



CITY COUNCIL MEETING

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

Robin I. Gomez– City Manager

AGENDA

Tuesday, June 1, 2021 7:00PM
By ZOOM

A. CALL TO ORDER

B. ROLL CALL/ PLEDGE OF ALLEGIANCE

C. ADMINISTRATIVE BUSINESS/ PRESENTATION

C1) Approve Minutes: Council Meeting 5-4-2021 and Work Session 5-25-21

D. REPORTS:

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

E. PUBLIC COMMENTS

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

F. OLD BUSINESS

F1) Second Read: Amend the City Charter to modernize certain provisions; to Amend Article IV of the Charter Regarding Budgeting, Appropriations and Auditing; to Repeal Conflicting Provisions

F2) Adopt a City-wide Litter Control Ordinance

F3) Approve Parking Lot Lease Agreement with the Clarkston United Methodist Church

G. NEW BUSINESS

- G1) Adopt 2021 Advertised Millage Rate Millage
- G2) Adopting City Animal Control ordinance
- G3) Approve Council Standing Advisory Committee Assignments
- G4) ARPA Funding
- G5) Adopt Juneteenth Day Proclamation
- G6) Adopt World Refugee Day Proclamation
- G7) Adopt LGBTQ Month Proclamation
- G8) Adopt Resolution Confirming DeKalb Conduct 2021 Elections

H. EXECUTIVES SESSION

Discuss A Legal Matter.

I. ADJOURNMENT:

CITY COUNCIL MEETING 5-4-2021

MINUTES

CLARKSTON CITY COUNCIL

Tuesday, May 4, 2021

Via Zoom

Officials Present by Teleconference

Mayor: Beverly H. Burks

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

City Manager: Robin I. Gomez

City Clerk: Tracy Ashby

City Attorney: Stephen Quinn

A. CALL TO ORDER

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

B. ROLL CALL/ PLEDGE OF ALLEGIANCE

Jamie Carroll, Debra Johnson, Mark Perkins, Laura Hopkins

Arrived after rollcall: Awet Eyasu, Ahmed Hassan (left meeting 9:46pm)

C. ADMINISTRATIVE BUSINESS/ PRESENTATION

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

Awet Eyasu made a motion to approve minutes for the 4-6-2021 Council Meeting and the 4-27-21 Work Session. Debra Johnson seconded the motion. A vote was called and the motion passed unanimously (6, 0).

D. REPORTS:

1) Planning & Zoning Report

Shawanna Qawiy reported on the 2021 Comprehensive Plan Status and upcoming activities. She discussed the progress of the Historic Preservation Committee.

2) City Manager's Report

The City Manager provided a detailed Year to Date Financial Report thru April 30, 2021. Mr. Gomez discussed the status of the streetscape and trailhead projects. He discussed that the City Hall Annex (1055 Rowland St) anticipated a partial opening to the Public for Tuesdays and Thursday 10a-2p, starting on May 11. The parks are open to the public but no reservations are being taken. He encouraged everyone to get vaccinated.

3) City Attorney's Report

No report

4) Council Remarks

Vice Mayor Awet Eyasu reported on his attending the Zoning Rewrite meeting and the early Learning Committee. He wished a Happy Ramadan to the residents.

Debra Johnson reported on attending the Culture Fest call and discussion for Juneteenth. She participated in the Bike week Kick off and thanked the Mayor for the successful event.

Laura Hopkins discussed there will be a Juneteenth committee and residents will be able to participate. She provided information for residents to participate on the Standing Advisory Committee. She encouraged residents to get vaccinated and discussed the upcoming availability for children to be vaccinated.

Mark Perkins reported on attending the Early Learning Task force call and he looks forward to their recommendations to the Council. He attended Bike week and enjoyed seeing the families out and appreciated

CITY COUNCIL MEETING 5-4-2021

the collaboration between cities. He reiterated Councilwoman Hopkins comments on the importance of being vaccinated.

5) Mayor's Report

The Mayor reported this is Asian Pacific Islanders' month and teacher's week. She reported on attending the Comp plan meeting, culture fest call, served as a panelist on refugees with the Kappa Alpha Kappa sorority, mayors' policy meeting, Commissioner Bradshaw district 4 meeting, the covid task force meeting, attended the masjid moneme mosque, attend dinner with Mousa organization and the Early Learning task force meeting and coordinated bike month event. She reported on the pet wellness day and provided details for animals serviced.

E. PUBLIC COMMENTS

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

Mayor Burks read the public comment policy.

Mr. Gomez provided the names of registered speakers.

Cameron Kilberg spoke in support of the Amendment of Section 3-58 to assist her business.

PJ discussed concern that permitting the 3-58 amendment would hurt small businesses.

Brian Medford spoke on the bike event and thanked the Mayor and City workers. He appreciated the collaboration with the other cities.

Amy Medford discussed the bike week and she spoke in support of the GoPuff business model. She discussed the mask ordinance.

Tracy Bishop thanked everyone for the pet event, and he discussed concerns with the proposed annexation property.

F. OLD BUSINESS

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

Shawanna Qawiy detailed the purpose of this request is to create an option for retail businesses who do not allow walk-in sales to receive a license for the retail sale, as a retail delivery shop, by the package of beer, malt beverages, and/or wine. The Georgia General Assembly adopted House Bill 879 last year allowing for the home delivery of beer, wine, and liquor. Go Puff- Clarkston is requesting the ordinance amendment to venture into the delivery of beer and wine as a retail delivery shop.

Per Section 3-58, of the City Code of Ordinance, goPuff is currently ineligible to obtain a new alcohol license in Clarkston as they currently do not meet the code requirement to sell as a growler shop, a specialty wine shop, or a grocery store.

Jamie Carroll made a motion to approve the proposed ordinance change with the amendment that the establishment will not have in person alcohol events and that the ordinance change would expire upon 18 months from August 1, 2021 without further action by the council to renew.

CITY COUNCIL MEETING 5-4-2021

City Attorney advised alcohol licenses are on an annual basis and he recommend any ordinance expiring should correspond with the end of year. Jamie Carroll amended the motion for the expiration to be December 31, 2022. Laura Hopkins seconded the motion. Discussion that the ordinance is not specific to one company but will pertain to any company to be able to apply. Question on other businesses currently making delivering in the city is that permitted. Per City Attorney only city businesses, or third party associated businesses with a local business, are permitted to deliver. The business GoPuff, is currently going thru the permitting process to sell in Atlanta.

Mrs. Qawiy discussed she surveyed other municipalities and DeKalb County and they do not have the ordinance and they expressed concern with monitoring compliance. Inquiry on how the current Clarkston liquor stores are monitored, and Mr. Gomez reported the business are required to monitor for ID and that the City also partners with CPACS to have a juvenile visit all retailers in Clarkston to check compliance. Discussion on how the business will verify compliance with the boundaries of Clarkston; they use geofencing with the city addresses. Concern on, if the ordinance is approved, a proliferation of this new types of businesses possibly impacting existing businesses. Discussion on limiting the potential number of possible businesses.

Mayor Burks called for the vote, by Rollcall:

Hopkins Aye

Carroll Aye

Perkins Aye

Eyasu Nay

Johnson Nay

Hassan Nay

Mayor Burks broke the tie and voted Aye, the motion passed. 1:28:20

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

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

Hopkins made a motion to adopt the charter as brought forward by the Charter review Committee to modernize certain provisions; to Amend the City Charter to Modernize Certain Provisions; to Amend Article IV of the Charter Regarding Budgeting, Appropriations and Auditing. Awet second. No discussion. A vote was called and the motion passed unanimously (6,0).

G. NEW BUSINESS

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

Shawanna Qawiy detailed the annexation request is from William Pulling and Taylor Pulling the owners of 1145 Cleavemark Drive. The property is currently 40% within the city limits of

CITY COUNCIL MEETING 5-4-2021

Clarkston and the owners have followed the 100% annexation method.

Mayor Burks opened public hearing. No speakers signed up.

No speakers in support

No speakers in opposition

Mayor Burks closed the public hearing

Debra Johnson made a motion to adopt the ordinance to annex 1145 Cleavemark Drive, Clarkston, GA 30021, into the City of Clarkston. Laura Hopkins seconded. No discussion. A vote was called and the motion passed unanimously (6,0). (1:34:15)

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

Shawanna Qawiy stated with the approval of the 100% annexation request the property must be zoned to a comparable zoning designation of the surrounding parcel, which is NR-1 Low Density Neighborhood Residential

Mayor Burks opened the public hearing

Speakers in Opposition

Tracy Bishop spoke not of the zoning, but on concerns with environmental and stormwater run off and erosion issues.

No Speakers in Support

Debra Johnson made a motion to Adopt an ordinance to assign the zoning of NR-1 Low Density Residential to the property located at 1145 Cleavemark Drive, Clarkston, GA 30021. Laura Hopkins seconded the motion. Discussion: Vice Mayor Eyasu wanted to welcome the new neighbor and he felt the environmental issues are not an issue with the addition of only one home. A vote was called and the motion passed unanimously (6,0).

G3) Adopt a City-wide Litter Control Ordinance

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

Specifically, the ordinance will:

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

Awet Eyasu made a motion to adopt the ordinance by the City of Clarkston to adopt new Chapter 23 of the city code to regulate litter control; to provide penalties for violations of litter control regulations; to repeal and reorganize certain existing provisions of the city code to be consistent with the litter control ordinance; and for other purposes. Debra Johnson seconded the motion. Discussion on the language under Article IV seeming to require licensing by the City and concerns on section 23-7 authority for enforcement. Mr. Gomez stated this is more for vendors compliance and not residents

CITY COUNCIL MEETING 5-4-2021

accidentally dropping litter. Laura Hopkins discussed postponing the item until next month for corrections.

Awet Eyasu withdrew his motion.

Laura Hopkins made a motion to postpone until the next work session and Council meeting. Awet Eyasu seconded the motion. No discussion. A vote was called and the motion passed unanimously. (6,0).

G4) Bike Month Proclamation

Mayor Burks worked collaboratively with the other cities for the bike month kick off event. The City is posting bike information daily during the month and the Police Department is planning an event on May 15.

Debra Johnson made a motion to approve May as Bike month in Clarkston. Laura Hopkins seconded the motion. No Discussion. A vote was called and the motion passed unanimously (6,0).
2:06:04

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

Mayor Burks discussed this had been discussed with our environmental Committee to phase out single use plastics for the City owned and operated buildings. Vice Mayor Eyasu spoke on the importance of education and that the City will work to also phase out in a business-friendly manner to the local businesses.

Awet Easy made a motion to adopt the resolution phase-out the use of single-use plastics within Clarkston owned, operated, and leased buildings and facilities resolution. Ahmed Hassan seconded the motion. No discussion. A vote was called and the motion passed unanimously (6,0).

2:08

G6) Approve Appointments to the Police Community Task Force

Mayor Burks provided the names and expertise of the Potential Appointees for the Task Force. Discussion on concerns if Judge David Will, the City's Judge, could present a possible conflict. Clarification that the members would not be discussing any city cases but just to make recommendations that would be presented to the Public Safety Committee.

Debra Johnson made a motion to appoint:

Joseph Arnold, Positive Growth

Teresa Hardy (NAACP)

Judge David Will (Attorney)

Luay Sami, Clarkston Community Center,

Jewell Gooding, Silence of the Shame,

Pastor Karl Moore, Clarkston First Baptist Church

April Ross, GA Commission on Family Violence,

Kim Ault, individual

Jamie Carroll seconded the motion.

Discussion on concern with including Judge Will as a contracted position on the task force while the other members are volunteers. Discussion that all members only make recommendations and his expertise in the City may be helpful for recommendation. Mayor Burks reminded to add Rafiq

CITY COUNCIL MEETING 5-4-2021

Ahmad (NOBLE) as an appointment. Discussion on postponing for the next meeting cycle.

Debra Johnson amended her motion to appoint:

1. Joseph Arnold, Positive Growth
2. Teresa Hardy (NAACP)
3. Judge David Will (Attorney)
4. Luay Sami, Clarkston Community Center,
5. Jewell Gooding, Silence of the Shame,
6. Pastor Karl Moore, Clarkston First Baptist Church
7. April Ross, GA Commission on Family Violence,
8. Kim Ault, Individual
9. Rafiq Ahmad (NOBLE)

Eyasu seconded the motion. Additional discussion on including Judge Will and possible conflict if other members may have a case coming before the Judge. Mayor Burks stated the purpose of the Task Force specifically states they are not to look at a specific case, but only to make recommendations that will go to the Public Safety and Legal Committee before it comes to the Council for consideration.

Council Member Ahmed Hassan left meeting.

Mayor Burks commented she supported whatever decision the council made; she just wanted the Committee to begin functioning.

A Vote was called and the motion carried.

Carrol Aye

Johnson Aye

Awet abstain

Hassan – abstain/no vote

Hopkins Nay

Perkins Aye

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

Jamie Carroll detailed that under the previous administration, the number of refugees brought in annually was dropped to 15,000. The current (Biden) administration had stated they would raise the number of refugees back to 62,500 but recently had indicated keeping the number at 15,000. The number has been amended to 2,500 and Councilman Carroll requested to amend the resolution “to encourage” the Biden administration to admit up to the cap of 62,500 in 2021.

Jamie Carroll made a motion to approve the resolution regarding refugee resettlement with the amendment to the language “BE IT FURTHER RESOLVED by the City of Clarkston that the Clarkston City Council hereby calls on the Biden Administration to keep to its commitment and to actually admit 62,500 refugees for resettlement in Fiscal Year 2021. Awet Eyasu seconded the motion. A vote was called and the motion passed unanimously. (6,0).

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

Mayor Burks spoke on the importance of nurses as demonstrated during the pandemic. She asked to adopt the proclamation to acknowledge their contributions by designating Nurses week, May 6-12.

Jamie Carroll made a motion to approve Proclamation Designating Nurse Week (May 6-12)

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

CITY COUNCIL MEETING 5-4-2021

H. ADJOURNMENT:

Awet Eyasu made a motion to adjourn the meeting. Debra Johnson seconded the motion. A vote was called and the motion passed unanimously (6, 0). Meeting adjourned 9:46 pm.

CITY COUNCIL WORK SESSION 5-25-2021

WORK SESSION MINUTES CLARKSTON CITY COUNCIL

Tuesday, May 25, 2021

Via Zoom

Officials Present by Teleconference/Zoom

Mayor: Beverly H. Burks

Council: Jamie Carroll, Awet Eyasu, Laura Hopkins

Debra Johnson, Ahmed Hassan

City Manager: Robin I. Gomez

City Clerk: Tracy Ashby

City Attorney: Stephen Quinn

A. ROLL CALL

Awet Eyasu motion to amend the agenda and Add a discussion to go back to in person council meetings July Jamie Carroll seconded the motion for discussion purposes. A vote was called and the motion carried item added as E17 (6,0).

B. WORK SESSION - RESIDENT COMMENT POLICY

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

C. PRESENTATION/ ADMINISTRATIVE BUSINESS NEW BUSINESS

None

D. OLD BUSINESS

D1) Second Read: Amend the City Charter to modernize certain provisions; to Amend Article IV of the Charter Regarding Budgeting, Appropriations and Auditing; to Repeal Conflicting Provisions

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

Proposed changes include expanding the city manager's duties to add proposing personnel rules (302 (d)(9); specifying that municipal court has the authority to enforce the city's nuisance abatement ordinance (3.06 (h)); amending the oath of office to delete "So help me God." (3.11); enhancing fiscal administration through the requirement for a city manager's budget message and procedures for amending appropriations (4.02); and enhancing the audit function by specifying the use of a certified public accounting firm, expanding the review of the audit report and making the report available to the public (4.05).No changes to proposed amendment ordinance

Public Speaker(s): No speakers

Item moved to June 1, 2021 Council Meeting Agenda.

D2) Adopt a City-wide Litter Control Ordinance

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

Specifically, the ordinance will:

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

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

1. General provision – purpose, intent, applicability
2. Definitions of litter and public/private property
3. Prohibition of littering in public and private areas

CITY COUNCIL WORK SESSION 5-25-2021

4. Regulations/safeguards on the transport of waste, trash, junk, etc., by people and haulers
5. Regulations governing animal waste
6. Enforcement and violations

Discussion to change language in the animal control ordinance to change “owner” to caretaker.

Public Speaker(s): No Speakers

Item moved to June 1, 2021 Council Meeting Agenda.

D3) Approve Parking Lot Lease Agreement with the Clarkston United Methodist Church

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

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

1. Length of lease - Annual lease to renew automatically for thirty (30) consecutive one-year terms.
2. Rent – no daily, weekly, monthly, or annual lease payment – City will pay monthly trash/solid waste container (8 yard size) fee, currently \$134.57, and any subsequent increases or decreases in said fee
3. Parking Lot Improvements, valued at \$146,702 - Pave and construct two driveways in the Methodist Parking Lot, including drainage improvements on city right-of-way along Rogers Street, more specifically:

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

Public Speaker(s): No speakers

Item moved to June 1, 2021 Council Meeting Agenda.

E. NEW BUSINESS

E1) Discuss 2021 Proposed Advertised Millage Rate

The City of Clarkston has received the first Valuation Report from DeKalb County in preparation for the Fiscal Year (FY) 2021 millage (tax) adoption process on May 24, 2021. Net Digest figures were provided and recommended that Council advertised millage rate to be 15.89 pending further updated valuations form Dekalb prior to the adoption on June 29, 2021. Council consensus to advertise at the current 15.89 rate and review reducing before adoption.

Public Speaker(s): No public speakers

Item moved to June 1, 2021 Council Meeting Agenda.

E2) Discuss Adopting City Animal Control ordinance

The City has utilized the DeKalb County animal control county ordinance that incorporates many useful areas regarding animal control guidelines including owner’s responsibilities. To continue to ensure the proper and safe regulation of domesticated animals including the responsibilities required of all pet owners/custodians it is more advantageous for the City to have its own Animal Control ordinance that solely and specifically applies to the limits of the City of Clarkston. Consequently, the below are

CITY COUNCIL WORK SESSION 5-25-2021

revisions and additions to City Code, Chapter 10 – Health and Sanitation, Article V, Animal Control.

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

1. Removing and replacing Sec 10-40 – Adoption of the Dekalb County Animal Code with the below new sections 10.40 – 10.48.
2. Definitions and violations
3. General Responsibilities of Owners – proper care, restraint, and other provisions to ensure safety
4. Processes to prevent and identify Animal Cruelty, dangerous or vicious animals and any necessary remediation
5. Vaccinations of dogs and cats
6. General enforcement including penalties for non-compliance
7. City designation as a bird sanctuary
8. City’s participation in Community Cats Programs that encourage trap-neuter release of feral/cat colonies

Public Speaker(s): Brina Medford, Warren Hadlock, Dean Moore

Item moved to June 1, 2021 Council Meeting Agenda.

E3) Discuss Council Standing Advisory Committee Assignments

Councilman Mark Perkins joined the Clarkston City Council on March 20, 2021, after the Council had revised/appointed Council members to the Council Standing Advisory Committees. CM Perkins has requested to be added to the Transportation and Environment Committee as co-chair with Councilman Eyasu and to join the Community Development committee

Public Speaker(s): No public speakers

Item moved to June 1, 2021 Council Meeting Agenda.

E4) ARPA Funding

On March 11, 2021, President Biden signed H.R. 1319, the American Rescue Plan Act of 2021 (ARPA), that includes comprehensive COVID-19 related relief totaling \$1.9 trillion, with \$65.1 billion for cities throughout the U.S. For the first time all 19,000 cities, towns, and villages of all sizes will be eligible to receive a direct allocation from the federal government to help address the pandemic-related needs of cities, residents, and the business community. We have received information from the Georgia Municipal Association (GMA) that they continue working closely with the National League of Cities, the White House Office of Intergovernmental Affairs, and the U.S. Treasury Department to finalize the development of detailed guidance as to how cities may use funds and the mechanism that will be used for cities to draw down funds. We will follow the prescribed directions and processes to receive (draw-down) the funds when available. The City Manager discussed updates on the funding and permitted uses.

Council discussion on potential funding programs

Public Speaker(s): Brian Medford, Warren Hadlock

Item moved to June 1, 2021 Council Meeting Agenda.

E5) Installation of Solar Panels at Milam Park

As an alternate more sustainable energy source, solar panels installed at Milam Park could potentially offset the City’s current electric bill that averages about \$9,000.00 per year. Panels would likely be installed on the Pool building roof as well as on the roofs of pavilions 1 and 2 that would provide the energy to power the pool building and pumps.

Discussion to proceed, with the City starting bidding process in June. City Project Manager discussed requirement to determine if roof has capacity for the additional weight for installation of panels and enough space for number of panels.

Public Speaker(s): Brian Medford, Dean Moore

E6) Installation of Electric Charging Stations

Council to discuss the possible installation of electric charging stations.

CITY COUNCIL WORK SESSION 5-25-2021

As the usage of electrical vehicles increases, there is a corresponding need for electrical charging stations. Currently, none exist in Clarkston. Various possibilities on City-owned property to add electrical charging stations (1 – 2) could include:

1. Milam Park parking lot
2. City Hall Annex
3. Friendship Forest Parking lot
4. Methodist Church parking lot off Rowland/Rogers (that the City leases)
5. Clarkston Woman's Club parking lot

Additionally, private businesses may want to incorporate one onto their property – we could help facilitate.

Public Speakers: Brian Medford, Warren Hadlock

E7) City well (water well) at Forty Oaks Nature preserve

Discuss the City's potential installation of a City well at 40 Oaks to supplement existing irrigation water.

Public Speaker(s): Brian Medford, Warren Hadlock

E8) Creation of a complete unified survey of all land parcels comprising Friendship Forest

discuss creating a complete unified survey of all land parcels comprising Friendship Forest. Vice Mayor Eyasu stated a map had been provided so that was sufficient for this item. The Project Manager advised a survey was completed 6 years ago.

Public Speaker(s): Warren Hadlock

E9) Pollinator garden at Friendship Forest

Discuss pollinator garden at Friendship Forest. The City has planted trees (32 Trees total) 3- Riverbirch (*Asimina triloba*), 1-Redbud (*Betula nigra*), 3 -Sourwood (*Oxydendrum arboretum*), 4-Sweetbay (*Magnolia laevifolia*), 19-Loblolly Pine (*Pinus taeda*), 2- Common Persimmon (*Diospyros Virginiana*),

And Bushes planted at Friendship Forest: 6 – Pawpaw (*Asimina triloba*), 16-Swamp Rose (*Rosa palustris*), 12-Inkberry (*Ilex glabra*), 6- Buttonbush (*Cephalathus occidentalis*), 50-Cutleaf conflower (*Rudbeckia laciniatu*).

Discussion to add additional pollinator category plants during the correct planting season.

Public Speaker(s): Warren Hadlock

E10) Interpretive Signage at Friendship Forest

Discuss on interpretive signage at Friendship Forest.

Public Speaker(s): Brian Medford, Warren Hadlock

E11) Discussion City Arborist position

Discuss city arborist position. The FY 2021 General Fund budget includes \$50,000 for Urban Forestry professional services that includes a firm to perform City Arborist work. The firm currently utilized by the City for arborist work specifically to review any and all City developments, including tree removals and replacements, is listed below (next 2 pages): Canopy Consultants, Alex Phillips, I.S.A.

The City also obtains quotes for various City right-of-way tree maintenance, mainly tree removals, and has utilized the following firm in 2021 to remove 3 trees: Sharper Edge Tree Care, Alex Ross

Public Speaker(s): No speakers

E12) Discussion park ranger.

discuss city park ranger position. The City Manager reported that the position is budgeted FY 2021 General Fund budget includes \$20,000 as a part-time Park Ranger position for the summer months. Discussion of the planned roles.

Public Speaker(s): No speakers

CITY COUNCIL WORK SESSION 5-25-2021

E13) Juneteenth Day Proclamation

Discuss Juneteenth Day Proclamation and planned celebration.

Public Speaker(s): No speakers

E14) World Refugee Day Proclamation

Discuss World Refugee Day Proclamation to recognize and support refugees. Request from the Vice Mayor to remove the language stating “welcoming City since 2014” as this is confusing to residents.

Public Speaker(s): No speakers

Item moved to June 1, 2021 Council Meeting Agenda.

E15) LGBTQ Month Proclamation

Discuss June 2021 as LGBTG+ Pride Month Proclamation. The Vice mayor requested the same edit for “welcoming City”

Public Speaker(s): No speakers

Item moved to June 1, 2021 Council Meeting Agenda.

E16) DeKalb Regional Land Bank

To consider approving the attached standard intergovernmental agreement to re-establish the DeKalb Regional Land Bank Authority pursuant to the Official Code of Georgia Annotated section 48-4-60 et seq., with the City of Lithonia and Clarkston, contingent upon the City of Clarkston’s governing authority to participate, and authorizing the Chief Executive Officer to execute all necessary documents. The City Council adopted the following Resolution 2019-17 reaffirming its commitment to participate in the DeKalb County Land Bank.

Public Speaker(s): Brian Medford

Item moved to June 1, 2021 Council Meeting Agenda.

E17) (Added item) Discussion for in person council meetings

Vice Mayor Eyasu discussed starting hybrid meetings, for optional in-person or virtual attendance. The City Manager discussed that the refit of audio/visual in Council room cannot begin until July, so earliest meeting after ready will be August 5. Council concerns with exposure when everyone is not vaccinated.

Public Speaker(s): Brian Medford

F. EXECUTIVES SESSION

Discuss A Legal Matter. The City Attorney advised he was only providing an update and due to the late hour this can wait for the Council Meeting.

G. ADJOURNMENT

Jamie Carroll made a motion to adjourn the meeting. Awet Eyasu seconded the motion. The vote waws called and the motion carried (6,0).

CITY OF CLARKSTON

ITEM NO: F1

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Charter Change

MEETING DATE: June 1, 2021

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

DEPARTMENT: City Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages:

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

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

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

Amendments to the charter requires two votes. Proposed changes to the charter must be advertised for three consecutive weeks within 60 days prior to the second vote.

RECOMMENDATION:

Staff has no recommendation.

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

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

“Sec. 3.11. - Oath of office.

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

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

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

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

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

(2) ***Budget Message***

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

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

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

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

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

“Sec. 4.05. - Annual audit.

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

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

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

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

SO ORDAINED, this ____ day of _____, 2021.

SO ORDAINED, this ____ day of _____, 2021.

ATTEST:

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

By _____
Tracy Ashby, City Clerk

Beverly Burks, Mayor

Approved as to Form:

Stephen Quinn
Stephen G. Quinn, City Attorney

CITY OF CLARKSTON

ITEM NO: F2

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:

Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:

Adopt Ordinance

MEETING DATE: June 1, 2021

SUBJECT: Adopt a City-wide Litter Control Ordinance

DEPARTMENT: City Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO

Pages:

INFORMATION CONTACT: ROBIN I. GOMEZ

PHONE NUMBER: 678-409-9683

PURPOSE:

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

NEED/IMPACT:

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

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

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

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

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

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

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

CHAPTER 23

LITTER CONTROL ORDINANCE

ARTICLE I. GENERAL PROVISIONS

SECTION 23-1 Purpose and Intent

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

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

SECTION 23-2 Applicability

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

SECTION 23-3 Compatibility with Other Regulations

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

SECTION 23-4 Severability

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

ARTICLE II. DEFINITIONS

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

§16-7-51, paragraph 6.

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

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

Section 23-5 Littering in Public

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

- (1) The property is designated by the State or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property;
- (2) The litter is placed into a receptacle or container installed on such property; or,
- (3) The person is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

Section 23-6 Waste and disposal thereof

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

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

No person including city refuse collectors or municipal solid waste contractors shall haul or transport for any distance, any load including but not limited to dirt, soil, sand, rubbish, or other material unless the load is adequately secured to prevent the material from dropping, shifting, leaking or being blown off due to transportation of such load onto the roadway. The operator or owner of the offending vehicle shall be personally responsible for any violation of this section.

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

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

ARTICLE VI. VIOLATIONS, ENFORCEMENT AND PENALTIES

Section 23-7 Enforcement

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

tried in the Municipal Court and shall be subject to the fines and/or imprisonment upon conviction as set forth in [section 1-7](#) of this Code of Ordinances.

Section 23-8 Violations

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

Section 23-9 Evidence

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

Section 23-10 Penalties

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

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

CITY OF CLARKSTON

ITEM NO: F3

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Approve Lease

MEETING DATE: June 1, 2021

SUBJECT: Approve Parking Lot Lease Agreement with the Clarkston United Methodist Church

DEPARTMENT: City Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages:

INFORMATION CONTACT: ROBIN I. GOMEZ
PHONE NUMBER: 678.409.9683

PURPOSE:

Review/Discuss a proposed lease agreement between the Clarkston United Methodist Church and the City of Clarkston of a parking lot located at 1019 Rowland St, owned by the Church.

NEED/IMPACT:

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

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

1. Length of lease - Annual lease to renew automatically for thirty (30) consecutive one-year terms.
2. Rent – no daily, weekly, monthly, or annual lease payment – City will pay monthly trash/solid waste container (8 yard size) fee, currently \$134.57, and any subsequent increases or decreases in said fee
3. Parking Lot Improvements, valued at \$146,702 - Pave and construct two driveways in the Methodist Parking Lot, including drainage improvements on city right-of-way along Rogers Street, more specifically:
 - Mill existing asphalt and re-compact millings in-place
 - Resurface with 3 inches of asphalt
 - Restripe parking lot after paving; existing parking stalls - 59; new parking stalls – 60
 - Remove asphalt between Friends of Refugee house and NAMB parking lot and grass
 - Add dumpster pad and wooden enclosure with gate. Dumpster pad to be placed behind house
 - Add 2 defined driveways onto Rogers Street – 30 feet wide each

- Add concrete curb along south end of parking lot to direct water to new drainage structures
- Add water quality device in church parking lot to address stormwater runoff quality issues
- Reconstruct existing storm lines on city ROW to address long history of flooding at houses on south side of Rogers Street
- Replace one existing dirt driveway with a concrete apron

Enclosed is the entire proposed lease agreement.

PARKING LOT LEASE

This Parking Lot lease ("Lease") made and entered into this _____ day of _____, 2021 ("Commencement Date") by and between CLARKSTON UNITED METHODIST CHURCH, INC., a Georgia non-profit corporation ("Landlord"), having its principal place of businesses at 3919 Church St, Clarkston, Georgia 30021, and THE CITY OF CLARKSTON, GEORGIA, a Georgia municipal corporation ("Tenant"), having its principal place of business at 1055 Rowland St, Clarkston, Georgia 30021:

WITNESSETH

WHEREAS, Landlord is the owner of certain real property located in the City of Clarkston, DeKalb County, Georgia, known as 1019 Rowland Street, Clarkston, Georgia, 30021 ("the Property"); and

WHEREAS, the Property is used by the Landlord as a parking lot and for a number of years has been used by Tenant to accommodate additional and overflow parking needs for City of Clarkston meetings and events mainly held at Clarkston City Hall and the Clarkston Woman's Club; and

WHEREAS, the Landlord and the Tenant desire to formalize this arrangement by entering into this Lease for the Property;

NOW, THEREFORE, for and in consideration of the mutual promises described and contained herein and other good and valuable consideration, the City of Clarkston and the Clarkston United Methodist Church hereby agree as follows:

- 1) **TERM**. The term of this Lease shall commence on the date hereof (the Commencement Date) and shall continue for thirty consecutive one-year terms. The Lease shall renew automatically each year for one-year terms upon the anniversary of the Commencement Date (the "Renewable Date") unless Tenant shall terminate this Lease thirty days prior to the annual Renewal Date by giving notice pursuant to Section 8.
- 2) **RENT**. In lieu of a daily, weekly, monthly, or annual rental payment, the Tenant shall pay the monthly solid waste disposal fee for the Landlord's 8-yard solid waste disposal container, currently used by the Landlord for all their solid waste disposal and periodically also used by the Tenant for miscellaneous solid waste collected on and around the property. Currently said monthly costs equal: \$134.57, for the weekly disposal of the 8-yard container (see EXHIBIT A). Tenant shall continue to make this monthly payment including any reasonable increases or decreases to said monthly payment for the duration of this lease and subsequent renewals unless agreed to in writing by both parties.
- 3) **PARKING LOT IMPROVEMENTS**. Prior to December 31, 2021, the Tenant shall make the following improvements to the Landlord's real property with an estimated value of \$146,702, costs to be borne solely by the Tenant (see EXHIBIT B for site plan of proposed improvements):

Mill/Pave and construct two driveways in the Methodist Parking Lot, including drainage improvements on city right-of-way along Rogers Street

1. Mill existing asphalt and re-compact millings in-place

- 9) **TIME OF THE ESSENCE.** Time is of the essence with respect to the performance of each of the covenants and agreements contained in this Lease.
- 10) **ENTIRE AGREEMENT.** This Lease contains the entire agreement of the parties hereto with respect to the leasing of the Property, and Tenant acknowledges that Landlord and Landlord’s agents have made no representations, warranties, or promises with respect to the Property except as herein expressly set forth. This Lease may not be amended, modified, released, or discharged, in whole or in part, except by an instrument in writing signed by the parties hereto.
- 11) **LEASE TO RUN WITH LAND; RECORDING OF MEMORANDUM.** This Lease shall run with the land and bind any successor(s) in interest to Landlord. Simultaneously with the execution and delivery of this Lease, the parties shall execute and record (to be recorded at Tenant’s expense) a memorandum of this lease that is substantially in the form of the document attached hereto as EXHIBIT C.

SO AGREED, upon the date first written above.

CLARKSTON UNITED METHODIST CHURCH

 , Trustee Date: _____

CITY OF CLARKSTON

 BEVERLY H BURKS, CLARKSTON MAYOR Date: _____

ATTEST:

 Tracy Ashby, City Clerk Date: _____

APPROVED AS TO FORM:

Stephen Quinn
 _____ Date: _____
 Stephen G Quinn, City Attorney

EXHIBIT A



INVOICE

Page 1 of 2

Customer ID: 14-34630-93009
Customer Name: CLARKSTON UNITED METHODIST CHURCH
Service Period: 01/01/21-01/31/21
Invoice Date: 12/21/2020
Invoice Number: 5653102-1376-6

How To Contact Us	Your Payment Is Due	Your Total Due
<p>Visit wm.com</p> <p>To setup your online profile, sign up for paperless statements, manage your account, view holiday schedules, pay your invoice or schedule a pickup</p> <p>Customer Service: (866) 319-5397</p>	<p>Due Upon Receipt</p> <p>If full payment of the invoiced amount is not received within your contractual terms, you may be charged a monthly late charge of 2.5% of the unpaid amount, with a minimum monthly charge of \$5, or such late charge allowed under applicable law, regulation or contract.</p>	<p>\$134.57</p>

Previous Balance	+	Payments	+	Adjustments	+	Current Invoice Charges	=	Total Account Balance Due
134.57		(134.57)		0.00		134.57		134.57

DETAILS OF SERVICE				
Details for Service Location: Clarkston United Methodist Church, 3919 Church St, Clarkston GA 30021-1711			Customer ID: 14-34630-93009	
Description	Date	Ticket	Quantity	Amount
B Yard Dumpster Service	01/01/21		1.00	134.57
Total Current Charges				134.57

COMPLETED

JAN 4 2021

BY: *M. Smith* 540-5920-40-522110

----- Please detach and send the lower portion with payment --- (no cash or staples) -----

WM
 WASTE MANAGEMENT
 GEORGIA WASTE SYSTEMS, INC.
 PO BOX 42930
 PHOENIX, AZ 85080
 (866) 319-5397
 (877) 446-1079 FAX

Invoice Date	Invoice Number	Customer ID <i>(Include with your payment)</i>
12/21/2020	5653102-1376-6	14-34630-93009
Payment Terms	Total Due	Amount
Due Upon Receipt	\$134.57	

1376000143463093009056531020000001345700000013457 2

000137501AV 0.306 **AUTO TR 1 7336 30021-262655 <04>P01376-01
 CLARKSTON UNITED METHODIST CHURCH
 1055 ROWLAND ST
 C/O CITY OF CLARKSTON ACCTS PAYABLE
 CLARKSTON GA 30021-2626

0209002



Remit To:

WM CORPORATE SERVICES, INC.
 AS PAYMENT AGENT
 PO BOX 4648
 CAROL STREAM, IL 60197-4648

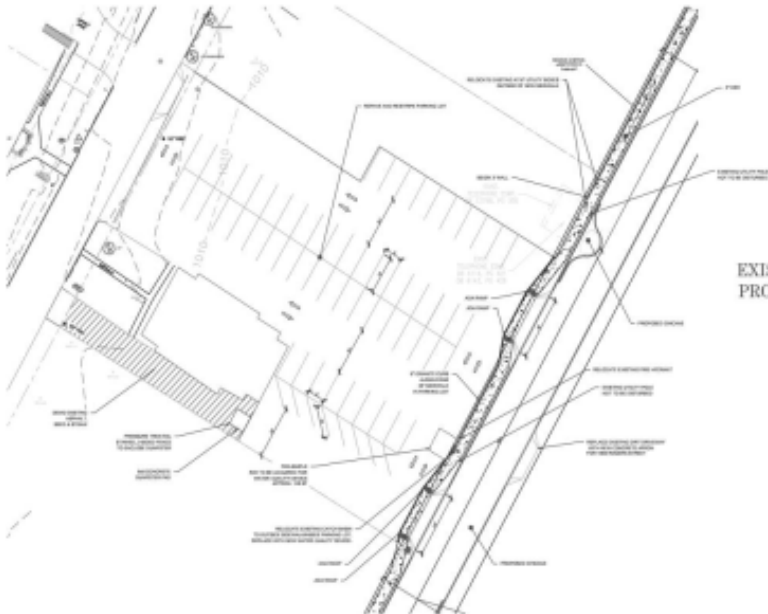
THINK GREEN:



376-0131053-1376-2

EXHIBIT B

METHODIST CHURCH PARKING LOT



EXISTING PARKING: 59 SPACES
PROPOSED SPACES: 60 SPACES

COLLABORATIVE
INFRASTRUCTURE
SERVICES

CUSTOMIZED CIVIL
ENGINEERING
SOLUTIONS

S P L O S T 0 4 B + C
P E D E S T R I A N E N H A N C E M E N T S
ROGERS STREET, ROWLAND STREET, AND
METHODIST CHURCH PARKING LOT

DRAWING DATE:
03/09/2021

REVISIONS:

NO.	DESCRIPTION



C5

EXHIBIT C

AFTER RECORDING RETURN TO:

Stephen G. Quinn
Wilson, Morton & Downs, LLC
125 Clairemont Avenue
Suite 420
Decatur, GA 30030

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SHORT FORM LEASE

THIS SHORT FORM LEASE (this "Short Form Lease") is made and entered into this ____ day of _____, 2021, by and between **CLARKSTON UNITED METHODIST CHURCH, INC.**, a Georgia non-profit corporation ("Landlord") and **THE CITY OF CLARKSTON, GEORGIA**, a Georgia municipal corporation ("Tenant").

WITNESSETH:

WHEREAS, Landlord and Tenant have entered into that certain Lease Agreement dated _____, 2021 (as the same may be amended, collectively, the "Lease"); and

WHEREAS, the parties hereto desire to file this Short Form Lease in the records of the Superior Court of DeKalb County, Georgia, to provide record notice of the Lease and the terms and conditions contained therein with respect to the Premises (as hereinafter defined).

NOW, THEREFORE, for and in consideration of the mutual covenants contained in the Lease, Landlord and Tenant hereby agree as follows:

1. Premises. Landlord has leased to Tenant, upon and subject to the terms, conditions, covenants and provisions of the Lease, the property known as **1019 Rowland Street, Clarkston, Georgia, 30021** said land being more particularly described on Exhibit "A" attached hereto (the "Premises").

2. Use of Premises. The Lease provides that Tenant shall have the non-exclusive right to use the Premises for parking vehicles.

3. Term; Extension Terms. The initial term of the Lease is for one year. Tennant has the right to renew the Lease for thirty (30) additional one-year terms, and it shall automatically renew unless terminated.

4. Incorporation of Lease. The provisions set forth in the Lease are hereby incorporated into this Short Form Lease as if set out in full herein. In the event of any conflict or inconsistency between the terms of this Short Form Lease and the terms of the Lease, the terms of the Lease shall govern and control for all purposes.

5. Cancellation of Short Form Lease. Upon the request of Landlord following the expiration or termination of the Lease, Tenant shall promptly execute and deliver to Landlord an appropriate release and/or cancellation instrument acknowledging the expiration or termination of the Lease and releasing any and all right, title and interest of Tenant in and to the Premises under the Lease. Such release and/or cancellation instrument shall be executed in proper form for recordation in the records of the Superior Court of DeKalb County, Georgia.

IN WITNESS WHEREOF, Landlord and Tenant have caused this Short Form Lease to be executed the day, month and year first above written.

Signed, sealed and delivered
in the presence of:

"LANDLORD"

**CLARKSTON UNITED METHODIST CHURCH,
INC.**
a Georgia nonprofit company

Witness

Notary Public

By: _____
Name: _____
Title: _____

Commission Data: _____

(NOTARIAL SEAL)

Signed, sealed and delivered
in the presence of:

"TENANT"

CITY OF CLARKSTON, GEORGIA
a Georgia municipal corporation

Witness

By: _____
Beverly Burks, Mayor

Notary Public

Commission Data: _____

(NOTARIAL SEAL)

CITY OF CLARKSTON

ITEM NO: G1

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
ADOPT ADVERTISED MILLAGE
RATE

MEETING DATE: JUNE 1, 2021

SUBJECT: Adopt Fiscal Year 2021 Proposed Advertised Millage Rate

DEPARTMENT: Administration

PUBLIC HEARING: YES NO

ATTACHEMENT: YES NO
Pages:

INFORMATION CONTACT: Robin I. Gomez
PHONE NUMBER: 678.409.9683

PURPOSE:

To Set the 2021 Advertised Millage (Tax) Rate.

NEED/ IMPACT:

The City of Clarkston received the first Valuation Report from DeKalb County in preparation for the Fiscal Year (FY) 2021 millage (tax) adoption process on May 26, 2021 (copy enclosed). Additionally the City received its computation of millage rate rollback and percentage increase in property taxes for the current FY 2021 as well as the consolidation and evaluation of digest 2021.

DeKalb County has requested that our final adopted millage rate be concluded before July 2, 2021. The Council must vote to set a proposed advertised millage rate at this June 1, 2021 Council Meeting. This is the millage rate that will be advertised for public information. The proposed millage is not necessarily the same rate the Council will eventually adopt. The final adopted millage rate may be the same as the proposed (advertised) rate or lower than the proposed rate. The final millage rate adopted by the City Council may not be greater than the proposed (advertised) millage rate.

The Council must hold three public hearings if the proposed millage rate is greater than the millage rollback rate. The purpose of the meetings is to take public comment on the millage rate for consideration of the final adopted rate. There must be 5 days between the public hearings. Two meetings can be held on the same day with one starting prior to noon and one meeting must start between 6-7pm. The following represents the Clarkston millage rate history back to Fiscal Year (FY) 2010:

FY	MILLAGE
2010	11.313
2011	14.00
2012	17.95
2013	17.95
2014	21.11
2015	17.11

Property Tax Digest 5/25/2021 PRELIM DIGEST REPORT	FINAL 07/28/2020	PRELIM 05/25/2021	Change	
	2020 40% Value	2021 40% Value	% 2021 vs. 2020	% of Tax Digest
RESIDENTIAL				
R1-Improvements	42,511,875	51,815,392	21.88%	
R3-Lots	16,545,197	18,790,317	13.57%	
R4-Small Tracts	39,960	78,800	97.20%	
R5-Large Tracts	-	-		
RB-Boats	3,808	-	-100.00%	
Residential	59,100,840	70,684,509	19.60%	27.6%
COMMERCIAL				
C1-Improvements	93,101,403	111,915,784	20.21%	
C3-Lots	7,781,264	7,839,502	0.75%	
C4-Small Tracts	18,490,169	17,936,401	-2.99%	
C5-Large Tracts	6,580,300	6,972,740	5.96%	
CF-Furn/Fixt/Eqpt	3,044,900	3,425,097	12.49%	
CI-Inventory	3,671,843	3,382,054	-7.89%	
CP-Freeport Inventory	387,243	163,040		
Commercial	133,057,122	151,634,618	13.96%	59.2%
INDUSTRIAL				
I1-Improvements	14,456,640	16,712,726	15.61%	
I3-Lots	2,725,636	2,060,711	-24.40%	
I4-Small Tracts	4,001,028	3,277,261	-18.09%	
IF-Furn/Fixt/Eqpt	2,670,558	2,717,215		
II-Inventory	104,777	133,336		
IP-Freeport Inventory	2,142,086	1,922,758		
Industrial	26,100,725	26,824,007	2.77%	10.5%
UTILITY	6,073,005	6,590,595	8.52%	2.6%
MOTOR VEHICLE	703,880	596,540		0.2%
Gross Digest	225,035,572	256,330,269	13.91%	100.0%
Exemptions:				
M1-City Homestead	4,509,094	4,134,482		
Total Exemptions	4,509,094	4,134,482		
Net Digest	220,526,478	252,195,787		
Net Adjusted Digest	220,526,478	252,195,787	14.36%	
APPEALS				
Net Adjusted Digest at Billing	220,526,478	252,195,787		

Revenue Categories				
311190 - Other Real Property Tax	311110 - Public Utility Prop Tax	311390 - Personal Property Tax	311310 - Motor Vehicle Tax	Total Revenue
\$ 823,347				\$ 823,347
\$ 298,578				\$ 298,578
\$ 1,252				\$ 1,252
		\$ -		\$ -
		\$ -		\$ -
\$ 1,123,177	\$ -	\$ -	\$ -	\$ 1,123,177
\$ 1,778,342				\$ 1,778,342
\$ 124,570				\$ 124,570
\$ 285,009				\$ 285,009
\$ 110,797				\$ 110,797
		\$ 54,425		\$ 54,425
		\$ 53,741		\$ 53,741
		\$ 2,591		\$ 2,591
\$ 2,298,718	\$ -	\$ 110,756	\$ -	\$ 2,409,474
\$ 265,565				\$ 265,565
\$ 32,745				\$ 32,745
\$ 52,076				\$ 52,076
		\$ 43,177		\$ 43,177
		\$ 2,119		\$ 2,119
		\$ 30,553		\$ 30,553
\$ 350,386	\$ -	\$ 75,848	\$ -	\$ 426,233
	\$ 104,725			\$ 104,725
			\$ 9,479	\$ 9,479
\$ 3,772,280	\$ 104,725	\$ 186,604	\$ 9,479	\$ 4,073,088
\$ (65,697)				\$ (65,697)
\$ 3,706,583	\$ 104,725	\$ 186,604	\$ 9,479	\$ 4,007,391
\$ 3,351,801	\$ 113,431	\$ 177,311	\$ 127,841	\$ 3,770,384
\$ 2,897,322	\$ 104,725	\$ 141,522	\$ 148,898	\$ 3,292,467

ESTIMATED PROPERTY TAX REVENUES		
15.89		
15.89 mills for 2020	\$ 3,504,166	
15.89 mills for 2021		\$ 4,007,391
\$\$\$ revenue per mil	\$ 220,526	\$ 252,196
Final Budgeted Revenue	\$ -	\$ 3,770,384
Final Actual Revenue	2,878,101	
Projected Budget Shortfall	\$ -	\$ 237,007
Final Millage Rate	15.89	15.89

2021 PRELIM DIGEST
2021 BUDGET
2020 ACTUAL REV

Property Tax Digest 5/25/2021 PRELIM DIGEST REPORT	FINAL 07/28/2020	PRELIM 05/25/2021	Change	
	2020 40% Value	2021 40% Value	% 2021 vs. 2020	% of Tax Digest
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R3-Lots	16,545,197	18,790,317	13.57%	
R4-Small Tracts	39,960	78,800	97.20%	
R5-Large Tracts	-	-		
RB-Boats	3,808	-	-100.00%	
Residential	59,100,840	70,684,509	19.60%	27.6%
COMMERCIAL				
C1-Improvements	93,101,403	111,915,784	20.21%	
C3-Lots	7,781,264	7,839,502	0.75%	
C4-Small Tracts	18,490,169	17,936,401	-2.99%	
C5-Large Tracts	6,580,300	6,972,740	5.96%	
CF-Furn/Fixt/Eqpt	3,044,900	3,425,097	12.49%	
CI-Inventory	3,671,843	3,382,054	-7.89%	
CP-Freeport Inventory	387,243	163,040		
Commercial	133,057,122	151,634,618	13.96%	59.2%
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I1-Improvements	14,456,640	16,712,726	15.61%	
I3-Lots	2,725,636	2,060,711	-24.40%	
I4-Small Tracts	4,001,028	3,277,261	-18.09%	
IF-Furn/Fixt/Eqpt	2,670,558	2,717,215		
II-Inventory	104,777	133,336		
IP-Freeport Inventory	2,142,086	1,922,758		
Industrial	26,100,725	26,824,007	2.77%	10.5%
UTILITY	6,073,005	6,590,595	8.52%	2.6%
MOTOR VEHICLE	703,880	596,540		0.2%
Gross Digest	225,035,572	256,330,269	13.91%	100.0%
Exemptions:				
M1-City Homestead	4,509,094	4,134,482		
Total Exemptions	4,509,094	4,134,482		
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Net Adjusted Digest	220,526,478	252,195,787	14.36%	
APPEALS				
Net Adjusted Digest at Billing	220,526,478	252,195,787		

Revenue Categories				
311190 - Other Real Property Tax	311110 - Public Utility Prop Tax	311390 - Personal Property Tax	311310 - Motor Vehicle Tax	Total Revenue
\$ 754,277				\$ 754,277
\$ 273,531				\$ 273,531
\$ 1,147				\$ 1,147
		\$ -		\$ -
		\$ -		\$ -
\$ 1,028,954	\$ -	\$ -	\$ -	\$ 1,028,954
\$ 1,629,158				\$ 1,629,158
\$ 114,120				\$ 114,120
\$ 261,100				\$ 261,100
\$ 101,502				\$ 101,502
		\$ 49,859		\$ 49,859
		\$ 49,233		\$ 49,233
		\$ 2,373		\$ 2,373
\$ 2,105,880	\$ -	\$ 101,465	\$ -	\$ 2,207,345
\$ 243,287				\$ 243,287
\$ 29,998				\$ 29,998
\$ 47,707				\$ 47,707
		\$ 39,554		\$ 39,554
		\$ 1,941		\$ 1,941
		\$ 27,990		\$ 27,990
\$ 320,992	\$ -	\$ 69,485	\$ -	\$ 390,477
	\$ 95,939			\$ 95,939
			\$ 8,684	\$ 8,684
\$ 3,455,826	\$ 95,939	\$ 170,950	\$ 8,684	\$ 3,731,400
\$ (60,186)				\$ (60,186)
\$ 3,395,641	\$ 95,939	\$ 170,950	\$ 8,684	\$ 3,671,214
\$ 3,351,801	\$ 113,431	\$ 177,311	\$ 127,841	\$ 3,770,384
\$ 2,897,322	\$ 104,725	\$ 141,522	\$ 148,898	\$ 3,292,467

ESTIMATED PROPERTY TAX REVENUES		
15.89		
15.89 mills for 2020	\$ 3,504,166	
15.89 mills for 2021		\$ 4,007,391
\$\$\$ revenue per mil	\$ 220,526	\$ 252,196
Final Budgeted Revenue	\$ -	\$ 3,770,384
Final Actual Revenue	2,878,101	
Projected Budget Shortfall	\$ -	\$ (99,170)
Final Millage Rate	15.89	14.557

2021 PRELIM DIGEST
2021 BUDGET
2020 ACTUAL REV

PT-32.1 - Computation of MILLAGE RATE ROLLBACK AND PERCENTAGE INCREASE IN PROPERTY TAXES - 2021

COUNTY: 002-DEKALB TAXING JURISDICTION: Clarkston

ENTER VALUES AND MILLAGE RATES FOR THE APPLICABLE TAX YEARS IN YELLOW HIGHLIGHTED BOXES BELOW

DESCRIPTION	2020 DIGEST	REASSESSMENT OF EXISTING REAL PROP	OTHER CHANGES TO TAXABLE DIGEST	2021 DIGEST
REAL	206,233,472	21,149,004	10,017,158	237,399,634
PERSONAL	18,098,220		235,875	18,334,095
MOTOR VEHICLES	703,880		(107,340)	596,540
MOBILE HOMES	0		0	0
TIMBER -100%	0		0	0
HEAVY DUTY EQUIP	0		0	0
GROSS DIGEST	225,035,572	21,149,004	10,145,693	256,330,269
EXEMPTIONS	4,509,094		(374,612)	4,134,482
NET DIGEST	220,526,478	21,149,004	10,520,305	252,195,787
	(PYD)	(RVA)	(NAG)	(CYD)

2020 MILLAGE RATE: 15.890

2021 MILLAGE RATE: 15.890

CALCULATION OF ROLLBACK RATE

DESCRIPTION	ABBREVIATION	AMOUNT	FORMULA
2020 Net Digest	PYD	220,526,478	
Net Value Added-Reassessment of Existing Real Property	RVA	21,149,004	
Other Net Changes to Taxable Digest	NAG	10,520,305	
2021 Net Digest	CYD	252,195,787	(PYD+RVA+NAG)
2020 Millage Rate	PYM	15.890	PYM
Millage Equivalent of Reassessed Value Added	ME	1.333	(RVA/CYD) * PYM
Rollback Millage Rate for 2021	RR - ROLLBACK RATE	14.557	PYM - ME

CALCULATION OF PERCENTAGE INCREASE IN PROPERTY TAXES

If the 2020 Proposed Millage Rate for this Taxing Jurisdiction exceeds Rollback Millage Rate computed above, this section will automatically calculate the amount of increase in property taxes that is part of the notice required in O.C.G.A. § 48-5-32.1(c) (2)	Rollback Millage Rate	14.557
	2021 Millage Rate	15.890
	Percentage Tax Increase	9.16%

CERTIFICATIONS

I hereby certify that the amount indicated above is an accurate accounting of the total net assessed value added by the reassessment of existing real property for the tax year for which this rollback millage rate is being computed.

Chairman, Board of Tax Assessors

Date

I hereby certify that the values shown above are an accurate representation of the digest values and exemption amounts for the applicable tax years.

Tax Collector or Tax Commissioner

Date

I hereby certify that the above is a true and correct computation of the rollback millage rate in accordance with O.C.G.A. § 48-5-32.1 for the taxing jurisdiction for tax year 2021 and that the final millage rate set by the authority of this taxing jurisdiction for tax year 2021 is _____

CHECK THE APPROPRIATE PARAGRAPH BELOW THAT APPLIES TO THIS TAXING JURISDICTION

If the final millage rate set by the authority of the taxing jurisdiction for tax year 2021 exceeds the rollback rate, I certify that the required advertisements, notices, and public hearings have been conducted in accordance with O.C.G.A. §§ 48-5-32 and 48-5-32.1 as evidenced by the attached copies of the published "five year history and current digest" advertisement and the "Notice of Intent to Increase Taxes" showing the times and places when and where the required public hearings were held, and a copy of the press release provided to the local media.

If the final millage rate set by the authority of the taxing jurisdiction for tax year 2021 does not exceed the rollback rate, I certify that the required "five year history and current digest" advertisement has been published in accordance with O.C.G.A. § 48-5-32 as evidenced by the attached copy of such advertised report.

Responsible Party

Title

Date

CONSOLIDATION AND EVALUATION OF DIGEST 2021

COUNTY NAME: DeKalb				COUNTY NO: 44				Sheet # 40 - CITY OF CLARKSTON (34, 34A)				Total Parcel Count: 1,541				
RESIDENTIAL				FOREST LAND CONSERVATION USE				EXEMPT PROPERTY				SUMMARY				
Code	Count	Acres	40% Value	Code	Count	Acres	40% Value	Code	Count	Acres	40% Value	PROPERTY CLASS	COUNT	ACRES	ASSESSED VALUE	
R1	1,135		51,815,392	J3	0	0.00	0	E0	0		0	Residential Real	1,291	332.79	70,684,509	
R3	1,267	285.79	18,790,317	J4	0	0.00	0	E1	34		1,033,760	Residential Personal	0		0	
R4	1	6.60	78,800	J5	0	0.00	0	E2	22		3,732,240	Residential Total	1,291	332.79	70,684,509	
R5	0	0.00	0	J6	0	0.00	0	E3	7		1,029,288	Residential Trans.	0	0.00	0	
R6	0		0	FLPA FAIR MARKET ASMT				E4	0		0	Historic	0	0.00	0	
R9	23	40.40	0	Code	Count	Acres	40% Value	E5	0		0	Agricultural Real	0	0.00	0	
RA	0		0	F3	0	0.00	0	E6	4		2,367,320	Agricultural Personal	0		0	
RB	0		0	F4	0	0.00	0	E7	0		0	Agricultural Total	0	0.00	0	
RF	0		0	F5	0	0.00	0	E8	0		0	Preferential	0	0.00	0	
RI	0		0	F6	0		0	E9	1		244,640	Conservation Use	0	0.00	0	
RZ	0		0	Total			0	TOTAL	68		8,407,248	Environmentally Sen	0	0.00	0	
RESIDENTIAL TRANSITIONAL				ENVIRONMENTALLY SENSITIVE				HOMESTEAD & PROPERTY EXEMPTIONS				Commercial Real	158	412.11	144,664,427	
Code	Count	Acres	40% Value	Code	Count	Acres	40% Value	Code	Count	M&O AMOUNT	BOND AMOUNT	Commercial Personal	270		6,970,191	
T1	0		0	W3	0	0.00	0	S1	0		0	Commercial Total	428	412.11	151,634,618	
T3	0	0.00	0	W4	0	0.00	0	SC	0		0	Industrial Real	24	73.50	22,050,698	
T4	0	0.00	0	W5	0	0.00	0	S3	0		0	Industrial Personal	5		4,773,309	
HISTORIC				COMMERCIAL				S4	0		0	Industrial Total	29	73.50	26,824,007	
Code	Count	Acres	40% Value	Code	Count	Acres	40% Value	S5	1	72,920	0	Forest Lnd Con Use	0	0.00	0	
H1	0		0	C1	133		111,915,784	SD	3	201,200	0	Brownfield Property	0	0.00	0	
H3	0	0.00	0	C3	136	92.16	7,839,502	SS	0		0	Qualified Timberland	0	0.00	0	
AGRICULTURAL				INDUSTRIAL				SE	0		0	Real Total	1,473	818.40	237,399,634	
Code	Count	Acres	40% Value	Code	Count	Acres	40% Value	SG	0		0	Personal Total	275		11,743,500	
A1	0		0	I1	20		16,712,726	S6	0		0	Digest Total	1,748	818.40	249,143,134	
A3	0	0.00	0	I3	19	29.20	2,060,711	S8	0		0	Public Utility	10	0.00	6,590,595	
A4	0	0.00	0	I4	5	44.30	3,277,261	S9	0		0	Motor Vehicle	438		596,540	
A5	0	0.00	0	I5	0	0.00	0	SF	3	2,085,798	0	Mobile Home			0	
A6	0		0	I9	0	0.00	0	SA	0		0	Timber - 100%	0	0.00	0	
A9	0	0.00	0	IA	0		0	SB	0		0	Heavy Duty Equip.			0	
AA	0		0	IB	0		0	SP	59	74,564	74,564				0	
AB	0		0	IF	2		2,717,215	SH	0		0	Gross Digest Total	2,196	818.40	256,330,269	
AF	0		0	II	1		133,336	ST	0		0	Exemptions-Bonds			74,564	
AI	0		0	IP	2		1,922,758	SV	0		0	Net Bond Digest			256,255,705	
AZ	0		0	IZ	0		0	SJ	0		0				0	
PREFERENTIAL				PUBLIC UTILITY				SZ	0		0	Gross Digest Total	2,196	818.40	256,330,269	
Code	Count	Acres	40% Value	Code	Count	Acres	40% Value	SN	0		0	Exemptions-M & O			4,134,482	
P3	0	0.00	0	U1	0		0	DO NOT USE L1 THRU L9 CODES ON STATE SHEET					Net M & O Digest			252,195,787
P4	0	0.00	0	U2	10	0.00	6,590,595	L1	0		0				0	
P5	0	0.00	0	U3	0	0.00	0	L2	85	1,700,000	0				0	
P6	0		0	U4	0	0.00	0	L3	0		0				0	
CONSERVATION USE				U5	0	0.00	0	L4	0		0				0	
Code	Count	Acres	40% Value	U9	0	0.00	0	L5	0		0				0	
V3	0	0.00	0	UA	0		0	L6	0		0				0	
V4	0	0.00	0	UB	0		0	L7	0		0				0	
V5	0	0.00	0	UF	0		0	L8	0		0				0	
V6	0		0	UZ	0		0	L9	0		0				0	
BROWNFIELD PROPERTY								L10	0		0				0	
Code	Count	Acres	40% Value					L11	0		0				0	
B1	0		0					L12	0		0				0	
B3	0	0.00	0					L13	0		0				0	
B4	0	0.00	0					L14	0		0				0	
B5	0	0.00	0					L15	0		0				0	
B6	0		0					L16	0		0				0	
Qualified Timberland								TOTAL	151	4,134,482	74,564				0	
Code	Count	Acres	40% Value												0	
Q4	0	0.00	0												0	
Q5	0	0.00	0												0	

TYPE	MILLAGE	ASSESSED VALUE	TAX
M & O	0.015890	252,195,787	4,007,391
BOND		256,255,705	

I, Irvin J. Johnson, receiver of tax returns in and for said county, do hereby certify that the above and foregoing is a true and correct consolidation of all the tax returns received from the taxpayer (or assessed against defaulters) in said county of DeKalb for the year 2021, and duplicate digests have been made and delivered to the county governing authority and tax collector of said county as required by law.

Witness my hand and official signature, this 23th day of July <2020>.

R.T.R.

Tax Commissioner

CITY OF CLARKSTON
CLARKSTON CITY COUNCIL MEETING

ITEM NO: G2

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES
MEETING DATE: JUNE 1, 2021

ACTION TYPE:
Adopt Ordinance

SUBJECT: Adopt a City-wide Animal Control Ordinance

DEPARTMENT: City Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages:

INFORMATION CONTACT: ROBIN I. GOMEZ
PHONE NUMBER: 678-409-9683

PURPOSE:

Review/Adopt a proposed City-wide animal control ordinance to protect the public health, safety, environment, and general welfare of all domesticated animals and to provide for responsible ownership of all typical household pets.

NEED/IMPACT:

The City has utilized the DeKalb County animal control county ordinance that incorporates many useful areas regarding animal control guidelines including owner's responsibilities. To continue to ensure the proper and safe regulation of domesticated animals including the responsibilities required of all pet owners/custodians it is more advantageous for the City to have its own Animal Control ordinance that solely and specifically applies to the limits of the City of Clarkston. Consequently, the below are revisions and additions to City Code, Chapter 10 – Health and Sanitation, Article V, Animal Control.

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

1. Removing and replacing Sec 10-40 – Adoption of the Dekalb County Animal Code with the below new sections 10.40 – 10.48.
2. Definitions and violations
3. General Responsibilities of Owners – proper care, restraint, and other provisions to ensure safety
4. Processes to prevent and identify Animal Cruelty, dangerous or vicious animals and any necessary remediation
5. Vaccinations of dogs and cats
6. General enforcement including penalties for non-compliance
7. City designation as a bird sanctuary

8. City's participation in Community Cats Programs that encourage trap-neuter-release of feral/cat colonies

A full copy of the proposed new Ordinance, Article V, Sections 10.40-48 language/narrative is listed below.

~~Sec. 10-40. Adoption of the DeKalb County Animal Code.~~

~~The DeKalb County Animal Code, sections 5-1—5-20 of the Code of DeKalb County, Georgia, is hereby adopted as the animal control regulations of the city, with like effect as if fully set out herein.~~

~~{Ord. No. 274, § 1, 9-2-03}~~

ARTICLE V. – ANIMAL CONTROL

Sec. 10-40. Definitions.

For the purposes of this section, certain terms and words are hereby defined. As used in this chapter, unless the context otherwise indicates, the following words and terms shall have the meaning ascribed to them:

Abandonment, abandoned animal means the intentional or complete forsaking of any domesticated animal by its owner, without making reasonable arrangements for the adequate care and custody of the animal to be assumed by another person or the failure to return and resume responsibility of an animal at the designated time as arranged with the care giver. Abandonment also means the act of placing a domesticated animal on public property or within a public building, unattended or uncared for, or on or within the private property of another without the express permission of the owner, custodian, or tenant of the private property. A domesticated animal shall also be considered abandoned when it has been unattended and without adequate and proper food and water for a period more than thirty-six (36) hours, regardless of where such animal may be found or kept.

Abused animal means any animal which is mistreated, beaten, tormented or teased, or is deprived of water, food or shelter, or is kept under unsanitary conditions, or is abandoned, or is trained for fighting other animals.

Adequate care means exhibiting attention to the needs of an animal, including but not limited to, the provision of food, water, shelter, sanitary, safe, and healthy conditions, and adequate and timely veterinary medical attention necessary to maintain good health for the specific age, size, species, and breed of animal or to prevent suffering.

Adequate food means sufficient quantity of non-contaminated and nutritionally healthy sustenance that is appropriate to the species, breed, size, age and health of the animal, or at the direction of a licensed veterinarian; which is sufficient to prevent starvation, malnutrition, or risk to the animal's health. Garbage, spoiled, rancid, or contaminated food is not adequate food.

Adequate shelter means a protective covering for a domestic animal that provides adequate space and protection to maintain the animal in a state of good health, and that prevents pain, suffering, or significant risk to the animal's health. Adequate shelter shall consist of a completely enclosed structure with four (4) sides, a constructed floor, and a roof with a door opening. It should also be clean, dry, and compatible with current weather conditions, in addition to age, size, species and condition of the animal. The structure should be of sufficient size to allow the animal to stand, turn around, lie down, and go in and out of the structure comfortably. To be adequate, some type of bedding that is quick drying, such as hay or pine straw, must be provided to maintain comfortable temperatures within the structure during times when the ambient, outside temperature is below thirty-two (32) degrees Fahrenheit. In addition, the structure shall include a heavy plastic or rubber flap to cover the door and/or window openings during the months of December through March or when the ambient, outside temperature is below thirty-two (32) degrees Fahrenheit. From April through November, the structure

shall either be shaded or moved out of direct sunlight. If the shelter is made of wood, it shall be raised at least two (2) inches off the ground to prevent seepage or rotting. Examples of inadequate shelter include, but are not limited to, lean-tos, metal or plastic drums, boxes, abandoned vehicles, porches, decks, or material that does not provide sufficient protection from the elements.

Adequate water means clean, fresh, potable water sufficient to prevent dehydration and properly sustain health presented in a clean dish, free from contamination. Examples of inadequate water include, but are not limited to, snow, ice, and rancid/contaminated water.

Animal means every living vertebrate except a human being.

Animal at large means any animal not on restraint or moving without physical restraint and not on its owner's property.

Animal enforcement officer means any person authorized by the governing authority or by law to enforce the provisions of this chapter.

Animal service center means the facility designated by the governing authority for the detention of animals in the county and includes the animal control center facility identified by/in DeKalb County Government.

Animal under restraint means any animal humanely secured by a leash or led or enclosed by way of fence or other enclosure or the animal is confined within a vehicle, parked or in motion.

Classified animal means any animal that has been classified as either a dangerous or vicious animal pursuant to this chapter or comparably classified by the State of Georgia, or by any court, hearing officer, or authorized government agency of any other state, county, or municipality.

Classified animal pen means a padlocked pen, as that term is defined in this chapter, made entirely of industrial gauge fencing with a door or gate equipped with a working lock. The classified animal pen must contain adequate shelter, as that term is defined in this chapter, but must also contain a minimum one hundred (100) square foot area outside the adequate shelter.

Community cat means an unowned, free-roaming cat that has been marked by surgical ear-tip pursuant to the community cat program.

Community cat program means a comprehensive process whereby unowned free-roaming cats are captured humanely, transported to a veterinarian for evaluation, spay/neuter surgery, rabies vaccination and marking by surgical ear-tip, and returned to the area or location where the cat was captured.

Cruelty means causing death or unjustifiable pain or suffering to any animal by an act, omission, or neglect. Cruelty also includes transporting an unrestrained animal in an open-air vehicle or in the trunk of any vehicle, or leaving an animal unattended in a closed vehicle without proper ventilation or temperature control where the outside air temperature is seventy (70) degrees Fahrenheit or above. Cruelty also means allowing or causing any animal to train for or engage in an animal fight operated for sport, entertainment or gaming purposes. Routine medical procedures by a licensed veterinarian shall not be regarded as cruelty.

Dangerous animal means any animal that, according to the records of an appropriate authority:

- (1) Causes a substantial puncture of a person's skin by teeth without causing serious injury, provided, however, that a nip, scratch, or abrasion shall not be sufficient to classify an animal as dangerous;
- (2) Aggressively attacks in a manner that causes a person to reasonably believe that the animal poses an imminent threat of serious injury to such person or another person although no such injury occurs; provided, however, that the acts of barking, growling, or showing of teeth by an animal shall not be sufficient to classify an animal as dangerous; or
- (3) While off the owner's property, kills a pet animal; provided that no animal shall be classified as dangerous when the death of such pet animal is caused by a dog that is working or training as a hunting dog, herding dog, or predator control dog.

Exceptions: An animal shall not be deemed dangerous if:

- (1) It bites, attacks or menaces:
 - a. Anyone assaulting the owner;
 - b. A trespasser on the property of the owner;
 - c. Any person or other animal which has tormented or abused it;
 - d. Where the animal is otherwise acting in defense of an attack from a person or other animal upon the owner or other person;
 - e. Where the animal is protecting or defending its young or another animal; or
 - f. Where a dog is being used by a law enforcement officer to carry out official law enforcement duties and injures someone.
- (2) It is otherwise acting in defense of an attack from a person or other animal upon the owner or other person; or
- (3) It is protecting or defending its young or other animal.

Domesticated animals means animals that are accustomed to live in or about the habitation of men including, but not limited to, cats, dogs, fowl, swine, domesticated wild animals and/or exotic animals. This definition only applies to those animals mentioned herein and is only applicable to this article, and in no way affects the meaning or application of a definition of the described animal, as may be found in any other city ordinances.

Electronic animal confinement system shall mean a commercially produced, functioning, and professionally installed electronic fence which utilizes an invisible electrically generated perimeter, in which the animal within the perimeter wears an electronic collar that produces an electric shock when the animal approaches or exceeds the perimeter.

Euthanasia means the legal act of putting an animal to death using humane methods, recommended by the American Veterinary Medical Association Panel on Euthanasia, and approved by the Georgia Department of Agriculture, as defined by Georgia law in the Georgia Animal Protection Act, as may hereinafter be amended.

Fence means any structure of wire, wood, stone, or other material, which is of sufficient height and strength to act as a barrier against passage of the animal it is intended to enclose. A fence must be sufficient to prevent the animal from being able to jump, dig, or escape from confinement.

Garbage means all refuse matter/effluent, either animal or vegetable by-product from a restaurant, kitchen, or meat/poultry processing establishment; spoiled/rancid food and refuse accumulation of animal, fruit, or vegetable matter, liquid or otherwise, that is normally discarded.

Guard dog means a dog trained to attack persons or other animals independently or upon oral command; or a dog that, while not so trained, is reasonably expected to perform as a guardian of its owner and/or the property upon which the dog is located.

Hazardous animal means an animal that may be harmful to humans or other animals by virtue of its ability to produce poison or, due to its size and feeding habits, could prey on humans as a food source. Hazardous animals include, but are not limited to, pit vipers (genus *Crotalidae*), coral snakes (genus *Micrurus*), poisonous spiders, frogs, large reptiles, Nile monitors, caiman, alligators, crocodiles, and large constricting snakes greater than ten (10) feet in length.

Identification means any tag, tattoo, microchip, or other type of marking that can be used to locate an animal's owner.

Kennel means any establishment, other than an animal shelter, where animals are maintained for boarding, holding, training, or other similar purposes for a fee or compensation.

Law enforcement agency means the City of Clarkston Police Department (CKPD) or any division of the DeKalb County Police Department.

Neglect means endangering an animal's health by failing to provide or arrange to provide the animal with food or drink if the animal is dependent upon a person for the provision of food or drink, or the act of restraining an animal in a manner that endangers the animal's life or health. Other acts considered to be neglect include, but are not limited to:

- (1) Failing to provide adequate care or seek veterinary care for an injury or illness that seriously endangers the life or health of an animal; or
- (2) Leaving an animal outside and exposed to excessive heat or cold without providing the animal with adequate shelter or protection from the heat or cold or exposing an animal to unsanitary conditions.

Open-air vehicle means the cargo area of any pickup truck that is not covered by a permanent attached utility cover or any convertible vehicle with its top down.

Owner means any natural person or any legal entity, including but not limited to a corporation, partnership, firm, or trust, owning, possessing, harboring, keeping, or having custody or control of an animal. In the case of an animal owned by a minor, the term "owner" includes the parents or person in loco parentis with custody of the minor. A cat may be deemed "unowned" if the cat is found on the property of a natural person or legal entity disclaiming ownership of the cat and no traceable form of identification is displayed on the cat.

Pen means a pad locked, fenced area within a perimeter fenced area that has secure sides that are buried two (2) feet into the ground or sunken in concrete and a secure top.

Police Chief means the police chief of the Clarkston Police Department (CKPD) or designee(s).

Potentially dangerous animal means any animal that, without provocation bites or attacks humans or any other animal on public or private property.

Proper enclosure means any structure or device used to restrict an animal to a limited amount of space such as a fenced area, electronic animal confinement system, building, house, pen, or other device or structure out of which an animal cannot climb, dig, jump, or otherwise escape.

Public nuisance means any animal which:

- (1) Is found at large in violation of this article;
- (2) Is unlicensed (unregistered) in violation of this article;
- (3) Is trained, owned or harbored for the purpose, primarily or in part, of dog fighting;
- (4) Is dangerous, as defined, and is not restrained or confined, as provided for in this article;
- (5) Produces, because of quantity, manner or method in which the animals are domesticated or maintained, unsanitary conditions in the city;
- (6) Is inimical to the public health, welfare or safety according to the rules and regulations promulgated by the DeKalb County Board of Health, which rules and regulations are incorporated herein and made a part hereof as if fully set out in this article.

Qualified adoption facilitator, rescue group and animal shelter means an organization offering animals for adoption so long as the organization is licensed as a shelter by the State of Georgia; or if not incorporated in Georgia, is a non-profit organization under section 501(c)(3) of the Internal Revenue Code; and has the express mission/business function of facilitating the sterilization and adoption of homeless and unwanted animals. A copy of the state license or the Internal Revenue Service letter of non-profit designation shall be provided to the county upon request.

Records of an appropriate authority means records of any state, county, or municipal law enforcement agency; records of any county or municipal animal control agency; records of any county board of health; or records of any federal or state court.

Severe injury means any physical injury that creates a substantial risk of death; results in death, broken or dislocated bones, lacerations requiring multiple sutures, or disfiguring avulsions; requires plastic surgery or

admission to a hospital; or results in protracted impairment of health, including transmission of an infection or contagious disease, or impairment of the function of any bodily organ.

Spay/neuter certificate means documentation that certifies that the animal listed therein has been sterilized as of the date of surgery.

Sterilized animal means an animal that has been surgically or chemically altered by a licensed veterinarian to render the animal incapable of reproduction.

Stray animal means any animal at large, whether lost by its owner or otherwise, that may be in or on the common areas of apartments, condominiums, trailer parks or other multi-residential premises, any single-family residential property, or any other property or public area without being controlled by a leash, that does not have an identification tag or microchip, and otherwise has no identifiable owner. A community cat shall not be classified as a stray animal, but a cat which has not become a part of the community cat program is a stray animal.

Tethered means an animal attached to a stationary object by a chain, cable, or similar device commonly used for the size and type of animal involved. An animal is not considered tethered when the animal is attached to a stationary object, as long as the owner or custodian is physically within reach of the animal. Any tethering device used to tether an animal must be at least ten (10) feet in length.

Unsanitary conditions mean an animal living space, shelter, or exercise area contaminated by health hazards, irritants, pollutants, items, or conditions that endanger or pose a risk to an animal's health.

Veterinary medical attention means care or supervision by a properly licensed practitioner of veterinary medicine as defined by Georgia law, sufficient to maintain an animal in a state of good health and prevent pain and suffering by an animal.

Vicious animal means one (1) that inflicts serious injury on a person, or one (1) that causes serious injury to a person resulting from reasonable attempts to escape the animal's attack.

(Ord. No.)

Sec. 10-41. - Violations.

The city reserves the right to punish any person convicted of a violation of this Animal Code as provided in [section 1-7](#) of the City of Clarkston code.

Sec. 10-42. General responsibilities of owners.

- (a) It shall be the duty of every owner of an animal to take all necessary steps and precautions to protect other people, property, and other animals from injury or damage resulting from such animal's behavior, including, but not limited to, chasing, biting, or otherwise jeopardizing the safety or welfare of the public, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.
- (b) If the owner of an animal is a minor, the parent or guardian of such minor shall be responsible to ensure full compliance with the requirements of this chapter.
- (c) It shall be the duty of every owner of an animal to immediately remove excrement deposited by the animal on any street or right-of-way. The provisions of this subsection shall not apply to any animal aiding the handicapped (e.g., guide dog) or to an animal used for law enforcement related activities.
- (d) Owners may not allow any domesticated or other animals within their control to make any vocalizations in violation of the City's noise ordinance.
- (e) It shall be the duty of every owner of an animal to ensure that the animal is kept under restraint, and that precautions are taken to prevent the animal from leaving, while unattended, the real property limits of its owner.

- (f) It shall be the duty of every owner of an animal to ensure that the animal is securely and humanely enclosed within a proper enclosure as a means of primary restraint. Such enclosure must be securely locked at any time the animal is left unattended. When outside the proper enclosure but on the owner's property, it shall be the duty of every owner of an animal to ensure that the animal is humanely secured by a leash or lead and under the control of a responsible and competent person; or off leash but under the direct control of a responsible and competent person who is physically present with the animal, provided that such animal is obedient to that person's command.
- (g) Any animal that is housed outside of its owner's house shall be housed in a proper enclosure that complies with the provisions of this Code. The owner shall also ensure that the proper enclosure contains at least one hundred (100) square feet of open space.
- (h) Tethering of an animal is prohibited.
- (i) As a secondary means of restraint to a proper enclosure, an animal may be attached to a running cable line or trolley system providing that:
 - (1) A running cable line or trolley system is set inside a proper enclosure;
 - (2) Only one (1) animal may be attached to each running cable line or trolley system;
 - (3) No animal may be attached to a running cable line or trolley system for more than twelve (12) hours in a twenty-four-hour period;
 - (4) No animal may be attached to a running cable line or trolley system between the hours of 10:00 p.m. and 6:00 a.m.;
 - (5) Tethers and cables attaching the animal to the running cable line or trolley system must be made of a substance which cannot be chewed by the animal and shall not weigh more than five (5) percent of the body weight of the animal tethered;
 - (6) A running cable line or trolley system must have a swivel installed at each end and be attached to a stationary object that cannot be moved by the animal;
 - (7) The running cable line or trolley system must be at least ten (10) feet in length and mounted at least four (4) feet and no more than seven (7) feet above ground level;
 - (8) The length of the tether from the running cable line or trolley system to the animal's collar should allow access to the maximum available exercise area and allow the animal free access to food, water, and shelter;
 - (9) Be attached to a properly fitted harness or collar not used for the display of a current rabies tag and other identification; and with enough room between the collar and the dog's throat through which two (2) fingers may fit. Choke collars and pinch collars are prohibited for the purpose of tethering an animal to a running cable line or trolley system; and
 - (10) Be tethered at sufficient distance from any other objects to prohibit the tangling of the cable, from extending over an object or an edge that could result in injury or strangulation of the animal and be of sufficient distance from any fence so as to prohibit the animal access to the fence.
- (j) If an electronic animal confinement system is used to confine an animal, it shall:
 - (1) Provide a properly fitted and working signal device that will be worn by the animal to be enclosed.
 - (2) Contain permanent and prominently displayed signs at twenty-five (25) feet intervals around the entire perimeter of the electronic animal confinement system. The signs shall be no smaller than six (6) inches square, and shall read: "Caution—Electronic Animal Confinement System."
- (k) It shall be the duty of any person to always keep an animal under restraint and control while the animal is off the real property limits of the owner. Such areas shall not include City parks that are specifically designated as off leash/dog park areas. An animal is deemed under restraint and control when:

- (1) It is securely confined within a vehicle, parked or in motion;
 - (2) It is properly confined within a secure enclosure with the permission of the owner of the property where the enclosure is located: or
 - (3) It is securely restrained by a leash or other device held by a competent person.
- (l) It shall be unlawful for the owner of an animal to allow it to run at large unattended on or about the streets, rights-of-way, and highways in the City of Clarkston; in any City park, except in City parks that are specifically designated as off leash areas such as designated dog park areas; unattended on or about the common property of any apartment complex or condominium community; or on the property of another person without permission of the owner of that property. It shall further be unlawful for anyone to knowingly abandon, or to aid in the abandonment of, any domesticated animal on any property located in the City of Clarkston.
- (m) No person shall transport or carry on any public roadway any animal in a motor vehicle unless the animal is safely enclosed within the vehicle; and if traveling in an open-air vehicle the animal should be confined by a vented container or cage, rope, or other device cross-tied to prevent the animal from falling or jumping from the motor vehicle or from strangling on a single leash. If the animal has been classified as a potentially dangerous animal, requirements of this section are in addition to requirements outlined in section 14-16.
- (n) No person shall leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health or safety. Any animal control officer or officer of the Clarkston police department are authorized to use reasonable force, including the breaking of a side window, to remove an animal from a vehicle whenever it appears the animal's health or safety is endangered, and said selected or endangered animal shall be impounded.
- (o) No person shall place any dead animal upon their premises upon the premises of any other person or allow any dead animal to remain upon their premises or any dead animal belonging to the person to remain upon the premises of another without disposing of same or causing the animal to be properly removed or disposed of within 24 hours.

(Ord. No.)

Sec. 10-43. Cruelty to animals; classified animals; exemptions from classification as a dangerous or vicious animal; certificate of registration.

- (a) It shall be unlawful for any person to commit an act of neglect and/or cruelty towards any animal, except that a person may:
- (1) Defend his/her person or property, or the person or property of another, from injury or damage being caused by an animal; up to and including restraining and/or harming the other animal to keep from causing injury to any poultry or pet animal.
- (b) This section shall not be construed to limit in any way the authority or duty of any law enforcement officer, dog or rabies control officer, humane society, or veterinarian.
- (c) It shall be the duty of every animal owner who has been convicted, in a court of competent jurisdiction, of abandonment, cruelty or neglect of an animal, or who owns a classified animal, to have the animal permanently identified by insertion of a microchip by a licensed veterinarian. Said chip must be registered with the chip parent company and the police chief.
- (d) An animal shall not be classified as a dangerous animal or vicious animal:
- (1) When the animal bites, attacks or menaces anyone who assaults the animal's owner;

- (2) When the animal bites, attacks or menaces anyone who willfully trespasses, or commits another tort, upon the property of the owner;
 - (3) When the animal bites, attacks or menaces anyone who is currently, or has in the past, tormented or abused the animal;
 - (4) Where the animal is acting in defense of an attack from a person or other animal upon the owner or other person;
 - (5) Where the animal is protecting or defending its young or another animal;
 - (6) Where the animal is being used by a law enforcement or military officer to carry out official duties; or
 - (7) When the animal bites, attacks, or menaces anyone who is committing or attempting to commit an offense in violation of O.C.G.A. § 16-5-1 et seq.
- (e) The owner of a classified animal must be eighteen (18) years old or older; annually obtain a certificate of registration for the animal from the county; and, pay an annual registration fee to be determined by the county. At the time of renewal, the county shall verify that the owner is continuing to comply with all applicable provisions of this chapter. The requirements of this section apply to any classified animal living in the City of Clarkston.
- (f) Certificates of registration are nontransferable and no more than one (1) certificate of registration shall be issued per domicile. The certificate of registration shall be issued to the owner upon receipt of the following:
- (1) Written evidence that the animal is permanently identified by insertion of a microchip by a licensed veterinarian. Said chip must be registered with the chip parent company and the police chief within thirty (30) days of an order classifying the animal as dangerous or vicious or within such later time as specified by a court of competent jurisdiction or within thirty (30) days of the conclusion of any appeal of a court's order that upholds the classification of an animal as dangerous or vicious;
 - (2) A copy of a current policy of insurance in the minimum amount of twenty-five thousand dollars (\$25,000.00) issued by an insurer authorized to transact business in the State of Georgia, insuring the owner of a dangerous animal, and twenty-five thousand dollars (\$25,000.00) insuring the owner of a vicious animal, against liability for any personal injuries or property damage inflicted by the dangerous animal or vicious animal; or a copy of a current surety bond in the foregoing respective amounts issued by a surety company authorized to transact business in the State of Georgia, payable for property damage or personal injury caused by the dangerous or vicious animal;
 - (3) Written or photographic proof that the animal will be confined in a classified animal pen; and
 - (4) Written evidence that the animal has been sterilized by a licensed veterinarian.
- (g) The owner of a classified animal shall notify the police chief within twenty-four (24) hours if the animal dies. If the animal dies, the body must be available for microchip scanning to provide positive identification of the dangerous animal or vicious animal. A vicious animal shall not be transferred, sold, or donated to any other person unless it is relinquished to a governmental facility or a veterinarian to be euthanized. If a dangerous animal is sold or given to another person, the current owner listed on the most current certificate of registration must provide the police chief with the name, address, and telephone number of the new owner within thirty (30) days of the sale or transfer of such animal. New owners of dangerous animals are subject to all requirements of this Code upon transfer of such animal and such new owner must register the animal in his or her name within thirty (30) days of the sale or transfer of the animal to such new owner.
- (h) The owner of a classified animal must notify the police chief in writing within fifteen (15) days after changing his/her address. Such written notice shall provide the owner's new address and telephone number. The owner shall promptly obtain a new certificate of registration reflecting the new address if such address is located within the county.
- (i) The owner of a classified animal shall notify the police chief in writing within seventy-two (72) hours after moving a classified animal into the City. Such written notice shall provide the address and telephone number

of the owner and the owner shall obtain a certificate of registration for the animal within seventy-two (72) hours after moving into the county.

- (j) No certificate of registration shall be issued to any person who has been convicted of two (2) or more violations of this chapter. No person shall be the owner of more than one (1) vicious animal. No certificate of registration for a vicious animal shall be issued to any person who has been convicted of:
 - (1) A serious violent felony as defined in O.C.G.A. § 17-10-6.1;
 - (2) The felony of dog fighting as provided for in O.C.G.A. § 16-12-37 or the felony of aggravated cruelty to animals as provided for in O.C.G.A. § 16-12-4; or
 - (3) A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in O.C.G.A. §§ 16-13-31 and 16-13-31.1 from the time of conviction until two (2) years after completion of his or her sentence. The restrictions imposed by this subsection also apply to any person residing with such convicted person.

(Ord. No.)

Sec. 10-44. Confinement of dangerous or vicious animals.

- (a) Classified animals shall be confined in a classified animal pen.
- (b) The owner of a classified animal must post signs on all means of ingress and egress to the premises where the animal resides. Such signs shall read in letters at least three-quarters ($\frac{3}{4}$) of an inch high: "Dangerous/Vicious Animal on Property." Such signs shall be no smaller than eight and five-tenths (8.5) by eleven (11) inches.
- (c) Whenever outside its classified animal pen, but on the owner's property, a classified animal shall be attended by the owner, muzzled by any means sufficient to prevent the biting of persons or animals, and restrained by a secure collar and leash of sufficient strength to prevent escape. Such leash shall not exceed three (3) feet in length.
- (d) No classified animal shall be permitted off the property of its owner unless accompanied by the owner, muzzled by any means sufficient to prevent the biting of persons or animals, and restrained by a secure collar and leash of sufficient strength to prevent escape. Such leash shall not exceed three (3) feet in length. In the alternative, the classified animal when off the owner's property may be contained in a closed and locked cage or crate.
- (e) The owner of a classified animal shall make the animal and the area of confinement available for periodic, unannounced inspections by the police chief to ensure compliance with the confinement requirements of this chapter, provided that the owner consents to such entry and inspection. If consent is not obtained, the police chief shall obtain an inspection warrant prior to any inspection in accordance with the requirements of state law.

(Ord. No.)

Sec. 10-45. Vaccination for rabies; dogs and cats.

- (a) The requirements of this section only apply to owners of dogs or cats, provided the dog or cat is three (3) months old or older.
- (b) It shall be the duty of any owner of any dog, cat, or ferret to obtain a current rabies vaccination from a licensed veterinarian periodically as ordered by the veterinarian.
- (c) It shall be the duty of any owner of a dog, cat, or ferret to provide a collar or harness for such animal. The collar or harness, together with the rabies inoculation tag, shall be worn by the animal at all times.

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- (d) An owner reclaiming an animal three (3) months of age and older from the county shall present proof of a current rabies vaccination at time of reclaim. If proof is unavailable, and a county veterinarian is on duty and available, the vaccine will be administered by the veterinarian at the owner's expense.

(Ord. No. 15-09 ,)

Sec. 10-46. Enforcement generally; penalties.

- (a) Upon information learned by/made know to, or complaint lodged with any officer of the Clarkston Police Department or Code Enforcement, that an animal owner or custodian of any dog or animal is in violation of this article, the Clarkston Police or Code Enforcement shall cause a summons to be issued requiring the owner of the animal to appear before a judge of the municipal court, at a date and time certain, to appear for the violation. If a violation has not been personally witnessed by a police or code enforcement officer, a subpoena shall be issued by the municipal court to the person making the complaint, along with any witness(es), to appear on the date and time set, to testify on behalf of the City.
- (c) The police chief may respond to anonymous complaints of violations of this chapter. If the owner or custodian of an animal is unknown or not present, and such animal is upon the public streets, alleys, sidewalks, school grounds or other public places or premises, or is upon another person's property without permission or absent proper restraint, or is a classified animal as to which the registration, confinement or insurance requirements have not been met, the police and/or DeKalb County Animal Services shall immediately impound the animal in a facility designated for the detention of animals.
- (d) In the enforcement of the provisions of this article, all animal control officers employed as such by DeKalb County are specifically deputized as animal control officers of the City for the purposes described in this section when they witness, while on duty, violation of the provisions of this article within the corporate limits of the city.
- (e) Any stray cat without any traceable form of identification that is impounded or brought to the animal service center and deemed eligible may be transferred immediately to the community cat program.
- (f) Any community cat or unowned, free-roaming cat that is not healthy in the opinion of qualified county employees or designees shall be impounded. No healthy community cat shall be impounded unless it:
- (1) Damages the personal or private property of a person or legal entity that seeks its impoundment; or
 - (2) Creates unsanitary conditions, offensive or objectionable odors.
- If a healthy community cat is impounded pursuant to this subsection (e), upon impoundment, it shall be transferred to a qualified adoption facilitator.
- (g) An animal may be euthanized when, in the judgment of the police chief, it is determined that:
- (1) At the scene of an accident an animal is injured beyond medical help, and no traceable form of identification is displayed on the animal;
 - (2) An animal presented to the animal service center without traceable form of identification is injured beyond medical help, or exhibits obvious signs of infectious disease or parasite infestation that would impose a health risk to animals housed in the animal service center; and
 - (3) A veterinarian has determined from all the circumstances that it would be inhumane not to euthanize a particular animal.
- (h) The judge of any superior court of competent jurisdiction within the state may order the euthanasia of an animal if the court finds, after notice and opportunity for hearing, that the animal has seriously injured a human or presents a danger to humans not suitable for control under this chapter and:

- (1) The owner or custodian of the animal has been convicted of a violation of any state criminal law and the crime was related to such animal; or
 - (2) Any local governmental authority has filed with the court a civil action requesting the euthanasia of the animal.
- (i) A judge of the magistrate court or the superior court shall order the euthanasia of any animal if the court finds, after notice and the opportunity for hearing, that the animal has caused a serious injury to a human on more than one (1) occasion; provided, however, that no injury occurring before July 1, 2012, shall count for purposes of this subsection.
 - (j) The police chief may use any force necessary to remove any animal locked in a closed vehicle if the animal exhibits distress, including but not limited to, excessive panting or drooling, seizures, state of unconsciousness, or hyperactivity. If the vehicle is damaged during such removal, the police chief shall not be liable for any damage to the vehicle.
 - (k) Any person who has been convicted of cruelty, neglect or abandonment of an animal as provided in this Code or state law, and has relinquished ownership of said animal, shall not be allowed to own a pet in their household in the City of Clarkston for five (5) years measured from the date of conviction.
 - (l) Any person who has been convicted of failure to keep an animal under restraint while on owner's property as provided in this Code, or has been ordered by a court to meet additional confinement requirements and has not complied with the court's order, shall not be allowed to own a pet in their household in unincorporated DeKalb County for five (5) years measured from the date of conviction or court order.
 - (m) A dangerous animal or potentially dangerous animal may be immediately impounded by any police officer, code enforcement officer or animal enforcement officer if such animal or its owner has violated any of the requirements of this chapter.
 - (n) The owner of a dangerous animal or potentially dangerous animal shall notify the police chief, or designated representative, immediately if the animal is on the loose, unconfined, or has attacked a human or another animal and failure to so notify the police chief, or designated representative, shall be a violation of this chapter by the owner of the animal.
 - (o) It shall be a violation of this chapter for any person to possess within the city a dangerous animal or potentially dangerous animal without a certificate of registration issued in accordance with the provisions of this chapter.
 - (p) Upon a second and subsequent conviction of any violation of this chapter by a dangerous or potentially dangerous animal or its owner, the court shall impose a fine of not less than \$500.00 in addition to any other penalty or punishment imposed by the court.
 - (q) Upon a second or subsequent conviction for a violation of this chapter by a dangerous animal or its owner, the court may order the dangerous animal to be euthanized.
 - (r) Upon a second and subsequent conviction for a violation of section 10-45, the court shall impose a fine of not less than \$500.00 in addition to any other penalty or punishment imposed by the court.
 - (s) Upon a third and subsequent conviction within a 24-month period, as measured from the date of issuance of previous court summonses for which convictions were obtained, for a violation of section 10-44, the court shall impose a fine of not less than \$500.00 in addition to any other penalty or punishment imposed by the court.
 - (t) Upon a second and subsequent conviction for a violation of subsection 10-42(c), the court shall impose a fine of not less than \$250.00 in addition to any other penalty or punishment imposed by the court.
 - (u) Upon a third and subsequent conviction within a 24-month period, as measured from the date of issuance of previous court summonses for which convictions were obtained, for a violation of subsection 10-42(d), the court shall impose a fine of not less than \$500.00 in addition to any other penalty or punishment imposed by the court.

(Ord. No.)

Sec. 10-47. City designated bird sanctuary; hunting or molesting birds.

- (a) The entire area embraced within the corporate limits of the city is hereby designated as a bird sanctuary.
- (b) It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl, or to rob bird's nests or nests of wild fowl.
- (c) If starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the proper authorities of the City, then City authorities shall meet with representatives of the Audubon Society, Bird Club, Garden Club or Humane Society, or as many of such clubs as are found to exist in the City or county, after having given at least three days' actual notice of the time and place of the meeting to the representatives of the clubs to abate such nuisance.

(Ord. No.)

Sec 10-48. City's participation in community cat programs

- (1) The City shall make every effort to promote, advertise, and encourage the usage of existing community cats programs, such as one currently offered by and through the LifeLine Animal Project, designed to humanely manage community cat colonies by using a trap-neuter-return process that incorporates vaccinations and ear-tipping to identify the cats as neutered. Such community cats programs provide an effective method to humanely and dramatically decrease the number of cats.
- (2) All Clarkston residents, businesses, and visitors are encouraged to advise the City or County Animal Services of any observed and/or perceived cat colonies and/or feral cats that appear to be routinely roaming Clarkston streets, rights-of-ways, parks, or private property.
- (3) All City police officers, public works, code enforcement, and/or other employees observing a cat colony and/or feral cats that appear to be routinely roaming Clarkston streets, rights-of-ways, parks, or private property shall promptly notify County Animal Services or other existing community cats program.

CITY OF CLARKSTON

ITEM NO: G3

CLARKSTON CITY COUNCIL WORK SESSION

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: June 1, 2021

SUBJECT: Approve Council Standing Advisory Committee Assignments

DEPARTMENT: Administration

PUBLIC HEARING: YES NO

ATTACHEMENT: YES NO
Pages:

INFORMATION CONTACT: Mark Perkins, Jamie
Carroll
PHONE NUMBER: 678.409.9683

PURPOSE:

Council to approve appointment to the Council Standing Advisory Committees

NEED/ IMPACT:

Councilman Mark Perkins joined the Clarkston City Council on March 20, 2021, after the Council had revised/appointed Council members to the Council Standing Advisory Committees. CM Perkins would like for the Council to consider the below requests:

1. would like to be added to the Transportation and Environment Committee as co-chair with Councilman Eyasu
2. would like to join the Community Development committee

The current SAC Appointments for 2021 (Adopted 2-2-2021)

Public Safety and Legal Committee

Chair: Awet Eyasu
Debra Johnson
Jamie Carroll
Mayor Beverly Burks

Housing and Infrastructure Committee

Chair: Jamie Carroll
Laura Hopkins
Debra Johnson
Mayor Burks

Community Development Committee

Chair: Debra Johnson
Awet Eyasu

Transportation and Environment Committee

Chair: Awet Eyasu
Laura Hopkins

Marketing and Civic Innovation Committee

Chair: Ahmed Hassan

Debra Johnson

Equity, Inclusion and Opportunity

Laura Hopkins

Debra Johnson

Mayor Burks

RECOMMENDATION:

N/A

**RESOLUTION
CONCERNING APPOINTMENTS TO STANDING ADVISORY COMMITTEES**

WHEREAS, the Clarkston City Council is desirous of creating a mechanism to study and formulate policy recommendations that will benefit the community; and

WHEREAS, the Clarkston City Council is desirous of engaging members of the public in the process of formulating and studying policy recommendations that will benefit the community; and

WHEREAS, the Clarkston City Council has approved a Resolution creating Standing Advisory Committees.

NOW THEREFORE, BE IT RESOLVED by the Clarkston City Council, that the following City Council members are hereby appointed as follows:

Public Safety and Legal Committee

Chair: Awet Eyasu,
Vice Chair: Debra Johnson
Jamie Carroll
Mayor Burks

Housing and Infrastructure Committee

Chair: Jamie Carroll, Laura Hopkins
Debra Johnson
Mayor Burks

Community Development Committee

Chair: Debra Johnson
Vice-Chair: Awet Eyasu
Mark W. Perkins

Transportation and Environment Committee

Co-Chair: Awet Eyasu, Mark W. Perkins
Vice-Chair: Laura Hopkins

Marketing and Civic Innovation Committee

Chair: Ahmed Hassan
Debra Johnson
Mayor Burks

Equity, Inclusion, and Opportunity

Co-Chair: Laura Hopkins and Debra Johnson
Mayor Burks

SO RESOLVED, this _____ day of _____, 2021.

**CITY COUNCIL
CITY OF CLARKSTON, GEORGIA**

BEVERLY H. BURKS, Mayor

ATTEST:

Tracy Ashby, City Clerk

CITY OF CLARKSTON

ITEM NO: G4

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Discussion

MEETING DATE: JUNE 1, 2021

SUBJECT: Review/Discuss the recently adopted American Rescue Plan Act of 2021 (ARPA) – COVID-19 Funding Assistance, and its Potential Uses

DEPARTMENT: City Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages: 15

INFORMATION CONTACT: ROBIN I. GOMEZ
PHONE NUMBER: 678.409.9683

PURPOSE:

Review/discuss the recently adopted American Rescue Plan Act of 2021 (ARPA) Funding including areas of expenditures by the City of Clarkston.

NEED/IMPACT:

On March 11, 2021, President Biden signed H.R. 1319, the American Rescue Plan Act of 2021 (ARPA), that includes comprehensive COVID-19 related relief totaling \$1.9 trillion, with \$65.1 billion for cities throughout the U.S. For the first time all 19,000 cities, towns, and villages of all sizes will be eligible to receive a direct allocation from the federal government to help address the pandemic-related needs of cities, residents, and the business community. We have received information from the Georgia Municipal Association (GMA) that they continue working closely with the National League of Cities, the White House Office of Intergovernmental Affairs, and the U.S. Treasury Department to finalize the development of detailed guidance as to how cities may use funds and the mechanism that will be used for cities to draw down funds. We will follow the prescribed directions and processes to receive (draw-down) the funds when available.

The following represents known ARPA information as of Monday, May 17, 2021, obtained from GMA and the NLC:

- Clarkston's allocation as determined by the U.S. House Oversight and Reform Committee on March 8 is estimated at: **\$3,981,473**, which we are slated to receive from the state as a pass-through entity only. Each city will be eligible to receive its own allocation; amount is subject to change.
- Clarkston is considered a "non-entitlement city," i.e., cities under 50,000 population, and are only eligible to receive **up to 75% of their annual general fund operating budget amount**. If the amount on the spreadsheet exceeds 75% of their most recent GF annual budget, excess funds will be returned to Treasury. 75% of our current \$6,790,423 GF budget is \$5,092,817.25, consequently Clarkston is under that %.
- **Two-Year Disbursement:** Funds will be provided to cities over two years, with 50% in 2021 and 50% in 2022. **All funds must be spent by December 31, 2024.**

- **When Funds Pass Through the State:** Non entitlement city funds will pass through the state and states have 30 days to get the first tranche of funds (50%) to non-entitlement cities. States can apply for an extension under certain circumstances. **The final 50% will be available 12 months later.**
 - The U.S. Department of Treasury issued detailed guidelines for uses of funds and the mechanism for how funds will get to non-entitlement cities on May 10 (copy of a summary, ARPA Fact Sheet, is enclosed).
 - States may not impose additional restrictions or guidelines on the use of these federal funds for any jurisdiction.
- **Eligible Use of Funds (more details in the enclosed ARPA Fact Sheet):**
 1. Respond to the public health emergency with respect to the COVID-19 or its negative economic impacts, including assistance to households, small businesses, and non-profits, or aid to impacted industries such as tourism, travel, and hospitality
 2. Respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the city that are performing such essential work, or by providing grants to eligible employers that have eligible workers that perform essential work
 3. For the provisions of government services to the extent of the reduction in revenue (i.e. online, property or income tax) due to the public health emergency relative to revenues collected in the most recent full fiscal year of the city prior to the emergency (i.e. January 20, 2020) or
 4. Make necessary investments in water, sewer, and broadband infrastructure.

The below represents the City’s portion of the CARES Act Funds, the 2020 version of the ARPA:

The City Council approved at a Special Call meeting on August 21, an intergovernmental agreement (IGA) with DeKalb County for the City to receive its share of the Federal CARES Act funding in the amount of \$1,433,288. The last column represents the actual expenditures at the end on Dec 20, 2020:

	<u>ACTUAL 8-20-20</u>	<u>12-1-2020</u>	<u>12-20-2020</u>
Translation Services	\$ 249.80	\$ 1,000	\$ 249.80
Legal Services	\$ 11,205.00	\$ 17,500	\$ 16,605.00
Tech Equip/Services	\$ 3,290.12	\$ 5,000	\$ 73,826.90
Police Equipment	\$ 9,005.00	\$ 12,000	\$ 12,235.43
Outdoor Equipment	\$ 2,727.09	\$ 7,500	\$ 8,653.29
Cleaning/PPE Equip/Supp	\$ 7,631.91	\$ 15,000	\$ 25,993.38
Food – 1 st responders	\$ 509.42	\$ 1,000	\$ 526.66
Payroll (10% hazard pay)	\$ 24,574.84	\$ 50,000	\$ 122,815.43
Rental/Mortgage Housing	\$ 118,698.90	\$450,000	\$ 900,517.91
Payroll – other	\$ 154,139.06	\$260,000	\$ 0.00
Workforce Dev/Job Placement	\$ 0.00	\$100,000	\$ 5,426.25
Utility Payment Assistance	\$ 0.00	\$100,000	\$ 28,564.69
Contingency-test, education	\$ 0.00	<u>\$399,288</u>	<u>\$ 238,896.10</u>
Food distribution	\$ 332,031.14	\$1,433,288	\$1,434,310.84

Actions at several subsequent Council meetings more specifically identified CARES Act Funds to be spent on categories such as early learning, wife-connectivity, and COVID-19 testing. In October 2020, we even received a private \$1,000.00, bringing the available total to \$1,434,288.

Some specifics on the expenses:

1. RENTAL ASSISTANCE: 410 residents, received 753 payments averaging \$1,180.34 per payment at 19 apartment complexes and 14 additional properties
2. UTILITY ASSISTANCE: 72 residents, received 110 payments averaging \$259.68 per payment
3. MORTGAGE ASSISTANCE: 4 residents, 9 payments, \$886.57 per payment
4. FOOD DISTRIBUTION: \$39,008.61
 - a. Burmese Rohingya Community of GA, \$11,008.61– 3 Food Distribution Events: Nov 22, 2020 door-to-door distribution to families, 45 households received \$50 gift cards, masks, and hand sanitizers; Nov 29, 2020 door-to-door distribution to families, 40 households, 245 individuals received 200 Thanksgiving hot meals; Dec 16, door-to-door distribution to 70 households (351 individuals), received \$50 gift cards; and administrative expenses.
 - b. Envision Atlanta, Inc, \$13,000 – Refrigerators, freezers, shelves, equipment, and food purchases for food storage, distribution, and related activities at their location/warehouse at 4392 E Ponce de Leon – provided direct food deliveries and collection location for other agencies to distribute food as well. Provided over 10,000 lbs of food every week throughout Clarkston area.
 - c. Positive Peering, Inc, \$15,000 – food and equipment purchases, various administrative costs for weekly 50-60 food boxes distribution to Clarkston residents from April to early December at various complexes including Avalon on Montreal, Springdale Glen, Clarkston Station, 1500 Oak, Tree Creek Condominiums.
5. EDUCATION: - \$96,530.49
 - a. Family Heritage Foundation, \$7,704.39 – after-school tutoring/learning programs and assistance - Nov 2020, provided 24 hours of extended learning time to 16 Clarkston students, Dec 2020, provided 48 hours of extended learning to 20 Clarkston students
After-school learning materials and supplies, stipends for after-school students, personal protective equipment, cleaning supplies, after-school snacks
 - b. Clarkston First Baptist Academy, \$29,505.42 – personal protective equipment, cleaning equipment/supplies, 5 kids pre-school scholarships for 19 weeks, administrative costs
 - c. Amani Women Center, \$30,000 – consultant fees, 8 kids pre-school scholarships ranging from 12 to 20 weeks, administrative costs
 - d. Early Learning Scholars, \$29,320.68 – personal protective equipment, cleaning equipment/supplies, 7 kids pre-school scholarships for 17, 20, 21, and 23 weeks, administrative costs

6 WIFI-CONNECTIVITY - \$26,735.97

- a. CDF Action, \$23,515.05 – Coordination and information survey/dissemination in various languages (Arabic, Amharic, Nepali, Swahili, Burmese, etc), wifi connectivity and related equipment including 15 laptops (with virus security) for English Oaks and Clarkston Townhomes
- b. City – \$860.62 to Comcast, wifi internet (public use) for 1 full year (pre-pay) at Clarkston Woman’s Club

ARPA FACT SHEET, 8 pages

FACT SHEET: The Coronavirus State and Local Fiscal Recovery Funds Will Deliver \$350 Billion for State, Local, Territorial, and Tribal Governments to Respond to the COVID-19 Emergency and Bring Back Jobs

May 10, 2021

Aid to state, local, territorial, and Tribal governments will help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery

Today, the U.S. Department of the Treasury announced the launch of the Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021, to provide \$350 billion in emergency funding for eligible state, local, territorial, and Tribal governments. Treasury also released details on how these funds can be used to respond to acute pandemic response needs, fill revenue shortfalls among these governments, and support the communities and populations hardest-hit by the COVID-19 crisis. With the launch of the Coronavirus State and Local Fiscal Recovery Funds, eligible jurisdictions will be able to access this funding in the coming days to address these needs.

State, local, territorial, and Tribal governments have been on the frontlines of responding to the immense public health and economic needs created by this crisis – from standing up vaccination sites to supporting small businesses – even as these governments confronted revenue shortfalls during the downturn. As a result, these governments have endured unprecedented strains, forcing many to make untenable choices between laying off educators, firefighters, and other frontline workers or failing to provide other services that communities rely on. Faced with these challenges, state and local governments have cut over 1 million jobs since the beginning of the crisis. The experience of prior economic downturns has shown that budget pressures like these often result in prolonged fiscal austerity that can slow an economic recovery.

To support the immediate pandemic response, bring back jobs, and lay the groundwork for a strong and equitable recovery, the American Rescue Plan Act of 2021 established the Coronavirus State and Local Fiscal Recovery Funds, designed to deliver \$350 billion to state, local, territorial, and Tribal governments to bolster their response to the COVID-19 emergency and its economic impacts. Today, Treasury is launching this much-needed relief to:

- Support urgent COVID-19 response efforts to continue to decrease spread of the virus and bring the pandemic under control;
- Replace lost public sector revenue to strengthen support for vital public services and help retain jobs;
- Support immediate economic stabilization for households and businesses; and,
- Address systemic public health and economic challenges that have contributed to the unequal impact of the pandemic on certain populations.

The Coronavirus State and Local Fiscal Recovery Funds provide substantial flexibility for each jurisdiction to meet local needs—including support for households, small businesses, impacted industries, essential workers, and the communities hardest-hit by the crisis. These funds also deliver resources that recipients can invest in building, maintaining, or upgrading their water, sewer, and broadband infrastructure.

Starting today, eligible state, territorial, metropolitan city, county, and Tribal governments may request Coronavirus State and Local Fiscal Recovery Funds through the Treasury Submission Portal. Concurrent with this program launch, Treasury has published an Interim Final Rule that implements the provisions of this program.

FUNDING AMOUNTS

The American Rescue Plan provides a total of \$350 billion in Coronavirus State and Local Fiscal Recovery Funds to help eligible state, local, territorial, and Tribal governments meet their present needs and build the foundation for a strong recovery. Congress has allocated this funding to tens of thousands of jurisdictions. These allocations include:

Type	Amount (\$ billions)
States & District of Columbia	\$195.3
Counties	\$65.1
Metropolitan Cites	\$45.6
Tribal Governments	\$20.0
Territories	\$4.5
Non-Entitlement Units of Local Government	\$19.5

Treasury expects to distribute these funds directly to each state, territorial, metropolitan city, county, and Tribal government. Local governments that are classified as non-entitlement units will receive this funding through their applicable state government. Treasury expects to provide further guidance on distributions to non-entitlement units next week.

Local governments should expect to receive funds in two tranches, with 50% provided beginning in May 2021 and the balance delivered 12 months later. States that have experienced a net increase in the unemployment rate of more than 2 percentage points from February 2020 to the latest available data as of the date of certification will receive their full allocation of funds in a single payment; other states will receive funds in two equal tranches. Governments of U.S. territories will receive a single payment. Tribal governments will receive two payments, with the first payment available in May and the second payment, based on employment data, to be delivered in June 2021.

USES OF FUNDING

Coronavirus State and Local Fiscal Recovery Funds provide eligible state, local, territorial, and Tribal governments with a substantial infusion of resources to meet pandemic response needs and rebuild a stronger, more equitable economy as the country recovers. Within the categories of eligible uses, recipients have broad flexibility to decide how best to use this funding to meet the needs of their communities. Recipients may use Coronavirus State and Local Fiscal Recovery Funds to:

- **Support public health expenditures**, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
- **Address negative economic impacts caused by the public health emergency**, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
- **Replace lost public sector revenue**, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
- **Provide premium pay for essential workers**, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
- **Invest in water, sewer, and broadband infrastructure**, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Within these overall categories, Treasury’s Interim Final Rule provides guidelines and principles for determining the types of programs and services that this funding can support, together with examples of allowable uses that recipients may consider. As described below, Treasury has also designed these provisions to take into consideration the disproportionate impacts of the COVID-19 public health emergency on those hardest-hit by the pandemic.

1. Supporting the public health response

Mitigating the impact of COVID-19 continues to require an unprecedented public health response from state, local, territorial, and Tribal governments. Coronavirus State and Local Fiscal Recovery Funds provide resources to meet these needs through the provision of care for those impacted by the virus and through services that address disparities in public health that have been exacerbated by the pandemic. Recipients may use this funding to address a broad range of public health needs across COVID-19 mitigation, medical expenses, behavioral healthcare, and public health resources. Among other services, these funds can help support:

- **Services and programs to contain and mitigate the spread of COVID-19, including:**
 - ✓ Vaccination programs
 - ✓ Medical expenses
 - ✓ Testing
 - ✓ Contact tracing
 - ✓ Isolation or quarantine
 - ✓ PPE purchases
 - ✓ Support for vulnerable populations to access medical or public health services
 - ✓ Public health surveillance (e.g., monitoring for variants)
 - ✓ Enforcement of public health orders
 - ✓ Public communication efforts
 - ✓ Enhancement of healthcare capacity, including alternative care facilities
 - ✓ Support for prevention, mitigation, or other services in congregate living facilities and schools
 - ✓ Enhancement of public health data systems
 - ✓ Capital investments in public facilities to meet pandemic operational needs
 - ✓ Ventilation improvements in key settings like healthcare facilities

- **Services to address behavioral healthcare needs exacerbated by the pandemic, including:**
 - ✓ Mental health treatment
 - ✓ Substance misuse treatment
 - ✓ Other behavioral health services
 - ✓ Hotlines or warmlines
 - ✓ Crisis intervention
 - ✓ Services or outreach to promote access to health and social services
- **Payroll and covered benefits expenses** for public health, healthcare, human services, public safety and similar employees, to the extent that they work on the COVID-19 response. For public health and safety workers, recipients can use these funds to cover the full payroll and covered benefits costs for employees or operating units or divisions primarily dedicated to the COVID-19 response.

Addressing the negative economic impacts caused by the public health emergency

The COVID-19 public health emergency resulted in significant economic hardship for many Americans. As businesses closed, consumers stayed home, schools shifted to remote education, and travel declined precipitously, over 20 million jobs were lost between February and April 2020. Although many have since returned to work, as of April 2021, the economy remains more than 8 million jobs below its pre-pandemic peak, and more than 3 million workers have dropped out of the labor market altogether since February 2020.

To help alleviate the economic hardships caused by the pandemic, Coronavirus State and Local Fiscal Recovery Funds enable eligible state, local, territorial, and Tribal governments to provide a wide range of assistance to individuals and households, small businesses, and impacted industries, in addition to enabling governments to rehire public sector staff and rebuild capacity. Among these uses include:

- **Delivering assistance to workers and families**, including aid to unemployed workers and job training, as well as aid to households facing food, housing, or other financial insecurity. In addition, these funds can support survivor's benefits for family members of COVID-19 victims.
- **Supporting small businesses**, helping them to address financial challenges caused by the pandemic and to make investments in COVID-19 prevention and mitigation tactics, as well as to provide technical assistance. To achieve these goals, recipients may employ this funding to execute a broad array of loan, grant, in-kind assistance, and counseling programs to enable small businesses to rebound from the downturn.
- **Speeding the recovery of the tourism, travel, and hospitality sectors**, supporting industries that were particularly hard-hit by the COVID-19 emergency and are just now beginning to mend. Similarly impacted sectors within a local area are also eligible for support.
- **Rebuilding public sector capacity**, by rehiring public sector staff and replenishing unemployment insurance (UI) trust funds, in each case up to pre-pandemic levels. Recipients may also use this funding to build their internal capacity to successfully implement economic relief programs, with investments in data analysis, targeted outreach, technology infrastructure, and impact evaluations.

3. **Serving the hardest-hit communities and families**

While the pandemic has affected communities across the country, it has disproportionately impacted low-income families and communities of color and has exacerbated systemic health and economic inequities. Low-income and socially vulnerable communities have experienced the most severe health impacts. For example, counties with high poverty rates also have the highest rates of infections and deaths, with 223 deaths per 100,000 compared to the U.S. average of 175 deaths per 100,000.

Coronavirus State and Local Fiscal Recovery Funds allow for a broad range of uses to address the disproportionate public health and economic impacts of the crisis on the hardest-hit communities, populations, and households. Eligible services include:

- **Addressing health disparities and the social determinants of health**, through funding for community health workers, public benefits navigators, remediation of lead hazards, and community violence intervention programs;
- **Investments in housing and neighborhoods**, such as services to address individuals experiencing homelessness, affordable housing development, housing vouchers, and residential counseling and housing navigation assistance to facilitate moves to neighborhoods with high economic opportunity;
- **Addressing educational disparities** through new or expanded early learning services, providing additional resources to high-poverty school districts, and offering educational services like tutoring or afterschool programs as well as services to address social, emotional, and mental health needs; and,
- **Promoting healthy childhood environments**, including new or expanded high quality childcare, home visiting programs for families with young children, and enhanced services for child welfare-involved families and foster youth.

Governments may use Coronavirus State and Local Fiscal Recovery Funds to support these additional services if they are provided:

- within a Qualified Census Tract (a low-income area as designated by the Department of Housing and Urban Development);
- to families living in Qualified Census Tracts;
- by a Tribal government; or,
- to other populations, households, or geographic areas disproportionately impacted by the pandemic.

4. **Replacing lost public sector revenue**

State, local, territorial, and Tribal governments that are facing budget shortfalls may use Coronavirus State and Local Fiscal Recovery Funds to avoid cuts to government services. With these additional resources, recipients can continue to provide valuable public services and ensure that fiscal austerity measures do not hamper the broader economic recovery.

Many state, local, territorial, and Tribal governments have experienced significant budget shortfalls, which can yield a devastating impact on their respective communities. Faced with budget shortfalls and pandemic-related uncertainty, state and local governments cut staff in all 50 states. These budget shortfalls and staff cuts are particularly problematic at present, as these entities are on the front lines of battling the COVID-19 pandemic and helping citizens weather the economic downturn.

Recipients may use these funds to replace lost revenue. Treasury's Interim Final Rule establishes a methodology that each recipient can use to calculate its reduction in revenue. Specifically, recipients will compute the extent of their reduction in revenue by comparing their actual revenue to an alternative representing what could have been expected to occur in the absence of the pandemic. Analysis of this expected trend begins with the last full fiscal year prior to the public health emergency and projects forward at either (a) the recipient's average annual revenue growth over the three full fiscal years prior to the public health emergency or (b) 4.1%, the national average state and local revenue growth rate from 2015-18 (the latest available data).

For administrative convenience, Treasury's Interim Final Rule allows recipients to presume that any diminution in actual revenue relative to the expected trend is due to the COVID-19 public health emergency. Upon receiving Coronavirus State and Local Fiscal Recovery Funds, recipients may immediately calculate the reduction in revenue that occurred in 2020 and deploy funds to address any shortfall. Recipients will have the opportunity to re-calculate revenue loss at several points through the program, supporting those entities that experience a lagged impact of the crisis on revenues.

Importantly, once a shortfall in revenue is identified, recipients will have broad latitude to use this funding to support government services, up to this amount of lost revenue.

5. **Providing premium pay for essential workers**

Coronavirus State and Local Fiscal Recovery Funds provide resources for eligible state, local, territorial, and Tribal governments to recognize the heroic contributions of essential workers. Since the start of the public health emergency, essential workers have put their physical well-being at risk to meet the daily needs of their communities and to provide care for others.

Many of these essential workers have not received compensation for the heightened risks they have faced and continue to face. Recipients may use this funding to provide premium pay directly, or through grants to private employers, to a broad range of essential workers who must be physically present at their jobs including, among others:

- ✓ Staff at nursing homes, hospitals, and home-care settings
- ✓ Workers at farms, food production facilities, grocery stores, and restaurants
- ✓ Janitors and sanitation workers
- ✓ Public health and safety staff
- ✓ Truck drivers, transit staff, and warehouse workers
- ✓ Childcare workers, educators, and school staff
- ✓ Social service and human services staff

Treasury's Interim Final Rule emphasizes the need for recipients to prioritize premium pay for lower income workers. Premium pay that would increase a worker's total pay above 150% of the greater of the state or county average annual wage requires specific justification for how it responds to the needs of these workers.

In addition, employers are both permitted and encouraged to use Coronavirus State and Local Fiscal Recovery Funds to offer retrospective premium pay, recognizing that many essential workers have not yet received additional compensation for work performed. Staff working for third-party contractors in eligible sectors are also eligible for premium pay.

6. Investing in water and sewer infrastructure

Recipients may use Coronavirus State and Local Fiscal Recovery Funds to invest in necessary improvements to their water and sewer infrastructures, including projects that address the impacts of climate change.

Recipients may use this funding to invest in an array of drinking water infrastructure projects, such as building or upgrading facilities and transmission, distribution, and storage systems, including the replacement of lead service lines.

Recipients may also use this funding to invest in wastewater infrastructure projects, including constructing publicly-owned treatment infrastructure, managing and treating stormwater or subsurface drainage water, facilitating water reuse, and securing publicly-owned treatment works.

To help jurisdictions expedite their execution of these essential investments, Treasury's Interim Final Rule aligns types of eligible projects with the wide range of projects that can be supported by the Environmental Protection Agency's Clean Water State Revolving Fund and Drinking Water State Revolving Fund. Recipients retain substantial flexibility to identify those water and sewer infrastructure investments that are of the highest priority for their own communities.

Treasury's Interim Final Rule also encourages recipients to ensure that water, sewer, and broadband projects use strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions.

7. Investing in broadband infrastructure

The pandemic has underscored the importance of access to universal, high-speed, reliable, and affordable broadband coverage. Over the past year, millions of Americans relied on the internet to participate in remote school, healthcare, and work.

Yet, by at least one measure, 30 million Americans live in areas where there is no broadband service or where existing services do not deliver minimally acceptable speeds. For millions of other Americans, the high cost of broadband access may place it out of reach. The American Rescue Plan aims to help remedy these shortfalls, providing recipients with flexibility to use Coronavirus State and Local Fiscal Recovery Funds to invest in broadband infrastructure.

Recognizing the acute need in certain communities, Treasury's Interim Final Rule provides that investments in broadband be made in areas that are currently unserved or underserved—in other words, lacking a wireline connection that reliably delivers minimum speeds of 25 Mbps download and 3 Mbps upload. Recipients are also encouraged to prioritize projects that achieve last-mile connections to households and businesses.

Using these funds, recipients generally should build broadband infrastructure with modern technologies in mind, specifically those projects that deliver services offering reliable 100 Mbps download and 100

Mbps upload speeds, unless impracticable due to topography, geography, or financial cost. In addition, recipients are encouraged to pursue fiber optic investments.

In view of the wide disparities in broadband access, assistance to households to support internet access or digital literacy is an eligible use to respond to the public health and negative economic impacts of the pandemic, as detailed above.

8. Ineligible Uses

Coronavirus State and Local Fiscal Recovery Funds provide substantial resources to help eligible state, local, territorial, and Tribal governments manage the public health and economic consequences of COVID-19. Recipients have considerable flexibility to use these funds to address the diverse needs of their communities.

To ensure that these funds are used for their intended purposes, the American Rescue Plan Act also specifies two ineligible uses of funds:

- **States and territories may not use this funding to directly or indirectly offset a reduction in net tax revenue due to a change in law from March 3, 2021 through the last day of the fiscal year in which the funds provided have been spent.** The American Rescue Plan ensures that funds needed to provide vital services and support public employees, small businesses, and families struggling to make it through the pandemic are not used to fund reductions in net tax revenue. Treasury’s Interim Final Rule implements this requirement. If a state or territory cuts taxes, they must demonstrate how they paid for the tax cuts from sources other than Coronavirus State Fiscal Recovery Funds—by enacting policies to raise other sources of revenue, by cutting spending, or through higher revenue due to economic growth. If the funds provided have been used to offset tax cuts, the amount used for this purpose must be paid back to the Treasury.
- **No recipient may use this funding to make a deposit to a pension fund.** Treasury’s Interim Final Rule defines a “deposit” as an extraordinary contribution to a pension fund for the purpose of reducing an accrued, unfunded liability. While pension deposits are prohibited, recipients may use funds for routine payroll contributions for employees whose wages and salaries are an eligible use of funds.

Treasury’s Interim Final Rule identifies several other ineligible uses, including funding debt service, legal settlements or judgments, and deposits to rainy day funds or financial reserves. Further, general infrastructure spending is not covered as an eligible use outside of water, sewer, and broadband investments or above the amount allocated under the revenue loss provision. While the program offers broad flexibility to recipients to address local conditions, these restrictions will help ensure that funds are used to augment existing activities and address pressing needs.

Coronavirus State and Local Fiscal Recovery Funds

Frequently Asked Questions

AS OF MAY 25, 2021

This document contains answers to frequently asked questions regarding the Coronavirus State and Local Fiscal Recovery Funds (CSFRF / CLFRF, or Fiscal Recovery Funds). Treasury will be updating this document periodically in response to questions received from stakeholders. Recipients and stakeholders should consult the [Interim Final Rule](#) for additional information.

- For overall information about the program, including information on requesting funding, please see <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments>
- For general questions about CSFRF / CLFRF, please email SLFRP@treasury.gov
- Treasury is seeking comment on all aspects of the Interim Final Rule. Stakeholders are encouraged to submit comments electronically through the Federal eRulemaking Portal (<https://www.regulations.gov/document/TREAS-DO-2021-0008-0002>) on or before July 16, 2021. Please be advised that comments received will be part of the public record and subject to public disclosure. Do not disclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Eligibility and Allocations

1. Which governments are eligible for funds?

The following governments are eligible:

- States and the District of Columbia
- Territories
- Tribal governments
- Counties
- Metropolitan cities
- Non-entitlement units, or smaller local governments

2. Which governments receive funds directly from Treasury?

Treasury will distribute funds directly to each eligible state, territory, metropolitan city, county, or Tribal government. Smaller local governments that are classified as non-entitlement units will receive funds through their applicable state government.

3. Are special-purpose units of government eligible to receive funds?

Special-purpose units of local government will not receive funding allocations; however, a state, territory, local, or Tribal government may transfer funds to a special-purpose unit

of government. Special-purpose districts perform specific functions in the community, such as fire, water, sewer or mosquito abatement districts.

4. How are funds being allocated to Tribal governments, and how will Tribal governments find out their allocation amounts?

\$20 billion of Fiscal Recovery Funds was reserved for Tribal governments. The American Rescue Plan Act specifies that \$1 billion will be allocated evenly to all eligible Tribal governments. The remaining \$19 billion will be distributed using an allocation methodology based on enrollment and employment.

There will be two payments to Tribal governments. Each Tribal government's first payment will include (i) an amount in respect of the \$1 billion allocation that is to be divided equally among eligible Tribal governments and (ii) each Tribal government's pro rata share of the Enrollment Allocation. Tribal governments will be notified of their allocation amount and delivery of payment 4-5 days after completing request for funds in the Treasury Submission Portal. The deadline to make the initial request for funds is June 7, 2021.

In late-May or shortly after completing the initial request for funds, Tribal governments will receive an email notification to re-enter the Treasury Submission Portal to confirm or amend their 2019 employment numbers that were submitted to the Department of the Treasury for the CARES Act's Coronavirus Relief Fund. The deadline to confirm employment numbers is June 21, 2021. Treasury will calculate each Tribal government's pro rata share of the Employment Allocation for those Tribal governments that confirmed or submitted amended employment numbers. In late-June, Treasury will communicate to Tribal governments the amount of their portion of the Employment Allocation and the anticipated date for the second payment.

Eligible Uses – Responding to the Public Health Emergency / Negative Economic Impacts

5. What types of COVID-19 response, mitigation, and prevention activities are eligible?

A broad range of services are needed to contain COVID-19 and are eligible uses, including vaccination programs; medical care; testing; contact tracing; support for isolation or quarantine; supports for vulnerable populations to access medical or public health services; public health surveillance (e.g., monitoring case trends, genomic sequencing for variants); enforcement of public health orders; public communication efforts; enhancement to health care capacity, including through alternative care facilities; purchases of personal protective equipment; support for prevention, mitigation, or other services in congregate living facilities (e.g., nursing homes, incarceration settings, homeless shelters, group living facilities) and other key settings like schools; ventilation improvements in congregate settings, health care settings, or other key locations; enhancement of public health data systems; and other public health responses. Capital investments in public facilities to meet pandemic operational needs are also eligible, such

as physical plant improvements to public hospitals and health clinics or adaptations to public buildings to implement COVID-19 mitigation tactics.

6. If a use of funds was allowable under the Coronavirus Relief Fund (CRF) to respond to the public health emergency, may recipients presume it is also allowable under CSFRF/CLFRF?

Generally, funding uses eligible under CRF as a response to the direct public health impacts of COVID-19 will continue to be eligible under CSFRF/CLFRF, with the following two exceptions: (1) the standard for eligibility of public health and safety payrolls has been updated; and (2) expenses related to the issuance of tax-anticipation notes are not an eligible funding use.

7. If a use of funds is not explicitly permitted in the Interim Final Rule as a response to the public health emergency and its negative economic impacts, does that mean it is prohibited?

The Interim Final Rule contains a non-exclusive list of programs or services that may be funded as responding to COVID-19 or the negative economic impacts of the COVID-19 public health emergency, along with considerations for evaluating other potential uses of Fiscal Recovery Funds not explicitly listed. The Interim Final Rule also provides flexibility for recipients to use Fiscal Recovery Funds for programs or services that are not identified on these non-exclusive lists but which meet the objectives of section 602(c)(1)(A) or 603(c)(1)(A) by responding to the COVID-19 public health emergency with respect to COVID-19 or its negative economic impacts.

8. May recipients use funds to respond to the public health emergency and its negative economic impacts by replenishing state unemployment funds?

Consistent with the approach taken in the CRF, recipients may make deposits into the state account of the Unemployment Trust Fund up to the level needed to restore the pre-pandemic balances of such account as of January 27, 2020, or to pay back advances received for the payment of benefits between January 27, 2020 and the date when the Interim Final Rule is published in the Federal Register.

9. What types of services are eligible as responses to the negative economic impacts of the pandemic?

Eligible uses in this category include assistance to households; small businesses and non-profits; and aid to impacted industries.

Assistance to households includes, but is not limited to: food assistance; rent, mortgage, or utility assistance; counseling and legal aid to prevent eviction or homelessness; cash assistance; emergency assistance for burials, home repairs, weatherization, or other needs; internet access or digital literacy assistance; or job training to address negative

economic or public health impacts experienced due to a worker's occupation or level of training.

Assistance to small business and non-profits includes, but is not limited to:

- loans or grants to mitigate financial hardship such as declines in revenues or impacts of periods of business closure, for example by supporting payroll and benefits costs, costs to retain employees, mortgage, rent, or utilities costs, and other operating costs;
- Loans, grants, or in-kind assistance to implement COVID-19 prevention or mitigation tactics, such as physical plant changes to enable social distancing, enhanced cleaning efforts, barriers or partitions, or COVID-19 vaccination, testing, or contact tracing programs; and
- Technical assistance, counseling, or other services to assist with business planning needs

10. May recipients use funds to respond to the public health emergency and its negative economic impacts by providing direct cash transfers to households?

Yes, provided the recipient considers whether, and the extent to which, the household has experienced a negative economic impact from the pandemic. Additionally, cash transfers must be reasonably proportional to the negative economic impact they are intended to address. Cash transfers grossly in excess of the amount needed to address the negative economic impact identified by the recipient would not be considered to be a response to the COVID-19 public health emergency or its negative impacts. In particular, when considering appropriate size of permissible cash transfers made in response to the COVID-19 public health emergency, state, local, territorial, and Tribal governments may consider and take guidance from the per person amounts previously provided by the federal government in response to the COVID crisis.

11. May funds be used to reimburse recipients for costs incurred by state and local governments in responding to the public health emergency and its negative economic impacts prior to passage of the American Rescue Plan?

Use of Fiscal Recovery Funds is generally forward looking. The Interim Final Rule permits funds to be used to cover costs incurred beginning on March 3, 2021.

12. May recipients use funds for general economic development or workforce development?

Generally, not. Recipients must demonstrate that funding uses directly address a negative economic impact of the COVID-19 public health emergency, including funds used for economic or workforce development. For example, job training for unemployed workers may be used to address negative economic impacts of the public health emergency and be eligible.

13. How can recipients use funds to assist the travel, tourism, and hospitality industries?

Aid provided to tourism, travel, and hospitality industries should respond to the negative economic impacts of the pandemic. For example, a recipient may provide aid to support safe reopening of businesses in the tourism, travel and hospitality industries and to districts that were closed during the COVID-19 public health emergency, as well as aid a planned expansion or upgrade of tourism, travel and hospitality facilities delayed due to the pandemic.

Tribal development districts are considered the commercial centers for tribal hospitality, gaming, tourism and entertainment industries.

14. May recipients use funds to assist impacted industries other than travel, tourism, and hospitality?

Yes, provided that recipients consider the extent of the impact in such industries as compared to tourism, travel, and hospitality, the industries enumerated in the statute. For example, nationwide the leisure and hospitality industry has experienced an approximately 17 percent decline in employment and 24 percent decline in revenue, on net, due to the COVID-19 public health emergency. Recipients should also consider whether impacts were due to the COVID-19 pandemic, as opposed to longer-term economic or industrial trends unrelated to the pandemic.

Recipients should maintain records to support their assessment of how businesses or business districts receiving assistance were affected by the negative economic impacts of the pandemic and how the aid provided responds to these impacts.

15. How does the Interim Final Rule help address the disparate impact of COVID-19 on certain populations and geographies?

In recognition of the disproportionate impacts of the COVID-19 virus on health and economic outcomes in low-income and Native American communities, the Interim Final Rule identifies a broader range of services and programs that are considered to be in response to the public health emergency when provided in these communities. Specifically, Treasury will presume that certain types of services are eligible uses when provided in a Qualified Census Tract (QCT), to families living in QCTs, or when these services are provided by Tribal governments.

Recipients may also provide these services to other populations, households, or geographic areas disproportionately impacted by the pandemic. In identifying these disproportionately-impacted communities, recipients should be able to support their determination for how the pandemic disproportionately impacted the populations, households, or geographic areas to be served.

Eligible services include:

- Addressing health disparities and the social determinants of health, including: community health workers, public benefits navigators, remediation of lead paint or other lead hazards, and community violence intervention programs;
- Building stronger neighborhoods and communities, including: supportive housing and other services for individuals experiencing homelessness, development of affordable housing, and housing vouchers and assistance relocating to neighborhoods with higher levels of economic opportunity;
- Addressing educational disparities exacerbated by COVID-19, including: early learning services, increasing resources for high-poverty school districts, educational services like tutoring or afterschool programs, and supports for students' social, emotional, and mental health needs; and
- Promoting healthy childhood environments, including: child care, home visiting programs for families with young children, and enhanced services for child welfare-involved families and foster youth.

Eligible Uses – Revenue Loss

16. How is revenue defined for the purpose of this provision?

The Interim Final Rule adopts a definition of “General Revenue” that is based on, but not identical, to the Census Bureau’s concept of “General Revenue from Own Sources” in the Annual Survey of State and Local Government Finances.

General Revenue includes revenue from taxes, current charges, and miscellaneous general revenue. It excludes refunds and other correcting transactions, proceeds from issuance of debt or the sale of investments, agency or private trust transactions, and revenue generated by utilities and insurance trusts. General revenue also includes intergovernmental transfers between state and local governments, but excludes intergovernmental transfers from the Federal government, including Federal transfers made via a state to a locality pursuant to the CRF or the Fiscal Recovery Funds.

Tribal governments may include all revenue from Tribal enterprises and gaming operations in the definition of General Revenue.

17. Will revenue be calculated on an entity-wide basis or on a source-by-source basis (e.g. property tax, income tax, sales tax, etc.)?

Recipients should calculate revenue on an entity-wide basis. This approach minimizes the administrative burden for recipients, provides for greater consistency across recipients, and presents a more accurate representation of the net impact of the COVID- 19 public health emergency on a recipient’s revenue, rather than relying on

financial reporting prepared by each recipient, which vary in methodology used and which generally aggregates revenue by purpose rather than by source.

18. Does the definition of revenue include outside concessions that contract with a state or local government?

Recipients should classify revenue sources as they would if responding to the U.S. Census Bureau’s Annual Survey of State and Local Government Finances. According to the Census Bureau’s [Government Finance and Employment Classification manual](#), the following is an example of current charges that would be included in a state or local government’s general revenue from own sources: “Gross revenue of facilities operated by a government (swimming pools, recreational marinas and piers, golf courses, skating rinks, museums, zoos, etc.); auxiliary facilities in public recreation areas (camping areas, refreshment stands, gift shops, etc.); lease or use fees from stadiums, auditoriums, and community and convention centers; and rentals from concessions at such facilities.”

19. What is the time period for estimating revenue loss? Will revenue losses experienced prior to the passage of the Act be considered?

Recipients are permitted to calculate the extent of reduction in revenue as of four points in time: December 31, 2020; December 31, 2021; December 31, 2022; and December 31, 2023. This approach recognizes that some recipients may experience lagged effects of the pandemic on revenues.

Upon receiving Fiscal Recovery Fund payments, recipients may immediately calculate revenue loss for the period ending December 31, 2020.

20. What is the formula for calculating the reduction in revenue?

A reduction in a recipient’s General Revenue equals:

$$\text{Max} \{ [\text{Base Year Revenue} * (1 + \text{Growth Adjustment})^{\left(\frac{n_t}{12}\right)}] - \text{Actual General Revenue}_t ; 0 \}$$

Where:

Base Year Revenue is General Revenue collected in the most recent full fiscal year prior to the COVID-19 public health emergency.

Growth Adjustment is equal to the greater of 4.1 percent (or 0.041) and the recipient’s average annual revenue growth over the three full fiscal years prior to the COVID-19 public health emergency.

n equals the number of months elapsed from the end of the base year to the calculation date.

Actual General Revenue is a recipient's actual general revenue collected during 12-month period ending on each calculation date.

Subscript t denotes the calculation date.

21. Are recipients expected to demonstrate that reduction in revenue is due to the COVID-19 public health emergency?

In the Interim Final Rule, any diminution in actual revenue calculated using the formula above would be presumed to have been "due to" the COVID-19 public health emergency. This presumption is made for administrative ease and in recognition of the broad-based economic damage that the pandemic has wrought.

22. May recipients use pre-pandemic projections as a basis to estimate the reduction in revenue?

No. Treasury is disallowing the use of projections to ensure consistency and comparability across recipients and to streamline verification. However, in estimating the revenue shortfall using the formula above, recipients may incorporate their average annual revenue growth rate in the three full fiscal years prior to the public health emergency.

23. Once a recipient has identified a reduction in revenue, are there any restrictions on how recipients use funds up to the amount of the reduction?

The Interim Final Rule gives recipients broad latitude to use funds for the provision of government services to the extent of reduction in revenue. Government services can include, but are not limited to, maintenance of infrastructure or pay-go spending for building new infrastructure, including roads; modernization of cybersecurity, including hardware, software, and protection of critical infrastructure; health services; environmental remediation; school or educational services; and the provision of police, fire, and other public safety services.

However, paying interest or principal on outstanding debt, replenishing rainy day or other reserve funds, or paying settlements or judgments would not be considered provision of a government service, since these uses of funds do not entail direct provision of services to citizens. This restriction on paying interest or principal on any outstanding debt instrument, includes, for example, short-term revenue or tax anticipation notes, or paying fees or issuance costs associated with the issuance of new debt. In addition, the overarching restrictions on all program funds (e.g., restriction on pension deposits, restriction on using funds for non-federal match where barred by regulation or statute) would apply.

Eligible Uses – General

24. May recipients use funds to replenish a budget stabilization fund, rainy day fund, or similar reserve account?

No. Funds made available to respond to the public health emergency and its negative economic impacts are intended to help meet pandemic response needs and provide immediate stabilization for households and businesses. Contributions to rainy day funds and similar reserves funds would not address these needs or respond to the COVID-19 public health emergency, but would rather be savings for future spending needs. Similarly, funds made available for the provision of governmental services (to the extent of reduction in revenue) are intended to support direct provision of services to citizens. Contributions to rainy day funds are not considered provision of government services, since such expenses do not directly relate to the provision of government services.

25. May recipients use funds to invest in infrastructure other than water, sewer, and broadband projects (e.g. roads, public facilities)?

Under 602(c)(1)(C) or 603(c)(1)(C), recipients may use funds for maintenance of infrastructure or pay-go spending for building of new infrastructure as part of the general provision of government services, to the extent of the estimated reduction in revenue due to the public health emergency.

Under 602(c)(1)(A) or 603(c)(1)(A), a general infrastructure project typically would not be considered a response to the public health emergency and its negative economic impacts unless the project responds to a specific pandemic-related public health need (e.g., investments in facilities for the delivery of vaccines) or a specific negative economic impact of the pandemic (e.g., affordable housing in a Qualified Census Tract).

26. May recipients use funds to pay interest or principal on outstanding debt?

No. Expenses related to financing, including servicing or redeeming notes, would not address the needs of pandemic response or its negative economic impacts. Such expenses would also not be considered provision of government services, as these financing expenses do not directly provide services or aid to citizens.

This applies to paying interest or principal on any outstanding debt instrument, including, for example, short-term revenue or tax anticipation notes, or paying fees or issuance costs associated with the issuance of new debt.

27. May recipients use funds to satisfy nonfederal matching requirements under the Stafford Act? May recipients use funds to satisfy nonfederal matching requirements generally?

Fiscal Recovery Funds are subject to pre-existing limitations in other federal statutes and regulations and may not be used as non-federal match for other Federal programs whose statute or regulations bar the use of Federal funds to meet matching requirements. For

example, expenses for the state share of Medicaid are not an eligible use. For information on FEMA programs, please [see here](#).

Eligible Uses – Premium Pay

28. What criteria should recipients use in identifying essential workers to receive premium pay?

Essential workers are those in critical infrastructure sectors who regularly perform in-person work, interact with others at work, or physically handle items handled by others.

Critical infrastructure sectors include healthcare, education and childcare, transportation, sanitation, grocery and food production, and public health and safety, among others, as provided in the Interim Final Rule. Governments receiving Fiscal Recovery Funds have the discretion to add additional sectors to this list, so long as the sectors are considered critical to protect the health and well-being of residents.

The Interim Final Rule emphasizes the need for recipients to prioritize premium pay for lower income workers. Premium pay that would increase a worker's total pay above 150% of the greater of the state or county average annual wage requires specific justification for how it responds to the needs of these workers.

29. What criteria should recipients use in identifying third-party employers to receive grants for the purpose of providing premium pay to essential workers?

Any third-party employers of essential workers are eligible. Third-party contractors who employ essential workers in eligible sectors are also eligible for grants to provide premium pay. Selection of third-party employers and contractors who receive grants is at the discretion of recipients.

To ensure any grants respond to the needs of essential workers and are made in a fair and transparent manner, the rule imposes some additional reporting requirements for grants to third-party employers, including the public disclosure of grants provided.

30. May recipients provide premium pay retroactively for work already performed?

Yes. Treasury encourages recipients to consider providing premium pay retroactively for work performed during the pandemic, recognizing that many essential workers have not yet received additional compensation for their service during the pandemic.

Eligible Uses – Water, Sewer, and Broadband Infrastructure

31. What types of water and sewer projects are eligible uses of funds?

The Interim Final Rule generally aligns eligible uses of the Funds with the wide range of types or categories of projects that would be eligible to receive financial assistance

through the Environmental Protection Agency's Clean Water State Revolving Fund (CWSRF) or Drinking Water State Revolving Fund (DWSRF).

Under the DWSRF, categories of [eligible projects](#) include: treatment, transmission and distribution (including lead service line replacement), source rehabilitation and decontamination, storage, consolidation, and new systems development.

Under the CWSRF, categories of [eligible projects](#) include: construction of publicly-owned treatment works, nonpoint source pollution management, national estuary program projects, decentralized wastewater treatment systems, stormwater systems, water conservation, efficiency, and reuse measures, watershed pilot projects, energy efficiency measures for publicly-owned treatment works, water reuse projects, security measures at publicly-owned treatment works, and technical assistance to ensure compliance with the Clean Water Act.

As mentioned in the Interim Final Rule, eligible projects under the DWSRF and CWSRF support efforts to address climate change, as well as to meet cybersecurity needs to protect water and sewer infrastructure. Given the lifelong impacts of lead exposure for children, and the widespread nature of lead service lines, Treasury also encourages recipients to consider projects to replace lead service lines.

32. May construction on eligible water, sewer, or broadband infrastructure projects continue past December 31, 2024, assuming funds have been obligated prior to that date?

Yes. Treasury is interpreting the requirement that costs be incurred by December 31, 2024 to only require that recipients have obligated the funds by such date. The period of performance will run until December 31, 2026, which will provide recipients a reasonable amount of time to complete projects funded with Fiscal Recovery Funds.

33. May recipients use funds as a non-federal match for the Clean Water State Revolving Fund (CWSRF) or Drinking Water State Revolving Fund (DWSRF)?

Recipients may not use funds as a state match for the CWSRF and DWSRF due to prohibitions in utilizing federal funds as a state match in the authorizing statutes and regulations of the CWSRF and DWSRF.

34. Does the National Environmental Policy Act (NEPA) apply to eligible infrastructure projects?

NEPA does not apply to Treasury's administration of the Funds. Projects supported with payments from the Funds may still be subject to NEPA review if they are also funded by other federal financial assistance programs.

35. What types of broadband projects are eligible?

The Interim Final Rule requires eligible projects to reliably deliver minimum speeds of 100 Mbps download and 100 Mbps upload. In cases where it is impracticable due to geography, topography, or financial cost to meet those standards, projects must reliably deliver at least 100 Mbps download speed, at least 20 Mbps upload speed, and be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed.

Projects must also be designed to serve unserved or underserved households and businesses, defined as those that are not currently served by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed.

36. For broadband investments, may recipients use funds for related programs such as cybersecurity or digital literacy training?

Yes. Recipients may use funds to provide assistance to households facing negative economic impacts due to Covid-19, including digital literacy training and other programs that promote access to the Internet. Recipients may also use funds for modernization of cybersecurity, including hardware, software, and protection of critical infrastructure, as part of provision of government services up to the amount of revenue lost due to the public health emergency.

Non-Entitlement Units (NEUs)

37. Can states impose requirements or conditions on the transfer of funds to NEUs?

As the statute requires states to make distributions based on population, states may not place additional conditions or requirements on distributions to NEUs, beyond those required by the ARPA and Treasury's implementing regulations and guidance.

For example, states may not impose stricter limitations than permitted by statute or Treasury regulations or guidance on an NEU's use of Fiscal Recovery Funds based on the NEU's proposed spending plan or other policies, nor permitted to offset any debt owed by the NEU against its payment. Further, states may not provide funding on a reimbursement basis (e.g., requiring NEUs to pay for project costs up front before being reimbursed with Fiscal Recovery Fund payments), because this approach would not comport with the statutory requirement that states make distributions to NEUs within the statutory timeframe.

38. Can states transfer additional funds to local governments beyond amount allocated to NEUs?

Yes. The Interim Final Rule permits states, territories, and Tribal governments to transfer Fiscal Recovery Funds to other constituent units of government or private entities beyond those specified in the statute, as long as the transferee abides by the transferor's eligible use and other requirements. Similarly, local governments are authorized to transfer Fiscal Recovery Funds to other constituent units of government (e.g., a county is able to transfer Fiscal Recovery Funds to a city, town or school district within it).

39. What is the definition of “budget” for the purpose of the 75 percent cap on NEU payments, and who is responsible for enforcing this cap?

States are responsible for enforcing the “75 percent cap” on NEU payments, which is a statutory requirement that distributions to NEUs not exceed 75 percent of the NEU’s most recent budget. Treasury interprets the most recent budget as the NEU’s most recent annual total operating budget, including its general fund and other funds, as of January 27, 2020. States may rely for this determination on a certified top-line budget total from the NEU. Funding amounts in excess of such cap must be returned to Treasury.

40. May states use funds to pay for the administrative costs of allocating and distributing money to the NEUs?

Yes. If necessary, states may use Fiscal Recovery Funds to support the administrative costs of allocating and distributing money to NEUs, as disbursing these funds itself is a response to the public health emergency and its negative economic impacts.

41. When will states get their payments for NEUs? When will NEUs get their payments?

States can find their state-level allocations for NEUs on the Treasury website. Treasury plans to issue further guidance on distributions and payments to NEUs in the coming days.

State governments that request their own funds under the Coronavirus State Fiscal Recovery Fund through Treasury’s Submission Portal will be considered by Treasury to have requested funding for their non-entitlement units as well.

42. When will NEUs know if they are eligible for payment?

Treasury plans to provide further guidance on distributions and payments to NEUs in the coming days.

Ineligible Uses

43. What is meant by a pension “deposit”? Can governments use funds for routine pension contributions for employees whose payroll and covered benefits are eligible expenses?

Treasury interprets “deposit” in this context to refer to an extraordinary payment into a pension fund for the purpose of reducing an accrued, unfunded liability. More specifically, the interim final rule does not permit this assistance to be used to make a payment into a pension fund if both: (1) the payment reduces a liability incurred prior to the start of the COVID-19 public health emergency, and (2) the payment occurs outside the recipient’s regular timing for making such payments.

Under this interpretation, a “deposit” is distinct from a “payroll contribution,” which occurs when employers make payments into pension funds on regular intervals, with contribution amounts based on a pre-determined percentage of employees’ wages and salaries. In general, if an employee’s wages and salaries are an eligible use of Fiscal Recovery Funds, recipients may treat the employee’s covered benefits as an eligible use of Fiscal Recovery Funds.

Reporting

44. What records must be kept by governments receiving funds?

Financial records and supporting documents related to the award must be retained for a period of five years after all funds have been expended or returned to Treasury, whichever is later. This includes those which demonstrate the award funds were used for eligible purposes in accordance with the ARPA, Treasury’s regulations implementing those sections, and Treasury’s guidance on eligible uses of funds.

45. What reporting will be required, and when will the first report be due?

Recipients will be required to submit an interim report, quarterly project and expenditure reports, and annual recovery plan performance reports as specified below, regarding their utilization of Coronavirus State and Local Fiscal Recovery Funds.

Interim reports: States (defined to include the District of Columbia), territories, metropolitan cities, counties, and Tribal governments will be required to submit one interim report. The interim report will include a recipient’s expenditures by category at the summary level and for states, information related to distributions to nonentitlement units of local government must also be included in the interim report. The interim report will cover activity from the date of award to July 31, 2021 and must be submitted to Treasury by August 31, 2021. Nonentitlement units of local government are not required to submit an interim report.

Quarterly Project and Expenditure reports: State (defined to include the District of Columbia), territorial, metropolitan city, county, and Tribal governments will be required to submit quarterly project and expenditure reports. This report will include financial data, information on contracts and subawards over \$50,000, types of projects funded, and other information regarding a recipient’s utilization of award funds. Reports will be required quarterly with the exception of nonentitlement units, which will report annually. An interim report is due on August 31, 2021. The reports will include the same general data as those submitted by recipients of the Coronavirus Relief Fund, with some modifications to expenditure categories and the addition of data elements related to specific eligible uses. The initial quarterly Project and Expenditure report will cover two calendar quarters from the date of award to September 30, 2021 and must be submitted to Treasury by October 31, 2021. The subsequent quarterly reports will cover one calendar

quarter and must be submitted to Treasury within 30 days after the end of each calendar quarter.

Nonentitlement units of local government will be required to submit the project and expenditure report annually. The initial annual Project and Expenditure report for nonentitlement units of local government will cover activity from the date of award to September 30, 2021 and must be submitted to Treasury by October 31, 2021. The subsequent annual reports must be submitted to Treasury by October 31 each year.

Recovery Plan Performance reports: States (defined to include the District of Columbia), territories, metropolitan cities, and counties with a population that exceeds 250,000 residents will also be required to submit an annual recovery plan performance report to Treasury. This report will include descriptions of the projects funded and information on the performance indicators and objectives of each award, helping local residents understand how their governments are using the substantial resources provided by Coronavirus State and Local Fiscal Recovery Funds program. The initial recovery plan performance report will cover activity from date of award to July 31, 2021 and must be submitted to Treasury by August 31, 2021. Thereafter, the recovery plan performance reports will cover a 12-month period and recipients will be required to submit the report to Treasury within 30 days after the end of the 12-month period. The second Recovery Plan Performance report will cover the period from July 1, 2021 to June 30, 2022 and must be submitted to Treasury by July 31, 2022. Each annual recovery plan performance report must be posted on the public-facing website of the recipient. Local governments with fewer than 250,000 residents, Tribal governments, and nonentitlement units of local government are not required to develop a Recovery Plan Performance report.

Treasury will provide further guidance and instructions on the reporting requirements for program at a later date.

46. What provisions of the Uniform Guidance for grants apply to these funds? Will the Single Audit requirements apply?

Most of the provisions of the Uniform Guidance (2 CFR Part 200) apply to this program, including the Cost Principles and Single Audit Act requirements. Recipients should refer to the Assistance Listing for detail on the specific provisions of the Uniform Guidance that do not apply to this program. The Assistance Listing will be available on beta.SAM.gov.

Miscellaneous

47. May governments retain assets purchased with Fiscal Recovery Funds? If so, what rules apply to the proceeds of disposition or sale of such assets?

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds. If such assets are disposed of prior to December 31, 2024, the proceeds would be subject to the restrictions on the eligible use of payments.

48. Can recipients use funds for administrative purposes?

Recipients may use funds to cover the portion of payroll and benefits of employees corresponding to time spent on administrative work necessary due to the COVID-19 public health emergency and its negative economic impacts. This includes, but is not limited to, costs related to disbursing payments of Fiscal Recovery Funds and managing new grant programs established using Fiscal Recovery Funds.

Eligible Uses – Responding to the Public Health Emergency / Negative Economic Impacts

49. May recipients use funds to pay for vaccine incentive programs (e.g., cash or in-kind transfers, lottery programs, or other incentives for individuals who get vaccinated)?

Yes. Under the Interim Final Rule, recipients may use Coronavirus State and Local Fiscal Recovery Funds to respond to the COVID-19 public health emergency, including expenses related to COVID-19 vaccination programs. See forthcoming 31 CFR 35.6(b)(1)(i). Programs that provide incentives reasonably expected to increase the number of people who choose to get vaccinated, or that motivate people to get vaccinated sooner than they otherwise would have, are an allowable use of funds so long as such costs are reasonably proportional to the expected public health benefit.

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: G5

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
PROCLAMATION

MEETING DATE: June 1 2021

SUBJECT: Adopt Juneteenth Day Proclamation

DEPARTMENT: City Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages:

INFORMATION CONTACT: Beverly Burks

PHONE NUMBER: 678.409.9683

PURPOSE:

To adopt Juneteenth Day Proclamation

NEED/IMPACT

Juneteenth Day Proclamation:

RECOMMENDATIONS

Adopting Proclamation is attached.



**A PROCLAMATION BY THE CLARKSTON MAYOR AND CITY COUNCIL RECOGNIZING JUNE 19, 2021
AS JUNETEENTH**

WHEREAS, President Abraham Lincoln signed the Emancipation Proclamation on January 1, 1863, which holds that all persons held as slaves within a State or designated part of a State “shall be then, thenceforward, forever free,” changing the legal status of 3.5 million enslaved people who were Black from slave to free; and

WHEREAS, the Emancipation Proclamation paved the way for the 13th Amendment to the Constitution of the United States, which formally abolished slavery in the United States of America; and

WHEREAS, news of the Emancipation Proclamation did not reach the most distant slave states until two-and-one-half years later, being read in Galveston, Texas, on June 19th, 1865; and

WHEREAS, the day of respect and remembrance called “Juneteenth,” a combination of the words “June” and “nineteenth”, is observed as an important day in our nation’s history; and

WHEREAS, Juneteenth commemorates African American freedom while also serving as a reminder of the inequities faced by people who are Black throughout our nation’s history; and

WHEREAS, in 2011, Georgia became the thirty-seventh state to recognize Juneteenth at its state capitol with the passage of S.R. 164; and

WHEREAS, in 2020, the City of Clarkston officially passed Juneteenth as a city holiday and community celebration; and

WHEREAS, the City of Clarkston strives to be a community of people who acknowledges and doesn’t look away from historical truths.

NOW, THEREFORE, BE IT RESOLVED BY The Mayor and City Council of the City of Clarkston, Georgia, that this governing body do hereby proclaim Saturday, June 19, 2021 as Juneteenth in the Clarkston to acknowledge the contributions of African Americans to our city.

SO ORDAINED, this _____ day of _____, 2021.

ATTEST:

CITY COUNCIL
CITY OF CLARKSTON, GEORGIA

By _____
Tracy Ashby, City Clerk

Beverly H. Burks, Mayor

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: G6

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
PROCLAMATION

MEETING DATE: June 1, 2021

SUBJECT: Adopt World Refugee Day Proclamation

DEPARTMENT: City Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages:

INFORMATION CONTACT: Beverly Burks

PHONE NUMBER: 678.409.9683

PURPOSE:

To adopt World Refugee Day Proclamation

NEED/IMPACT

World Refugee Day Proclamation:

RECOMMENDATIONS

Adopting Proclamation is attached.



A PROCLAMATION BY THE CLARKSTON MAYOR AND CITY COUNCIL RECOGNIZING JUNE 20, 2021 AS WORLD REFUGEE DAY

WHEREAS, the year 2001 marked the 50th anniversary of the 1951 Convention relating to the Status of Refugees. The UN General Assembly therefore decided that 20 June would be celebrated as World Refugee Day; and

WHEREAS, World Refugee Day honors the strength and courage of refugees and encourages public awareness and support of the refugees, people who have had to flee their homelands because of conflict or natural disaster; and

WHEREAS, refugees and immigrants receive support from many resettlement agencies and organizations, along with numerous nonprofits, businesses, educational institutions, faith based communities, and civic organizations throughout the first years of their resettlement to integrate into the local community and achieve economic and social self-sufficiency; and

WHEREAS, over 40,000 refugees have come through Georgia over the past three decades, and Clarkston was often the initial welcoming point; and

WHEREAS, Clarkston has been known as a Welcoming City since 2014; furthermore, Clarkston remains committed to building a welcoming and neighborly community, where all individuals, regardless of race, color, creed, place of origin, ethnicity, religion, gender, sexual orientation, gender identity, age, disability, political affiliation, marital/parental status or military service are welcome, accepted and integrated; and

WHEREAS, Clarkston has been enriched by having refugee join our community, increasing the diversity of our citizenry, helping employers find qualified and reliable workers and creating local businesses.

NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and City Council of the City of Clarkston, Georgia, that this governing body do hereby proclaim Sunday, June 20, 2021 as World Refugee Day in the Clarkston to acknowledge the contributions of refugees to our city.

BE IT FURTHER RESOLVED that the City of Clarkston recognizes refugees as New Americans and continue to welcome and to support them into our community.

SO ORDAINED, this _____ day of _____, 2021.

ATTEST:

CITY COUNCIL
CITY OF CLARKSTON, GEORGIA

By _____
Tracy Ashby, City Clerk

Beverly H. Burks, Mayor

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: G7

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
PROCLAMATION

MEETING DATE: June 1, 2021

SUBJECT: Adopt LGBTQ+ Pride Month Proclamation

DEPARTMENT: City Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages:

INFORMATION CONTACT: Beverly Burks
PHONE NUMBER: 678.409.9683

PURPOSE:

To adopt June 2021 as LGBTG+ Pride Month Proclamation

NEED/IMPACT

JUNE 2021 as LGBTG+ Pride Month Proclamation:

RECOMMENDATIONS

Adopting Proclamation is attached.



A PROCLAMATION BY THE CLARKSTON MAYOR AND CITY COUNCIL RECOGNIZING JUNE 2021 AS LGBTQ+ PRIDE MONTH

WHEREAS, the City of Clarkston cherishes the value and dignity of each person and appreciates the importance of equality and freedom; and

WHEREAS, all are welcome in the City of Clarkston to live, work, play, and every family, in any shape, deserves a place to call home where they are safe, happy, and supported by friends and neighbors; and

WHEREAS, the City denounces prejudice and unfair discrimination based on age, gender identity, gender expression, race, color, religion, marital status, national origin, sexual orientation, or physical attributes as an affront to our fundamental principles; and

WHEREAS, Pride month began in June of 1969 on the one-year anniversary of the Stonewall Uprising in New York City after LGBTQ+ and allied friends rose up and fought against the constant police harassment and discriminatory laws that have since been declared unconstitutional; and

WHEREAS, the City of Clarkston appreciates the cultural, civic, and economic contributions of lesbian, Gay, Bisexual, Transgender, Queer, plus (LGBTQ+) community which strengthen our social welfare; and

WHEREAS, it is imperative that young people in our community, regardless of sexual orientation, gender identity, and expression, feel valued, safe, empowered, and supported by their peers and community leaders; and the

WHEREAS, Clarkston has been known as a Welcoming City since 2014; furthermore, Clarkston remains committed to building a welcoming and neighborly community, where all individuals, regardless of race, color, creed, place of origin, ethnicity, religion, gender, sexual orientation, gender identity, age, disability, political affiliation, marital/parental status or military service are welcome, accepted and integrated and

WHEREAS, the City of Clarkston passed a Non-Discrimination Ordinance to protect LGBTQ+ people in 2019, making it the third city in Georgia with this type of law.

WHEREAS, despite being marginalized, LGBTQ+ people continue to celebrate authenticity, acceptance, and love.

NOW THEREFORE BE IT RESOLVED that the members of this City Council declare the month of June 2021 as LGBTQ Pride Month in the City of Clarkston and urge residents to recognize the contributions made by members of the LGBTQ+ community and to actively promote the principles of equality, liberty, and justice.

SO ORDAINED, this _____ day of _____, 2021.

ATTEST:

CITY COUNCIL
CITY OF CLARKSTON, GEORGIA

By _____
Tracy Ashby, City Clerk

Beverly H. Burks, Mayor

CITY OF CLARKSTON

CLARKSTON CITY WORK SESSION

ITEM NO: G8

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: June 1, 2021

SUBJECT: Adopt Resolution Appointing DeKalb County to Conduct 2021 Municipal General Election

DEPARTMENT: Administration

PUBLIC HEARING: YES NO

ATTACHEMENT: YES NO
Pages:

INFORMATION CONTACT: Robin I. Gomez
PHONE NUMBER: 404-296-6489

PURPOSE: To approve the Resolution confirming DeKalb County to conduct the 2021 Municipal General Election.

NEED/ IMPACT: Under the provisions of O.C.G.A. 21-2-45(c), the City of Clarkston voted to approve Ordinance 268 on July 1, 2003, which authorized DeKalb County to conduct all city elections held pursuant to the provisions of the Georgia Municipal Elections Code. The City of Clarkston entered into an Intergovernmental Agreement with DeKalb County in 2013 to define the obligations of the County and the City with respect to the conduct of elections. The attached resolution confirms DeKalb County to conduct the 2021 Clarkston Municipal Election.

RECOMMENDATIONS: Staff recommends approval of the attached Resolution for DeKalb County to provide Election Services in 2021 for the City of Clarkston, to include any calls for Special elections or run-off.

RESOLUTION

APPOINTING DEKALB COUNTY BOARD OF REGISTRATIONS AND ELECTIONS TO CONDUCT THE CITY OF CLARKSTON 2021 GENERAL MUNICIPAL ELECTION

WHEREAS: The City of Clarkston, Georgia will hold a General Election on Tuesday, November 2, 2021; and

WHEREAS: The City may have need to hold additional City Elections, including Calls for Special City Elections ("the Calls") and Runoffs in addition to the General Election, collectively, for 2021; and

WHEREAS: The City Council is hereby in agreement that it is in the best interest of its citizens, pursuant to O.C.G.A. §21-2-4S(c), to continue to allow the DeKalb County Board of Registrations and Elections staff, equipment and expertise to conduct the City of Clarkston 2021 Elections; and

WHEREAS: Individual duties and responsibilities of both the City and County staff are set forth in the Intergovernmental Agreement, between the City and the County, adopted by the Council on November 6, 2013.

NOW, THEREFORE, BE IT RESOLVED THAT THE Clarkston City Council does hereby appoint DeKalb County Board of Registrations and Elections to conduct the City of Clarkston Elections for 2021.

So Resolved, this _____ day of _____, 2021.

ATTEST:

CITY COUNCIL
CITY OF CLARKSTON, GEORGIA

By _____
Tracy Ashby, City Clerk

Beverly H. Burks, Mayor

Approved as to Form:

Stephen G. Quinn, City Attorney