



# CITY COUNCIL MEETING

*Beverly Burks –Mayor*

*Jamie Carroll*

*Ahmed Hassan*

*Awet Eyasu*

*Laura Hopkins*

*Debra Johnson*

*Mark W. Perkins*

*Robin I. Gomez– City Manager*

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## AGENDA

**Wednesday, August 4, 2021 7:00PM**  
**Hybrid: In Person & ZOOM**

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**A. CALL TO ORDER**

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

**C. ADMINISTRATIVE BUSINESS/ PRESENTATION**

C1) Approve Minutes: Council Meeting 6-29-2021, Work Session 7-27-2021

**D. REPORTS:**

- 1) Planning and Economic Development 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) Public Hearing: Variance requests from William R. Braswell Jr. of Oak Hall Companies, LLC for the property located at 3809 East Avenue (Applicant requested deferment)

**G. NEW BUSINESS**

- G1) Women's Equality Day Proclamation
- G2) National Senior Citizens Day Proclamation
- G3) 50th Anniversary of the 26th Amendment Proclamation
- G4) Approve Alcohol Application – RR Property Group LLC dba Thriftown
- G5) Approve Electric Vehicle (EV) charging station license agreement with Georgia Power to install electric vehicle charging stations in the City of Clarkston
- G6) Adopt a resolution to encourage GDOT to add sound barriers between 285 and Clarkston when they add an extra lane
- G7) Approve offering Gift cards for covid Vaccines

**H. ADJOURNMENT:**

# CLARKSTON CITY COUNCIL MEETING 6-29-2021

Tuesday, June 29, 2021 6:30PM

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 Attorney: Stephen Quinn

City Clerk: Tracy Ashby

## **A. CALL TO ORDER**

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

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

Present: Jamie Carroll, Awet Eyasu, Laura Hopkins, Debra Johnson, Mark W. Perkins  
Ahmed Hassan,

Mark Perkins made a motion to amend the agenda to add an executive session to discuss legal matter. Jamie Carroll seconded the motion. A vote was called and the motion carried (6, 0).

## **C. ADMINISTRATIVE BUSINESS/ PRESENTATION**

C1) Approve Minutes: Council Meeting 6-1-2021, Special Call 6-22-21 10AM & Special Call/ Work Session 6-22-21 6:30PM

Motion: Debra Johnson made a motion to approve the minutes for the Council Meeting 6-1-2021, Special Call 6-22-21 10AM & Special Call/ Work Session 6-22-21 at 6:30PM.

Second: Jamie Carroll seconded the motion.

Vote: The vote was called and the motion carried (6, 0).

## **D. REPORTS:**

### 1) Planning & Zoning Report

Shawanna Qawiy provided highlights on the Comprehensive Plan update and the Zoning Rewrite and she discussed the opening of the Starnes Senior Living center.

### 2) City Manager's Report

Mr. Gomez provide an update on the SPLOST distributions, and the council will receive the Financial report thru June 2021 by email. He discussed the Streetscape project and expected completion and a planned Ribbon cutting. The Milam Pool is opened and limited to 100 visitors in 2-hour blocks. He reported that Milam pavilions will be open for reservations after July 18. Mr. Gomez encouraged residents to get the Covid-19 vaccine and he listed current locations providing the vaccine.

### 3) City Attorney's Report

No remarks will provide legal report in executive session

### 4) Council Remarks

Jamie Carroll echoed the City Manager's remarks on getting covid vaccines. He discussed that the new delta variant is more transmissible and unvaccinated persons are more susceptible to infections.

Awet Eyasu reported on attending the Juneteenth celebration and Freedom Rights event in opposition to the recent election law changes. He discussed the crisis in Ethiopia and his hope for a diplomatic solution.

# CLARKSTON CITY COUNCIL MEETING 6-29-2021

Debra Johnson discussed the Juneteenth event and thanked everyone for helping make it successful. She attended the World Refugee Day event and she was impressed with the event. She thanked Mr. Patel of Fresh Food Town for donating to the Juneteenth event.

Laura Hopkins thanked the Mayor and Debra Johnson for heading the Juneteenth celebration. She attended the World Refugee Day event and she discussed the importance of those journeys. Thanked Sgt Walker and Koirala when they showed to a crisis event and handled the situation with professionalism and compassion.

Mark Perkins read an email appreciating the assistance of City staff with a new resident's drainage issue. He attended webinar on broadband and grant funding in conjunction with ARPA funding and he attended GMA District 3 meeting and networked with other cities. He attended the Juneteenth and World Refugee Day celebrations.

## 5) Mayor's Report

Mayor Burks discussed the panel and the Juneteenth event. She also attended the World Refugee Day event. She reported on participation on a White House call on Covid. She discussed the upcoming opening for the Tiny Homes and the Nami Mental Health Fair. She is working with Workforce DeKalb to hold a job fair at the Community Center on August 11.

## **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 and she opened Public Comments:

Warren Hadlock discussed opposition to the East Ave variance request and issues with Dawg House noncompliance with alcohol sales. He provided comments on Friendship Forest.

Brian Medford spoke on the ease of biking in the City and the success of Juneteenth event.

Susan Hood spoke on the Juneteenth event and she supported repealing the late night alcohol hours. She addressed concerns with the variance request.

Tracy Bishop addressed comments on city events and on previous submitted complaints.

Dean Moore discussed the Juneteenth event.

## **F. OLD BUSINESS**

None

## **G. NEW BUSINESS**

G1) Approve 2021 Millage Rate:

a) Presentation

The City Manager provided a presentation on the proposed 2021 Millage Rate.

# CLARKSTON CITY COUNCIL MEETING 6-29-2021

## b) Public Hearing to take Public Comment on the 2021 Millage rate

Mayor Burks opened the public hearing to take public comment on the 2021 millage rate.

Brian Medford supported lowering the millage rate.

Tracy Bishop spoke in support of lowering the millage rate.

Dean Moore spoke in support of having a millage rate that allows no shortfalls requiring borrowing funds.

## c) Adopt 2021 Millage Rate by ordinance

Council discussion to lower the millage rate by one mill to 14.89 or to approve the rollback rate 14.557.

Motion: Jamie Carroll made a motion to set the 2021 millage rate at 14.89 mills.

Second: Mark Perkins

Discussion: Awet Eyasu discussion that this will still represent a tax increase on properties. Mayor Burks discussed that the council is voting to reduce the millage rate by one mill to confirm funds are available for potential re-assessments.

Vote: The vote was called and the motion passed (5, 1).

Hopkins, Yes

Carroll Yes

Johnson Yes

Hassan Yes

Perkins Yes

Eyasu No

## G2) Reschedule August City Council Meeting

The City Manager detailed the purpose to reschedule the August meeting to not conflict with Council Members attending the GMA convention starting August 5<sup>th</sup>.

Motion: Debra Johson motion reschedule the August Council Meeting to Wednesday August 4 2021

Second: Mark Perkins

Vote: Motion passed unanimously (6,0).

## G3) Issue Call for Election and Set Qualifying period for November General Election

Mr. Gomez detailed the purpose and recommendation to Issue the Call for the November 2, 2021 General Election and to set the qualifying period for the General Election for three (3) days from Monday, August 16, 2021 until Wednesday, August 18, 2021, starting at 8:30am to 4:30pm (daily), except during a daily lunch break from 12:00pm -1:00pm.

Motion: Debra Johnson made a motion to Issue the Call for the November 2, 2021 General Election and to set the qualifying period for the General Election for three (3) days from Monday, August 16, 2021 until Wednesday, August 18, 2021, starting at 8:30am to 4:30pm (daily), except during a daily lunch break from 12:00pm -1:00pm.

Second: Jamie Carroll.

Vote: Motion passed unanimously (6,0).

G4) Public Hearing: A conditional use permit request from Mohammad Bilal Khattak for 1353 Brockett Road, Suite B-1, Clarkston, zoned NC-2, Moderate Density Neighborhood Commercial for a laundromat. Shawanna Qawiy detailed the requested variance and the conditions recommended by Staff as well as the additional conditions by the Planning & Zoning Board.

Staff recommends **CONDITIONALLY APPROVING** the conditional use permit request for a coin laundromat with the following 5 conditions.

# CLARKSTON CITY COUNCIL MEETING 6-29-2021

1. The business shall only be limited to operating and offering services as a coin laundromat.
2. There shall be no long term or overnight parking.
3. The owner/tenant shall adhere to Sections 12-20 Disorderly Conduct and 12-28 Noise.
4. The business shall not emit noise, vibrations, smoke, gas, fumes, or odors that would be a nuisance to the adjacent properties.
5. The recommended hours of operation are 7AM to 7PM, Sunday-Saturday.

## PLANNING AND ZONING BOARD RECOMMENDATIONS: 06/15/2021

The Planning and Zoning Board recommended conditionally approving the CUP with staff's five (5) recommendations including four (4) additional conditions.

(6) No alcohol shall be served or available on the premises.

(7) No coin operated amusement machines shall be installed.

(8) All installed machines shall be new.

(9) The applicant is only allowed to install vending, detergent, and change (coin) machines.

Mayor Burks opened the Public Hearing:

Brian Medford spoke in support of application.

Dean Moore spoke in support of the conditional use permit request.

No further public speakers. Mayor Burks closed the Public Hearing.

Council discussion on the hours of operation and nighttime safety concerns. Mr. Khattak said he is less familiar with the area and is agreeable to whatever conditions the council sets.

Motion: Awet Eyasu motion approve to approve the conditional use permit with all the staff recommendations except #5.

Second: Ahmed Hassan

Discussion: Jamie Carroll asked they clarify if they only using the staff recommendation and not the Planning & Zoning recommendations. Clarification of types of amusement machines in the location will be arcade games.

Awet Eyasu amended his motion to include staff recommendations except #5 and the Planning & Zoning recommendations except to allow class A amusement machines.

Second: Jamie Carroll

Discussion: Amusement machine types and clarification on not regulating machine type.

Motion: Awet Eyasu withdrew his previous motion.

Motion: Awet Eyasu made a motion to approve the conditional use permit with the staff recommendations 1-4 and the Planning & Zoning Board recommendations shall be served or available on the premises and all installed machines shall be new.

Second: Ahmed Hassan

Discussion: Further discussion on coam machines and the State law.

Vote: Motion passed unanimously (6,0).

G5) Public Hearing: Variance requests from William R. Braswell Jr. of Oak Hall Companies, LLC for the property located at 3809 East Avenue

# CLARKSTON CITY COUNCIL MEETING 6-29-2021

Shawanna Qawiy, reported that no action is needed as the applicant has requested to defer this item to the August 4, 2021 Council Meeting.

## G6) Approve SPLOST Project 04-B+C Trailhead/Mell Ave/Rowland St Temporary Easement Agreements

The City Manager detailed that per the City's approved SPLOST Project 04-B+C the Trailhead/Mell Ave/Rowland St street improvements that will include milling, asphaltting, road diets, easements, sidewalks, etc., we have obtained approvals from five (5) private property owners to work partially on their driveway or similar areas to complete said work.

These are non-compensatory easements at driveways for driveway reconstruction purposes (working outside city ROW), to match up with the street work. Easements disappear after construction is complete. Contractor will work within ROW where we can, but will end up performing some work on the private property area mainly driveways.

Motion: Mark Perkins made a motion approve SPLOST Project 04-B+C Trailhead/Mell Ave/Rowland St Temporary Easement Agreements

Second: Debra Johnson

Vote: Motion passed unanimously (6,0).

## G7) Consider DeKalb Regional Land Bank

Mr. Gomez and the City Attorney stated no additional information has been provided from DeKalb County to re-establish the Land Bank. Discussion that the City does not have any significant developable land that would fit with the land bank but to leave the item open for future consideration ask the City Attorney to follow up with DeKalb.

Motion: Mark Perkins made a motion to postpone the consideration of joining the DeKalb Regional land bank until the city attorney can contact DeKalb attorneys and remove concerns.

Second: Awet Eyasu

Vote: Motion passed unanimously (6,0).

## G8) Repeal Ordinance 19-433 to remove late Night Sales of alcohol from restaurants

Mr. Gomez discussed continual issues with complaints and violations to ordinance requirements including noise, not operating as a bonifide restaurant by not serving the required meals, not having required officer during late hours. One business made attempted to remediate complaints but falls back into noncompliance and the other business has numerous violations with no compliance efforts.

Council discussion on the proposed repeal and that late hour sales has not benefited the city. City Attorney advised the Council to also confirm an effective date for the repeal ordinance. Council discussion on a transition period for the repeal.

Motion: Debra Johnson made a motion to repeal Ordinance 19-433 Effective August 1, 2021.

Second: Laura Hopkins

Discussion of extending the termination date of the repeal to 45 days.

Vote: A vote called motion passed (Yes- 3, No- 1, Abstain- 2)

Hopkins yes

Carroll No

Johnson yes

Perkins yes

Hassan abstain

Eyasu abstain

# CLARKSTON CITY COUNCIL MEETING 6-29-2021

G9) Adopt Resolution Authorizing, Among Other Things, the Issuance and Sale of a Tax Anticipation Note in the Principal Amount of \$500,000

The City Manager detailed Clarkston will receive approximately 60% of our total anticipated revenue for fiscal year 2021 between the months of September and December. The majority of this revenue comes from property taxes, insurance premium payments and municipal court fines. The bulk of this revenue; property taxes and insurance premium payments, is received during the months of September, October and November. Staff has received a quote from BB&T/Truist Bank for the issuance of a Tax Anticipation Note in the amount of \$500,000 with an interest rate of 2.09% and an anticipated closing date of July 15, 2021. This is a short term loan with full payment due of principal and interest on December 31, 2021. The interest rate charged on the principal balance will be 2.09% annually amortized over 168 days. Accordingly, the interest payments to BB&T will be approximately \$4,810. Additionally, issuance of a TAN requires preparation of the TAN resolution and other associated legal documents by a bond attorney. The fee for the bond attorney will be \$5,000.

Motion: Debra Johnson made a motion to adopt the Resolution Authorizing, Among Other Things, the Issuance and Sale of a Tax Anticipation Note in the Principal Amount of \$500,000

Second: Laura Hopkins

Vote: Motion passed unanimously (6,0)

G10) Repeal Mask Mandate Ordinance

Jamie Carroll stated that this ordinance was enacted when there was no vaccine readily available. Now that vaccines are available request to repeal for private businesses and support CDC recommendations for masks and to keep masking for City buildings. Council discussion on the mask requirement and confirmation that no one had ever been cited on the ordinance. Discussion that rates for covid are going up in Clarkston and the continued risks to allowing unmasked persons to go inside City buildings.

Motion: Laura Hopkins made a motion to roll back the mask mandate to only apply to City public buildings and to make the recommendation for private businesses for people to wear mask inside but that would be a recommendation only; the mandate would only apply to public buildings: city hall, courtrooms, council meetings.

Second: Jamie Carroll

Discussion on removing the fine.

Vote: Motion passed (4-Yes: Carroll, Hopkins, Johnson, Perkins, 1-No: Hassan, 1-Abstain: Eyasu)

G11) Consider adding a new SAC for Business & Economic Development Committee SAC

Mark Perkins spoke on the request to modify two committees instead of creating a new committee. The Community Development Committee would change to Community Development and Civic Innovation Committee. The Marketing and Civic Innovation Committee would change to Business, Marketing and Economic Innovation Committee. Discussion of chairs for the committees

Motion: Jamie Carroll motion to rename the Marketing Committee to Business, Marketing and Economic Innovation Committee, with Mark Perkins and Ahmed Hassan as co-chairs, and rename the Community Development Committee to Community Development and Civic Innovation Committee.

Second: Ahmed Hassan

Vote: Motion Passed unanimously (6,0)

G12) Consider Alcohol package application for Fresh Food Town LLC, 4604 E Ponce de Leon Ave  
The City manager reported that City staff have reviewed the application and recommended approval for Fresh Food Town alcohol beverage, license for Beer/Wine/Malt beverages.

# CLARKSTON CITY COUNCIL MEETING 6-29-2021

Motion: Mark Perkins motion to approve Alcohol package application for Fresh Food Town LLC, 4604 E Ponce de Leon Ave.

Second: Jamie Carroll

Vote: The vote was called and the motion passed (4 -Yes: Carroll, Hopkins, Johnson, Perkins, 0-No, 2

Abstain: Hassan, Eyasu)

G13) Council to Recommend City Website Redesign Firm

Mr. Gomez discussed the three design firms that had presented at the Work Session. He confirmed that any of the three would do a good job for the city.

Council discussion on the three firms and the best firm based on City needs and fees.

Motion: Mark Perkins made a motion to recommend VC3 for city website redesign firm.

Second: Awet Eyasu.

Vote: Motion passed unanimously (6,0).

## **H. Added Executive Session to Discuss a Legal Matter**

Motion: Awet Eyasu made a motion go into executive session to discuss a legal matter.

Second: Debra Johnson

Vote: A vote was called and passed unanimously 6,0

Ahmed Hassan left the executive session (11:50pm).

Adjourn executive session and go into the open session.

Motion: Laura Hopkins made a motion to adjourn the executive session and go into open session.

Second: Jamie Carroll

Vote; Approve unanimously (5,0)

## **I. ADJOURNMENT:**

Motion: Laura Hopkins made amotion to adjourn the meeting.

Second: Mark Perkins

Vote: Motion passed unanimously (5,0).

Meeting adjourned: 12:10AM



# COUNCIL WORK SESSION 7-27-21

## WORK SESSION MINUTES

### CLARKSTON CITY COUNCIL

Tuesday, July 27, 2021

Via Zoom

Officials Present by Teleconference/Zoom

Mayor: Beverly H. Burks

Council: Jamie Carroll, Awet Eyasu, Laura Hopkins

Debra Johnson, Ahmed Hassan

City Manager: Robin I. Gomez

City Clerk: Tracy Ashby

City Attorney: Stephen Quinn

#### **A. ROLL CALL**

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

#### **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) Public Hearing: Variance requests from William R. Braswell Jr. of Oak Hall Companies, LLC for the property located at 3809 East Avenue (Applicant requested deferment)

Request from Tad Braswell for variance requests to install ornamental trees in lieu of shade trees for solar panels and to encroach into the front yard setback an additional 5 feet on lots 7-30.

A variance request from the terms of the ordinance must not be contrary to the public and must be evaluated based on the 6 criteria points. A variance may be granted in an individual case of unnecessary hardship upon a finding by the city council that all of the following conditions exist:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.
2. Such conditions are peculiar to the particular piece of property involved.
3. Such conditions are not the result of the actions of the applicant.
4. A literal interpretation of the provisions of this ordinance would create an unnecessary hardship.

5. The variance requested will not cause substantial detriment to the public good nor impair the purposes or intent of the zoning ordinance.

6. The variance is not a request to permit a structure or use of land not authorized in the applicable district.

The applicant requested a deferment from the June meeting and provided additional documents.

Public Speaker(s): Brian Medford, Victoria Webb, Warren Hadlock

# COUNCIL WORK SESSION 7-27-21

## E. NEW BUSINESS

### E1) Alcohol Application – RR Property Group LLC dba Thriftown

The Alcohol Review Committee (ARC) has received and reviewed an ownership change application for alcohol beverage package store for Beer/Wine/Malt Beverages. The location to be considered for this alcohol beverage license is Thriftown located at 926 Montreal Road, Suite 3A.. NEED/ IMPACT: The new owner RR Property Group LLC D/B/A/ Thriftown at 926 Montreal Road, Suite 3A has made application for an alcohol beverage, license for Beer/Wine/Malt beverages for retail package sales. To date: all of the required inspections have been performed and the required background check has been passed. Code Compliance Officer Shennetha Smith has reviewed the application and has measured the location and found it does meet minimum distances as defined by the Code.

The applicant Subata Khan spoke on the request.

Public Speaker(s): Brian Medford,

### E2) Discuss Market St Sidewalk Construction Options

To discuss two (2) options for the contracting of the Market St Sidewalk and Carroll Park Dr Paving SPLOST construction project:

- (1) Adopt a Change Order to utilize existing contract with Rowland/Hill/Rogers/PATH contractor,
- (2) Advertise via a formal construction project bid process.

The June 2021 Council Worksession included discussion on the proposed Market St sidewalk (from City Hall Annex to City line/end of Market St), in which the City Engineering firm (Collaborative Infrastructure Service-CIS) presented design plans for two alternatives for sidewalk placement on Market Street.

The two plans:

OPTION #1 - Place sidewalk partially on the road, which reduces the road width from 24 feet to 21 feet, add an 18 inch grass beauty strip and relocate the existing granite curb. Very similar to the Rowland St project (North Indian Creek to Lovejoy). Sidewalk would begin on the Annex parcel and connect to a new crosswalk at Market Street.

OPTION #2 – Place sidewalk behind the existing curb with a 18 inch beauty strip and reset the existing granite curb to improve street drainage

The City Manager updated the Council that after review and consideration, this item will be handled thru a RFP process.

Public Speaker(s): Brian Medford, Warren Hadlock

### E3) Discuss an Electric Vehicle (EV) charging station license agreement with Georgia Power to install electric vehicle charging stations in the City of Clarkston.

Georgia Power and City staff reviewed and discussed the installation of various EV charging stations on City property. The recommended location to install two (2) charging stations is the 2 eastern most parking spaces adjacent to the City Hall/Police Station Market St driveway entrance. The location is optimal due to its proximity to our City Center, the PATH, and the Clarkston Police Station (safety) which is well lit and under 24-hour camera surveillance.

Georgia Power will have access to the premises for construction, installation, maintenance, repair, operation and use for the charging station with customers having access to the area 24 hours, 7 days a week. GPC shall have the exclusive right to provide vehicle charging and support services to drivers of electric plug-in vehicles and EV-charging-related services at the premises at no cost to the public. The City will provide the space to GA Power also at no cost (no revenue to the City).

The electric plug-in vehicles license agreement is an irrevocable 10-year commitment.

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

# COUNCIL WORK SESSION 7-27-21

E4) Women's Equality Day Proclamation

To discuss Women's Equality Day Proclamation

Public Speaker(s): None

E5) National Senior Citizens Day Proclamation

To discuss National Senior Citizens Day Proclamation

Public Speaker(s): None

E6) 50th Anniversary of the 26th Amendment Proclamation

To discuss 50th Anniversary of the 26th Amendment Proclamation

Public Speaker(s): Christyna Reagan, Dean Moore

E7) Discuss a resolution to encourage the DOT to add sound barriers between 285 and the city when they add an extra lane

To discuss adopting a resolution to encourage the DOT to add sound barriers between 285 and the city when they add an extra lane.

Public Speaker(s): Dean Moore, Brian Medford

Amend Agenda E8) Gift cards for covid shots (Jamie Carroll)

Jamie Carroll discussed designating \$10K of ARPA funding to purchase \$50 gift cards to distribute at the vaccination sites.

Public Speaker(s): Dean Moore

**F. ADJOURNMENT**

Meeting Adjourned. 8:47p

CITY OF CLARKSTON

ITEM NO: F1

CLARKSTON CITY COUNCIL WORK SESSION

HEARING TYPE:  
WS: 6/22/21  
PH: 6/29/21-  
DEFERRED until 7/27/21 WS  
PH: 8/4/21

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Variance Request

MEETING DATE: August 4, 2021

**SUBJECT:** Variance requests for the property located at 3809 East Avenue, Clarkston, Ga.

DEPARTMENT:  
**Planning/Economic & Development**

PUBLIC HEARING:  YES  NO

ATTACHMENTS:  YES  NO  
Pages:

INFORMATION CONTACT:  
**Shawanna Qawiy, Planning Economic and  
Dev. Director**  
PHONE NUMBER: 404-296-6489

**PURPOSE:** A request from Tad Braswell for variance requests to install ornamental trees in lieu of shade trees for solar panels and to encroach into the front yard setback an additional 5 feet on lots 7-30.

**NEED/ IMPACT:**

A variance request from the terms of the ordinance must not be contrary to the public and must be evaluated based on the 6 criteria points. A variance may be granted in an individual case of unnecessary hardship upon a finding by the city council that all of the following conditions exist:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.
2. Such conditions are peculiar to the particular piece of property involved.
3. Such conditions are not the result of the actions of the applicant.
4. A literal interpretation of the provisions of this ordinance would create an unnecessary hardship.
5. The variance requested will not cause substantial detriment to the public good nor impair the purposes or intent of the zoning ordinance.
6. The variance is not a request to permit a structure or use of land not authorized in the applicable district.

**STAFF RECOMMENDATION:**

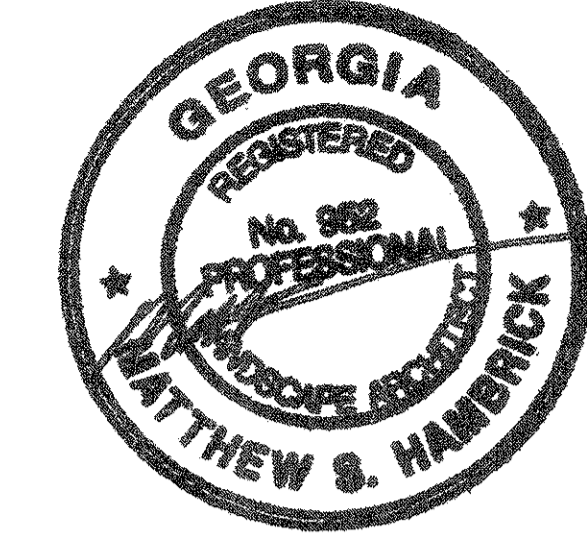
Staff recommends denying the variance requests.

**PLANNING AND ZONING BOARD RECOMMENDATION: 06/15/2021**

The Planning and Zoning Board recommends denying the variance requests.

**ADDITIONAL NOTES:** The applicant requested a deferment until the July 27<sup>th</sup> 2021 Mayor and City Council work session and to amend one (1) of the variance requests to withdraw the request to install ornamental trees in lieu of shade trees.

SITE SURVEY AND INFORMATION PROVIDED  
BY MCFARLAND-DYER & ASSOCIATES.

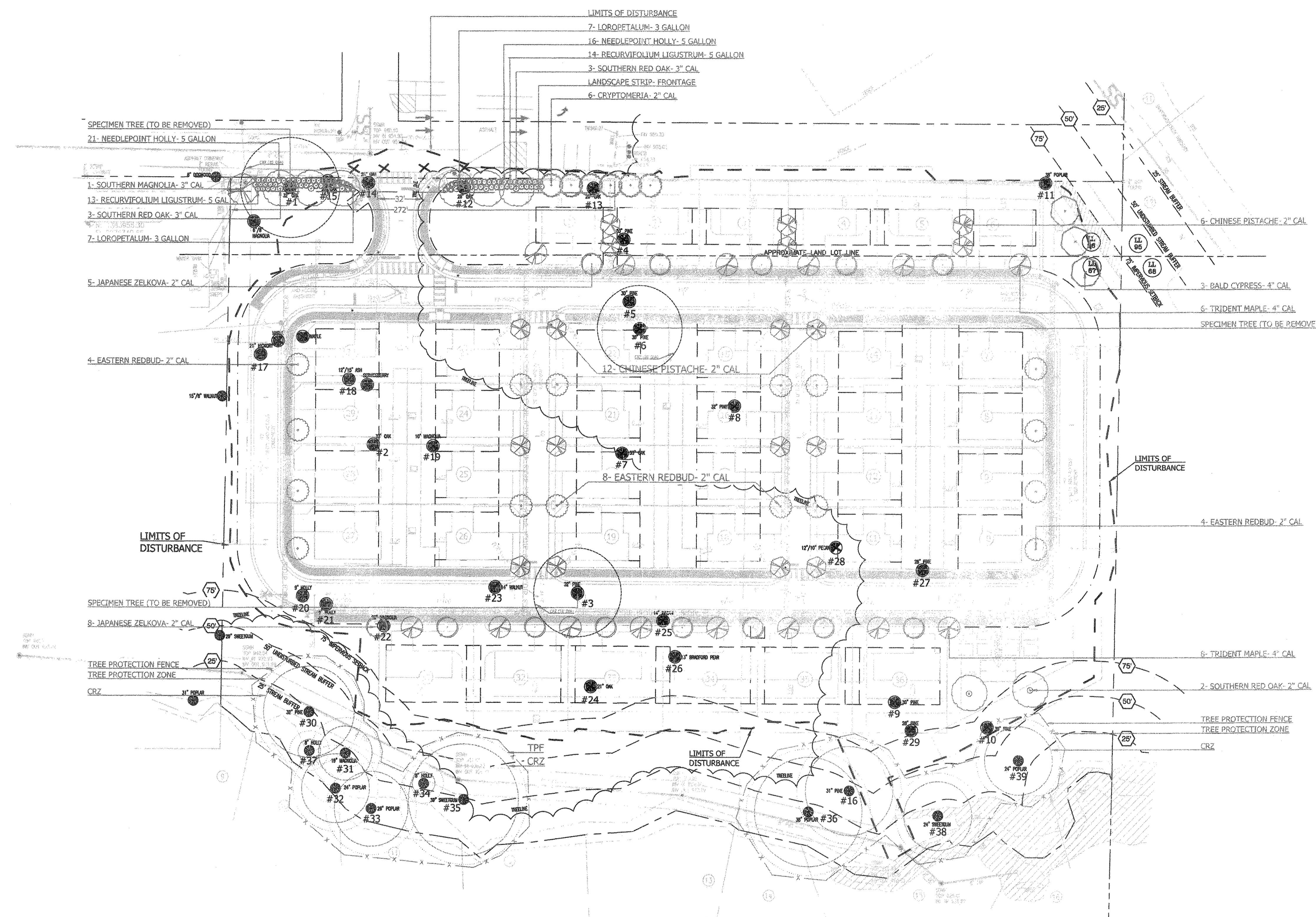


**GEORGIA**  
LANDSCAPE  
4889 Macland Road - Hiram, Ga. 30141  
Tel. (678)384-0006 Fax. (678)384-0007  
www.galandscape.com

# CLARKSTON DEVELOPMENT

OAK HALL COMPANIES, LLC

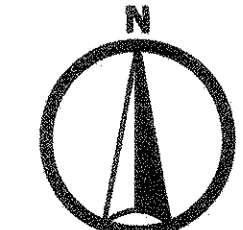
LAND LOT: 67 & 96, 18TH DISTRICT  
CLARKSTON DEKALB COUNTY GEORGIA



### TREE SYMBOL & LINE KEY

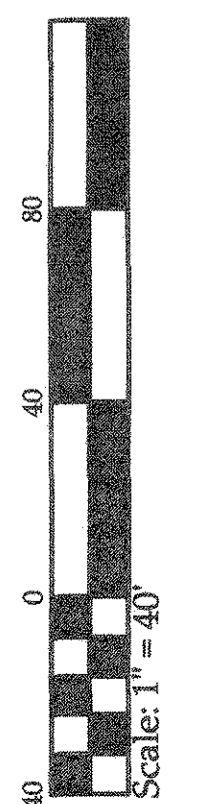
	TRIDENT MAPLE
	JAPANESE ZELKOVA
	SOUTHERN RED OAK
	CHINESE PISTACHE
	EASTERN REDBUD
	CRYPTOMERIA
	BALD CYPRESS
	MAGNOLIA
	RECURVIFOLIUM LIGUSTRUM
	NEEDLEPOINT HOLLY
	LOROPETALUM
	TREE PROTECTION FENCE (TPF)
	TREE PROTECTION ZONE (6' OUTSIDE OF CRZ)
	CRITICAL ROOT ZONE (CRZ)

- TREE REPLACEMENT NOTES:**
1. TREES MUST BE FREE OF INJURY, PESTS, DISEASE, NUTRITIONAL DISORDERS OR ROOT DEFECTS, AND MUST BE IN GOOD VIGOR TO ASSURE A REASONABLE EXPECTATION OF SURVIVAL. TREES MUST MEET MINIMUM STANDARDS SET FORTH IN THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1).
  2. TREES SHALL BE MAINTAINED FOR (2) TWO GROWING SEASONS AFTER THE DATE OF FINAL INSPECTION. PROPERTY OWNER SHALL MAINTAIN THE REQUIRED TREE DENSITY. BUILDER/DEVELOPER WILL BE RESPONSIBLE FOR IDENTIFYING NEWLY PLANTED TREES TO THE OWNER AS TO THEIR PROPER MAINTENANCE.
  3. ALL TREES TO BE INSTALLED ACCORDING TO DETAIL SHOWN ON TRP-D

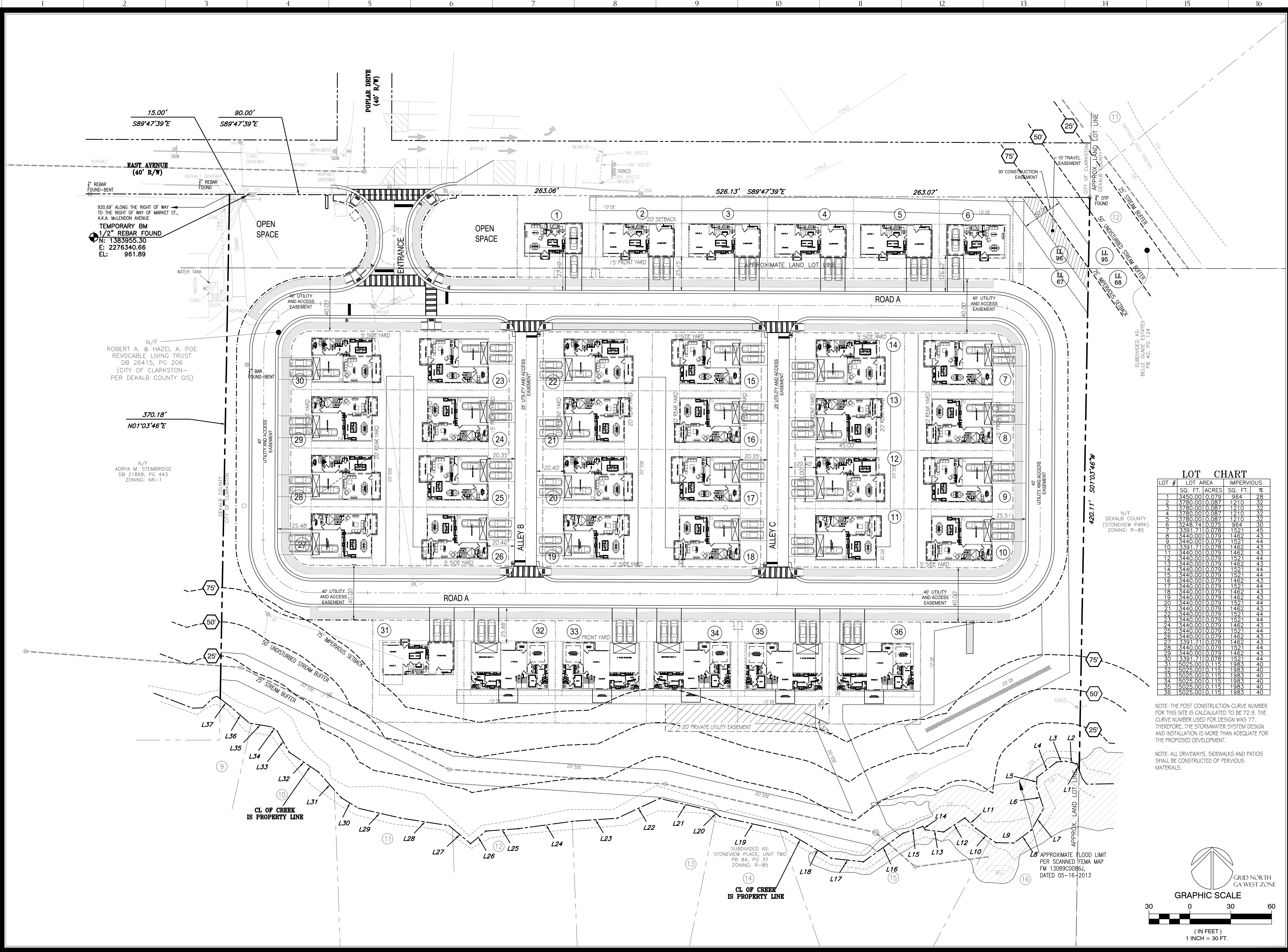


**24 HOUR CONTACT**  
OAK HALL COMPANIES, LLC  
CHRIS WILSON  
770-597-7480

TREE REPLACEMENT  
PLAN  
**TRP**



Drawn by: Georgia Landscape Contracting, Inc.  
Date: June 3, 2020  
Revisions: June 4, 2020 Client Comments  
Revisions: June 8, 2020 City Comments- Frontage LS Strip Added  
THIS PLAN IS PROPERTY OF GEORGIA LANDSCAPE CONTRACTING, INC. AND INTENDED TO BE USED FOR ILLUSTRATIVE PURPOSES ONLY. DEVELOPER RESERVES THE RIGHT TO ALTER AT HIS SOLE DISCRETION.



920.69' ALONG THE RIGHT OF WAY TO THE RIGHT OF WAY OF MARKET ST., A.K.A. McLENDON AVENUE  
 TEMPORARY BM  
 1/2" REBAR FOUND  
 N: 1383955.30  
 E: 2276340.66  
 EL: 961.89

N/F  
 ROBERT A. & HAZEL A. POE  
 REVOCABLE LIVING TRUST  
 DB 26415, PG 206  
 (CITY OF CLARKSTON - PER DEKALB COUNTY GIS)

370.18'  
 N01°03'46"E

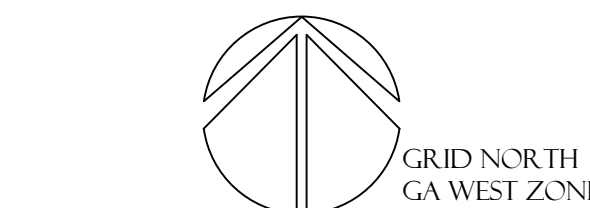
N/F  
 ADRYA M. STEMBRIDGE  
 DB 21868, PG 443  
 ZONING: NR-1

**LOT CHART**

LOT #	SO. FT.	ACRES	SO. FT.	%
1	3450.00	0.079	964	28
2	3780.00	0.087	1210	32
3	3780.00	0.087	1210	32
4	3780.00	0.087	1210	32
5	3780.00	0.087	1210	32
6	3248.74	0.075	964	30
7	3391.71	0.078	1521	45
8	3440.00	0.079	1462	43
9	3440.00	0.079	1462	43
10	3391.71	0.078	1462	43
11	3440.00	0.079	1462	43
12	3440.00	0.079	1521	44
13	3440.00	0.079	1462	43
14	3440.00	0.079	1521	44
15	3440.00	0.079	1521	44
16	3440.00	0.079	1462	43
17	3440.00	0.079	1521	44
18	3440.00	0.079	1462	43
19	3440.00	0.079	1462	43
20	3440.00	0.079	1521	44
21	3440.00	0.079	1462	43
22	3440.00	0.079	1521	44
23	3440.00	0.079	1521	44
24	3440.00	0.079	1462	43
25	3440.00	0.079	1521	44
26	3440.00	0.079	1462	43
27	3391.71	0.078	1462	43
28	3440.00	0.079	1521	44
29	3440.00	0.079	1462	43
30	3391.71	0.078	1521	44
31	5025.00	0.115	1983	49
32	5025.00	0.115	1983	49
33	5025.00	0.115	1983	49
34	5025.00	0.115	1983	49
35	5025.00	0.115	1983	49
36	5025.00	0.115	1983	49

NOTE: THE POST CONSTRUCTION CURVE NUMBER FOR THIS SITE IS CALCULATED TO BE 72.9. THE CURVE NUMBER USED FOR DESIGN WAS 77. THEREFORE, THE STORMWATER SYSTEM DESIGN AND INSTALLATION IS MORE THAN ADEQUATE FOR THE PROPOSED DEVELOPMENT.

NOTE: ALL DRIVEWAYS, SIDEWALKS AND PATIOS SHALL BE CONSTRUCTED OF PERVIOUS MATERIALS.



OWNER:  
**OHC CLARKSTON, LLC**  
 5256 PEACHTREE ROAD  
 SUITE 905  
 ATLANTA, GEORGIA 30341

PROJECT:  
**GARDENS OF EAST AVENUE  
 (FKA CLARKSTON TRACT)**  
 LAND LOT 67 & 96, 18TH DISTRICT  
 CLARKSTON, DEKALB COUNTY, GEORGIA

DATE	DESCRIPTION
06-23-2023	EXHIBIT SITE PLAN

JOB NO: 18-0316  
 DRAWN BY: SR  
 CHECKED BY: JN

COPYRIGHT 2019  
 MCFARLAND-DYER & ASSOCIATES, INC.

SITE PLAN  
**C-1.0**

## **Zoning Conditions for 3827, 3835 and 3861 East Avenue:**

1. The property will generally be developed substantially as depicted on the attached conceptual site plan dated May 7, 2019, particularly as to the depicted site configuration and vegetated buffers. Such conceptual site plan is attached hereto and labeled as Exhibit “B.” **See Site Plan**
2. The site shall have no more than thirty-six (36) single family cottage-style homes. **See Site Plan**
3. None of the homes will have more than three (3) bedrooms. **All Home Plans will be permitted by the City and will have no more than 3 bedrooms.**
4. The building materials for the homes shall be a mixture of real brick, stone or hardi-plank siding. No vinyl siding shall be allowed. **All Home Plans will be permitted by the City and will have no vinyl siding.**
5. All homes will be wired to be electric vehicle and solar ready. **All Home Plans will be permitted by the City and will be wired for an electric car charger and solar ready.**
6. The driveways and sidewalks of each unit shall be a pervious material. **See Site Plan.**
7. The outlet structure for the storm water system and the location of the storm water facilities shall be substantially the same as depicted on the plans attached hereto and labeled as Exhibit “C,” subject to approval by the City’s engineer. Developer shall work with the City’s engineer to ensure that adequate erosion control measures are provided to protect the streams. **See attached pictures.**
8. A majority of the trees planted on the site will be of a native species. No non-native species will be planted on common areas of the property. No more than two (2) accent trees, such as Japanese Maples, may be planted in each individual yard. **See approved Tree replacement Plan.**
9. Developer shall grant to the City a 10’ permanent easement and a 30’ construction easement for the future construction of a trail system near the northeast corner of the property as shown on the conceptual site plan attached as Exhibit B. Such easement shall be located such that it does not encroach within the required 75’ stream buffer of Snapfinger Creek. **The easement is reflected on the approved LDP plans and will be on the recorded Final Plat.**
10. The developer shall donate \$40,000 to the Clarkston Affordable Housing Trust or the Clarkston Environmental Trust, at the City’s election, prior to recording the Final Plat. **Will be paid next month.**
11. The developer is required to adhere to all development reviews required by the City of Clarkston including, but not limited to, for the land disturbance permit, landscape and tree replacement plans. **See approved LDP plans**
12. The developer shall adhere to all reviews as required by outside agencies with jurisdiction over the property, including but not limited to, DeKalb County Fire Marshal’s office, DeKalb County Water and Sewer Department and the Georgia Soil and Water Conservation Commission. **Plans were approved by all required departments prior to the issuance of the LDP.**



13. All lots developed at the property shall be subjected by restrictive covenant to participation in a mandatory homeowners' association ("HOA") as described by these conditions. **All HOA documents will be approved by the Planning Department prior to the recording of the Final Plat**
14. A maximum of three (3) of the homes may be rented or non-owner occupied at any given time. This restriction shall be included in the HOA governing documents and be binding upon all home owners. **All HOA documents will be approved by the Planning Department prior to the recording of the Final Plat**
15. The HOA shall have a professional engineer inspect the storm water facilities and prepare a report on such facility's condition bi-annually. This report shall be promptly submitted to the city manager. **All HOA documents will be approved by the Planning Department prior to the recording of the Final Plat**
16. The HOA shall be managed by a third-party manager employed by the HOA Board of Directors. **All HOA documents will be approved by the Planning Department prior to the recording of the Final Plat**
17. The developer shall provide a copy of the HOA documents to the city for review and approval prior to recording. The documents shall include the following requirements:
  - a. All landscaped areas, including those located on individual lots, shall be maintained by the HOA.
  - b. All streets shall be private and maintained by the HOA.
  - c. There shall be an Architectural Review Board. This ARB shall be chaired by the developer until 51% of all the homes are constructed. Standards or revisions to any structure shall be approved by the ARB.
  - d. The Developer shall remain the Declarant until 100% of the homes have been sold.
  - e. Any change to the management structure of the Board will have to be approved by the Homeowners Association Board of Directors. The HOA will always be managed by a third party management company. **All HOA documents will be approved by the Planning Department prior to the recording of the Final Plat**
18. Prior to selling any lots, developer shall convey to the City an access easement for inspection (not maintenance) of the storm water facilities on the property. The HOA shall maintain such facilities. **The easement is reflected on the approved LDP plans and will be on the recorded Final Plat. All HOA documents will be approved by the Planning Department prior to the recording of the Final Plat.**
19. Every home shall have a minimum of one visitor parking space to be located behind each home's carport. **See Site Plan**
20. Common areas shall be jointly owned by the owners of the individual parcels. **This is reflected on the LDP Plans and will be shown on the Final Plat.**
21. Yards along the exterior shall include an opaque, vegetated landscaped buffer on the sides that abut other residential properties. **See approved Tree Replacement Plan**
22. Final plat with covenants shall be submitted, reviewed, accepted and recorded before construction begins. Recording of the covenants and final plat shall create a separate lot

for each dwelling place and subjects each lot in the development to private deed covenants that assure the continuance of the approved plan as submitted with the required maintenance of the common areas. **All HOA documents will be approved by the Planning Department prior to the recording of the Final Plat.**

23. The city manager (in consultation with an appropriate expert) shall review and approve the landscape plan for compliance with “regenerative landscaping” principles. **Builder/Developers Landscape Architect will work with the City Manager to insure compliance of this condition.**
24. All lots created on the property shall conform with the required dimensions and other development controls applicable in the NR-3 zoning district, unless a variance is granted by the City. **See approved LDP Plans.**



# PLANNING & ZONING BOARD MEETING MINUTES

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**June 15, 2021, 7:00 PM  
TELECONFERENCE**

**Call in Number:**  
404. 902. 5066  
**Call in Code:**  
326629

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## AGENDA

- A. CALL TO ORDER:** The meeting was called to order at 7:04PM
- B. ROLL CALL:** Chair Charles McFarland, Vice Chair Felicia Weinert, Birendra Dhakal, Lisa Williams, Susan Hood
- C. APPROVAL OF APRIL 2021 MEETING MINUTES:** Charles McFarland called for a motion to approve the April 2021 meeting minutes. Lisa Williams made a motion to approve, Felicia Weinert seconded, and the motion passed 5/0/0.
- D. NEW BUSINESS**
- 1. PUBLIC HEARING:** A conditional use permit request from Mohammad Bilal Khattak for the property located at 1353 Brockett Road, Suite B-1, Clarkston, Georgia 30021, zoned NC-2, Moderate Density Neighborhood Commercial for a laundromat.

PED Director Qawiy gave an overview of the conditional use permit request for 1353 Brockett Road, Suite B-1 and introduced the applicant Mr. Mohammad Khattak. Charles McFarland asked for questions from the Board members for the applicant. Birendra Dhakal asked the applicant whether his establishment will be use eco-friendly detergents. Mr. Khattak responded that he would limit his use of detergents to Tide and Gain.

Felicia Weinert asked the applicant about his recent approval for a conditional use permit for a coin laundromat at 1051 Montreal Road. Mr. Khattak stated in summary there were landlord issues. Ms. Weinert asked him to confirm whether or not he will encounter landlord issues at the present location. Mr. Khattak confirmed there would not be any issues with the current landlord.

Charles McFarland asked the applicant did he have any issues with the staff's recommended hours of operation of 7AM-7PM Sunday-Saturday. Mr. Khattak did not have any issues with the hours. Ms. Weinert stated that the recommended hours of operation were recommended for safety of the patrons of the business. Mr. Khattak stated that he will lock the doors of the business at 7PM each day.

Susan Hood asked the applicant whether he is considering coin operated amusement machines(COAM) in the establishment. Mr. Khattak stated that he was contemplating the matter and understands that COAM machines attracts a different type of traffic. He stated that the final answer would be not to install COAM machines. Ms. Hood stated that she would add this as a condition to the list of staff's conditions to not allow COAM at this location. Mr. Khattak agreed.

Lisa Williams asked whether the applicant will use eco-friendly detergent and install energy saving machines and not used machines. Mr. Khattak stated that he will install all new machines that include LED lights.

Birendra Dhakal asked about parking. Mr. Khattak stated that the landlord will designate 8 spaces in front of the business and share the additional 2 in the parking lot area.

With no further questions from the Board, Charles McFarland opened the public hearing.

Dean Moore stated that no alcohol should be served or available on the premises and asked to include the request in the conditions.

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

Chairman McFarland asked for a motion. Susan Hood made the motion to approve the conditional use permit request with the five (5) listed conditions from staff and to include (6) No alcohol shall be served or available on the premises, (7) No coin operated amusement machines shall be installed, (8) All installed machines shall be new, and (9)The applicant is only allowed to install vending, detergent and change (coin) machines. Birendra Dhakal seconded, and the motion passed 5/0/0.

2. **PUBLIC HEARING:** Variance requests from William R. Braswell Jr. of Oak Hall Companies, LLC for the property located at 3809 East Avenue, Clarkston, Georgia 30021, zoned NR-3 High Density Neighborhood Residential to "install ornamental trees in lieu of shade trees for solar panels" and to encroach into the front yard setback an additional 5 feet on lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30.

PED Director gave an overview of the variance requests for 3809 East Avenue and introduced the applicant Mr. Tad Braswell.

Lisa Williams asked a question related to the request to install ornamental trees in lieu of shade trees. Ms. Williams stated that with the current 24 conditions on the property condition #5 states that all homes will be wired to be electric and solar ready. Ms. Williams asked the applicant to confirm the lots solar ratings. Mr. Braswell stated that solar ratings on the lots have not yet been established.

Susan Hood referenced the applicants statement that he would prefer to plant crepe myrtles as the ornamental trees. Ms. Hood stated that crepe myrtles are not native trees, but red bud trees are native trees.

Ms. Weinert asked about the size of the proposed homes at a minimum of 1200 sq. ft. Mr. Braswell stated that the minimum size home will be 1800 square feet.

Susan Hood asked whether the homes will be constructed with carports or garages. Mr. Braswell stated that lots 7-30 will have garages while the exterior lots will have carports. Ms. Hood made a reference to condition #19 that every home shall have a minimum of one visitor parking space to be located behind each home's carport. Mr. Braswell stated that he is requesting an additional 5 feet encroachment since the city ordinance allows a 3' encroachment for porches. Parking will be located between the garage and the alley.

Birendra Dhakal asked whether the variance requests are due to an undue hardship.

Lisa Williams stated that the requests should be based on the variance criteria points.

Susan Hood stated that the applicant has not been met the criteria points which does not warrant approval of the variance requests.

With no further questions from the Board, Charles McFarland opened the public hearing.

Dean Moore stated that there are six ( 6) criteria for variance requests and any hardships created will be created/have been created by the applicant.

Amy Medford referred to the shade trees. She stated that the lots need to be rated to determine solar readiness. Ms. Medford stated that the applicant should continue as approved and keep the current condition on the trees. A homeowner will have the option in the future to cut back the trees if applicable if growth should interfere with the installed solar panels. Ms. Medford also stated that there should not be any additional variance requests for the lots.

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

Chairman McFarland asked for a motion. Lisa Williams made the motion to deny the variance requests. Susan Hood seconded, and the motion passed 5/0/0.

## **E. OTHER BUSINESS**

### **1. DISCUSSION: Zoning Code Update**

Lauren Blaszyk of POND and Company gave a status overview of the Zoning Rewrite and next steps. Open houses are scheduled for July 13<sup>th</sup> 9AM to 1PM- and July 14<sup>th</sup> 5PM to 8PM at the Clarkston Women's Club. The technical advisory committee will meet in person following social distancing protocol at the Clarkston Community Center August 10<sup>th</sup> .

Charles McFarland asked about public engagement and how the public is being informed about the zoning rewrite project.

M.s Blaszyk stated that the team has posted on all City social media outlets, posted 25-yard signs and attended events in the City to distribute information flyers.

Dean Moore asked for the zoning rewrite website address. It was given by Lauren Blaszyk as [www.planningatpond.com/Clarkston-zoning-ordinance-rewrite](http://www.planningatpond.com/Clarkston-zoning-ordinance-rewrite).

Amy Medford made reference to translation services for non-English speaking residents. PED Director Qawiy made reference that a minor tweaking of the site should include requests for translations services if requested. Director Qawiy also made reference to the June 22<sup>nd</sup> Mayor and Council work session that will include a power point presentation from the consultant team.

**F. ADJOURNMENT** : Chairman McFarland called for a motion to adjourn. Lisa Williams made the motion to adjourn, Felicia Weinert seconded the motion, and the motion passed 5/0/0. Meeting adjourned at 8:37PM.



**CITY of CLARKSTON**  
**PLANNING AND DEVELOPMENT DEPARTMENT**  
**VARIANCE APPLICATION**

1055 ROWLAND STREET  
 CLARKSTON, GA 30021  
 404.296.6489

This page must be completed by the Applicant. Please see Applicant Instructions for full requirements.

**SUBMITTAL CHECKLIST**

Your application must include the following items, or it will not be considered complete:

- Plan(s) to scale demonstrating variance requested
- Survey
- Property Deed
- Recorded Plat of Property (seven (7) copies)
- Campaign Contribution Disclosure Form
- Filing Fee (payable to The City of Clarkston)

FOR OFFICE USE/DETERMINATION		
Review determination and fee: Review fee (payable to <i>The City of Clarkston</i> ) depends on type of review(s). (See Fee Schedule):		
_____ Variance _____	_____ (Fee) _____	
Please indicate if this is an Administrative Variance		

**APPLICANT INFORMATION**

William R Drasswell Jr.	OAK Hall Companies LLC
Applicant Name	Company
770-662-5995	678-262-3588
Primary Phone #	Alternate Phone #
tad@oakhallcompanies.com	
Email Address	

**PROJECT SUMMARY**

Gardens of East Avenue (AKA) Clarkston (AKA) Parkside

Name of Project

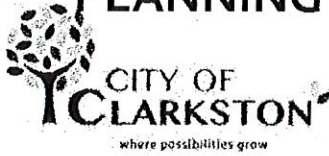
**Detailed Description of Variance. Include:** Variance needed (code section, square footage or other dimension); Proposed use(s) and square footage of floor area for each use; and written explanation of hardship involved with need for variance (see checklist).

- ① Encroach into the Front Yard setback an additional 5' on lots 7-30
- ② install ornamental trees in lieu of shade trees for solar panels

# CITY of CLARKSTON

## PLANNING AND DEVELOPMENT DEPARTMENT

### VARIANCE APPLICATION



1055 ROWLAND STREET  
CLARKSTON, GA 30021  
404.296.6489

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Total Number of Parcels Involved:	<u>3</u>	Total Project Area (acre/sf):	<u>6.292</u>	Total Disturbed Area:	<u>4.5</u>
Total Number of Buildings:	<u>37</u>	Total Estimated Construction Cost:	<u>\$ 6 mil</u>		

Project Submittal Checklist and all documents, plans, written analysis, and fees required therein accompany this application form.

I hereby certify that all information provided herein and in the accompanying documents is true and correct.

W B Beavall  
Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Property Owner                       Owner's Agent





CITY of CLARKSTON
PLANNING AND DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION

1055 ROWLAND STREET
CLARKSTON, GA 30021
404.296.6489

PROPERTY INFORMATION/OWNER AUTHORIZATION

If more than one parcel is the subject of review, owner-applicant shall complete information for each parcel on additional page attachments; authorized agent-applicants must complete this page for EACH parcel.

PARCEL (PROPERTY) INFORMATION

3827 East Ave. Clarkston GA 30021
Property Address/Location Suite/Apt. # City, State Zip Code
18-067-02-001 6.22
Parcel ID/Property Tax Identification Number Total Acreage
Present Use(s) R.85
Proposed Use(s) CHD - Cottage housing
Present Zoning (Official Zoning Map)

Indicate here if there are more than one subject parcels (attach information accordingly)

Legal description includes: Or: Indicate here that an exhibit identifying property location is attached.

The Village of East Avenue
Subdivision Name Lot # Block #

PROPERTY OWNER

OHC Clarkston LLC
Owner (Person, Firm, Corporation, or Agency) Company Name
70 Mansell ct Ste 110 Alpharetta GA 30076
Mailing Address Suite/Apt. # City, State Zip Code
770-662-5995 Fax # tad@oakhallcompanies.com
Primary Phone # Email Address

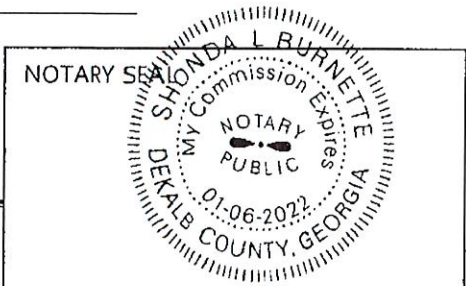
PROPERTY OWNER'S AGENT (If applicable; must match applicant contact information on page #1)

William R Brasswell Oak Hall Companies LLC
Name and Company (Owner's Agent or Attorney)
70 Mansell ct Ste 110 Alpharetta GA 30076
Mailing Address Suite/Apt. # City, State Zip Code
770-662-5995 Fax # tad@oakhallcompanies.com
Primary Phone # Email Address #

AUTHORIZATION FOR AGENT (If applicable)

W.R. Brasswell
Owner Signature Date
William R. Brasswell
Print Name

Subscribed and sworn before me this 14th



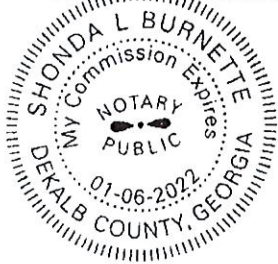
CITY of CLARKSTON  
PLANNING AND DEVELOPMENT DEPARTMENT  
VARIANCE APPLICATION



1055 ROWLAND STREET  
CLARKSTON, GA 30021  
404.296.6489

day of May 14, 2021.

Shonda L Burnette  
Signature of Notary Public in the State of Georgia





**CITY of CLARKSTON**  
**VARIANCE ANALYSIS**

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**Report Prepared by:** Shawanna N. Qawiy, MSCM,MPA  
 Planning and Development Director

**Applicant:** William R. Braswell Jr. / Oak Hall Companies, LLC

**Location:** 3809 East Avenue, Clarkston, GA 30021

**Parcel ID(s):** 18 067 02 025

**Lot Size:** 6.5+/- acres

**Current Land Use:** 3809 is currently vacant. To be known as Parkside of East Avenue.

**Proposed Use:** To develop a 36-unit single family cottage style home development.

**Zoning:** NR-3 High Density Neighborhood Residential District\*  
*\*(with conditions approved on May 7, 2019)*

**Zoning and use of Surrounding Properties:**

	<b>Current Zoning</b>	<b>Current Land Use</b>
Northeast	NR-1 Low Density Residential ( City of Clarkston)	Single Family Residential/ Milam Park (City of Clarkston)
East	R-85 ( DeKalb County)	COS Conservation Open Space Stoneview Park ( DeKalb County)
South	R-85 ( DeKalb County)	Suburban (DeKalb County)
West	NR-1 Low Density Residential (City of Clarkston)	Single Family Residential

**Request:** Two (2) variance requests to (1) “install ornamental trees in lieu of shade trees for solar panels” and (2) to encroach into the front yard setback an additional 5 feet on lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30.

**Signs Posted:** May 27, 2021  
**Planning and Zoning** June 15, 2021  
**City Council Work Session** June 22, 2021  
**City Council Meeting:** June 29, 2021

**Analysis:**

The applicant is proposing to build 36 cottage style single family homes. The subject property has been approved for an annexation and re-zoning with conditions (on May 7, 2019). The subject property is currently zoned NR-3 High Density Neighborhood Residential District. With the approved annexation and rezoning request with 24 detailed conditions with a conceptual site plan.

The applicant had submitted and granted variances to reduce the minimum lot size and lot width to 40 feet. The lot size reduction approvals consisted of the following.

1 lot shall be a minimum of 3200 sq. ft.

11 lots shall be a minimum of 3300 sq. ft.

6 lots shall be a minimum of 3400 sq. ft.

8 lots shall be a minimum of 3500 sq. ft.

4 lots shall be a minimum of 3700 sq. ft.

6 lots shall be a minimum of 5,000 sq. ft.

**Criteria for Granting a Variance (Article III, Sec. 308):**

***Criteria 1: There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.***

The topography of the property has a slope from the Northeast and to the South, where parcels abut the Stoneview Subdivision (DeKalb County) and the Snapfinger Creek Tributary. With the topography slopes, varying grade changes, the sanitary sewer manholes and portions of the property within the 100-year staff finds that several of the lots are extraordinary and the 24 exceptional conditions were outlined on May 7, 2019, should remain without deviation.

***Criteria 2: Such conditions are peculiar to the particular piece of property involved.***

Previously, the applicant had requested and was granted approval of variance request reduction in lot size and width for each of the proposed 36 lots of the development. The 36 lots do consist of varying lot sizes and widths and was approved with 24 detailed conditions. The request to install ornamental trees in lieu of shade trees for solar panel and to encroach into the front yard setback an additional 5 feet which will include a 3' administrative variances for lots 7-30

***Criteria 3: Such conditions are not a result of the actions of the applicant.***

The existing topography, grade changes, location of the 100- year flood designation are not the results or the actions of the applicant. However, the variances requested of the applicant to reduce the minimum lot sizes and lot width to 40'. The request to "plant ornamental trees in lieu of shade trees for solar panels: and to encroach in the front yard setback an additional 5' with plans to apply for administrative variances to reduce an additional 3' will be a result of the actions of the applicant. The current variance requests do not hinder the development from being constructed as previously approved and conditioned.

***Criteria 4: A literal interpretation of the provisions of this ordinance would create an unnecessary hardship.***

A literal interpretation of the provision of this ordinance would not create an undue hardship for the applicant to build homes as previously approved with the zoning conditions.

***Criteria 5: The variance requested will not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.***

The development was approved with 24 specific conditions. While the purpose of the NR-3 zoning district is to construct single family homes at a greater density on smaller lots and encourage a pedestrian-friendly urban form. The additional variance requests will cause substantial disadvantages to the public good by permitting the development to deviate from with the zoning conditions placed on the development. Adhering to conditions # 5 All homes will be wired to be electric vehicle and solar ready, #8 A majority of the trees planted on the site will be of a native species. No non-native species will be planted on common areas of the property. No more than two (2) accent trees, such as Japanese Maples may be planted in each individual yard, # 11The developer is required to adhere to all development reviews required by the City of Clarkston including, but not limited to for the land disturbance permit, landscape and tree replacement plans, #19 Every home shall have a minimum of one visitor parking space to be located behind each home's carport, and #21 Yards along the exterior shall include an opaque, vegetated landscaped buffer on the side that abut other residential will save the integrity of the development..

***Criteria 6: The variance is not a request to permit a structure or use of land not authorized in the applicable district.***

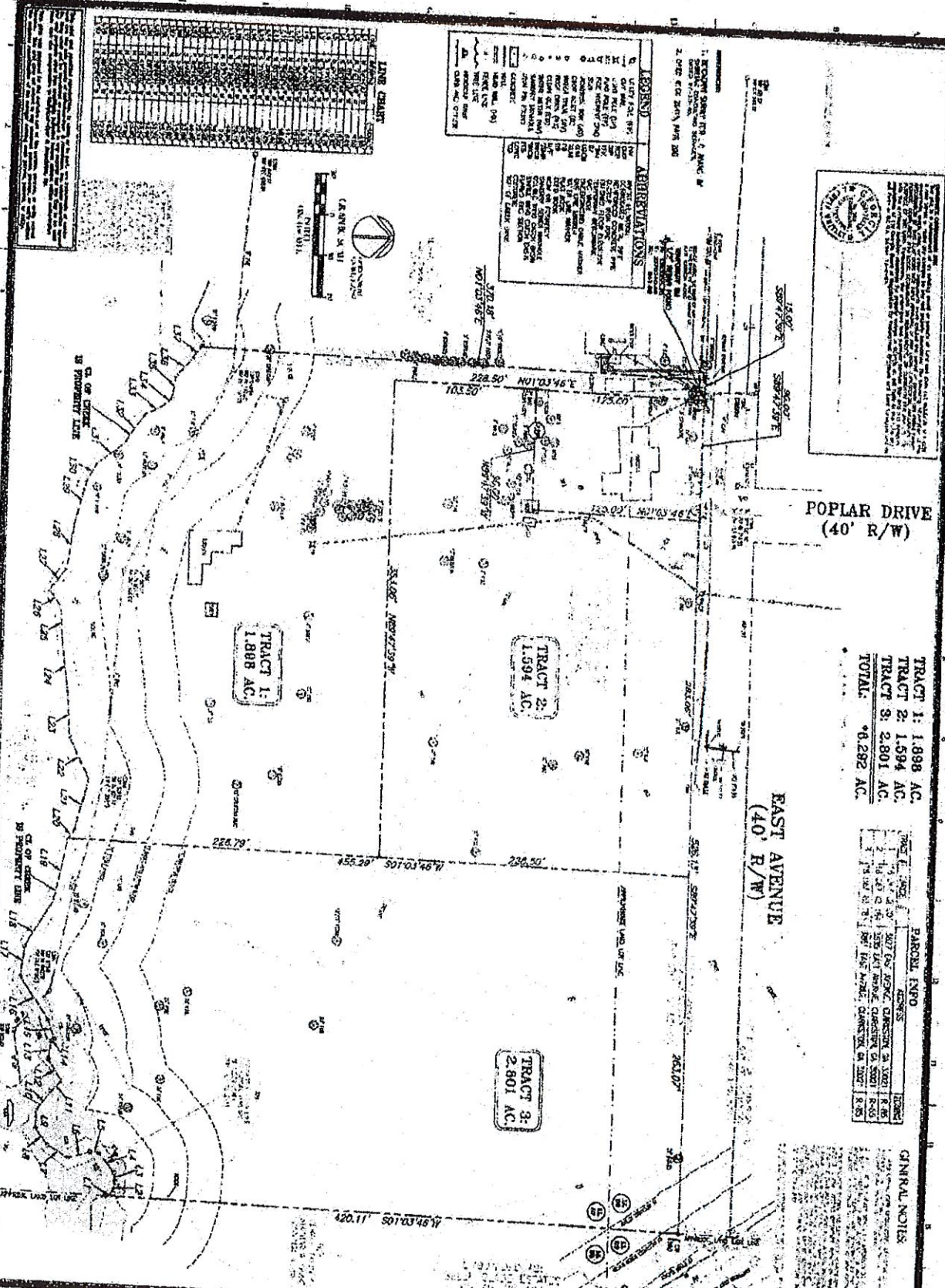
This variance is not a request to permit structures or land uses that are not authorized in the NR-3 zoning district. In the NR-3 zoning district, in Section 703(3), single family homes are permitted.

**Staff Recommendation(s):**

Staff recommendation is to DENY the variance requests.

**Attachments:**

- Application package
- Variance requests site plan.



POPLAR DRIVE  
(40' R/W)

EAST AVENUE  
(40' R/W)

TRACT 1: 1,898 AC.  
TRACT 2: 1,594 AC.  
TRACT 3: 2,801 AC.  
TOTAL: 6,293 AC.

TRACT	AREA (AC)	PERCENT
TRACT 1	1,898	30.16
TRACT 2	1,594	25.34
TRACT 3	2,801	44.50
TOTAL	6,293	100.00

GENERAL NOTES

**LEGEND**

- 1. EXISTING SURVEY DATA
- 2. NEW SURVEY DATA
- 3. PROPERTY LINE
- 4. EASEMENT
- 5. UTILITY LINE
- 6. FENCE
- 7. ROAD
- 8. CREEK
- 9. CONTOUR
- 10. SPOT ELEVATION
- 11. CORNER
- 12. MONUMENT
- 13. BOUNDARY
- 14. ADJACENT PROPERTY
- 15. UNDEVELOPED LAND
- 16. DEVELOPED LAND
- 17. WOODLAND
- 18. OPEN SPACE
- 19. WATER
- 20. ROCK
- 21. SAND
- 22. GRAVEL
- 23. CLAY
- 24. SILT
- 25. LOESS
- 26. SANDSTONE
- 27. LIMESTONE
- 28. GNEISS
- 29. GRANITE
- 30. QUARTZITE
- 31. SLATE
- 32. SCHIST
- 33. METAMORPHIC
- 34. ILLINOIS
- 35. MISSISSIPPI
- 36. KANSAS
- 37. MISSOURI
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- 39. LOUISIANA
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- 97. INDIANA
- 98. ILLINOIS
- 99. MISSISSIPPI
- 100. ALABAMA

BOUNDARY & TOPOGRAPHIC SURVEY

OAK HALL COMPANIES, LLC  
(3827, 3835 & 3861 EAST AVENUE)

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MDA

ALFRED D. MDA & ASSOCIATES

Shawanna N. Qawiy  
Planning & Development Director  
1055 Rowland St.  
Clarkston, GA 30021

Dear Shawanna,

This is to serve as our request for;

1. A variance to the front yard setbacks on lots 7-30. The request is to have an additional 5' encroachment from the front setback.
2. A variance to use ornamental trees in lieu of shade trees due to solar panel.

The following are the responses to the variance checklist:

1. The community designed to have the least amount of impact on the surrounding properties. Therefore we have reduced the lot sizes and widths to reduce the impact on the edges of the property.
2. These conditions are particular to this property because this property has been rezoned for the proposed use and to develop as agreed to the variances are required.
3. These conditions are the results of many meetings with the community, Council members and City staff.
4. The literal interpretation would create a hardship in that the property could not be developed as per the agreed to Site Plan.
5. The variance request will not be detrimental to the public good or the ordinance because it is the Site Plan approved by the Mayor and Council.
6. This request will not result in a building structure or a land use that is not permitted in the zoning district.

We appreciate your consideration of this matter and look forward to working with you on this project.

Sincerely,

Tad Braswell  
Principle, Oak Hall Companies, LLC  
Cell: 404-234-6669

**CITY OF CLARKSTON:  
Disclosure of Campaign Contributions**

**Disclosure of Campaign Contributions**  
City of Clarkston

Pursuant to OCGA, Section 36-67A-3(a), the following disclosure is mandatory when an applicant or any representative has made campaign contributions aggregating \$250.00 or more to a local government within two (2) years immediately preceding the filing of this application.

It shall be the duty of the applicant and the attorney representing the applicant to file a disclosure with the governing authority of the respective local government. The following questions **must** be answered:

Have you, the applicant, made \$250.00 or more in campaign contributions to a **local** government official within two years immediately preceding the filing of this application?

Yes  No

If the answer is **yes**, you must file a disclosure report with the governing authority of City of Clarkston showing:

1. The name and official position of the local governing authority in City of Clarkston to whom the campaign contribution was made.

\_\_\_\_\_  
Name and official position of the applicant/representative (Please Print)

2. The dollar amount and description of each campaign contribution made during the two (2) years immediately preceding the filing of this application and the date of each such contribution was made.

_____ Description of Campaign Contribution (Please Print)	\$ _____ Dollar Amount
---	---------------------------

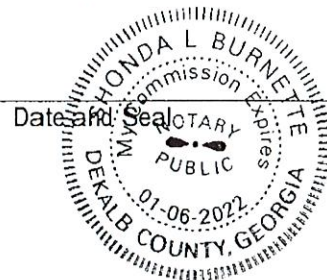
This disclosure must be filed within ten (10) days after the application is first filed and must be submitted to the City of Clarkston, 3921 Church Street, Clarkston, GA 30021.

W R Russell  
Signature (choose one) Applicant  Owner

5/14/21  
Date

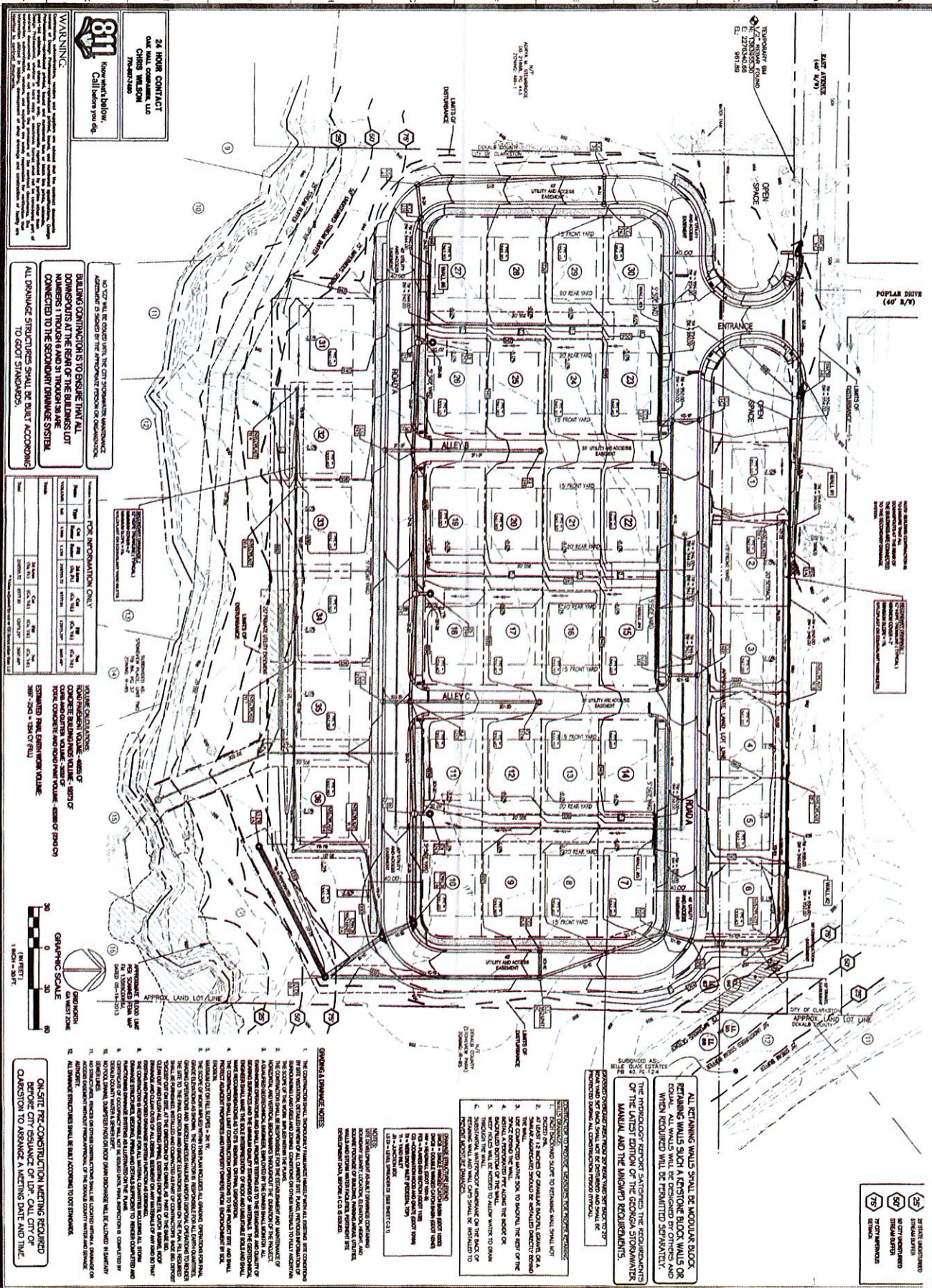
Shonda L Burnette  
Notary Signature

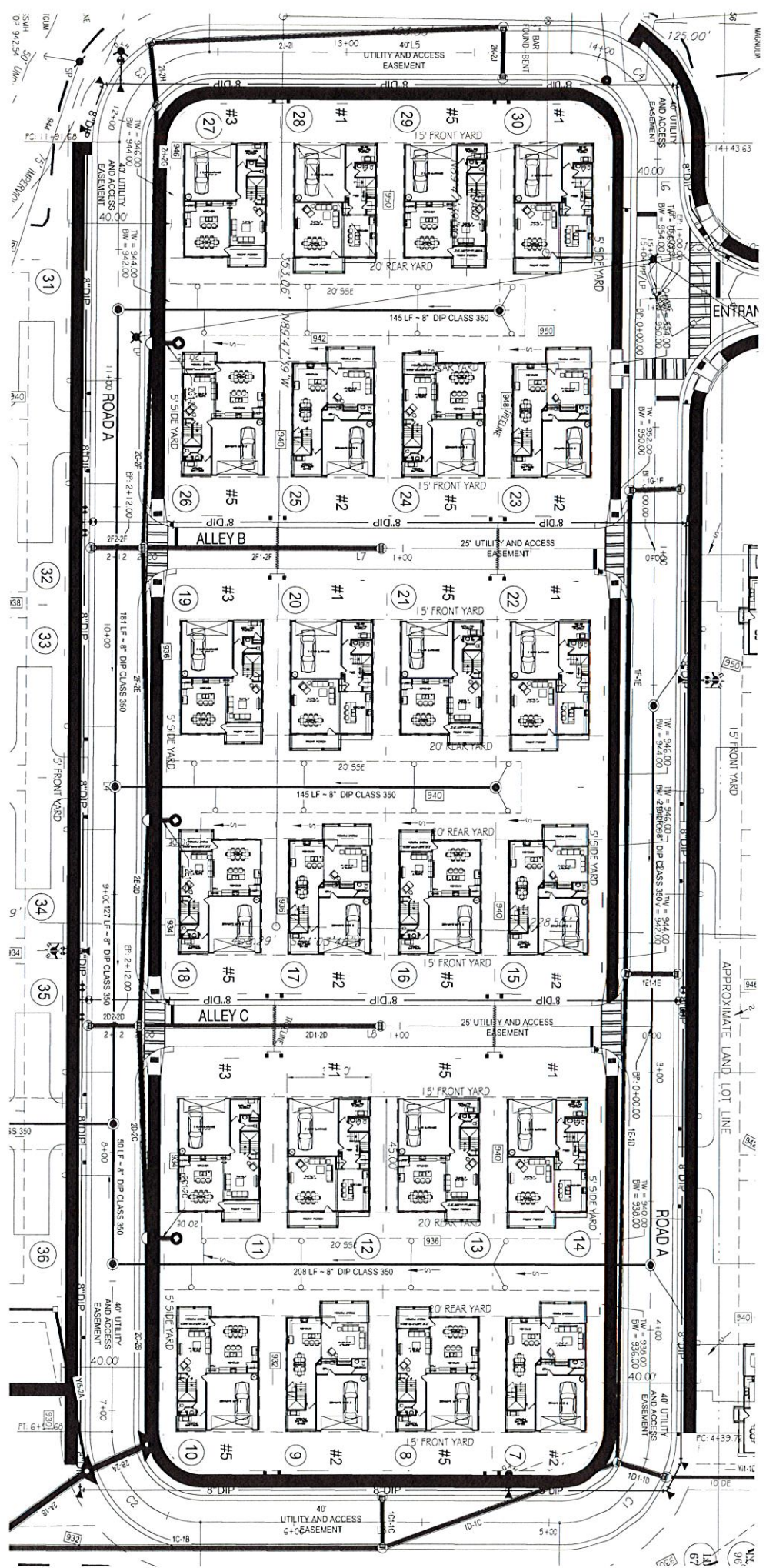
5/14/21  
Date and Seal



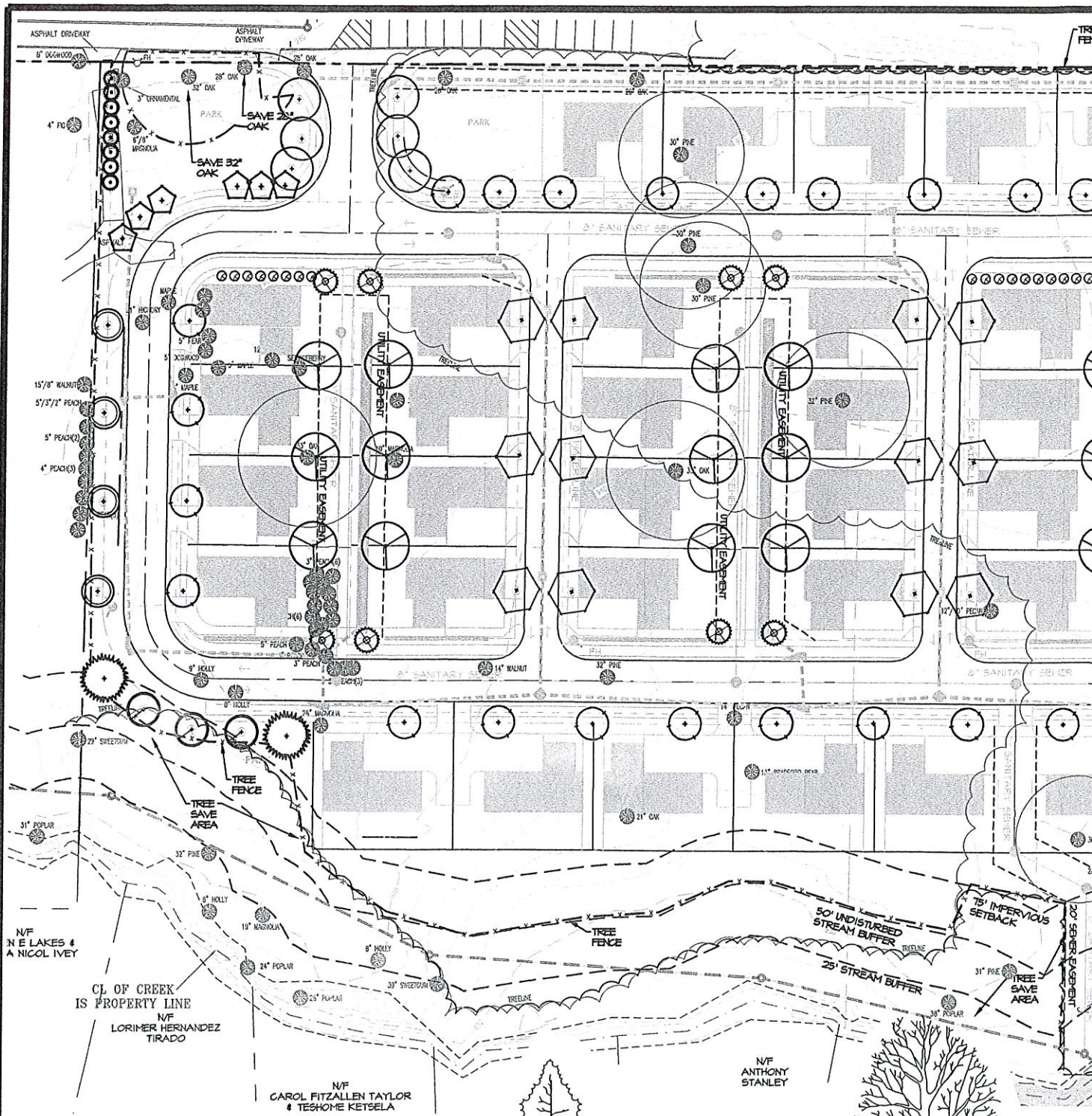








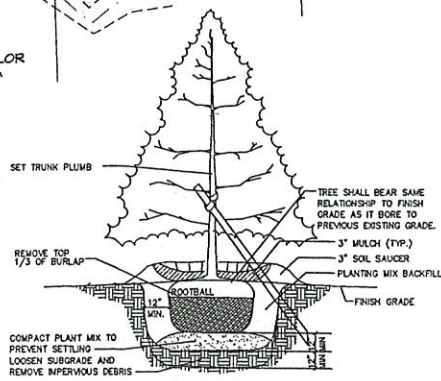
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NOTE:  
 THIS DESIGN CONCEPT PLAN WAS PREPARED UNDER THE DIRECTION OF OAK HALL COMPANIES, L.L.C. WHICH IS THE INTENDED END USER. THE CONCEPT PLAN IS TO BE USED FOR MARKETING AND PLANNING PURPOSES ONLY AND IS NOT TO BE USED AS A CONSTRUCTION DOCUMENT. OAK HALL COMPANIES, L.L.C. IS RESPONSIBLE FOR VERIFYING PLAN ACCURACY AND COMPLIANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES. ANY USE BY OTHER PARTIES NOT NAMED IS AT THEIR OWN RISK.

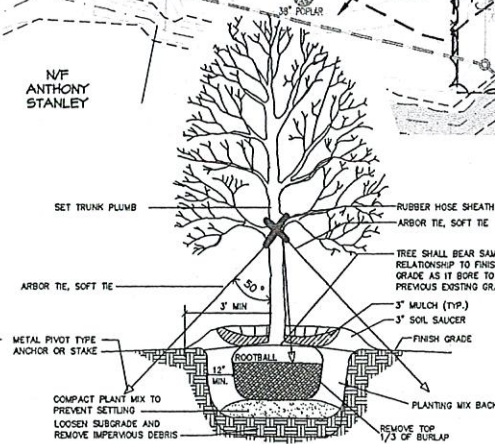
**Development Consultants, Inc.**

Land Planning • Site Development • Landscape Architecture  
 4432 Ormond Trace, Marietta, GA 30066, Tel 678-205-2026, Cell 678-523-4918



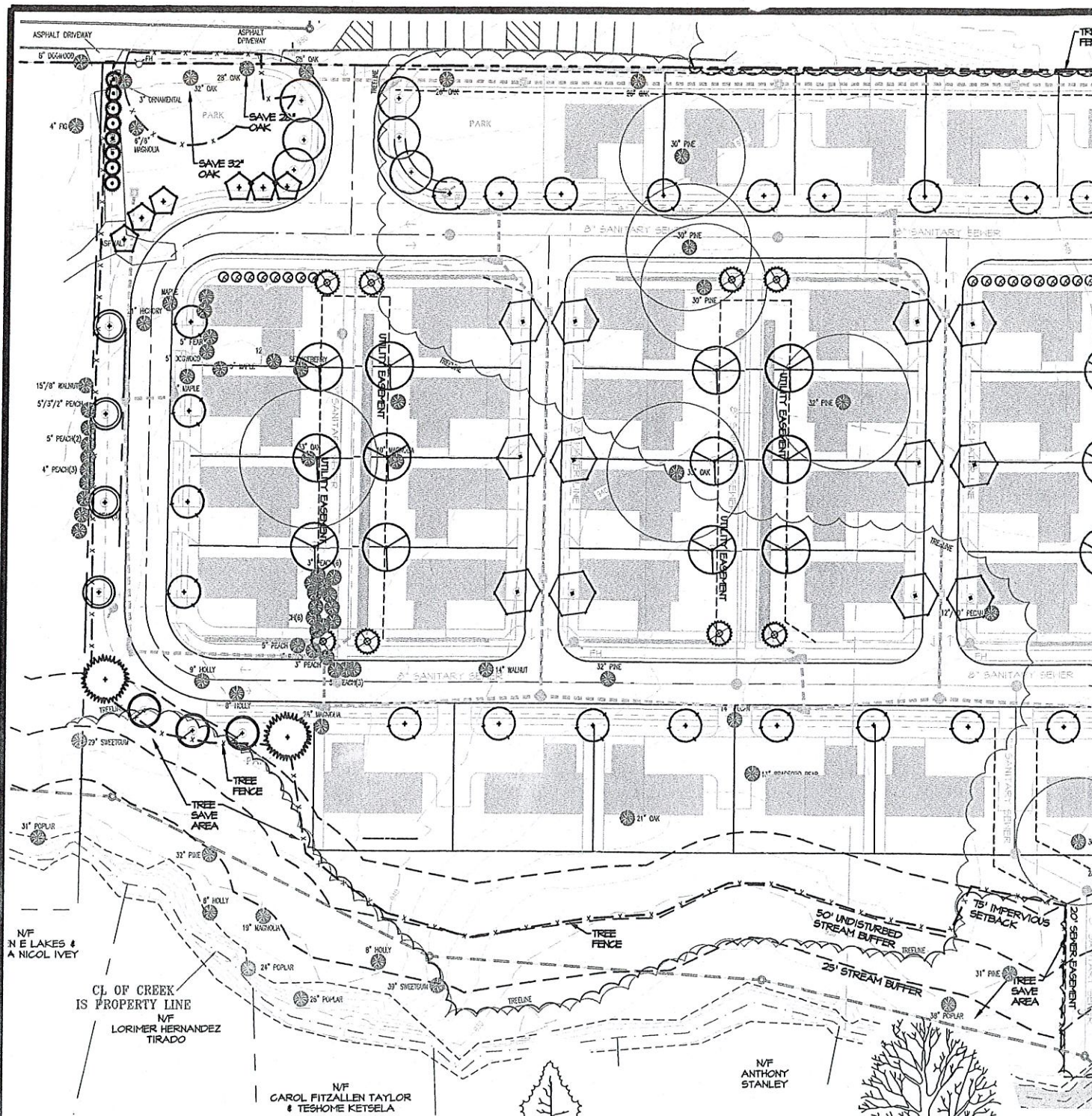
**EVERGREEN TREE PLANTING**

NOT TO SCALE



**TYPICAL TREE PLANTING**

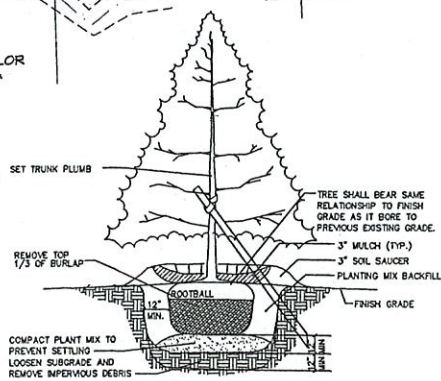
NOT TO SCALE



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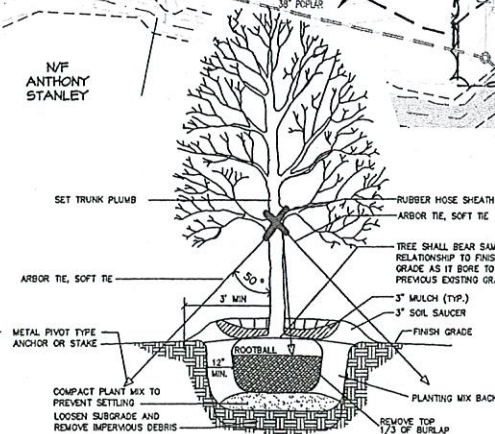
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 4432 Omond Trace, Marietta, GA 30066, Tel 678-205-2026, Cel 678-533-4798



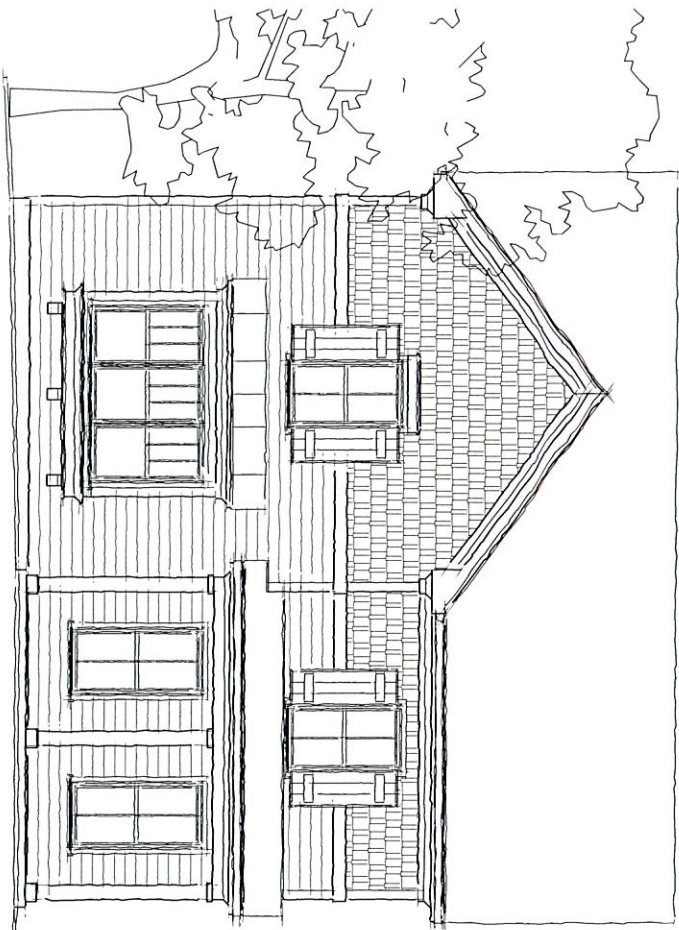
**EVERGREEN TREE PLANTING**

NOT TO SCALE

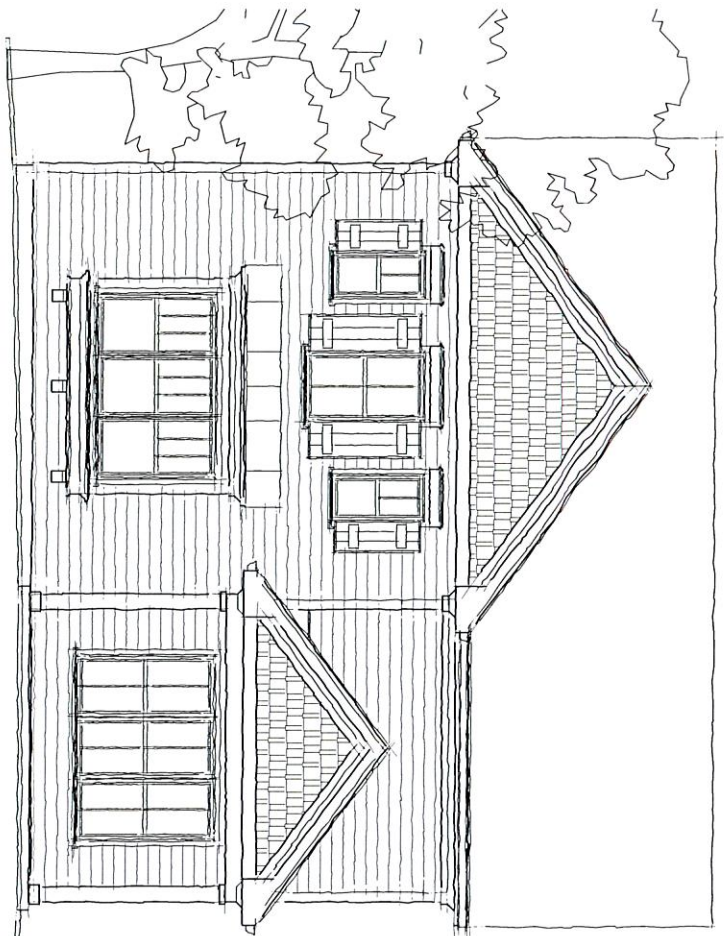


**TYPICAL TREE PLANTING**

NOT TO SCALE



CLARKSTON #3



CLARKSTON #5





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90'

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513'

East Ave

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18 095 05 012

18 095  
05 013

3809

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Clarkston

18 068 08 018

Sto. 852/1ew  
Park

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107' (P)

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95

55'

145'

302'



# PARKSIDE -3809 East Avenue-



Date Printed: 5/18/2021

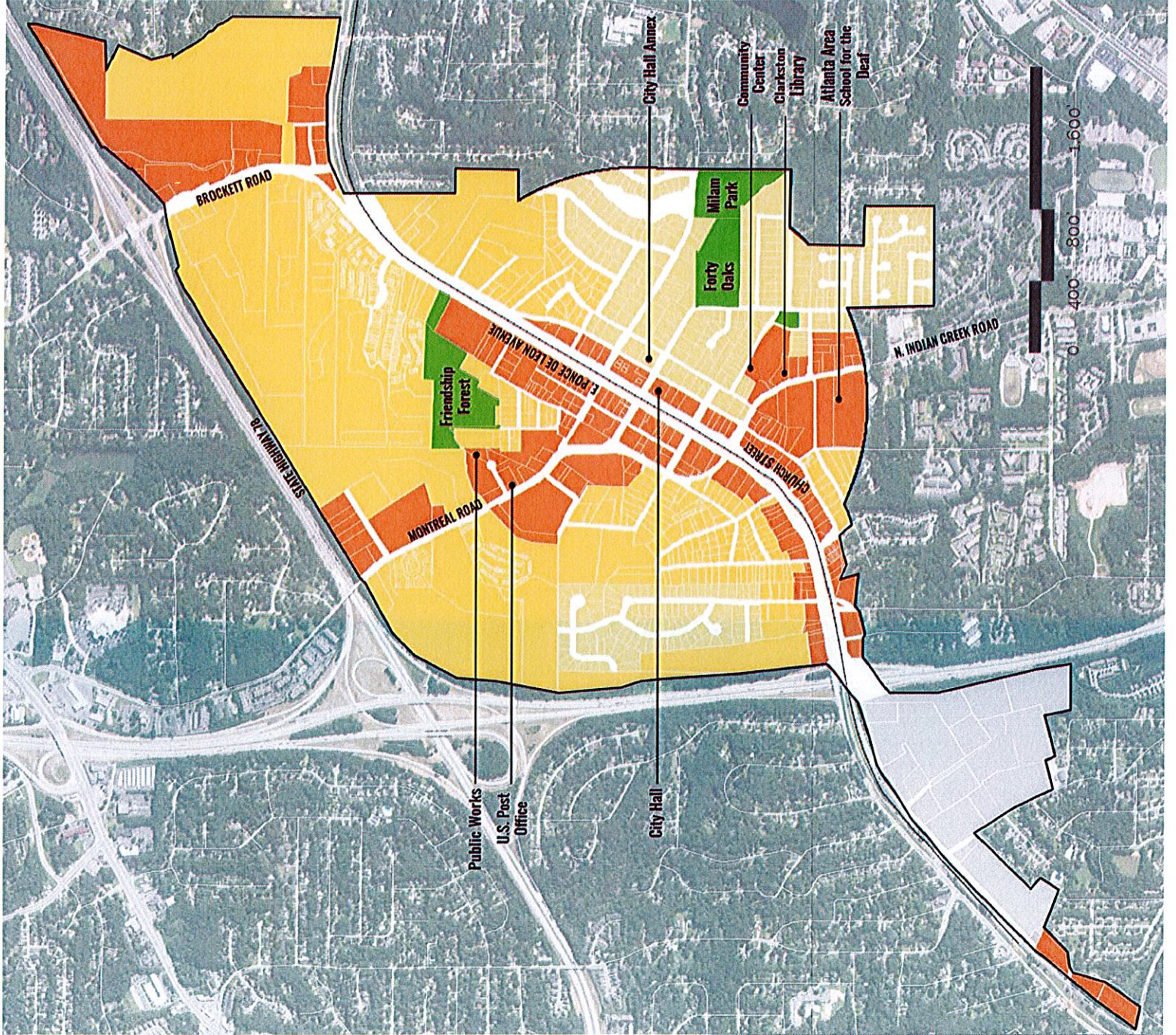


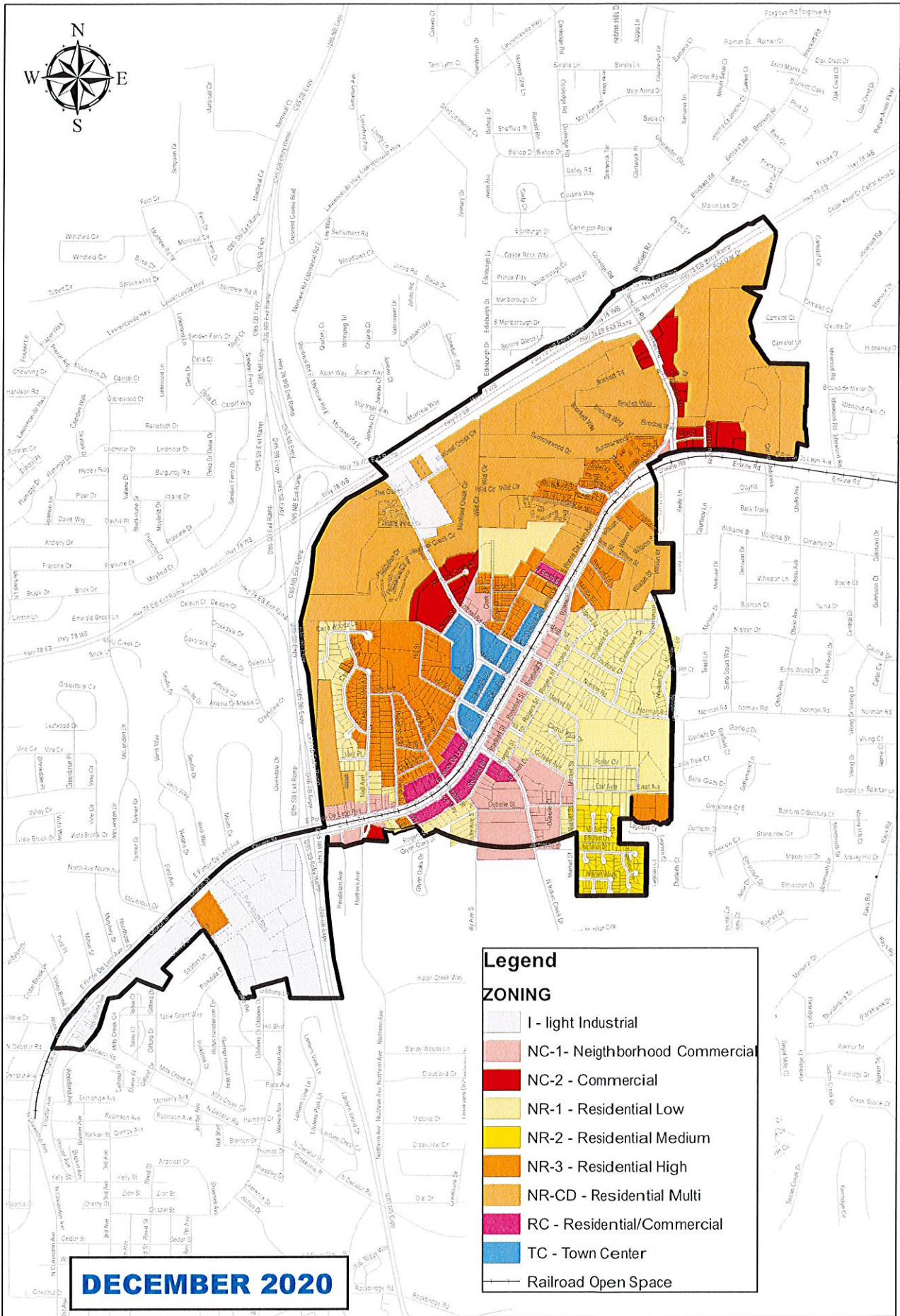
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# FUTURE LAND USE //

## Legend

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





**DECEMBER 2020**

CITY OF CLARKSTON

ITEM NO: G1

CLARKSTON CITY COUNCIL MEETING

BUSINESS AGENDA / MINUTES HEARING

ACTION TYPE:  
PROCLAMATION

TYPE:  
Council Meeting

MEETING DATE: August 4, 2021

SUBJECT: Women's Equality Day Proclamation

DEPARTMENT: City Administration

PUBLIC HEARING:  YES  NO

ATTACHMENT:  No  YES  
Pages: 1

INFORMATION CONTACT: Beverly H. Burks,  
Debra Johnson, Jamie Carroll

PHONE NUMBER: 678.409.9683

PURPOSE:

To approve the Women's Equality Day Proclamation

NEED/IMPACT

Women's Equality Day Proclamation

RECOMMENDATION(S):

Staff has no recommendations



**A PROCLAMATION BY THE CLARKSTON MAYOR AND CITY COUNCIL RECOGNIZING  
AUGUST 26th AS WOMEN'S EQUALITY DAY**

WHEREAS, women in the United States have continuously worked to gain full rights and privileges – public or private, legal or institutional – as citizens of the United States; and

WHEREAS, women in every state worked to secure women's right to vote; and

WHEREAS, Congress has designated August 26, the date the Nineteenth Amendment was certified, as Women's Equality Day; and

WHEREAS, recognizing Women's Equality Day as a day of celebration throughout the country emphasizes the importance of women's work for democracy; and

WHEREAS, The National Women's History Alliance (NWHHA) Women's History 2021 theme of Valiant Women of the Vote: Refusing to be Silenced continues to celebrate the Suffrage Centennial.

NOW, THEREFORE, BE IT RESOLVED BY the Mayor and City Council of the City of Clarkston, Georgia, that this governing body do hereby commemorates Women's Equality Day, August 26th, as a day to celebrate the importance of the women's suffrage movement. The City calls upon the residents of Clarkston to participate in ceremonies and activities that work to secure and expand equal rights today such as, supporting women businesses, creating mentoring programs for business owners and women employees, and bringing equality awareness at the workplace.

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: G2

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
PROCLAMATION

MEETING DATE: August 4, 2021

SUBJECT: National Senior Citizens Day Proclamation

DEPARTMENT: City Administration

PUBLIC HEARING:  YES  NO

ATTACHMENT:  No  Yes  
Pages: 1

INFORMATION CONTACT: Beverly H. Burks,  
Debra Johnson, Jamie Carroll

PHONE NUMBER: 678.409.9683

PURPOSE:

To approve National Senior Citizens Day Proclamation

NEED/IMPACT

National Senior Citizens Day Proclamation

RECOMMENDATION(S):

Staff has no recommendations



**A PROCLAMATION BY THE CLARKSTON MAYOR AND CITY COUNCIL RECOGNIZING  
AUGUST 21st AS SENIOR CITIZENS DAY**

WHEREAS, the observance of Senior Citizens Day in the month of August recognizes seniors who have spent their lives contributing to society and have impacted everyone's lives for the better. The day is dedicated to enhancing the quality of life for millions of senior citizens in communities around the world; and

WHEREAS, Senior Citizens Day was originally recognized on August 14, 1935, the day President Franklin Roosevelt signed the Social Security Act. In 1988, then President Ronald Reagan officially changed the observant day to August 21 to recognize those seniors who made positive contributions in their communities, as well as to bring awareness of social, health, and economic issues affecting that population; and

WHEREAS, citizens are generally classified "senior" once they reach the age of 65. According to the United States Census Bureau, approximately 78 million people aged 65 and older will reside in America by 2035. This figure will surpass the number of the population under the age of 18 for the first time in the nation's history; and

WHEREAS, the observation of Senior Citizens Day recognizes the achievements and vital contributions of senior citizens and their involvement in their local communities.

NOW, THEREFORE, BE IT RESOLVED BY the Mayor and City Council of the City of Clarkston, Georgia, that this governing body do hereby recognize and observe Senior Citizens Day on August 21, 2021. We recognize the impact of the senior citizens in our own community and encourage you to spend time with the seniors you know, listen to their stories, and grow from their wisdom.

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: G3

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
PROCLAMATION

MEETING DATE: August 4, 2021

SUBJECT: 50th Anniversary of the 26th Amendment Proclamation

DEPARTMENT: City Administration

PUBLIC HEARING:  YES  NO

ATTACHMENT:  YES  NO  
Pages:

INFORMATION CONTACT: Beverly H. Burks,  
Debra Johnson, Jamie Carroll

PHONE NUMBER: 678.409.9683

PURPOSE:

To approve 50th Anniversary of the 26th Amendment Proclamation

NEED/IMPACT

50th Anniversary of the 26th Amendment Proclamation

RECOMMENDATION(S):

Staff has no recommendations





**A PROCLAMATION BY THE CLARKSTON MAYOR AND CITY COUNCIL COMMERATING THE  
50TH ANNIVERSARY OF THE 26TH AMENDMENT**

WHEREAS: Fifty years ago, the 26th Amendment to the United States Constitution took effect, lowering the universal voting age in America from 21 years to 18 years. Millions of young Americans were extended the right to vote, empowering more young people than ever before to help shape our country; and

WHEREAS: The right to vote has been secured by generations of leaders over our history, from the women's groups of the early 20th century to the civil rights activists of the 1960s. For young people, the movement to lower America's voting age took years of hard work and tough advocacy to make the dream a reality. Yet, once proposed in Congress in 1971, the 26th Amendment was ratified in the shortest time span of any Constitutional Amendment in American history; and

WHEREAS: On July 5, 1971, President Richard Nixon signed the amendment into law, allowing millions of new young people to vote in the 1972 election; and

WHEREAS: We mark the 50th anniversary of the passage of the 26th Amendment, and reflect on its impact to engage young adults in becoming active participants in American democracy; and

WHEREAS: Today, young adults across America continue to exercise this enormous responsibility of citizenship. Countless young people are involved in the political process, dedicated to ensuring their voices are heard; and

WHEREAS: Today, and for the last fifty years, systemic and legislative barriers continue to make full democratic participation unduly difficult for young voters; and

WHEREAS: Today we must renew the effort to invest in strengthening history and civic learning and to ensure that civic learning opportunities are delivered equitably throughout the country; and

WHEREAS: Ideas from young Americans are important to us as elected officials, and they will help shape the future of our Nation. We are committed to supporting and developing young leaders from all beliefs and backgrounds, and from urban and rural communities alike; and

WHEREAS: Young adults have been a driving force for change in the last century, bringing new ideas and high hopes to our national dialogue. Today, we remember the efforts of those who fought for their seat at the table, and we encourage coming generations to claim their place in our democracy.

NOW, THEREFORE, BE IT RESOLVED BY the Mayor and City Council of the City of Clarkston, Georgia, that this governing body do hereby commemorate, the 50th anniversary of the 26th Amendment in the City of Clarkston in Georgia. The City calls upon the residents of Clarkston to participate in ceremonies and activities that honor young Americans, and those who have fought for freedom and justice in our country.

SO ORDAINED, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

By \_\_\_\_\_  
Tracy Ashby, City Clerk

CITY COUNCIL  
CITY OF CLARKSTON, GEORGIA

\_\_\_\_\_  
Beverly H. Burks, Mayor

CITY OF CLARKSTON

ITEM NO: G4

CLARKSTON CITY COUNCIL MEETING

TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES HEARING

ACTION TYPE:  
Resolution

MEETING DATE: August 4, 2021

SUBJECT: To approve a new alcohol beverage license application.

DEPARTMENT: Alcohol Review Committee

PUBLIC HEARING:  YES  NO

ATTACHMENT:  YES  NO  
Pages:

INFORMATION CONTACT: City Manager  
PHONE NUMBER: 404-296-6489

PURPOSE: The Alcohol Review Committee (ARC) has received and reviewed an ownership change application for alcohol beverage package store for Beer/Wine/Malt Beverages. The location to be considered for this alcohol beverage license is Thriftown located at 926 Montreal Road, Suite 3A..

NEED/ IMPACT: The new owner RR Property Group LLC D/B/A/ Thriftown at 926 Montreal Road, Suite 3A has made application for an alcohol beverage, license for Beer/Wine/Malt beverages for retail package sales. To date: all of the required inspections have been performed and the required background check has been passed. Code Compliance Officer Shennetha Smith has reviewed the application and has measured the location and found it does meet minimum distances as defined by the Code.

The ARC has performed a thorough review of the various components to this application.

RECOMMENDATIONS: Staff (ARC) recommends approval.

Under Clarkston Code Sec. 3-53, the City Council is vested with the final authority to grant an alcohol license.

## New Alcohol Beverage License Application

**Instructions:** This application must be typed or printed legibly and executed under oath. Each question must be fully answered. If space provided is not sufficient to answer the question please use a separate sheet of paper. Holding an alcohol beverage license with the City of Clarkston is a privilege.

New                       Amendment

Date: 05/12/2021

Contact Name: SUBATA KHAN Phone: 470-535-4184

Business/Trade Name: RR PROPERTY GROUP LLC

D/B/A: THRIFTOWN

Business Address: 926 Montreal Rd Ste 3A Clarkston GA 30021

Emergency Contact Name: SUBATA KHAN Phone: 470-535-4184

**TYPE OF BUSINESS**

- Convenience Store
- Grocery Store
- Package Store
- Manufacturer
- Specialty Beverage Store
- Restaurant
- Wholesale
- Other: \_\_\_\_\_

**TYPE OF LICENSE AND FEES**

Retail Dealers On-Premise Consumption/Retail Dealers Package

- Beer/Malt Beverages \$750
  - Wine \$750
  - Beer/Wine/Malt Beverages \$1,000
  - Distilled Spirits \$2,500
  - Wholesale Wine or Beer/Malt \$350
  - Wholesale Beer/Wine/Malt \$450
  - Wholesale Distilled Spirits (City) \$5,000, No location in City \$450
  - Administrative (Investigative Application) Fee (applicable to all Licenses) \$200.00
- Employee Work Permit Initial/Renewal \$50.00 (per employee) Must apply Clarkston Municipal Courts Office (404-292-9465)

**FOR OFFICE USE ONLY**

Department	Date	Approve/Deny	Comments
City Clerk	7-17-21	Approve	
Planning & Development			
Police Department	7-17-21	Approve	
Quality of Life Officer	7-13-2021	Approve	
City Manager	7-17-21	Approve	

**APPLICANT INFORMATION**

Please submit a passport photograph of owner(s) with completed application.

Full Name: SUBATA KHAN Date of Birth: [REDACTED]  
 Current Address: 1654 Hampton Hollow Trl Lawrenceville GA 30043

Name of Agent or Representative (if different from Applicant): Tamara D Sanders  
 Phone: 404-587-0154  
 Address: 7528 WINDEREMERE PK RIVERDALE GA 30274

Address of Applicant (if different for the past 5 years):  
1654 Hampton Hollow Trl Lawrenceville GA 30043 since Feb 2018  
735 Castlebrook Dr Lawrenceville GA 30045 from Feb 2017 to Feb 2018  
previous address Karachi Pakistan

Have you ever been arrested?  Yes  No (If yes, explain) \_\_\_\_\_

**BUSINESS INFORMATION**

Type of business entity:  Sole Proprietorship  Partnership  Corporation  Other

Has an Occupational Tax Certificate been obtained and paid for at said business?  Yes  No (If not issued by the City of Clarkston please include a copy with application.)

Federal Tax ID Number: 85-3372535 State Tax ID Number: 309-646185

Do you own the property?  Yes  No (If no, please provide name, address, and contact number for the landlord. A copy of the Lease must be attached to this application.) CLARKSTON PROPERTY LLC  
PO BOX 47604 DORAVILLE GA 30362 770-220-0822 Alice Jamison

Name each person(s) having a financial interest in the Establishment.

Full Name	Position	Social Security Number	Address	% of Interest
SUBATA KHAN	PRESIDENT	[REDACTED]	1654 Hampton Hollow Trl Lawrenceville GA 30043	100%

Have you or anyone with interest in the establishment ever or do you currently hold an alcohol beverage license with any other municipality, county, or state?  Yes  No

If so, have you or anyone holding interest in the establishment ever been placed on probation or had your license revoked?  Yes  No (If yes, please explain on separate sheet of paper and attach hereto.)

Provide name, address, Social Security Number, and phone number for each Manager if different from owner. A passport photograph, Personnel Statement, and Background Check must be submitted for each manager.

Full Name	Position	Social Security Number	Address	% of Interest
ABID WAHEED KHAN	MANAGER	[REDACTED]	1854 JENNA LYN CT LAWRENCEVILLE GA 30043	0%

If new application for Retail Sale, attach a surveyor's plat and state the straight line distance from property line of school, church, library, or public recreation area to the wall of the building where alcohol beverages are sold.

Church: 491 yards

School: 1692 yards

Library: 915 yards

Public Recreation: 1180 yards

**VERIFICATION OF APPLICATION**

I hereby make application for an Alcohol Beverage License for the City of Clarkston. I understand that holding this license is a privilege. I do hereby affirm and swear that the information provided herein is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I understand the City of Clarkston reserves the right to enforce any and all ordinances regardless of payment of license fee and further that it is my/our responsibility to conform with said ordinances in full. I hereby acknowledge that all requirements shall be adhered to. I can read the English language and I freely and voluntarily have completed this application. I understand that it is a felony to make false statements or writings to the City of Clarkston pursuant to O.C.G.A. §16-10-20.

[Signature]  
Signature of Applicant or Agent

SUBATA KHAN

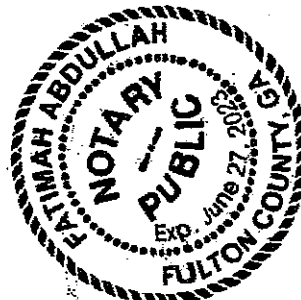
Print or Type Name

I certify that SUBATA KHAN (name of applicant) personally appeared before me, and that he signed his name to the foregoing statements and answers made therein, and under oath, has sworn that said statements and answers are true.

This 14<sup>th</sup> day of May, 2021.

Fatimah Abdullah  
Notary Public

My commission expires on: June 27, 2023





**ALCOHOLIC BEVERAGE PERSONNEL STATEMENT  
OWNERS/MANAGERS/ASSISTANT MANAGERS**

For Official Use Only  
Type of License: \_\_\_\_\_ Business: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Instructions: This personnel statement must be executed under oath or affirmation by every person having any ownership or profit sharing interest in, or managing any place of business applying for license from the City of Clarkston, Georgia to sell or deal in alcoholic beverages or distilled spirits. Please type or print clearly in ink. If not legible, Statement will not be accepted. Each question must be fully answered. If the space provided is not sufficient, answer the question on a separate sheet and indicate in the space provided that such separate sheet is attached. A personnel statement, including two (2) passport-size photographs and two (2) fingerprint cards are required by Questions 31 and 32, for all owners/managers/assistant managers and must be submitted with every license application.

1. SUBATA KHAN 1654 Hampton Hollow Trl Lawrenceville GA 30043  
Full Name of Applicant and Address

2. Social Security Number: ██████████

3. Driver's License Number: ██████████

4. Date of Birth: ██████████ Place of Birth: KARACHI PAKISTAN

5. U.S. Citizen A copy of verifiable identification must be provided at the time of application. Copy of driver's license or State photo ID card.  
a.  by birth  
b.  Naturalized

Date: \_\_\_\_\_ Place: \_\_\_\_\_ Court: \_\_\_\_\_  
Petition Number: \_\_\_\_\_ Certificate Number: \_\_\_\_\_  
Derived Parent Certificate Number(s) \_\_\_\_\_  
Alien Registration Number: ██████████  
Native Country: Pakistan Date of Port Entry: ██████████ Atlanta GA

6. How long have you been a legal resident of Georgia? 4 Years 6 Months

7. Marital Status:  Single  Married  Widowed  Divorced  Separated

8. If married, give spouse's full name AAMIR WAHEED KHAN

9. Physical Description of Applicant ██████████

10. Education and training specific to restaurant/alcohol field. N/A

11. Have you ever used or been known by any other name  yes  No

12. List maiden name, names by former marriages, former names changed legally or otherwise, aliases or nicknames. For each, list the period which you were known by this name. N/A

13. Are you registered to vote in the state of Georgia  yes  No  
County Registered \_\_\_\_\_ Number of years registered \_\_\_\_\_

14. For the last calendar year, did you file and pay any County property tax ( ) Yes (  ) No

15. For the last calendar year, did you file and pay any City property tax ( ) Yes (  ) No  
Name of City \_\_\_\_\_

16. Employment record for the past ten (10) years (Give most recent experience first, is self-employed give details)  
From To Employer Occupational Duties Reason for Leaving

- a. \_\_\_\_\_
- b. 2018-2019 Dunkin Donuts Shift Leader pandemic
- c. No employment previously
- d. 2011-2016 Sindh Government Hospital Health Dept Karachi  
Pakistan General Physician moved to US
- e. \_\_\_\_\_
- f. \_\_\_\_\_
- g. \_\_\_\_\_
- h. \_\_\_\_\_

17. List, with your most recent place of residence first, all of your residences for the past ten (10) years

- a. Date From/To Street City State  
DEC-16 2016 - 2017 735 CASTLEDALE DR LAWRENCEVILLE GA 30043
- b. SEP 2017-present 1854 JENNARLYN CT LAWRENCEVILLE GA 30043
- c. 2011-2016 A171 Block 10A Gulshan Iqbal Karachi Pakistan
- d. \_\_\_\_\_
- e. \_\_\_\_\_

18. Military Service ( ) Yes (  ) No List Serial Number \_\_\_\_\_ - \_\_\_\_\_ Branch of Service \_\_\_\_\_  
Period of Service \_\_\_\_\_ Date of Discharge \_\_\_\_\_ Type of Discharge \_\_\_\_\_

19. Have you ever been convicted of a felony relating to violence, illegal substances, gambling, theft or alcohol use, or of a crime opposed to decency and morality, or who has been convicted of a crime involving violation of the ordinances of the city or any other city or county relating to the use, sale, taxability, or possession of malt beverages, wine or liquor, or violations of the laws of the state and federal government pertaining to the manufacture, possession, transportation or sale of malt beverages, wine or intoxicating liquors, or the taxability thereof within ten (10) years preceding this application? \_\_\_\_\_ Yes (  ) No

20. Full name of dealer and trade name, if any, submitting application of which this personnel statement is a part.  
RR Property Group LLC d/b/a Thriftway

21. Position of applicant in dealer's business. Manager

22. Does applicant have any ownership/profit sharing interest in the business? ( ) Yes (  ) No

State annual salary of applicant or the estimated annual profit or compensation derived from this business.

\$4,000 per month



23. Do you have any financial interest in any bar, lounge, tavern, restaurant, or other place of business where alcoholic beverages are sold and consumed on the business premises? ( ) Yes (X) No if yes, explain

24. Do you have any financial or are you employed in any wholesale or retail liquor business other than the business submitting the license application of which this personnel statement is a part? ( ) Yes (X) No if yes, give names and locations and amount of interest in each.

25. Do you have any financial interest or are you employed in any business engaged in distilling, bottling, rectifying or selling (wholesale, retail or manufacturing) alcoholic beverages in this state or outside this state which has not otherwise been disclosed in the statement. ( ) Yes (X) No If yes, explain

26. Have you ever had any financial interest in an alcoholic beverage business which was denied a permit? ( ) Yes (X) No if yes, explain

27. Has any alcoholic beverage business in which you hold or have held any financial interest or have been employed, ever been cited for any violation for the rules and regulations of the State Revenue Commission relating to the sale or distribution of distilled spirits? ( ) Yes (X) No If yes, explain

28. Have you ever been denied a bond by a commercial surety company? ( ) Yes (X) No if yes, explain

29. Are you related by blood, marriage or adoption to any persons engaged in any business handling alcoholic beverages, whiskeys or liquors in the State of Georgia. ( ) Yes (X) No

30. Personal References. Give three (3) personal references, not relatives (i.e., former employees, fellow employees or school teachers who are responsible adults, business or professional men or women) who have known you well during the past five (5) years.

Name IMRAN SURANI  
Residence 3680 HICKORY BRANCH TRAIL SUWANEE GA 30024  
Business Address \_\_\_\_\_  
Telephone Number 7703633400 Number of years known 5+

Name MUMTAZ LALANI  
Residence 2480 SUGARLOAF CLUB DR DULUTH GA  
Business Address \_\_\_\_\_  
Telephone Number 4044832981 Number of years known 5+


Name SULEMAN BHIMANI  
Residence 3380 PEACHTREE RD NE APT 806 ATLANTA GA 30326  
Business Address \_\_\_\_\_  
Telephone Number 4703788440 Number of years known 5+

31. Attach two (2) passport-size photographs (front view). Write name on back of photographs and also the name of dealer submitting a license application. Initial here if such photographs are attached. SK

32. There must be submitted with this personal statement the fingerprints of applicant on two (2) fingerprint cards, which will be furnished to the City of Clarkston. Initial here that such fingerprint cards are attached. SK

**Verification**

I, SUBATA KHAN, applicant, do solemnly swear, subject to criminal penalties for false swearing, that the statements and answers made by me to the foregoing questions in this application for a City of Clarkston license as a dealer in alcoholic beverage and distilled spirits are true, and no false or fraudulent statements or answer is made therein to procure the granting of such license. I hereby submit for an Alcoholic Beverage Privilege License Personnel Statement for the City of Clarkston. I do hereby swear or affirm that the information provided herein is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this statement and any related application. I certify that neither I, nor any of the other owners of the retail or wholesale establishment, nor the manager of such establishment has been convicted or has plead guilty or entered a plea of nolo contendere to any crime, misdemeanor, and/or felony involving moral turpitude, lottery, or illegal possession or sale of narcotics or liquors within a period of ten (10) years immediately prior to the filing of such application. I understand the City of Clarkston reserves the right to enforce any and all ordinances regardless of payment of license fees and further that it is my/our responsibility to conform to said ordinance in full. I hereby acknowledge that all requirements shall be adhered to. I can read the English language and I freely and voluntarily have completed this application. I understand that it is a felony to make false statements or writings to the City of Clarkston pursuant to O.C.G.A. §16-10-20.

  
\_\_\_\_\_  
Applicant's Signature (full name in ink)

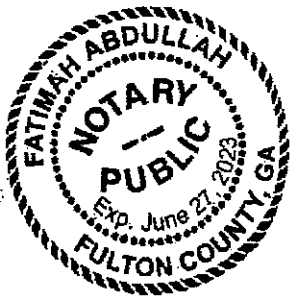
SUBATA KHAN  
\_\_\_\_\_  
Applicant's Name (Print or Type)

I certify that Subata Khan (name of applicant) personally appeared before me, and that he signed his name to the foregoing statements and answers made therein, and under oath, has sworn that said statements and answers are true.

This 14<sup>th</sup> day of May, 2021.

Fatimah Abdullal  
\_\_\_\_\_  
Notary Public

Seal:



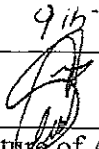
REGISTERED AGENT CONSENT AND INFORMATION FORM

CITY OF CLARKSTON OFFICE OF THE CITY CLERK

Sec. 3-6(l) All licensed establishments must have and continuously maintain in DeKalb County a registered agent upon whom any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee or owner may be served. This person must be a resident of DeKalb County. The licensee shall file the name of such agent, along with the written consent of such agent with the city.

I, Cynthia Trejo, do hereby consent to serve as the Registered Agent for the licensee, owners, officers, and/or directors thereof and to perform all obligations of such agency under the Alcoholic Beverage Ordinance of the city of Clarkston, Georgia. I understand the basic purpose is to have and continuously maintain a Registered Agent upon which any process, notice, or demand required or permitted by law or under said ordinance to be served upon the licensee or owner may be served. I understand that the Registered Agent must be a citizen of the United States and a resident of DeKalb County Georgia. I hereby authorize the Clarkston Police Department to obtain and review copies of any criminal and/or driver's histories in my name or any alias used by me in the past or at the present. I understand that this information may be used against me during the course of the Clarkston Police Department's investigation. I further certify that I will notify the City of Clarkston Office of the City Clerk of any changes effecting my status and/or position with this company.

This 9<sup>th</sup> day of Jun, 2021.


  
Signature of Agent


CYNTHIA TREJO  
Type or Print Name of Agent

6680 PTREE IND BLVD APT B  
Type or Print Agent's Home Address

ATLANTA DEKALB GA 30360-2157  
Type or Print City, State and Zip Code

MAY 2018  
Type or Print Date Moved into the Above Address

  
Type or Print Social Security Number

  
Type or Print Driver's License Number

  
Type or Print Date of Birth

404-966-4318  
Type or Print Area Code and Phone Number

CITY OF CLARKSTON

ITEM NO: G5

CLARKSTON CITY COUNCIL WORK SESSION

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Resolution

MEETING DATE: AUGUST 4, 2021

**SUBJECT:** Approve Electric Vehicle (EV) charging station license agreement with Georgia Power to install electric vehicle charging stations in the City of Clarkston.

DEPARTMENT:  
**Planning & Economic Development**

PUBLIC HEARING:  YES  NO

ATTACHMENTS:  YES  NO  
Pages:

INFORMATION CONTACT:  
**Shawanna Qawiy, MSCM, MPA**  
**Planning & Economic Development Director**  
PHONE: 404-296-6489

**PURPOSE:** To approve the City entering into a Charging Station License Agreement with Georgia Power Company that will allow for GA Power to install an electrical vehicle (EV) charging station for the public usage at no cost (to the public).

**NEED/ IMPACT:**

Georgia Power and City staff reviewed and discussed the installation of various EV charging stations on City property. The recommended location to install two (2) charging stations is the 2 eastern most parking spaces adjacent to the City Hall/Police Station Market St driveway entrance. The location is optimal due to its proximity to our City Center, the PATH, and the Clarkston Police Station (safety) which is well lit and under 24-hour camera surveillance.

Georgia Power will have access to the premises for construction, installation, maintenance, repair, operation and use for the charging station with customers having access to the area 24 hours, 7 days a week. GPC shall have the exclusive right to provide vehicle charging and support services to drivers of electric plug-in vehicles and EV-charging-related services at the premises at no cost to the public. The City will provide the space to GA Power also at no cost (no revenue to the City).

The electric plug-in vehicles license agreement is an irrevocable 10-year commitment.

**RECOMMENDATION:** N/A

**GEORGIA POWER COMPANY**  
**CHARGING STATION LICENSE AGREEMENT**

(Company name) a (State Inc. Corp, LLC) ("Licensor"), and GEORGIA POWER COMPANY, a Georgia corporation ("GPC"), hereby enter into this **Charging Station License Agreement** (the "License") as of (Month, Day) 2020 (the "Effective Date"). In consideration of mutual benefits and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, Licensor and GPC (collectively, the "Parties") acknowledge and agree as follows:

**LICENSE GRANT; COVENANTS**

**Premises; License Area.** Licensor is the fee owner of the property located at [redacted] and further described or depicted in **Exhibit A** attached hereto (the "Premises"), and Licensor grants to GPC a license to use that portion of the Premises identified in **Exhibit A** (the "License Area") for the Charging Station (defined in Section 3.1). At GPC's election, GPC may record this License or a memorandum of this License in the real property records. Licensor acknowledges that GPC will make substantial expenditures to install the Charging Station in reliance upon the terms of this License.

**Use of Other Portions of the Premises.** During the Term (as defined in Section 2.1), Licensor also grants to GPC: (i) a general ability to use the Premises for access to and from the License Area for construction, installation, maintenance, repair, operation and use of the Charging Station; (ii) the right, but not the obligation, to provide GPC's customers access to the License Area 24 hours per day, 7 days per week, and 365/366 days per year; and (iii) the rights described in the form distribution easement attached hereto as **Exhibit B** in order to permit GPC to install, operate, maintain and repair overhead and/or underground electric distribution lines and related facilities (including electric distribution cabinets) in the locations needed to serve the Charging Station.

**Restrictive Covenants.** During the Term, Licensor agrees that the Premises are subject to the following restrictive covenants: (i) GPC and its customers will have vehicular and pedestrian access to and from the License Area at all times and Licensor will not make or allow any material change to the vehicular or pedestrian access without providing 30 days' prior written notice to GPC; (ii) Licensor will not make or allow any change to the License Area without GPC's prior written consent; and (iii) GPC shall have the exclusive right to provide vehicle charging and support services to drivers of electric plug-in vehicles (each an "EV") and EV-charging-related services at the Premises. Licensor will incorporate item (iii) into all leases, licenses and other grants of rights affecting the Premises.

**TERM; FEE; TERMINATION**

**License Term.** The term of this License (the "Term") will commence on the date the Charging Station is first operational (the "Commencement Date"), and unless extended per this Section 2.1 or terminated per Section 2.3, will end on the date which is ten (10) years after the Commencement Date. Upon request by Licensor, GPC will provide written notice of the Commencement Date to Licensor. The Term will automatically renew for successive five (5) year periods unless either Party gives written notice to the other Party of its desire to terminate the License at least ninety (90) days before the end of the then-current Term.

**License Fee.** GPC will pay Licensor One Dollar (\$1.00) per year for the use of the License Area, due and payable upon the execution of this License. If the Term is extended per Section 2.1, GPC will pay Licensor One Dollar (\$1.00) for each year of the extended Term on or before the end of the then-current Term.

**Termination.** Licensor may immediately terminate this License for cause if GPC fails to perform any License obligation in any material respect, and the breach continues uncured for 30 days after receipt of written notice. GPC may immediately terminate this License upon written notice, for any reason or for no reason. Promptly following expiration or termination, GPC will remove the Charging Station from the License Area and will restore the area to its former condition, excluding ordinary wear and tear. Despite the previous sentence, GPC, at its option, may cap off and secure, but not remove, any underground electrical wiring or conduit. Upon any termination of this License, both Parties are relieved of any further obligation under this License, except for any obligation that by its nature should survive or may require performance after termination.

**CHARGING STATION FACILITIES**

**Charging Station Facilities.** Each "Charging Station" includes all EV charging equipment; GPC signage; electrical equipment, meters, hardware, and software; and supporting equipment and structures installed by GPC, including electric distribution cabinets and equipment, concrete pads, and protective bollards. The number and approximate location of each Charging Station is indicated in **Exhibit A**. GPC (itself or through contractors), at any time and for any reason during the Term, may upgrade, revise, alter, swap, or remove all or part of any Charging Station in the License Area and may perform security assessments and install (or add additional) reasonable security features, including lighting or cameras.

**Signage.** GPC may paint, place, erect, or project signs, marks, or advertising devices on or about the License Area or elsewhere on the Premises, including signage on or around the Charging Station designating the area "EV Charge Parking Only."

**Installation.** GPC will retain all ownership rights in the Charging Station throughout the Term. GPC will have the right to remove all or a portion of the Charging Station at any time during the Term or after License termination, whether or not the items are considered fixtures or attachments to the License Area under applicable law.

**Operation and Maintenance.** GPC, at its sole cost and discretion, will maintain and operate the Charging Station. GPC, in its sole discretion, will determine the type and amount of user fees and method of payment to GPC. Licensor may not collect any fee for use of the Charging Station. If there are operational or maintenance issues with the Charging Station, Licensor will not undertake any repair; instead, Licensor will promptly contact GPC per **Exhibit C** attached hereto. GPC does not guarantee uninterrupted or continual operation of the Charging Station and, in its sole discretion, may interrupt operation when necessary.

**Licensor Obligations.** Licensor, at its sole cost and expense, will take all action necessary to maintain the License Area in a clean, safe, and orderly condition, to at least the same standard as it customarily maintains the Premises common areas, including providing lighting and general security for the License Area. Licensor agrees to take reasonable measures (including towing) to discourage non-EV vehicles from parking in the License Area.

**Property Taxes.** GPC is solely responsible for personal property taxes imposed on the Charging Station. All other real or personal property taxes related to the License Area and the Premises are the sole obligation of Licensor.

## **INTELLECTUAL PROPERTY; PUBLICITY**

**GPC Intellectual Property.** As between the Parties, GPC retains ownership of all of GPC's "**Intellectual Property**" (each copyright, patent, trademark, service mark, name, logo, design, domain name, trade secret, know-how, and each unique concept, data, or knowledge eligible for legal protection as intellectual property under applicable law). Licensor has, and will obtain, no right in any GPC Intellectual Property. Each reference to GPC in this Section 4 includes its parent, Southern Company, and its affiliates. Any document in any format prepared by or under the direction of GPC in connection with construction, installation, or maintenance of a Charging Station is solely and exclusively GPC Intellectual Property.

**Publicity.** Licensor may not use GPC's name or any GPC Intellectual Property without GPC's prior written consent. No publication or promotional material may claim or imply that GPC endorses Licensor's business, brand, products, environmental attributes, or Licensor generally. Licensor agrees that it will not place a logo, trademark, service mark, or advertising device on any portion of the Charging Station or in the License Area without GPC's prior written consent. GPC may advise mapping services, vehicle navigation system manufacturers, or smart phone application developers of the existence of the Charging Station at the License Area. To promote and inform the public about the Charging Station, GPC may disclose to the public information about the location of the Charging Station and its status and may use the business name (or project or shopping center name as designated by Licensor) and address of the License Area in promotional materials, websites, and maps. With Licensor's prior written consent, GPC may use Licensor's logo, trademark, or service mark in promotional materials, websites, or maps.

## **LICENSOR REPRESENTATIONS, WARRANTIES AND COVENANTS**

Licensor represents, warrants, or covenants that: (i) it has or will obtain any consent or approval required for Licensor to enter into, grant the rights in, and perform its obligations under, this License, and for GPC to take the contemplated actions with respect to the License Area, from any third party: (a) with an interest in the Premises; or (b) whose consent is required under conditions, covenants, or restrictions documents or declarations affecting the Premises; (ii) there is no lien, judgment, encumbrance, or other impediment of title on the Premises that would adversely affect use of the License Area by GPC per this License; and (iii) it will maintain the Premises free of any lien, judgment, encumbrance, or impediment throughout the Term.

## **INSURANCE**

**GPC Insurance.** During the Term, GPC will maintain, at its cost and expense, the insurance coverage it is required to maintain by the Georgia Public Service Commission. In all events, GPC will be entitled to self-insure.

**Licensor Insurance.** Licensor, at its expense, must procure and maintain in effect without interruption throughout the Term insurance policies providing at least the following coverages and limits:

Commercial general liability ("**CGL**") (or a combination of CGL and excess/umbrella liability) insurance on an occurrence (not claims made) basis, providing coverage of at least **\$5 million** for any one occurrence in or about the Premises (including the License Area), and **\$5 million** in the annual aggregate, including broad form contractual liability coverage, products/completed operations coverage for 2 years, broad form bodily injury and property damage coverage, and severability of interest for each insured; and

Full replacement cost property insurance (written on a "special perils" basis) for: (a) the Premises and all improvements thereon; and (b) all personal property, machinery, equipment, and trade fixtures located at the Premises; and

Statutory worker's compensation insurance and employer's liability insurance of **\$1 million** per accident/per employee.

Upon request during the Term, Licensor will provide to GPC a certificate evidencing the required coverages. To the extent allowed by applicable law: (i) Licensor's CGL, and if applicable, excess/umbrella liability, insurance must name GPC as an additional insured for any claim arising out of any activity at the Premises or caused by action or inaction of Licensor, its agents, representatives, or invitees, but additional insured status will not apply to a claim resulting from GPC's sole negligence; and (ii) Licensor waives, and will require its insurers to waive, any right of subrogation otherwise possessed against GPC under any insurance maintained by Licensor (including CGL, excess/umbrella, and property) or under state or federal workers' compensation or employer's liability law, except that the waiver will not extend to a claim resulting from sole negligence of GPC unless allowed by applicable law. The existence, or amount, of insurance does not waive or limit Licensor's liability under this License.

**Licensor Waiver.** Despite anything to the contrary in this License, to the extent covered by property insurance maintained (or required to be maintained) under Section 6.2 (*Licensor Insurance*), Licensor waives every right or cause of action for any loss of or damage to the Premises or any improvement thereon, or to the personal property of Licensor, or its affiliates, representatives, agents, officers, directors, shareholders, partners, owners, contractors, employees, or invitees, regardless of cause or origin and whether or not

caused by the fault or negligence (except sole negligence) of GPC, its agents, or employees. This waiver and release applies between the Parties and to any claim by, under, or through Licensor as a result of any asserted right of subrogation.

#### **BROKERS; ATTORNEYS' FEES; REMEDIES**

**Brokers.** Each Party represents to the other that it has not dealt with any broker in connection with this License. Each Party will indemnify and hold harmless the other against and from any loss, cost, damage or fee (including reasonable attorneys' fees) resulting from any inaccuracy of this representation and warranty.

**Attorneys' Fees.** If either Party sues the other for violation of, or to enforce any provision of, this License, the prevailing Party will be entitled to reimbursement of all its costs and expenses, including reasonable attorneys' fees.

**Remedies.** Licensor specifically agrees that if the covenants in Section 1 are breached, damages will be very difficult, if not impossible, to ascertain. Accordingly, in addition to any other remedy allowed by law, the Parties agree that each covenant will be enforceable in equity. The rights and remedies provided by this License are cumulative and are additional to any right under applicable law or in equity; the use of any right or remedy by a Party does not preclude or waive its right to use any other remedy.

#### **MISCELLANEOUS**

**Relationship of the Parties; Force Majeure.** The Parties are independent contractors in performance of this License. This License: (i) creates no joint venture, partnership, fiduciary, or agency relationship for any purpose; (ii) confers no right or remedy on any person other than the Parties and their respective successors or permitted assigns; and (iii) creates no contractual relationship with, or cause of action for, any third party. Any renewable energy credit, allowance, or other indicator of environmental benefit attributable to presence of a Charging Station on the Premises during the Term belongs to GPC. Rights and obligations in this License are independent from any other agreement between the Parties. Neither Party is responsible for delay or failure in License performance to the extent the delay or failure is caused by fire, flood, explosion, war, embargo, government requirement, civil or military authority, act of God, act or omission of carriers, or other similar cause beyond the Party's control.

**Interpretation.** Both Parties were involved in negotiating this License; no rule allowing construction according to authorship applies. Georgia law governs all matters, including torts, relating to this License, without regard to choice of law principles. The Parties will resolve a claim or dispute under this License in a state or federal court sitting in Fulton County, Georgia, regardless of Premises location; each consents to exclusive jurisdiction and venue in these courts. This License and its exhibits comprise the Parties' final and exclusive expression of their rights and obligations regarding the License Area and supersede any prior oral or written representation, promise, or agreement. Captions are for convenience only and do not affect interpretation; "include" means "include, but are not limited to"; "or" means "either or both"; and defined terms are singular or plural as context requires. License provisions that logically should apply beyond License expiration or termination will survive expiration or termination.

**Modification; Waiver; Assignment; Severability.** No amendment or modification of this License is effective unless made in a writing signed by both Parties. Each Party agrees to execute documents or perform acts reasonably necessary to perform each provision of this License. Failure of a Party to insist on strict performance of any provision does not waive the right to require future performance; a waiver in one instance is not a waiver regarding a later obligation or breach. This License binds and benefits the Parties and their respective heirs, successors, assigns, including successor Premises owners. If there is an assignment or change in control of all, or substantially all, of a Party's operations or assets, the Party must provide prompt written notice and the Parties will cooperate to ensure that the License binds the successor. If a court rules a provision unenforceable to any extent, the rest of that provision and all others remain effective; the Parties will negotiate in good faith to replace the provision. If a court finds a provision unreasonably broad in time or scope, the Parties desire that the court reduce it to the maximum allowable parameter, instead of holding it totally unenforceable.

**Notices.** Any notice under this License must be in writing and be delivered either by: (i) personal delivery (effective that date); (ii) prepaid nationally- or internationally-recognized commercial overnight courier (effective the next business day); or (iii) registered or certified U.S. mail, with proper postage (effective the following fourth business day). The Parties will provide notice as indicated in **Exhibit C**, subject to any update provided by written notice pursuant to this Section 8.4.

*[Remainder of page left blank; signatures appear on following page]*

**Each Party** agrees to all terms and conditions of this License as of the Effective Date. This License may be executed in any number of counterparts. The Parties may exchange counterparts by facsimile transmission or as a scanned image (e.g., .pdf or .tiff file extension) as an attachment to email; a facsimile or scanned signature is an original signature for all purposes.

**LICENSOR:**

Signed, sealed, and delivered  
in the presence of:

\_\_\_\_\_, a  
\_\_\_\_\_

\_\_\_\_\_  
Unofficial Witness

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**GPC:**

Signed, sealed, and delivered  
in the presence of:

**GEORGIA POWER COMPANY**, a Georgia corporation

\_\_\_\_\_  
Unofficial Witness

By: \_\_\_\_\_

Name: \_\_\_\_\_ Jennifer Winn \_\_\_\_\_

Title: \_\_\_\_\_ Natural Resources GM \_\_\_\_\_



**EXHIBIT A**  
**DEPICTION OF PREMISES AND LICENSE AREA**





**EXHIBIT B**  
**FORM DISTRIBUTION EASEMENT**

(attached)

**EXHIBIT C**

**NOTICES AND ADMINISTRATION**

**Licensor will provide notice to GPC regarding any operational or maintenance issue at the Charging Station under Section 3.4 (*Operation and Maintenance*) as follows:**

Kelli Newman  
Electric Transportation Market Specialist  
Georgia Power Company  
knewman@southernco.com  
111 Stockyard Rd.  
Statesboro, GA 30458

**Each Party will provide Publicity requests to the other under *Publicity* (Section 4.2) as follows:**

**Requests to GPC:**

Ed Harmon  
Electric Transportation Program Manager  
Georgia Power Company  
echarmon@southernco.com  
4404 N. Shallowford Road  
Atlanta, GA 30338

**Requests to Licensor:**

Robin I. Gomez  
City Manager  
City of Clarkston  
1055 Rowland St  
Clarkston GA 30321

**Each Party will provide written notice to the other under *Notices* (Section 8.4) as follows:**

**Notice to GPC:**

Ed Harmon  
Electric Transportation Program Manager  
Georgia Power Company  
4404 N. Shallowford Road  
Atlanta, GA 30338

**Notice to Licensor:**

Robin I. Gomez  
City Manager  
City of Clarkston  
1055 Rowland St  
Clarkston GA 30021

**With a copy to:**

Vanessa Watson  
Senior Counsel  
Georgia Power Company  
241 Ralph McGill Blvd NE  
Bin 10180  
Atlanta, GA 30308

**With a copy to:**

Stephen Quinn  
City Attorney  
City of Clarkston

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: G7

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
PROCLAMATION

MEETING DATE: August 4, 2021

SUBJECT: Approve a Resolution to encourage the DOT to add sound barriers between 285 and the city when they add an extra lane

DEPARTMENT: City Administration

PUBLIC HEARING:  YES  NO

ATTACHMENT:  No  Yes  
Pages: 1

INFORMATION CONTACT: Jamie Carroll &  
MARK W. Perkins

PHONE NUMBER: 678.409.9683

PURPOSE:

To approve a resolution to encourage the DOT to add sound barriers between 285 and the city when they add an extra lane.

NEED/IMPACT

Adopt a resolution to encourage the DOT to add sound barriers between 285 and the city when they add an extra lane

RECOMMENDATION(S):

Staff has no recommendations

A RESOLUTION BY THE MAYOR AND CITY COUNCIL ENCOURAGE THE GEORGIA  
DEPARTMENT OF TRANSPORTATION TO ADD SOUND BARRIERS BETWEEN 285  
AND THE CITY WHEN THEY ADD AN EXTRA LANE

WHEREAS, The Mayor and Council desire to reduce the negative impacts of Interstate Noise on the Clarkston Community; and

WHEREAS, every year the number of automobiles traveling the I-285 corridor increases; and

WHEREAS, The Noise Control Act of 1972 determined that inadequately controlled noise presents a growing danger to the health and welfare of the Nation's population, particularly in urban areas; and

WHEREAS, since the 1970s, sound walls or barriers have been constructed in the United States to help buffer the adjacent homes and businesses from the increased noise pollution; and

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby requests that the Georgia Department of Transportation include the installation of sound barriers on any future I-285 lane expansion projects that are constructed adjacent to the City of Clarkston.

PASSED AND ADOPTED by the City Council of City of Clarkston,  
Georgia, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

By \_\_\_\_\_

Tracy Ashby, City Clerk

CITY COUNCIL  
CITY OF CLARKSTON, GEORGIA

\_\_\_\_\_

Beverly H. Burks, Mayor