



CITY COUNCIL MEETING

Awet Eyasu – Vice-Mayor

YT Bell

Laura Hopkins

Jamie Carroll

Debra Johnson

Ahmed Hassan

Robin I. Gomez– City Manager

AGENDA

Tuesday, May 5, 2020 7:00PM

A. CALL TO ORDER

B. ROLL CALL/ PLEDGE OF ALLEGIANCE

C. ADMINISTRATIVE BUSINESS/ PRESENTATION

C1) Approve Minutes: Council Meeting 3/3/2020 and Special Call Meetings 3/17 and 3/27/2020 Minutes

D. REPORTS:

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

E. PUBLIC COMMENTS

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

F. OLD BUSINESS

G. NEW BUSINESS

G1) Declaring Vacancy in Office of Mayor and Set Special Election and Qualifying

G2) Adopt a Resolution to issue a 2020 General Obligation Sales Tax (SPLOST) Bond for \$3,585,000 and a refunding of the original 2018 Sales Tax Bond with a principal amount of \$4,420,000

G3) Adopt Resolution Authorizing, Among Other Things, Amending the FY2019 Operating Budget from \$11,803,207 to \$15,708,668

G4) Discuss Funding for Additional COVID-19 Testing

G5) Discuss Alternate Resolution to Encourage CKPD to Avoid Arrests for City Ordinance Violations during COVID-19

G6) Resolution to develop written Policies and Procedures for Clarkston City Council

G7) Adopt Resolution to Re-Adopt the Clarkston Livable Community Initiative Plan update dated February 26, 2015

H. ADJOURNMENT:

MINUTES
CLARKSTON CITY COUNCIL

Tuesday, March 3, 2020

Officials Present

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

A. CALL TO ORDER

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

- B.** Mayor Terry reminded that interested speakers for the Public Hearing must sign up and should hold those comments for the public hearing and not during the public comments portion of the meeting.

C. ROLL CALL/ PLEDGE OF ALLEGIANCE

Present: YT Bell, Jamie Carroll, Awet Eyasu, Ahmed Hassan, Laura Hopkins, Debra Johnson

D. ADMINISTRATIVE BUSINESS/ PRESENTATION

C1) Approve Minutes: Council Meeting 2-4-2020 and Executive Session 2-25-2020 Minutes
Ahmed Hassan made a motion to approve the Council Meeting 2-4-2020 and Executive Session 2-25-2020 Minutes. Laura Hopkins seconded the motion. A vote was called and the motion carried. (6, 0).

C2) Resolution honoring Ms. Betty Amin

Awet Eyasu read the resolution honoring the Life of Mrs. Betty Hasan-Amin. He reminded there will be also be an event on Saturday, March 7th for the community to honor Mrs. Betty at the Community Center.

C3) Recognize Clarkston Employees Service: Dan Defnall

Mr. Gomez recognized and presented a Certificate to Finance Director Dan Defnall for his five years of employment with the City.

C4) Recognize New Hires: Pete Livingston

Mr. Gomez recognized Public Works employee Pete Livingston for being moved from part time to full time employment status.

C5) Introduce New Police Lieutenant Darian Haygood and Sergeant Andrew Walker

Mr. Gomez presented the two promoted position in the Police Department; SGT Walker and LT Haygood.

C6) Recognition for Lifesaving Award: Sgt. Garfield Trumble and OFC. Alberta Fountain

The Lifesaving Awards were deferred until the April Council Meeting.

C7) South Fork Peachtree Creek- Waterway Cleanup Recap

Kash Hatami gave a PowerPoint presentation on the Rivers Alive Cleanup event.

D. REPORTS:

1) Planning & Zoning Report

Shawanna Qawiy discussed the upcoming Planning & Development work plan series for code compliance series with a focus on the apartments will be 3-19-2020. She reported that the next Planning and Zoning meeting will be held on 3/17/2020 and they will hear the deferred CUP requested by Brava Auto. She clarified that the existing homes at the East Avenue project has demolished but no additional permits have been requested at this point. She stated that staff are working on the RFP for the Zoning Rewrite and making final edits to insure an inclusive and comprehensive RFP.

2) City Manager's Report

Mr. Gomez provided a detailed financial report for fiscal year 2019. He reported on the status of the Streetscape project and that much of the construction has experienced delays due to continual rain during the month. Chief Hudson provided a crime statistics report and Assistant Chief Hess discussed the new Clarkston Police uniforms and patch and Officer Koirala demonstrated the uniform.

3) City Attorney's Report

No Report

4) Council Remarks

Laura Hopkins discussed her attendance of the Newly Elected Officials Training

Awet Eyasu reported on his attendance of the 2/6/2020 Coalition on Refugee Services at the Georgia Piedmont College, the 2/13/2020 New Americans Day at the Capitol, the 2/13/2020 Health Fair at the Community Center, the Rivers Alive Cleanup on 2/22/2020 and the Environmental SAC meeting on 2/28/2020.

Jamie Carroll discussed the 2/22/2020 Blue Ridge Development meeting he attended and Early Learning initiatives.

YT Bell spoke on two upcoming listening session on 3/18 and 4/1 on reproductive and she wrote a letter requesting Grant funding for the Early Learning and Health Care Task Force.

5) Mayor's Report

Mayor Terry stated this would be his last Council meeting as he would be qualifying this week for the DeKalb District 6 Commission seat. He recounted some of the initiatives that galvanized him to run for Mayor. He gave appreciation to the Council members that has worked with him during his tenure a mayor.

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 Terry reminded that speaker for the public hearing should sign up in the back of the room.

Amina Osman thanked the Mayor for his service.

Chris Busing spoke on the new voting machines.

Susan Hood discussed concerns with appointments to the Clarkston Development Authority.

John Beck thanked the Mayor for his success with speed bumps in his neighborhood and he wished the Mayor good luck in his candidacy.

DeKalb Detective Ricketts spoke on the After Dark basketball league.

Pat Maddox came to oppose the NAMB project.

The Mayor closed public comments.

F. OLD BUSINESS

None

G. NEW BUSINESS

G1) PUBLIC HEARING: A request from the North American Mission Board of the Southern Baptist Convention, Incorporated for a conditional use permit for the properties located at 961 Rowland Street and 3673 Hill Street, zoned NR-1, Low Density Neighborhood Residential, Clarkston, GA 30021, for the construction of athletic fields and other athletic facilities to support the church's mission and for church related activities.

Planning & Development Director Shawanna Qawiy gave a brief explanation of the Conditional use permit request. She stated that in considering whether a proposed conditional use is in the public interest, the mayor and city council shall consider the following, among other relevant factors: (1) Whether the conditional use would be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity or diminish and impair property values within the surrounding neighborhood; (2) Whether the proposed conditional use would increase local or state expenditures in relation to cost of servicing or maintaining neighboring properties; (3) Whether the establishment of the conditional use would impede the normal and orderly development of surrounding property for uses predominant in the area; and (4) Whether the location and character of the proposed conditional use would be consistent with a desirable pattern of development for the locality in general.

Staff has recommended denial of the conditional use permit request to construct athletic fields and other athletic facilities to support the church's mission and for church related activities, for the properties located at 961 Rowland Street and 3673 Hill Street. The planning and Zoning Board has also recommended denial of the request.

The applicant's agent, Scott Gurosky, and attorney Laurel David of the Galloway Law Group, were present to advocate for the granting of the application and Mr. Gurosky provided a brief presentation on their request. Mr. Gurosky stated during his presentation:

- Clarkston's zoning ordinance is "very standard"
- He has seen similar provisions in most jurisdictions, across over 300 projects
- Clarkston's zoning requirements regarding religious assembly uses is "consistent with zoning codes throughout the Southeast USA"
- Even though Phase 1 was previously approved, NAMB "obviously needed a conditional use permit" for the proposed facilities south of Rowland

Discussion by Councilman Carroll on potential specified public use of the proposed facilities and if the Council deferred the vote for a month, would the applicant be able to specify times that would be designated for public use. Mr. Gurosky stated he didn't think they could as they didn't know how many participants would be enrolled in upcoming programs and the ministry would have priority for use.

Councilwomen Bell questioned the square footage of the proposed buildings and meeting the minimum parking space requirements. Mr. Gurosky stated the gymnasium would be 8,000SF and the other smaller buildings 300-400SF.

Councilwoman Hopkins discussed that the conditional use permit would stay with the property even if later sold. Discussion on placing conditions on the conditional use to limit "park" type use. The City Attorney Stephen Quinn clarified that any conditions on the conditional use, must be in writing and must be agreed to by the applicant and the letter NAMB had provided to the Council does not meet a written agreement by the applicant.

The Mayor opened the Public Hearing and he detailed the process for speakers.

Public Hearing

Support:

Trent DeLoach: Spoke in support of the CUP and the programs it will allow.

Amina Osman: Spoke in support of the applicant for a soccer field.

Sean Lindsey: Spoke in support of the application for recreational space.

Kevin Humphries: Spoke in support of the application for recreational space for youth.

Ariel Smith: Spoke in support of the application for the proposed park space for children.

Joshua Betune: Spoke in support of the application for greenspace and recreational space.

Kyle Ballards: Spoke in support of the application for recreational space for kids.

Opposition:

Susan Hood: Spoke in opposition of the application as it did not meet the zoning code criteria as verified by both City Staff and the Planning & Zoning Boards recommendation to deny.

John Beck: Spoke in opposition to the application as it is an improper use in NR1 zoning as verified by professional City Staff. He countered that the removal of the existing old growth trees meant the proposed facility should not be called "greenspace."

Jim Helms: Spoke in opposition to the application for potential increases to traffic in his neighborhood.

John Cargile: Spoke in opposition to the application as a resident directly across from the project, a large gymnasium would negatively impact his property.

Dean Moore: Spoke in opposition to the application as it would be a private facility and would not resolve a need for recreational space for the public.

Warren Hadlock: Spoke in opposition to the application as it does not meet the criteria for the CUP. He discussed the multiple public recreational facilities currently in the City and that the project would not be a public facility.

[Time Remaining for Opposition]

John Beck restated that this would not be a public facility.

Pat Maddox: Spoke in opposition to the application; she voiced concerns for the neighboring property owners.

Dean Moore; Restated his opposition, that this is an erosion of the neighborhood.

The Mayor closed the public hearing.

Shawanna Qawiy clarified that this proposal was not part of the Planned Unit Development which was under as that was under Neighborhood Commercial and this proposal is Neighborhood Residential. She provided further clarification on the parking requirements and that reduced parking is prohibited in NR1.

Mr. Quinn provided an overview of the process if approved or denied and he stated that if denied the Zoning Code provides for a 12 month limit before a re-application can be submitted, based on the original application date (July 2019). As there have been deferments of this application, that period would be roughly six months from this date.

Awet Eyasu made a motion to deny the request from the North American Mission Board of the Southern Baptist Convention, Incorporated for a conditional use permit for the properties located at 961 Rowland Street and 3673 Hill Street, because they do not meet the four criteria as recommended by City Staff and our Planning & Zoning Committee. Laura Hopkins seconded the motion.

Discussion that the Council recognized the importance of and they would continue to pursue activity centers that are available for residents. The Council thanked all the residents that voiced their views and concerns both in support and in opposition to the request. A vote was called and the motion carried (5-Yes: Debra Johnson, Laura Hopkins, Awet Eyasu, Ahmed Hassan, YT Bell, 1- NO: Jamie Carroll).

G2) Confirm SAC Committee Members by Resolution

Council discussion on the various committees and interest to serve. Suggestion to remove the Finance SAC, as all the Council have direct input on the annual budget, and to create an Equity, Diversity and Inclusivity SAC. The City Attorney advised the council they could appoint members to the already established SAC committees and should take up creating a new SAC at a future meeting.

Jamie Carroll made a motion to place the following council members on the following Committees:

Public Safety and Legal Committee

Co-Chair: Awet Eyasu, Debra Johnson

Jamie Carroll

Housing and Infrastructure Committee

Chair: Jamie Carroll

Laura Hopkins

Debra Johnson

Community Development Committee

Chair: YT Bell

Debra Johnson

Awet Eyasu

Transportation and Environment Committee

Chair: Awet Eyasu

Laura Hopkins

Marketing and Civic Innovation Committee

Chair: Ahmed Hassan

YT Bell

The Equity and Diversity is left off to possibly be formed at a later date. Debra Johnson seconded the motion. A vote was called and the motion carried (6, 0).

G3) Appoint CDA Members (1 by council member & 2 by Mayor)

Laura Hopkins made a motion to defer the item until August. Awet Eyasu seconded the motion, but requested the deferment be to April. After discussion Awet Eyasu withdrew his second. The motion did not receive a second, so the motion failed.

Jamie Carroll asked the City Attorney to clarify that the Mayor can make his appointments outside the meeting by directly providing that in writing to the City Clerk and Mr. Quinn confirmed that was accurate. Discussion on the Mayor appointment being made outside of the meetings.

The mayor questioned where in the Act by the Legislature, an advertising and a deadline is required. The Act does not require an application process. Mr. Gomez stated the application process has been available since September 2019.

YT Bell made a motion to appoint Debra Johnson to the CDA. Jamie Carroll seconded the motion. A vote was called and the motion carried (5 Yes, 1 Abstain).

G4) Approve Moratorium on Storage Companies

YT Bell stated this item is to place a moratorium on future storage facilities so the City can conduct a study of the City's industrialized zoning and economic development. YT Bell made a motion to adopt a Moratorium on Development of Mini-Warehouses and Self-Storage facilities in order to preserve the Status quo pending Zoning Action to revise permitted uses in the Light Industrial (I) District to September 21, 2020. Jamie Carroll seconded the motion. Discussion on the moratorium. A Vote was called and the motion carried (6, 0).

G5) Approve Moratorium on Gas Stations

YT Bell stated this similar was to place a moratorium on gas stations. The City has eight gas stations and the desire is to study the City's zoning code and best use of industrial space. YT Bell made a motion to place a temporary moratorium on development of automobile service centers and automobile service stations (filling stations) in order to preserve the status quo pending zoning action to revise permitted uses in the City's Zoning code to September 21, 2020. Laura Hopkins seconded the motion. Discussion on the number of gas stations and that with the City's prohibition for any new package sales, there is a limited interest to open a new gas station. A Vote was called and the motion carried (5: Yes, 1-Abtsain-Awet Eyasu).

G6) Approve Moratorium on Small Box Stores

YT Bell stated this was to consider with the upcoming zoning rewrite, how to best use our industrial space. Jamie Carroll appreciated that it encouraged those businesses to dedicate at least 15% of shelf space to fresh or fresh frozen food to be exempt from the resolution. Council discussion on how the definition of small box store is applied.

YT Bell made a motion to adopt a resolution to impose a temporary moratorium on development of small box variety stores in order to preserve the status quo pending zoning action to revise permitted uses in the city's zoning code to expire on September 21, 2020. Debra Johnson seconded the motion. A vote was called and the motion carried (4 Yes: YT Bell, Jamie Carroll, Debra Johns, Laura Hopkins, 2- No: Ahmed Hassan, Awet Eyasu).

G7) Approve Resolution Rescheduling August and November 2020 Council Meetings

Mayor Terry stated this item is to reschedule the August and November meetings to eliminate scheduling conflicts with the National Night Out and the Election.

Debra Johnson made a motion to reschedule the August 4 Council meeting to Thursday, August 6th and to reschedule the November 3, 2020 Council Meeting to Thursday, November 5, 2020. YT Bell second the motion. A vote was called and the motion carried (6, 0).

G8) Approve Urban Productive Landscape Installations Bidder

The Mayor stated that the council had discussed at the work session the bids for the project and the low bidder recommendation for Shades of Green Permaculture Design.

Awet Eyasu made a motion to approve the Urban Productive Landscape Installations bid in the amount of \$54,963 for Shades of Green Permaculture Design. Jami Carroll seconded the motion. A vote was called and the motion carried (6, 0).

G9) Approve Willow Creek Apartment (Smith St) Culvert Replacement project Recommend Selection of Low Bidder & Temporary Construction Ease

The Mayor stated that Mr. Kaiser had fully briefed the Council on this item at the work session with the recommended low bidder being CE& M (\$81,360).

Jamie Carroll made a motion to approve the low bidder C E & M for this project. Awet Eyasu seconded the motion. A vote was called and the motion carried (6, 0).

G10) Amend Early Learning Task Force Resolution to increase members from 11 to 21 and appoint members

Mayor Terry stated there was large interest to serve on the task force and the resolution was amended to increase the membership on the task force.

Amend Early Learning Task Force Resolution to increase members from 11 to 21 and appoint members. Debra Johnson seconded the motion. Discussion that Awet Eyasu and Jamie Carroll wanted to serve as the Council Members on the Task Force. A vote was called and the motion carried (6, 0).

G11) Appeal of City Denial of Renewal Application for Permit to Operate a Pawn Shop or Title Pawn for TitleMax located at 4222 E Ponce de Leon Ave

Mr. Gomez stated that this has been an ongoing issue since November 2019 regarding Titlemax. The business operating as a title pawn at 4222 E Ponce de Leon Avenue had previously requested that the Council change the City ordinance regulating title pawn and pawn shops and the Council did not take action at the December 2019 meeting on that requested change. Titlemax has filled legal actions against the city including an injunction for the City to not enforce the ordinance and the city has complied with that injunction and they have continued to operate. Under the current city code, they do not meet the minimum distance requirements as they are within 1000 feet of a residential area, as well as a church.

Titlemax has submitted an application to operate as a titlepawn (received by the City 1-6-2020) for the current fiscal year 2020. The City Manager denied the permit application, as they do not meet the Codes requirements to allow operation and had admitted violating the hours of operation restriction on pawnshops. The City Manager returned the license fee back to Titlemax. Titlemax has submitted a request for an appeal, as provided under City code.

Diane Larson, an attorney with Taylor/English representing Titlemax, appeared on behalf of TitleMax. She discussed the original restraining order and the interlocutory order that enjoins the City from enforcing the pawnshop ordinance. She referred to page 2 “Whereas, there is currently a temporary injunction in place which shall expire as a matter of law on January 26, 2020 and this order was signed by Superior Court Judge of DeKalb County on January 24, and she continued with the next section “Whereas the parties consent to the terms of this injunction and agree that to avoid an extended hearing at the outset of this litigation and for other reasons, an interlocutory injunction should issue to preserve status quo.” She felt the status quo would be what was in effect in January and going back to December 2019 and that the order enjoins all defendants from enforcing the ordinance. She cited the code sections Article VII Pawnbrokers and specifically sections 11-113 for distances and hours of operation. She returned to the injunction document to point out “this Injunction shall remain in effect until further order of this Court or until there is a final judgement in this litigation. On or after October 26, 2020, defendants shall have the right to petition the Court to dissolve this consent injunction.”

With this injunction in place, that was when Titlemax received the denial letter from the City Manager (dated January 10), citing the specific reasons “the store manager admitted that business hours were 5:00 p.m. to 7:00 p.m, the business remains open., in violation of City Code §11-121, the hour restrictions, and as well were in violation of city code section 11-113 the distance requirements” which is part of the code DeKalb Superior Court Judge had enjoined the City from enforcing on Titlemax. Having received the denial Titlemax has followed the City’s procedures to file this appeal. They ask that the denial be overturned and the application be granted.

Jamie Carroll questioned that the City can take action after October 26 to remove the injunction, but if the permit were granted that would extend beyond October 26 to the end of the year, so they are in effect asking the City to give them a permit to operate longer than the injunction would be in place. Discussion that Titlemax had previously advised the Council their lease would expire in 2019. Jamie Carroll discussed that Titlmax had admitted they were staying open past the 5:00pm deadline, prior to the court order and the Attorney did not dispute that issue. Jamie Carroll addressed that there was not limitation for Titlemax to move their business into the Industrial zoned area to be able to comply with the City ordinance. Their attorney agreed this was possible but not their preferred choice. Jamie Carroll stated that as he understood, Titlemax is currently able to operate and will continue to be able operate until the end of the injunction period even if this appeal is denied and their attorney agreed that was correct, but they are requesting that it not be denied and they believed the City would be in violation of the order. Jamie Carroll questioned couldn’t the City deny the application for reasons other than this ordinance and discussion that a denial was outside of Article VII then their attorney agreed it could be denied.

Jamie Carroll made a motion to deny the Titlemax license renewal application. Debra Johnson seconded the motion. Discussion that this was for past violations of the ordinance by staying open to 7pm when the ordinance provides for 5pm and what they're asking for goes beyond what the Court has ordered. A vote was called and the motion carried (5-Yes: Debra Johnson, Laura Hopkins, Ahmed Hassan, Jamie Carroll, YT Bell 1-Abstain: Awet Eyasu)

H. ADJOURNMENT:

Awet Eyasu made a motion to adjourn the Council Meeting. Laura Hopkins seconded the motion. A vote was called and the motion carried (6, 0).

Meeting adjourned.

MINUTES

CLARKSTON CITY COUNCIL

Friday, March 17, 2020

Officials Present by Teleconference

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

A. CALL TO ORDER –SPECIAL CALL MEETING

Vice Mayor Awet Eyasu called the meeting to order.

B. ROLL CALL

Awet Eyasu, Jamie Carroll, Ahmed Hassan, YT Bell, Laura Hopkins, Debra Johnson

C. OLD BUSINESS

None

D. NEW BUSINESS

D1) Consider Issuing a State of Emergency to address possible Limiting of Restaurant operations and public gatherings

Vice Mayor Eyasu read the proposed resolution to Issue a State of Emergency in Clarkston to address possible Limiting of Restaurant operations and public gatherings.

(Public Comment) Dean Moore commented on the limit of 10 people and not permitting “To Go” alcohol sales and impacts on local businesses.

Council discussion on the number of persons in public gatherings, hookah as a high contact activity, the requirements to permit “to Go” alcohol sales, businesses that would be impacted.

Vice mayor advised the Federal Government was making relief funds available for small businesses and the City Manager would provide to the public information on applying.

(Public Comment) Emanuel Ransom commented on drive up test sites and the Council provided the hotline number to find local testing sites.

(Public Comment) Bill Gamble addressed concerns with the impact on Stokers.

(Public Comment) Ms. Naja discussed the need for providing information to non-English speakers and concerns with children not abiding by the group limitations. The Council stated translated materials would be made available.

Council discussion on the resolution and updates for alcohol sales, hookah, the end date for the resolution and the City Attorney read the updated document.

Jamie Carroll made a motion to adopt the resolution with the changes as provided by the City Attorney. YT Bell seconded the motion. A vote was called and the motion carried (6, 0). Meeting adjourned.

MINUTES

CLARKSTON CITY COUNCIL

Friday, March 27, 2020

Officials Present by Teleconference

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

A. CALL TO ORDER –SPECIAL CALL MEETING by Teleconference

Vice Mayor Awet Eyasu called the meeting to order.

B. ROLL CALL

Awet Eyasu, YT Bell, Jamie Carroll, Laura Hopkins, Debra Johnson

C. OLD BUSINESS

None

D. NEW BUSINESS

Laura Hopkins made a motion to amend the agenda to add activating the Clarkston Health Task Force and appoint a City Council Member to the Task Force. Jamie Carroll seconded the motion. A vote was called and the motion carried (5, 0).

D1) Amend and extend the Clarkston Resolution 2020-009 Emergency Measures to Prevent the Spread Of the Novel Corona Virus by Prohibiting Gatherings of 10 or More People, Prohibiting Dining at Restaurants and Establishing Regulations for Take-Out Or Delivery of Food.

Awet Eyasu read the purpose to consider amending and extending the previously adopted resolution. The resolution would be to declare an emergency in connection with the COVID-19 Pandemic; to enact emergency measures to prevent the spread of the novel corona virus by requiring that residents shall stay at home or place of residence and that non-essential businesses shall temporarily cease activities; prohibiting gatherings; and providing for related matters.

The City Attorney provided a summary of the provisions of each section of the resolution. Discussion on the businesses that would be defined as essential and the requirements for their operations during the time period for this order, April 13, 2020. The resolution prohibited any gatherings of people, for the city's parks residents are prohibited from touching surface/playground equipment, etc. Discussion on including when the order would become effective, essential activities including exercise, the public health risks associated with amusement machine operations and adding a curfew for the order.

Public Comment via teleconference:

(Public Comment) Owner for Dawit Tax questioned what activities are permitted by businesses and the City Attorney provided details for operations.

(Public Comment) Charlene Thompson commented on daycare operations.

(Public Comment) Linda Powell questioned the number of COVID cases in DeKalb County. Chief Hudson advised there were 217 confirmed cases and information on testing.

Jamie Carroll made a motion to approve the emergency order with adjusting the effective date to 12:01 on 3-29-2020 and to remain effective until 12:01am 4-13-2020, clarify essential business would include food and beverage for takeout and delivery, and part of the prohibition would include public games for amusement that are touched by members of the public include a curfew starting 10pm with exceptions for emergencies. YT Bell seconded the motion. Discussion on the curfew and what would constitute an emergency. Chief Hudson and the City Attorney discussed that enforcing a curfew would be challenging as DeKalb County has gone to shelter in place and travelers going into, or through the City would not be aware of the curfew.

Jamie Carroll amended his motion to remove the curfew. Laura Hopkins seconded the motion. A vote was called and the motion carried (5, 0).

D2) Clarkston Health Task Force

Laura Hopkins stated this was to consider appointing a Council Member to serve on the Clarkston Health Task Force.

Debra Johnson made a motion to appoint Laura Hopkins to serve on the Clarkston Health Task Force. Awet Eyasu seconded the motion. A vote was called and the motion carried (4-Yes: Bell, Johnson, Carroll, Eyasu, Laura Hopkins recused herself from the vote).

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

CITY OF CLARKSTON

ITEM NO: G1

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: May 5, 2020

SUBJECT: Approve Resolution to Declare a Vacancy in the Office of Mayor and to Call a Special Election to Fill the Unexpired Term

DEPARTMENT: City Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages: 2

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

PURPOSE:

To discuss and approve a resolution declaring a vacancy in the office of Mayor and calling for a special election to fill the unexpired term of the office of Mayor, said term to conclude on December 31, 2021.

NEED/ IMPACT:

The Georgia Constitution Article 2, Section 2, Paragraph V, provides that the office of an elected municipal official immediately becomes vacant upon the official qualifying for another elected office, which occurred on March 4, 2020, when the Clarkston Mayor qualified as a candidate for DeKalb County Commission. The Clarkston City Charter, Section 2.05 (a) provides that a vacancy in the office of Mayor shall be declared by the Vice Mayor at a regular meeting of the City Council and shall be affirmed by a majority vote of the City Council. Clarkston City Charter, Section 2.05 (c) provides that such a vacancy is to be filled by a special election if the term of the vacant seat will not expire in the next twelve (12) months (term to conclude Dec 31, 2021). Furthermore, Clarkston City Charter, Section 2.05 (c) provides that such a special election shall be held on a date provided by GA code, Section 21-2-450(c), which is the date of the General Election to be held on November 3, 2020.

Consequently, approving the resolution would direct the City Election Superintendent, City Clerk, to call a special election to be held on November 3, 2020, to fill the remainder of the unexpired term of the Clarkston Mayor which concludes on December 31, 2021. The qualifying period for the special election for Mayor will occur for three (3) consecutive days beginning Monday, September 14 and concluding Wednesday, September 16, from 9:00 am to 4:30 pm daily at the Clarkston City Hall Annex facility located at 1055 Rowland Ave.

RECOMMENDATIONS:

Staff recommends that the City Council adopt the referenced resolution declaring a vacancy in the office of Mayor and calling for a special election to fill the unexpired term of the Mayor, said term to conclude on Dec 31, 2021.

RESOLUTION NO. _____

A RESOLUTION BY THE CLARKSTON CITY COUNCIL TO DECLARE A VACANCY IN THE OFFICE OF MAYOR AND TO CALL A SPECIAL ELECTION TO FILL THE UNEXPIRED TERM OF FORMER MAYOR TERRY.

WHEREAS, Mayor Edward “Ted” Terry qualified as a Candidate for the DeKalb County Commission on March 4, 2020; and

WHEREAS, Georgia Constitution Art. 2, § 2, ¶ V provides that the office of an elected municipal official immediately becomes vacant upon the official qualifying for another elective office; and

WHEREAS, Clarkston City Charter Sec. 2.05 (a) provides that a vacancy in the office of Mayor shall be declared by the Vice Mayor in a regular meeting of the City Council and shall be affirmed by a majority vote of the City Council; and

WHEREAS, Clarkston City Charter Sec. 2.05(c) provides that a vacancy in the office of Mayor is to be filled by a special election if the term of the vacant seat will not expire in the next twelve (12) months; and

WHEREAS, Charter Sec. 2.05(c) provides that such special election shall be held on a date provided for by O.C.G.A. § 21-2-540(c); and

WHEREAS, the only feasible date provided for by O.C.G.A. § 21-2-540(c) to fill the vacancy in the office of Mayor is the date of the General Election to be held November 3, 2020.

NOW THEREFORE, BE IT RESOLVED that Vice Mayor Eyasu has declared the office of Mayor to have been vacated by Mr. Terry as set forth above and the City Council does hereby affirm the existence of such vacancy.

BE IT FURTHER RESOLVED by the City Council that the City Election Superintendent shall call a special election to be held November 3, 2020, to fill the remainder of the unexpired term of Mayor Terry, which concludes on December 31, 2021.

BE IT FURTHER RESOLVED that the Qualifying Period for the special election for Mayor shall be set for three (3) days from Monday, September 14 to Wednesday, September 16, 2020 from 9:00 am - 4:30 pm daily.

[signature page follows]

SO RESOLVED, this ____ day of _____, 2020.

**CITY COUNCIL
CITY OF CLARKSTON, GEORGIA**

AWET EYASU, Vice Mayor

ATTEST:

Tracy Ashby, City Clerk

Approved as to form:

Stephen G. Quinn
City Attorney

CITY OF CLARKSTON

ITEM NO: G2

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
REVIEW & ADOPT
RESOLUTION

MEETING DATE: MAY 5, 2020

SUBJECT: Adopt a Resolution to issue a 2020 General Obligation Sales Tax (SPLOST) Bond for \$3,585,000 and a refunding of the original 2018 Sales Tax Bond with a principal amount of \$4,420,000.

DEPARTMENT: City Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages: 46

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

PURPOSE: To review and adopt a resolution providing for:

1. The issuance and sale of a \$3,585,000 (three million five hundred eight-five thousand dollars) principal amount City of Clarkston general obligation sales tax (SPLOST) bond, series 2020A and the refunding of the 2018 issued SPLOST Bond;
2. Naming of a bond registrar and paying agent;
3. Adoption of a form to which said bond shall adhere;
4. The preparation of a tax digest with the levy of a sales tax sufficient to pay the bond principle and interest
5. Execution and delivery of said bonds
6. Any other purpose warranted by financial advisor, bond covenant, and any/all applicable regulations and laws

NEED/ IMPACT:

On November 7, 2017, DeKalb County held an election regarding the imposition of 1 (one) percent special purpose local option sales tax (SPLOST) within the entire County which included the authorization for the City of Clarkston to issue General Obligation Debt in an amount not to exceed \$8,735,000. Approximately 70% of all County voters approved the 1% SPLOST, with 72% approval in the City of Clarkston. Collections for the SPLOST began on April 1, 2018 and will continue until May 31, 2024 (six years). The City anticipated receiving approximately \$11 million, equating to roughly \$155,000 per month. The actual average monthly collections from April 1, 2018 to February 1, 2020 (nearly the first 2 years), have been approximately \$150,000, or 95.2% of estimates. In 2018, the City issued \$5,150,000 of the \$8,735,000 bonds, that left \$3,585,000 authorized but unissued. As part of the 2020 series proposed bond issue, the City plans to issue the remaining \$3,585,000 leaving the City no authorized debt unissued.

Pursuant to Article IX, Section V, Paragraph III of the Constitution of the State of Georgia and O.C.G.A. (GA Codes) Section 36-82-1(e)(1) (collectively, the "Constitutional Requirements"), the City has the power to refund all or any part of its outstanding bonded indebtedness by the issuance of general obligation refunding bonds without the necessity of conducting a referendum if certain conditions are satisfied. Additionally, Section 36-82-1(e)(2) provides that such refunding of bonds so authorized to be issued in compliance with the Constitutional Requirements, when issued, shall be construed and deemed to be issued in lieu of such original debt being so refunded, and the original debt upon the creation of the irrevocable trust fund and the deposit of the requisite proceeds shall not constitute a debt within the meaning of Article IX, Section V, Paragraph I of the Constitution of the State of Georgia, but the refunding bonds shall constitute a debt within the meaning of Article IX, Section V, Paragraph I of the Constitution of

the State of Georgia and shall count against the limitation on debt measured by the 10 percent of assessed value of taxable property as expressed therein.

We have determined that, due to present market conditions, it is advisable, feasible and in the best interest of the City to issue pursuant to the terms of this Resolution its City of Clarkston, Georgia General Obligation Sales Tax Refunding Bond, Series 2020B (as hereinafter authorized, the "Series 2020B Bond" and, together with the Series 2020A Bond, the "Series 2020 Bonds"), the proceeds of which, together with other available funds of the City, will be used for the purpose of (a) refunding the Series 2018 Bond outstanding in the principal amount of \$4,420,000 (the "Refunded Bond") in order to achieve debt service savings and (b) paying the costs of issuing the Series 2020B Bond. The proceeds derived from the sale of the Series 2020B Bond will be used simultaneously upon the issuance of the Series 2020B Bond to redeem the Refunded Bond (such date of redemption being the "Redemption Date"), by paying to Truist Bank (as successor to Branch Banking & Trust Company), the sole bondholder (the "2018 Bondholder"), the principal of and interest on the Refunded Bond on the Redemption Date. To finance the overall undertaking now contemplated, the Series 2020 Bonds were offered for sale pursuant to competitive bid by the Davenport & Company LLC, as financial advisor (the "Financial Advisor"), pursuant to a Request for Proposal, dated April 9, 2020, and the City will receive bids on April 30, 2020 and this Resolution shall ratify and approve the winning bid.

RECOMMENDATIONS:

Council to discuss/review and adopt referenced Resolution to issue a 2020 General Obligation Sales Tax (SPLOST) Bond for \$3,585,000 and a refunding of the original 2018 Sales Tax Bond in the principal amount of \$4,420,000 through BB&T (Truist), one of 2 bidders that replied to a request for proposals, that submitted the better proposal with a fixed interest rate of 1.74%.

City of Clarkston, Georgia

Series 2020A & Series 2020B General Obligation Sales Tax Bonds

RFP Results Presentation



May 5, 2020

Request for Proposals Solicitation



- On Thursday, April 2, 2020, Davenport & Company, in our capacity as financial advisor to the City of Clarkston (the “City”) distributed a Request for Proposals (“RFP”) to over 25 local, regional, and national lending institutions.
- The RFP was distributed for the purpose of obtaining a commercial loan evidenced by the City’s General Obligation Sales Tax Bonds, Series 2020 A&B (together, the “Series 2020 Bonds”).
 - The proceeds of the 2020A Bonds will be used to finance certain transportation & road related capital projects within the City.
 - The Series 2020B Bonds will be used to potentially refinance the Series 2018 General Obligations Sales Tax Bond for the purposes of annual debt service savings only.
- On Thursday, April 30, 2020 Davenport received 2 proposals from the following lending institutions which have been summarized below.

BB&T (1.74%)	Pinnacle Bank (2.68%)
-----------------	--------------------------

The Series 2018 Bond’s interest rate was 2.65%, so BB&T’s proposal was nearly 1% lower than the original issue.

Summary of Top Proposal



BB&T

Series 2020A & Series 2020B General Obligation Sales Tax Bonds

Amount: Up to \$7,500,000

Term 4 Years

Rate: 1.74%
(Fixed until Final Maturity)

Prepayment: No Prepayment Penalty

Closing Date: June 12, 2020*

BB&T provided the lowest interest rate along with other favorable terms such as complete prepayment flexibility.

Refunding Results



Summary of Bonds Refunded

Series 2018 Bonds

Coupon(s)	2.65%
Maturities Refunded	2021 - 2024
Par Refunded	\$3,670,000
Call Date	June 12, 2020

Summary of Refunding Results

Gross Savings	\$60,972
Net Present Value Savings	58,859
Percent Savings	1.60%
All-In TIC	2.00%
Negative Arbitrage	N/A

Estimated Refunding Results

Fiscal Year	Prior Debt	Refunding Debt	
Ending	Service	Service	Savings
12/31/2020	\$48,628	\$30,198	\$18,429
12/31/2021	866,920	856,377	10,544
12/31/2022	1,002,157	991,169	10,988
12/31/2023	1,001,968	991,508	10,460
12/31/2024	1,002,104	991,552	10,552
Total	\$3,921,777	\$3,860,804	\$60,972

Preliminary, Subject to Change.

Net of estimated cost of issuance. Assumes Closing on June 12, 2020.

Final Debt Service



Series 2020A New Money			Series 2020B Refunding			Aggregate Debt Service			
Year	Principal	Interest	Total	Principal	Interest	Total	Principal	Interest	Total
2020	\$0	\$29,283	\$29,283	\$0	\$30,198	\$30,198	\$0	\$59,482	\$59,482
2021	-	62,379	62,379	799,000	57,377	856,377	799,000	119,756	918,756
2022	1,132,000	52,531	1,184,531	949,000	42,169	991,169	2,081,000	94,700	2,175,700
2023	1,192,000	32,312	1,224,312	966,000	25,508	991,508	2,158,000	57,820	2,215,820
2024	1,261,000	10,971	1,271,971	983,000	8,552	991,552	2,244,000	19,523	2,263,523
Total	\$3,585,000	\$187,476	\$3,772,476	\$3,697,000	\$163,804	\$3,860,804	\$7,282,000	\$351,280	\$7,633,280

Preliminary, Subject to Change.

Net of estimated cost of issuance. Assumes Closing on June 12, 2020.

Recommendation & Rationale



- Davenport recommends that the City accept the 1.74% bid from BB&T to finance the Series 2020A & Series 2020B General Obligation Sales Tax Bonds. This recommendation is based upon the following:
 - The 1.74% Bid from BB&T was the lowest rate among all options;
 - Allows for prepayment, in whole or part, at anytime prior to maturity without penalty or premium;
 - The interest rate was fixed between the proposal’s due date and the adoption of the bond resolution; and,
 - The interest rate is fixed until final maturity, eliminating any future interest rate risk.

Next Steps



Date		Action
April 2	✓	Davenport Distributed Request for Proposals to Local, Regional and National Banking Institutions
Balance of April	✓	Davenport communicates with potential lenders
April 30	✓	Davenport Received Responses to the City's Request for Proposals
May 5		Davenport presents RFP results/recommendation. City Council adopts bond resolution.
Balance of May		File for Bond Validation
Late May / Early June		Validation Hearing*
June 12*		Close on Series 2020A&B Bonds

Contact Information

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Version 01/13/2014 CH/DJG/RC/CR

CITY OF CLARKSTON
SPLOST CUMULATIVE REVENUES SINCE 2017 INCEPTION
 Estimated Six Year Revenue at 2017 Inception **\$11,353,392**
 Voter Approved Bond Amount: **\$8,735,000**

FY 2018 TAX MONTH	Revenue	BUDGET	% of BUDGET	
January	-	-		
February	-	-		
March	-	-		
April	135,049.66	157,686.00	85.6%	Tax collections began APRIL 1, 2018
May	143,862.85	157,686.00	91.2%	
June	145,898.91	157,686.00	92.5%	
July	146,722.53	157,686.00	93.0%	
August	147,002.83	157,686.00	93.2%	
September	133,906.68	157,686.00	84.9%	
October	160,240.22	157,686.00	101.6%	
November	147,655.71	157,686.00	93.6%	
December	171,839.46	157,686.00	109.0%	
TOTAL	1,332,178.85	1,419,174.00	93.9%	

FY 2019 TAX MONTH				
January	144,166.95	157,686.00	91.4%	
February	137,624.16	157,686.00	87.3%	
March	153,203.22	157,686.00	97.2%	
April	152,079.44	157,686.00	96.4%	
May	151,718.77	157,686.00	96.2%	
June	151,129.29	157,686.00	95.8%	
July	155,714.73	157,686.00	98.7%	
August	153,054.09	157,686.00	97.1%	
September	155,475.89	157,686.00	98.6%	
October	153,921.65	157,686.00	97.6%	
November	149,192.42	157,686.00	94.6%	
December	177,324.94	157,686.00	112.5%	*Revised 6 year total Revenue: \$10,800,000*
TOTAL	1,834,605.55	1,892,232.00	97.0%	

FY 2020 TAX MONTH				
January	136,059.86	150,000.00	90.7%	Adjusted budget to \$150,000/month or \$1,800,000 annual
February	132,534.89	150,000.00	88.4%	
March	129,427.02	150,000.00	86.3%	Economic Slowdown/Impact began Mar 20
April				
May				
June	-			
July				
August				
September				
October				
November				
December				
	398,021.77	450,000.00	88.4%	

Cumulative 24 months' Collections **3,564,806.17** 3,761,406.00 94.8%

Monthly AVERAGE for all 24 months' cumulative collections \$ **148,533.59**

Revised 6 Year Revenue Estimated Total, based on 1st 24 months' (2 years) collections \$ **10,694,418.51**

2017 TOTAL BOND AMOUNT - APPROVED BY REFERENDUM \$ **8,735,000**

Monthly AVERAGE over Last 12 Months: APR 2019 to MAR 2020	\$	149,802.75
Monthly AVERAGE over prior 12 Months: APR 2018 to MAR 2019	\$	147,264.43
Variance from most recent Monthly AVERAGE OF 12 months' collections of Apr 2019 - Mar 2020, to prior 12 months' collections monthly average from Apr 2018 - Mar 2019	\$	2,538.32

Monthly AVERAGE Last 3 months Jan 2020 to Mar 2020	\$	132,673.92	
Monthly AVERAGE for 3 months Jan 2019 to Mar 2019	\$	144,998.11	
Variance from Monthly AVERAGE of 3 months Jan 2020 to Mar 2020 to monthly average for 3 months Jan 2019 to Mar 2019	\$	(12,324.19)	-8.5%



Governmental Finance

5130 Parkway Plaza Boulevard
Charlotte, North Carolina 28217
Phone (704) 954-1700
Fax (704) 954-1799

April 30, 2020

Mr. Douglas Gephardt
Mr. Christopher Holt
Davenport & Company, LLC

Via Electronic Mail: DGephardt@investdavenport.com; CHolt@investdavenport.com;

Re: City of Clarkston, Georgia

Gentlemen:

Truist Bank (the “Lender”) is pleased to offer this proposal for the financing requested by the City of Clarkston, Georgia (the “Borrower”).

PROJECT: General Obligation Sales Tax Bond, Series 2020

AMOUNT: Option 1: \$3,585,000.00 Series 2020A
Option 2: \$7,500,000.00 Series 2020A and Series 2020B

MATURITY DATE: Option 1: June 1, 2024
Option 2: June 1, 2024

INTEREST RATE: 1.74%

TAX STATUS: Tax Exempt-BQ

PAYMENTS: Interest: Semi-Annual
Principal: Annual

**INTEREST RATE
CALCULATION:** 30/360

SECURITY: The Series 2020 Bonds will be a general obligation of the Borrower and will constitute a pledge of the full faith, credit and taxing power of the Borrower.

**PREPAYMENT
TERMS:** Callable in whole at par at any time

**RATE
EXPIRATION:** 6/14/2020

**LEGAL REVIEW
FEE:** Option 1: \$5,000.00 (Series 2020A)
Option 2: \$10,000.00 (Series 2020A and 2020B)

April 30, 2020

VIA Electronic Mail

Mr. Douglas Gephardt
Davenport & Company LLC

Mr. Christopher Holt
Davenport & Company LLC

**RE: Request for Proposals – City of Clarkston, Georgia
General Obligation Sales Tax Bonds, Series 2020A and 2020B**

Dear Mr. Gephardt and Mr. Holt,

Pinnacle Public Finance, Inc., a BankUnited Company, is pleased to respond to the request for proposals distributed by Davenport & Company LLC on behalf of the City of Clarkston, Georgia in its capacity as Financial Advisor to the City.

Corporate Overview: In October 2010, BankUnited acquired the public finance business from Koch Financial Corporation and now operates it under the name Pinnacle Public Finance, Inc. Pinnacle is headquartered in Scottsdale, Arizona and is a market leader in providing financing directly to its state and local government clients and through its vendor programs and alliances.

Since beginning as Pinnacle, our group has funded over 1,900 municipal transactions nationwide totaling more than \$2.9 billion. Pinnacle has the knowledge and the resources to fund complex programs that require innovative and flexible financing solutions.

Pinnacle is submitting a bid for the Series 2020A (New Money) only.

Our proposed terms and conditions are as follows:

Borrower: City of Clarkston, Georgia (“Borrower” or “City”)

Lender: Pinnacle Public Finance, Inc., a BankUnited Company (“Lender” or “Pinnacle”)

**Financial
Advisor:** Davenport & Company LLC (“Advisor”)

Bond Counsel: Murray Barnes Finister LLP (“Bond Counsel”)

**Lender’s
Counsel:** Chapman and Cutler LLP (“Lender’s Counsel”)

Issue Type: Municipal loan in the form of a bond (“Loan”). The registered owner will be Pinnacle Public Finance, Inc. and Pinnacle requests physical delivery of the bond, printed on safety paper, with no CUSIP and no reference to DTC or book-entry only system. Pinnacle prefers the bond be structured as a single-term bond with mandatory sinking fund redemptions.

Transaction Amount: \$3,585,000

Purpose: Loan proceeds will be used to fund transportation and road related capital projects within the City and pay costs of issuance.

Security: The Loan will be a general obligation of the City who will pledge its full faith and credit to the payment of principal and interest. The Loan will be payable from the receipts of the Sales Tax, as described in the request, and from general funds of the City, including ad valorem taxes levied, without limitation as to rate or amount, upon all taxable property within the City.

Term: The Loan will have a final maturity of June 1, 2024 with an average life of approximately 3.0 years.

Interest Rate: 2.68%

Interest Rate Expiration: The Interest Rates is firm through May 29, 2020.

Projected Funding Date: It is assumed the Loan will fund on or before May 29, 2020.

Payment Frequency: Principal will be paid annually each June 1, commencing June 1, 2022. Interest will be paid semi-annually each June 1 and December 1, commencing December 1, 2020.

Debt Service Requirements: Please see the Preliminary Debt Service Schedule attached.

Prepayment: The Loan is not subject to prepayment prior to maturity.

Documentation: The Lender assumes all documentation will be prepared by Bond Counsel in form and content acceptable to the Lender and Lender’s Counsel. Further, it is assumed Bond Counsel will provide, at no cost to the Lender, a validity and tax opinion.

This proposal is subject to review and acceptance of all documents by the Lender and Lender’s Counsel.

Requested

Provisions:

The Lender will require a gross up provision in the event the Loan becomes taxable due to actions or omissions of the City. The taxable rate of interest will be 3.39% and will be effective as of the date of a final determination of the Internal Revenue Service or a court of competent jurisdiction or an opinion of a nationally recognized bond counsel selected by the Lender.

The Lender requires the Loan documents make no reference to any Uniform Commercial Code Section relating to Investment Securities (i.e. UCC Article 8).

The Lender requires the ability to transfer the Loans as stated below in Assignment.

Reporting:

The Lender will request that the Borrower agree to provide its CAFR within 210 days of the close of each fiscal year. Additionally, the Lender will request that the Borrower agree to provide such other financial information as the Lender may reasonably request, including but not limited to, its annual budget for any prior or current fiscal year or subsequent fiscal years. *Subject to negotiation.*

Assignment:

It is our present intention to hold the Loans to maturity; however, the Lender will require that it reserves the right to assign, transfer or convey the Loan (or any interest therein or portion thereof) only to any of its affiliates or to banks, insurance companies or similar financial institutions or their affiliates, including participation arrangements with such entities.

Fees/Closing Costs:

The Lender proposes the inclusion of up to \$5,000 per loan, for Lender's Counsel in the costs of issuance (*Subject to negotiation*). The Borrower will be responsible for any fees or expenses with respect to its (i) issuing costs, (ii) legal counsel (iii) Bond Counsel and (iv) title/registration fees, if any.

Pre-Close

Requirements:

The Lender will require a complete executed copy of the transcript by noon the day prior to funding (a scanned copy is acceptable). Ultimately, the Lender will require a complete transcript with original signatures.

Pinnacle’s Role

As Lender:

The transaction described in this document is an arm’s length, commercial transaction between the Borrower and Pinnacle in which: (a) Pinnacle is acting solely as a principal (*i.e.*, as a lender) and for its own interest; (b) Pinnacle is not acting as a municipal advisor or financial advisor to the Borrower; (c) Pinnacle has no fiduciary duty pursuant to Section 15B of the Securities Exchange Act of 1934 to the Borrower with respect to this transaction and the discussions, undertakings and procedures leading thereto (irrespective of whether Pinnacle has provided other services or is currently providing other services to the Borrower on other matters); (d) the only obligations Pinnacle has to the Borrower with respect to this transaction are set forth in the definitive transaction agreements between Pinnacle and the Borrower; and (e) Pinnacle is not recommending that the Borrower take an action with respect to the transaction described in this document, and before taking any action with respect to this transaction, the Borrower should discuss the information contained herein with its own legal, accounting, tax, financial and other advisors, as it deems appropriate.

Credit Approval: This proposal is subject to credit approval.

Please feel free to call me at **480.419.3634** with any questions or further clarification.

Thank you for the opportunity to present this proposal.

Sincerely,

Blair Swain

Blair Swain
Senior Vice President, Direct Markets

Preliminary Debt Service Schedules

Totals:		\$3,877,224.97	\$292,224.97	\$3,585,000.00	Rate 2.6800%	\$3,877,224.97	
Pmt #	Payment Date	Payment Amount	Interest	Principal	Purchase Price	Outstanding Balance	Annual Total
	5/29/2020					\$3,585,000.00	
1	12/1/2020	\$48,572.77	\$48,572.77	\$0.00	Non-Callable	\$3,585,000.00	
2	6/1/2021	\$48,039.00	\$48,039.00	\$0.00	Non-Callable	\$3,585,000.00	\$96,611.77
3	12/1/2021	\$48,039.00	\$48,039.00	\$0.00	Non-Callable	\$3,585,000.00	
4	6/1/2022	\$1,180,039.00	\$48,039.00	\$1,132,000.00	Non-Callable	\$2,453,000.00	\$1,228,078.00
5	12/1/2022	\$32,870.20	\$32,870.20	\$0.00	Non-Callable	\$2,453,000.00	
6	6/1/2023	\$1,224,870.20	\$32,870.20	\$1,192,000.00	Non-Callable	\$1,261,000.00	\$1,257,740.40
7	12/1/2023	\$16,897.40	\$16,897.40	\$0.00	Non-Callable	\$1,261,000.00	
8	6/1/2024	\$1,277,897.40	\$16,897.40	\$1,261,000.00	\$0.00	\$0.00	\$1,294,794.80

FUNDING: The financing shall be fully funded at closing and allow for a maximum of four (4) funding disbursements in the form of wires or checks.

DOCUMENTATION: It shall be the responsibility of the Borrower to retain and compensate counsel to appropriately structure the financing documents according to federal and state statutes. Documents shall include provisions that will outline appropriate changes to be implemented in the event that this transaction is determined to be taxable or non-bank qualified in accordance with the Internal Revenue Code. These provisions must be acceptable to Lender.

Lender shall also require the Borrower to provide an unqualified bond counsel opinion, a no litigation certificate, and evidence of IRS Form 8038 filing. Additionally, the Borrower shall be required to execute a wire transfer agreement. Lender and its counsel reserve the right to review and approve all documentation before closing. Lender will not be required to present the bond for payment.

REPORTING REQUIREMENTS: Lender will require financial statements to be delivered within 270 days after the conclusion of each fiscal year end throughout the term of the financing or in accordance with state requirements.

Lender shall have the right to cancel this offer by notifying the Borrower of its election to do so (whether this offer has previously been accepted by the Borrower) if at any time prior to the closing there is a material adverse change in the Borrower's financial condition, if we discover adverse circumstances of which we are currently unaware, if we are unable to agree on acceptable documentation with the Borrower or if there is a change in law (or proposed change in law) that changes the economic effect of this financing to Lender.

Costs of counsel for the Borrower and any other costs will be the responsibility of the Borrower.

The stated interest rate assumes that the Borrower expects to borrow less than \$10,000,000 in the current calendar year and that the financing will be bank qualified and tax exempt under the Internal Revenue Code. Lender reserves the right to terminate this bid or to negotiate a mutually acceptable interest rate if the financing is not bank qualified and tax exempt.

We appreciate the opportunity to offer this financing proposal. Please call me at (704) 607-6985 with your questions and comments. We look forward to hearing from you.

Sincerely,

Truist Bank



Mary Parrish Coley
Senior Vice President

A RESOLUTION PROVIDING FOR: (1) THE ISSUANCE AND SALE OF A \$3,585,000 PRINCIPAL AMOUNT CITY OF CLARKSTON GENERAL OBLIGATION SALES TAX BOND, SERIES 2020A AND A \$3,697,000 PRINCIPAL AMOUNT CITY OF CLARKSTON GENERAL OBLIGATION SALES TAX REFUNDING BOND, SERIES 2020B; (2) THE NAMING OF A BOND REGISTRAR AND PAYING AGENT FOR SAID BOND; (3) THE ADOPTION OF A FORM TO WHICH SAID BOND SHALL ADHERE; (4) THE PREPARATION OF A TAX DIGEST AND THE LEVY OF A TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BOND; (5) THE EXECUTION AND DELIVERY OF SAID BONDS; AND (6) FOR OTHER RELATED PURPOSES:

WHEREAS, at an election duly called and held in DeKalb County (the "County") on the 7th day of November, 2017, a majority of the registered voters of the County and the City of Clarkston, Georgia (the "City") voting in said election (the "Election") voted in favor of (a) the issuance by the City of its general obligation debt in an aggregate principal amount of up to \$8,735,000 (the "Debt") to finance all or a portion of the cost of (i) certain capital outlay projects (the "Projects"), (ii) capitalized interest on the Debt and (iii) issuing the Debt and (b) the authorization of a one percent special purpose local option sales tax (the "Sales and Use Tax") for a period of time not to exceed six years; and

WHEREAS, the City has heretofore issued and delivered its City of Clarkston, Georgia General Obligation Sales Tax Bond, Series 2018 in the principal amount of \$5,150,000 (the "Series 2018 Bond"); and

WHEREAS, the City desires to issue pursuant to the terms of this Bond Resolution ("this Resolution") the remaining authorized Debt in the principal amount of \$3,585,000 which is herein authorized to be issued in the form of its General Obligation Sales Tax Bond, Series 2020A (as hereinafter authorized, the "Series 2020A Bond"); and

WHEREAS, pursuant to Article IX, Section V, Paragraph III of the Constitution of the State of Georgia and O.C.G.A. Section 36-82-1(e)(1) (collectively, the "Constitutional Requirements"), the City has the power to refund all or any part of its outstanding bonded indebtedness by the issuance of general obligation refunding bonds without the necessity of conducting a referendum if certain conditions are satisfied; and

WHEREAS, O.C.G.A. Section 36-82-1(e)(2) provides that such refunding bonds so authorized to be issued in compliance with the Constitutional Requirements, when issued, shall be construed and deemed to be issued in lieu of such original debt being so refunded, and the original debt upon the creation of the irrevocable trust fund and the deposit of the requisite proceeds shall not constitute a debt within the meaning of Article IX, Section V, Paragraph I of the Constitution of the State of Georgia, but the refunding bonds shall constitute a debt within the meaning of Article IX, Section V, Paragraph I of the Constitution of the State of Georgia and shall count against the limitation on debt measured by the 10 percent of assessed value of taxable property as expressed therein; and

WHEREAS, the City has determined that, due to present market conditions, it is advisable, feasible and in the best interest of the City to issue pursuant to the terms of this Resolution its City of Clarkston, Georgia General Obligation Sales Tax Refunding Bond, Series 2020B (as hereinafter authorized, the “Series 2020B Bond” and, together with the Series 2020A Bond, the “Series 2020 Bonds”), the proceeds of which will be used for the purpose of (a) refunding the Series 2018 Bond outstanding in the principal amount of \$3,670,000 (the “Refunded Bond”) in order to achieve debt service savings and (b) paying the costs of issuing the Series 2020B Bond; and

WHEREAS, the proceeds derived from the sale of the Series 2020B Bond will be used simultaneously upon the issuance of the Series 2020B Bond to redeem the Refunded Bond (such date of redemption being the “Redemption Date”), by paying to Truist Bank (as successor to Branch Banking & Trust Company), the sole bondholder (the “2018 Bondholder”), the principal of and interest on the Refunded Bond on the Redemption Date, as provided for herein; and

WHEREAS, upon provision having been duly and legally made for the payment of the Refunded Bonds as provided above, the Refunded Bond shall not constitute debt within the meaning of Article IX, Section V, Paragraph I of the Constitution of the State of Georgia; and

WHEREAS, with respect to the refunding of the Refunded Bond, the City will meet all of the requirements contained in Article IX, Section V, Paragraph III of the Constitution of the State of Georgia and Section 36-82-1(e) of the Official Code of Georgia Annotated, all as more fully set forth herein; and

WHEREAS, to finance the overall undertaking now contemplated, the Series 2020 Bonds were offered for sale pursuant to competitive bid by the Davenport & Company LLC, as financial advisor (the “Financial Advisor”), pursuant to a Request for Proposal, dated April 9, 2020, and the City received bids on April 14, 2020 and this Resolution shall ratify and approve the winning bid; and

WHEREAS, the bid of a responsible bidder resulting in the lowest true interest cost to the was submitted by Truist Bank (the “Purchaser”), and a copy of such bid is attached to this Resolution as Exhibit B and incorporated herein by reference; and

WHEREAS, after due consideration it is deemed advisable and in the best interest of the City that the Bond be sold to the Purchaser, the Purchaser having in all respects complied with the terms of the Request of Proposal; and

WHEREAS, in order to comply with Article IX, Section V, Paragraph VI of the Georgia Constitution, the City needs to levy an ad valorem tax sufficient to pay the debt service on the Series 2020 Bonds; and

WHEREAS, such ad valorem tax shall only be collected in the event that the proceeds of the Sales and Use Tax are insufficient to pay the debt service on the Series 2020 Bonds; and

WHEREAS, it is necessary for the City to designate a Bond Registrar and Paying Agent to act in its behalf with respect to the Series 2020 Bonds; and

WHEREAS, it is necessary to adopt forms to which the Series 2020 Bonds shall adhere and to provide for the execution and delivery of the Series 2020 Bonds and other matters in connection with the issuance and delivery of the Series 2020 Bonds; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clarkston, Georgia (the “City Council”), and IT IS HEREBY RESOLVED by the authority of the same, as follows:

Section 1. Terms of Series 2020 Bonds; Payment. (a) There is hereby authorized the issuance and delivery of the Series 2020A Bond, the proceeds of which shall be used to finance all or a portion of the cost of (i) the Projects, and (ii) issuing the Series 2020A Bond. The Series 2020A Bond shall be designated as the “City of Clarkston, Georgia General Obligation Sales Tax Bond, Series 2020A” and shall be issued in the principal amount of \$3,585,000. The Series 2020A Bond shall be dated as of its date of issuance and shall bear interest from its date at 1.740% per annum (based on a 360-day year comprised of twelve 30-day months) until paid. Interest shall be payable on December 1, 2020, and semiannually thereafter on June 1 and December 1 in each year (each such date, an “Interest Payment Date”). The Series 2020A Bond matures on June 1, 2024, subject to mandatory sinking fund prepayments as set forth herein.

(b) There is hereby authorized the issuance and delivery of the Series 2020B Bond, the proceeds of which shall be used to finance all or a portion of the cost of (i) refunding the Series 2018 Bond outstanding in the principal amount of \$3,670,000 in order to achieve debt service savings, and (ii) issuing the Series 2020B Bond. The Series 2020B Bond shall be designated as the “City of Clarkston, Georgia General Obligation Sales Tax Refunding Bond, Series 2020B” and shall be issued in the principal amount of \$3,697,000. The Series 2020B Bond shall be dated as of its date of issuance and shall bear interest from its date at 1.740% per annum (based on a 360-day year comprised of twelve 30-day months) until paid. Interest shall be payable on each Interest Payment Date, commencing, December 1, 2020. The Series 2020B Bond matures on June 1, 2024, subject to mandatory sinking fund prepayments as set forth herein.

(c) Upon the occurrence of a Determination of Taxability, then, from and after the Date of Taxability, the interest rate used to calculate interest on the Series 2020 Bonds, shall be the Taxable Rate, as defined below. After a Determination of Taxability and upon demand of the owner or any prior owner of the Series 2020 Bonds, the City shall pay to such owner or prior owner such additional amount as shall be necessary to provide, together with interest received at the Stated Rate, an equivalent amount as if interest on the Series 2020 Bonds shall have been payable at the Taxable Rate from the Date of Taxability.

(d) Upon the occurrence of a Determination of Non-Bank Qualified Status, then, from and after the Date of Non-Bank Qualified Status, the interest rate used to calculate interest on the Series 2020 Bonds shall be the Non-Bank Qualified Rate, as defined below. After a Determination of Non-Bank Qualified Status and upon demand of the owner or any prior owner of the Series 2020 Bonds, the City shall pay to such owner or prior owner such additional amount as shall be necessary to provide, together with interest received at the Stated Rate, an equivalent amount as if interest on the Series 2020 Bonds shall have been payable at the Non-Bank Qualified Rate from the Date of Non-Bank Qualified Status.

(e) Upon a Determination of Taxability or a Determination of Non-Bank Qualified Status, the City shall also pay to such owner or to any prior owner upon demand of such owner or prior owner any taxes, interest, penalties or other charges assessed against or payable by such owner or prior owner and attributable to such Determination of Taxability or such Determination of Non-Bank Qualified Status and all reasonable administrative, out-of-pocket and other expenses incurred by such owner or prior owner that are attributable to such event, including, without limitation, the costs incurred by such owner or prior owner to amend any of its tax returns, notwithstanding the repayment of the entire principal amount of the Series 2020A Bonds or any transfer or assignment of the Series 2020 Bonds.

(f) The following terms shall have the following meanings in this Resolution unless the context otherwise requires:

“Date of Non-Bank Qualified Status” shall mean the earliest date as of which the Series 2020 Bonds were not “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Code (or any successor provision) pursuant to a Determination of Non-Bank Qualified Status.

“Date of Taxability” shall mean the earliest date as of which interest on Series 2020 Bonds shall have been determined to be includable in the gross income of any owner or prior owner of the Series 2020 Bonds as a result of a Determination of Taxability.

“Determination of Non-Bank Qualified Status” shall mean any determination by the Internal Revenue Service, any federal administrative agency, any court or by the owner based upon a written opinion of nationally recognized bond counsel that the Series 2020 Bonds are not “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Code (or any successor provision).

“Determination of Taxability” shall mean and shall be deemed to have occurred on the first to occur of the following:

(a) on that date when the City files any statement, supplemental statement or other tax schedule, return or document which discloses that an Event of Taxability shall have in fact occurred;

(b) on the date when the City shall be advised in writing by the Commissioner or any District Director of Internal Revenue (or any other government official or agent exercising the same or a substantially similar function from time to time) that, based upon

filings of the City, or upon any review or audit of the City or upon any other ground whatsoever, an Event of Taxability shall have occurred; and

(c) on that date when the City shall receive notice from any owner or prior owner that the Internal Revenue Service (or any other government official or agency exercising the same or a substantially similar function from time to time) has assessed as includable in the gross income of such owner or any prior owner the interest on the Series 2020 Bonds paid to such owner or prior owner due to the occurrence of an Event of Taxability;

provided, however, that no Determination of Taxability shall occur under clauses (b) or (c) above in the definition of Determination of Taxability unless the City has been afforded the opportunity, at its expense, to contest any such assessment; and provided further that no Determination of Taxability shall occur until such contest, if made, has been finally determined; and provided further that upon demand from the owner or any prior owner, the City shall immediately reimburse such owner or prior owner for any payments such owner (or any prior owner) shall be obligated to make as a result of the Determination of Taxability during any such contest.

“Event of Taxability” means the taking of any action by the City, or the failure to take any action by the City, or the making by the City of any misrepresentation herein or in any certificate required to be given in connection with the issuance, sale or delivery of the Series 2020 Bonds, which has the effect of causing interest paid or payable on the Series 2020 Bonds to become includable, in whole or in part, in the gross income of the owner or any prior owner for federal income tax purposes.

“Non-Bank Qualified Rate” shall mean a rate of interest per annum equal to 1.82%.

“Stated Rate” shall mean a rate of interest per annum equal to 1.74%.

“Taxable Rate” shall mean a rate of interest per annum equal to 2.20%.

(g) Payments of interest on the Series 2020 Bonds shall be paid by check or draft at the close of business on the 15th day of the calendar month next preceding each Interest Payment Date (the “Record Date”), and such payments of interest shall be mailed by first class mail to such person at the address on the books of registry kept by the Bond Registrar; provided, however, interest and mandatory prepayments on the Series 2020 Bonds shall be paid to any registered owner of more than \$1,000,000 in aggregate principal amount of the Series 2020 Bonds by wire transfer to such registered owner if written instructions are given to the Paying Agent prior to the Record Date preceding the Interest Payment Date, and interest shall continue to be so paid until such wire instructions are revoked in writing. Both the principal of and interest on the Series 2020 Bonds shall be payable in lawful money of the United States of America.

Section 2. Findings. The City hereby finds that (a) the Constitutional Requirements have been satisfied in that:

(i) The final maturity date of the Refunded Bond is June 1, 2024. The final maturity date of the Series 2020B Bond is June 1, 2024 and does not extend beyond the final maturity date of the Refunded Bond. The average term of the Refunded Bond is 2.5583 years and the average term of the Series 2020B Bond is 2.546 years.

(ii) The interest rate on the Refunded Bond is 2.650%. The interest rate on the Series 2020B Bond is 1.740%, less than the interest rate on the Refunded Bond. As demonstrated in Exhibit C hereto, the refunding of the Refunded Bond results in debt service savings in each year in which the Refunded Bond is outstanding.

(iii) The principal amount of the Series 2020B Bond exceeds the principal amount of the Refunded Bond only to the extent necessary to effectuate the refunding and to allow the reduction of the total principal and interest requirements over the remaining term of the Refunded Bond.

(iv) The total debt service on the Refunded Bond is \$3,921,776.50. The total debt service on the Series 2020B Bond of \$3,860,804.23 is less than the total debt service on the Refunded Bond.

(v) The proceeds derived from the sale of the Series 2020B Bond will be sufficient to provide for payment of the principal of and interest on the Refunded Bond and shall be deposited in an irrevocable trust fund created for that purpose.

(b) The Series 2020 Bonds, when added to all other indebtedness of the City, will be within the applicable 10% constitutional debt limitation imposed by Article IX, Section V, Paragraph I of the Constitution of the State of Georgia.

Section 3. Authorization of Call of Refunded Bond. The Refunded Bond is hereby irrevocably called for redemption on June 12, 2020 and the 2018 Bondholder should present the same for payment on June 12, 2020 and receive the principal amount thereof and all interest due thereon to June 12, 2020. The City hereby authorizes and directs the paying agent for the Refunded Bond to mail the notice of redemption of the Refunded Bond to the 2018 Bondholder at the address which appears on the bond registration book kept by the bond registrar for the Refunded Bond, which notice shall be in substantially the form attached as Exhibit E to this Resolution.

Section 4. Designation of Bond Registrar and Paying Agent. The Finance Director of the City is hereby designated to act as Bond Registrar and Paying Agent with respect to the Series 2020 Bonds.

Section 5. Debt Service Schedule. The City Council does hereby determine that for the purpose of paying the principal of and interest on the Series 2020 Bonds, it is

necessary to raise by a tax on all the taxable property in the City in the amounts and years as more fully set forth in Exhibit A attached hereto and made a part hereof.

Section 6. Preparation of Tax Digest. Prior to the issuance of the Series 2020 Bonds and in each year that the Series 2020 Bonds are outstanding, the City Clerk or the Finance Director is hereby directed to ascertain from the tax returns made to the Tax Commissioner of DeKalb County, and from the tax returns made to the Commissioner of Revenue of the State of Georgia, the total value of all the property in the City subject to taxation for general obligation bond purposes, and to prepare a digest of all such property.

Section 7. Tax Levy. There is hereby levied an annual tax upon all the property within the City subject to taxation for general obligation bond purposes, at such rate as will raise the amounts in the years listed in Exhibit A. The funds provided by such tax are irrevocably pledged to the payment of the principal of and interest on the Series 2020 Bonds. Notwithstanding the foregoing, such tax shall not be collected unless the Sales and Use Tax shall not be sufficient to make payments of principal and interest on the Series 2020 Bonds when due.

Section 8. Execution of Series 2020 Bonds. The Series 2020 Bonds shall be executed for and on behalf of the City by the manual or duly authorized reproduced facsimile signature of the Mayor and the corporate seal of the City shall be imprinted or impressed thereon and attested by the manual or duly authorized reproduced facsimile signature of the City Clerk. In case any officer whose signature shall be affixed to the Series 2020 Bonds or who shall have sealed the Series 2020 Bonds shall cease to be such officer before the Series 2020 Bonds so signed and sealed shall have been actually delivered, the Series 2020 Bonds, nevertheless, shall be valid Series 2020 Bonds of the City and may be delivered as such notwithstanding the fact that such officer or officers may have ceased to be such officer or officers of the City when the Bond shall be actually delivered.

Section 9. Bond Forms. The Series 2020 Bonds, the certificates of validation, certificates of authentication and the provisions for registration shall be in substantially the following forms:

(FORM OF BOND)

UNITED STATES OF AMERICA

STATE OF GEORGIA

CITY OF CLARKSTON, GEORGIA

GENERAL OBLIGATION SALES TAX BOND, SERIES 2020A

No. RA-1

Dated Date: June 12, 2020

\$3,585,000

Maturity Date: June 1, 2024

Interest Rate: 1.740%

KNOW ALL MEN BY THESE PRESENTS: That the City of Clarkston, Georgia (the “City”) hereby acknowledges itself to owe, and for value received hereby promises to pay to Truist Bank or registered assigns, in lawful money of the United States of America, the principal sum shown above on the Maturity Date indicated above and interest hereon at the rate per annum set forth above (defined herein as the Stated Rate) (based on a 360-day year comprised of twelve 30-day months), subject to adjustment as herein provided, payable December 1, 2020, and semiannually thereafter on the first days of June and December in each year (each an “Interest Payment Date”) from the Interest Payment Date next preceding the date of authentication and registration hereof to which interest has previously been paid (unless the date of authentication and registration hereof is prior to the first Interest Payment Date, in which event from June 12, 2020, or unless the date of authentication and registration is an Interest Payment Date, in which event from the date of authentication hereof, or unless the date of authentication and registration hereof is after a Record Date (hereinafter defined) and before the next succeeding Interest Payment Date, in which event from such next succeeding Interest Payment Date) until payment of the principal amount hereof. The interest hereon shall be paid to the person in whose name this bond is registered at the close of business on the 15th day of the calendar month preceding each Interest Payment Date (each such date a “Record Date”) by check or draft, drawn on the Finance Director of the City, as the Bond Registrar and Paying Agent (the “Paying Agent” or the “Bond Registrar”) and mailed, by first class mail, postage prepaid, to such person at the address on the books of registry kept by the Bond Registrar. Mandatory sinking fund prepayments and interest on this bond shall be paid by wire transfer to such registered owner if written wire transfer instructions are given to the Paying Agent prior to the Record Date. Interest and mandatory sinking fund prepayments shall continue to be so paid until such wire transfer instructions are revoked in writing.

The proceeds of the sale of this bond will be used to finance all or a portion of the cost of (i) certain capital outlay projects for the City (the “Projects”), and (ii) issuing this bond. This bond is authorized by the Constitution and laws of the State of Georgia, an election held on

November 7, 2017 (the “Election”) and by a resolution of the City Council duly adopted on May 5, 2020 (the “Bond Resolution”).

Upon the occurrence of a Determination of Taxability, then, from and after the Date of Taxability, the interest rate used to calculate interest on this bond shall be the Taxable Rate, as defined below. After a Determination of Taxability and upon demand of the owner or any prior owner of this bond, the City shall pay to such owner or prior owner such additional amount as shall be necessary to provide, together with interest received at the Stated Rate, an equivalent amount as if interest on this bond shall have been payable at the Taxable Rate from the Date of Taxability.

Upon the occurrence of a Determination of Non-Bank Qualified Status, then, from and after the Date of Non-Bank Qualified Status, the interest rate used to calculate interest on this bond shall be the Non-Bank Qualified Rate, as defined below. After a Determination of Non-Bank Qualified Status and upon demand of the owner or any prior owner of this bond, the City shall pay to such owner or prior owner such additional amount as shall be necessary to provide, together with interest received at the Stated Rate, an equivalent amount as if interest on this bond shall have been payable at the Non-Bank Qualified Rate from the Date of Non-Bank Qualified Status.

Upon a Determination of Taxability or a Determination of Non-Bank Qualified Status, the City shall also pay to such owner or to any prior owner upon demand of such owner or prior owner any taxes, interest, penalties or other charges assessed against or payable by such owner or prior owner and attributable to such Determination of Taxability or such Determination of Non-Bank Qualified Status and all reasonable administrative, out-of-pocket and other expenses incurred by such owner or prior owner that are attributable to such event, including, without limitation, the costs incurred by such owner or prior owner to amend any of its tax returns, notwithstanding the repayment of the entire principal amount of this bond or any transfer or assignment of this bond.

“Code” shall mean Internal Revenue Code of 1986, as amended and any applicable regulations thereunder.

“Date of Non-Bank Qualified Status” shall mean the earliest date as of which this bond was not a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3) of the Code (or any successor provision) pursuant to a Determination of Non-Bank Qualified Status.

“Date of Taxability” shall mean the earliest date as of which interest on this bond shall have been determined to be includable in the gross income of any owner or prior owner of this bond as a result of a Determination of Taxability.

“Determination of Non-Bank Qualified Status” shall mean any determination by the Internal Revenue Service, any federal administrative agency, any court or by the owner based upon a written opinion of nationally recognized bond counsel that this bond is not a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3) of the Code (or any successor provision).

“Determination of Taxability” shall mean and shall be deemed to have occurred on the first to occur of the following:

(a) on that date when the City files any statement, supplemental statement or other tax schedule, return or document which discloses that an Event of Taxability shall have in fact occurred;

(b) on the date when the City shall be advised in writing by the Commissioner or any District Director of Internal Revenue (or any other government official or agent exercising the same or a substantially similar function from time to time) that, based upon filings of the City, or upon any review or audit of the City or upon any other ground whatsoever, an Event of Taxability shall have occurred; and

(c) on that date when the City shall receive notice from any owner or prior owner that the Internal Revenue Service (or any other government official or agency exercising the same or a substantially similar function from time to time) has assessed as includable in the gross income of such owner or any prior owner the interest on this bond paid to such owner or prior owner due to the occurrence of an Event of Taxability;

provided, however, that no Determination of Taxability shall occur under clauses (b) or (c) above unless the City has been afforded the opportunity, at its expense, to contest any such assessment; and provided further that no Determination of Taxability shall occur until such contest, if made, has been finally determined; and provided further that upon demand from the owner or any prior owner, the City shall immediately reimburse such owner or prior owner for any payments such owner (or any prior owner) shall be obligated to make as a result of the Determination of Taxability during any such contest.

“Event of Taxability” shall mean the taking of any action by the City, or the failure to take any action by the City, or the making by the City of any misrepresentation herein or in any certificate required to be given in connection with the issuance, sale or delivery of this bond which has the effect of causing interest paid or payable on this bond to become includable, in whole or in part, in the gross income of the owner or any prior owner for federal income tax purposes.

“Non-Bank Qualified Rate” shall mean a rate of interest per annum equal to 1.82%.

“Stated Rate” shall mean a rate of interest per annum equal to 1.74%.

“Taxable Rate” shall mean a rate of interest per annum equal to 2.20%.

This bond may be registered as transferred only upon the registration books kept for that purpose at the designated office of the Bond Registrar by the registered owner hereof in person, or by his or her attorney duly authorized in writing, upon presentation and surrender to the Bond Registrar of this bond duly endorsed for registration of transfer or accompanied by an assignment duly executed by the registered owner or his or her attorney duly authorized in writing, and thereupon a new registered bond shall be issued to the transferee in exchange therefor, subject to the conditions and upon payment of charges, if any, provided in the Bond Resolution. This bond may not be exchanged.

The person in whose name this bond is registered shall be deemed and regarded as the absolute owner hereof for all purposes, and payment of or on account of either principal or interest made to such registered holder shall be valid and effectual to satisfy and discharge the liability upon this bond to the extent of the sum or sums so paid.

This bond is subject to optional prepayment in whole, but not in part, at any time, without prepayment premium, prior to its maturity. This bond is subject to mandatory sinking fund prepayment in the amounts and on the dates set forth below:

<u>Date</u>	<u>Amount</u>
June 1, 2022	\$1,132,000
June 1, 2023	1,192,000
June 1, 2024*	1,261,000

*Final Maturity.

Pursuant to O.C.G.A. Section 48-8-110 *et seq.*, as amended (the “Sales Tax Act”) and the Election, there has been enacted a one percent special purpose local option sales tax (the “Sales and Use Tax”) on all sales and uses within DeKalb County for the purpose of financing the Projects and paying the principal of and interest on this bond as the same become due. The Sales and Use Tax will be collected for a period of six years, commencing April 1, 2018, in accordance with the Sales Tax Act.

The City has designated this bond as a “qualified tax-exempt obligation” under Section 265 of the Internal Revenue Code of 1986, as amended.

It is further certified and recited, that all acts, conditions and things required by the Constitution or statutes of the State of Georgia to exist, be performed or happen pursuant to and in the issuance of this bond, exist, have been performed and have happened in due and regular form as required by law, that provision has been made for the collection, if necessary, of a direct annual tax, unlimited as to rate or amount, on all property subject to taxation for general obligation bond purposes located in the City, sufficient to pay the principal of interest on this bond, in accordance with its terms, and that the total indebtedness of the City, including this bond, does not exceed any limitation prescribed by said Constitution or statutes.

This bond shall not be entitled to any benefit under the authorizing resolution and shall not become valid or obligatory for any purpose until it shall have been authenticated by execution by the Bond Registrar by manual signature of the authentication certificate hereon endorsed.

IN WITNESS WHEREOF, City of Clarkston, Georgia has caused this bond to be executed by the duly authorized manual or facsimile signature of the Mayor of the City and its corporate seal to be impressed or imprinted hereon and attested by the duly authorized manual or facsimile signature of the City Clerk.

(CORPORATE SEAL)

CITY OF CLARKSTON, GEORGIA

By: _____
Mayor

Attest:

City Clerk

* * * * *

CERTIFICATE OF AUTHENTICATION

This bond was authorized by the within mentioned authorizing resolution of the Mayor and City Council of the City of Clarkston, Georgia, adopted May 5, 2020, and is hereby authenticated as of the date of its execution as stated in this bond.

CITY OF CLARKSTON, GEORGIA,
as Bond Registrar

By: _____
Finance Director

Date of Authentication: June 12, 2020

* * * * *

VALIDATION CERTIFICATE

STATE OF GEORGIA

COUNTY OF DEKALB

The undersigned Clerk of the Superior Court of DeKalb County, State of Georgia, DOES HEREBY CERTIFY that this bond was confirmed and validated by judgment of the Superior Court of DeKalb County, Georgia, on the 9th day of January, 2018, that no intervention or objection was filed thereto and that no appeal has been prosecuted therefrom.

WITNESS my manual or facsimile signature and the seal of the Superior Court of DeKalb County, Georgia.

Clerk, Superior Court,
DeKalb County, Georgia

(SEAL)

* * * * *

ASSIGNMENT FOR TRANSFER

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY
OR OTHER IDENTIFYING NUMBER
OF ASSIGNEE

the within Bond of the CITY OF CLARKSTON, GEORGIA and does hereby constitute and appoint _____ attorney to transfer the said Bond on the books of the Bond Registrar, with full power of substitution in the premise.

Date: _____

In the presence of: _____

Bondholder

Notice: Signature(s) must be guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion Program ("STAMP") or similar program.

NOTICE: The signature to this Assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

* * * * *

(End of Bond Form)

(FORM OF BOND)

UNITED STATES OF AMERICA

STATE OF GEORGIA

CITY OF CLARKSTON, GEORGIA

GENERAL OBLIGATION SALES TAX REFUNDING BOND, SERIES 2020B

No. RB-1

Dated Date: June 12, 2020

\$3,697,000

Maturity Date: June 1, 2024

Interest Rate: 1.740%

KNOW ALL MEN BY THESE PRESENTS: That the City of Clarkston, Georgia (the “City”) hereby acknowledges itself to owe, and for value received hereby promises to pay to Truist Bank or registered assigns, in lawful money of the United States of America, the principal sum shown above on the Maturity Date indicated above and interest hereon at the rate per annum set forth above (defined herein as the Stated Rate) (based on a 360-day year comprised of twelve 30-day months), subject to adjustment as herein provided, payable December 1, 2020, and semiannually thereafter on the first days of June and December in each year (each an “Interest Payment Date”) from the Interest Payment Date next preceding the date of authentication and registration hereof to which interest has previously been paid (unless the date of authentication and registration hereof is prior to the first Interest Payment Date, in which event from June 12, 2020, or unless the date of authentication and registration is an Interest Payment Date, in which event from the date of authentication hereof, or unless the date of authentication and registration hereof is after a Record Date (hereinafter defined) and before the next succeeding Interest Payment Date, in which event from such next succeeding Interest Payment Date) until payment of the principal amount hereof. The interest hereon shall be paid to the person in whose name this bond is registered at the close of business on the 15th day of the calendar month preceding each Interest Payment Date (each such date a “Record Date”) by check or draft, drawn on the Finance Director of the City, as the Bond Registrar and Paying Agent (the “Paying Agent” or the “Bond Registrar”) and mailed, by first class mail, postage prepaid, to such person at the address on the books of registry kept by the Bond Registrar. Mandatory sinking fund prepayments and interest on this bond shall be paid by wire transfer to such registered owner if written wire transfer instructions are given to the Paying Agent prior to the Record Date. Interest and mandatory sinking fund prepayments shall continue to be so paid until such wire transfer instructions are revoked in writing.

The proceeds of the sale of this bond will be used to finance all or a portion of the cost of (i) refunding the outstanding City of Clarkston, Georgia General Obligation Sales Tax Bond, Series 2018, and (ii) issuing this bond. This bond is authorized by the Constitution and laws of

the State of Georgia and by a resolution of the City Council duly adopted on May 5, 2020 (the “Bond Resolution”).

Upon the occurrence of a Determination of Taxability, then, from and after the Date of Taxability, the interest rate used to calculate interest on this bond shall be the Taxable Rate, as defined below. After a Determination of Taxability and upon demand of the owner or any prior owner of this bond, the City shall pay to such owner or prior owner such additional amount as shall be necessary to provide, together with interest received at the Stated Rate, an equivalent amount as if interest on this bond shall have been payable at the Taxable Rate from the Date of Taxability.

Upon the occurrence of a Determination of Non-Bank Qualified Status, then, from and after the Date of Non-Bank Qualified Status, the interest rate used to calculate interest on this bond shall be the Non-Bank Qualified Rate, as defined below. After a Determination of Non-Bank Qualified Status and upon demand of the owner or any prior owner of this bond, the City shall pay to such owner or prior owner such additional amount as shall be necessary to provide, together with interest received at the Stated Rate, an equivalent amount as if interest on this bond shall have been payable at the Non-Bank Qualified Rate from the Date of Non-Bank Qualified Status.

Upon a Determination of Taxability or a Determination of Non-Bank Qualified Status, the City shall also pay to such owner or to any prior owner upon demand of such owner or prior owner any taxes, interest, penalties or other charges assessed against or payable by such owner or prior owner and attributable to such Determination of Taxability or such Determination of Non-Bank Qualified Status and all reasonable administrative, out-of-pocket and other expenses incurred by such owner or prior owner that are attributable to such event, including, without limitation, the costs incurred by such owner or prior owner to amend any of its tax returns, notwithstanding the repayment of the entire principal amount of this bond or any transfer or assignment of this bond.

“Code” shall mean Internal Revenue Code of 1986, as amended and any applicable regulations thereunder.

“Date of Non-Bank Qualified Status” shall mean the earliest date as of which this bond was not a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3) of the Code (or any successor provision) pursuant to a Determination of Non-Bank Qualified Status.

“Date of Taxability” shall mean the earliest date as of which interest on this bond shall have been determined to be includable in the gross income of any owner or prior owner of this bond as a result of a Determination of Taxability.

“Determination of Non-Bank Qualified Status” shall mean any determination by the Internal Revenue Service, any federal administrative agency, any court or by the owner based upon a written opinion of nationally recognized bond counsel that this bond is not a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3) of the Code (or any successor provision).

“Determination of Taxability” shall mean and shall be deemed to have occurred on the first to occur of the following:

- (a) on that date when the City files any statement, supplemental statement or other tax schedule, return or document which discloses that an Event of Taxability shall have in fact occurred;
- (b) on the date when the City shall be advised in writing by the Commissioner or any District Director of Internal Revenue (or any other government official or agent exercising the same or a substantially similar function from time to time) that, based upon filings of the City, or upon any review or audit of the City or upon any other ground whatsoever, an Event of Taxability shall have occurred; and
- (c) on that date when the City shall receive notice from any owner or prior owner that the Internal Revenue Service (or any other government official or agency exercising the same or a substantially similar function from time to time) has assessed as includable in the gross income of such owner or any prior owner the interest on this bond paid to such owner or prior owner due to the occurrence of an Event of Taxability;

provided, however, that no Determination of Taxability shall occur under clauses (b) or (c) above unless the City has been afforded the opportunity, at its expense, to contest any such assessment; and provided further that no Determination of Taxability shall occur until such contest, if made, has been finally determined; and provided further that upon demand from the owner or any prior owner, the City shall immediately reimburse such owner or prior owner for any payments such owner (or any prior owner) shall be obligated to make as a result of the Determination of Taxability during any such contest.

“Event of Taxability” shall mean the taking of any action by the City, or the failure to take any action by the City, or the making by the City of any misrepresentation herein or in any certificate required to be given in connection with the issuance, sale or delivery of this bond which has the effect of causing interest paid or payable on this bond to become includable, in whole or in part, in the gross income of the owner or any prior owner for federal income tax purposes.

“Non-Bank Qualified Rate” shall mean a rate of interest per annum equal to 1.82%.

“Stated Rate” shall mean a rate of interest per annum equal to 1.74%.

“Taxable Rate” shall mean a rate of interest per annum equal to 2.20%.

This bond may be registered as transferred only upon the registration books kept for that purpose at the designated office of the Bond Registrar by the registered owner hereof in person, or by his or her attorney duly authorized in writing, upon presentation and surrender to the Bond Registrar of this bond duly endorsed for registration of transfer or accompanied by an assignment duly executed by the registered owner or his or her attorney duly authorized in writing, and thereupon a new registered bond shall be issued to the transferee in exchange therefor, subject to the conditions and upon payment of charges, if any, provided in the Bond Resolution. This bond may not be exchanged.

The person in whose name this bond is registered shall be deemed and regarded as the absolute owner hereof for all purposes, and payment of or on account of either principal or interest made to such registered holder shall be valid and effectual to satisfy and discharge the liability upon this bond to the extent of the sum or sums so paid.

This bond is subject to optional prepayment in whole, but not in part, at any time, without prepayment premium, prior to its maturity. This bond is subject to mandatory sinking fund prepayment in the amounts and on the dates set forth below:

<u>Date</u>	<u>Amount</u>
June 1, 2021	\$799,000
June 1, 2022	949,000
June 1, 2023	966,000
June 1, 2024*	983,000

*Final Maturity.

Pursuant to O.C.G.A. Section 48-8-110 *et seq.*, as amended (the “Sales Tax Act”) and the Election, there has been enacted a one percent special purpose local option sales tax (the “Sales and Use Tax”) on all sales and uses within DeKalb County for the purpose of financing the Projects and paying the principal of and interest on this bond as the same become due. The Sales and Use Tax will be collected for a period of six years, commencing April 1, 2018, in accordance with the Sales Tax Act.

The City has designated this bond as a “qualified tax-exempt obligation” under Section 265 of the Internal Revenue Code of 1986, as amended.

It is further certified and recited, that all acts, conditions and things required by the Constitution or statutes of the State of Georgia to exist, be performed or happen pursuant to and in the issuance of this bond, exist, have been performed and have happened in due and regular form as required by law, that provision has been made for the collection, if necessary, of a direct annual tax, unlimited as to rate or amount, on all property subject to taxation for general obligation bond purposes located in the City, sufficient to pay the principal of interest on this bond, in accordance with its terms, and that the total indebtedness of the City, including this bond, does not exceed any limitation prescribed by said Constitution or statutes.

This bond shall not be entitled to any benefit under the authorizing resolution and shall not become valid or obligatory for any purpose until it shall have been authenticated by execution by the Bond Registrar by manual signature of the authentication certificate hereon endorsed.

IN WITNESS WHEREOF, City of Clarkston, Georgia has caused this bond to be executed by the duly authorized manual or facsimile signature of the Mayor of the City and its

corporate seal to be impressed or imprinted hereon and attested by the duly authorized manual or facsimile signature of the City Clerk.

(CORPORATE SEAL)

CITY OF CLARKSTON, GEORGIA

By: _____
Mayor

Attest:

City Clerk

* * * * *

CERTIFICATE OF AUTHENTICATION

This bond was authorized by the within mentioned authorizing resolution of the Mayor and City Council of the City of Clarkston, Georgia, adopted May 5, 2020, and is hereby authenticated as of the date of its execution as stated in this bond.

CITY OF CLARKSTON, GEORGIA,
as Bond Registrar

By: _____
Finance Director

Date of Authentication: June 12, 2020

* * * * *

VALIDATION CERTIFICATE

STATE OF GEORGIA

COUNTY OF DEKALB

The undersigned Clerk of the Superior Court of DeKalb County, State of Georgia, DOES HEREBY CERTIFY that this bond was confirmed and validated by judgment of the Superior Court of DeKalb County, Georgia, on the ____ day of June, 2020, that no intervention or objection was filed thereto and that no appeal has been prosecuted therefrom.

WITNESS my manual or facsimile signature and the seal of the Superior Court of DeKalb County, Georgia.

Clerk, Superior Court,
DeKalb County, Georgia

(SEAL)

* * * * *

ASSIGNMENT FOR TRANSFER

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY
OR OTHER IDENTIFYING NUMBER
OF ASSIGNEE

the within Bond of the CITY OF CLARKSTON, GEORGIA and does hereby constitute and appoint _____ attorney to transfer the said Bond on the books of the Bond Registrar, with full power of substitution in the premise.

Date: _____

In the presence of: _____
Bondholder

Notice: Signature(s) must be guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion Program ("STAMP") or similar program.

NOTICE: The signature to this Assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

* * * * *

[End of Bond Form]

Section 10. Approval of Winning Bid; Sale of Bond. The use and distribution of the Request for Proposals dated April 2, 2020 is hereby ratified and approved. The City hereby approves and accepts the bid of the Purchaser attached hereto as Exhibit B. The sale of the Bond to the Purchaser at a price of 100% of par is hereby authorized.

Upon receipt of the purchase price for the Series 2020 Bonds, the Mayor or his designee is authorized to physically deliver the Series 2020 Bonds to the Purchaser, and the Mayor or his designee is authorized to execute for and on behalf of the City such receipt for the proceeds of the Series 2020 Bonds and such other closing certificates and proofs as may be necessary and proper. The Series 2020 Bonds shall be properly executed, numbered and shall contain the terms set forth in this Resolution.

Section 11. Application of Proceeds; Construction Fund and Closing Fund.

(a) The proceeds from the sale of the Series 2020A Bond shall be deposited to the Construction Fund hereafter created and shall be applied for the purposes stated herein. There is hereby authorized and directed to be created a special trust fund designated as the “City of Clarkston General Obligation Sales Tax Bond, Series 2020 Construction Fund.” Truist Bank is hereby designated as the initial Construction Fund Custodian, and the City is hereby authorized to enter into such depository agreement, if required, for the Construction Fund Custodian’s administration of such funds. Such moneys as are deposited in the Construction Fund shall be separate and apart from all other funds of the Construction Fund Custodian and the City and shall only be withdrawn in accordance with the provisions and restrictions set forth in this Resolution.

(b) Any moneys in the Construction Fund not needed at the time for the payment of current obligations shall be invested and reinvested by the Construction Fund Custodian in the investments specified in O.C.G.A. Section 36-82-7 or any other applicable state law, and shall be held by the Construction Fund Custodian for the account of the Construction Fund until maturity or until sold. At maturity or upon such sale, the proceeds received therefrom, including accrued interest and premium, if any, shall be immediately deposited by the Construction Fund Custodian into the Construction Fund. Earnings on moneys in the Construction Fund shall be credited to the Construction Fund. Withdrawals from the Construction Fund may be made for the purpose of paying the cost of acquiring, constructing and equipping of the Projects and the costs of issuing the Series 2020A Bond. Without intending thereby to limit or to restrict or to extend any proper definition of such cost as may now or hereinafter be permitted by applicable law, shall include:

(i) The cost of indemnity and fidelity bonds either to secure deposits in the Construction Fund or to insure the faithful completion of any contract pertaining to the Projects;

(ii) Any taxes or any charges lawfully levied or assessed against the Projects;

(iii) Fees and expenses of engineers for engineering studies, surveys and estimates, and the preparation of plans and supervising the acquisition, construction and equipping of the Projects;

(iv) Payments made for labor, contractors, builders and materialmen in connection with the Projects and payment for machinery and equipment and for the restoration of property damaged or destroyed in connection therewith and the repayment of advances made to it for the purpose of paying any of the aforementioned costs;

(v) The cost of acquiring by purchase, and the amount of any award or final judgment in any proceeding to acquire by condemnation, lands and rights-of-way necessary for the Projects and appurtenances in connection therewith, and options and payment thereon, and any easements or rights-of-way or any damages incident to or resulting from the acquisition, construction, expansion and improvement of the Projects; and

(vi) Costs incident to the issuance of the Series 2020A Bond.

(c) All payments from the Construction Fund shall be made upon requisitions signed by an officer or agent of the City, properly authorized and designated to sign on the City's behalf for this purpose. Such requisitions shall be in substantially the form attached hereto as Exhibit D.

(d) If the United States of America or the State of Georgia, or any department, agency or instrumentality of either, agrees to allocate money to be used to defray any part of the cost of acquiring, constructing, and equipping the Projects upon the condition that the City is required to withdraw any sum so required from the Construction Fund for deposit in a special account, the City shall have the right to withdraw any sum so required from the Construction Fund by appropriate transfer and to deposit the same in a special account for that particular purpose; provided, however, that all payments thereafter made from said special account may be made only in accordance with the requirements set forth in this Section.

(e) Withdrawals for investment purposes (including authorized deposits with other banks), may be made by the Construction Fund Custodian to comply with written directions from an authorized City representative without any requisition other than said direction.

(f) A special fund is hereby created and designated "City of Clarkston Closing Fund" (the "Closing Fund") to which proceeds of the Series 2020B Bonds shall be deposited. Such moneys in the Closing Fund shall be held by Truist Bank, as custodian (the "Custodian"). The Closing Fund shall be kept as a trust fund with the Custodian separate from other deposits of the City. The Custodian shall (a) use \$3,672,971.68 to pay the principal of and interest on the Refunded Bond to the holder of the Refunded Bond on the Redemption Date and (b) use the balance of the moneys on deposit in the Closing Fund to pay the costs of issuing the Series 2020B Bond. No further authorization or direction shall be required for the Custodian to make the transfer to bondholder of the Series 2020B Bond. Prior to paying any costs of issuance the Custodian shall receive a requisition signed by an officer (or officers) of the City properly authorized and designated to sign on the City's behalf for this purpose. Any moneys remaining in the Closing Fund as of the date thirty (30) days from the date of initial issuance and delivery of the Series 2020B Bond shall be paid to the City and applied to the next debt service payment

coming due on the. Series 2020B Bond.

Section 12. Authentication of Series 2020 Bonds. The Series 2020 Bonds shall not be valid or obligatory for any purpose unless and until the certificate of authentication shall have been executed by the Bond Registrar, and such executed certificate of the Bond Registrar upon the Series 2020 Bonds shall be conclusive evidence that the Series 2020 Bonds have been authenticated and delivered hereunder.

Section 13. Transfer and Exchange of Series 2020 Bonds. The Bond Registrar shall cause books for the registration of transfer of the Series 2020 Bonds to be kept. The Series 2020 Bonds may be registered as transferred on the books of registration by the registered owner thereof in person or by his duly authorized attorney, upon surrender thereof, together with a written instrument of transfer executed by the owner or his duly authorized attorney. Upon surrender for registration of transfer of the Series 2020 Bonds at the principal office of the Bond Registrar, the City shall execute, and the Bond Registrar shall authenticate and deliver in the name of the transferee or transferees, a new Series 2020 Bond of the same series so surrendered and numbered consecutively in order of issuance according to the records of the Bond Registrar. The Series 2020 Bonds may not be exchanged. Such transfers of registration shall be without charge to the owner of the Series 2020 Bonds, but any tax or other governmental charge, required to be paid with respect to the same shall be paid by the owner of the Series 2020 Bonds requesting such transfer as a condition precedent to the exercise of such privilege.

If the Series 2020 Bonds are surrendered upon any transfer provided for in this Resolution, the Series 2020 Bonds shall be promptly canceled by the Bond Registrar and shall not be reissued. Upon request of the City, a certificate evidencing such cancellation shall be furnished by the Bond Registrar to the City.

Section 14. Registered Owners. The person in whose name the Series 2020 Bonds are registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of either principal or interest shall be made only to or upon the order of the registered owner thereof or his duly authorized attorney, but such registration may be changed as hereinabove provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon the Series 2020 Bonds to the extent of the sum or sums so paid.

Section 15. Continuing Request. The inclusion of the foregoing provisions shall constitute (a) a continuing request from the City to the Clerk of the Superior Court of DeKalb County, unless her signature shall occur by facsimile, to execute the certificate of validation on any replacement Bond issued pursuant hereto, and (b) the appointment of the Bond Registrar as agent for the City to do any and all things necessary to affect any replacement or registration of transfer.

Section 16. Mutilated or Destroyed Series 2020 Bonds. In case a Series 2020 Bond of a series shall become mutilated or be destroyed or lost, the City Council, on behalf of the City, may cause to be executed, authenticated and delivered a new Series 2020 Bond in exchange or substitution for the Series 2020 Bond so mutilated, destroyed or lost, upon, in the

case of a mutilated Series 2020 Bond of a series, surrender of such Series 2020 Bond, or in the case of a destroyed or lost Series 2020 Bond, the owner filing with the City, the Paying Agent and the Bond Registrar evidence satisfactory to them that such Bond was destroyed or lost and providing indemnity satisfactory to them; provided, however, that if the owner of such destroyed or lost Series 2020 Bond has a minimum net worth of at least \$25,000,000, such owner's own unsecured agreement of indemnity shall be deemed to be satisfactory. If the Series 2020 Bond shall have matured, instead of issuing a new Series 2020 Bond, the City may pay the same Series 2020 Bond.

Section 17. Prepayment. The Series 2020 Bonds are subject to optional prepayment in whole, but not in part, at any time, without prepayment premium, prior to their maturity.

The Series 2020A Bond is subject to mandatory sinking fund prepayment in the amounts and on the dates set forth below:

<u>Date</u>	<u>Amount</u>
June 1, 2022	\$1,132,000
June 1, 2023	1,192,000
June 1, 2024*	1,261,000

*Final Maturity.

The Series 2020B Bond is subject to mandatory sinking fund prepayment in the amounts and on the dates set forth below:

<u>Date</u>	<u>Amount</u>
June 1, 2021	\$799,000
June 1, 2022	949,000
June 1, 2023	966,000
June 1, 2024*	983,000

*Final Maturity.

No presentment of the Series 2020 Bonds shall be required to receive prepayments.

Section 18. Pledge of Sales and Use Tax. Based upon historical levels of other sales and use taxes collected in the City, and the required debt service on the Series 2020 Bonds, the City hereby determines that during each year in which any payment of principal or interest on the Series 2020 Bonds becomes due, the City will receive Sales and Use Tax proceeds sufficient to fully satisfy its liability for debt service on the Series 2020 Bonds. The proceeds of the Sales and Use Tax are hereby pledged irrevocably to the payment of the principal of and interest on the Series 2020 Bonds, and the Mayor is hereby authorized to direct the State of Georgia, Department of Revenue, Sales and Use Tax Division to mail all proceeds of the Sales and Use Tax being collected in the City to the custodian of the separate trust fund (the "Sales Tax Fund")

identified by the City in which the proceeds of the Sales and Use Tax are to be deposited to or for the account of the City.

The Sales and Use Tax proceeds received by the City in any bond year (June 2 through the following June 1) shall first be used for paying debt service requirements on the Series 2020 Bonds until such time as there is on deposit with the City in the Sales Tax Fund to be maintained by the City sufficient moneys to pay the principal and interest on the Series 2020 Bonds coming due in that bond year; thereafter, such Sales and Use Tax proceeds shall be used for Projects of the City.

Section 19. Tax Covenants and Representations; Bank Qualification. The Series 2020 Bonds are being issued by the City in compliance with the conditions necessary for the interest income on the Series 2020 Bonds to be exempt from federal income taxation pursuant to the provisions of Section 103(a) of the Internal Revenue Code of 1986, as amended (the “Code”) relating to obligations of the State or political subdivisions thereof. It is the intention of the City that the interest on the Series 2020 Bonds be and remain excludable from gross income for federal income tax purposes, and, to that end, the City hereby covenants that it will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the tax-exempt status of the interest on the Series 2020 Bonds under Section 103 of the Code.

The City reasonably expects that the principal amount of the Series 2020 Bonds, together with the original principal amount of all other tax-exempt obligations of the City and any entity subordinate thereto (other than obligations which are private activity bonds not qualified under Section 145 of the Code) issued in calendar year 2020, will, in the aggregate, not exceed \$10 million. The City hereby designates the Series 2020 Bonds as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3)(B) of the Code.

Section 20. Approval of Prior Actions; General Authority. All actions taken by the City Council, any officer or member of the City Council, any officer of the City or any agent or employee of the City relating to the authorization and issuance of the Series 2020 Bonds, including, but not limited to, actions taken in connection with the validation of the Series 2020 Bonds, be and the same are hereby ratified, approved and confirmed.

Section 21. Payments Due on Saturday, Sunday or Holiday. If a payment on the Series 2020 Bonds is due on a Saturday, Sunday or any day that the office of the Paying Agent is authorized or required by law to remain closed, such payment shall be made on the next succeeding business day, provided, however, interest shall continue to accrue until such time as the payment is actually received by the registered owner.

Section 22. Validation. The Series 2020B Bond shall be validated in the manner required by the laws of the State of Georgia. To that end, notice of the adoption of this Resolution and a certified copy hereof shall be immediately served on the District Attorney in order that proceedings for the confirmation and validation of the Series 2020B Bond by the Superior Court of DeKalb County may be instituted by said District Attorney. The Mayor, Vice

Mayor and City Clerk are hereby authorized to execute any and all documents and to take any and all actions required to validate the Series 2020B Bond.

Section 22. Waiver of Bond Audit. The City hereby waives the performance audit or performance review requirement referred to in O.C.G.A. Section 36-82-100.

Section 23. Repeal of Conflicting Resolutions. All resolutions, or parts thereof, that conflict with this Resolution are hereby repealed.

Section 24. Financial Covenants. The City shall furnish the registered owner of the Series 2020 Bonds, for so long as the Series 2020 Bonds remains outstanding, annual audited financial statements of the City as soon as they are available, but no later than 270 days after the end of each fiscal year.

Section 25. Vice Mayor; Assistant Clerk. In the event that the Mayor is unavailable to sign the documents authorized herein, the Vice Mayor is hereby authorized and directed to sign all such documents. In the event that the City Clerk is unavailable to sign the documents authorized herein, the Assistant or Deputy City Clerk, if any, is hereby authorized and directed to sign all such documents.

Section 26. General Authority. The proper officers, agents and employees of the City Council and the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents and certificates as may be necessary or desirable in connection with the issuance of the Series 2020 Bonds and the execution, delivery and performance of the documents and agreements authorized by this Resolution.

ADOPTED AND APPROVED this 5th day of May, 2020.

(CORPORATE SEAL)

CITY OF CLARKSTON, GEORGIA

By: _____
Mayor

Attest:

City Clerk

EXHIBIT A
TO BOND RESOLUTION

DEBT SERVICE SCHEDULE

Period Ending	Principal	Interest	Debt Service	Annual Debt Service
12/01/2020	\$ —	\$ 59,481.81	\$ 59,481.81	\$ —
12/31/2020	—	—	—	59,481.81
06/01/2021	799,000	63,353.40	862,353.40	—
12/01/2021	—	56,402.10	56,402.10	—
12/31/2021	—	—	—	918,755.50
06/01/2022	2,081,000	56,402.10	2,137,402.10	—
12/01/2022	—	38,297.40	38,297.40	—
12/31/2022	—	—	—	2,175,699.50
06/01/2023	2,158,000	38,297.40	2,196,297.40	—
12/01/2023	—	19,522.80	19,522.80	—
12/31/2023	—	—	—	2,215,820.20
06/01/2024	2,244,000	19,522.80	2,263,522.80	—
12/31/2024	—	—	—	2,263,522.80
	<u>\$7,282,000</u>	<u>\$351,279.81</u>	<u>\$7,633,279.81</u>	<u>\$7,633,279.81</u>

EXHIBIT B
TO BOND RESOLUTION

WINNING BID

(Attached)

EXHIBIT C
TO BOND RESOLUTION

ANNUAL DEBT SERVICE SAVINGS

<u>Date</u>	<u>Series 2018 Debt Service</u>	<u>Series 2020B Debt Service</u>	<u>Savings</u>
12/31/2020	\$ 48,627.50	\$ 30,198.33	\$ 18,429.17
12/31/2021	866,920.00	856,376.50	10,543.50
12/31/2022	1,002,156.50	991,168.90	10,987.60
12/31/2023	1,001,968.25	991,508.40	10,459.85
12/31/2024	<u>1,002,104.25</u>	<u>991,552.10</u>	<u>10,552.15</u>
	<u>\$3,921,776.50</u>	<u>\$3,860,804.23</u>	<u>\$60,972.27</u>

EXHIBIT D
TO BOND RESOLUTION

FORM OF REQUISITION

TO: Truist Bank

RE: \$3,585,000 City of Clarkston General Obligation Sales Tax Bond, Series 2020A
(the "Bond")

The undersigned Authorized Representative designated pursuant to the terms of a closing certificate for the bond issue in caption, hereby requests that there be paid from the Construction Fund the sum of \$_____, and DOES HEREBY CERTIFY, as follows:

1. An obligation in the amount stated above has been incurred by the City of Clarkston, Georgia (the "City"), the same is a proper charge against the Construction Fund and has not been paid, and the bill, invoice or statement of account for such obligation, or a copy thereof is on file in the office of the City.

2. Each obligation for which a disbursement is hereby requested is described on Exhibit "A" hereto together with the name and address of the person, firm or corporation to whom payment is due.

3. The undersigned has no notice of any vendor's, mechanic's or other liens or rights to liens, chattel mortgages, or conditional sales contracts which should be satisfied or discharged before such payment is made.

4. This requisition contains no item representing payment on account, or any retained percentages which the City is, at the date of such certificate, entitled to retain.

This ____ day of _____, 20____.

CITY OF CLARKSTON, GEORGIA

By: _____
Authorized Representative

EXHIBIT A

PAYEE

PURPOSE

AMOUNT

EXHIBIT E
TO BOND RESOLUTION

NOTICE OF REDEMPTION

CITY OF CLARKSTON, GEORGIA
GENERAL OBLIGATION SALES TAX BOND, SERIES 2018

NOTICE IS HEREBY GIVEN that the above-captioned bond outstanding in the principal amount of \$3,670,000 (the "Refunded Bond") is called for redemption prior to maturity and will be redeemed on June 12, 2020 (the "Redemption Date") at a price of 100% plus accrued interest to the Redemption Date. From and after the Redemption Date, interest on the Refunded Bond shall cease to accrue and any lien or interest in or to any pledge of security or collateral for the Refunded Bond called for redemption shall also cease and become null on the Redemption Date.

The Holder of the Refunded Bond will receive payment of the redemption price and accrued interest to which they are entitled on the Redemption Date specified above, after which date no further interest will accrue or be paid on said Refunded Bond.

This ____ day of May, 2020.

CITY CLERK'S CERTIFICATE

STATE OF GEORGIA

CITY OF CLARKSTON

The undersigned, City Clerk to the City Council of the City of Clarkston, Georgia DOES HEREBY CERTIFY that the foregoing pages of typewritten matter constitute a true and correct copy of a resolution adopted by the City Council, in a meeting duly assembled and open to the public at which a quorum was present, on the 5th day of May, 2020, relating to the sale and form of a \$3,585,000 City of Clarkston, Georgia General Obligation Sales Tax Bond, Series 2020A and a \$3,697,000 City of Clarkston, Georgia General Obligation Sales Tax Refunding Bond, Series 2020B the original of which has been duly recorded in the Minute Book of said City Council, which is in my custody and control.

GIVEN this the 5th day of May, 2020.

City Clerk

(CORPORATE SEAL)

A. Ricardo Cornejo
*First Vice President
Public Finance*
Cumberland Riverwood
3350 Riverwood Parkway
Suite 1900
Atlanta, Georgia 30339
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rcornejo@investdavenport.com

Douglas J. Gebhardt
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April 9, 2020

City of Clarkston, Georgia

General Obligation Sales Tax Bonds, Series 2020A & Series 2020B

Davenport & Company LLC (“Davenport”), in our capacity as the Financial Advisor to the City of Clarkston, Georgia (the “City”) is distributing this Request for Proposals (the “RFP”) on behalf of the City for the purpose of obtaining a commercial loan evidenced by the City’s General Obligation Sales Tax Bonds, Series 2020 A&B (together, the “Series 2020 Bonds”). **The Series 2020 Bonds will be tax-exempt and bank qualified.**

The proceeds of the 2020A Bonds will be used to finance certain transportation & road related capital projects within the City and the Series 2020B Bonds will be used to potentially refinance the Series 2018 General Obligations Sales Tax Bond for the purposes of annual debt service savings only. Both the Series 2020A and Series 2020B Bonds will be also pay for the costs of issuance associated with the Series 2020 Bonds.

The City is interested in receiving quotes for the Series 2020 Bonds, which will be held through the estimated closing date as detailed in this RFP. The City desires a fully fixed interest rate bid for the Series 2020 Bonds until final maturity.

The Series 2020 Bonds will be a general obligation of the City and will constitute a pledge of the full faith, credit and taxing power of the City. The Series 2020 Bonds will be payable (1) from the receipts of a special purpose one percent sales tax; and (2) from the general funds of the City, including ad valorem taxes levied, without limitation as to rate or amount, upon all taxable property within the City.

As further described in this RFP, the City will either pursue the following:

Option 1 - Series 2020A Only (New Money); or

Option 2 – Series 2020A and Series 2020B Bonds (New Money and Refunding).

At this time, the City will not pursue separate lenders for the Series 2020A and Series 2020B Bonds. Amongst other issues, the separation between two series is due to the fact the Series 2020A Bond has been validated and the Series 2020B Bonds will require validation.

SPLOST Overview:

On November 7, 2017, DeKalb County, Georgia held an election regarding the imposition of a one percent special purpose local option sales tax (the “SPLOST”) within the County which included the authorization for the City of Clarkston to issue General Obligation Debt in an amount not to exceed \$8,735,000, amongst other items. 70% of the constituents of DeKalb County (Countywide) approved the implementation of the SPLOST. Within the City of Clarkston, the approval rate was 72%.

The collections for the SPLOST began on April 1, 2018 and will continue until March 31, 2024. The City anticipated collecting approximately \$11 million over the 6-year period. This equates to roughly \$155,000 in average monthly collections. The actual average monthly collections through April 1, 2018 to February 1, 2020 have been just north of \$150,000 or 95.2% of projections.

In 2018, the City issued \$5,150,000 of the \$8,735,000 which left \$3,585,000 authorized but unissued. As part of the Series 2020 Bonds, the City plans to issue the remaining \$3,585,000 leaving the City no authorized debt unissued.

Audited Financials and Budgets:

The City’s historic audited financial statements are available at the following link:

<https://www.clarkstonga.gov/financial-documents/544>

The City’s historic and current budgets are available at the following link(s):

<https://www.clarkstonga.gov/financial-documents/546>

Additionally, the proposed Series 2020A & Series 2020B Bond Resolution have been included as attachments to this RFP.

Each proposal is subject to review and approval by the City Council and City staff. The City reserves the right to reject any or all proposals, to waive irregularities in any proposal and to negotiate with any banking institution.

Your response to this RFP would be appreciated. Outlined below are the Proposed Terms to be utilized in preparing your proposal.

The 2020 Bonds Proposed Terms:

<i>Issuer:</i>	City of Clarkston, Georgia
<i>Purpose:</i>	See descriptions provided above.
<i>Tax Treatment:</i>	Fully Tax-Exempt.
<i>Bank Qualification:</i>	<u>Bank Qualified</u>
<i>Not-to-Exceed Par Amount:</i>	\$7,500,000*
	Option 1 (Series 2020A): \$3,585,000
	Option 2 (Series 2020A & Series 2020B): \$7,500,000*
	*Note: Preliminary, subject to change.
<i>Security:</i>	The Series 2020 Bonds will be a general obligation of the City and will constitute a pledge of the full faith, credit and taxing power of the City. The Series 2020 Bonds will be payable (1) from the receipts of the SPLOST; and (2) from the general funds of the City, including ad valorem taxes levied, without limitation as to rate or amount, upon all taxable property within the City.
<i>Rating:</i>	None Applied for the Series 2020 Bonds.
<i>Final Maturity Date:</i>	Option 1: June 1, 2024 Option 2: June 1, 2024
<i>Principal Payment Dates:</i>	Principal due annually, beginning June 1, 2022 (Option 1) or June 1, 2021 (Option 2) until the Final Maturity Date.
<i>Interest Payment Dates:</i>	Semi-annual interest payments due on June 1 and December 1, commencing on December 1, 2020, calculated on a 30/360 day basis.

Optional Redemption: The City prefers maximum flexibility. Please specify the call structure that would provide the City with the most flexibility at the lowest cost of funds.

Drawdown: All funds are anticipated to be drawn at closing.

Interest Rate: To the extent possible, a fixed rate quote for the entire amortization period is preferred. If you are unable to commit to a fixed rate over the entire amortization period, please provide a fixed rate quote for the longest time period possible and specify all pertinent details relating to the rate reset, including the applicable index on which your quote will be based. For example, to the extent that you are willing to commit to a 4-year amortization for but cannot provide a fixed rate for the entire period, please specify the initial rate and its duration as well as the rate-reset information (e.g. 4-year amortization with an initial fixed rate for 2 years, with a rate reset for the remaining 2 years).

Amortization Structure: The City would like to receive bids on the estimated principal structure as outlined below. The final principal amounts will be adjusted as mutually agreed upon once the final interest rate is known.

Estimated Amortization ⁽¹⁾

<u>Date</u>	<u>Option 1 - Series 2020A</u>	<u>Option 2 - Series 2020A & 2020B</u>
6/1/2021	\$0	\$814,000
6/1/2022	1,132,000	2,090,000
6/1/2023	1,192,000	2,159,000
6/1/2024	1,261,000	2,238,000
Total	\$3,585,000	\$7,301,000

(1) Preliminary, Subject to change.

Direct Bank Loan: Proposals are requested for a direct bank loan evidenced by the Series 2020 Bonds, by a single financial institution or a syndicate of financial institutions represented by one lead institution with which the City and their consultants will deal with exclusively on all aspects of the financing. The successful bidder(s) will be expected to provide a letter in form satisfactory to the City and its Bond Counsel regarding the qualifications of the buyer and stating that the Series 2020 Bonds is being purchased for its own account as evidence of the loan and with no intention of sale or distribution. No formal offering document will be prepared, although bidders should feel free to direct any questions about the City or its finances to the undersigned.

Bank Closing Costs: None anticipated to be paid by the City. Please specify any exceptions.

Annual/Ongoing Fees: None anticipated to be paid by the City. Please specify any exceptions.

- Opinion of Bond Counsel:** Bond Counsel to the City, Murray Barnes Finister LLP, will provide the necessary bond counsel opinion and documentation.
- Ongoing Disclosure:** The City will provide annual audited financial statements. Please specify any additional requirements.
- Award:** The City Council and Staff, in consultation with Davenport, will determine which proposed loan offers the lowest cost to the City, taking into account terms, conditions and/or fees/expenses to be paid by the City. The City staff will make a recommendation to the City Council, which will make the formal award. The City reserves the right to reject any or all proposals and to waive any irregularity in any proposal or the process.
- Closing:** Closing is anticipated to take place by mail on May 5 if the New Money only is pursued. If option 2 is pursued, the closing is anticipated to take place no later than May 28, 2020. Please provide a fixed rate of interest that will be held firm until the closing.

Please specify any other terms or conditions that would impact the proposed structure of the financing agreement. The preliminary timetable for action is shown below.

Preliminary Timetable:

<u>Date</u>	<u>Action</u>
April 9	RFP is distributed to local, regional and national banking institutions.
April 30	RFP Responses due back to Davenport at 11 am Eastern Time
May 5	Davenport to present RFP results to City Council and City Council Adopts Financing Resolutions and other necessary financing documents
<u>If Option 1 - New Money Only is Pursued</u>	
May 14	Close on the Series 2020A Bond
<u>If Option 2 - New Money and Refunding is Pursued</u>	
Balance of May	Validation of Series 2020B Bonds. Bond Counsel Distributes Drafts of Closing Documents.
No Later Than May 28	Close on the Series 2020 Bonds

Inquiries:

All inquiries concerning clarification of the RFP must be made to Davenport, in writing (e-mail is acceptable). As it is expected that each firm may have different needs for information, it is incumbent on each firm to make whatever inquiries it deems necessary in order to respond to the RFP. Any contact initiated by any banking institution with the City's officials, staff or Bond Counsel concerning this RFP is prohibited. Any such unauthorized contact may cause the disqualification of the respondent from consideration.

Submission of Proposals:

By submitting a bid for the Series 2020 Bonds we are anticipating that the financing has received final or near final credit approval by your banking institution and that your banking institution is ready and able to provide the financing for the Series 2020 Bonds should it be selected as the winning bidder. If this financing requires additional credit approvals after submission of your response please clearly indicate in your response the process by which these additional approvals will be obtained, the timing of receiving these approvals, and any additional information that will need to be provided by the City.

We look forward to your response by 11:00 a.m. EST on Thursday, April 30, 2020. Please send responses to the following:

Douglas Gebhardt
Davenport & Company LLC
Phone: (404) 825-9467
dgebhardt@investdavenport.com

Christopher Holt
Davenport & Company LLC
Phone: (404) 922-7301
cholt@investdavenport.com

In the meantime, should you have any further questions or concerns please feel free to call the numbers above. We look forward to your response.

Sincerely,



A. Ricardo Cornejo
First Vice President
Davenport & Company LLC



Douglas J. Gebhardt
Vice President
Davenport & Company LLC

- cc: Robin Gomez – City Manager, City of Clarkston, Georgia
Dan Defnall – Finance Director, City of Clarkston, Georgia
Terri Finister – Bond Counsel, Murray Barnes Finister LLP
Stephen Quinn – Issuer Counsel, Wilson, Morton & Downs LLC

CITY OF CLARKSTON

ITEM NO: G3

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: May 5, 2020

SUBJECT: Adopt Resolution Authorizing, Among Other Things, Amending the FY2019 Operating Budget from \$11,803,207 to \$15,708,668

DEPARTMENT: Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages: 3

INFORMATION CONTACT: Robin Gomez
PHONE NUMBER: 404-296-6489 ext. 411

PURPOSE: To consider adopting the attached Resolution amending the FY2019 Operating Budget

NEED/ IMPACT: The City of Clarkston approves an annual budget at the beginning of each fiscal year based on projected revenues and expenditures. Throughout the year, various factors influence the budget which impacts projected revenues being realized and which affect necessary expenditures. As part of our annual audit review, the Georgia Department of Accounts and Audits monitors our budget vs. actuals reports at the legal level of control, which for the City of Clarkston is by fund and departmental level. This budget amendment is needed to correct the Final FY2019 Amended budget appropriations based on actual expenditures in FY2019. The specific amendments are as follows:

GENERAL FUND

The following budget amendments were made to the following General Fund expenditure budget line items:

Buildings and Grounds Capital Expenditures increase of \$5,311 total for City Hall A/C Unit Replacement. Community Action Projects increase of \$40,000 for Urban Agriculture project not included in Original Budget.

Police Department Capital Purchases via Capital Lease increase for \$482,400 for ten new police vehicles and equipment.

Parks Department Capital Purchases for unanticipated increase of \$12,250 for water line replacement at Milam Park, \$10,500 for pool filter upgrades at Milam Park and \$10,000 increase in water billings due to mud and flooding into the pool that required extra cleaning, complete pool refill and excessive water leaks due to damaged water line during construction at Milam Park entrance

Capital Projects Fund increase of \$941,000 for Streetscape General Fund expenditures funded through the SRTA/GTIB Loan #2.

The above net expenditure increases of \$1,501,461 were offset by an increase of revenue line items:
Proceeds from GTIB Loan #2 Debt Issuance in the amount of \$941,000
Proceeds from Capital Leases in the amount of \$482,400.
Franchise Fees-Electric in the amount of \$78,061

POLICE FEDERAL SEIZURES FUND

Increase Small Equipment expenditures budget by \$5,000.
Increase Capital Equipment expenditures budget by \$82,000 for Vehicle Purchases and \$16,000 for Other Equipment for Vehicles

To offset these increases, the Confiscated Assets Revenue line item is increased by \$103,000

POLICE CITY SEIZURES FUND

The City Police Department has not received any City Seizures in over five years.

This budget is amended to increase reserve fund balance spending of by \$500 for Small Equipment.

GRANTS FUND

Increase Grants Fund Expenditures and Revenues by \$3,338,000 for Streetscape Project expenditures covered through the Federal Highway Administration Grant (FHWA) Grant through GDOT.
Increase Grants Fund Expenditures and Revenues by \$93,000 for Sidewalk Construction EPDL and Church Street funded through a Dekalb County CDBG grant.
Increase Grants Fund Expenditures and Revenues by \$9,500 for Defibrilators for City Hall buildings and Police Vehicles funded through a grant from the Fulton-Dekalb Hospital Authority.

URA FRIENDSHIP FOREST FUND

Increase in Construction Expenditures for FY2019 of \$260,000 for Friendship Forest due to significant delays in construction timeframe fund through URA Bond fund proceeds. This construction has been expected to finish in FY2018.

SPLOST FUND

Decrease FY2019 Construction Expenditures by \$1,400,000 due to significant weather and other delays funded by the SPLOST Bond proceeds.

RECOMMENDATIONS: Staff recommends the City Council adopt the attached Resolution to amend the Final FY2019 City of Clarkston Operating Budget.

A RESOLUTION TO ADOPT THE FISCAL YEAR 2019 FINAL AMENDED BUDGET FOR EACH FUND OF THE CITY OF CLARKSTON, GEORGIA, APPROPRIATING THE AMOUNTS SHOWN IN EACH BUDGET AS EXPENDITURES/EXPENSES, ADOPTING THE SEVERAL ITEMS OF REVENUE ANTICIPATIONS, AND PROHIBITING EXPENDITURES OR EXPENSES FROM EXCEEDING THE ACTUAL FUNDING AVAILABLE, AND FOR VARIOUS OTHER REASONS.

WHEREAS, sound governmental operations require a budget in order to plan the financing of services for the residents of the City of Clarkston; and

WHEREAS, Title 36, Chapter 81, Article 1 of the Official Code of Georgia Annotated (OCGA) requires a balanced budget for the City's fiscal year, which runs from January 1st to December 31st of each year; and

WHEREAS, the Mayor and City Council of the City of Clarkston have reviewed the Proposed FY 2019 budget which includes the FINAL FY2019 AMENDED BUDGET data as presented by the City Manager; and

WHEREAS, each of these funds is a balanced budget, so that anticipated revenues and other financial resources for each fund equal the proposed expenditures or expenses; and

WHEREAS, the Mayor and City Council wishes to adopt this proposal as the Final Amended Fiscal Year 2019 Annual Budget, effective from January 1, 2019 through December 31, 2019.

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Clarkston, Georgia, as follows:

Section 1. That the Amended Fiscal Year 2019 Budget, attached hereto and incorporated herein as a part of this Resolution is hereby adopted as the Amended Budget for the City of Clarkston, Georgia for Fiscal Year 2019, which begins January 1, 2019 and ends on December 31, 2019.

Section 2. That the several items of revenues, other financial resources, and sources of cash shown in the budget for each fund in the amounts shown anticipated are hereby adopted, and that the several amounts shown in the budget for each fund as proposed expenditures or expenses, and uses of cash are hereby appropriated to the departments named in each fund.

Section 3. That the "legal level of control" as defined in OCGA §36-81 is set at the department level, meaning that the City Manager in his capacity is authorized to move appropriations from one line item to another within a fund, but under no circumstances may expenditures or expenses exceed the amount appropriated for a fund without a further budget amendment approved by the Mayor and City Council.

Section 4. That all appropriations shall lapse at the end of the fiscal year.

Section 5. That this Resolution shall be and remain in full force and effect from and after its date of adoption.

RESOLVED this _____ day of May 2020

Awet Eyasu, Vice Mayor

ATTEST:

City Clerk

**CITY OF CLARKSTON
FISCAL YEAR 2019 AMENDED BUDGET**

As of April 19, 2020	2018 ACTUAL	2019 ADOPTED BUDGET	2019 ACTUAL AS OF DECEMBER 31, 2019	Over / (Under) 2019 Adopted Budget	% OF BUDGET	FINAL BUDGET AMENDMENT FY2019	Explanation of Budget Amendment	FINAL 2019 AMENDED BUDGET	% OF 2019 AMENDED BUDGET	2020 Budget Approved Budget
REVENUES										
General Fund	5,878,643	6,382,468	7,649,981	1,267,513	119.9%	1,501,461	\$941,000 Proceeds from GTIB Loan #2 for Streetscape, \$482,400 Proceeds from Capital Leases for Police Vehicles, \$78,061 Electric Franchise Fees	7,883,929	97.0%	6,768,858
Federal Seizures Fund	377,553	103,180	192,319	89,139	186.4%	103,000	\$103,000 Fed Seizures Confiscations	206,180	93.3%	80,464
City Seizures Fund	-	1,000	-	(1,000)	0.0%	500	\$500 City Seizures Confiscations	1,500	0.0%	-
Grants Fund	846,664	89,370	3,529,134	3,439,764	3948.9%	3,440,500	\$3,338,000 FHWA GDOT Streetscape Funding, \$93,000 CDBG Grant Sidewalk Funding, \$9,500 Fulton Dekalb Hospital Authority Funding Defibrilators	3,529,870	100.0%	760,347
HOST Fund	18,591	40,000	-	(40,000)	0.0%			40,000	0.0%	20,000
URA Friendship Forest Fund	82	400,918	21	(400,897)	0.0%	260,000	Friendship Forest Fund	660,918	0.0%	-
SPLOST Fund	6,488,051	4,265,251	1,840,829	(2,424,422)	43.2%	(1,400,000)	\$1,400,000 SPLOST Revenue G/L Code 393100	2,865,251	64.2%	4,806,000
Stormwater Fund	303,379	303,020	305,747	2,727	100.9%			303,020	100.9%	521,190
Sanitation Fund	218,384	218,000	216,712	(1,288)	99.4%			218,000	99.4%	217,900
Total Revenue - All Funds	14,131,347	11,803,207	13,734,744		116.4%	3,905,461		15,708,668	87.4%	13,174,759
EXPENDITURES										
Administration-City Council	78,903	88,833	76,032	(12,801)	85.6%			88,833	85.6%	143,944
Administration-Mayor	22,132	21,519	18,598	(2,921)	86.4%			21,519	86.4%	30,817
Administration-General Government	1,135,519	1,154,754	1,055,479	(99,275)	91.4%			1,154,754	91.4%	995,287
Buildings and Grounds	164,529	143,000	145,732	2,732	101.9%	5,311	\$5,311 Bldgs & Grounds G/L#541300 A/C Unit Replacement City Hall	148,311	98.3%	143,624
Planning and Development	267,427	338,275	283,441	(54,834)	83.8%			338,275	83.8%	453,764
Community Action Projects	76,399	68,500	97,053	28,553	141.7%	40,000	\$40,000 Urban Agriculture Contract G/L#521200	108,500	89.4%	181,500
Municipal Court	567,577	595,193	460,215	(134,978)	77.3%			595,193	77.3%	518,368
Police	1,980,348	2,155,811	2,474,129	318,318	114.8%	482,400	Ten Police Vehicles \$352,000 G/L#542200, \$130,400 G/L#542500 for Equipment funded through Capital Lease	2,638,211	93.8%	2,135,699
Public Works	853,703	945,719	782,820	(162,899)	82.8%			945,719	82.8%	1,141,693
Parks	99,928	106,580	137,041	30,461	128.6%	32,750	\$12,250 Water Line replacement Milam Park G/L#541200, \$10,500 Pool Filter Upgrades Milam Park G/L Code#542100, \$10,000 Water Extra Cleaning, full pool refill, and water leaks \$10,000 G/L Code#531210	139,330	98.4%	183,350
Debt Service	427,257	764,284	569,089	(195,195)	74.5%			764,284	74.5%	840,812
Capital Projects Fund	261,891	-	940,231	940,231	0.0%	\$941,000	Streetscape Construction funded through GTIB Loan #2	941,000	99.9%	-
Total General Fund Expenditures	5,935,613	6,382,468	7,039,859	657,391	110.3%	1,501,461		7,883,929	89.3%	6,768,858

FISCAL YEAR 2019 AMENDED BUDGET

As of April 19, 2020	2018 ACTUAL	2019 ADOPTED BUDGET	2019 ACTUAL AS OF DECEMBER 31, 2019	Over / (Under) 2019 Adopted Budget	% OF BUDGET	FINAL BUDGET AMENDMENT FY2019	Explanation of Budget Amendment	FINAL 2019 AMENDED BUDGET	% OF 2019 AMENDED BUDGET	2020 Budget Approved Budget
REVENUES								-		
Federal Seizures Fund	120,012	103,180	204,847	101,667	198.5%	103,000	\$82,000 Federal Seizures Vehicle Purchases G/L Code 542200, \$16,000 Fed Seizures Capital Equipment G/L Code 542500, \$5,000 Small Equipment G/L Code 531600	206,180	99.4%	80,464
City Seizures Fund	5,291	1,000	1,279	279	127.9%	500	\$500 Small Equipment	1,500	85.2%	-
Grants Fund	747,677	89,370	3,445,998	3,356,628	3855.9%	3,440,500	\$3,338,000 FHWA GDOT Streetscape G/L Code#541420, \$93,000 CDBG Grant Sidewalk Construction G/L Code#541410, \$9,500 Defibrilators G/L Code# 42400	3,529,870	97.6%	760,347
HOST Fund	-	40,000	-	(40,000)	0.0%			40,000	0.0%	20,000
URA Friendship Forest Fund	421,154	400,918	656,920	256,002	163.9%	260,000	\$260,000 Friendship Forest Construction	660,918	99.4%	-
SPLOST Fund	1,855,152	4,265,251	2,789,089	(1,476,162)	65.4%	(1,400,000)	\$1,400,000 SPLOST Construction reduction due to delays G/L Code#541400	2,865,251	97.3%	4,806,000
Stormwater Fund	142,230	303,020	284,125	(18,895)	93.8%			303,020	93.8%	521,190
Sanitation Fund	195,370	218,000	199,184	(18,816)	91.4%			218,000	91.4%	217,900
								-		
Total Expenditures - ALL FUNDS	9,422,497	11,803,207	14,621,301		123.9%	3,905,461		15,708,668	93.1%	13,174,759
General Fund Reserve / (Deficit)	(56,969)	-	610,122					-		
Total All Funds Reserve / (Deficit)	4,708,850	-	(886,557)					-		

General Fund Balance Beginning of Year	1,837,694	1,780,725
General Fund Reserve / (Deficit)	(56,969)	610,122
General Fund Balance End of Year	1,780,725	2,390,847

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: G4

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Approve Funding

MEETING DATE: May 5, 2020

SUBJECT: Approve Possible Additional Funding for COVID-19 Testing.

DEPARTMENT: City Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages:

INFORMATION CONTACT: Y T Bell & Jamie
Carroll
PHONE NUMBER: 404-296-6489

PURPOSE:

To approve possible funding to be appropriated for COVID-19 Testing.

NEED/ IMPACT:

As the COVID-19 pandemic continues to impact our Clarkston community, testing of individuals who may have been exposed or who demonstrate symptoms continues to be extremely important to help stop the spread of COVID-19 and ensure individuals receive the necessary care. The City has been collaborating with numerous organizations in the combined efforts to stop the spread of COVID-19 as well as helping to disseminate considerable information in various languages on how to continue to stay well and healthy as well as available testing processes and locations. The City can amend its current FY 2020 budget to provide funding to pay for or offset the costs that medical clinics have to continue providing the necessary COVID-19 tests.

RECOMMENDATIONS:

Council to review and approve the possibility of amending its FY 2020 budget to provide funding for additional COVID-19 Testing.

CITY OF CLARKSTON

ITEM NO: G5

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: May 5, 2020

SUBJECT: Resolution to Encourage the Clarkston Police Department to Avoid Arrests for City Ordinance Violations
Where Possible during the COVID-19 Emergency

DEPARTMENT: City Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages: 1

INFORMATION CONTACT: CM Awet Eyasu &
Ahmed Hassan
PHONE NUMBER: 404-296-6489

PURPOSE: To discuss a resolution to encourage the Clarkston Police Department to avoid arrests for any City Ordinance violations where possible during the current COVID-19 emergency time frame.

NEED/ IMPACT:

The Clarkston City Council is concerned that conditions inside the DeKalb County Jail do not allow for proper social distancing to prevent the spread of COVID-19 and that Clarkston residents could contact COVID-19 inside the jail and then spread the disease within the community upon being released.

To help reduce the spread of COVID-19, upon adoption of the referenced resolution, the Clarkston Police Department should consider the potential risks of COVID-19 transmission along with the typical factors such as the nature of the offense and whether the person poses a threat to the community, when making an arrest decision in the case of a City Ordinance violation.

The Clarkston City Charter Section 1.03(n) empowers the City Council to prohibit detrimental acts and to establish punishments for violations of such prohibitions, and the City Council has done so through its various ordinances compiled in the Code of Ordinances.

RECOMMENDATIONS:

Council to discuss/review the referenced Resolution to encourage the Clarkston Police Department to avoid arrests for any City Ordinance violations where possible during the current COVID-19 emergency time frame. .

RESOLUTION NO. _____

A RESOLUTION BY THE CLARKSTON CITY COUNCIL TO ENCOURAGE THE POLICE DEPARTMENT TO AVOID ARRESTS FOR CITY ORDINANCE VIOLATIONS WHERE POSSIBLE DURING THE COVID-19 EMERGENCY.

WHEREAS, the City of Clarkston and the entire State of Georgia are under a state of emergency related to the COVID-19 pandemic; and

WHEREAS, the Clarkston Municipal Court is not operating during the state of emergency; and

WHEREAS, the City Council is concerned that conditions inside the Dekalb County Jail do not allow for proper social distancing to prevent the spread of COVID-19; and

WHEREAS, the City Council is concerned that Clarkston residents could contract COVID-19 inside the jail and then spread the disease within the community upon being released; and

WHEREAS, the Clarkston City Charter Section 1.03(n) empowers the City Council to prohibit detrimental acts and to establish punishments for violations of such prohibitions, and the City Council has done so through its various ordinances compiled in the Code of Ordinances; and

WHEREAS, it is inherent in the City Council's authority to punish ordinance violations that the Council may direct a preference to only enforce ordinance violations by citation rather than arrest.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clarkston that, effective immediately, the Clarkston Police Department should take in to account the potential risks of COVID-19 transmission, along with the typical factors such as the nature of the offense and whether the person poses a threat to the community, when making an arrest decision in the case of a city ordinance violation.

BE IT FURTHER RESOLVED that this Resolution is not intended to and does not apply to any violation of the laws of the State of Georgia.

SO RESOLVED, this ____ day of _____, 2020.

**CITY COUNCIL
CITY OF CLARKSTON, GEORGIA**

Awet Eyasu, Vice Mayor

ATTEST:

Tracy Ashby, City Clerk

Approved as to Form:

Stephen G. Quinn
Stephen G. Quinn, City Attorney

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: G6

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Discuss & ADOPT
RESOLUTION

MEETING DATE: May 5, 2020

SUBJECT: Adopt Resolution to Develop Written Policies and Procedures for Clarkston City Council.

DEPARTMENT: City Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages: 1

INFORMATION CONTACT: Debra Johnson &
Awet Eyasu
PHONE NUMBER: 404-296-6489

PURPOSE:

To discuss a resolution to develop written policies and procedures for Clarkston City Council.

NEED/ IMPACT:

Clarkston Council Members Debra Johnson and Laura Hopkins will propose written policies and procedures that will establish a standardized, well-reasoned approach to actions of the City Council to encourage transparency, consistency, fairness, and efficient communication among Council members, staff, and the public.

RECOMMENDATIONS:

Council to adopt the proposed resolution to develop written Council Policies and Procedures.

**RESOLUTION TO DEVELOP WRITTEN POLICIES AND PROCEDURES FOR
CLARKSTON CITY COUNCIL**

SPONSORED BY: DEBRA JOHNSON AND LAURA HOPKINS

WHEREAS, the existing written policies and procedures governing actions of the City council are limited in scope and there is a need to expand these to cover additional functions; and

WHEREAS, written policies and procedures for City Council will ensure consistency, best practices and provide a guide to City Council in the conduct of its business; and

WHEREAS, written policies and procedures will provide residents and staff with a better understanding of the process City Council follows in undertaking its duties and responsibilities; and

NOW, THEREFORE, BE IT RESOLVED BY THE City Council of the City of Clarkston that written policies and procedures will be proposed by Council members Debra Johnson and Laura Hopkins for adoption by City Council. The intent is to establish a standardized, well-reasoned approach to actions of the City Council that encourage transparency, consistency, fairness, and efficient communication among council members, staff, and the public.

SO RESOLVED, this _____ day of _____, 20_____.

CITY COUNCIL

CITY OF CLARKSTON, GEORGIA

ATTEST:

Tracy Ashby

City Clerk

RESOLUTION NO. _____

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF CLARKSTON,
GEORGIA TO RE-ADOPT THE CLARKSTON LIVABLE COMMUNITY INITIATIVE
PLAN UPDATE DATED FEBRUARY 26, 2015.**

WHEREAS, the Clarkston City Council previously adopted the Livable Community Initiative Plan Update dated February 26, 2015 (the “2015 LCI Update”) as a planning document designed to guide the future development of the City of Clarkston; and

WHEREAS, a copy of the 2015 LCI Update is attached hereto as Exhibit “A”; and

WHEREAS, the City Council continues to support the 2015 LCI Update and City Staff continues to be guided by the 2015 LCI Update as a planning document to inform the future development of the City of Clarkston.

NOW THEREFORE, BE IT RESOLVED by the Clarkston City Council that the City of Clarkston hereby re-approves the 2015 LCI Update and continues to rely on such study and plan to inform the transformation and redevelopment of the City of Clarkston and the Town Center specifically.

SO RESOLVED, this ____ day of _____, 2020.

**CITY COUNCIL
CITY OF CLARKSTON, GEORGIA**

Awet Eyasu, Vice Mayor

ATTEST:

Tracy Ashby, City Clerk