



# CITY COUNCIL MEETING

*Awet Eyasu – Vice-Mayor*

*Jamie Carroll  
Ahmed Hassan*

*Laura Hopkins  
Debra Johnson*

*Robin I. Gomez– City Manager*

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## AGENDA

**THURSDAY, November 5, 2020 7:00PM**  
**By ZOOM**

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**A. CALL TO ORDER**

**B. ROLL CALL/ PLEDGE OF ALLEGIANCE**

**C. ADMINISTRATIVE BUSINESS/ PRESENTATION**

C1) Approve Minutes: Council Meeting 10/6/2020 and Executive Session 10/27/2020

**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**

**G. NEW BUSINESS**

- G1) Award DeBelle St/Atlanta Area School for the Deaf Stormwater Work bid to the lowest bidder – Leach Landscaping
- G2) Approve Extending the Sunset Clause of the Clean Indoor Air Act to Certain Grandfathered Businesses
- G3) Approve Providing CARES Act (Coronavirus Relief) Funding for Continued COVID-19 Testing
- G4) Approve Providing CARES Act (Coronavirus Relief) Funding for Child Care Centers in Clarkston
- G5) Amend Appendix A of the City Code Of Ordinances, Article VII– Zoning District Standards – to allow self-service laundry, A/K/A Laundromats, as a Conditional Use Within the NC-1, NC-2 and Industrial Districts
- G6) Review and vote on Settlement Agreement with Railroad Outdoor LLC to allow for the Issuance of a Sign Permit to install One (1) Billboard just inside the West Side of I-285 along Church St.

**H. ADJOURNMENT:**

**MINUTES**  
**CLARKSTON CITY COUNCIL**

Tuesday, October 6, 2020

Via Zoom

Officials Present by Teleconference

Mayor: Awet Eyasu

Council: Jamie Carroll, Ahmed Hassan,

Laura Hopkins, Debra Johnson

City Manager: Robin I. Gomez

City Clerk: Tracy Ashby

City Attorney: Stephen Quinn

**A. CALL TO ORDER**

**B. ROLL CALL/ PLEDGE OF ALLEGIANCE**

Awet Ahmed Jamie Laura Debra

**C. ADMINISTRATIVE BUSINESS/ PRESENTATION**

C1) Approve Minutes: Council Meeting 9/1/2020

Ahmed Hassan made a motion to approve the minutes for the 9/1/2020 Council Meeting. Debra Johnson seconded the motion. A vote was called and the motion carried (5, 0).

**D. REPORTS:**

1) Planning & Zoning Report

Shawanna Qawiy provided an update of ongoing projects and she discussed that a public hearing will be held at the October 20<sup>th</sup> Planning & Zoning Meeting, pertaining a proposed amendment to the Clarkston Zoning Ordinance to allow laundromats as a conditional use within the NC-1 Low Density Neighborhood Commercial, NC-2 Moderate Density Neighborhood Commercial and I- Light Industrial zoning districts laundromat.

2) City Manager's Report

Mr. Gomez explained that the City has implemented a waiting room for the zoom meetings and it will be easier if everyone attending identifies themselves for the zoom meetings. He provided a budget to actual report through September 30, 2020. He provided the status of City and community operations during continued Covid issues.

Meeting interrupted 7:15pm. Meeting recording closed and then restarted.

Mr. Gomez continued his report on City projects status. He discussed the status on the public water and costs associated with complying with state water drinking act, water quality testing and drilling. The City will pursue having a professional firm to come and advise but it is likely that water for irrigation only may be the best option.

Assistant Chief Hess provided an update on the Police department.

3) City Attorney's Report

No report

4) Council Remarks

Laura Hopkins asked for Mr. Quinn to discuss current Court requirements. Mr. Quinn stated courts can proceed but a failure to appear cannot be filed against person who do not want to attend. Mr. Gomez clarified that the City is holding limited courts and only for those that wish to appear. All social distancing

protocols are being implemented.

5) Mayor's Report

The Vice Mayor provided details of attended meetings during the previous month on annexation and the census. He discussed his meeting with the DeKalb Elections and the City's work to have an absentee ballot box installed at the City Hall building. Mr. Gomez confirmed the ballot box has been installed and will be activated on 10-8-2020. He reminded residents of the rent, mortgage and utility assistance resources available for those in need.

**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.

Warren Hadlock discussed preference for accessible water at 40 Oaks and requested a greater police presence at Friendship Forest in the evenings and he supports the improvements at Friendship Forest agenda item.

Dean Moore suggested having water testing complete before pursuing wells.

Brian Medford supported annexation and encouraged council to wait until after the election to appoint DDA member. He recommended denial of the billboard items, the City does not need them and they do not help the citizens.

Robin Chanin commented on item G4 for park signage, she supports the spirit and for hiring a professional she suggested including someone with diversity knowledge to allow access for language translation.

Susan Hood supported denying the billboard appeal and she recommended holding on the DDA appointment until after the election.

Chris Busing spoke on concerns with the tree ordinance.

Vice Mayor closed public comments.

Speaker Glory Kilanko spoke on domestic violence prevention program and asked for a moment of silence for Debra Johnson's sister.

Jan Christensen spoke on the importance of domestic violence programs.

**F. OLD BUSINESS**

None

**G. NEW BUSINESS**

G1) Amend Chapter 13 of the City Code, Concerning Parks and Recreation, to Clarify Restrictions on Playing Baseball or Softball at Milam Park

Laura Hopkins detailed the need to limit players to age twelve and under as the field is undersized and close to the both the pool and the dog park. She discussed language to clarify the restriction and the Vice Mayor confirmed that the changes are in the proposed text.

Laura Hopkins made a motion to amend Chapter 13 of the City Code to clarify the language by adding "For the protection of park visitors on the playground, dog park and swimming pool," ahead of section (a) and to remove the phrase "throws a baseball or softball on that field," as part of the definition. Debra Johnson seconded the motion. A vote was called and the motion carried (5, 0).

G2) Appoint a Council member to the Vacant Seat on DDA.

Awet detailed that at the December 3, 2019 Council Meeting, YT Bell was appointed to serve a two year term on the Clarkston Development Authority. On August 12, 2020, YT Bell qualified as a candidate for the Clarkston Mayor Special Election and vacated her Council Seat. Council Members Hopkins and Carroll have expressed an interest to serve. The City Attorney and Mr. Gomez confirmed the current DDA has a quorum.

Ahmed made a motion to nominate Laura Hopkins to the vacant DDA seat. Debra Johnson seconded the motion. Laura Hopkins gave thanks for the nomination. A vote was called and the motion carried (3- Yes: Hassan, Johnson, Eyasu, 0- No, 2- Abstain: Carroll, Hopkins).

G3) Approve Plantings in the open field and pollinator garden in Friendship Forest

Council discussion on planting a pollinator garden at Friendship Forest and the City Manager stated under the Council direction, that Public Works can purchase and install the plants.

Laura Hopkins made a motion to direct the City Manager to go forward with the Plantings in the open field and pollinator garden in Friendship Forest. Awet Eyasu seconded the motion. A vote was called and the motion carried (5, 0).

G4) Approve All park signage be written and coordinated by a park management professional, naturalist interpreter or someone with content knowledge in environmental studies, natural sciences such as watersheds, ecology, or zoology as well as park management.

Laura Hopkins stated the purpose and need to have park signage be written and coordinated by a park management professional, naturalist interpreter or someone with content knowledge in environmental studies, natural sciences such as watersheds, ecology, or zoology as well as park management. Discussion on having the signs created by an interpretive professional in English and then an option, potentially, for QR codes for visitors to access other languages. The City Manager stated this item is currently for the completion of Friendship Forest.

Laura made a motion to direct the City Manager to use a consultant that is a park interpretive specialist to assess and cost the signage for parks going forward, whose specialty is in environmental studies, natural sciences such as watersheds, ecology, or zoology as well as park management. Ahmed Hassan seconded the motion. A vote was called and the motion carried (5, 0).

G5) Amend ordinance for land disturbance and stream buffers are concerned to increase undisturbed buffers from 50 ft to 75 ft

Awet Eyasu stated purpose for the agenda item and that this will bring the City in alignment with DeKalb County's buffer requirements.

Laura Hopkins made a motion to amend Chapter 22 of the City Code concerning Stormwater Management, specifically article ii concerning stream buffer protection, to increase the required stream buffer from fifty to seventy-five feet. Debra Johnson seconded the motion. A vote was called and the motion carried (5, 0).

G6) Approve a Resolution declaring October as Domestic Violence Awareness Month in the City of Clarkston

Debra Johnson asked the Council to approve the resolution to declare October as domestic violence awareness month in the City of Clarkston. She would like for the City to host an annual event to bring

awareness to this issue. Ms. Kilanko stated she looked forward to working with the city on this important human right.

Debra Johnson made a motion to approve a Resolution declaring October as Domestic Violence Awareness Month in the City of Clarkston. Laura Hopkins seconded the motion. A vote was called and the motion carried (5, 0)

G7) Approve Alcohol Package Store License application Lulu's Package

City Manager stated this application is based on an ownership change for Lulus Package store at 3900 E Ponce de Leon Ave for an alcohol beverage, license for Beer/Wine/Malt/Liquor beverages for retail package. To date: all of the required inspections have been performed and the required background check has been passed. Code Compliance has reviewed the application and has measured the location and found it does meet minimum distances as defined by the Code. The representative spoke and stated all required documentation had been submitted. The Vice Mayor reminded of the grandfathered transfer timeframes for the business.

Laura Hopkins made a motion to approve Alcohol Package Store License application Lulu's Package, at 3900 E Ponce de Leon Ave. Jamie Carroll seconded the motion. A vote was called and the motion carried (4-Yes: Carroll, Hopkins, Johnson, Eyasu, 0- No, 1- Abstain: Hassan).

G8) Adopt a Resolution authorizing the City's Adoption of the DeKalb County Pre-Disaster Hazard Mitigation Plan

The City Manager detailed DeKalb County has requested that in preparation for the next update in 2022, the City of Clarkston had not submitted an Adopting Resolution for the plan. The resolution is necessary for the City to continue to remain eligible for disaster funds. The plan essentially serves as the comprehensive emergency guide to all types of natural disasters resulting from floods, hurricanes, tornadoes, ice, snow, earthquakes, droughts, etc. It is vitally important that the county and all cities have an adequate plan to best prepare and respond to all natural hazards and potential emergencies. The City was an active participant with the County and other cities in the 2016 plan adoption and will similarly participate for the 2022 update. A link to the full plan was included with the packet.

Ahmed Hassan made a motion to adopt the Resolution authorizing the City's Adoption of the DeKalb County 2016 Pre-Disaster Hazard Mitigation Plan. Debra Johnson seconded the motion. A vote was called and the motion carried (5, 0).

G9) Appeal of City Denial of Sign Permit Application from Railroad Outdoor LLC, to Erect a 14' x 48' FF 20' VEE @ 50' OAH Billboard Sign on the Property Located at 3611 Church Street

Mr. Gomez stated the City received a request from Railroad Outdoor LLC for sign permit to install a billboard on the property located at 3611 Church Street. City staff reviewed the application and denied the application for the following reasons:

1. Billboard signs are prohibited within 500 feet of residential parcels
2. Billboard signs are prohibited within 1,000 feet of other billboards.

This billboard would be within both of those sections of the code. The applicant subsequently requested an appeal of denial and that is what the Council has before them.

Representative Adam Webb, Attorney, advised also on the meeting were Franklin Lemond of Webb, Klase and Lemond and Mike Fitzgerald/ Kelly Shaw-Owners of Railroad Outdoor LLC). Mr. Webb requested that in order to streamline tonight's hearing, if the Council would join agenda items G9 and G10, to

consider the two non-railroad sites together (since they raise identical issues) and then to consider items G11 and G12, the two railroad sites, once again in a joint manner?

The Vice Mayor stated they could be presented combined, but the council would vote on each agenda item separately.

Owner Mike Fitzgerald spoke on background of the company and the civic service that their billboards provide and possibility for the sign to be available for notices from the City. He felt the signs were in keeping with the City code.

Adam Webb stated his view that the billboards are permitted in the city, meeting the requirements of the city's billboard ordinance. He referred the Council to his written appeal information but acknowledged that they provided appeal information late today and the Council had not had ample time to review the materials. He then went on to summarize the points made in his written materials.

Mr. Quinn advised the Council that the applicant had not addressed the fact that the proposed signs are too close to each other and to residences.

Mr. Gomez advised the Council that the applicants never made any request to discuss the applications prior to submitting. Also the applicant has not addressed the restriction distance between billboards and the distance to residential properties. The Staff recommend that the Council make the decision to deny the appeal.

Debra Johnson made a motion to affirm the city manager's decision to deny the application based on the Billboard signs are prohibited within 500 feet of residential parcels (City Code, Sec 15.5-63f) and the Billboard signs are prohibited within 1,000 feet of other billboards (City Code, Sec 15.5-63e). Laura Hopkins seconded the motion. A vote was called and the motion carried (5, 0). Carroll Hassan Hopkins Johnson Eyasu unanimous

G10) Appeal of City Denial of Sign Permit Application from Railroad Outdoor LLC, to Erect a 14' x 48' FF 20' VEE @ 50' OAH Billboard Sign on the Property Located at 3874 E Ponce de Leon Ave.

The Vice Mayor stated the purpose of the item.

Mr. Gomez stated this item is similar to G9, the applicant submitted an application to install a billboard at 3874 E Ponce de Leon Avenue. Denied application based on Billboard signs are prohibited within 500 feet of residential parcels (City Code, Sec 15.5-63f) and 2. Billboard signs are prohibited within 1,000 feet of other billboards (City Code, Sec 15.5-63e).

Adam Webb referred to the same arguments made on item G9.

Vice Mayor Eyasu stated his position that all four signs would detract from the City's aesthetic and be harmful to nearby residents.

Awet Eyasu made a motion to affirm the City Manager and deny the application on Billboard signs they are 1. prohibited within 500 feet of residential parcels (City Code, Sec 15.5-63f) and 2. Billboard signs are prohibited within 1,000 feet of other billboards (City Code, Sec 15.5-63e). Debra Johnson seconded the motion. A vote was called and the motion carried (5, 0). (Carroll, Hassan Hopkins, Johnson, Eyasu)

G11) Appeal of City Denial of Sign Permit Application from Railroad Outdoor LLC, to Erect a 14' x 48' FF 20' VEE @ 50' OAH Billboard Sign on the Property Located at the southerly portion of Church St, just outside (East) of I-285.

The City Manager stated the third application is to install another billboard located at the southerly portion of Church St, just outside (East) of I-285. The application was denied based on:

1. Signs are prohibited within public rights of ways and utility easements (City Code, Sec 15.5-41,3).
2. Signs are prohibited within the railroad right of way (City Code, Sec 15.5-41, 4).
3. Billboard signs are only permitted on parcels zoned RC, NC-1, NC-2, TC, or I (City Code, Sec 15.5-63,b). The CSX RR right-of-way is not a parcel and does not have any of the permissible zoning designations.
4. Billboard signs are prohibited within 500 feet of residential parcels (City Code, Sec 15.5-63f).
5. Billboard signs are prohibited within 1,000 feet of other billboards (City Code, Sec 15.5-63e).

He requested the Council deny the appeal.

The Vice Mayor gave the applicant an opportunity to present on the last two items.

Adam Webb referred to his written submission and the reasons stated in support of items G9 and G10. Mr. Webb also stated that the City had not zoned the railroad right of way and therefore the signs must be allowed.

Stephen Quinn stated the City has an ordinance that states signs not allowed in railroad right-of-way.

The Vice Mayor commented that these signs are bad for residents

Awet Eyasu made a motion affirm the City Manager and deny the appeal for the reasons:

1. Signs are prohibited within public rights of ways and utility easements (City Code, Sec 15.5-41,3).
2. Signs are prohibited within the railroad right of way (City Code, Sec 15.5-41, 4).
3. Billboard signs are only permitted on parcels zoned RC, NC-1, NC-2, TC, or I (City Code, Sec 15.5-63,b). The CSX RR right-of-way is not a parcel and does not have any of the permissible zoning designations.
4. Billboard signs are prohibited within 500 feet of residential parcels (City Code, Sec 15.5-63f).
5. Billboard signs are prohibited within 1,000 feet of other billboards (City Code, Sec 15.5-63e)

Jamie Carroll seconded the motion. Council discussion: Jamie Carroll stated the denial should not be taken as personal, but that they are not permitted by the city code. A vote was called and the motion carried (5, 0). (Carroll, Hassan Hopkins, Johnson, Eyasu)

G12) Appeal of City Denial of Sign Permit Application from Railroad Outdoor LLC, to Erect a 14' x 48' FF 20' VEE @ 50' OAH Billboard Sign on the Property Located at the southerly portion of Church St, just inside (West) of I-285.

City manager reported the application Billboard Sign on the Property Located at the southerly portion of Church St, just inside (West) of I-285. Application denied based on:

1. Signs are prohibited within public rights of ways and utility easements (City Code, Sec 15.5-41,3).
2. Signs are prohibited within the railroad right of way (City Code, Sec 15.5-41, 4).
3. Billboard signs are only permitted on parcels zoned RC, NC-1, NC-2, TC, or I (City Code, Sec 15.5-63,b).

The CSX RR right-of-way is not a parcel and does not have any of the permissible zoning designations.

4. Billboard signs are prohibited within 500 feet of residential parcels (City Code, Sec 15.5-63f).

5. Billboard signs are prohibited within 1,000 feet of other billboards (City Code, Sec 15.5-63e).

Adam Webb stated the same arguments as the previous on item.

Awet Eyasu stated he strongly believe the sign would be harmful to residential properties and made a motion to deny the appeal based on 1. Signs are prohibited within public rights of ways and utility easements (City Code, Sec 15.5-41,3).

2. Signs are prohibited within the railroad right of way (City Code, Sec 15.5-41, 4).

3. Billboard signs are only permitted on parcels zoned RC, NC-1, NC-2, TC, or I (City Code, Sec 15.5-63,b).

The CSX RR right-of-way is not a parcel and does not have any of the permissible zoning designations.

4. Billboard signs are prohibited within 500 feet of residential parcels (City Code, Sec 15.5-63f).

5. Billboard signs are prohibited within 1,000 feet of other billboards (City Code, Sec 15.5-63e).

Laura Hopkins seconded the motion. A vote was called and the motion carried (5, 0). (Carroll, Hassan Hopkins, Johnson, Eyasu)

#### **H. ADJOURNMENT:**

Laura Hopkins made a motion to adjourn the meeting. Jamie Carroll seconded the motion. A vote was called and the motion carried (5, 0).



## **MINUTES**

### **CLARKSTON CITY COUNCIL**

Tuesday October 27, 2020 -7:00pm

#### Officials Present

Vice-Mayor:	Awet Eyasu
Council:	Jamie Carroll, Ahmed Hassan, Laura Hopkins, Debra Johnson
City Manager:	Robin I. Gomez
City Clerk:	Tracy Ashby
City Attorney:	Stephen Quinn

The Vice Mayor called the Work Session to order at 7:00pm.

Work Session

#### **F. EXECUTIVE SESSION- Legal Issue**

Jamie Carroll made a motion to go into executive session to discuss a Legal Issue. Awet Eyasu seconded the motion. A vote was called and the motion carried (5, 0).

Executive Session to discuss a Legal Issue.

Awet Eyasu made a motion to close the executive session and to go into the work session. Jamie Carroll seconded the motion. A vote was called and the motion carried (5, 0).

Meeting adjourned.

CITY OF CLARKSTON

ITEM NO: G1

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:

MEETING DATE: NOVEMBER 5, 2020

Approve- Award  
Low Bid

**SUBJECT:** Award DeBelle St/Atlanta Area School for the Deaf Stormwater Work bid to the lowest bidder – Leach Landscaping

DEPARTMENT: City Administration

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☒ YES ☐ NO  
Pages: 2

INFORMATION CONTACT: ROBIN I. GOMEZ

PHONE NUMBER: 404-296-6489

**PURPOSE:**

Award the DeBelle St/Atlanta Area School for the Deaf Stormwater Improvement Project to the low bid presented by Leach Landscaping in the amount of \$419,474.00.

**NEED/IMPACT:**

At the May 2020 presentation to Clarkston City council, staff outlined the history of flooding and property damage to the Atlanta Area School of the Deaf and DeBelle Street roadway as a consequence of stormwater runoff from upstream properties. Staff presented to Council the remedy to resolve these impacts to public and private property and the associated party's financial contribution to the stormwater infrastructure repairs.

Subsequent to the Council presentation, staff prepared a scope of work, construction plans, and bid package documents to procure the services of a contractor. The bid package and plans were advertised to-bid for 30 days and the bid opening occurred on October 16<sup>th</sup>, 2020. The city received 4 bids. All bidders were deemed qualified to submit a bid.

The bid result::

Contractor	Bid Amount
The Dickerson Group, Inc	\$1,089,581.05
Multiplex, LLC	\$971,555.00
JHC Corporation	\$842,998.00
Leach Landscaping, Inc	\$419,474.00

The engineers estimate for the work was \$361,000, up from an original \$300,000.

The funding for this project is a partnership between the State of Georgia Department of Education, the City of Clarkson, and Majestic Indian Creek, LLC. The funding participation amounts are as follows:

State DOE - \$150,000

Majestic Indian Creek LLC - \$40,000

City of Clarkston (Stormwater Enterprise Fund) - \$229,474

The project is estimated to begin in Mid-November with a duration of 150 calendar days with liquidated damages assessed at \$1,000 per calendar day, exclusive of quantifiable weather events.

**BID SCHEDULE OF ITEMS**  
**"DEBELLE STREET & ATLANTA AREA SCHOOL OF THE DEAF"**  
**STORM IMPROVEMENTS"**

9/18/2020

BID SCHEDULE					
Category	GDOT Pay Item	Quantity	Unit	Cost per Unit	TOTAL
TRAFFIC CONTROL					
Traffic Control	150-0001	1	LS	12500.00	12500.00
TOTAL				SUBTOTAL	\$ 12500.00
DEMOLITION AND REMOVAL					
Removal of Curb	610-0400	130	LF	5.00	650.00
Relocate Water Meter	670-9725	1	EA	2000.00	2000.00 *****
Relocate Water Valve	670-9720	1	EA	2000.00	2000.00 *****
Tree Removal	610-2900	1	LS	5000.00	5000.00
Remove FES	610-6155	1	EA	500.00	500.00
Remove Concrete Headwall	610-5828	3	EA	500.00	1,500.00
Remove Grate Inlet	610-6015	1	EA	500.00	500.00
Remove Asphalt	610-2585	25	SY	100.00	2500.00
Remove Gravel	610-3695	107	SF	6.00	<del>607.00</del> #642
Remove Chainlink Fence	610-0200	162	LF	12.00	1944.00
Remove 18" RCP	610-0959	6	LF	30.00	180.00
Undercut Excavation (includes 19mm)	210-0250	120	CY	90.00	10800.00
				SUBTOTAL	\$ <del>28,181.00</del> 28,216
SITE WORK					
Clearing and Grubbing	201-1500	1	LS	10,000.00	10,000.00
Grading Complete (includes haul off – est. at 5000 CY)	210-0100	1	LS	120,000.00	120,000.00
24" Curb and Gutter Type 2	441-6012	403	LF	35.00	14105.00
Junction Box	668-5000	5	EA	4600.00	23000.00
Concrete Headwall	668-0811	1	EA	2500.00	2500.00
Pedestal Top Inlet (per detail)	668-9900	1	EA	1500.00	1500.00



Double Wing Catch Basin	668-1100	3	EA	4800.00	14400.00
30" RCP	550-1301	176	LF	110.00	19360.00
15" RCP	550-1151	24	LF	70.00	1680.00
36" HDPE	550-1362	214	LF	85.00	18190.00
24" HDPE	550-1242	108	LF	70.00	7560.00
4" PVC Pipe	670-5042	17	LF	35.00	595.00
6' Tall Black Vinyl Coated Chainlink Fence	643-1452	790	LF	30.00	23700.00
8' Wide Black Vinyl Coated Gate	643-8030	2	EA	1000.00	2000.00
OCS per Detail	668-9800	1	EA	15000.00	15000.00
Mill existing Asphalt Concrete variable depth	432-5010	1,556	SY	5.00	7780.00
Compact Asphalt Millings	999-1400	1	LS	9000.00	9000.00
19mm Asphalt Base	402-3190	162.0	TN	125.00	20250.00
12.5mm Asphalt Overlay	402-3130	186.0	TN	125.00	23250.00
Yellow Thermoplastic Solid Striping	653-1502	1,370	LF	2.00	2740.00
24" Therm. White Stripe (Stop Bar)	653-1704	10	LF	20.00	200.00
				<b>SUBTOTAL</b>	<b>\$ 336810.00</b> ✓
Co - Construction Exit	163-0300	1	EA	5000.00	5000.00
Portable Sanitation	NA	1	EA	1200.00	1200.00
Trash Recepticle	NA	1	LS	2000.00	2000.00
St Outlet Protection Rip Rap	603-2181	2,021	SY	6.00	12126.00
Sd2-P Inlet Sediment Trap	163-0550	3	EA	400.00	1200.00
Sd2-F Inlet Sediment Trap	163-0550	1	EA	400.00	400.00
Maintenance of Inlet Sediment Trap	165-0105	1	EA	2500.00	2500.00
Tr - Tree Protection Fencing	702-7501	890	LF	3.00	2670.00
Ss Slope Stabilization Matting	716-2000	676	SY	2.00	<del>1325.00</del>
Fr - Filter Ring	163-0542	1	EA	1000.00	1000.00
Sk - Skimmer (Faircloth)	161-1000	1	LS	3500.00	3500.00
NPDES Sampling Point	167-1000	1	EA	4000.00	4000.00
Seeding and Site Stabilization	700-6910	1	LS	<del>7500.00</del>	5000.00 ✓
				<b>SUBTOTAL</b>	<b>\$ 41,921.00</b>
				<b>TOTAL</b>	<b>\$ 419,412.00</b>

#1352

#5200  
#41,948

#419,474

**NOTE:** \* Contractor is responsible for quantity takeoffs. The above quantities are for estimation purposes only.

*Zuck*  
10/18/2020

CITY OF CLARKSTON

ITEM NO: G2

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES MEETING

ACTION TYPE:  
Ordinance

DATE: NOVEMBER 5, 2020

SUBJECT: Approve Extending the Sunset Clause of the Clean Indoor Air Act to Certain Grandfathered Businesses

DEPARTMENT: City Administration

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☒ YES ☐ NO  
Pages: 25

INFORMATION CONTACT: Awet Eyasu, Jamie Carroll  
PHONE NUMBER: 404-296-6489

PURPOSE:

Discuss an ordinance to amend Chapter 10, Article VII of the City Code of Ordinances titled Clean Indoor Air to extend the grandfathering for certain qualified establishments, to modify the hours during which smoking is allowed, and to require the grandfathered establishments to post a sign outside each entrance warning visitors that smoking is allowed inside.

NEED/IMPACT:

On August 4, 2016, the Clarkston City Council adopted Ordinance No. 398, enacting "Clean Indoor Air" regulations with the main purposes to: (1) protect the public health and welfare by prohibiting smoking in public places and places of employment; and to: (2) guarantee the right of nonsmokers to breathe smoke free air, and to: (3) recognize that the need to breathe smoke free air shall have priority over the desire to smoke. The Ordinance among other things included a provision allowing for a Temporary Grandfathering of Certain Establishments until December 31, 2018, specifically, qualified adult entertainment establishments and business licensed for the retail sale of tobacco, other plant product used for smoking, accessories used for smoking, Electronic Smoking Devices, or substances intended to be inhaled through electronic smoking devices. On April 3, 2018, the Clarkston City Council adopted Ordinance 421 that extended the Temporary Grandfathering of Certain Establishments until December 31, 2020, and added a new section titled Hookah Licenses for Restaurants allowing for hookah smoking in restaurants that obtained a license no later than July 2, 2018.

While the original 2016 Ordinance and the 2018 revision have been effective at protecting the health and well-being of Clarkston residents, employees, and visitors, the City Council has concerns that the Ordinance may impose a hardship on City businesses that compete with nearby businesses located in unincorporated DeKalb County that are not subject to strict no-smoking regulations (like Clarkston's).

The proposed ordinance would permanently extend the grandfathering provisions at the following locations:

- A. "Qualified adult entertainment establishments" recognized pursuant to City Code § 2.5-31;  
and
- B. Restaurants holding a "hookah permit" pursuant to City Code § 10-79.

Additionally, restaurants that obtained a hookah permit prior to July 2, 2018, may continue to obtain an annual hookah smoking permit by December 31 by completing an application and paying a regulatory permit fee of one thousand dollars (\$1,000.00). The restaurants must also comply with various other

regulations including that no other type of smoking is allowed and no person under the age of 18 years old is permitted inside the establishment at any time.

Enclosed are Ordinances 398 and 421, as well as the proposed current revision.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE BY THE CITY OF CLARKSTON TO AMEND CHAPTER 10, ARTICLE VII OF THE CITY CODE, ENTITLED “CLEAN INDOOR AIR,” TO EXTEND GRANDFATHERING FOR CERTAIN QUALIFIED ESTABLISHMENTS; TO MODIFY THE HOURS DURING WHICH SMOKING IS ALLOWED; AND TO REQUIRE GRANDFATHERED ESTABLISHMENTS TO POST A SIGN OUTSIDE EACH ENTRANCE WARNING VISITORS THAT SMOKING IS ALLOWED INSIDE.**

**WHEREAS**, the City Council adopted Ordinance No. 398, enacting “Clean Indoor Air” regulations, on August 4, 2016; and

**WHEREAS**, the City’s Clean Indoor Air Ordinance has been effective at protecting the health and well-being of Clarkston residents, employees and visitors but the City Council became concerned that it may have a negative impact on certain businesses operating within the City; and

**WHEREAS**, strict no-smoking regulations within the City may impose a hardship on City businesses that compete with nearby businesses located in unincorporated DeKalb County that are not subject to strict no-smoking regulations; and

**WHEREAS**, the City Council desires to mitigate hardships on local businesses while encouraging DeKalb County to impose strict no-smoking regulations; and

**WHEREAS**, the City Council recognizes that it cannot bind future Councils but the current Council hereby announces its intent to terminate grandfathering and hookah permits provided for in this ordinance when DeKalb County enacts a strict no-smoking ordinance, upon giving reasonable advance notice to such businesses.

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

**SECTION 1.** City Code § 10-69, entitled “Temporary Grandfathering of Certain Establishments” is hereby amended to read as follows:

**“Sec. 10-69. Grandfathering of Certain Establishments**

(1) Notwithstanding any other provision of this Article, smoking shall be permitted in the following places:

A. “Qualified adult entertainment establishments” recognized pursuant to City Code § 2.5-31; and

B. Restaurants holding a “hookah permit” pursuant to City Code § 10-79.

(2) In establishments where smoking is permitted, the establishment must post a sign at each public entrance, measuring at least four square feet, that states: “WARNING: SMOKING IS PERMITTED IN THIS ESTABLISHMENT AFTER 6 P.M. SMOKING AND SECOND HAND SMOKE CAUSE CANCER, LUNG DISEASE, OTHER ILLNESS AND DEATH.”

**SECTION 2.** City Code § 10-79, entitled “Hookah License for Restaurants” is hereby amended to read as follows:

**“Sec. 10-79. Hookah Permit for Restaurants.**

A. Certain restaurants within the City have been issued a permit that allows limited smoking of hookah within the restaurant. Such permits were only issued prior to July 2, 2018. No new permits will be issued.

B. A hookah permit issued by the city manager pursuant to this section grants an annual privilege to the permittee. Such permits shall expire on December 31 of each year. Such permits may be renewed but the permittee shall have no right to nor expectation of renewal for any subsequent year.

C. An annual regulatory permit fee of One Thousand (\$1,000.00) Dollars shall be paid to the City prior to issuance of a hookah permit. Such fee is intended to compensate the



City for the cost of enforcing this ordinance. The annual fee will not be pro-rated.

D. The following regulations will be strictly enforced at restaurants holding a hookah permit:

- 1.) No person under the age of 18 years old is permitted inside the establishment at any time.
- 2.) Smoking of anything other than hookah is prohibited at all times.
- 3.) After 6:00 p.m., hookah is permitted; all other smoking remains prohibited.
- 4.) No person under the age of 21 years old is permitted inside the establishment after 6:00 p.m.

E. If the owner or operator of a restaurant holding a hookah permit is convicted of any violation of this Article in Municipal Court, the hookah permit for that establishment shall be automatically revoked. No refund will be issued for the permit fee.

**SECTION 3.** If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of the Article which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**SECTION 4.** This ordinance shall be effective immediately upon its approval by the City Council.

SO ORDAINED, this \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

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

By \_\_\_\_\_  
Tracy Ashby, City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

Approved as to Form:

*Stephen G. Quinn*  
Stephen G. Quinn, City Attorney

**ORDINANCE NO. 398**

**AN ORDINANCE BY THE CITY OF CLARKSTON TO AMEND CHAPTER 10 OF THE  
CODE TO ADD NEW ARTICLE VII, ENTITLED "CLEAN INDOOR AIR" TO  
PROHIBIT SMOKING IN DESIGNATED WORKPLACES AND PUBLIC PLACES**

**WHEREAS**, the 2006 U.S. Surgeon General's Report, The Health Consequences of Involuntary Exposure to Tobacco Smoke, has concluded that (1) secondhand smoke exposure causes disease and premature death in children and adults who do not smoke; (2) children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory problems, ear infections, and asthma attacks, and that smoking by parents causes respiratory symptoms and slows lung growth in their children; (3) exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer; (4) there is no risk-free level of exposure to secondhand smoke; (5) establishing smokefree workplaces is the only effective way to ensure that secondhand smoke exposure does not occur in the workplace, because ventilation and other air cleaning technologies cannot completely control for exposure of nonsmokers to secondhand smoke; and (6) evidence from peer-reviewed studies shows that smokefree policies and laws do not have an adverse economic impact on the hospitality industry.<sup>1</sup> According to the 2010 U.S. Surgeon General's Report, How Tobacco Smoke Causes Disease, even occasional exposure to secondhand smoke is harmful and low levels of exposure to secondhand tobacco smoke lead to a rapid and sharp increase in dysfunction and inflammation of the lining of the blood vessels, which are implicated in heart attacks and stroke.<sup>2</sup> According to the 2014 U.S. Surgeon General's Report, The Health Consequences of Smoking—50 Years of Progress, secondhand smoke exposure causes stroke in nonsmokers. The report also found that since the 1964 Surgeon General's Report on Smoking and Health, 2.5 million nonsmokers have died from diseases caused by tobacco smoke<sup>3</sup>; and

**WHEREAS**, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of approximately 53,000 Americans annually<sup>4</sup>; and

**WHEREAS**, the Public Health Service's National Toxicology Program (NTP) has listed secondhand smoke as a known carcinogen<sup>5</sup>; and

**WHEREAS**, based on a finding by the California Environmental Protection Agency in 2005, the California Air Resources Board has determined that secondhand smoke is a toxic air contaminant, finding that exposure to secondhand smoke has serious health effects, including low birth-weight babies; sudden infant death syndrome (SIDS); increased respiratory infections in children; asthma in children and adults; lung cancer, sinus cancer, and breast cancer in younger, premenopausal women; heart disease; and death<sup>6</sup>; and

**WHEREAS**, there is indisputable evidence that implementing 100% smoke-free environments is the only effective way to protect the population from the harmful effects of exposure to secondhand smoke<sup>7</sup>; and

**WHEREAS**, in reviewing 11 studies concluding that communities see an immediate reduction in heart attack admissions after the implementation of comprehensive smokefree laws, the Institute of Medicine of the National Academies concluded that data consistently demonstrate that secondhand smoke exposure increases the risk of coronary heart disease and heart attacks and that smokefree laws reduce heart attacks<sup>8</sup>; and

**WHEREAS**, a significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a 25-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function<sup>9</sup>; and

**WHEREAS**, studies measuring cotinine (metabolized nicotine) and NNAL (metabolized nitrosamine NNK, a tobacco-specific carcinogen linked to lung cancer) in hospitality workers find dramatic reductions in the levels of these biomarkers after a smokefree law takes effect. Average cotinine levels of New York City restaurant and bar workers decreased by 85% after the city's smokefree law went into effect.<sup>10</sup> After the implementation of Ontario, Canada's Smokefree Indoor Air Law, levels of NNAL were reduced by 52% in nonsmoking casino employees and cotinine levels fell by 98%<sup>11</sup>; and

**WHEREAS**, smokefree indoor air laws result in a significant reduction in fine particulate matter and improved air quality. A Grand Rapids, Michigan study that monitored six restaurants before and after implementation of the state's smokefree air law found that PM2.5 fine particulate matter was reduced by 92 percent after the law went into effect, indicating that the vast majority of indoor air pollution in all six venues was due to secondhand smoke. The results in Grand Rapids were consistent with results in Wilmington, Delaware; Boston, Massachusetts; and Western New York<sup>12</sup>; and

**WHEREAS**, following a Health Hazard Evaluation of Las Vegas casino employees' secondhand smoke exposure in the workplace, which included indoor air quality tests and biomarker assessments, the National Institute of Occupational Safety & Health (NIOSH) concluded that the casino employees are exposed to dangerous levels of secondhand smoke at work and that their bodies absorb high levels of tobacco-specific chemicals NNK and cotinine during work shifts. NIOSH also concluded that the "best means of eliminating workplace exposure to [secondhand smoke] is to ban all smoking in the casinos."<sup>13</sup> A subsequent study in Nevada, whose Clean Indoor Air Act permits smoking in designated areas of casinos, bars, and taverns, indicates that strong 100% smokefree laws are the only effective way to protect indoor air quality. The study sampled the air quality in 15 casino gaming areas and corresponding nonsmoking areas, and the results indicated that the Clean Indoor Air Act failed to protect air quality in the nonsmoking areas, including children-friendly areas<sup>14</sup>; and

**WHEREAS**, secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease.<sup>15</sup> The Americans With Disabilities Act,

which requires that disabled persons have access to public places and workplaces, deems impaired respiratory function to be a disability<sup>16</sup>; and

**WHEREAS**, the U.S. Centers for Disease Control and Prevention has determined that the risk of acute myocardial infarction and coronary heart disease associated with exposure to tobacco smoke is non-linear at low doses, increasing rapidly with relatively small doses such as those received from secondhand smoke or actively smoking one or two cigarettes a day, and has warned that all patients at increased risk of coronary heart disease or with known coronary artery disease should avoid all indoor environments that permit smoking<sup>17</sup>; and

**WHEREAS**, given the fact that there is no safe level of exposure to secondhand smoke, the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) bases its ventilation standards on totally smokefree environments. ASHRAE has determined that there is currently no air filtration or other ventilation technology that can completely eliminate all the carcinogenic components in secondhand smoke and the health risks caused by secondhand smoke exposure, and recommends that indoor environments be smokefree in their entirety<sup>18</sup>; and

**WHEREAS**, during periods of active smoking, peak and average outdoor tobacco smoke (OTS) levels measured in outdoor cafes and restaurant and bar patios near smokers rival indoor tobacco smoke concentrations.<sup>19</sup> Nonsmokers who spend six-hour periods in outdoor smoking sections of bars and restaurants experience a significant increase in levels of cotinine when compared to the cotinine levels in a smokefree outdoor area<sup>20</sup>; and

**WHEREAS**, residual tobacco contamination, or “thirdhand smoke,” from cigarettes, cigars, and other tobacco products is left behind after smoking occurs and builds up on surfaces and furnishings. This residue can linger in spaces long after smoking has ceased and continue to expose people to tobacco toxins. Sticky, highly toxic particulate matter, including nicotine, can cling to walls and ceilings. Gases can be absorbed into carpets, draperies, and other upholsteries, and then be reemitted (off-gassed) back into the air and recombine to form harmful compounds.<sup>21</sup> Tobacco residue is noticeably present in dust throughout places where smoking has occurred.<sup>22</sup> Given the rapid sorption and persistence of high levels of residual nicotine from tobacco smoke on indoor surfaces, including clothing and human skin, this recently identified process represents an unappreciated health hazard through dermal exposure, dust inhalation, and ingestion.<sup>23</sup> The dangers of residual tobacco contamination are present in hotels, even in nonsmoking rooms. Compared with hotels that are completely smokefree, surface nicotine and air 3EP are elevated in nonsmoking and smoking rooms of hotels that allow smoking. Air nicotine levels in smoking rooms are significantly higher than those in nonsmoking rooms of hotels that do and do not completely prohibit smoking. Hallway surfaces outside of smoking rooms also show higher levels of nicotine than those outside of nonsmoking rooms. Partial smoking restrictions in hotels do not protect non-smoking guests from exposure to tobacco smoke and tobacco-specific carcinogens<sup>24</sup>; and

**WHEREAS**, unregulated high-tech smoking devices, commonly referred to as electronic cigarettes, or “e-cigarettes,” closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid nicotine created by heat through an electronic ignition system. After testing a number of electronic cigarettes from two leading manufacturers, the Food and Drug

Administration (FDA) determined that various samples tested contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze. The FDA's testing also suggested that "quality control processes used to manufacture these products are inconsistent or non-existent."<sup>25</sup> According to a more recent study, electronic cigarette emissions are made up of a high concentration of ultrafine particles, and the particle concentration is higher than in conventional tobacco cigarette smoke.<sup>26</sup> Electronic cigarettes produce an aerosol or vapor of undetermined and potentially harmful substances, which may appear similar to the smoke emitted by traditional tobacco products. Their use in workplaces and public places where smoking of traditional tobacco products is prohibited creates concern and confusion and leads to difficulties in enforcing the smoking prohibitions. The World Health Organization (WHO) recommends that electronic smoking devices not be used indoors, especially in smokefree environments, in order to minimize the risk to bystanders of breathing in the aerosol emitted by the devices and to avoid undermining the enforcement of smokefree laws<sup>27</sup>; and

**WHEREAS**, the Society of Actuaries has determined that secondhand smoke costs the U.S. economy roughly \$10 billion a year: \$5 billion in estimated medical costs associated with secondhand smoke exposure and \$4.6 billion in lost productivity<sup>28</sup>; and

**WHEREAS**, numerous economic analyses examining restaurant and hotel receipts and controlling for economic variables have shown either no difference or a positive economic impact after enactment of laws requiring workplaces to be smokefree. Creation of smokefree workplaces is sound economic policy and provides the maximum level of employee health and safety<sup>29</sup>; and

**WHEREAS**, there is no legal or constitutional "right to smoke."<sup>30</sup> Business owners have no legal or constitutional right to expose their employees and customers to the toxic chemicals in secondhand smoke. On the contrary, employers have a common law duty to provide their workers with a workplace that is not unreasonably dangerous<sup>31</sup>; and

**WHEREAS**, smoking is a potential cause of fires; cigarette and cigar burns and ash stains on merchandise and fixtures causes economic damage to businesses<sup>32</sup>; and

**WHEREAS**, the smoking of tobacco, hookahs, or marijuana and the use of electronic cigarettes are forms of air pollution and constitute both a danger to health and a material public nuisance; and

**WHEREAS**, accordingly, the City of Clarkston desires to act to protect the public health by prohibiting smoking in all public places and all workplaces.

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

**Section 1.** Chapter 10 of the Code of Ordinances, regarding Health and Sanitation, is hereby amended to add new Article VII, entitled "Clean Indoor Air." The "Clarkston Clean Indoor Air Ordinance" attached hereto and consisting of 10 pages is hereby adopted and Sections 10-60 through 10-78 are hereby added to the Code of Ordinances.

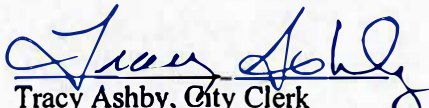
**Section 2.** If any provision, clause, sentence, or paragraph of this Article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

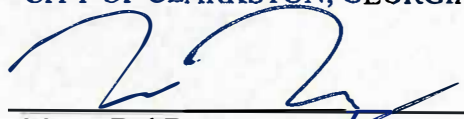
**Section 3.** This Article shall be effective thirty (30) days from and after the date of its adoption.

ADOPTED this 4 day of August, 2016.

ATTEST:

CITY COUNCIL OF  
CITY OF CLARKSTON, GEORGIA

  
Tracy Ashby, City Clerk  
(SEAL)

  
Mayor Ted Terry

Approved as to Form:

 7-21-16  
Stephen G. Quinn, City Attorney



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## **Clarkston Clean Indoor Air Ordinance**

### **Sec. 10-60. Findings and Intent**

The City of Clarkston finds and declares that the purposes of this ordinance are (1) to protect the public health and welfare by prohibiting smoking in public places and places of employment; and (2) to guarantee the right of nonsmokers to breathe smokefree air, and to recognize that the need to breathe smokefree air shall have priority over the desire to smoke.

### **Sec. 10-61. Definitions**

The following words and phrases, whenever used in this Article, shall be construed as defined in this Section:

- A. "Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.
- B. "Business" means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.
- C. "Electronic Smoking Device" means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.
- D. "Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.
- E. "Employer" means a person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons.
- F. "Enclosed Area" means all space between a floor and a ceiling that is bounded on at least two sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not containing openings of any kind.

- G. "Health Care Facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.
- H. "Hookah" means a water pipe and any associated products and devices which are used to produce fumes, smoke, and/or vapor from the burning of material including, but not limited to, tobacco, shisha, or other plant matter.
- I. "Place of Employment" means an area under the control of a public or private employer, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, construction sites, temporary offices, and vehicles. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.
- J. "Playground" means any park or recreational area designed in part to be used by children that has play or sports equipment installed or that has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds or on [City or County] grounds.
- K. "Private Club" means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501.
- L. "Public Event" means an event which is open to and may be attended by the general public, including but not limited to, concerts, fairs, farmers' markets, festivals, parades, performances, and other exhibitions, regardless of any fee or age requirement.
- M. "Public Place" means an area to which the public is invited or permitted, including but not limited to, banks, bars, educational facilities, gambling facilities, health care facilities, hotels and motels, laundromats, parking structures, public transportation vehicles and facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.

- N. "Recreational Area" means any public or private area open to the public for recreational purposes, whether or not any fee for admission is charged, including but not limited to, amusement parks, athletic fields, beaches, fairgrounds, gardens, golf courses, parks, plazas, skate parks, swimming pools, trails, and zoos.
- O. "Restaurant" means an eating establishment which gives or offers for sale food to the public, guests, or employees, including but not limited to, coffee shops, cafeterias, sandwich stands, private and public school cafeterias, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.
- P. "Service Line" means an indoor or outdoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including but not limited to, ATM lines, concert lines, food vendor lines, movie ticket lines, and sporting event lines.
- Q. "Shopping Mall" means an enclosed or unenclosed public walkway or hall area that serves to connect retail or professional establishments.
- R. "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. "Smoking" also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.
- S. "Sports Arena" means a place where people assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events, including sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and bowling alleys.

#### **Sec. 10-62. City Facilities and Property**

All enclosed areas, including buildings and vehicles owned, leased, or operated by the City of Clarkston, as well as all outdoor property adjacent to such buildings and under the control of the City, shall be subject to the provisions of this Article.

#### **Sec. 10-63. Prohibition of Smoking in Enclosed Public Places**

Smoking shall be prohibited in all enclosed public places within the City of Clarkston, including but not limited to, the following places:

- A. Aquariums, galleries, libraries, and museums.



- B. Areas available to the general public in businesses and non-profit entities patronized by the public, including but not limited to, banks, laundromats, professional offices, and retail service establishments.
- C. Bars.
- D. Bingo facilities.
- E. Child care and adult day care facilities.
- F. Convention facilities.
- G. Educational facilities, both public and private.
- H. Elevators.
- I. Health care facilities.
- J. Hotels and motels.
- K. Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
- L. Parking structures.
- M. Polling places.
- N. Public transportation vehicles, including buses and vehicles for hire, and ticket, boarding, and waiting areas of public transportation facilities.
- O. Restaurants.
- P. Restrooms, lobbies, reception areas, hallways, and other common-use areas.
- Q. Retail stores.
- R. Service lines.
- S. Shopping malls.
- T. Sports arenas, including enclosed places in outdoor arenas.
- U. Theaters and other facilities primarily used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances.

**Sec. 10-64. Prohibition of Smoking in Enclosed Places of Employment**

- A. Smoking shall be prohibited in all enclosed areas of places of employment without exception. This includes, without limitation, common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.
- B. This prohibition on smoking shall be communicated to all existing employees by the effective date of this Article and to all prospective employees upon their application for employment.

**Sec. 10-65. Prohibition of Smoking in Certain Enclosed Residential Facilities**

Smoking shall be prohibited in the following enclosed residential facilities:

- A. All private and semi-private rooms in nursing homes.
- B. All hotel and motel guest rooms.

**Sec. 10-66. Prohibition of Smoking in Outdoor Public Places**

Smoking shall be prohibited in the following outdoor places:

- A. Within thirty (30) feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to prevent tobacco smoke from entering those areas.
- B. On all outdoor property that is adjacent to buildings owned, leased, or operated by the City of Clarkston.
- C. In, and within 30 feet of, outdoor seating or serving areas of restaurants.
- D. In outdoor shopping malls, including parking structures.
- E. In all outdoor arenas, stadiums, and amphitheaters. Smoking shall also be prohibited in, and within 30 feet of, bleachers and grandstands for use by spectators at sporting and other public events.
- F. In outdoor recreational areas, including parking lots.
- G. In, and within 30 feet of, all outdoor playgrounds.
- H. In, and within 30 feet of, all outdoor public events.
- I. In, and within 30 feet of, all outdoor public transportation stations, platforms, and shelters.

- J. In all outdoor service lines, including lines in which service is obtained by persons in vehicles, such as service that is provided by bank tellers, parking lot attendants, and toll takers. In lines in which service is obtained by persons in vehicles, smoking is prohibited by both pedestrians and persons in vehicles, but only within 30 feet of the point of service.
- K. In outdoor common areas of apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities, except in designated smoking areas, not to exceed twenty-five percent (25%) of the total outdoor common area, which must be located at least 30 feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited.

#### **Sec. 10-67. Prohibition of Smoking in Outdoor Places of Employment**

- A. Smoking shall be prohibited in all outdoor places of employment where two or more employees are required to be in the course of their employment. This includes, without limitation, work areas, construction sites, temporary offices such as trailers, restroom facilities, and vehicles.
- B. This prohibition on smoking shall be communicated to all existing employees by the effective date of this Article and to all prospective employees upon their application for employment.

#### **Sec. 10-68. Where Smoking Not Regulated**

Notwithstanding any other provision of this Article to the contrary, smoking shall be allowed in private residences, unless used as a childcare, adult day care, or health care facility.

#### **Sec. 10-69. Temporary Grandfathering of Certain Establishments**

Notwithstanding any other provision of this Article, smoking shall be permitted until December 31, 2018, in the following places:

- A. "Qualified adult entertainment establishments" recognized pursuant to City Code § 2.5-31; and
- B. Businesses that meet all of the following criteria:
  - 1. The business was operating at its current location pursuant to a valid business license issued by the City of Clarkston on April 1, 2016;
  - 2. The primary business conducted at the licensed establishment is the retail sale of tobacco, other plant product used for smoking, accessories used for smoking, Electronic Smoking Devices, or substances intended to be inhaled through electronic smoking devices; and
  - 3. No person under twenty-one (21) years old is permitted inside the business at any time.

With respect to the foregoing subsection B., failure to maintain all of the required conditions in place at all times will result in the permanent revocation of grandfathered status of the business, upon notice to the business, due process, and a determination by the City Council at a regular meeting that the business has failed to maintain compliance with this Section.

**Sec. 10-70. Declaration of Establishment or Outdoor Area as Nonsmoking**

Notwithstanding any other provision of this Article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 10-71 is posted.

**Sec. 10-71. Posting of Signs and Removal of Ashtrays Where Smoking Prohibited**

The owner, operator, manager, or other person in control of a place of employment, public place, or residential facility where smoking is prohibited by this Article shall:

- A. Clearly and conspicuously post “No Smoking” signs or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) in that place.
- B. Clearly and conspicuously post at every entrance to that place a sign stating that smoking is prohibited or, in the case of outdoor places, clearly and conspicuously post “No Smoking” signs in appropriate locations as determined by the City Manager or an authorized designee.
- C. Clearly and conspicuously post on every vehicle that constitutes a place of employment under this Article at least one sign, visible from the exterior of the vehicle, stating that smoking is prohibited.
- D. Remove all ashtrays from any area where smoking is prohibited by this Article, except for ashtrays displayed for sale and not for use on the premises.

**Sec. 10-72. Warning Sign to be Posted in Businesses Where Nicotine Products Sold**

- (a) Any person owning or operating a place of business in which cigarettes, tobacco products, tobacco related objects, or Electronic Smoking Devices are sold or offered for sale shall post in a conspicuous place a sign which shall contain the following statement:

“SALE OF CIGARETTES, TOBACCO, TOBACCO PRODUCTS, OR TOBACCO RELATED OBJECTS, ALTERNATIVE NICOTINE PRODUCTS, VAPOR PRODUCTS TO PERSONS UNDER 18 YEARS OF AGE IS PROHIBITED BY LAW.”

Such sign shall be printed in letters of at least one-half inch in height.



- (b) Every person owning or operating a business described in subsection (a) of this section shall also post a sign containing the same statement in the six most common languages used in Clarkston other than English. Such sign shall be obtained from City Hall by such person.

**Sec. 10-73. Nonretaliation; Nonwaiver of Rights**

- A. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, customer, or resident of a multiple-unit residential facility because that employee, applicant, customer, or resident exercises any rights afforded by this Article or reports or attempts to prosecute a violation of this Article. Notwithstanding Section 10-75, violation of this Subsection shall be punishable by a fine not to exceed \$1000 for each violation.
- B. An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

**Sec. 10-74. Enforcement**

- A. This Article shall be enforced by the Police Department, the Quality of Life Officer, the City Manager or an authorized designee.
- B. Notice of the provisions of this Article shall be given to all applicants for a business license in the City of Clarkston.
- C. Any citizen who desires to register a complaint under this Article may initiate enforcement with the City Manager.
- D. The Quality of Life Officer shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Article.
- E. An owner, manager, operator, or employee of an area regulated by this Article shall direct a person who is smoking in violation of this Article to extinguish or turn off the product being smoked. If the person does not stop smoking, the owner, manager, operator, or employee shall refuse service and shall immediately ask the person to leave the premises. If the person in violation refuses to leave the premises, the owner, manager, operator, or employee shall contact a law enforcement agency.

**Sec. 10-75. Violations and Penalties**

- A. A person who smokes in an area where smoking is prohibited by the provisions of this Article shall be guilty of an infraction, punishable by a fine not exceeding fifty dollars (\$50).

- B. Except as otherwise provided in Section 10-73(A), a person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Article shall be guilty of an infraction, punishable by:
1. A fine not exceeding one hundred dollars (\$100) for a first violation.
  2. A fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year.
  3. A fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year.
- C. In addition to the fines established by this Section, violation of this Article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.
- D. Violation of this Article is hereby declared to be a public nuisance, which may be abated by the City by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City may take action to recover the costs of the nuisance abatement.
- E. Each day on which a violation of this Article occurs shall be considered a separate and distinct violation.

#### **Sec. 10-76. Public Education**

The City Manager shall engage in a continuing program to explain and clarify the purposes and requirements of this Article to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this ordinance.

#### **Sec. 10-77. Other Applicable Laws**

This Article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

#### **Sec. 10-78. Liberal Construction**

This Article shall be liberally construed so as to further its purposes.

**ORDINANCE NO. 421**

**AN ORDINANCE BY THE CITY OF CLARKSTON TO AMEND CHAPTER 10, ARTICLE VII OF THE CITY CODE, ENTITLED "CLEAN INDOOR AIR"; TO EXTEND TEMPORARY GRANDFATHERING FOR CERTAIN ESTABLISHMENTS; AND TO ALLOW QUALIFIED RESTAURANTS TO OBTAIN A LICENSE THAT WOULD PERMIT HOOKAH SMOKING PURSUANT TO DEFINED REGULATIONS.**

**WHEREAS**, the City Council adopted Ordinance No. 398, enacting "Clean Indoor Air" regulations, on August 4, 2016; and

**WHEREAS**, the City's Clean Indoor Air Ordinance has been effective at protecting the health and well-being of Clarkston residents, employees and visitors but may have a negative impact on certain businesses operating within the City; and

**WHEREAS**, strict no-smoking regulations within the City may impose a hardship on City businesses that compete with nearby businesses located in unincorporated DeKalb County that are not subject to strict no-smoking regulations; and

**WHEREAS**, the City Council desires to mitigate hardships on local businesses while encouraging DeKalb County to impose strict no-smoking regulations; and

**WHEREAS**, it is the intent of the City Council to terminate grandfathering and hookah permits provided for in this ordinance when DeKalb County enacts a strict no-smoking ordinance.

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

**SECTION 1.** City Code § 10-69, entitled "Temporary Grandfathering of Certain Establishments" is hereby amended such that the date December 31, 2018, in the first sentence is replaced with the date December 31, 2020. Section 10-69 shall remain unchanged in all respects other than the changed date in the first sentence.

**SECTION 2.** New Code § 10-79 is hereby adopted, to read as follows:

**"Sec. 10-79. Hookah License for Restaurants.**

- A. Notwithstanding any other provision of this Article, restaurants licensed to operate within the City may apply for and the city manager may issue a permit that will allow limited smoking of hookah within the restaurant. Such application must be submitted no later than July 2, 2018. No new license under this section will be issued unless the application is received by such date.

- B. A hookah permit issued by the city manager pursuant to this section grants an annual privilege to the permittee. Such permits shall expire on December 31 of each year. Such permits may be renewed but the permittee shall have no right to nor expectation of renewal for any subsequent year.
- C. An annual regulatory permit fee of One Thousand (\$1,000.00) Dollars shall be paid to the City prior to issuance of a hookah permit. Such fee is intended to compensate the City for the cost of enforcing this ordinance. The annual fee will be pro-rated for year 2018 but will not be pro-rated during any subsequent year.
- D. The following regulations will be strictly enforced at restaurants holding a hookah license:
  - 1.) No person under the age of 18 years old is permitted inside the establishment at any time.
  - 2.) No smoking of any type is permitted before 9:00 p.m.
  - 3.) After 9:00 p.m., only smoking of hookah is permitted; all other smoking remains prohibited.
  - 4.) No person under the age of 21 years old is permitted inside the establishment after 9:00 p.m.
- E. If the owner or operator of a restaurant holding a hookah permit is convicted of any violation of this Article in Municipal Court, the hookah permit for that establishment shall be automatically revoked. No refund will be issued for the permit fee.

**SECTION 3.** If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of the Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

**SECTION 4.** This ordinance shall be effective immediately upon its approval by the City Council.

**SIGNATURE PAGE FOLLOWS**

ADOPTED, this 3 day of April, 2018.

ATTEST:

CITY COUNCIL,  
CITY OF CLARKSTON, GEORGIA

By Tracy Ashby  
Tracy Ashby, City Clerk  
(SEAL)

Ted Ferry  
Ted Ferry, Mayor

Approved as to Form:

SGQ 4-3-18  
Stephen G. Quinn, City Attorney

# Hookah Permits

CITY OF CLARKSTON  
FD-CLSSRC REVENUES DETAIL REPORT  
Posted and Distributed Figures  
Executed By: ddefnall  
From: 2018-01 To: 2020-10

Page: 1  
Date: 10/14/2020  
Time: 16:24:25

FY-FM Estimate Revenues Revenues Detail Specific

FD 100 ( GENERAL FUND )  
CLSSRC 321153 ( )  
Account Code: 100-321153 ( HOOKAH PERMIT )

## Journal Entries

FY-FM	Estimated Revenues	Revenues	Journal ID	Reference	Control	Trans#	Source User	Entry Date	Description
2019-01	\$ 2,003.00	\$ 0.00	ORIGINAL BUDGET			239	ddefnall	05/15/2019	2019 ORIGINAL BUDGET
2020-01	\$ 200.00	\$ 0.00	ORIGINAL BUDGET			250	ddefnall	04/01/2020	2020 Budget
Total	\$ 2,203.00	\$ 0.00	Summary Only: Journal Entries						

## Receipts

FY-FM	Estimated Revenues	Revenues	Journal ID	Reference	Control	Trans#	Source User	Entry Date	Description
2018-04	\$ 0.00	\$ 753.00	NORMAL		AN04.12.18	354	ddefnall	04/26/2018	HOOKAH PERMIT-PONCE CAFE-LEAKE HALEDE
2018-04	\$ 0.00	\$ 750.00	NORMAL	2018	CHA04.10.18	333	ddefnall	04/25/2018	PONCE SPORTS LOUNGE 2018 HOOKAH PERMIT
2018-06	\$ 0.00	\$ 500.00	NORMAL		CHA06.29.18	659	ddefnall	07/03/2018	HOOKAH PERMIT LAMBADINA CAFE
2019-01	\$ 0.00	\$ 1,000.00	NORMAL	2019	CHA01.04.19	32	ddefnall	01/12/2019	LAMBADINA CAFE HOOKAH PERMIT 2019
2019-01	\$ 0.00	\$ 1,000.00	NORMAL		CHA01.24.19	85	ddefnall	02/01/2019	2019 HOOKAH PERMIT PONCE SPORTS LOUNGE
2020-01	\$ 0.00	\$ 1,000.00	NORMAL	2020	CHA01.24.20	100	ddefnall	01/31/2020	HOOKAH PERMIT 2020 LAMBADINA CAFE
2020-03	\$ 0.00	\$ 1,000.00	NORMAL		AN03.04.20	199	ddefnall	03/09/2020	HOOKAH 2020 PRMT TESFAMARIYAM WEGAYEHU
Total	\$ 0.00	\$ 6,003.00	Summary Only: Receipts						

Total \$ 2,203.00 \$ 6,003.00 Account Code: 100-321153

Total \$ 2,203.00 \$ 6,003.00 CLSSRC 321153

Total \$ 2,203.00 \$ 6,003.00 FD 100 GENERAL FUND

Total \$ 2,203.00 \$ 6,003.00 Report

① Lambadina Cafe  
② Ponce Sports Lounge

CITY OF CLARKSTON  
OCCUPATIONAL TAX/BUSINESS LICENSE MASTER  
Executed By: levans

Page: 1  
Date: 09/29/20  
Time: 16:34:23

Business Name -----	Street Address -----	Supplemental Address -----	Work Phone -----
ADDIS HOOKAH TOBACCO SUPPLY INC	3924 E PONCE DE LEON	STE B	404-944-0352
ATL EXOTICS	1353 BROCKETT RD	STE A	678-521-8329
DUBAI TOBACCO SHOP	1353 Brockett Rd	STE H	678-887-8600
NUMBER OF BUSINESSES:	3		

## CITY OF CLARKSTON

ITEM NO: E5

## CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:  
Council Worksession

## BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Discussion

MEETING DATE: OCTOBER 27, 2020

**SUBJECT:** Increase the Provision limiting the Temporary Rental, Mortgage, and Utilities' Payment Assistance of 50% of One (1) Month's Payment to 100% of the month's payment.

DEPARTMENT: City Administration

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☐ YES ☒ NO  
Pages:

INFORMATION CONTACT: Awet Eyasu, Jamie Carroll

PHONE NUMBER: 404-296-6489

PURPOSE:

Continue to provide temporary rental, mortgage, and utility payment assistance by changing the provision of limiting applicants to 50% of one (1) month's assistance for up to 3 months to allowing up to 100% of one month's payment.

NEED/IMPACT:

At the June meeting, the Council approved a \$100,000 temporary rental payment assistance program funded from the City's Affordable Housing Trust Fund. At the August Council meeting and the August 20 Special Call Meeting, the Council clarified the funds purpose on the distribution of the 3 months' provision and allocated additional funding for both rental and mortgage assistance up to \$450,000, as well as up to \$100,000 for utility assistance from the City's share of CARES Act funds (received on Sept 3, from DeKalb County).

To date the City has made 455 rental payments totaling \$273,373.50 (average of \$600.50 per payment); 5 mortgage assistance payments totaling \$1,159.04; and 7 utility payments totaling \$346.24. We are anticipating very little if any reduction in folks applying for the temporary rental and utility payment assistance through December 20, 2020.

The below lists the City of Clarkston's estimated \$1,433,288 CARES Act Fund expenditures through Dec 20, 2020.

Translation Services	\$ 1,000
Legal Services	\$ 17,500
Tech Equip/Services	\$ 5,000
Police Equipment	\$ 12,000
Outdoor Equipment	\$ 7,500
Clearing/PPE Equip/Supp	\$ 15,000
Food – 1 <sup>st</sup> responders	\$ 1,000
Payroll (5% hazard pay)	\$ 50,000
Rental/Mortgage Housing	\$450,000
Payroll – other	\$260,000
Workforce Development	\$100,000
Utility Payment Assistance	\$100,000
Contingency, for above categ	<u>\$399,288</u>
	\$1,433,288



## CITY OF CLARKSTON

ITEM NO: G3

## CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:  
Council Meeting

## BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Approve

MEETING DATE: November 5 2020

SUBJECT: Discuss Providing CARES Act (Coronavirus Relief) Funding for Continued COVID-19 Testing.

DEPARTMENT: City Administration

PUBLIC HEARING: ☐ YES ☒ NOATTACHMENT: ☒ YES ☐ NO  
Pages: 3INFORMATION CONTACT: Awet Eyasu, Jamie Carroll  
PHONE NUMBER: 404-296-6489PURPOSE:

Approve providing CARES Act Funds for COVID-19 Testing.

NEED/IMPACT:

The City received a request for CARES Act funding to assist two (2) COVID-19 Testing locations:

- |  |           |
|--|-----------|
| (1) Ethne Health – personnel funding for a part-time nurse from Dec-May 2021   | \$19,000  |
| (2) IRC/CORE – testing and contract tracing for 2 months at various Clarkston locations (apartment complexes) and personnel support related to Supportive Services | \$159,850 |
|  | \$ 88,391 |

Details for each proposal are included below.

The below lists the City of Clarkston's estimated \$1,433,288 CARES Act Fund expenditures through Dec 20, 2020.

Translation Services	\$ 1,000
Legal Services	\$ 17,500
Tech Equip/Services	\$ 5,000
Police Equipment	\$ 12,000
Outdoor Equipment	\$ 7,500
Cleaning/PPE Equip/Supp	\$ 15,000
Food – 1 <sup>st</sup> responders	\$ 1,000
Payroll (5% hazard pay)	\$ 50,000
Rental/Mortgage Housing	\$450,000
Payroll – other	\$260,000
Workforce Development	\$100,000
Utility Payment Assistance	\$100,000
Contingency, for above categ	<u>\$399,288</u>
	\$1,433,288



October 19, 2020

Dear Mr. Gomez,

Ethne Health is a nonprofit primary care clinic located in the heart of Clarkston, GA. We serve uninsured and insured patients, and are the only such clinic in Clarkston that remained open with regular hours throughout the COVID-19 pandemic. Since March 16<sup>th</sup>, we have also been offering COVID-19 testing at our clinic, as well as doing a free testing drive in partnership with the City of Clarkston on April 3<sup>rd</sup> and 4<sup>th</sup>. On May 11<sup>th</sup> we began a partnership with the DeKalb County Board of Health (DCBOH) to provide free testing at our clinic. We continue to offer free testing in partnership with the DCBOH to this day, and as of October 15<sup>th</sup> we have performed more than 2400 COVID-19 tests.

Through our partnership, the DCBOH provides the testing kits, lab services, and iPads integrated with their labs, and we provide everything else, including the tent and location, doctors and nurses to perform the nasopharyngeal swab and advise patients before and after their tests, and staff and volunteers to schedule, register, and intake patients.

To aid us in providing this service Ethne has been blessed with many faithful volunteers, most notably a nurse who has volunteered full-time since May, performing the majority of our swabs as well as supporting all other areas necessary to make this testing possible. Unfortunately, this nurse volunteer who has been such a crucial support will be unavailable starting in December. Demand for testing is not expected to decrease in the near future, however, and Ethne intends to continue partnering with the DCBOH to provide this service to the community.

In order to continue providing free testing, we would propose the hiring of a nurse (or other equally qualified medical professional) dedicated to supporting our COVID-19 testing. This professional would perform the necessary swabs, as well as calling patients before and after their testing and liaising with our doctors, staff, and volunteers to ensure that the process continues smoothly. This position would require 25 hours of work each week, and if we pay this professional \$27/hr for a 6 month contract the total expected cost would be approximately \$19,000, including employer-paid taxes. If the City of Clarkston could partner with us by providing the necessary funds to hire this professional, that would ensure smooth continuation of our free testing services. We are happy to continue to provide the other support of doctors, staff, volunteers, and materials.

In the unlikely event that Ethne discontinues offering free testing over the course of the six months of this nurse's employment (Projected to be December 2020 to May 2021), we would return any unused funds to the city of Clarkston.

Thank you for your consideration of our proposal, and for all you do to serve the people of Clarkston

Sincerely,

Robert W. Contino, MD, MPH  
Internal Medicine and Pediatrics  
CEO/Physician/Co-Founder Ethne Health

ethnē health

4122 E. Ponce de Leon Ave, Suite 5, Clarkston, GA 30021  
P: (470) 799-0044 | F: (470) 799-0045 | [info@ethnehealth.org](mailto:info@ethnehealth.org)

CORE's Proposed Testing & Contact Tracing Budget				
Costs	Hourly Wage / Salary	FTE / Quantity	1 month	2 months
Program Associates	\$15.00	16	\$41,600.00	\$83,200.00
Resource Coordinators	\$17.50	2	\$6,066.67	\$12,133.34
Site Manager	\$20.00	1	\$3,466.67	\$6,933.34
Assistant Site Manager	\$17.50	1	\$3,033.33	\$6,066.66
Program Manager	\$25.00	1	\$4,333.33	\$8,666.66
Recurring Costs	\$2,500.00	1	\$1,000.00	\$2,000.00
Communications Campaign			\$10,000.00	\$20,000.00
Workforce Totals			\$69,500.00	\$139,000.00
	15% Overhead		\$10,425.00	\$20,850.00
CORE Total			\$79,925.00	\$159,850.00

## IRC's Proposed Budget for Supportive Services

Direct Assistance	Cost per COVID+ community member	# of community members served per month	1 month	2 months
Emergency Rental Assistance	\$ -	84	\$ -	\$ -
Emergency Utilities	\$ -		\$ -	\$ -
Groceries	\$ 200		\$ 16,800.00	\$ 33,600.00
<b>Total - Direct Assistance</b>			<b>\$ 16,800.00</b>	<b>\$ 33,600.00</b>

Personnel Costs	Hours per client served	Total Hours per month	Hourly Rate of Pay + Fringe	Personnel cost for 1 month
Case Workers	4	336	\$ 24.69	\$ 8,295.84
Case Aides	3	252	\$ 20.44	\$ 5,150.88
Employment Specialist	2	168	\$ 23.44	\$ 3,937.92
Project Coordinator		70	\$ 27.24	\$ 1,906.80
Communications Coordinator		60	\$ 30.66	\$ 1,839.60
<b>Total - Personnel Costs</b>				<b>\$ 21,131.04</b>

<b>Program Supplies</b>	<b>\$ 500.00</b>
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Summary	1 month	2 months
Total Programmatic Costs (Direct Assistance + Personnel + Supplies)	\$ 38,431	\$ 76,862.08
Overhead @ 15%	\$ 5,765	\$ 11,529
<b>Total</b>	<b>\$ 44,196</b>	<b>\$ 88,391</b>

Personnel cost for 2 months	
\$	16,591.68
\$	10,301.76
\$	7,875.84
\$	3,813.60
\$	3,679.20
\$	42,262.08

\$	1,000.00
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CITY OF CLARKSTON

ITEM NO: G4

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Approve

MEETING DATE: November 5, 2020

SUBJECT: Approve Providing CARES Act (Coronavirus Relief) Funding for Child Care Centers in

DEPARTMENT: City Administration

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☐ YES ☐ NO  
Pages: 3

INFORMATION CONTACT: Awet Eyasu, Jamie Carroll  
PHONE NUMBER: 404-296-6489

PURPOSE:

Approve providing CARES Act Funds for two (2) Child Care Centers in Clarkston. .

NEED/IMPACT:

The City received a request for CARES Act funding to assist two (2) child care centers in Clarkston, Early Learning Scholars and Clarkston First Baptist Academy, with the purchase of:

(1) supplies and equipment (cleaning, lap tops, printing, etc)	\$46,840
(2) scholarships and support for families with various services and/or equipment	\$40,750
(3) Program technical assistance, data collection, and reporting	\$6,000

Specific details of each category/area requested are listed below

A total funding request of \$93,590

The below lists the City of Clarkston's estimated \$1,433,288 CARES Act Fund expenditures through Dec 20, 2020.

Translation Services	\$ 1,000
Legal Services	\$ 17,500
Tech Equip/Services	\$ 5,000
Police Equipment	\$ 12,000
Outdoor Equipment	\$ 7,500
Cleaning/PPE Equip/Supp	\$ 15,000
Food – 1 <sup>st</sup> responders	\$ 1,000
Payroll (5% hazard pay)	\$ 50,000
Rental/Mortgage Housing	\$450,000
Payroll – other	\$260,000
Workforce Development	\$100,000
Utility Payment Assistance	\$100,000
Contingency, for above categ	<u>\$399,288</u>
	\$1,433,288

# **Child Care Matters: Building a City of Clarkston Child Care Infrastructure in the Time of COVID-19**

## **A Proposal for COVID-19 City of Clarkston Funding**

October 14, 2020     DRAFT

### **Introduction: COVID-19 child care issues impact both child care programs and families**

Child care centers in Clarkston are navigating the new normal as they are beginning to re-open. These centers provide employment for teachers and child care for essential workers and others who need child care to make ends meet.

Center owners are anxious about their school's survival. They are "small businesses" that have been greatly impacted by COVID-19. The community is worried that they may not survive and thus decrease the number of child care slots available to families.

Centers have difficulties paying for the increased amount and costs of cleaning supplies, masks, gloves, plastic shields, and other PPE items as well as educational supplies necessary to ensure social distancing, a safe environment, and a quality program.

Centers are having trouble finding teachers. Not all teachers want to work, especially those who are more susceptible to the virus. In addition, there is difficulty recruiting new teachers who may not yet have background criminal records checks or the right credentials.

Centers are trying to recruit families, many of whom who are skeptical of in- person learning during COVID-19. Others do not have the funds to pay for child care nor know how to navigate the scholarships and resources that are even available to them.

The centers are doing their best to comply with state and local guidelines and to create a safe place for teachers, infants, toddlers, pre-schoolers, school-age children, and their families, while trying to provide a quality as well as fun learning experience for children so that they don't suffer from learning loss.

These centers provide a valuable resource for Clarkston families who are essential workers or trying to make ends meet by taking part-time jobs or take classes to further their employment options.

Families who live in Clarkston are often confused about which child care centers are open, how many slots they may have, and the resources (or lack thereof) for paying for child care.

One mom, who has 3 pre-school children, would have to pay approximately \$150 per child if there were no scholarships available. Some centers have scholarships to fit her needs (she only works a few hours each week and is in a training program), but may not have slots for all of her children. Others may have slots but she may be confused about child care subsidy programs and how to apply. Many applications are on line and families do not have digital devices and may not know how to complete applications.

Language is often a barrier as is the confusing "red tape" that often accompanies trying to find, choose, and enroll children in child care.

## **Purpose, Program, and Proposed Budget**

To respond to the immediate child care needs resulting from COVID-19, CDF Action and partners request funding for the following:

- (a) **Clarkston Child Care Centers:** financial and other supports for two child care centers located in Clarkston, Georgia: Early Learning Scholars on Clarkston Industrial Way, and Clarkston First Baptist Academy, located on Church Street, so that they can keep their door opens --- and pay for the added expenses related to COVID-19, including cleaning supplies, masks, gloves, consumable items, teacher retention, educational supplies and equipment.
- (b) **Clarkston families:** financial and individualized /language support for Clarkston families who are essential workers and others who need child care in order to work or receive training. as they try to navigate how to find, choose, and pay for child care.
- (c) **Systems:** technical assistance to Clarkston child care centers, and supports to those agencies and groups seeking to help families choose and afford child care; project invoicing; collection of data through the development of report forms and by interviewing center staff, teachers, and families. This data will be used by CDF Action and the City of Clarkston Early Learning Task Force to help plan for child care - during and post-COVID – and to make recommendations to the City of Clarkston, to funders, and to our community partners in order to create an equitable system of early care and learning for each and every Clarkston child.

## **Budget Narrative**

Partners request funding for (a) supplies and supports for two Clarkston Child Care Centers; (b) child care scholarships and supports for families, especially those who are essential workers; (c) technical assistance, data collection, and reporting.

- (a) **Supplies and supports for 2 Clarkston Child Care Centers:** Early Learning Scholars on Clarkston Industrial Way and Clarkston First Baptist Academy, Church Street. **Sub-total: \$46,000**
  - 1. **Cleaning Supplies**, including hand sanitizer and disinfectants, masks, gloves, booties, plastic shields and other protective equipment, paper goods: \$8,000
  - 2. **Educational supplies and equipment** (including back packs filled with educational and COVID-19 supplies for families not attending the centers because of COVID-19: \$8,200
  - 3. **Teacher stipends** (\$200 at the end of the program x 27 teachers): \$5,400
  - 4. **Lap Tops** for teachers who do not have them and who are conducting virtual programs by zoom – 8 computers at \$400 per computer: \$3,200
  - 5. **Scholarships** for 20 children at \$100 per week x 10 weeks: criteria to be developed, including must be a Clarkston resident; the \$100 is an average and will be dependent on situation of the families, using a sliding fee scale: \$20,000
  - 6. **Printing**, including distribution of COVID-19 and Children booklet and other materials produced by the City of Clarkston COVID-19 Committee and the GSU Prevention Research Center (PRC): \$2,000



**(b) Child care scholarships and supports for Clarkston families: sub-total: \$40,750 – Sub-contract with the Amani Women’s Center**

1. **Scholarships** for 20 children whose families are not eligible for or not receiving CAPS or other scholarships and/or who are in the process of applying, \$100.00 per week (average) per child x 10 weeks x 20 children. These scholarships are for families not enrolled in one of the project’s two Clarkston child care centers. A list of 25 centers in a one-mile radius of Clarkston has been compiled by the Clarkston Early Learning Task Force. Family scholarship criteria will be developed by the partners, including the family must be a resident of City of Clarkston or work in the City of Clarkston: \$20,000
2. **Child Care Family Navigator**, contract; 15 hours per week x 10 weeks x \$30 an hour: \$4,500
3. **Interpreters /consultant**, contracts: \$55 an hour x 150 hours: \$8,250
4. **Lap tops for families**: 5 laptops at \$400 each: \$2,000
5. **Program and Administrative Costs**, Amani Women’s Resource Center, program oversight and record keeping: \$6,000

**(c) Project management, technical assistance, and workshops: Sub-Total \$6,000 – CDF Action**

1. Fiscal agent, record keeping and submission of invoices and reports to the City.
2. MOU’s with the Amani Women’s Center, Early Learning Scholars, and Clarkston First Baptist Academy, outlining deliverables, time table, and payments.
3. Child Care Information Zoom workshop for agencies and groups serving Clarkston families with young children, to include information on child care availability, scholarships and other resources, with time for questions and answers and feedback
4. On-line child care fact sheets
5. Training and support, Amani Child Care Family Navigator
6. Interviews with center staff, selected families, and Amani Resource Center, to evaluate the project and help inform the work of the Clarkston Early Learning Task Force.
7. Final project report.

**Budget Summary:**

(a) Supplies and Supports for Clarkston Child Care Centers:	46,840
(b) Child Care Scholarships and Supports for Clarkston Families:	40,750
(c) Program technical assistance, data collection, and reporting:	6,000

**Total Request: \$93,590**

**Partners**

- CDF Action, fiscal agent and project manager, Roberta Malavenda, Executive Director
- Amani Women’s Center, Doris Mukangu, Executive Director
- Early Learning Scholars, Inc., Tara Armstrong, Executive Director
- Clarkston First Baptist Academy, Angela Moore, Community Relations Director, Clarkston First Baptist Church

Contact: Roberta Malavenda, [roberta@cdfaction.org](mailto:roberta@cdfaction.org); PO Box 529, Clarkston, GA 30021; 404 317-2734

CITY OF CLARKSTON

ITEM NO: G5

MAYOR AND CITY COUNCIL WORKSESSION

BUSINESS AGENDA / MINUTES

HEARING TYPE:  
Council Meeting

MEETING DATE: November 5, 2020

ACTION TYPE:  
Ordinance

**SUBJECT:** To amend the Clarkston Zoning Ordinance to allow laundromats as a conditional use within the NC-1 Low Density Neighborhood Commercial, NC-2 Moderate Density Neighborhood Commercial and I- Light Industrial zoning districts.

DEPARTMENT:  
**Planning and Development/City Council**

PUBLIC HEARING: ☒ YES ☐ NO

ATTACHMENT: ☒ YES ☐ NO  
Pages:

INFORMATION CONTACT:  
**Councilman Jaime Carroll**  
**P & D Director Shawanna Qawiy**  
PHONE NUMBER: 404-296-6489

**PURPOSE:**

To adopt a proposed text amendment to amend the Text of Appendix A of the Clarkston Zoning Ordinance to permit laundromats under the conditional use permit criteria.

**NEED/ IMPACT:**

The goal of the text amendment is to permit a laundromat under the conditional use permit criteria within the NC-1, NC-2, and I, zoning districts if approved.

The NC-1 zoning district is intended to provide suitable areas for limited retail and personal services serving residents in the immediate vicinity. Uses located within this district supply those goods and services which require frequent purchasing with a minimum of customer travel. The scope at which properties are developed within the NC-1 district should reflect their relatively small market areas. This zoning district may serve as a step down from more intense commercial uses to residential uses.

The NC-2 zoning district is intended to provide suitable areas for the provision of retail and personal services oriented towards those neighborhoods making up the adjacent community. The regulations which apply within this district are designed to encourage the formation of compatible and economically healthy business and service uses which benefit from close proximity to each other.

The I zoning district is intended to provide suitable areas for business distribution/service facilities, transportation terminals and manufacturing/assembly processes which do not emit noise, vibration, smoke, gas, fumes, or odors from an enclosed building. These districts should have access to arterial roadways and utilities and discourage uses which are incompatible with light manufacturing. When located on the perimeter of an industrial node, I-zoned properties should provide for uses that are low in intensity and scale to ensure compatibility with adjacent properties.

**RECOMMENDATION(S):**

**PLANNING AND DEVELOPMENT STAFF:**

An extensive review of all conditional use permitting (in each zoning district) should be conducted during the zoning rewrite process.

**PLANNING AND ZONING BOARD: October 20, 2020**

The Planning and Zoning Board recommended DENIAL of the request to amend the Clarkston Zoning Ordinance to allow laundromats as a conditional use within the NC-1 Low Density Neighborhood Commercial, NC-2 Moderate Density Neighborhood Commercial and I- Light Industrial zoning districts and to incorporate this amendment to be reviewed during the full zoning rewrite.



# PLANNING & ZONING BOARD MEETING MINUTES

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**October 20, 2020 7:00 PM  
TELECONFERENCE**

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

**Call in Code:**  
326629

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- A. CALL TO ORDER:** The meeting was called to order at 7:010 PM.
- B. ROLL CALL:** Chairman Birendra Dhakal, Vice Chairman Charles McFarland, Felicia Weinert, Amy Medford, P&D Director Shawanna Qawiy
- C. APPROVAL OF JULY 2020 MEETING MINUTES:** Chairman Birendra Dhakal called for a motion to approve the July 2020 minutes. Amy Medford made a motion to approve, Felecia Weinert seconded and the motion passed 4/0.
- D. NEW BUSINESS**  
**PUBLIC HEARING:** To solicit input on proposed text amendments to amend the Clarkston Zoning Ordinance, Appendix A-Zoning of the City Code of Ordinances, Article VII-Zoning District Standards, Section 706 NC-1 Low Density Neighborhood Commercial District, Section 707 NC-2 Moderate Density Neighborhood Commercial District and Section 709 I-Light Industrial, to require a conditional use permit to permit laundromats, and to repeal conflicting ordinances.
- Planning and Development Director Qawiy gave an overview of the proposed text amendment.
- Chairman Dhakal opened the public hearing to those who wished to speak in opposition of the text amendment request. There were no speakers.
- Chairman Dhakal opened the public hearing to those who wished to speak in favor of the text amendment request. There were no speakers.
- Chairman Dhakal closed the public hearing.

Board members Birendra Dhakal, Amy Medford, Felecia Weinert and Charles McFarland discussed the text amendment collectively. Ms. Weinert discussed her hesitation related to conditional use permits and how the City should wait to review this and other text amendments during the zoning rewrite process. Ms. Medford asked about the zoning rewrite request for proposals and how many RFPs had the City received to date. Director Qawiy explained that no RFPs had been submitted, due to RFP timeline being amended. Director Qawiy stated that proposed executed contract date of January 2021 has not changed due to the RFP timeline amendment.

Vice Chairman McFarland stated that he did not want to cause any proposed applicants any undue hardship. Ms. Medford stated that with this amendment happening so close to the contract date of the zoning rewrite, the City should determine that it is more practical to wait until after January 2021 to review and provide recommendations on this text amendment. She also referenced that there are currently four (4) laundromat locations in the City of Clarkston. Director Qawiy confirmed those locations as Aqua Clean Coin Laundry and Dry Cleaners, 4606-C E Ponce De Leon Ave, Clarkston Coin Laundry-Dry Cleaners, 3635 Church St Set B, Famous Dry Cleaning , 854 Montreal Rd Ste E, and Brockett Plaza Coin Laundry 1295 Brockett Rd #8.

With no further discussions, Chairman Dhakal called for a motion. Ms. Medford made the motion to recommend DENIAL of the request to amend the Clarkston Zoning Ordinance to allow laundromats as a conditional use within the NC-1 Low Density Neighborhood Commercial, NC-2 Moderate Density Neighborhood Commercial and I- Light Industrial zoning districts and to incorporate this amendment to be reviewed during the full zoning rewrite. Vice Chairman McFarland seconded and the motion passed 4/0.

**E. OTHER BUSINESS:** None

**F. ADJOURNMENT:** Chairman Dhakal called for a motion to adjourn the meeting. Vice Chairman McFarland made the motion to adjourn, Amy Medford seconded the motion, and the motion passed 4/0. Meeting adjourned at 7:43 PM.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE CLARKSTON ZONING ORDINANCE, APPENDIX A OF THE CITY CODE OF ORDINANCES, ARTICLE VII – ZONING DISTRICT STANDARDS – TO ALLOW SELF-SERVICE LAUNDRY, A/K/A LAUNDROMATS, AS A CONDITIONAL USE WITHIN THE NC-1, NC-2 AND INDUSTRIAL DISTRICTS.**

**WHEREAS**, the City Council has determined that Self-Service Laundry is not an appropriate use for the NC-1, NC-2 and I Districts at large but may be an appropriate use within such districts depending on factors specific to a given property; and

**WHEREAS**, the City Council desires to designate Self-Service Laundry as a conditional use within the NC-1, NC-2 and I Districts so that this use can be evaluated on a case-by-case basis based on site-specific factors.

**NOW THEREFORE, BE IT ORDAINED** by the City of Clarkston, Georgia, that the City's Zoning Ordinance be amended as follows:

**SECTION ONE.**

**NEW SUBSECTION (c)(2) OF SECTION 706 IS HEREBY ADOPTED, TO READ AS FOLLOWS:**

**“(2) Laundry, Self-Service”**

**SECTION TWO.**

**NEW SUBSECTION (c)(4) OF SECTION 707 IS HEREBY ADOPTED, TO READ AS FOLLOWS:**

**“(4) Laundry, Self-Service”**

**SECTION THREE.**

**NEW SUBSECTION (c)(4) OF SECTION 709 IS HEREBY ADOPTED, TO READ AS FOLLOWS:**

**“(4) Laundry, Self-Service”**

**SECTION FOUR.**

This Ordinance shall become effective upon the date of its adoption by the City Council. Any provision of any ordinance in conflict herewith is hereby repealed.

**SO ORDAINED**, this \_\_\_\_ day of \_\_\_\_\_, 2020.

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

\_\_\_\_\_  
**Awet Eyasu, Vice Mayor**

Attest:

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Tracy Ashby, City Clerk

Approved as to Form:

Stephen G. Quinn  
Stephen Quinn, City Attorney



CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

BUSINESS AGENDA / MINUTES

MEETING DATE: November 5, 2020

ITEM NO: G6

ACTION TYPE:  
SETTLEMENT  
AGREEMENT

HEARING TYPE:  
Council Meeting

**SUBJECT:** Review and vote on Settlement Agreement with Railroad Outdoor LLC to allow for the Issuance of a Sign Permit to install One (1) Billboard just inside the West Side of I-285 along Church St.

DEPARTMENT: City Administration

PUBLIC HEARING: YES ☐ NO ☒

ATTACHMENT: YES ☐ NO ☐  
Pages:

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

**PURPOSE:** City Council to review/discuss and vote on Settlement Agreement with Railroad Outdoor LLC to allow for the issuance of a sign permit to install one billboard on the CSX RR Right-of-Way just West of I-285 off Church St.

**BACKGROUND/IMPACT:**

City received four (4) sign permit applications to allow the applicant to install four (4) billboard signs at 4 locations near I-285, on September 10, 2020, and subsequently submitted a denial on September 14, 2020. Applicant submitted a reply letter on September 16, 2020, appealing the City's decision. City subsequently provided the applicant the specific denial reasons in a letter dated September 22, 2020, as well as advising the applicant of the appeal date/time, October 6, 2002, beginning at 7 pm.

Clarkston City Council discussed/reviewed and denied an appeal on October 6, 2020, by Railroad Outdoor LLC of the City of Clarkston City Manager's denial of a sign permit application from Railroad Outdoor LLC to erect the four (4) billboard signs at four (4) locations near I-285. City Council directed City Attorney Stephen Quinn to offer a settlement with the applicant. The proposed settlement agreement is enclosed for Council consideration.

**RECOMMENDATION:**

Council to review/discuss and vote to approve or deny settlement agreement.