b) of Code Section 3-3-21, relating to
 451 sales of alcoholic beverages near churches, school buildings, or other sites, as follows:

452 "(b) Nothing contained in this Code section shall prohibit the licensing of the sale or
 453 distribution of alcoholic beverages by:

454 (1) Hotels of 50 rooms or more which have been in continuous operation for a period of
 455 at least five years preceding July 1, 1981;

456 (2) Bona fide private clubs, owning their own homes, subject to licensing under
 457 Chapter 7 of this title; and

458 (3) Licensees for the retail sale of alcoholic beverages for consumption on the premises
 459 only who shall be subject to regulation as to distances from churches, schools, and
 460 ~~colleges~~ college campuses by counties and municipalities; and

461 (4) Licensees for retail sale packages of alcoholic beverages for consumption off the
 462 premises who shall be subject to regulation as to distances from college campuses by

463 counties and municipalities; provided, however, that such distances may be less
 464 restrictive than those provided in this Code section but shall not be more restrictive; and
 465 provided, further, that if such licensees are not regulated as to distances from college
 466 campuses by a county or municipality, then the distances set forth in this Code section
 467 shall govern such licensees.

468 For purposes of this subsection, the term 'college campus' shall include, but shall not be
 469 limited to, all buildings and grounds of any public or private technical school, vocational
 470 school, college, university, or other institution of postsecondary education."

471 **SECTION 5.**

472 Said title is further amended by revising Code Section 3-3-26, relating to allowing or
 473 permitting the breaking of packages or drinking of contents thereof on premises, as follows:
 474 "3-3-26.

475 (a) Except as provided in this Code section or Chapter 15 of this title, no retail package
 476 liquor store ~~No retail dealer~~ shall knowingly and intentionally allow or permit the breaking
 477 of any package or packages containing alcoholic beverages on the premises where sold or
 478 allow or permit the drinking of the contents of such package or packages on the premises
 479 where sold. ~~This Code section shall not apply with respect to sales pursuant to a license~~
 480 for consumption on the premises.

481 (b) Nothing in this title shall be construed to prohibit a representative or salesperson of a
 482 manufacturer or wholesaler from opening a package of alcoholic beverages on the premises
 483 of a retail package liquor store or other retail dealer for the purpose of providing samples
 484 of such alcoholic beverage product to a retail dealer or its employees for consumption on
 485 the licensed premises, provided that:

486 (1) All samples are provided and consumed in the presence of a representative or
 487 salesperson of the manufacturer or wholesaler in an office, storage room, or other area
 488 of the licensed premises of the retail dealer that is closed to the public; and

489 (2) Such representative or salesperson of the manufacturer or wholesaler removes from
 490 the licensed premises any packages he or she brought onto such licensed premises in
 491 order to provide samples of alcoholic beverage products.

492 For purposes of this subsection, the term 'sample' means a small amount of any malt
 493 beverage, wine, or distilled spirits.

494 (c) The commissioner shall promulgate and enforce such rules and regulations as he or she
 495 may deem reasonable and necessary to effectuate the provisions of this Code section."

496 **SECTION 6.**

497 Said title is further amended by revising Code Section 3-4-25, relating to holder of retail
 498 dealer's license authorized to sell only unbroken packages and prohibition against the
 499 breaking of packages or drinking of the contents thereof on the premises, as follows:

500 "3-4-25.

501 (a) Except as provided in Code Section 3-3-26 or Chapter 15 of this title, a ~~A~~ retail dealer's
 502 license shall authorize the holder to sell distilled spirits only in the original and unbroken
 503 package or packages, which ~~package or packages~~ shall contain not less than 50 milliliters
 504 each.

505 (b) Except as provided in Code Section 3-3-26 or Chapter 15 of this title, a retail dealer's
 506 ~~The~~ license shall not permit the breaking of the package or packages on the premises where
 507 sold and shall not permit the drinking of the contents of the package or packages on the
 508 premises where sold."

509 **SECTION 7.**

510 Said title is further amended by adding a new chapter to read as follows:

511 "CHAPTER 15

512 3-15-1.

513 As used in this chapter, the term:

514 (1) 'Licensed premises' means any premises in which any alcoholic beverages are sold
 515 in unbroken packages and shall include any premises which are required by law to be
 516 licensed to sell any alcoholic beverages in unbroken packages.

517 (2) 'Licensee' means the holder of a retail package liquor store license.

518 (3) 'Operator' means an owner, licensee, operator, manager, or person in charge of any
 519 licensed premises.

520 (4) 'Sample' means a small amount of any malt beverage, wine, or distilled spirits.

521 (5) 'Tasting event' means a scheduled event hosted by a licensee at which free samples
 522 may be provided and that may be open to the general public or limited by invitation.

523 3-15-2.

524 Notwithstanding any other provision of this title, in all counties and municipalities in which
 525 the sale of alcoholic beverages is lawful, retail package liquor stores shall be authorized to
 526 conduct up to 52 tasting events per calendar year, subject to the following terms and
 527 conditions:

- 528 (1) A tasting event shall only take place on the licensed premises and only at times at
529 which such alcoholic beverages may be lawfully sold on such licensed premises;
- 530 (2) Only one tasting event per day may be held on the licensed premises and such tasting
531 event shall not exceed four hours;
- 532 (3) Only one type of alcoholic beverage may be served at a tasting event, either malt
533 beverages, wine, or distilled spirits; provided, however, that more than one brand of such
534 type of alcoholic beverage may be offered so long as not more than four packages are
535 open at any one time;
- 536 (4) If the tasting event is for malt beverages, a consumer shall not be served more than
537 eight ounces of malt beverages during such tasting event. If the tasting event is for wine,
538 a consumer shall not be served more than five ounces of wine during such tasting event.
539 If the tasting event is for distilled spirits, a consumer shall not be served more than one
540 and one-half ounces of distilled spirits during such tasting event;
- 541 (5) Only alcoholic beverages that the licensee is licensed to sell on the licensed premises
542 may be offered as part of a tasting event, and such alcoholic beverages shall be part of the
543 licensee's inventory;
- 544 (6) Only food that is lawful to sell on the licensed premises, under this title or under any
545 rules or regulations of the commissioner, may be served as part of a tasting event. Such
546 food shall be offered at no cost to the consumer;
- 547 (7) Any operator or employee of the licensee may refuse to provide any brand, type, or
548 quantity of alcoholic beverage to any consumer;
- 549 (8) The licensee shall notify the governing authority of the county or municipality in
550 which the licensed premises is located prior to holding a tasting event;
- 551 (9) Any broken package containing alcoholic beverages on the licensed premises that is
552 not licensed for retail sales for consumption on the premises shall be kept locked in a
553 secure room or cabinet by the operator of the licensed premises except when in use
554 during a tasting event;
- 555 (10) Representatives and salespersons of manufacturers or wholesalers may attend a
556 tasting event; provided, however, that such representatives and salespersons shall not host
557 the tasting event, pour any alcoholic beverage, or provide anything of value to any
558 consumer or to the licensee or an employee of a licensee; and
- 559 (11) Any other terms, conditions, and limitations as may be required or imposed by the
560 governing authority of the county or municipality in which the licensed premises is
561 located.

562 3-15-3.

563 The commissioner shall promulgate and enforce such rules and regulations as he or she
564 may deem reasonable and necessary to effectuate the provisions of this chapter.

565 3-15-4.

566 Upon a violation by a retail dealer of any provision of this chapter or any rule or regulation
567 promulgated thereunder, the commissioner shall have the power to place conditions or
568 limitations on such retail dealer's license and to modify or amend such conditions or
569 limitations."

570 **SECTION 8.**

571 This Act shall become effective upon its approval by the Governor or upon its becoming law
572 without such approval.

573 **SECTION 9.**

574 All laws and parts of laws in conflict with this Act are repealed.

PROPOSED MENU*

GoBrands, Inc. dba goPuff

*If any item on the proposed menu presents an issue for the Health Department, please let us know and the company can revise its menu to meet Health Department Requirements.

Snacks (all pre-packaged items)

- Chips
- Pretzels
- Nuts
- Granola
- Health bars
- Popcorn
- Candy
- Gum
- Cookies

Refrigerated drinks (all pre-packaged items)

- Soda
- Water
- Ice coffee
- Sports drinks
- Tea drinks
- Health drinks
- Soy drinks

Canned goods (all pre-packaged items)

- Soup
- Beans
- Pasta
- Olives
- Tuna

Condiments (all pre-packaged items)

- Spices
- Ketchup
- Mayonnaise
- Salsa
- Mustard

- Soy sauce
- Hot sauce
- Syrup
- Pasta sauce
- Bbq sauce
- Peanut butter
- Jelly/Jam

Dried food (all pre-packaged items)

- Pasta
- Rice
- Beans
- Grains
- Fruit
- Pancake/waffle mix
- Brownie/cake mix
- Cereal

Products

Sabra Guacamole with Tostitos Rolls
Cafe Valet Starter Kit
Cafe Valet Starbucks Dark Roast Decaf 10 Pack
Cafe Valet Starbucks Dark Roast 10 Pack
Cafe Valet Caribou Mahogany 12 Pack
Cafe Valet Caribou French Roast 12 Pack
Cafe Valet Dark Roast Decaf 12 Pack
Cafe Valet French Vanilla 12 Pack
Cafe Valet Regular Dark Roast 12 Pack
Hershey's Cookie Layer Crunch Mint
Hershey's Cookie Layer Crunch Caramel
Coffee Filters 100 Pack
Moondance Classic Cheesecake
Unreal Dark Chocolate Peanut Gems
Unreal Dark Chocolate Peanut Butter Cups
Gluten Free Oatmeal Chocolate Chip Cookie Dough 16 oz
Monster Cookie Dough 16 oz
Chocolate Chip Cookie Dough 16 oz
Rhythm Superfoods Beet Chips
Rhythm Superfoods Kale Chips
On The Border Mild Salsa
On The Border Medium Salsa
Nasoya Extra Firm Tofu
Himalayan Pink Salt
De Cecco Farfalle
De Cecco Spaghetti
Biena Chickpea Honey Roasted Snacks
Paqui Chips Nacho Cheese
Paqui Chips Haunted Ghost Pepper
Dole Sliced Peaches Fruit Bowl
Munchies Snack Mix 1.75 oz
Twizzlers Bites 7 Oz
Oberto Peppered Beef Jerky
Laffy Taffy Ropes Banana
Pressels Original Pretzel Chips
Heinz Ketchup 20 oz
Jack Link's Original Beef Jerky
Jack Link's Teriyaki Beef Jerky
Junior Mints
Oreo Cookies King Size
Milk Duds 5 oz
Reese's Pieces 4 oz
Jolly Rancher Gummies
M&M's Milk Chocolate Movie Box
Milka Oreo Chocolate Bar
Hostess Crunch Mini Donuts

Reese's Stuffed with Reese's Pieces
Take 5 Snack Mix
Reese's Snack Mix
Hershey's Snack Bites
Snickers Almond
Pringles Tortillas Southwestern Ranch
Pringles Jalapeno
Hershey's 5th Avenue
Trolli Very Berry Crawlers
Oreo Thins
Kraft Jet-Puffed Marshmallows
Boom Chicka Pop Sweet&Salty Kettle Corn
Funyuns
Boom Chicka Pop Seasalt Popcorn
A-1 Steak Sauce
Hostess White Bread
Jolly Rancher Lollipops
Keebler Vanilla Wafers
Keebler Strawberry Wafers
Snack Pack Vanilla Pudding 4pk
Snack Pack Chocolate Pudding 4pk
Hershey's Drops Milk Chocolate King Size
Hershey's Drops Cookies & Creme King Size
Mounds
RealLemon Lemon Juice
York Peppermint Patty
Skittles Tropical
Slim Jim Habenero
Slim Jim Taco Seasoned
Pirate's Booty Aged White Cheddar
Nerds Rope Very Berry
M&M's Peanut Butter
Dove Milk Chocolate
Dove Dark Chocolate
Babybel Original Cheese Singles
Betty Crocker Brownie Fudge Mix
Almond Joy
Oberto Spicy Sweet Beef Jerky
Oberto Teriyaki Beef Jerky
Mike & Ike Berry Blast Large
Beef Ravioli Chef Boyardee
Life Savers Gummies Wild Berries
Silk Unsweetened Vanilla Almond Milk
The Complete Cookie Peanut Butter
The Complete Cookie Double Chocolate
The Complete Cookie Snickerdoodle
LaffyTaffy Strawberry

LaffyTaffy Cherry
LaffyTaffy Banana
Sour Patch Watermelon Large
The Complete Cookie Original
The Complete Cookie Oatmeal Raisin
Jelly Belly Beans
Whatchamacallit
Air Heads Fruit Bites
Sriracha Beef Jerky Jack Link's
Hickory Smoked Beef Jerky Jack Link's
Jalapeno Beef Jerky Jack Link's
Chocolate Cupcake Luna Bar
Zoo Animal Crackers
Cheez-it White Cheddar
Baby Bottle Pop
Push Pop Candy
Hershey's Cookies 'n Creme
Mrs. Fields Dark Chocolate Oatmeal Cookie
Trident Tropical Twist
Mentos Rainbow
Trident Cinnamon
Tomato Basil Lentil Pea Crisps
7 Days Soft Vanilla Croissant
7 Days Soft Chocolate Croissant
Vanilla Crisp Power Bar
Welch's Mixed Fruit Snack
Berries 'N Cherries Fruit Snack Welch's
Organic Chocolate Brownie Clif Bar
Organic Chocolate Chip Clif Bar
Ice Breakers Mints Wintergreen
Ice Breakers Mints Coolmint
Teddy Grahams Honey Maid
Take 5 Bar
Whole Grain Mini Pretzels Snyder's
Tic Tac Fruit Adventure
Kellogg's Froot Loops Cereal Cup
Special K Original Cereal Cup
Kellogg's Apple Jacks Cereal Cup
Cinnamon Toast Crunch Cereal Cup
Cheerios Honey Nut Cereal Cup
Cheerios Cereal Cup
Caesar Green Pea Crisps
Wasabi Ranch Green Pea Crisps
Mini Stroopwafels Caramel
Mini Stroopwafels Honey
Organic Sour Berry Bears Surf Sweets
Vegan Gluten Free White Cheddar Popcorn

HOT Fries Andy's 1.5 Oz
Coffee Mate French Vanilla
Cookie Dough Bites
Vegan Cheddar Cheese
Hot Fudge Sundae Pop-Tarts
Beanitos Lime Bean Chips
Organic Dark Chocolate Almonds
All Natural Crunch Time Peanut Butter
Organic Sharp Cheddar Rumiano Cheese
Lay's Sour Cream & Onion
Quaker Medley Apple Oatmeal
Strawberry Pop-Tarts
Starburst Tropical
Oreo Golden Double Stuffed
JUMBO Buncha Crunch
Ritz Sour Cream and Onion Chips
Rice Krispies M&M's
Milk Duds 3 oz
Ramen Chili Flavor
Barnum's Animal Crackers
Air Heads X-Treme Bites
Snyder's Olde Tyme Pretzels
Haribo Sour Gummi-Bears
Twizzlers Nibs
Veggie Chips Large
Veggie Stix Large
Honey Roasted Cashews
Ranch Pringles
Flipz White Fudge Pretzels Large
Flipz Milk Chocolate Pretzels Large
Lay's Oven Baked Chips
Grandma's Mini Vanilla Sandwich Cremes
Grandma's Oatmeal Raisin Cookies
Grandma's Chocolate Chip Cookies
Campbells Classic Chicken Noodle Soup
Organic Mac N' Cheese Puffs
Trolli Big Bears
Trolli Peach O's
Tomato Soup Campbell's
Chicken Noodle Soup Campbell's
Organic Crispy Cocoa Rice Cereal
Newman's Chocolate Chip Cookies
Organic Amy's No Chicken Noodle Soup
Organic Medium Salsa
Organic Mild Salsa
Fritos Original 2 oz
Roasted & Salted Pistachios With Shell

Vanilla Soymilk
Natural Vodka Pasta Sauce
Gold Fish Cheddar
Kettle Cooked Chips
Pretzel Crisps Garlic Parmesan
Chocolate Chip Cookie Dough Quest Bar
Roasted & Salted Pistachios No Shells
Air Heads Blue Raspberry
Rold Gold Thin Pretzels
Milano Cookies Dark Chocolate
Crispy M&M's
Chips Ahoy Chunky King Size
Nissin Beef Cup Ramen Noodles
Tostitos Bite Size
Kraft Mac & Cheese
Fritos Honey BBQ
Mentos Gum Pure Fresh
Cheetos 2 oz
Chocolove Hazelnut & Chocolate Organic
Lunchables Ham & American
Cheddar Jalapeno Cheetos
Lunchables Extra Cheesy Pizza 10.6 oz
Sour Punch Blue Raspberry
PopChips Sour Cream & Onion
Garden of Eatin' Blue Corn Chips
Natural Peanut Butter Cookies
Pepperoni and Mozzarella Lunchables
Natural Cheddar Crackers
Natural Chocolate Chunk Cookies
Cheddar Fries Andy's
HOT Fries Andy's
Sour Beans YumEarth Organic
Gummy Worms YumEarth Organic
Chocolove Orange Peel Dark Chocolate
Organic Sea Salt Seaweed
Organic Sesame Seaweed
Organic Teriyaki Seaweed
Garden of Eatin' Everything
Silk Vanilla Almond Milk
Lunchables Extra Cheesy Pizza
Lunchables Pizza Pepperoni
Lunchables Nacho Cheese & Salsa
Hummus Original & Pretzel
Hummus Roasted Pepper & Pretzel
Jalapeno Chex Mix
Twinkies
Nutella & Go Pretzels

Kettle Brand Sea Salt
Kettle Brand Salt N' Pepper
Sour Punch Strawberry
Cinnamon Toast Crunch
Bluest Raspberry Xtremes
Sun Chips Harvest Cheddar
Butterfinger Cups
Twizzlers Bites Cherry 5 oz
Hostess Hoho's Pack of 3
Cheez-It XL
Chips Ahoy Small Pack
Hostess Powdered Mini Donettes
Mac & Cheese Kraft
Hi-Chew Mango
Hi-Chew Strawberry
Hi-Chew Green Apple
BBQ Pringles
Cheddar Cheese Pringles
BBQ Fries Andy's
Cheez-It
String Cheese
Trolli Sour Crawlers 5 oz
Oreo King Size
Mike & Ike
Lucky Charms
Frosted Blueberry Pop-Tarts
Organic 2% Reduced Fat Milk
Dozen Eggs
Organic Whole Milk
Caramel Bugles
Mentos Gum Fruity
Reese's Pieces
Froot Loops
Nestle Crunch
Chocolate Chip Pop-Tarts
Oriental Ramen Noodles
Shrimp Ramen Noodles
Butter Toffee King Rice Krispies
Sweet N' Hot Jack Link's
Jalapeno Jack Link's
Peppered Jack Link's
Buffalo Chicken Bites Jack Link's
Ritz Crackers
Tootsie Roll
Nerds Rope
Stacy's Simply Naked Pita Chips
Stacy's Cinnamon Sugar Pita Chips

Cheddar Chex Mix
Jumbo Sunflower Seeds
Flipz Milk Chocolate
Nacho Cheese Bugles
Ferrero Raffaello Coconut
Starbucks Coffee Frap
Starbucks Vanilla Frap
Chips Ahoy Brownie Filled King Size
Apple Ocean Spray
Peanut Butter Muddy Buddies Chex Mix
Chocolate Peanut Butter Chex Mix
Kind Almond & Coconut
Kettle Brand Maple Bacon
Kettle Brand Sriracha
White Reese's
Campbell's Chicken Noodle Soup
Campbell's Tomato Soup
Trolli Apple O's
Brisk Fruit Punch
Sour Skittles
Chocolate Chip King Size Rice Krispies
Toblerone
Trolli Evil Twins
Stacy's Parmesan & Herb
Ring Pop Fruit Festival
Mrs. Fields Chocolate Chip
Mrs. Fields White Chocolate Macadamia Cookie
Aged White Cheddar Popcorn
Chips Ahoy Original Large
Twizzlers Original
Kit Kat White
Chocolate Peanut Butter Bugles
Chex Mix Trail Mix
Cookies N' Cream Muddy Buddies Chex Mix
Oreo Double Stuff King Size
Swedish Fish
Raisinets
Nerds
Kit Kat
Mamba Sour
Mamba
Jolly Rancher Hard Candy
Jolly Rancher Fruit Chews
Trolli Gummi-Bears
Trolli Squiggles
Haribo Peach Gummi's
Haribo Sour S'ghetti

Haribo Happy Cola
Haribo Gummi-Bears
Dots Original
Original Jack Link's Jerky
Brown Cinnamon Pop-Tarts
S'mores Pop-Tarts
Cup Noodles Chicken
Butterfinger
Reese's
Sweet Tea Pure Leaf
Fritos Original 4 oz
Hot & Spicy Chex Mix
Bold Chex Mix
Cinnamon Toast Crunch XL
Original King Size Rice Krispies
Sourdough Nibblers Snyder's
Flamin' Hot Cheetos
Fruity Pebbles
Ragu Traditional
Cocoa Puffs
Ketchup Heinz
Yellow Mustard Heinz
Mountain Dew 2 Liter
Pepsi
Ricola Cherry Honey
Caramel Chex Mix
Kettle Brand BBQ
Kettle Brand Buffalo Bleu
Kettle Brand N.Y. Cheddar
Hot Buffalo Bugles
Original Bugles
Chicken Ramen Noodles
Beef Ramen Noodles
Baby Ruth
Twix Peanut Butter
Mentos Strawberry
Mentos Fruit
Mentos Mint
Rolo
3 Musketeers
Whoppers
Kettle Brand Jalapeno
Kettle Brand Sea Salt & Vinegar
Kettle Brand Honey Dijon
Cheetos
Slim Jim Giant
Hubba Bubba

Tic Tac Orange
Lay's Classic
Lay's BBQ
Starburst Fave Reds
Milky Way
Hershey's Almond Bar
Hershey's Milk Chocolate Bar
Minis M&M's
Spree
Sour Patch Watermelon
Sour Patch Kids
Act II Butter Popcorn
Pizza Combos
Cheddar Cheese Combos
Original Chex Mix
Skittles
Doritos Nacho Cheese 2.85 oz
Doritos Cool Ranch 2.85 oz
Honey Mustard & Onion Snyder's
Mini Pretzels Snyder's
Hot Buffalo Snyder's
Sour Cream & Onion Pringles
Pringles Original
Pizza Pringles
Twix
Starburst
5 Gum Cobalt
Snickers
Milk Chocolate M&M's
Peanut M&M's
Pretzel Crisps Original
Pretzel Crisps Buffalo
Kettlecorn Large
Nutella & Go
Ferrero Rocher
Nutella

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF CLARKSTON TO AMEND CHAPTER 3 OF THE CITY CODE CONCERNING ALCOHOL TO ALLOW RETAIL DELIVERY SHOPS TO OBTAIN NEW PERMITS TO SELL ALCOHOL BY THE PACKAGE FOR DELIVERY OFF PREMISES.

WHEREAS, City Ordinance No. 405, adopted December 6, 2016, amended Chapter 3 of the City Code such that new licenses for the retail sale of alcoholic beverages by the package could not be obtained by convenience stores or similar businesses due to the high concentration of such businesses within the City; and

WHEREAS, certain specialty uses were exempted from this prohibition and still permitted to obtain new retail package sales licenses for beer and/or wine; and

WHEREAS, O.C.G.A. § 3-3-1 declares that engaging in the business of selling alcohol in Georgia is a privilege and not a right; and

WHEREAS, recent changes to Georgia law allow packages of beer and wine to be sold for delivery; and

WHEREAS, the City Council has determined that beer and wine sales by delivery are in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSTON AS FOLLOWS:

SECTION 1. Section 3-58 of the City Code is hereby amended to read as follows:

“Sec. 3-58. - New licenses permitted for certain designated businesses.

After July 3, 2016, new licenses for the retail sale by the package of beer, malt beverages and/or wine may be obtained only for businesses that qualify as a "growler shop," "specialty wine shop," "grocery store" or a “retail delivery shop” as defined in this section and meet the other criteria for a license set forth in this Chapter. As used in this section, the following terms shall have the following meanings:

(a) “Growler” means a reusable glass jug, sized 32—64 ounces, used to transport beer for off-premises consumption. The container shall be sealed, on-premises, with a tamper-proof plastic cap.

(b) ”Growler shop” means a business engaged primarily in the sale of growlers of beer. A growler shop must offer at least twelve (12) varieties of beer from at least six (6) beer manufacturers for sale by the growler. A growler shop may dedicate up to forty-nine (49) percent of its sales floor space to beer sold by the bottle or can.

(c) "Specialty wine shop" means a business engaged primarily in the sale of wine by the bottle. A specialty wine shop shall offer at least fifty (50) varieties of wine from at least twenty-five (25) wine manufacturers. A specialty wine shop may dedicate up to twenty-five (25) percent of its sales floor space to beer for sale by the bottle or can.

(d) "Grocery store" means a retail establishment which is primarily engaged in the sale of uncooked food, has a total retail floor space of at least ten thousand (10,000) square feet of which at least eighty-five (85) percent is reserved for the sale of food and other nonalcoholic items and conducts all of its sales inside the building containing its retail floor space.

(e) "Retail Delivery Shop" means a retail establishment which is engaged in the retail sale of food products, household goods and other sundry items, for delivery only, that has a total interior floor area of not more than 10,000 square feet."

SECTION 2. This Ordinance shall be effective immediately upon its adoption by the City Council.

SO ORDAINED, this _____ day of _____, 2021.

ATTEST:

**CITY COUNCIL,
CITY OF CLARKSTON, GEORGIA**

By _____
Tracy Ashby, City Clerk

Beverly Burks, Mayor

Approved as to Form:

Stephen Quinn
Stephen G. Quinn, City Attorney

CITY OF CLARKSTON

ITEM NO: F2

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Charter Change

MEETING DATE: May 4, 2021

SUBJECT: Amend the City Charter to Modernize Certain Provisions; to Amend Article IV of the Charter Regarding Budgeting, Appropriations and Auditing; to Repeal Conflicting Provisions

DEPARTMENT: City Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages:

INFORMATION CONTACT: Debra Johnson
PHONE NUMBER: 404-296-6489

PURPOSE: Council to consider approving the accompanying Charter Amendment Ordinances that captures recommended changes provided by the Charter Review Committee.

Proposed changes include expanding the city manager's duties to add proposing personnel rules (302 (d)(9)); specifying that municipal court has the authority to enforce the city's nuisance abatement ordinance (3.06 (h)); amending the oath of office to delete "So help me God." (3.11); enhancing fiscal administration through the requirement for a city manager's budget message and procedures for amending appropriations (4.02); and enhancing the audit function by specifying the use of a certified public accounting firm, expanding the review of the audit report and making the report available to the public (4.05).

RECOMMENDATION:

Staff has no recommendation.

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY OF CLARKSTON TO AMEND THE CITY CHARTER TO MODERNIZE CERTAIN PROVISIONS; TO AMEND ARTICLE IV OF THE CHARTER REGARDING BUDGETING, APPROPRIATIONS AND AUDITING; TO REPEAL CONFLICTING PROVISIONS; AND FOR OTHER PURPOSES.

WHEREAS, the City Council empowered a Charter Review Committee to review the Charter for any provisions that might be confusing or out of date, as well as to recommend changes to the document that could strengthen the administration of City business; and

WHEREAS, the Charter Review Committee has recommended amending certain provisions of the Charter, particularly concerning financial administration, and the City Council desires to enact these changes; and

WHEREAS, the City is authorized to amend its Charter pursuant to its home rule powers as set forth in O.C.G.A. § 36-35-3.

NOW THEREFORE, BE IT ORDAINED by the City of Clarkston as follows:

SECTION 1. City Charter Section 3.02 is hereby amended to re-designate existing subsection 3.02(d)(9) as new subsection 3.02(d)(10) and to adopt new subsection 3.02(d)(9), which shall read as follows:

“(9) Establish personnel rules, ensure that all employees are aware of such rules and enforce such rules, all pursuant to Chapter 14 of the City Code.”

SECTION 2. City Charter Section 3.06 is hereby amended to add new subsection (h), which shall read as follows:

“(h) The Municipal Court shall have the authority to hear nuisance abatement actions and enforce Clarkston’s nuisance abatement ordinance.”

SECTION 3. City Charter Section 3.11 is hereby deleted and replaced with the following language:

“Sec. 3.11. - Oath of office.

Before a person takes any office in the city government, he or she shall take before an officer of this state authorized to administer oaths the following oath or affirmation:

“I solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Georgia; that I will in all respects observe the provisions of the charter and ordinances of the City of Clarkston, and that I will faithfully discharge the duties of the office of_____.””

SECTION 4. The existing text of Charter Section 4.02 is hereby deleted and replaced with the following text:

“Sec. 4.02. - City manager to submit annual budget, including a budget message; procedures for appropriation amendments.

(1) On or before a date fixed by the city council, but not later than forty-five (45) days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed budget for the next fiscal year, showing separately for the general fund, each utility, and each other fund the following: (i) revenues and expenditures during the preceding fiscal year, (ii) appropriations and estimated revenues and expenditures for the current fiscal year, (iii) estimated revenues and recommended expenditures for the next fiscal year, (iv) a comparative statement of the assets, liabilities, reserves, and surplus at the end of the preceding year and estimated assets, liabilities, reserves, and surplus at the end of the current fiscal year, and (v) such other information and data as may be considered necessary by the city manager or requested by the city council.

(2) ***Budget Message***

The City Manager’s message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in fiscal policies, expenditures, and revenues together with the reasons for such changes, summarize the city’s debt position and include such other material as the City Manager deems desirable.

(3) ***Amendments After Adoption***

- (a) *Supplemental Appropriations.* If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the city council by ordinance may make supplemental appropriations for the year up to the amount of such excess.
- (b) *Emergency Appropriations.* To meet a public emergency affecting life, health, property or the public peace, the city council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the city council may by such emergency ordinance authorize the issuance of emergency notes which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

- (c) *Reduction of Appropriations.* If at any time during the fiscal year it appears probable to the city manager that the revenues available will be insufficient to meet the amount appropriated, the city manager shall report to city council without delay, indicating the estimated amount of the deficit, any remedial action taken by the city manager and recommendations as to any other steps to be taken. The city council shall then take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose it may by ordinance reduce one or more appropriations.
- (d) *Transfer of Appropriations.* At any time during the fiscal year the city manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the city manager the city council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.
- (e) *Limitations; Effective Date.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated, or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations, and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

SECTION 5. City Charter Section 4.05 is hereby deleted and replaced with the following language:

“Sec. 4.05. - Annual audit.

The city council shall engage, pursuant to an annual contract, a certified public accountant or accounting firm to make an annual audit of all financial books and records of the city in compliance with the requirements of State general law. A report setting forth the findings of such annual audit shall be filed with the city clerk and presented to the mayor, council members and city manager at a time established by the contract by which the auditor is engaged. The audit shall be made available to the public.”

SECTION 6. This Ordinance is intended to be severable. If any section, subsection, paragraph, sentence or word of this Ordinance is for any reason held to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, paragraph, sentence or word of this Ordinance irrespective of the invalidity of any other section, subsection, paragraph, sentence or word.

SECTION 7. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 8. This Ordinance shall become effective immediately upon its final adoption by the City Council at the second of two consecutive regular meetings.

SO ORDAINED, this ____ day of _____, 2021.

SO ORDAINED, this ____ day of _____, 2021.

ATTEST:

**CITY COUNCIL,
CITY OF CLARKSTON, GEORGIA**

By _____
Tracy Ashby, City Clerk

Beverly Burks, Mayor

Approved as to Form:

Stephen Quinn
Stephen G. Quinn, City Attorney

CITY OF CLARKSTON

ITEM NO: G1

CLARKSTON CITY COUNCIL WORK SESSION

HEARING TYPE:
City Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Ordinance

MEETING DATES: May 4th, 2021 - Public Hearing

SUBJECT: PUBLIC HEARING Adoption of an ordinance to annex 1145 Cleavemark Drive, Clarkston, GA 30021, into the City of Clarkston.

DEPARTMENT:
Planning/Economic & Development

PUBLIC HEARING: X YES NO

ATTACHMENT: YES NO
Pages:

INFORMATION CONTACT:
Shawanna Qawiy, Planning/Econ. and Dev. Director
PHONE NUMBER: 404-296-6489 Ext. 421

PURPOSE: To adopt an ordinance annexing parcel 18 119 08 023 known as 1145 Cleavemark Drive, Clarkston, GA 30021 (and unincorporated DeKalb County) into the City of Clarkston.

NEED/ IMPACT:

The subject property known as 1145 Cleavemark Drive (parcel identification # 18 119 08 023) consists of a +/-2.114 acres tract of land that is requesting to be fully annexed into the City of Clarkston.

This request was reviewed and heard at the April 20th Planning and Zoning Board meeting.

RECOMMEDNATION(S):

Staff recommends approving the ordinance annexing the subject property with parcel identification of 18 119 08 023, 1145 Cleavemark Drive, Clarkston, GA 30021 into the City of Clarkston.

Planning and Zoning Board Meeting Recommendation: April 20th, 2021.

The Planning and Zoning Board approved the annexation request and to amend all maps to reflect the annexation and conversion zoning.

ATTACHMENTS:

Annexation application, staff report, April 20th, 2021-Planning and Zoning Board minutes, property survey, and maps.



where possibilities grow

ANNEXATION ANALYSIS

Report Prepared by: Shawanna N. Qawiy, MSCM, MPA
Planning/Economic & Development Director

Applicant: William Pulling/ Taylor Pulling

Location: 1145 Cleavemark Road

Request: Annexation request

Parcel ID(s): 18 119 08 023

Proposed Use

/Purpose:

Current Land Use: Single Family home/Vacant

Sign Posted: March 27, 2021

Planning & Zoning Meeting: April 20th, 2021

City Council Meeting: May 4, 2021

Lot Size: 2.114 acres

Road Access: Cleavemark Road

Public Utilities:

Water and Wastewater Treatment – Public water service is available.

Zoning Overview: The property owner’s request is to annex into the City of Clarkston to have the entire parcel located in the City of Clarkston. A review of zoning files indicates that there have been no previous zoning or annexation requests regarding the subject property. **Table 1.0** illustrates the zoning and current land uses for the adjacent properties:

Table 1.0

	Current Zoning	Current Land Use
North	NR-CD City of Clarkston	English Oaks Apartments
East	R3- DeKalb County	Single Family Residential
South	NR-1 City of Clarkston	Single Family Residential
West	NR-1 City of Clarkston	Single Family Residential

Future Land Use: Single Family Area: According to the Clarkston 2040 Comprehensive Plan future land use map, this area is currently designated as a Single-Family Area. The request is to continue the current land use and construct a single-family home.

Rezoning Review Criteria: Assessment of Application for Zoning Map Amendment
(Article III, Sec. 305):

When any request is made for a change in the zoning for any parcel of property, or when an amendment is requested to the zoning map, the following criteria points must be reviewed as follows;

Criteria Point 1: *The effect upon the health, safety, morals or general welfare of the public compared to any hardship imposed upon the individual property owner seeking rezoning should rezoning be denied;*

The proposed use does not impact the general welfare of the public. It does follow the vision as described in the Clarkston 2040 Comprehensive Plan by receiving a conversion zoning of NR-1-Low Density residential which permits single family residential homes.

Criteria Points 2 and 3: *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;*

The current land use is permitted for single family homes both historic as well as new developments. The annexation request and conversion zoning of NR-1 will permit a use that is suitable in view of the uses and development of adjacent and nearby property properties.

Criteria Point 4: *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;*

The property is currently zoned R-3 DeKalb County, which will receive a conversion zoning of NR-1 with the approval of the annexation request. By the property owner's admission, it is reasonable to determine that the economic use, when the final recommendation has been made on the annexation request, the land use will be used for a single-family home. This request is consistent with the Future Land Use Map, which designates this area as a single-family area in the City of Clarkston.

Criteria Point 5: *Whether the zoning proposal will result in a use that may cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*

Schools: The school impact from the proposed project is negligible.

Streets and Transportation Facilities:

The nature of the proposed use will not create significant high volumes of vehicular traffic along Cleavemark Drive. No major upgrades to the onsite and offsite road network will be necessary in order to provide improved access or the ability to handle the expected traffic volume.

Utilities and Environment:

The applicant would be required to follow all best management practices (BMPs) for land disturbance and pertaining to storm water runoff and erosion/sedimentation control on the parcel.

Public Safety:

There will not be a significant impact to public safety based on the annexation and conversion zoning.

Criteria Point 6: *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*

The applicant is requesting to construct a single-family home that is a permitted use in the NR-1 zoning district. Current plans are to keep many of the trees located on the property. This is supporting grounds to approve the annexation and conversion zoning of NR-1 in the City of Clarkston.

Criteria Points 7 and 8: Whether the zoning proposal is compatible with the principals of the city's long range plan as set forth in the Conceptual Master Land Use and Connectivity Plan for the City of Clarkston, a part of the Clarkston Livable Centers Initiative Study as adopted in March 2005, adopted as the city's comprehensive plan; Whether the zoning proposal is compatible with the most current adopted version of the Future Development Map of the Clarkston Comprehensive Plan

The subject property is located in an area identified as a Single-Family Area on the Future Land Use Map in the Clarkston 2040 Comprehensive Plan adopted in 2016. The proposed annexation associated with the conversion zoning request aligns with the uses permitted within the NR-1 Low Density Residential zoning classification.

Recommendation:

Staff recommends **approval** of the annexation request with a conversion zoning of NR-1 and to amend all maps to reflect the annexation and conversion zoning. All plans are required to be reviewed by the City of Clarkston and other applicable departments in DeKalb County before the issuance of any pertinent permits to construct the single-family dwelling.



City Council
Beverly H. Burks, Mayor
Awet Eyasu, Vice-Mayor
Jamie Carroll *Ahmed Hassan*
Laura Hopkins *Debra Johnson*

City Manager Robin I. Gomez

December 8, 2020

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Michael Thurmond, CEO
DeKalb County
Maloof Building
1300 Commerce Drive
Decatur, GA 30030

**Re: Application for Annexation into City of Clarkston submitted by
William Pulling and Taylor Pulling
1145 Cleavemark Drive, Clarkston, GA 30031**

Dear Chief Executive Officer Thurmond:

This letter is offered pursuant to O.C.G.A. § 36-36-6 and 36-36-111 to inform the governing authority of DeKalb County that the City of Clarkston has received an application for annexation from William Pulling and Taylor Pulling. The application applies to the property that is partially located in the City of Clarkston and partially located in unincorporated DeKalb County known as **1145 Cleavemark Drive, Clarkston GA, 30021-Tax Map Parcel ID # 18 119 08 023**.

If the above-referenced application is accepted for annexation into the City of Clarkston, the City contemplates zoning the property as NR-1 Low Density Neighborhood Residential.

Please find enclosed for your review a complete copy of the Application for Annexation including a detailed legal description of the property.

Please feel free to contact me directly if you have any questions about this application.

Very truly yours,

Robin I. Gomez, City Manager
City of Clarkston

Enclosures

cc: City Attorney (via email)
Planning/Economic and Development Director (via email)

1055 Rowland Street, Clarkston, Georgia 30021
Phone: 678-409-9683

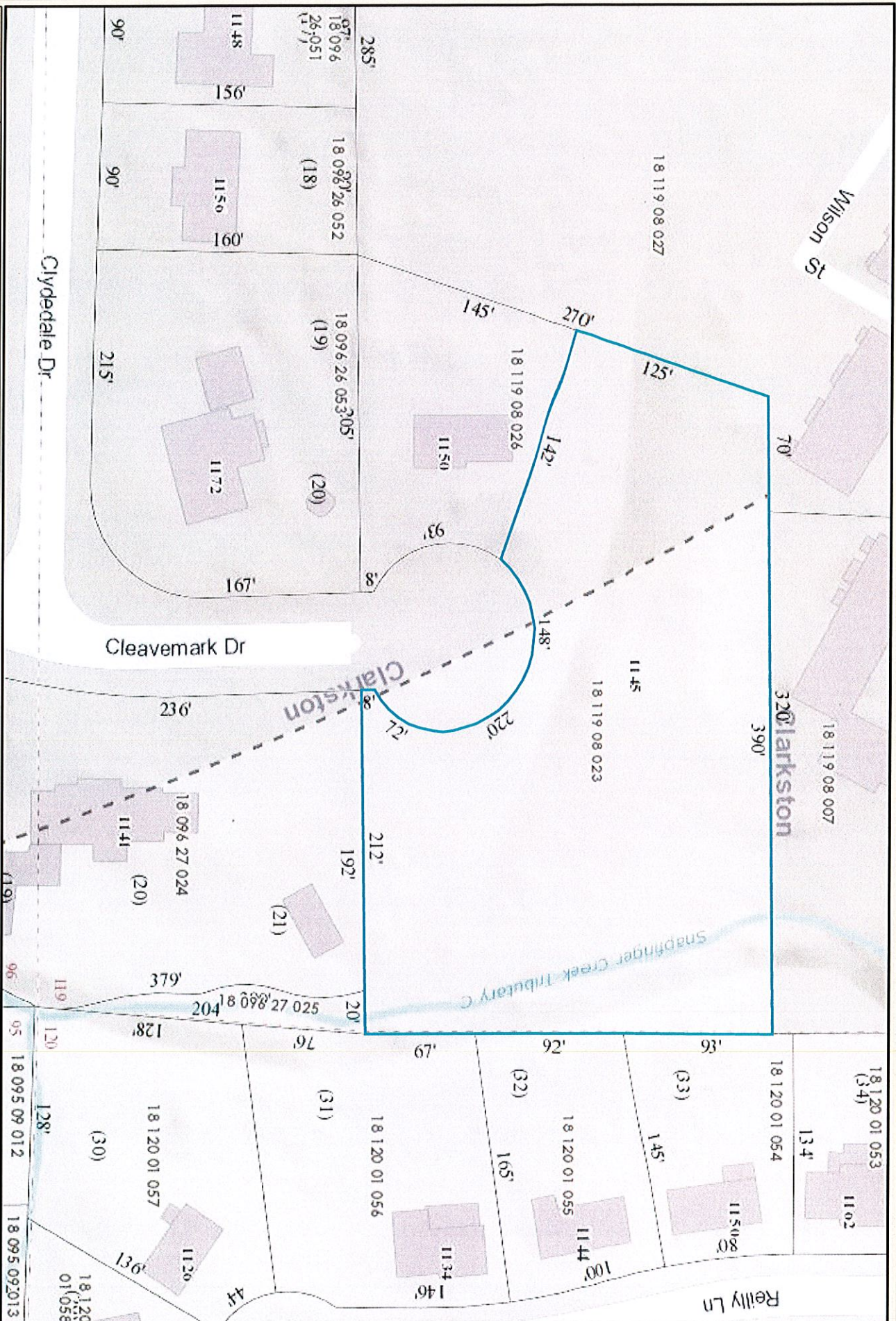
rgomez@cityofclarkston.com



1145 Cleavemark Drive



Date Printed: 12/8/2020



DeKalb County GIS Disclaimer:
The maps and data contained on DeKalb County's Geographic Information System (GIS) are subject to constant change. While DeKalb County strives to provide accurate and up-to-date information, the information is provided "as is" without warranty, representation or guarantee of any kind as to the content, sequence, accuracy, timeliness or completeness of any of the database information provided herein. DeKalb County explicitly disclaims all representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. In no event shall DeKalb County be liable for any special, indirect, or consequential damages whatsoever resulting from loss of use, data, or profits, whether in an action of contract, negligence, or other actions, arising out of or in connection with the use of the maps and/or data herein provided. The maps and data are for illustration purposes only and should not be relied upon for any reason. The maps and data are not suitable for site-specific decision-making nor should it be conveyed or used as a legal description. The areas depicted by maps and data are approximate, and are not necessarily accurate to surveying or engineering standards.



1145 Cleavemark Drive 2



Date Printed: 12/8/2020



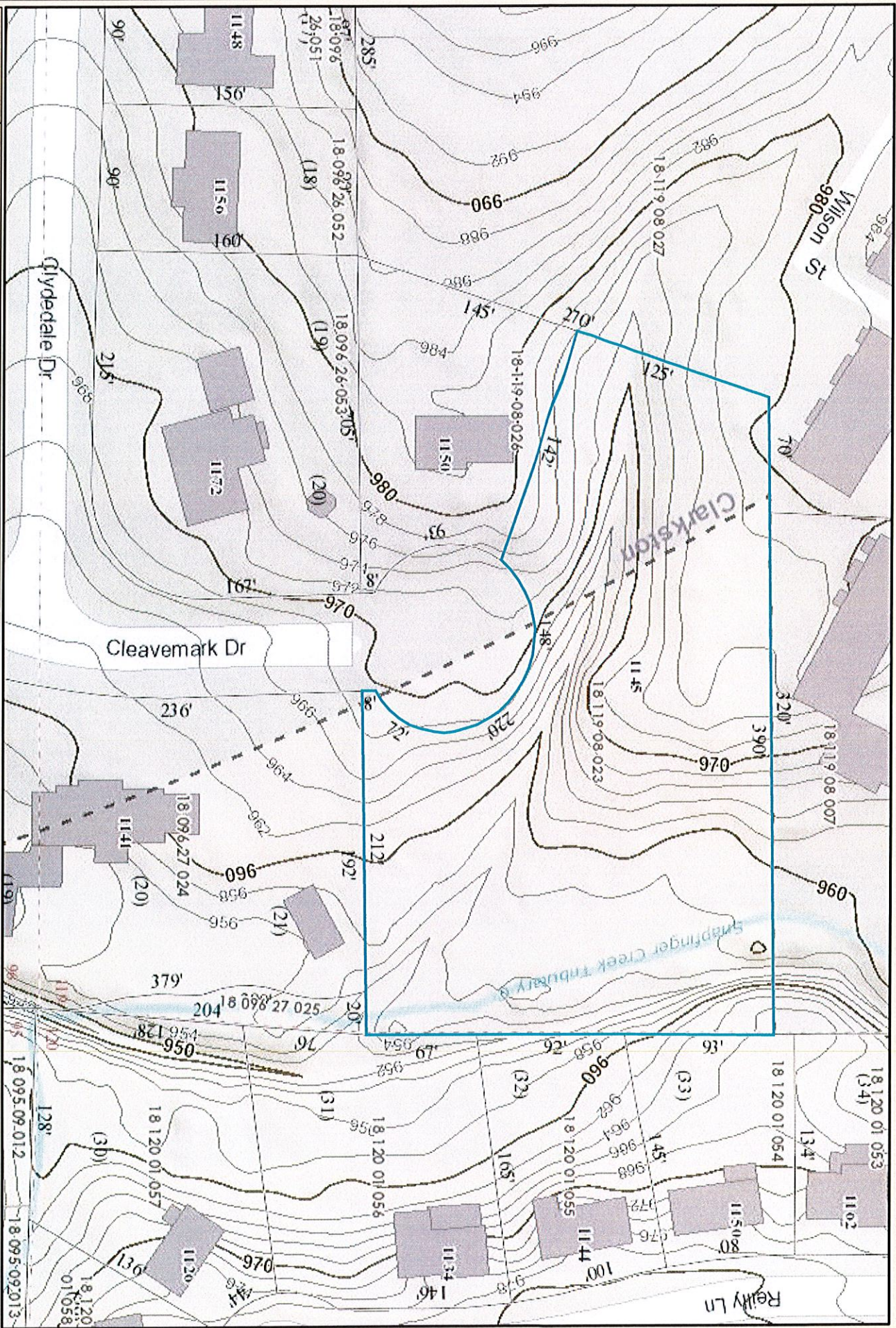
Dick's County GIS Disclaimer
The maps and data combined on Dick's County's Geographic Information System (GIS) are subject to change. While Dick's County strives to provide accurate and up-to-date information, the information is provided "as is" without warranty, representation or guarantee of any kind. Dick's County explicitly disclaims all representations and warranties, including but not limited to, accuracy, completeness, merchantability and fitness for a particular purpose. In no event shall Dick's County be liable for any special, indirect, or consequential damages whatsoever resulting from use of the maps and data, whether in an action of contract, negligence, or other actions, arising out of or in connection with the use of the maps and data herein provided. The maps and data are for illustration purposes only and should not be relied upon for any reason. The maps and data are not suitable for site-specific decision-making nor should it be construed or used as a legal description. The areas depicted by maps and data are approximate and are not necessarily accurate to surveying or engineering standards.



1145 Cleavemark Drive 3



Date Printed: 12/8/2020



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**REQUEST FOR 100% ANNEXATION
CITY OF CLARKSTON**

December 02, 2020
Date

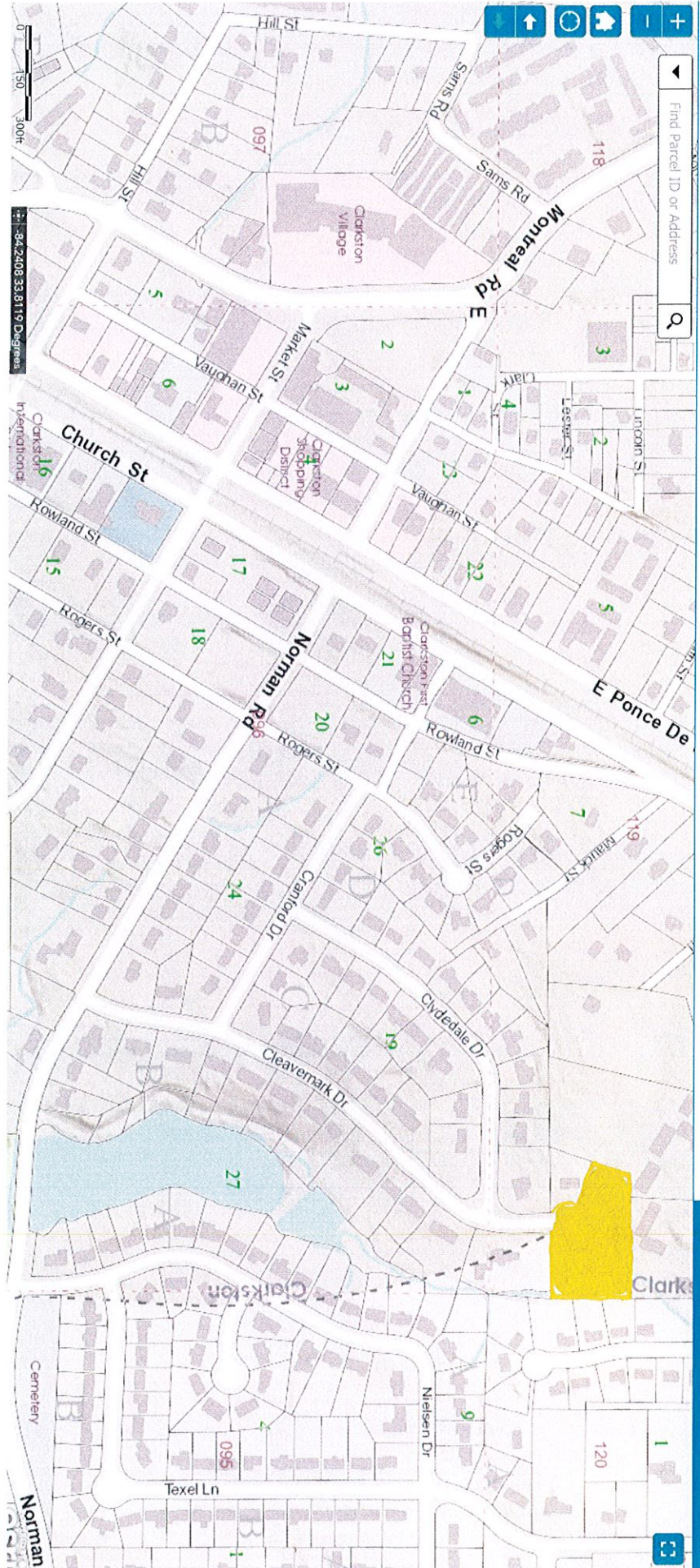
To the Mayor and City Council of the City of Clarkston, Georgia.

1. We, the undersigned, all of the owners of all real property of the territory described herein respectfully request that the Mayor and City Council annex this territory to the City of Clarkston Georgia, and extend the city boundaries to include the same.
2. The territory to be annexed is unincorporated and contiguous (as described in O.C.G.A. § 36-36-20) to the existing corporate limits of Clarkston, Georgia and the description of such territory is as follows:

Attach one (1) copy of a plat, one (1) copy of the most recent deed and one (1) copy of the complete legal description of the land to be annexed and one (1) copy of a small map of the general area of DeKalb County with the site located and highlighted.

Property Address: 1145 Cleveamark Drive, Clarkston, GA 30021
Total Acreage: 2.114
Parcel(s) Identification Number: 18 119 08 023
Current Zoning: NR1 Proposed Zoning: NR1

NAME OF PROPERTY OWNER	ADDRESS	SIGNATURE/DATE
1. William Pulling	2200 Wisteria Way, Atlanta GA 30317	<i>[Signature]</i> 12-01-2020
2. Taylor Pulling	2200 Wisteria Way, Atlanta GA 30317	<i>[Signature]</i> 12-01-2020
3.		
4.		
5.		
6.		
7.		



84.2408 33.8119 Degrees

LIMITED WARRANTY DEED

THIS INDENTURE, made on 21st day of December, 2018, between

Shelley Brock

(hereinafter referred to as "Grantor") and

William C. Pulling

(hereinafter referred to as "Grantee"), the words "Grantor" and "Grantee" to include the heirs, executors, legal representatives, successors and assigns of said parties where the context requires or permits; WITNESSETH:

AND VALUABLE CONSIDERATIONS, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged by Grantor, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee,

THAT Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD PARTICULARLY DESCRIBED AS FOLLOWS: Beginning at an iron pin located on the East line of Land Lot 119, 274.2 feet North of the Southeast corner of said Land Lot 119 at its common intersection with Land Lot 120; thence Northerly along the East line of Land Lot 119, 183.5 feet to an iron pin; thence Westerly, forming an interior angle of 89 Degrees 22 Minutes with the preceding course, 390 feet to an iron pin; thence Southwesterly, forming an interior angle of 110 Degrees 38 Minutes with the preceding course, 270.3 feet to an iron pin; thence Easterly, forming an interior angle of 69 Degrees 22 Minutes with the preceding course, 289.2 feet to an iron pin; thence Northerly 8.3 feet to an iron pin; thence Easterly, Northeastly and Northerly along the Western boundary of property now or formerly owned by W. K. Brock herein 72.1 feet to an iron pin; thence Easterly 185 feet to a point located on the East line of Land Lot 119 and the point of beginning.

TOGETHER WITH all and singular the rights, members and appurtenances thereto (hereinafter collectively referred to as the "Premises"), the same being, belonging, or in anywise appertaining to the only proper use, benefit and behoof of Grantee.

Subject to all easements, rights of way, and restrictive covenants of record (hereinafter referred to as the "Exceptions"),

TO HAVE AND TO HOLD the Premises, subject to the Exceptions, to the only proper use, benefit and behoof of Grantee, forever, in FEE SIMPLE, and Grantor will, subject to the Exceptions, warrant and forever defend the right and title to the Premises unto Grantee against the claims of all person claiming by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has executed this instrument under seal, as of the date first above written.

Signed, sealed and delivered
in the presence of:

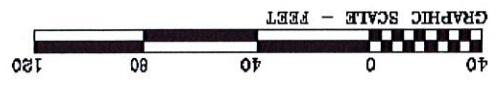
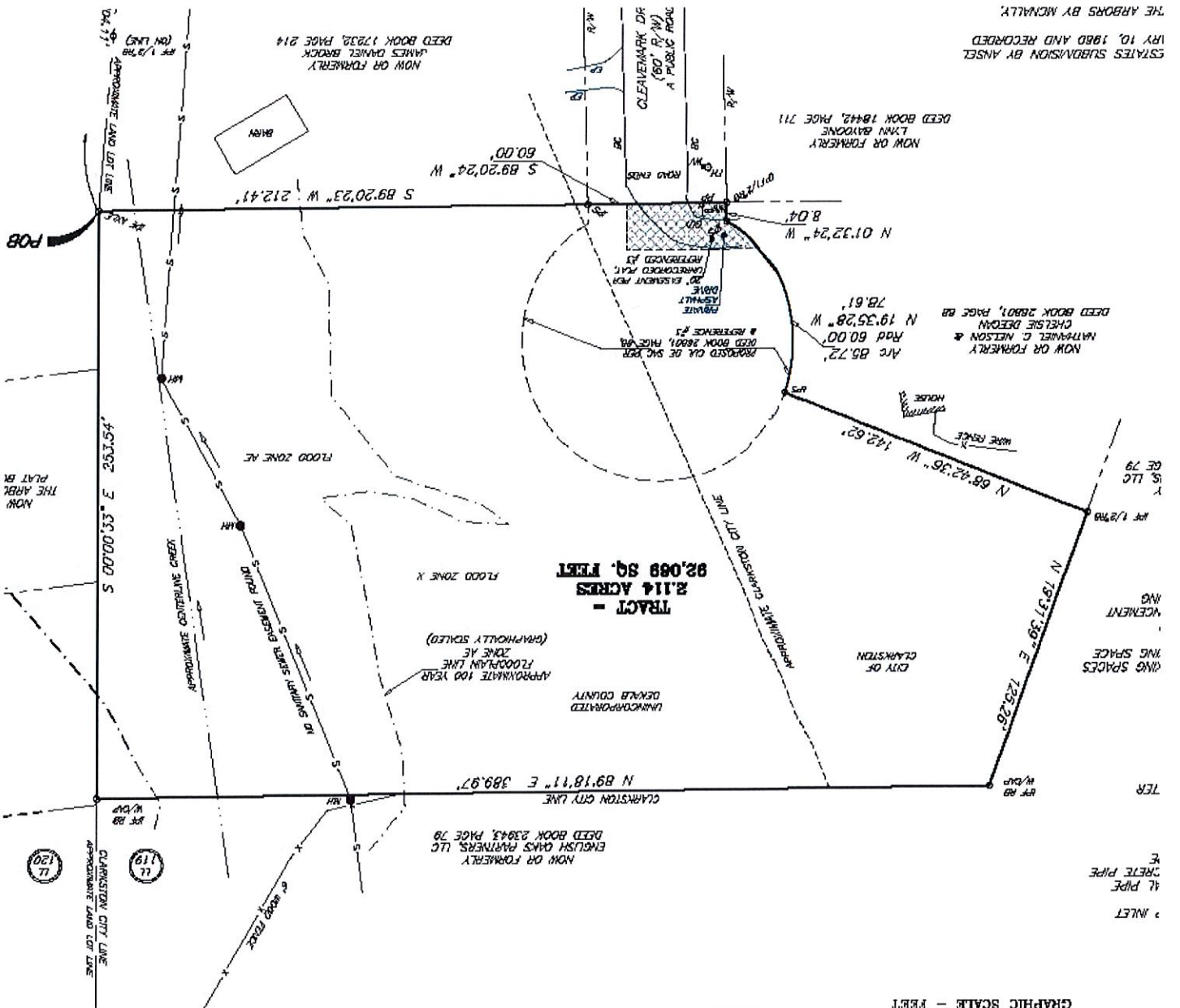
[Signature]
Unofficial Witness

[Signature]
Shelley Brock

Notary Public
Commission expires: 12/11/2020



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NATHANIEL C. NELSON &
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DEED BOOK 28801, PAGE 88

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JAMES DANIEL BROOK
DEED BOOK 17832, PAGE 214

TRACT -
2.14 ACRES
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ENGLISH OAKS PARTNERS, LLC
DEED BOOK 23943, PAGE 78

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CERTIFIED MAIL AND ELECTRONIC MAIL (rgomez@cityofclarkston.com)

February 22, 2021

Robin Gomez
City Manager
City of Clarkston
1055 Rowland Street
Clarkston, Georgia 30021

Dear Mr. Gomez:

We are in receipt of your December 8, 2020 letter regarding the proposed annexation of property located at 1145 Cleavemark Drive. The GIS Department will update the county's maps and records once we receive a copy of the approval from the City of Clarkston.

We have reviewed the property to be annexed and determined that no county facilities are located at the above address.

With regard to easements and drainage, DeKalb County hereby reserves for itself, its successors and assigns any and all existing water and sewer easements upon, over, across and under the above mentioned annexed property and an easement upon, over, cross and under the above mentioned annexed property for the collection, direction, concentration, discharge, ponding or retention of rain waters, surface waters or other waters from roads, street, alleys, parks, lots, ditches, culverts, drains, lake, rivers, streams, pond and properties of DeKalb County, Georgia or properties devoted to a public use.

The GIS Department is responsible for processing annexations. GIS will receive the notification of annexation in a more expeditious manner if you would please copy this office on annexation notices. If you have any questions, you may contact me at 404.371.3619 or via email at scgear@dekalbcountyga.gov.

Sincerely,



Stacy Gear
Director

cc: Michael Thurmond, CEO
Zachary Williams, COO
Andrew Baker, Director of Planning & Sustainability



City Council
Beverly H. Burks, Mayor
Awet Eyasu, Vice-Mayor
Jamie Carroll *Ahmed Hassan*
Laura Hopkins *Debra Johnson*

City Manager Robin I. Gomez

December 8, 2020

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Michael Thurmond, CEO
DeKalb County
Maloof Building
1300 Commerce Drive
Decatur, GA 30030

**Re: Application for Annexation into City of Clarkston submitted by
William Pulling and Taylor Pulling
1145 Cleavemark Drive, Clarkston, GA 30031**

Dear Chief Executive Officer Thurmond:

This letter is offered pursuant to O.C.G.A. § 36-36-6 and 36-36-111 to inform the governing authority of DeKalb County that the City of Clarkston has received an application for annexation from William Pulling and Taylor Pulling. The application applies to the property that is partially located in the City of Clarkston and partially located in unincorporated DeKalb County known as **1145 Cleavemark Drive, Clarkston GA, 30021-Tax Map Parcel ID # 18 119 08 023**.

If the above-referenced application is accepted for annexation into the City of Clarkston, the City contemplates zoning the property as NR-1 Low Density Neighborhood Residential.

Please find enclosed for your review a complete copy of the Application for Annexation including a detailed legal description of the property.

Please feel free to contact me directly if you have any questions about this application.

Very truly yours,

Robin I. Gomez, City Manager
City of Clarkston

Enclosures

cc: City Attorney (via email)
Planning/Economic and Development Director (via email)

1055 Rowland Street, Clarkston, Georgia 30021
Phone: 678-409-9683

rgomez@cityofclarkston.com

ORDINANCE NO. _____

AN ORDINANCE TO ANNEX CERTAIN PROPERTY INTO THE CITY OF CLARKSTON.

WHEREAS, the City of Clarkston has received an application from the owners of certain property known as 1145 Cleavemark Drive, Clarkston, GA 30021 (DeKalb County Tax Parcel ID # 18-119-08-023) seeking annexation of such property into the City; and

WHEREAS, the City is authorized by O.C.G.A. § 36-36-21 to annex contiguous property upon application of 100% of the owners of such property; and

WHEREAS, the City Council has determined that annexation of the subject property is in the best interest of the City.

NOW THEREFORE, BE IT ORDAINED by the City of Clarkston that the property known as 1145 Cleavemark Drive, Clarkston, GA 30021 (tax parcel # 18-119-08-023) is hereby annexed into the City of Clarkston, effective June 1, 2021.

BE IT FURTHER ORDAINED that the official City boundaries shall be amended to reflect said annexation.

SO ORDAINED, this 4th day of May 2021.

ATTEST:

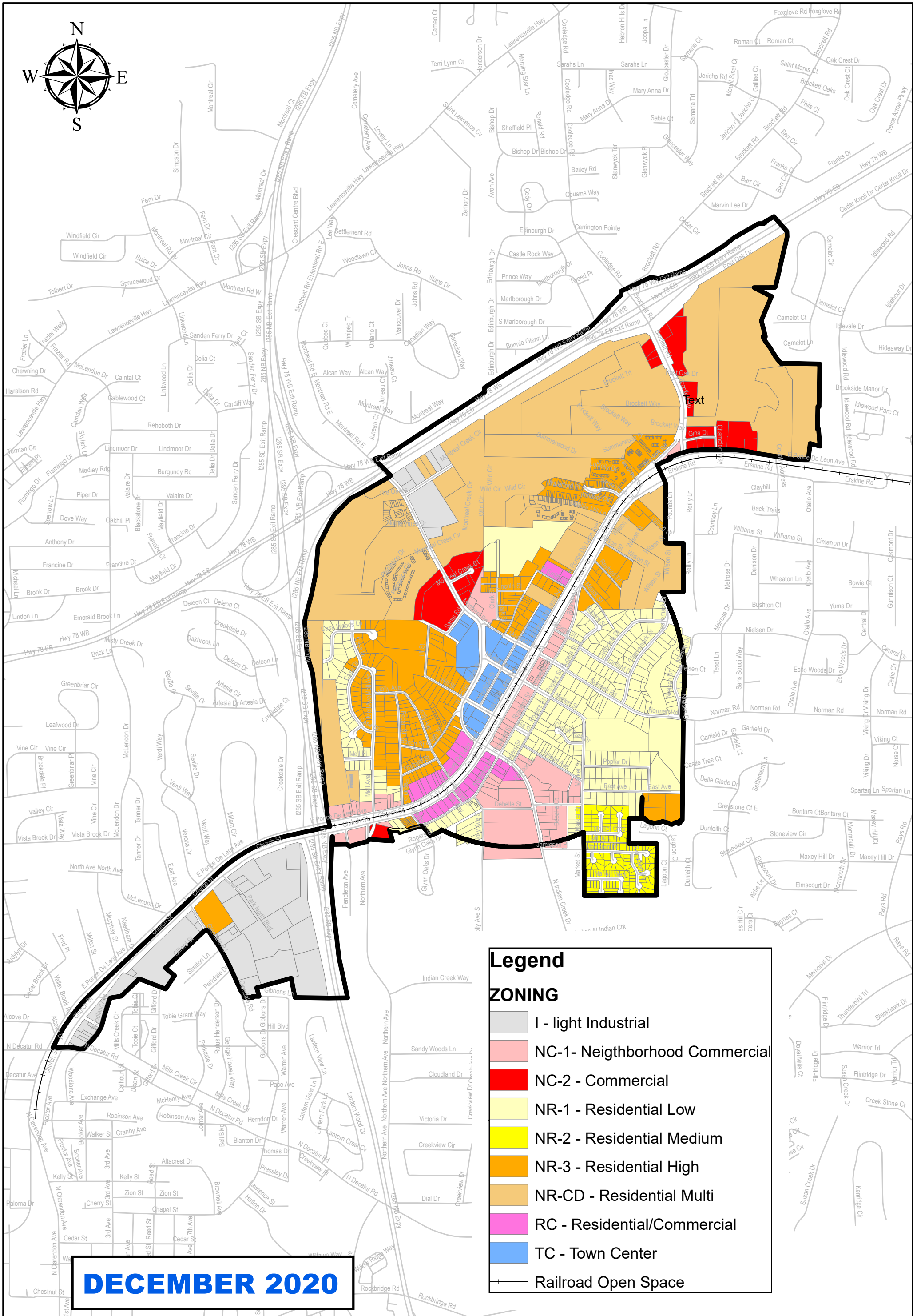
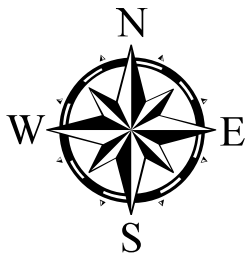
**CITY COUNCIL,
CITY OF CLARKSTON, GEORGIA**

By _____
Tracy Ashby, City Clerk

Beverly Burks, Mayor

Approved as to Form:

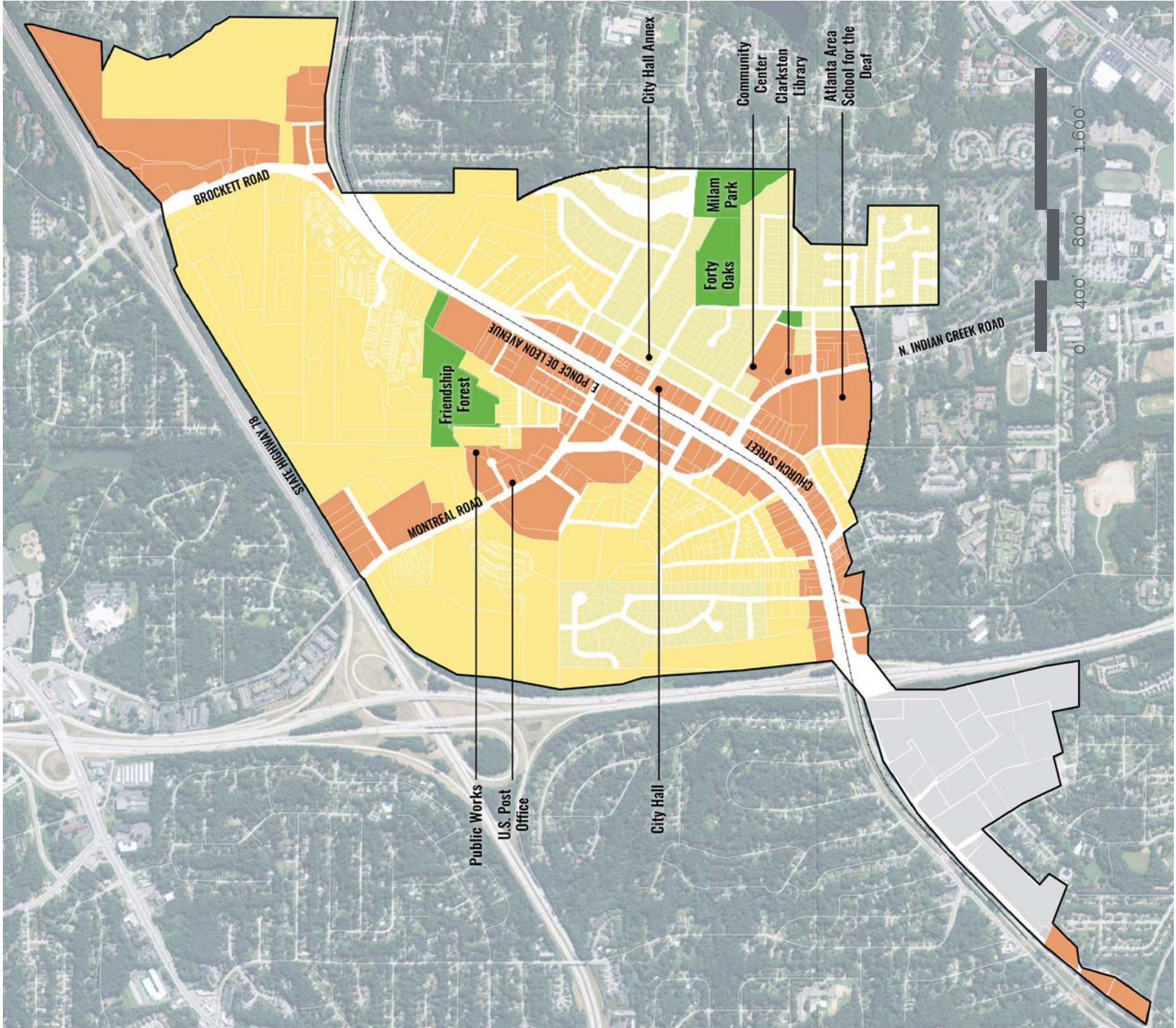
Stephen G. Quinn, City Attorney



FUTURE LAND USE //

Legend

- Mixed-Use
- Traditional Neighborhood Development
- Single Family Home Areas
- Industrial
- Parks/Open Space
- Clarkston City Limits





PLANNING & ZONING BOARD MEETING MINUTES

**April 20th, 2021 7:00 PM
TELECONFERENCE**

**Call in Number:
(404) 902-5066**

**Call in Code:
326629**

A. CALL TO ORDER: The meeting was called to order at 7:01 PM.

B. ROLL CALL: Chair Charles McFarland, Vice Chair Felicia Weinert, Lisa Williams, Susan Hood, P/E &D Director Shawanna Qawiy

C. APPROVAL OF JANUARY 2021 MEETING MINUTES: Charles McFarland, called for a motion to approve the January 2021 meeting minutes. Felicia Weinert made a motion to approve, Susan Hood seconded, and the motion passed 3/0/1. Lisa Williams abstained.

D. NEW BUSINESS

1. **PUBLIC HEARING:** Annexation request from William Pulling and Taylor Pulling of parcel 18 119 08 023 located at 1145 Cleavemark Drive, Clarkston, GA 30021, into the city limits of Clarkston, GA to receive a conversion zoning of NR-1 Low Density Neighborhood Residential.

PE & D Director Qawiy gave an overview of the annexation request for 1145 Cleavemark Drive and introduced the applicant Mr. William Pulling. Charles McFarland opened the public hearing to those who wished to speak in opposition and in favor of the annexation request.

Felicia Weinert inquired about the reasoning for the annexation request. The applicant stated that the property is about 40% in the City limits of Clarkston and 60% in Unincorporated DeKalb County, with plans to construct a single-family home and to save a majority of the trees on the property.

Lisa Williams inquired about whether the property would require any variances. PE & D Director Qawiy stated that at this time no plans have been submitted for review, but the property does meet all zoning requirements at this time of the conversion zoning.

Susan Hood asked whether the applicant will be occupying the single-family home once constructed. Mr. Pulling, the applicant stated that they will occupy the residence.

With no additional speakers or questions the public hearing was closed by Chairman McFarland.

Chairman McFarland asked for a motion. Susan Hood made the motion to approve the annexation request and to amend all maps to reflect the annexation and conversion zoning. Felecia Weinert seconded, and the motion passed 4/0.

E. OTHER BUSINESS

1. PE &D Director Qawiy recognized Felicia Weinert and Susan Hood, the Board members that attended the April 14-15 Department of Community Affairs Community Planning Institute Virtual Training. After a discussion related to the training and the highlights from both participants, the Chairman called for a motion to adjourn.

F. ADJOURNMENT: Lisa Williams made the motion to adjourn, Susan Hood seconded the motion, and the motion passed 4/0. Meeting adjourned at 7:25 PM.

CITY OF CLARKSTON

ITEM NO: G2

CLARKSTON CITY COUNCIL WORK SESSION

HEARING TYPE:
City Council

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Ordinance

MEETING DATES: May 4th, 2021 - Public Hearing

SUBJECT: Adoption of an ordinance to assign the zoning of NR-1 Low Density Residential to the property located at 1145 Cleavemark Drive, Clarkston, GA 30021.

DEPARTMENT:
Planning/Economic & Development

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages:

INFORMATION CONTACT:
Shawanna Qawiy, Planning/Econ. and Dev. Director
PHONE NUMBER: 404-296-6489 Ext. 421

PURPOSE: To adopt an ordinance assigning NR-1 Low Density Residential to parcel 18 119 08 023 known as 1145 Cleavemark Drive, Clarkston, GA 30021.

NEED/ IMPACT:

The subject property known as 1145 Cleavemark Drive (parcel identification # 18 119 08 023) consists of a +/-2.114 acres tract of land shall be assigned the zoning of NR-1 Low Density Residential in the City of Clarkston.

This request was reviewed and heard at the April 20th Planning and Zoning Board meeting.

RECOMMEDNATION(S):

Staff recommends approving the ordinance assigning the NR-1 Low Density Neighborhood Residential zoning classification to the subject property with parcel identification of 18 119 08 023, 1145 Cleavemark Drive, Clarkston, GA 30021.

Planning and Zoning Board Meeting Recommendation: April 20th, 2021.

The Planning and Zoning Board approved the annexation request and to amend all maps to reflect the annexation and conversion zoning of NR-1.

ATTACHMENTS:

Annexation application, staff report, April 20th, 2021-Planning and Zoning Board minutes, property survey, and maps.



ANNEXATION ANALYSIS

Report Prepared by: Shawanna N. Qawiy, MSCM, MPA
 Planning/Economic & Development Director

Applicant: William Pulling/ Taylor Pulling

Location: 1145 Cleavemark Road

Request: Annexation request

Parcel ID(s): 18 119 08 023

Proposed Use

/Purpose:

Current Land Use: Single Family home/Vacant

Sign Posted: March 27, 2021

Planning & Zoning Meeting: April 20th, 2021

City Council Meeting: May 4, 2021

Lot Size: 2.114 acres

Road Access: Cleavemark Road

Public Utilities:

Water and Wastewater Treatment – Public water service is available.

Zoning Overview: The property owner’s request is to annex into the City of Clarkston to have the entire parcel located in the City of Clarkston. A review of zoning files indicates that there have been no previous zoning or annexation requests regarding the subject property. **Table 1.0** illustrates the zoning and current land uses for the adjacent properties:

Table 1.0

	Current Zoning	Current Land Use
North	NR-CD City of Clarkston	English Oaks Apartments
East	R3- DeKalb County	Single Family Residential
South	NR-1 City of Clarkston	Single Family Residential
West	NR-1 City of Clarkston	Single Family Residential

Future Land Use: Single Family Area: According to the Clarkston 2040 Comprehensive Plan future land use map, this area is currently designated as a Single-Family Area. The request is to continue the current land use and construct a single-family home.

Rezoning Review Criteria: Assessment of Application for Zoning Map Amendment
(Article III, Sec. 305):

When any request is made for a change in the zoning for any parcel of property, or when an amendment is requested to the zoning map, the following criteria points must be reviewed as follows;

Criteria Point 1: *The effect upon the health, safety, morals or general welfare of the public compared to any hardship imposed upon the individual property owner seeking rezoning should rezoning be denied;*

The proposed use does not impact the general welfare of the public. It does follow the vision as described in the Clarkston 2040 Comprehensive Plan by receiving a conversion zoning of NR-1-Low Density residential which permits single family residential homes.

Criteria Points 2 and 3: *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;*

The current land use is permitted for single family homes both historic as well as new developments. The annexation request and conversion zoning of NR-1 will permit a use that is suitable in view of the uses and development of adjacent and nearby property properties.

Criteria Point 4: *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;*

The property is currently zoned R-3 DeKalb County, which will receive a conversion zoning of NR-1 with the approval of the annexation request. By the property owner's admission, it is reasonable to determine that the economic use, when the final recommendation has been made on the annexation request, the land use will be used for a single-family home. This request is consistent with the Future Land Use Map, which designates this area as a single-family area in the City of Clarkston.

Criteria Point 5: *Whether the zoning proposal will result in a use that may cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*

Schools: The school impact from the proposed project is negligible.

Streets and Transportation Facilities:

The nature of the proposed use will not create significant high volumes of vehicular traffic along Cleavemark Drive. No major upgrades to the onsite and offsite road network will be necessary in order to provide improved access or the ability to handle the expected traffic volume.

Utilities and Environment:

The applicant would be required to follow all best management practices (BMPs) for land disturbance and pertaining to storm water runoff and erosion/sedimentation control on the parcel.

Public Safety:

There will not be a significant impact to public safety based on the annexation and conversion zoning.

Criteria Point 6: *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*

The applicant is requesting to construct a single-family home that is a permitted use in the NR-1 zoning district. Current plans are to keep many of the trees located on the property. This is supporting grounds to approve the annexation and conversion zoning of NR-1 in the City of Clarkston.

Criteria Points 7 and 8: Whether the zoning proposal is compatible with the principals of the city's long range plan as set forth in the Conceptual Master Land Use and Connectivity Plan for the City of Clarkston, a part of the Clarkston Livable Centers Initiative Study as adopted in March 2005, adopted as the city's comprehensive plan; Whether the zoning proposal is compatible with the most current adopted version of the Future Development Map of the Clarkston Comprehensive Plan

The subject property is located in an area identified as a Single-Family Area on the Future Land Use Map in the Clarkston 2040 Comprehensive Plan adopted in 2016. The proposed annexation associated with the conversion zoning request aligns with the uses permitted within the NR-1 Low Density Residential zoning classification.

Recommendation:

Staff recommends **approval** of the annexation request with a conversion zoning of NR-1 and to amend all maps to reflect the annexation and conversion zoning. All plans are required to be reviewed by the City of Clarkston and other applicable departments in DeKalb County before the issuance of any pertinent permits to construct the single-family dwelling.



City Council
Beverly H. Burks, Mayor
Awet Eyasu, Vice-Mayor
Jamie Carroll *Ahmed Hassan*
Laura Hopkins *Debra Johnson*

City Manager Robin I. Gomez

December 8, 2020

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Michael Thurmond, CEO
DeKalb County
Maloof Building
1300 Commerce Drive
Decatur, GA 30030

**Re: Application for Annexation into City of Clarkston submitted by
William Pulling and Taylor Pulling
1145 Cleavemark Drive, Clarkston, GA 30031**

Dear Chief Executive Officer Thurmond:

This letter is offered pursuant to O.C.G.A. § 36-36-6 and 36-36-111 to inform the governing authority of DeKalb County that the City of Clarkston has received an application for annexation from William Pulling and Taylor Pulling. The application applies to the property that is partially located in the City of Clarkston and partially located in unincorporated DeKalb County known as **1145 Cleavemark Drive, Clarkston GA, 30021-Tax Map Parcel ID # 18 119 08 023**.

If the above-referenced application is accepted for annexation into the City of Clarkston, the City contemplates zoning the property as NR-1 Low Density Neighborhood Residential.

Please find enclosed for your review a complete copy of the Application for Annexation including a detailed legal description of the property.

Please feel free to contact me directly if you have any questions about this application.

Very truly yours,

Robin I. Gomez, City Manager
City of Clarkston

Enclosures

cc: City Attorney (via email)
Planning/Economic and Development Director (via email)

1055 Rowland Street, Clarkston, Georgia 30021
Phone: 678-409-9683

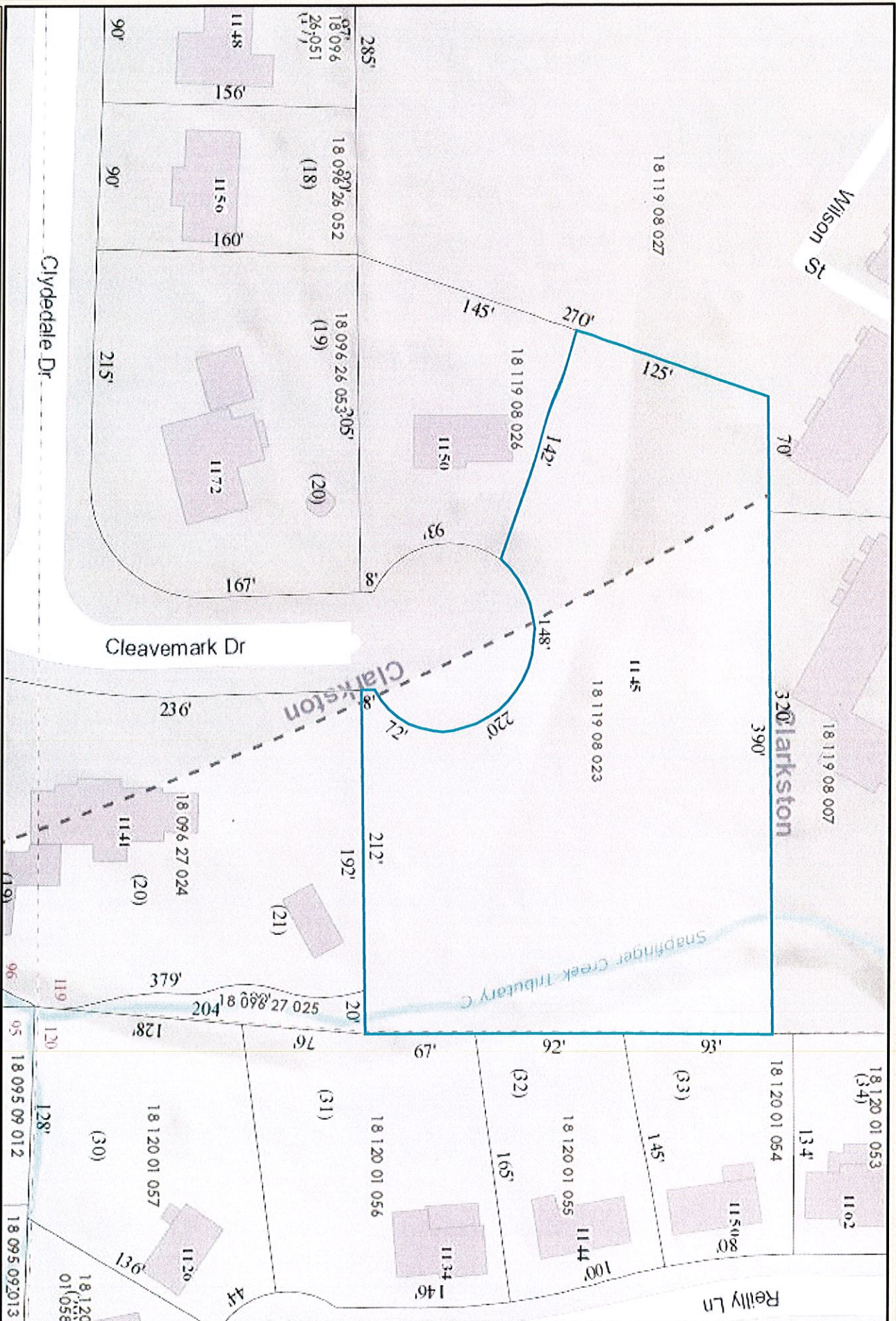
rgomez@cityofclarkston.com



1145 Cleavemark Drive



Date Printed: 12/8/2020



DeKalb County GIS Disclaimer:
The maps and data contained on DeKalb County's Geographic Information System (GIS) are subject to constant change. While DeKalb County strives to provide accurate and up-to-date information, the information is provided "as is" without warranty, representation or guarantee of any kind as to the content, sequence, accuracy, timeliness or completeness of any of the database information provided herein. DeKalb County explicitly disclaims all representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. In no event shall DeKalb County be liable for any special, indirect, or consequential damages whatsoever resulting from loss of use, data, or profits, whether in an action of contract, negligence, or other action, arising out of or in connection with the use of the maps and/or data herein provided. The maps and data are for illustration purposes only and should not be relied upon for any reason. The maps and data are not suitable for site-specific decision-making nor should it be conveyed or used as a legal description. The areas depicted by maps and data are approximate, and are not necessarily accurate to surveying or engineering standards.



1145 Cleavemark Drive 2



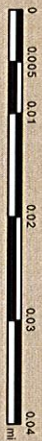
Date Printed: 12/8/2020



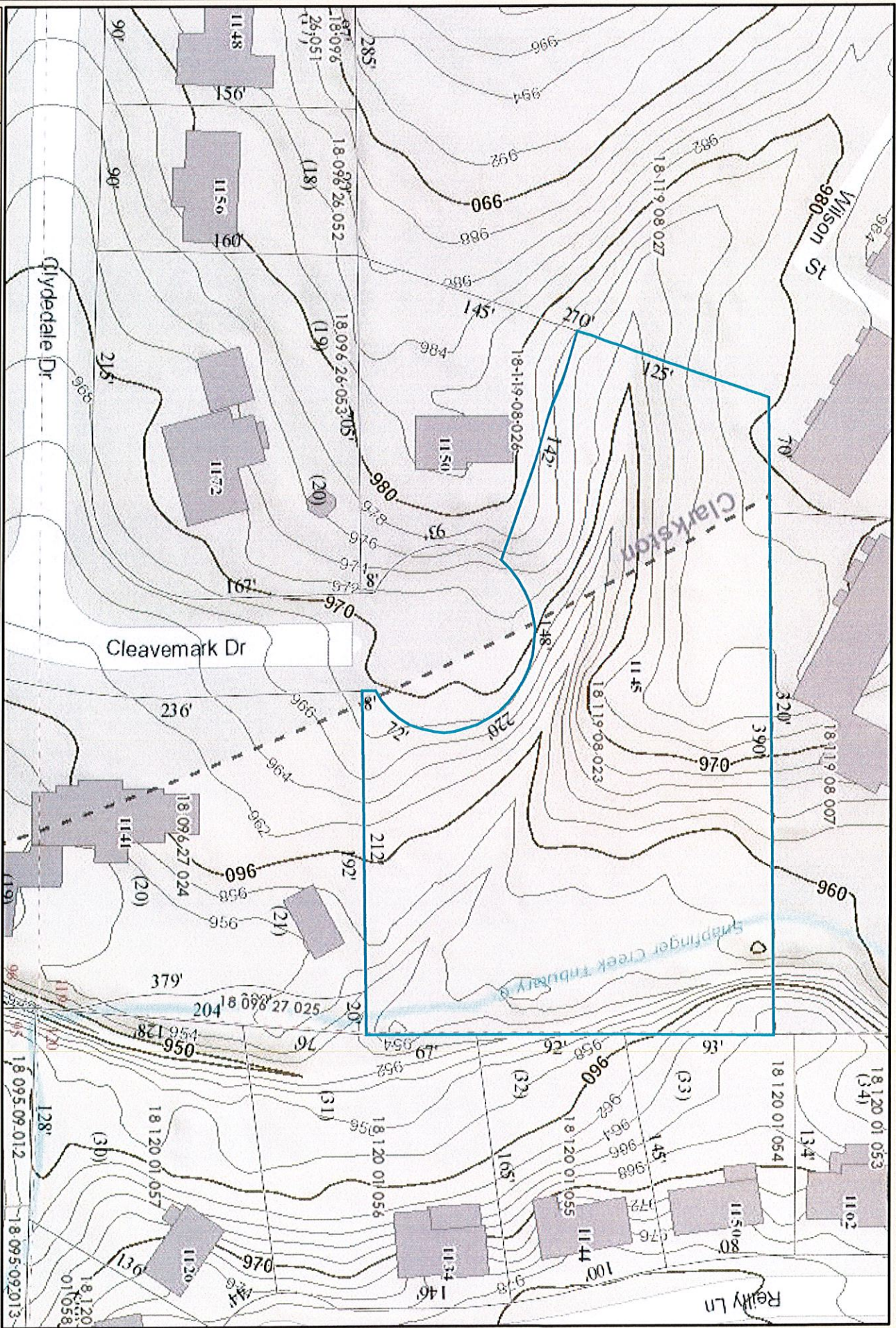
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1145 Cleavemark Drive 3



Date Printed: 12/8/2020



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**REQUEST FOR 100% ANNEXATION
CITY OF CLARKSTON**

December 02, 2020
Date

To the Mayor and City Council of the City of Clarkston, Georgia.

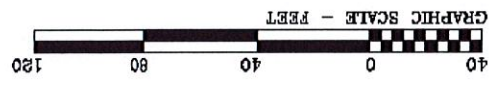
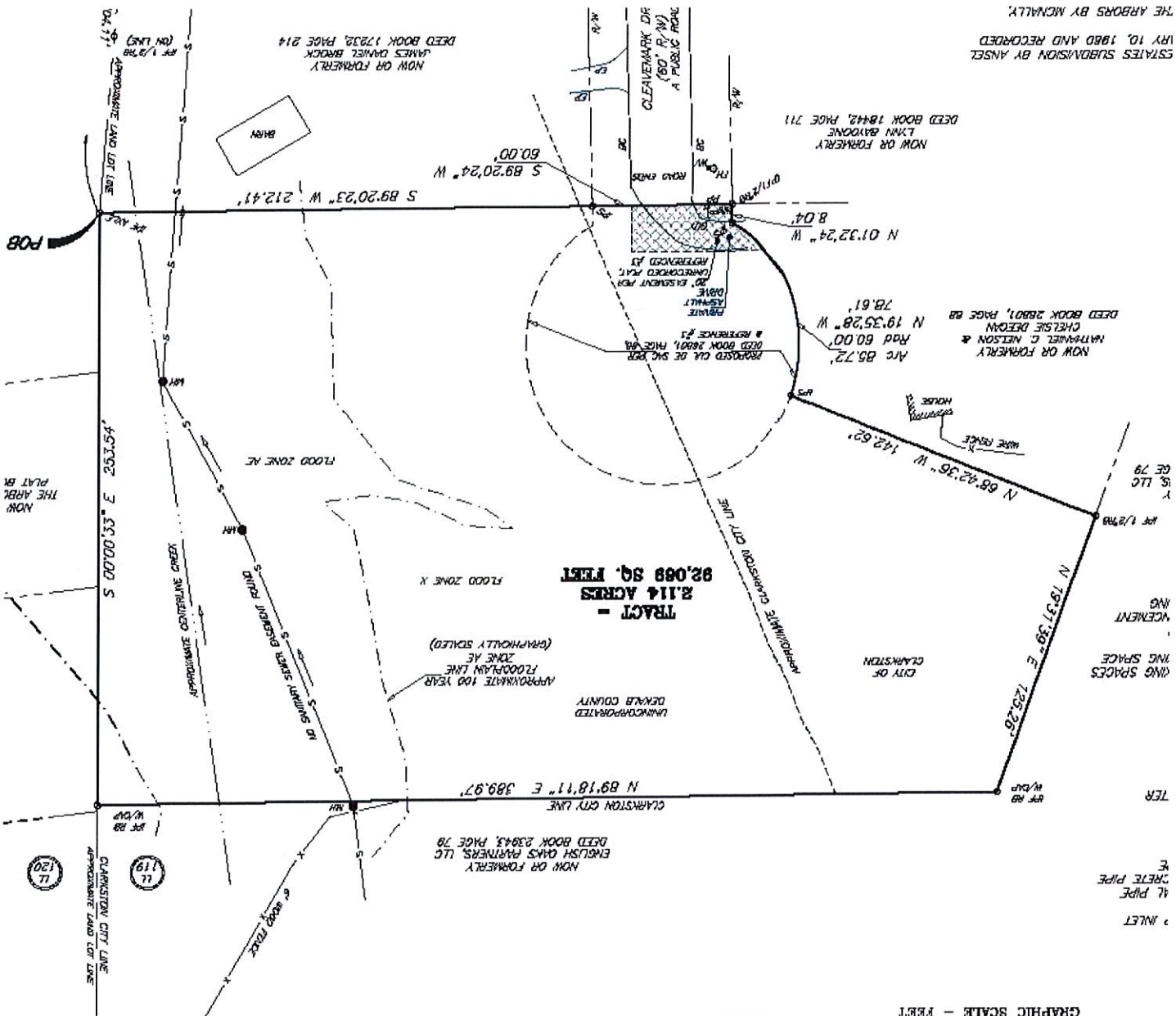
1. We, the undersigned, all of the owners of all real property of the territory described herein respectfully request that the Mayor and City Council annex this territory to the City of Clarkston Georgia, and extend the city boundaries to include the same.
2. The territory to be annexed is unincorporated and contiguous (as described in O.C.G.A. § 36-36-20) to the existing corporate limits of Clarkston, Georgia and the description of such territory is as follows:

Attach one (1) copy of a plat, one (1) copy of the most recent deed and one (1) copy of the complete legal description of the land to be annexed and one (1) copy of a small map of the general area of DeKalb County with the site located and highlighted.

Property Address: 1145 Cleveamark Drive, Clarkston, GA 30021
 Total Acreage: 2.114
 Parcel(s) Identification Number: 18 119 08 023
 Current Zoning: NR1 Proposed Zoning: NR1

NAME OF PROPERTY OWNER	ADDRESS	SIGNATURE/DATE
1. William Pulling	2200 Wisteria Way, Atlanta GA 30317	<i>[Signature]</i> 12-01-2020
2. Taylor Pulling	2200 Wisteria Way, Atlanta GA 30317	<i>[Signature]</i> 12-01-2020
3.		
4.		
5.		
6.		
7.		

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BY 10, 1980 AND RECORDED
STATES SUBDIVISION BY ANSEL



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GE 79

NOW OR FORMERLY
NATHANIEL C. NELSON &
CHELSEA DEON

NOW OR FORMERLY
LYNN BAYDINE
DEED BOOK 18442, PAGE 711

NOW OR FORMERLY
JAMES DANIEL BROOK
DEED BOOK 17832, PAGE 214

NOW OR FORMERLY
ENGLISH OAKS PARTNERS, LLC
DEED BOOK 23943, PAGE 79

TRACT -
2.14 ACRES
82,068 SQ. FEET

UNINCORPORATED
DEKALB COUNTY

CLARKSTON CITY LINE

APPROXIMATE 100 YEAR
FLOODPLAIN LINE
ZONE A-E
(GRAPHICALLY SCALED)

FLOOD ZONE X

FLOOD ZONE A-E

APPROXIMATE CENTERLINE DRAIN

APPROXIMATE LAND LOT LINE

CLARKSTON CITY LINE

APPROXIMATE LAND LOT LINE

CLARKSTON CITY LINE

APPROXIMATE LAND LOT LINE

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APPROXIMATE LAND LOT LINE

CLARKSTON CITY LINE

APPROXIMATE LAND LOT LINE



CERTIFIED MAIL AND ELECTRONIC MAIL (rgomez@cityofclarkston.com)

February 22, 2021

Robin Gomez
City Manager
City of Clarkston
1055 Rowland Street
Clarkston, Georgia 30021

Dear Mr. Gomez:

We are in receipt of your December 8, 2020 letter regarding the proposed annexation of property located at 1145 Cleavemark Drive. The GIS Department will update the county's maps and records once we receive a copy of the approval from the City of Clarkston.

We have reviewed the property to be annexed and determined that no county facilities are located at the above address.

With regard to easements and drainage, DeKalb County hereby reserves for itself, its successors and assigns any and all existing water and sewer easements upon, over, across and under the above mentioned annexed property and an easement upon, over, cross and under the above mentioned annexed property for the collection, direction, concentration, discharge, ponding or retention of rain waters, surface waters or other waters from roads, street, alleys, parks, lots, ditches, culverts, drains, lake, rivers, streams, pond and properties of DeKalb County, Georgia or properties devoted to a public use.

The GIS Department is responsible for processing annexations. GIS will receive the notification of annexation in a more expeditious manner if you would please copy this office on annexation notices. If you have any questions, you may contact me at 404.371.3619 or via email at scgear@dekalbcountyga.gov.

Sincerely,



Stacy Gear
Director

cc: Michael Thurmond, CEO
Zachary Williams, COO
Andrew Baker, Director of Planning & Sustainability



City Council
Beverly H. Burks, Mayor
Awet Eyasu, Vice-Mayor
Jamie Carroll *Ahmed Hassan*
Laura Hopkins *Debra Johnson*

City Manager Robin I. Gomez

December 8, 2020

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Michael Thurmond, CEO
DeKalb County
Maloof Building
1300 Commerce Drive
Decatur, GA 30030

**Re: Application for Annexation into City of Clarkston submitted by
William Pulling and Taylor Pulling
1145 Cleavemark Drive, Clarkston, GA 30031**

Dear Chief Executive Officer Thurmond:

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Please feel free to contact me directly if you have any questions about this application.

Very truly yours,

Robin I. Gomez, City Manager
City of Clarkston

Enclosures

cc: City Attorney (via email)
Planning/Economic and Development Director (via email)

1055 Rowland Street, Clarkston, Georgia 30021
Phone: 678-409-9683

rgomez@cityofclarkston.com

ORDINANCE NO. _____

**AN ORDINANCE BY THE CITY OF CLARKSTON TO ZONE CERTAIN PROPERTY
KNOWN AS 1145 CLEAVEMARK DRIVE, CLARKSTON, GA 30021**

WHEREAS, the Clarkston City Council has acted on the application of the owners of property known as 1145 Cleavemark Drive, Clarkston, GA and annexed such property into the City; and

WHEREAS, the City has complied with the Zoning Procedures required for annexed property by O.C.G.A. § 36-66-4(d).

NOW THEREFORE, BE IT ORDAINED by the City of Clarkston that the property known as 1145 Cleavemark Drive, Clarkston, Georgia 30021 is hereby zoned NR-1 Low Density Neighborhood Residential District by the City of Clarkston.

BE IT FURTHER ORDAINED that the official Clarkston Zoning Map be amended to reflect such zoning.

SO ORDAINED, this 4th day of May, 2021.

ATTEST:

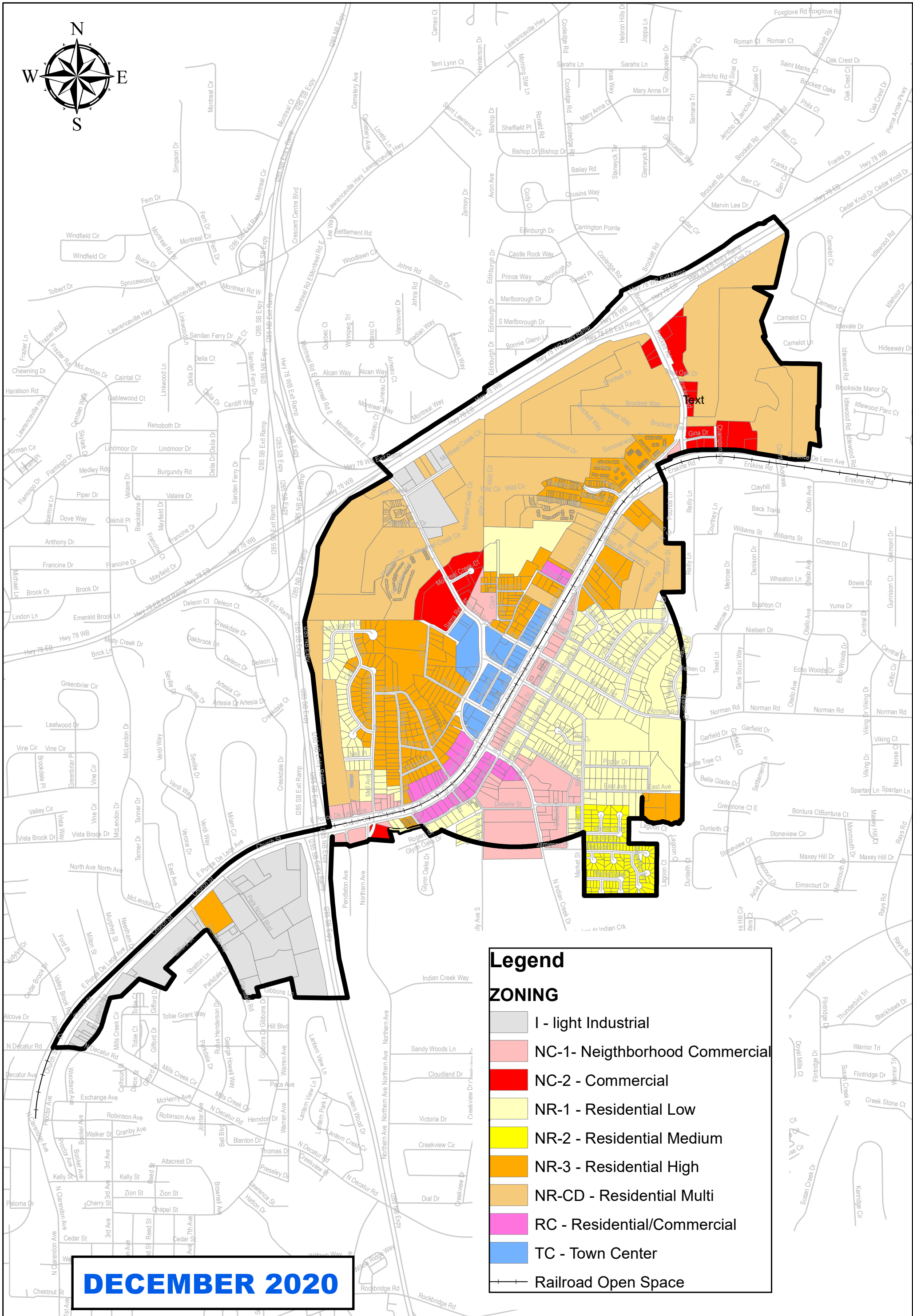
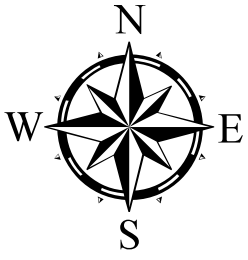
**CITY COUNCIL,
CITY OF CLARKSTON, GEORGIA**

By _____
Tracy Ashby, City Clerk

Beverly Burks, Mayor

Approved as to Form:

Stephen G. Quinn, City Attorney



Legend

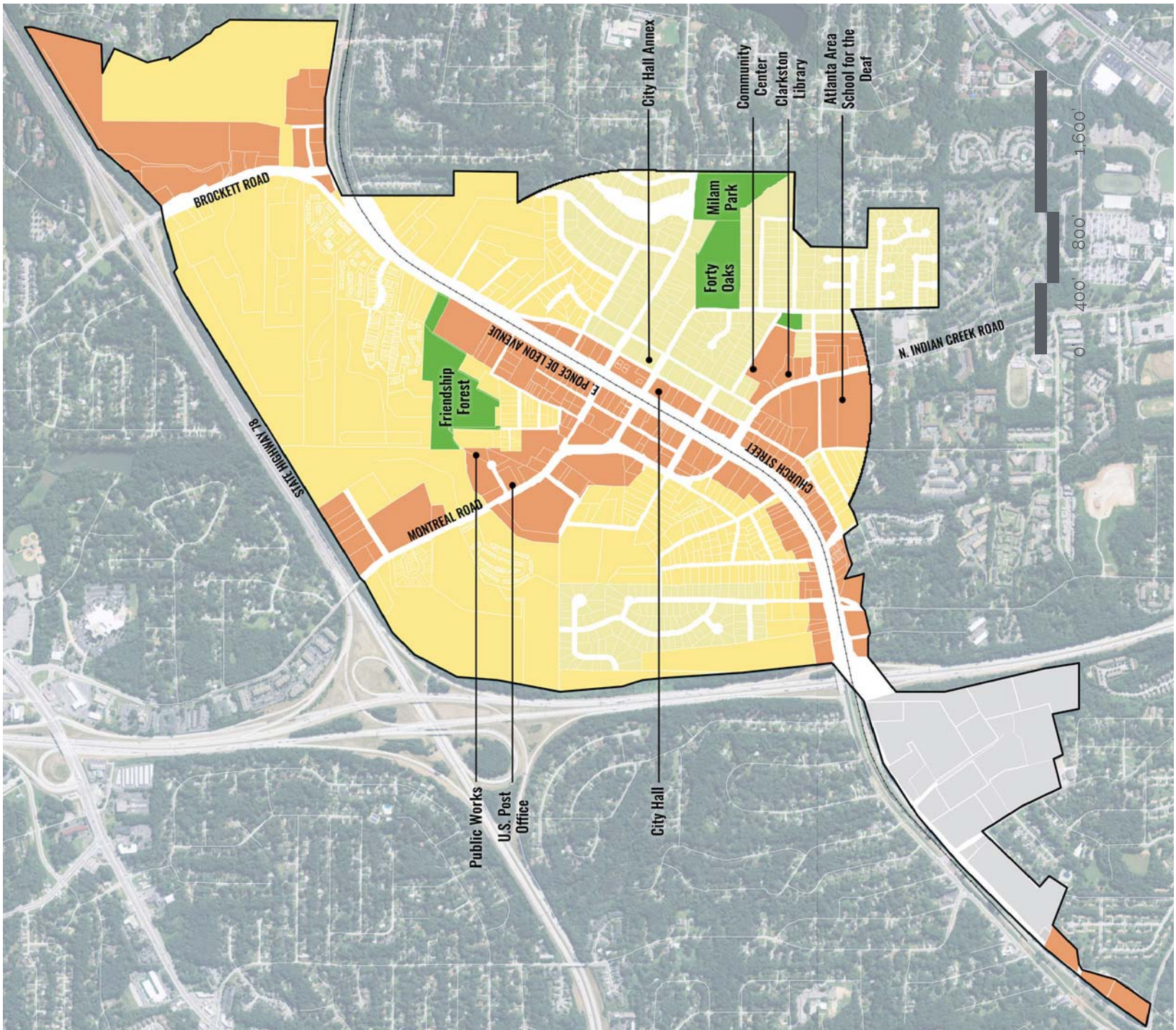
ZONING

- I - light Industrial
- NC-1- Neighborhood Commercial
- NC-2 - Commercial
- NR-1 - Residential Low
- NR-2 - Residential Medium
- NR-3 - Residential High
- NR-CD - Residential Multi
- RC - Residential/Commercial
- TC - Town Center
- Railroad Open Space

FUTURE LAND USE //

Legend

- Mixed-Use
- Traditional Neighborhood Development
- Single Family Home Areas
- Industrial
- Parks/Open Space
- Clarkston City Limits





PLANNING & ZONING BOARD MEETING MINUTES

**April 20th, 2021 7:00 PM
TELECONFERENCE**

**Call in Number:
(404) 902-5066**

**Call in Code:
326629**

A. CALL TO ORDER: The meeting was called to order at 7:01 PM.

B. ROLL CALL: Chair Charles McFarland, Vice Chair Felicia Weinert, Lisa Williams, Susan Hood, P/E &D Director Shawanna Qawiy

C. APPROVAL OF JANUARY 2021 MEETING MINUTES: Charles McFarland, called for a motion to approve the January 2021 meeting minutes. Felicia Weinert made a motion to approve, Susan Hood seconded, and the motion passed 3/0/1. Lisa Williams abstained.

D. NEW BUSINESS

1. **PUBLIC HEARING:** Annexation request from William Pulling and Taylor Pulling of parcel 18 119 08 023 located at 1145 Cleavemark Drive, Clarkston, GA 30021, into the city limits of Clarkston, GA to receive a conversion zoning of NR-1 Low Density Neighborhood Residential.

PE & D Director Qawiy gave an overview of the annexation request for 1145 Cleavemark Drive and introduced the applicant Mr. William Pulling. Charles McFarland opened the public hearing to those who wished to speak in opposition and in favor of the annexation request.

Felicia Weinert inquired about the reasoning for the annexation request. The applicant stated that the property is about 40% in the City limits of Clarkston and 60% in Unincorporated DeKalb County, with plans to construct a single-family home and to save a majority of the trees on the property.

Lisa Williams inquired about whether the property would require any variances. PE & D Director Qawiy stated that at this time no plans have been submitted for review, but the property does meet all zoning requirements at this time of the conversion zoning.

Susan Hood asked whether the applicant will be occupying the single-family home once constructed. Mr. Pulling, the applicant stated that they will occupy the residence.

With no additional speakers or questions the public hearing was closed by Chairman McFarland.

Chairman McFarland asked for a motion. Susan Hood made the motion to approve the annexation request and to amend all maps to reflect the annexation and conversion zoning. Felecia Weinert seconded, and the motion passed 4/0.

E. OTHER BUSINESS

1. PE &D Director Qawiy recognized Felicia Weinert and Susan Hood, the Board members that attended the April 14-15 Department of Community Affairs Community Planning Institute Virtual Training. After a discussion related to the training and the highlights from both participants, the Chairman called for a motion to adjourn.

F. ADJOURNMENT: Lisa Williams made the motion to adjourn, Susan Hood seconded the motion, and the motion passed 4/0. Meeting adjourned at 7:25 PM.

CITY OF CLARKSTON

ITEM NO: G3

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Adopt Ordinance

MEETING DATE: May 4, 2021

SUBJECT: Adopt a City-wide Litter Control Ordinance

DEPARTMENT: City Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages:

INFORMATION CONTACT: ROBIN I. GOMEZ
PHONE NUMBER: 404-296-6489

PURPOSE:

Adopt a proposed City-wide litter control ordinance to protect the public health, safety, environment, and general welfare through the regulation and prevention of litter.

NEED/IMPACT:

To continue to promote a clean, litter-free, beautiful City combined with a request resulting from an audit by the Metropolitan North Georgia Water Planning District, the City is desirous to consolidate various litter control sections in the current City Code of Ordinances in various chapters (5, 10, 12, 19) into one comprehensive new Section 23. Specifically, the ordinance will:

1. Provide for uniform prohibition of any and all littering on public and private property.
2. Prevent the desecration of the beauty and quality of life of the City of Clarkston and prevent harm to the public health, safety, environment, and general welfare, including the degradation of water and aquatic resources caused by litter.

In general, the proposed ordinance provides for numerous provisions including:

1. General provision – purpose, intent, applicability
2. Definitions of litter and public/private property
3. Prohibition of littering in public and private areas
4. Regulations/safeguards on the transport of waste, trash, junk, etc., by people and haulers
5. Regulations governing animal waste
6. Enforcement and violations

A full copy of the proposed new Ordinance, Section 23 language/narrative is listed below.

The below table identifies existing City Code sections and either revised language or their new location in Section 23:

CURRENT CODE SECTION	NEW SECTION IN LITTER ORDINANCE
Remove language "Article II" in section 10-1 – (7)	Replace with "Chapter 23 Ordinance"
Remove section 10-10 (Transport)	Article 4
Remove section 10-11 – (b)	Article 3, Section 23-6
Remove Section 10-13	Add to new ordinance under Article V
Remove section 10-12 – (d) (2)	NA
Modify section 5-37	Add "and Litter Control Ordinance" after city code
Modify 19-53	Add "to be in violation of Chapter 23 of this Code" after " <i>any person</i> "
Remove all of 12-52	Incorporated into various sections

CHAPTER 23

LITTER CONTROL ORDINANCE

Description

Litter found throughout our community often finds its way into our streams, rivers and lakes and detracts from our quality of life. Pollutants carried into our streams, rivers, and lakes by litter, diminish the quality of our water and its aquatic resources. Litter control ordinances provide a prohibition against littering and provide an enforcement mechanism with penalties for dealing with those found littering.

TABLE OF CONTENTS

Article I. General Provisions Article II.
Definitions

Article III. Prohibition Against Waste Disposal and Littering in Public or Private Property or Waters

Article IV. Transport of Waste, Trash, Junk and Other material

Article V. Animal Waste in Public Areas and Common Areas of Multifamily Dwellings

Article VI. Violations, Enforcement and Penalties

ARTICLE I. GENERAL PROVISIONS

SECTION 23-1 Purpose and Intent

The purpose of this ordinance is to protect the public health, safety, environment, and general welfare through the regulation and prevention of litter. The objectives of this ordinance are:

- (1) Provide for uniform prohibition throughout the City of Clarkston of any and all littering on public or private property; and,
- (2) Prevent the desecration of the beauty and quality of life of the City of Clarkston and prevent harm to the public health, safety, environment, and general welfare, including the degradation of water and aquatic resources caused by litter.
- (3)

SECTION 23-2 Applicability

This ordinance shall apply to all public and private property within the City of Clarkston.

SECTION 23-3 Compatibility with Other Regulations

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

SECTION 23-4 Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.

ARTICLE II. DEFINITIONS

“**Litter**” means any organic or inorganic waste material, rubbish, refuse, garbage, trash, peelings, debris, grass, weeds, ashes, sand, gravel, slag, metal, plastic, and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description which are not "waste" as such term is defined in O.C.G.A., §16-7-51, paragraph 6.

“**Public or private property**” means the right of way of any road or highway; any body of water or watercourse; any park, playground, building, refuge, or conservation or recreation area; timberlands or forests; and residential, commercial or industrial properties.

ARTICLE III. PROHIBITION AGAINST WASTE DISPOSAL AND LITTERING IN PUBLIC OR PRIVATE PROPERTY OR WATERS

Section 23-5 Littering in Public

It shall be unlawful for any person or persons to dump, deposit, throw or leave or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property in City of Clarkston or any waters in City of Clarkston unless:

- (1) The property is designated by the State or by any of its agencies or political subdivisions for

the disposal of such litter, and such person is authorized by the proper public authority to use such property;

- (2) The litter is placed into a receptacle or container installed on such property; or,
- (3) The person is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

Section 23-6 Waste and disposal thereof

- (1) It shall be unlawful to set fire to any leaves, rubbish, or trash of any kind anywhere in the city, in accordance with the provisions of [section 9-12](#) of this Code.
- (2) It shall be unlawful for any person to deposit offal or dead animals at any place within the city
- (3) It shall be unlawful to sweep or push litter from sidewalks into the streets. Such litter shall be deposited in a proper receptacle which shall be covered to prevent scattering by wind and animal.
- (4) It shall be unlawful for any person to use the streets, sidewalks or gutters as means of drainage to carry off any used and dirty water or other liquid substances that are damaging to the environment from kitchen or elsewhere into any streets of the city.

ARTICLE IV. TRANSPORT OF WASTE, TRASH, JUNK AND OTHER MATERIAL

- (1) No person including City refuse collectors or municipal solid waste contractors shall haul or transport for any distance, any load including but not limited to dirt, soil, sand, rubbish, or other material unless the load is adequately secured to prevent the material from dropping, shifting, leaking or being blown off due to transportation of such load onto the roadway. The operator or owner of the offending vehicle shall be personally responsible for any violation of this section.
- (2) It shall be unlawful for any person or contractor or business not licensed by the city to collect and haul any refuse other than that arising from such person's own accumulation within any areas of the city in which refuse collection service is maintained by the city.

ARTICLE V. ANIMAL WASTE IN PUBLIC AREAS AND COMMON AREAS OF MULTIFAMILY DWELLINGS

- (1) It shall be unlawful for the owner or custodian of any animal to allow waste from such animal to be deposited or remain on the ground of any public area within City owned property or common area of a multifamily dwelling. Any such waste shall be cleaned up and removed by the owner or custodian of such animal.
- (2) In the event that the owner or custodian of any animal cannot be identified, the management of any multifamily dwelling where animal waste is found in a common area shall be responsible for the removal of such waste and shall keep common areas free and clear of all animal waste

ARTICLE VI. VIOLATIONS, ENFORCEMENT AND PENALTIES

Section 23-7 Enforcement

- (1) The Director of Public Works, the Code Enforcement Officer, and the duly sworn police officers of the city are hereby empowered to issue citations to, or to arrest, persons violating the provisions of this section, and may serve and execute all warrants, and other process, issued by the court in enforcing the provisions of said section. In addition, mailing by certified mail of such process to his last known place of residence shall be deemed as personal service upon the person charged.
- (2) Whenever any person is arrested for a violation of this section, the arresting officer shall take the name and address of such person and issue a complaint, summons or otherwise notify him in writing to appear at a time and place specified in such complaint or notice. Said offenses shall be tried in the Municipal Court and shall be subject to the fines and/or imprisonment upon conviction as set forth in [section 1-7](#) of this Code of Ordinances.

Section 23-8 Violations

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise sentenced in a manner provided by law.

Section 23-9 Evidence

- (1) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, or other conveyance in violation of this ordinance, it shall be prima facie evidence that the operator of the conveyance has violated this ordinance.
- (2) Except as provided in subsection (1), whenever any litter which is dumped, deposited, thrown or left on public or private property in violation of this ordinance is discovered to contain any article or articles, including but not limited to letters, bills, publications or other writing which display the name of the person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this ordinance.

Section 23-10 Penalties

Any person who violates this ordinance shall be guilty of a violation and, upon conviction thereof, shall be punished as follows:

- (1) By a fine of not less than \$250 and not more than \$1,000; and
- (2) In addition to the fine set out in subsection 1 above, the violator shall reimburse the City of Clarkston for the reasonable cost of removing the litter when the litter is or is ordered removed by the City of Clarkston;
- (3)
 - a) In the sound discretion of the court, the person may be directed to pick up and remove from any public street or highway or public right-of way within the City limits any litter he has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or
 - b) In the sound discretion of the court, the person may be directed to pick up and remove any and all litter from any public property, private right-of-way, or with prior permission of the legal owner or tenant in lawful possession of such property, any

private property upon which it can be established by competent evidence that he has deposited litter. Pick up and removal shall include any and all litter deposited thereon by anyone prior to the date of execution of sentence; and,

- (4) The court may publish the names of persons convicted of violating this ordinance.

CITY OF CLARKSTON

ITEM NO: G5

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: May 4, 2021

SUBJECT: Adopt Resolution to Proclaim May 2021 as Bicycle Month

DEPARTMENT: City Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages:

INFORMATION CONTACT: Beverly Burks, Jamie Carroll,
Debra Johnson
PHONE NUMBER: 404-296-6489

PURPOSE:

Adopt a proposed resolution to proclaim May 2021 as Bicycle Month.

NEED/IMPACT:

To further promote a very high quality of life, health, and well-being for all in Clarkston, the City is encouraging bicycle riding as a viable option particularly using the PATH that runs through Clarkston (along Church St from N Decatur to Erskine Rd). Proclaiming May 2021 as Bicycle Month in Clarkston as part of National Bike Month serves both as an important reminder to continue to be physically active and to celebrate the proper and safe usage of bicycles throughout our City. Bike month will incorporate various events, educational programs, commuting events, and helmet promote to encourage bicycle riders to go for a ride. The City of Clarkston will celebrate bike week from May 9 -15.

Copy of City Resolution Proclaiming May 2021 as Bike Month in Clarkston:

A PROCLAMATION BY THE MAYOR AND CITY COUNCIL TO RECOGNIZE
MAY AS BICYCLE MONTH

WHEREAS, May is National Bike Month, as well as Bike Month for Clarkston; and

WHEREAS, The bicycle is a viable and environmentally sound form of transportation and an excellent form of recreation; and

WHEREAS, Creating bicycle-friendly communities has been shown to improve citizens' health, well-being, and quality of life, to boost community spirit, to improve traffic safety, and to reduce pollution and congestion; and

WHEREAS, The education of bicyclists and motorists as to the proper and safe operation of bicycles is important to ensure the safety and comfort of all users; and

WHEREAS, The League of American Bicyclists, bicycle clubs, schools, parks and recreation departments, police departments, hospitals, companies and civic groups throughout Georgia will be promoting

bicycling as a leisure activity as well as an environmentally friendly alternative to the automobile during the month of May 2021; and

WHEREAS, The nineteen mile Stone Mountain PATH Trail begins with the John Portman Cycle Track at Centennial Olympic Park in downtown Atlanta, along the Freedom Parkway trail and ends at the loop around Stone Mountain.

WHEREAS, For Bike Month 2021, the DeKalb County cities (Stone Mountain, Tucker, Clarkston, Avondale Estates and Decatur) along the Stone Mountain PATH Trail have organized a series of events, educational programs, commuting events, and helmet promotion to encourage riders to get out and to go for a ride; and

WHEREAS, These bicycling activities and attractions have great potential to have a positive impact on DeKalb County and Georgia's economy and tourism industry and to stimulate economic development by making the state attractive to businesses and citizens who enjoy the outdoors and healthy lifestyles.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Clarkston does hereby proclaim May 2021 as National Bicycle Month in Clarkston.

BE IT FURTHER RESOLVED the DeKalb County cities (Stone Mountain, Tucker, Clarkston, Avondale Estates and Decatur) along the Stone Mountain PATH Trail will collaborate to develop events including a kick-off event and a bike week for each city.

BE IT FURTHER RESOLVED the City of Clarkston will celebrate bike week May 9 - 15.

A PROCLAMATION BY THE MAYOR AND CITY COUNCIL TO RECOGNIZE
MAY AS BICYCLE MONTH

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BE IT FURTHER RESOLVED the DeKalb County cities (Stone Mountain, Tucker, Clarkston, Avondale Estates and Decatur) along the Stone Mountain PATH Trail will collaborate to develop events including a kick-off event and a bike week for each city.

BE IT FURTHER RESOLVED the City of Clarkston will celebrate bike week May 9 - 15.

SO ORDAINED, this _____ day of _____, 2021.

ATTEST:

CITY COUNCIL
CITY OF CLARKSTON, GEORGIA

By _____
Tracy Ashby, City Clerk

Beverly H. Burks, Mayor

CITY OF CLARKSTON

ITEM NO: G5

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: May 4 2021

SUBJECT: Adopt Resolution to Eliminate Single Use Plastics

DEPARTMENT: City Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages:

INFORMATION CONTACT: BEVERLY BURKS,
JAMES CARROLL
PHONE NUMBER: 404-296-6489

PURPOSE:

Adopt a proposed resolution to commit to phase-out the use of single-use plastics by incrementally substituting such products with viable non-plastic alternatives with the aim of fully eliminating the usage of all single-use plastic products, within Clarkston owned, operated, and leased buildings and facilities resolution

NEED/IMPACT: Proposed Proclamation:

A PROCLAMATION BY THE MAYOR AND CITY COUNCIL ELIMINATE THE USE OF SINGLE-USE PLASTIC PRODUCTS IN CITY OF CLARKSTON-OWNED, OPERATED, AND LEASED BUILDINGS AND FACILITIES

WHEREAS, on December 3, 2019, the City Council approved the "Resolution to Commit the City of Clarkston to Protect its Natural Environment Through the Regulation of Environmentally Acceptable Packaging and products; and

WHEREAS, The Mayor and Council desire to phase in single use plastic policies in its entirety and replace a City-side focus with the following; and

WHEREAS, According to the Earth Day Network, Americans use more than 17 billion plastic shopping bags and 25 billion expanded polystyrene (EPS) cups every year, in addition to 500 million plastic straws every day; and

WHEREAS, while the City of Clarkston encourages recycling and has expanded the City's recycling program, the United Nations white paper titled, "Single-Use Plastics A Roadmap for Sustainability," found that most single-use plastics around the world, such as to-go food containers, cutlery, drinking straws, and plastic bags are rarely recycled and are instead discarded into solid waste, landfill, and litter; and

WHEREAS, for the purposes of this Resolution, "single-use plastics," shall be defined as disposable plastics, typically used once before they are discarded, to include plastic bags, straws, coffee stirrers, cups and utensils and most plastic food packaging; and

WHEREAS, additional items defined as single-use plastics shall be listed and updated on the City of Clarkston's webpage periodically by City Staff in consultation with and approval by the City Manager; and

WHEREAS, the research of Dr. Anne Marie Mahon at the Galway-Mayo Institute of Technology indicates that the presence of such particulate plastic, especially nano-plastics, in the ecosystem may cause harm to humans by way of consumption and collateral environmental effects; and

WHEREAS, having collected and recycled over 26.88 tons of materials in 2021, the City staff has implemented a robust single-stream recycling program throughout the operations of the City of Clarkston; and

WHEREAS, to the extent that plastic bottles from vending machines or other outside sources are capable of being recycled, City staff will continue to expand and improve the City's recycling program, composting program, and/or other methods of waste diversion; and

WHEREAS, research continues to determine that often single-use plastic items used are not recycled and tend to end up in the City's waterways, thereby further eroding and contaminating those waterways; and

WHEREAS, these adverse impacts have led cities, states, and countries to ban single-use plastics, and numerous local governments in the US have either adopted or considered legislation designed to ban or otherwise restrict single-use plastics in their jurisdictions, such as Atlanta, GA, the State of Hawaii, and New York City that banned single-use EPS products; and

WHEREAS, pursuant to Art. 9, § 2, ¶ 1 of the Georgia Constitution, the City Council has legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which is not inconsistent with this Constitution or any local law applicable thereto for the protections of its citizens; and

WHEREAS, the City Council recognizes that many jurisdictions have successfully implemented legislation to regulate and reduce the distribution of single-use plastic items which has led to the development and market availability of many viable alternatives to single-use plastics, such as those which are reusable or made from recyclable or compostable materials; and

WHEREAS, the City Council finds that reducing the use of single-use plastic products in City of Clarkston owned, operated, and leased buildings and facilities, where viable alternative or reusable products are available, and increasing the recycling of single-use plastics, will reduce the amount of total plastic that will end up in City of Clarkston storm drains and waterways through littering and the circulation of windblown debris; and

WHEREAS, to the extent not in conflict with the Americans with Disabilities Act ("ADA"), where viable alternative products are available, the City Council desires that all City of Clarkston departments phase out the use of single-use plastics by incrementally substituting such alternative products with viable alternatives; and

WHEREAS, in cases where plastics may be used, such plastics deemed acceptable shall be defined as either certified compostable, 100% recyclable, or created using post-consumer (recycled) material; and

WHEREAS, the City of Clarkston will refer to the acceptable materials list, as developed by the City Manager, in consultation with the City of Clarkston Environment and Transportation Standing Advisory Committee, which is regularly under review and revision to incorporate those items considered by the industry as "single-use plastics" over time; and

WHEREAS, the City Council finds that it will be in the best interest of the health, safety, and welfare of the citizens of City of Clarkston, to adopt policies, ordinances, and legislation to reduce the distribution of single-use plastics throughout City of Clarkston, Georgia

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby directs all City of Clarkston departments to immediately begin to phase-out the use of single-use plastics by incrementally substituting such products with viable alternatives where possible, or recycling plastics for which feasible alternatives are unavailable, with the aim of fully implementing the aforementioned directives, within City of Clarkston owned, operated, and leased buildings and facilities, by May 4, 2022.

BE IT FURTHER RESOLVED, that the Clarkston City Council hereby directs the Clarkston City Manager, in consultation with the City of Clarkston Environment and Transportation Standing Advisory Committee, to develop and maintain a list of “single-use plastics” on the City of Clarkston webpage, after approval by the City Manager, which shall incorporate those items considered by the industry from time-to-time as “single-use plastics.”

BE IT FURTHER RESOLVED, that the City Council hereby directs the Finance Department to include language in all subsequent procurement specifications requiring that, where viable alternatives to single-use plastics are available, that such alternatives shall be used by prospective vendors in the performance of their contractual obligations to City of Clarkston.

BE IT FURTHER RESOLVED, that efforts shall be made to ensure that the directives of the City Council set forth within this Resolution shall not be in conflict with any restrictions provided for by the Americans with Disabilities Act (“ADA”).

BE IT FINALLY RESOLVED, that this Resolution shall become effective upon its adoption, and that all resolutions and parts of resolutions in conflict with this Resolution are hereby repealed to the extent of the conflict.

PASSED AND ADOPTED by the City Council of City of Clarkston,

Georgia, this _____ day of _____, 2021.

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: G6

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: May 4, 2021

SUBJECT: Appoint Members of the Clarkston Police Community Task Force

DEPARTMENT: City Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages:

INFORMATION CONTACT: Beverly Burks,
Debra Johnson, Jamie Carroll
PHONE NUMBER: 404-296-6489

PURPOSE:

Council to discuss appointments to the Clarkston Police Community Task Force (CPCTF), mainly from categories/criteria/organizations identified in the resolution to create the CPCTF (resolution copy listed below):

1. Joseph Arnold, Positive Growth Inc Executive Director (non-profit that works with teens)
2. Teresa Hardy (NAACP)
3. Judge David Will (Attorney)
4. Luay Sami, Clarkston Community Center, Executive Director (multicultural organization)
5. Jewell Gooding, Silence of the Shame, Executive Director (mental health)
6. Pastor Karl Moore, Clarkston First Baptist Church (Clarkston community of Faith)
7. April Ross, GA Commission on Family Violence, Executive Director (domestic violence organization)
8. Kim Ault- Individual



JOSEPH TYRONE ARNOLD, LPC,
4160 Oakmont Court
Clarkston, Ga. 30021
Office: (404) 298-9005 Direct: (404) 569-3742
E-mail: jarnold@positivegrowthinc.org

ACADEMIC BACKGROUND

- ◆ **Masters of Education, Professional Counseling** Northeast Louisiana University, Monroe, Louisiana, August 1994
- ◆ **Bachelor of Arts, Psychology** Western Kentucky University, Bowling Green, Kentucky, December 1989

HIGHLIGHTS OF QUALIFICATIONS

- ◆ Organization management and managing people.
- ◆ Adaptability, flexibility as a leader.
- ◆ Strong leadership skills, able to direct and make decisions.
- ◆ Strong sense of responsibility as a professional team worker.
- ◆ Trained Workshop, Conference Facilitator
- ◆ Excellent skills in individual, group, couple, and family counseling.
- ◆ Ability to listen

PROFESSIONAL EXPERIENCE

Founder/CEO

Positive Growth, Inc.

6/95-Present

Responsible for overseeing the administration, programs, and strategic plan for the Agency.
 Responsible for overseeing the administration, programs, and strategic plan for Positive Growth, Inc.

- Provides general oversight of all Positive Growth, Inc. activities, manages the day-to-day operations, and assures a smoothly functioning, efficient organization.
- Works with the board of directors to fulfill the organization's mission and vision.
- Develops resources sufficient to ensure the financial health of Positive Growth, Inc.
- Oversees and implements appropriate resources to ensure that the operations of Positive Growth, Inc. is appropriate.
- Works with board and staff to ensure that the mission is fulfilled through programs, services, strategic planning, and community outreach.
- Assures program quality and organizational stability through the development and implementation of standards and controls, systems and procedures, and regular evaluation.
 - supervises all operationsorganize fundraising events
 - manages all finances and annual reportspublic relations
 - develops and coordinates programsmonitor license requirements
 - prepares and oversee annual budgetgrant writing/resource development
 - assessments/planningpolicies/procedures
 - monitor, evaluation, supervisor, assess.....director of programs
 -individual, group, family, assessments.....mental health/substance abuse
 -anger management facilitator.....family violence intervention facilitator

JOSEPH TYRONE
ARNOLD Page Two

Counseling/Interviewing

Guidance Counselor at Henry W. Grady High School	8/98-6/2007
Guidance Counselor at Harper Archer High School	8/95-6/98
..... test coordinator lead counselor
..... college interviewing skills advisement
..... four-year plans of study test taking skills/interpretation.
..... GHS/GT/SAT/PSAT/ACT prep program coordination

- ◆ Administered testing and evaluation instruments, such as the Georgia High School Graduation Test, Test of Achievement and Proficiency, PSAT, Strong-Campbell Interest Inventory, End of Course Test, and SAT/ACT.
- ◆ Facilitated social/life skills group.
-teenage suicide, violence prevention, teenage pregnancy, runaway intervention, drug/alcohol awareness, coping with anger, peer mediation, decision-making goal setting, etc.
- ◆ Assist high school students with academic, social, career, and personal guidance.

ADMINISTRATION & PLANNING

- ◆ Supervised an alternative disciplinary action program for juvenile offenders, homeless abused, and neglected male youth ages eight to twenty-one.
- ◆ Network with other Mental Health Agencies, Department of Juvenile Justice (DJJ), Department of Family and Children Services (DFACS), and Residential Treatment Facilities to develop individualized programs.
- ◆ Refer clients for job training, medical care, and additional therapy.
- ◆ Serves as an advocate to psychiatrists, psychologists, and social workers to assure residents' highest quality of service.
- ◆ Design and conduct workshops for staff development. Topics included social/life skills training, communication/documentation, and how to be an effective direct care worker.
- ◆ Coordinator of testing program and provide interpretation of test results to students, parents, and staff.
- ◆ Coordinated and participated ineffective parenting, comprehensive assessments, self-mastery, substance abuse intervention, GED/ABE, and life/social skills groups.
- ◆ Lead High School Counselor-Overseeing Guidance Department
- ◆ Assured compliance with State regulations
- ◆ Provided clinical supervision to staff, and
- ◆ Provided a range of programmatic and personnel functions.

LICENSURE AND CERTIFICATION

- ◆ National Certified Counselor (NCC), National Board for Certified Counselors (NBCC), Greensboro, NC, June 2006.
- ◆ Licensed – Licensed Professional Counselor (LPC), December 2006
- ◆ Georgia Certified School Counselor, Georgia Professional Standards Commission (P-12), 1995-present.
- ◆ Certified Anger Management Specialist, Atlanta, GA. October 2007

JOSEPH TYRONE ARNOLD

Page Three

- ◆ Master Addiction Counselor - 2016
- ◆ Certified Trauma Specialist – Enrolled, expected completion date September of 2015
- ◆ Georgia Certified Alcohol and Drug Counselor III (GCADC) October 2008
- ◆ Certified Co-Occurring Disorders Professional-Diplomate (CCDP-D) December 2008
- ◆ Certified Family Violence Intervention Program Agency and Facilitator - 2009
- ◆ Certified DUI Instructor – 2010

PRESENTATIONS

- "Building and Sustaining a Successful Academy" San Francisco, CA, November 2006
- "Rigorous/Relevant and Advisement, Orlando, FL, 2006
- "Working with At-Risk Youth," Georgia School Counselors Fall Conference, Savannah, October 1999

PROFESSIONAL AFFILIATIONS

- ◆ Boys and Men of Color Executive Director Collaboration Class of 2019
- ◆ Leadership DeKalb Class of 2013
- ◆ Atlanta School Counselor Association-Member
- ◆ American Counseling Association-Member
- ◆ American School Counselor Association-Member
- ◆ Association for Addiction & Offender Counselors-Member
- ◆ Chi Sigma Iota Counselor & Academic Honor Society-Member
- ◆ Licensed Professional Counselor Association of Georgia-Member
- ◆ National Board for Certified Counselors
- ◆ NAADAC-Member
- ◆ Atlanta Metropolitan Chamber of Commerce
- ◆ Omega Psi Phi Fraternity Inc.-Member

PROFESSIONAL COMMUNITY SERVICE

- ◆ President of the Scottdale Youth Athletic Association, 2004-2009
- ◆ Clarkston Community Center- Board of Directors, 1999-2003
- ◆ Georgia School Advisory Council- Dekalb County Schools, Clarkston High School business member, 2000-2001

ACCOMPLISHMENTS

- ◆ The Showcase Group Service in Education and Community Award, 2020
- ◆ High Achiever Recognition Award, Positive Growth Inc, 2005
- ◆ Athletic Hall of Fame, Western Kentucky University, 2000
- ◆ Outstanding Service Award, Toney Garden Civic Association, 2000
- ◆ The Concerned Black Clergy Man of the Year, 1999
- ◆ Outstanding Community Service Award, Atlanta Chapter of Las Amiga, Inc., 1999
- ◆ Atlanta Public Schools, High School Counselor of the Year, 1998



KARL D. MOORE

110 Anvil Block Ct
Ellenwood, GA 30294
kdmooore@clarkstonfbc.org
404-808-5727

OBJECTIVE

To positively impact and help change the lives of others. I am working to connect people so that we can make a difference in this community, county, state, nation and world.

EXPERIENCE

Clarkston First Baptist Church

Senior Pastor: October 2000 - Present

- As Senior Pastor I'm responsible for the spiritual well being of the congregation. I'm the visionary for the ministry and oversee overall leadership of the ministry.

Quest Diagnostic Laboratory

Supervisor: March 1988 – March 2003

- Night supervisor of chemistry laboratory testing
- Oversaw the processing and drug testing for many employers in the Southeast
- Oversaw drug collections for the Atlanta Falcons and the Carolina Panthers

EDUCATION

Interdenominational Theological Center, Atlanta, Georgia

1994 Master of Divinity

Tougaloo College, Tougaloo, Mississippi

1980 B.S. Chemistry

AWARDS AND ACKNOWLEDGEMENTS

- President of K. D. Moore Community Development, INC
- Past Moderator of the Hopewell Missionary Baptist Association
- Past Moderator of the Savannah River Association
- Former Chaplain with Clarkston Police Department
- Former Chaplain with DEKALB County Police Department
- Leader for Social Justice for DEKALB Pastor Christian Alliance
- Christian Education Instructor for the 5th District of General Missionary Baptist Convention of GA
- Member of Omega Psi Phi Fraternity, Inc

April Whitney Ross

april.ross@dcs.ga.gov

Atlanta, GA

Executive Director, Georgia Commission on Family Violence, 2019 - present

This position serves as Executive Director to the Georgia Commission on Family Violence and manager of the staff serving the Commission. The Executive Director's primary responsibility is to work with the Commission appointed members and staff to fulfill the Commission's statutory requirements including: developing a state plan for ending family violence; initiating and coordinating implementation of family violence laws; establishing and supporting a community task force on family violence in each judicial circuit; making recommendations for education and training; and creating and updating certification standards for Family Violence Intervention Programs. The executive director serves as an expert on the topic area of family violence and as a liaison for the Commission to the legislature and local county government officials, as well as appropriate national organizations and other key stakeholders.

LEGAL EXPERIENCE

Sr. Asst. District Attorney, Fulton County District Attorney's Office, Atlanta Judicial Circuit, 2012 – 2019

Domestic Violence Policy and Trial Division: Advocate for stronger legislation and court procedures for cases involving domestic violence; coordinate with trial attorneys handling family violence cases to ensure best practices for trying cases; communicate with domestic violence victims to enhance their safety and encourage participation in the process; assist supervision of new attorneys and manage cases through pretrial and trial phases in Non-complex Trial division.

Appellate Division: Conduct legal research and analysis and assist with appellate brief drafting and oral argument preparation for appeals filed by defendants in the Atlanta Public schools cheating scandal trial.

Special Unit: Participated in the prosecution of a high profile, complex case; prepared pleadings and other legal documents for a multiple codefendant RICO indictment; conducted extensive legal research, interpreted and applied statutes, case law, and other legal authorities in preparation for trial; organized voluminous documentary and electronic evidence for discovery; interviewed and evaluated witnesses; assisted with plea negotiations; evaluated and analyzed felony cases in preparation for trial or other disposition; presented case to the grand jury with trial team; supervised interns assigned to the unit.

Associate, Taylor English, LLP, Atlanta, GA, September 2011 – February 2012

Prepared pleadings and motions including summary judgment motions, motions to dismiss, complaints, answers, interrogatories, and requests for production and admission; assisted in party interviews; drafted legal memoranda in support of litigation for issues arising in wrongful termination, discrimination and contract disputes.

Legal Advocate, Safe Families Office, AVLF/PADV, July 2010 – May 2011

Conducted conflict checks and intake for domestic violence victims seeking Temporary Protective Orders; pre-screened potential cases for legal sufficiency; assisted victims through ex parte hearings and filing; counseled victims on safety planning.

Law Clerk for The Honorable Brenda Cole, Fulton County State Court, Fall 2010

Conducted extensive legal research and wrote memoranda and drafts for opinions and orders of the Court.

Intern, Office of the Fulton County District Attorney, Atlanta, GA, Summer 2010

Intern, Taylor English LLP, Summer 2009; Summer 2010

Certified Neutral, Fulton County State Magistrate Court, August 2009 – May 2010

Provided guided mediation with parties to settle dispossessory and small claims cases in lieu of litigation.

OTHER PROFESSIONAL EXPERIENCE

Membership Director / Marketing Coordinator. Metro Atlanta YMCA, Atlanta, GA, February 2007 - June 2008
Managed membership department responsible for over \$400,000 in revenue annually, responsible for membership acquisition and retention strategy for the branch; provided customer service and issue resolution to improve membership experience; facilitated a branch membership system data cleanup in preparation for conversion to a web-based, streamlined application for managing new and current memberships, payments and reports; coordinated the branch Grand re-naming and dedication community event; worked with community civic and business leaders to coordinate the branch's first Latin Community Day festival; provided marketing and recruiting assistance to the Atlanta Youth Academy, a local private school, to enhance community awareness and improve enrollment in the satellite location; worked with the Branch Executive Director, Board of Directors, program directors, major donors, and staff to improve donor participation and fundraising efforts.

Research Analyst, KAJ Public Affairs Group, LLC, Atlanta, GA, January 2004 - March 2008

Conducted research as needed to provide information relevant to business relations of firm clients and internal business development.

Geek Squad Business Team, Best Buy, Inc., Richfield, MN, April 2006 - February 2007

Collaborated with executive team in strategy planning and business performance review sessions; communicated with retail services personnel department to ensure proper execution and maximize customer experience; participated in promotional planning and concept testing to drive business strategy; provided creative briefs to advertising team and proofed ad layouts; presented weekly competitive circular de-briefs to measure promotional strategy success and monitor trends in the electronic services market.

PROFESSIONAL AFFILIATIONS/LICENSES

State Bar of Georgia; Georgia Supreme Court; Georgia Court of Appeals; Gate City Bar Association; Georgia Association of Black Women Attorneys

Licensed Real Estate Agent, State of Georgia, 2013 – 2017

NOTEWORTHY COMMUNITY ENGAGEMENT

Public Speaker, Speak publicly at domestic violence events and with private groups to encourage victims of domestic violence and bring a greater awareness to the community at large; meet with victims and families facing recent loss or injuries as a result of domestic violence, particularly those with incidents involving firearms.

SCI Peer Support Mentor, Counsel patients at the Shepherd Center, a rehabilitation hospital, who have suffered recent spinal cord injury and, in particular, those who are dealing with coping with adjusting physically and mentally in the aftermath of domestic violence, gun violence, and serious or permanent paralysis as a result of either.

EDUCATION

Emory University School of Law, J.D., May 2011

Academic Average: 3.202

Florida A&M University, B.S., M.B.A., *summa cum laude*, Marketing concentration, December 2005

Academic Average: 3.727

Luay Sami
1746 Camperdown Cir
Decatur GA, 30035
(404) 952-4161

Email: director@clarkstoncommunitycenter.org

Qualifications Summary

A seasoned professional with diverse experience in program development and expansion. Skilled in presenting complicated information in simple language to diverse populations. Skilled in curriculum development. Skilled teacher with, highly developed written and verbal skills. I am a highly organized, independent worker and excellent team player with years of education and experience in client relations, training and event logistics. In-depth knowledge and understanding of project management and community transformation in language learning.

Education

Bachelor of Arts (B.A.) / May 2005
Graphic Design
University of Baghdad

Languages: English, Arabic

Community Engagement Experience

Current: New Africa Project- Board Member
2011: IRC- Volunteered to coordinate getting the new arrivals GA ID registrations
2016: Tapestri.org- Language interpreter for a men's anger management and domestic violence class

Work Experience

Clarkston Community Center

June 2018 - present

Executive Director

- Overall management of facilities and activities of a multicultural community center
- Organized and created vision and directed all activities
- Conducted outreach and marketing throughout a network of non-profit and corporate entities
- Created and directed program development
- Created and managed yearly operating budget in excess of \$400,00
- Created and managed marketing and communications plans

Clarkston Community Center

2011-2018

Director of Operations

- Managed facilities budget for the entire property.
- Responsible for the implementation and direction of the property's sales activities in accordance with the Marketing Plan.
- Coordinated service and activities related to the sales function in order to maximize customer satisfaction and overall profitability.
- Responsible for revenue production and for the Center meeting and/or exceeding planned revenue objectives for RevPAR, occupancy.
- Managed and coordinated all events and special gatherings in accordance with the marketing plan, to maximize Community Involvement and encourage cultural integration between countries across the globe.
- Managed a staff of 5-8 persons and assigned shifts according to business needs.

Alta Language Service –Atlanta, GA

2011-2014

Arabic Language Instructor

- Arabic Language Instructor for beginning, intermediate and advanced students.
- Designed and implemented an ongoing Cultural Training Program.
- Experience teaching/tutoring adults
- Native speaker, educated in the target language
- Possess expert level in speaking and writing in accordance with Interagency Instructor Roundtable for the target language
- Demonstrated experience in designing and developing instructional curriculum and materials and effective oral and written communication.

Iraq Ministry of Culture

2006-2009

Graphic Designer

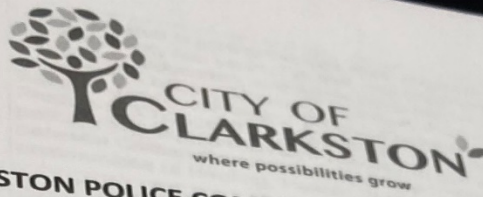
- Effectively targeted numerous festivals and events in Middle east and worldwide.
- Commissioned to work several arts festivals, including Festival of the Arts (China), Arab Art (Egypt), 50th Anniversary of the OPEC (Austria).

Camp Freedom/U.S. Military Base

June 2003-2008

Sales Customer Service Manager

- Managed customer service sales accounts.
- Worked jointly with U.S. Military to ensure accuracy and customer satisfaction



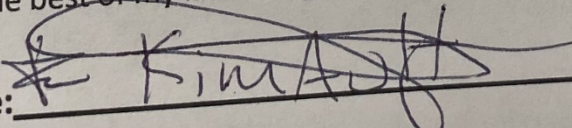
CLARKSTON POLICE COMMUNITY TASK FORCE APPLICATION
Individual Members ONLY

FIRST NAME	Kim
LAST NAME	Ault
ARE YOU A RESIDENT OF CLARKSTON?	YES <input checked="" type="radio"/> NO <input type="radio"/>
ADDRESS	1027 Texel Lane
CITY	Clarkston
ZIP	30021
EMAIL	kim.ault2020@gmail.com
PHONE	
Are you able to serve one year on the Task Force	YES <input checked="" type="radio"/> NO <input type="radio"/>
Check all that apply.	<input type="checkbox"/> Individuals with direct experience in the criminal justice system. <input type="checkbox"/> A lawyer with prosecutorial experience <input type="checkbox"/> A lawyer with current or recent criminal defense experience <input checked="" type="checkbox"/> Individuals with diversity and inclusion experience. <input checked="" type="checkbox"/> Individuals who work with or volunteer with community service providers that traditionally work with individuals involved in the criminal justice system. <input checked="" type="checkbox"/> Individuals of diverse backgrounds
Are you willing to attend regular meetings and training (time to be determined by Chair/members of the Task Force)?	YES <input checked="" type="radio"/> NO <input type="radio"/>

<p>Why are you interested in joining the Police Community Task Force?</p>	<p>I am interested in joining the task force because I have been in this community for over twenty two years, I raised my family here and I care. I Have been a community, education, and family advocate for over three decades. I am very interested in helping to create, facilitate, and participate in environments that foster and support Positive Culture, Courageous Conversations and Productive Change. It is my hope these excercises will lead to practices and policies that desolve conflict ,hostility, anger and distrust experienced between Civilian Communities and Law Enforcement. I hope to help create communities of Healing, Peace, Restoration, Trust,Compassion, and Unity.</p>
<p>What skills or interests do you bring to the Police Community Task Force?</p>	<p>I am a community connector. I am a first and second generation American. I am confident and hopeful restorative practices works. When the leaders of departments, organization, schools, cities, states, communities and households work in conjunction with the people they are responsible for and the leaders reward the efforts of the everyday people and the police for doing their part tensions will subside. When we work towards accountability and resposibility and work to highlight the progress made in building trust, respect, and upright relationships based on integrity and mutual interest of safe and peaceful communities we will see ideal situations become situations of reality. It will allow creative ways for relationships to grow and dismantle various forms of systemic racism, micro agressions, violence, and brutality that seems to plagues our communities in the world family. It is my hope to work with a coalition of community members to weed out mistrust and fear rampant amongst various groups of people and the police. I am ready to be an active part of a team of people who want to plant seeds of reconciliation, restoration, responsibility, accountability and compassion.</p> <p>I recieved training in Community Transformation, Community Building, Community Trust, Systems Thinking and Asset Based Community Developmen. A few of my organizing experiences were with groups and organization such as Clarkston Development Foundation, DeKalb Neighborhood Leadership Institute, Early HeadStart and HeadStart Policy Council as well as Governing school will be a unique and valuable additon to the cohort.</p>

****Please attach your resume with this application.****

I understand that I am applying for appointment to a Commission office for the City of Clarkston; that the appointing authority may require an interview prior to consideration for appointment; that if appointed, I will be required to uphold the City's charter and ordinances; that I may be removed from office for any reason permitted by law or City charter. I agree to comply at all times with all requirements of the office for which I am applying and to which I may be appointed. All statements and information provided in this application are true to the best of my knowledge.

Applicant's Signature:  Date: April 26, 2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSTON, GEORGIA,
CREATING A POLICE COMMUNITY TASK FORCE FOR THE PURPOSE OF STUDYING AND
MAKING RECOMMENDATIONS TO ADDRESS POLICE OPERATIONS AND COMMUNITY AND
POLICE RELATIONS WITHIN THE CITY

WHEREAS, the relationship between the community and the Clarkston Police Department (CPD) is an important and valued focus for the City Council, City administration, police leadership, and the citizens of Clarkston; and

WHEREAS, the uniqueness and diversity of the City of Clarkston requires the usage of best procedures and practices to better serve the residents and encourage more community policing; and

WHEREAS, the City Council finds and determines that creating a task force to study and present recommendations to City staff and City Council on matters related to the operation of the Clarkston Police Department and its personnel would be beneficial in addressing community and police relations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSTON, GEORGIA:

Section 1. Purpose: The City Council hereby creates a Police Community Task Force (the “Task Force”). The purpose of the Task Force is to inform Council about the status of police and community relations within the City, and to study and make recommendations related to police operations especially in terms of training, transparency, and oversight. The purpose of the Task Force is not to examine or review or make recommendations on a specific incident.

Section 2. Specific Charge: The initial charge of the Task Force will be the evaluation, discussion and development of recommendations to improve effective and transparent communication between CPD and the community, including recommendations for police training, and police practices and procedures. The Task Force may recommend additional areas to study. City Council may modify, amend, expand, or change the specific charge of the Task Force by resolution so long as the modification, amendment, expansion or change does not assign the review of a specific incident to this Task Force.

Section 3. Term: The initial term of the Task Force for the specific charge stated in Section 2 will be for one (1) year from the date of formal appointment of the Task Force membership. The City Council may extend the term of the Task Force by resolution. If the Task Force completes its charge prior to the end of the term, it may disband.

Section 4. Membership: The Task Force shall consist of no less than nine (9) voting members and no more than fifteen (15) voting members, which shall include one (1) Chairperson who can be an organization representative or individual member. All Task Force members shall be volunteers and shall participate without compensation. All Task Force members shall be required to participate in training on police operations, as established by the City Manager or his designee, related to the Task Force’s charge. The term of appointment for members of the Task Force shall be for two years or until the end of the Task Force term, whichever is sooner. In the event the Task Force continues past two years, members can serve an additional two-year term.

- (a) Organization Representation: To the extent possible, the Task Force should consist of at least one member from each of the following groups, which representative shall be selected by the organization listed:
- DeKalb County Chapter of the NAACP
 - National Organization of Black Law Enforcement Executives (NOBLE)

- Clarkston Community of Faith
 - DeKalb County Public Schools and Clarkston School District
 - Mental Health organization
 - Domestic Violence organization
 - Criminal justice reform organization
 - nonprofit that works with teens
 - Multicultural organization
- (b) Individual Representation: The Task Force should also consist of individuals who are residents but not limited to the City of Clarkston and, to the extent possible, meet the following criteria:
- Individuals with direct experience in the criminal justice system.
 - A lawyer with prosecutorial experience
 - A lawyer with current or recent criminal defense experience
 - Individuals with diversity and inclusion experience.
 - Individuals who work with or volunteer with community service providers that traditionally work with individuals involved in the criminal justice system.
 - Individuals of diverse backgrounds and varying ages.

Section 5. Member Selection: Upon passage of this Resolution, the City Manager will gather names for the organization Task Force members, individual Task Force members and the Chairperson. For individual members, staff can utilize existing systems for selection of members to Boards and Commissions. The Mayor and City Council with assistance from City staff will make recommendations for the Task Force. The City Manager will prepare a resolution for Council for the April 27, 2021 regular City Council meeting to confirm the appointment of the Task Force members and a Chairperson of the Task Force.

Section 6. Work Plan: Within thirty (30) days following appointment, the Task Force shall prepare a work plan and schedule for presentation to the Public Safety and Legal Standing Advisory Committee meeting. At a minimum, the work plan shall set forth the Task Force's roles and responsibilities in the areas with which they have been charged and provide any recommendations for additional areas in the field of critical incident management and training that may be applicable. The Task Force will provide regular updates to the Public Safety and Legal Standing Advisory Committee throughout the term.

Section 7. Staff Support: The City Manager's Office and City Attorney's Office will provide staff support to the Task Force, to include the active and regular involvement of the Chief of Police and members of the Clarkston Police Department. In addition, the City Manager and staff shall assist with bringing in subject-matter experts to speak to the Task Force regarding best practices. The City Manager is authorized to hire a third-party facilitator to work directly with the Task Force.

Section 8. Meetings: Meetings will be held on a regular and timely basis that shall be determined by the Task Force members. Meetings will include members of the Task Force and staff support for the Task Force, as determined by the City Manager and the City Attorney. The Task Force Chairperson or a designee shall prepare an agenda and take minutes at each meeting of the Task Force. Minutes will be forwarded via email to the Mayor and City Councilmembers, as well as the Task Force members and staff support. In addition to input at meetings, the Task Force shall take input from community members and other stakeholders regarding their charge.

Section 9. Final Report: The Task Force shall submit a final report with their findings and recommendations to the Public Safety and Legal Standing Advisory Committee at least sixty (60) days

prior to the end of the Task Force's term. The Task Force shall present a final report to the Mayor and City Council at the end of the Task Force's term.

Section 10. All resolutions or parts of resolutions of the City in conflict herewith are hereby rescinded.

SO ORDAINED, this _____ day of _____, 2021.

ATTEST:

CITY COUNCIL
CITY OF CLARKSTON, GEORGIA

By _____
Tracy Ashby, City Clerk

Beverly H. Burks, Mayor

CITY OF CLARKSTON

ITEM NO:G7

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: May 4, 2021

SUBJECT: Adopt Resolution to Increase the Cap/Number of Refugees to a previously announced 62,500 (up from 15,000).

DEPARTMENT: City Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages:

INFORMATION CONTACT: Jamie Carroll, Mark Perkins
PHONE NUMBER: 404-296-6489

PURPOSE:

Adopt a proposed resolution to encourage the US President to increase the number of refugees to be resettled during this Federal Fiscal Year (ending September 30, 2021).

NEED/IMPACT:

Biden just announced today that he is keeping the Trump cap on refugees of 15,000 for fiscal year 2021. I would like to add a resolution urging him to change that decision to increase the cap to the number he previously announced, 62,500. This is an issue that directly affects Clarkston and lowering the cap will hurt many people in Clarkston who are waiting on relatives to be allowed to immigrate, as well as hurt local businesses that would benefit from more refugees.

PROCLAMATION BY THE MAYOR AND CITY COUNCIL REGARDING REFUGEE
ADMISSION TO CLARKSTON

A RESOLUTION BY THE CITY OF CLARKSTON, GEORGIA

WHEREAS, the Trump Administration has steadily and significantly restricted the number of refugees admitted to the United States throughout his term, ultimately setting the admissions rate for Fiscal Year 2021 at only 15,000, a historic low for the program;

WHEREAS, the Biden administration committed in February, 2021 to raising the cap for refugee admissions in Fiscal Year 2021 to 62,500;

WHEREAS, The Office of the United Nations High Commissioner for Refugees has determined that there are almost 30 million refugees worldwide, and refugee resettlement is a lifeline for less than one percent of the world's refugee population;

WHEREAS, the United States has historically been a leader in providing safe haven to the world's most vulnerable including torture survivors, people with severe medical conditions, LGBTIQ individuals, orphaned children, and women at risk of gender-based violence;

WHEREAS, the City of Clarkston and other Georgia communities have long extended welcome to refugees- advocating on their behalf, hosting community events, and working together to create a home for these new Americans;

WHEREAS, Refugees are workers, students, entrepreneurs, parents, neighbors, and community leaders who thrive in the Clarkston community, contributing more than they consume; and

WHEREAS, Refugees contribute to the Clarkston community and other Georgia communities by starting businesses, paying taxes, and sharing their cultural traditions; and

WHEREAS, Georgians recognize all the benefits that refugees bring to their local communities through their culture, education and experience, and overall economic contributions; and

NOW THEREFORE, BE IT RESOLVED by the City of Clarkston, that the City of Clarkston welcomes refugees and declares its support for the resettlement of refugees in the State of Georgia and in the City of Clarkston specifically, no matter their religion, race, nationality, sexual orientation, gender identity, or country of origin, and calls upon other local governments and communities to join the City of Clarkston in supporting a stronger national effort to resettle the world's most vulnerable refugees.

BE IT FURTHER RESOLVED by the City of Clarkston that the Clarkston City Council hereby calls on the Biden Administration to keep to its commitment to raise the cap on refugee resettlement for Fiscal Year 2021 to 62,500, as it originally committed to in February 2021.

SO RESOLVED, this ____ day of _____, 2021.

**CITY COUNCIL
CITY OF CLARKSTON, GEORGIA**

BEVERLY BURKS, Mayor

ATTEST:

Tracy Ashby, City Clerk

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: G8

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Proclamation

MEETING DATE: May 4, 2021

SUBJECT: Adopt Proclamation Designating Nurse Week (May 6-12)

DEPARTMENT: City Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages: 1

INFORMATION CONTACT: Beverly Burks, Jamie Carroll,
Debra Johnson
PHONE NUMBER: 404-296-6489

PURPOSE:

Review/Discuss a proposed Proclamation Designating May 6 to 12 as Nurse Week.

NEED/IMPACT:

The Mayor and City Council will consider adopting a proclamation designating May 6 to 12, 2021 as Nurses Week in Clarkston. The pandemic has shown the courage, compassion, dedication and leadership that Nurses have demonstrated in caring for our Clarkston community and families. Professional nurses and their families have sacrificed to provide safety and quality care to very ill hospitalized patients. Council to consider adopting the attached Proclamation.

PROCLAMATION BY THE MAYOR AND CITY COUNCIL DESIGNATING
MAY 6 TO 12, 2021 NURSES WEEK IN CLARKSTON

WHEREAS, nearly 3.9 million registered nurses in the United States comprise our nation's largest health care profession; and

WHEREAS, nurses met the challenge of an unimaginable pandemic, we have witnessed courage, compassion, dedication and leadership in caring for our Clarkston community and families; and

WHEREAS, the professional nurses and their families have sacrificed to provide safety and quality care to very ill hospitalized patients; and

WHEREAS, the demand for registered nursing services are greater than ever because of the complex healthcare challenges of COVID-19 patients as well as the aging of the American population, the continuing expansion of life-sustaining technology; and

WHEREAS, more qualified registered nurses will be needed in the future to meet the increasingly complex needs of health care consumers in this community; and

WHEREAS, the cost-effective, safe and quality health care services provided by registered nurses will be an ever more important component of the U.S. health care delivery system in the future; and

WHEREAS, the American Nurses Association has declared the week of May 6-12 as National Nurses Week in celebration of the ways in which registered nurses who lead the charge for health and wellness; and

WHEREAS, 2021 was designated as the Year of the Nurse and the Midwife by the World Health Organization in recognition of the contributions they make, and in honor of the 201st birth anniversary of Florence Nightingale on May 12, 2021.

NOW, THEREFORE, BE IT RESOLVED, Clarkston City Council hereby proclaims May 6 to 12, 2021 as Nurses Week in Clarkston and ask all residents of this community join us in honoring our Healthcare Heroes, the registered nurses, who care of us and to celebrate registered nursing's accomplishments and efforts to improve our health care system and show our appreciation for the nation's registered nurses not just during this week, but at every opportunity throughout the year.