



# CITY COUNCIL MEETING

*Beverly Burks –Mayor*

*Jamie Carroll*

*Awet Eyasu*

*Debra Johnson*

*Ahmed Hassan*

*Laura Hopkins*

*Mark W. Perkins*

*Robin I. Gomez– City Manager*

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## AGENDA

**Tuesday, April 6, 2021 7:00PM**

**By ZOOM**

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**A. CALL TO ORDER**

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

**C. ADMINISTRATIVE BUSINESS/ PRESENTATION**

C1) Approve Minutes: Work Session/Special Call Minutes 3-30-21 and Council Meeting 3-2-2021

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

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

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

G4) Proclamation Recognizing Pet Month for April

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

**H. ADJOURNMENT:**

# COUNCIL WORK SESSION/ SPECIAL CALL 3-30-21

## WORK SESSION /SPECIAL CALL MEETING MINUTES CLARKSTON CITY COUNCIL

Tuesday, March 30, 2021

Via Zoom

Officials Present by Teleconference/Zoom

Mayor: Beverly H. Burks

Council: Jamie Carroll, Awet Eyasu, Laura Hopkins

Debra Johnson

City Manager: Robin I. Gomez

City Clerk: Tracy Ashby

City Attorney: Stephen Quinn

### A. ROLL CALL

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

### B. WORK SESSION - RESIDENT COMMENT POLICY

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

### C. PRESENTATION/ ADMINISTRATIVE BUSINESS NEW BUSINESS

#### C1) Swear In Elected Council Member

Judge David Will, the City Municipal Judge administered the Oath of Office to elected Council Member Mark W. Perkins

Councilmember Perkins stated he thanked the community for exercising their vote in voting as well as the city staff in the conduct of the election. He looked forward to working with the Council in the coming months.

#### C2) Presentation by Catharine Tipton regarding cat colonies in Clarkston

Catherine Tipton gave a presentation on feral or stray cats and over population concerns of cats that are not spayed or neutered. She offered to provide additional information to the city for publishing.

### D. OLD BUSINESS

None

### E. NEW BUSINESS

E1) Request to amend Section 3-58. New licenses permitted for certain designated businesses to define and permit a retail delivery shop to sell and deliver packaged beer, malt beverages and/or wine as a qualified business in the City of Clarkston.

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

Per Section 3-58, of the City Code of Ordinance, goPuff is ineligible to obtain a new alcohol license in Clarkston as they currently do not meet the code requirement to sell as a growler shop, a specialty wine shop, or a grocery store. Under State law change, any current package businesses are able to add the delivery process.

# COUNCIL WORK SESSION/ SPECIAL CALL 3-30-21

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

Council discussion on proposed amendment.

Public Comment by Amy Medford, Brian Medford, Dean Moore

Ms Kilberg, representing goPuff spoke in support of the proposed amendment.

Item moved to April 6, 2021 Council Meeting Agenda.

## E2) Discuss SPLOST 04 B & C – Rowland Street Pedestrian Enhancements & Trailhead Project, Proposed Changes in Project Scope

Review/Discuss the Rowland Street Pedestrian Enhancements & Trailhead Project Scope changes as listed below:

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

Recommendation by Project Manager Kaiser that any projects the council intends to approve should be done now under current approved unit prices. Approving later will result in price increases.

Council discussion on proposed Changes in Project Scope.

Public Speakers: Amy Medford, Brian Medford, Lee Nguyen, Dean Moore, Chris Busing

Item moved to April 6, 2021 Council Meeting Agenda.

## E3) Amend the City Charter to modernize certain provisions; to Amend Article IV of the Charter Regarding Budgeting, Appropriations and Auditing; to Repeal Conflicting Provisions

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

Council discussion on proposed Charter amendment.

Public speakers: Brian Medford, Dean Moore, Chris Busing

Item moved to April 6, 2021 Council Meeting Agenda.

## E4) Proclamation Recognizing Pet Month for April

Council to discuss adopting a Proclamation Recognizing Pet Month for April

Public speakers: No speakers

Item moved to April 6, 2021 Council Meeting Agenda.

## E5) Review/Discuss the recently adopted American Rescue Plan Act of 2021 (ARPA) – COVID-19 Funding Assistance, and its Potential Uses

Discussion in preparation of Clarkston's allocation as determined by the U.S. House Oversight and Reform Committee on March 8 is estimated at: \$3,981,473, which we are slated to receive from the state as a passthrough entity only. Each city will be eligible to receive its own allocation; amount is subject to change.

# COUNCIL WORK SESSION/ SPECIAL CALL 3-30-21

Council discussion on potential funding and usage and pre-planning of potential needs based on prior CARES Act funding.

Public Speakers: Brian Medford, Dean Moore

Discussion item Only, no further action.

E6) Consider Adopting a resolution by the Clarkston Mayor and City Council in response to hate crimes against Asian Americans

Council to discuss adopting a resolution by the Clarkston Mayor and City Council in response to hate crimes against Asian Americans.

Council discussion on the importance of supporting the Asian American community by adopting the resolution.

Public Speakers: No speakers

Item moved to April 6, 2021 Council Meeting Agenda.

## **F. EXECUTIVE SESSION**

Executive Session to Discuss a Legal Matter

Awet Eyasu made a motion to go into Executive Session to discuss a legal matter

Debra Johnson seconded the motion. A vote was called and the motion carried (6, 0)

Executive session to discuss a legal matter.

Awet Eyasu made a motion to close the executive session and go into open session. Debra Johnson seconded the motion. A vote was called and the motion carried (6, 0).

## **G. ADJOURNMENT**

Mark Perkins made a motion to adjourn the meeting. Jamie Carroll seconded the motion. A vote was called and the motion carried (6, 0).

# CITY COUNCIL MEETING 3-2-2021

## MINUTES

### CLARKSTON CITY COUNCIL

Tuesday, March 2, 2021

Via Zoom

#### Officials Present by Teleconference

Mayor: Beverly H. Burks

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

City Manager: Robin I. Gomez

City Clerk: Tracy Ashby

City Attorney: Stephen Quinn

#### **A. CALL TO ORDER**

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

Jamie Carroll, Awet Eyasu, Ahmed Hassan, Debra Johnson,  
Arrived after rollcall Laura Hopkins

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

C1) Approve Minutes: Council Meeting 2-2-2021 and 2-23-2021 Executive Session

Laura Hopkins made a motion to approve the 2-2-2021 and 2-23-2021 Executive Session minutes.  
Debra Johnson seconded the motion. A vote was called and the motion carried. (4 ,0).

#### **D. REPORTS:**

##### 1) Planning & Zoning Report

Shawanna Qawiy reported on the status of the North Metro Water Audit that is due in May 2021. She discussed the Membership of the Steering committee for the Comprehensive Plan and they will hold their first public involvement meeting on April 1. The Zoning rewrite has held their first joint meetings for zoning rewrite and comprehensive plan.

Filming for Raising Dion Season 2 will return to the Community Center on March 6<sup>th</sup> to the 8th for filming. Ms. Qawiy, provided for public information only, advised she had received an inquiry on Land disturbance for 1116 Smith Street, which is the triangle parcel across from Thriftown for a possible 5 story mixed-used development with retail on first level and residential above and parking in rear. A rezoning request has been submitted for property adjacent to the city boundary in unincorporated DeKalb, 3720 Jamieson Place (unincorporated DeKalb) for potential townhomes construction.

##### 2) City Manager's Report

The City Manager provided update on status for the streetscape project on E Ponce De Leon, Market Street and Norman Road. He reminded residents to attend the upcoming social distance re-opening for Friendship Forest on March 12. He reminded residents to volunteer for the Water Clean up scheduled for March 27 starting at 9am at Friendship Forest. He provided a detailed Year to Date Financial Report thru February 28, 2021. The City will discuss with the pool contractor opening Milam Pool this summer with full safety guidelines in place.

##### 3) City Attorney's Report

No report

##### 4) Council Remarks

Awet Eyasu discussed his attendance of the protest for the voter suppression bills, and he encouraged residents to contact their legislature to overturn the proposed bill. He also attended the Coffee with Cop event held at Refuge Coffee.

# CITY COUNCIL MEETING 3-2-2021

Debra Johnson advised on her attending the State of Dekalb address and she was impressed by other events and food drives in the DeKalb area during Covid-19. She also attended the Coffee with a Cop event and she had met two police officers she had not met previously.

Laura Hopkins apologized for not attending Coffee with a Cop, but she is still cautious in attending public gatherings as a caregiver for an elderly resident. She reminded registered voters of the upcoming Special Election on March 16 and she encouraged their participation.

## 5) Mayor's Report

The Mayor attended Coffee with a Cop and the State of Dekalb and the Free 99 Fridge at Refuge Coffee as a food pantry event. She discussed the video she recorded for Read Across America.

## E. PUBLIC COMMENTS

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

Mayor Burks read the public comment policy.

Mr. Gomez provided the names of registered speakers.

Brian Medford spoke in opposition to closing Waggoner Street and he discussed concerns with changing the CDA and its membership.

Amy Medford commented on the CDA/DDA and concerns on dissolving. She requested the Council let this item be tabled.

Dean Moore commented on the rent relief item, and he discussed the need for updates to the minimum wage.

Chris Busing spoke in opposition to a mask mandate.

Dean Waters spoke in support of a mask mandate.

## F. OLD BUSINESS

## G. NEW BUSINESS

G1) Adopt Resolution Calling upon President Biden and the U.S. Congress to Provide Additional Assistance to the Rental Housing Community

Awet Eyasu spoke on the need for continuing rental assistance for those affected by the pandemic. Council discussion on the resolution.

Awet Eyasu made a motion to Adopt Resolution Calling upon President Biden and the U.S. Congress to Provide Additional Assistance to the Rental Housing Community.

Jamie Carroll seconded the motion.

A vote was called and the motion carried (3- Yes: Awet Eyasu, Ahmed Hassan, Jamie Carroll, 2- NO Debra Johnson, Laura Hopkins).

G2) Proclamation in recognition of Women's History Month

Mayor Burks spoke on the purpose of adopting a resolution for recognizing Women in America.

Laura Hopkins made a motion to adopt the proclamation for Women's History Month.

# CITY COUNCIL MEETING 3-2-2021

Jamie Carroll seconded the motion.

A vote was called and the motion carried (5, 0).

G3) Proclamation in recognition of National Read Across America Day on March 2nd  
Mayor Burks discussed the importance of reading and the purpose of the proclamation.  
Mayor Burks spoke on the purpose to encourage reading especially among young people.

Laura Hopkins made a motion to adopt Proclamation in recognition of National Read Across America Day on March 2nd.

Ahmed Hassan seconded the motion.

A vote was called and the motion carried (5, 0).

G4) Adopt Resolution Authorizing, Among Other Things, the City Manager to Execute a Lease Supplement under the GMA Direct Leasing Program for the Lease/Purchase of a Bucket Truck (\$91,324) and a Pickup Truck (\$29,877) in the Principal Amount of \$121,201.00

Mr. Gomez discussed purpose on executing lease purchase for a bucket truck and a pickup truck, to be financed over 7 years.

Awet Eyasu made a motion to Adopt Resolution Authorizing, Among Other Things, the City Manager to Execute a Lease Supplement under the GMA Direct Leasing Program for the Lease/Purchase of a Bucket Truck (\$91,324) and a Pickup Truck (\$29,877) in the Principal Amount of \$121,201.00

Debra Johnson seconded the motion. A vote was called and the motion carried (5, 0).

G5) Adopt Resolution Authorizing, Among Other Things, the City Manager to Execute a Lease Supplement under the GMA Direct Leasing Program for the Lease/Purchase of a Sanitation Truck in the Principal Amount of \$145,919.00

Mr. Gomez discussed purpose on leasing a sanitation truck to replace the previous truck purchased 21 years ago. The city has spent over \$20,000 in repairs in the past two years.

Vice Mayor Eyasu discussed consideration of bringing sanitation and/or recycling as an in-house function.

Debra Johnson made a motion to Adopt Resolution Authorizing, Among Other Things, the City Manager to Execute a Lease Supplement under the GMA Direct Leasing Program for the Lease/Purchase of a Sanitation Truck in the Principal Amount of \$145,919.00.

Laura Hopkins seconded the motion.

A vote was called and the motion carried (5, 0).

G6) Resolution to create a task force to provide recommendations on policies and training for the Clarkston Police Department

Mayor Burks discussed the purpose of establishing a Police Community Task Force. The Clarkston Police currently adhere to the training requirements under POST but there may be other opportunities for training that could be implemented in Clarkston's diverse community. The Task force would report to the Public Safety Committee and then the Public Safety SAC would report to the Council. The City will present potential members at the April Work Session.

Debra Johnson made a motion to Resolution to create a task force to provide recommendations on policies and training for the Clarkston Police Department

Ahmed Hassan seconded the motion.

A vote was called and the motion carried (5, 0).

# CITY COUNCIL MEETING 3-2-2021

## G7) Amend Clarkston Code of Ordinances, Article II. – Property Maintenance Code, Sec. 5-66 Notice of Violation Requiring a Warning Before Issuing a Citation Unless Issue is an Immediate Threat to Public Health or Safety

Shawanna Qawiy provided an overview of the proposed ordinance to require a warning be issued prior to a citation. This is currently the practice of the City, but this ordinance will codify that process. Ms. Qawiy read the specifics of the ordinance amendment.

Councilman Eyasu spoke on supporting and hope it would assist first time minor offenders and provide an educational component to code enforcement. Councilman Carroll spoke on the ability for violators to have an opportunity to come into compliance without a citation.

Awet Eyasu made a motion to Amend Chapter 5, Article II of the City Code concerning property maintenance to clarify that a warning shall be issued before a citation is issued for a violation of the property maintenance code.

Jamie Carroll seconded the motion.

A vote was called and the motion carried (5, 0).

## G8) Review request to vacate/abandon Wagoner St

Shawanna Qawiy reported that the Mayor and City Council shall discuss a request to abandon Wagoner Street from Kathleen Andres (3769 Church Street) and Maridale Goff and Steve Goff (3757 Church Street). In order for the City of consider a request to abandon a public road, the applicant(s) must Submit a letter explaining a request and explain the detailed portion of the road requesting to be abandoned and why the request is being made.

Council discussion on the request and requestors were afforded an opportunity to provide their explanation on the need. Consideration on the Issues with access to adjoining streets if Wagoner street were closed and thoughts on reviewing other traffic remediation options other than abandoning the street. City Attorney discussed the Council should consider only if this public street provides any transportation purpose.

Awet Eyasu made a motion to deny the request to abandon Wagoner St from Kathleen Andres (3769 Church Street) and Maridale Goff and Steve Goff (3757 Church Street).

Debra Johnson seconded the motion.

A vote was called and the motion carried (5, 0).

## G9) Consider Adopting a Mask Mandate Ordinance

The City Manager reported that the Councils adopted a resolution on masks in July 2020, requiring people in public to wear a mask when entering a business. The Council has disused an interest to adopt an ordinance to regulate mask mandate.

Council discussion on the ordinance to require and regulate mask wearing to encourage the use for public safety. Assistant Chief Hess stated enforcement will be a burden and difficult to enforce. Council discussion on hope police would focus on providing a mask and not citing individuals and for the burden to be with the local businesses to enforce in their locations. Georgia is currently in the top 6 states for cases.

Awet Eyasu addressed concerns with burden placed on the police and that he prefers the City focus on education rather than enforcement. Lengthy discussion of proposed parameters for the ordinance and enforcement in businesses.

Discussion of security concerns if mandating masks for individuals could make the city liable as it relates to businesses and knowing the identity of those entering. The City Attorney provided his legal opinion that the City would not be liable due to the pandemic and that the city has the authority to make regulations due to public health.



# CITY COUNCIL MEETING 3-2-2021

City would provide signage for the mask mandate if adopted.

Jamie Carroll made a motion to approve the Ordinance change with a clarification under section 2 signs required entrances, that the city will provide the “Mask Required” signs and those signs will say “Mask Required” for entrance masks and in restaurants, the sign will say masks will be required when you are not at your table.

Debra Johnson seconded the motion.

Discussion on consequences for businesses, and signage and adding a section on covering the mouth and nose.

Jamie Carroll amended his motion to add to section 1 shall wear a mask or face covering that covers the mouth and nose.

Discussion on dancers in adult entertainment.

Debra Johnson seconded the motion.

Additional discussion on types of businesses and compliance for masks.

A vote was called for the amended motion and the motion carried (4- Yes: Jamie Carroll, Debra Johnson, Laura Hopkins, Ahmed Hassan, 1- Abstain: Awet Eyasu).

Original motion: To approve the Ordinance change with a clarification under section 2 signs required entrances, that the city will provide the “Mask Required” signs and those signs will say “Mask Required” for entrance masks and in restaurants, the sign will say masks will be required when you are not at your table. Jamie Carroll (original mover) and Debra Johnson (second).

A vote was called and the motion carried (4-Yes: Ahmed Hassan, Jamie Carroll, Debra Johnson, Laura Hopkins, 1-No: Awet Eyasu).

## G10) Consider amending/dissolving the Clarkston Development Authority

City Manager provide explanation for City to dissolve the CDA by going thru the State Legislature.

Awet Eyasu discussed the original intention was to focus on the downtown area and have more council as membership. When it was approved by the legislature some council members had concerns with the larger boundaries, so we are now considering dissolving the CDA and forming a typical DDA.

Discussion on greater restrictions placed on authority by regular DDA. City Attorney opinion that it was not advisable to create a DDA while still having the CDA in place; that the city should dissolve the CDA first, before forming a DDA.

Laura Hopkins made a motion that the Clarkston City Council request that the Local Delegation of the General Assembly to repeal Act No. 134 of the 2017 General Assembly and dissolve the Clarkston Development Authority.

Debra Johnson seconded the motion. A vote was called and the motion carried (4- Yes; Awet Eyasu, Ahmed Hassan, Debra Johnson, Laura Hopkins, 1-No Jamie Carroll).

## **H. ADJOURNMENT:**

Awet Eyasu made a motion to adjourn the meeting. Debra Johnson seconded the motion.

A vote was called and the motion carried (5, 0). Meeting adjourned 10:02pm.

CITY OF CLARKSTON

ITEM NO: G1

CLARKSTON CITY COUNCIL WORK SESSION

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
ORDINANCE

MEETING DATE: April 6<sup>th</sup>, 2021

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

DEPARTMENT:  
**Planning/Economic and Development**

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES ☐ NO  
Pages:

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

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

**BACKGROUND:**

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

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

GoPuff requests the following code change:

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

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

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

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

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

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

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

**Recommendation:**

NA

**Attachments:**

**House Bill 879.**

**go Puff commodity list.**

House Bill 879 (AS PASSED HOUSE AND SENATE)

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

A BILL TO BE ENTITLED  
AN ACT

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

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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

"3-2-7.1.

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

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

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

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

(e) The department shall administer the state-wide, centralized application process and shall provide access to the necessary authorized users.

(f) The commissioner shall adopt rules and regulations necessary to implement and administer the provisions this Code section."

### SECTION 1A.

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

"3-3-1.1.

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

(1) Further regulate and control alcoholic beverage transactions in this state under the control and supervision of the commissioner;

(2) Promote and assure the public's interest in fair and efficient distribution and quality control of alcoholic beverages in this state;

(3) Promote orderly marketing of alcoholic beverages;

(4) Prevent unfair business practices, discrimination, and undue control of one segment of the alcoholic beverage industry by any other segment;

(5) Foster vigorous and healthy competition in the alcoholic beverage industry;

(6) Preserve and promote a robust, stable system of distribution of alcoholic beverages to the public;

(7) Provide for an orderly system of public revenues by facilitating the collection and accountability of this state and local excise taxes;

(8) Facilitate the collection of state and local revenue;

(9) Promote the health, safety, and welfare of residents of this state by, among other purposes, ensuring that the commissioner shall be able to inspect and seize any alcoholic beverage shipped into, distributed, and sold throughout this state and ensuring that any such alcoholic beverage:

(A) Has been registered for sale in this state with the commissioner;

(B) Is not subject to a government mandated or supplier initiated recall;

(C) Is not counterfeit;

(D) Is labeled in conformance with applicable laws, rules, and regulations;

(E) Can be tested by the commissioner or an agent assigned by the commissioner; and

(F) Is not prohibited by this state; and

(10) Promote and maintain a sound, stable, and viable three-tier system of distribution of alcoholic beverages to the public.

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

## SECTION 2.

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

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

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

(B) Packages sales of malt beverages and wine.

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

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

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

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

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

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

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



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

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

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

' ( ) YES      Shall the governing authority of (name of municipality or county) be authorized to permit and regulate Sunday sales of malt beverages, wine, and distilled spirits by the drink from 11:00 A.M. to 12:00 Midnight and by the package from 11:00 A.M. to 12:00 Midnight?'

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

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

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

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

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

### SECTION 3.

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

"3-3-10.

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

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

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

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

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

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

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

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

(A) Assembles and consolidates, or provides for the assembly and consolidation of, shipments and performs or provides for break bulk and distribution operations of the shipments;

(B) Assumes responsibility for such transportation from the place of receipt to the place of destination; and

(C) Uses for any part of such transportation another freight forwarder, an air carrier, a motor carrier, or any other carrier.

(6) 'Motor carrier' means a person that provides motor vehicle transportation for compensation.

(7) 'Packaged goods retailer' means a person licensed under this title as a retailer to sell alcoholic beverages in unbroken packages for consumption off the premises that is not:

(A) A manufacturer or any other person licensed to manufacture alcoholic beverages;

(B) A carrier;

(C) A shipper; or

(D) A person that takes delivery of alcoholic beverages directly from a:

(i) Retailer; or

(ii) Manufacturer or any other person licensed to manufacture alcoholic beverages.

(8) 'Proper identification' shall have the same meaning as provided in Code Section 3-3-23.

(9) 'Third party' means:

(A) Any person that:

(i) Is registered to do business in this state;

(ii) Has a contractual relationship with a packaged goods retailer;

(iii) Is authorized to act as an agent of such packaged goods retailer; and

(iv) Is not a manufacturer, any other person licensed to manufacture alcoholic beverages, or an affiliate of such manufacturer or such other person; or

(B) Any full-time or part-time employee or independent contractor of any person that:

(i) Is registered to do business in this state;

(ii) Has a contractual relationship with such third party as defined in subparagraph

(A) of this paragraph;

(iii) Is authorized to act as an agent of such third party as defined in subparagraph (A) of this paragraph; and

(iv) Is not a manufacturer, any other person licensed to manufacture alcoholic beverages, or an affiliate of such manufacturer or such other person.

(b) Notwithstanding any other provision of law, and except where prohibited by local ordinance or resolution, a packaged goods retailer may deliver malt beverages and wine in unbroken packages lawfully sold to and purchased by an individual for personal use and

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

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

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

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

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

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

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

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

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

(A) Is at least 21 years of age;

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

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

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

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

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

(iv) Has not been convicted at any time of fraud, a sexual offense, the use of a motor vehicle to commit a felony, a crime involving property damage, a crime involving theft, a crime involving an act of violence, or a crime involving an act of terror; and

(v) Does not have a match on the National Sex Offender Registry data base;

(D) Has undergone training approved by the department on sales and delivery of malt beverages and wine in this state;

(E) Shall not possess or handle as part of or during the delivery forms of compensation that are used to purchase or transact the sale of malt beverages and wine;

(F) Does not receive compensation based upon whether an attempted delivery results in a completed transaction; and

(G) At all times during which the malt beverages and wine to be delivered are in the vehicle, transportation device, possession, or care of such packaged goods retailer, employee, or third party, shall not also have in his or her vehicle, transportation device, possession, or care any products or goods traveling in interstate commerce;

(6) Delivery shall be made by the packaged goods retailer, employee, or third party to an individual who is at least 21 years of age and presents proper identification verifying the age of such individual;

(7) At the time of delivery, the packaged goods retailer, employee, or third party shall verify the identity and age of the individual accepting delivery by validating the proper identification of the individual accepting delivery in person and obtaining his or her signature on a written or electronic acknowledgment of receipt of the order and certification of legal age to purchase malt beverages and wine. The packaged goods retailer, employee, or third party shall scan or otherwise verify the proper identification of the individual accepting delivery at the time of delivery and shall retain a record of such individual's name and date of birth that shall be available for inspection upon request for a minimum of three years;

(8) The packaged goods retailer, employee, or third party conducting the delivery shall refuse to make the delivery if:

(A) No individual is visibly present and available at the address to accept delivery; or

(B) The individual visibly present and available attempting to accept the delivery:

(i) Is less than 21 years of age;

(ii) Fails to produce proper identification verifying his or her age;

(iii) Fails to provide a signature that matches such proper identification; or

(iv) Is noticeably intoxicated;

(9) All deliveries shall be inspected at the time of delivery by the individual accepting such delivery. The transaction shall be deemed complete upon acceptance of delivery of the malt beverages and wine, and all sales shall be final;

(10) The delivery address shall be located within the local licensing jurisdiction of the packaged goods retailer;

(11) The delivery shall take place only during the lawful times when malt beverages and wine can be sold by the packaged goods retailer for consumption off the premises;

(12) The delivery shall be made only within the same calendar day on which the malt beverages and wine leave the licensed premises of the packaged goods retailer for delivery; and

(13) No delivery shall knowingly be made to any address or to any property that is part of:

(A) Any public or private elementary or secondary educational school, including without limitation any dormitory, housing, or common space located on the campus of any elementary or secondary educational school;

(B) Any prison, reformatory, and other correctional facilities;

(C) Any addiction or substance abuse facilities;

(D) Any locker, mailbox, package shipping location, or similar service or storage facility business; or

(E) Any retailer.

(c) A packaged goods retailer may use electronic means to market, receive, and process orders for malt beverages and wine it is licensed to sell placed by individuals who are at least 21 years of age, provided that any such orders shall be delivered in accordance with subsection (b) of this Code section.

(d) A packaged goods retailer may market, receive, and process orders for malt beverages and wine it is licensed to sell placed by individuals who are at least 21 years of age using electronic means owned, operated, or maintained by a third party, provided that any such orders shall be delivered in accordance with subsection (b) of this Code section and:

(1) The packaged goods retailer maintains control and responsibility over the sales transaction and the transfer of the physical possession of the malt beverages and wine from the inventory of such packaged goods retailer to the individual conducting the delivery in accordance with subsection (b) of this Code section;

(2) The packaged goods retailer shall retain sole discretion to determine whether to accept and complete an order or to reject an order;

(3) The purchase transaction takes place between the individual placing the order and the packaged goods retailer and the packaged goods retailer appears as the merchant of record at all times, including at the time of purchase and at the time of receipt of the delivery;

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

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

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

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

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

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

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

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

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

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

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

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

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

#### SECTION 4.

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

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

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

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

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

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



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

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

## **SECTION 5.**

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

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

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

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

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

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

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

**SECTION 6.**

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

"3-4-25.

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

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

**SECTION 7.**

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

**"CHAPTER 15**

3-15-1.

As used in this chapter, the term:

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

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

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

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

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

3-15-2.

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

(1) A tasting event shall only take place on the licensed premises and only at times at which such alcoholic beverages may be lawfully sold on such licensed premises;

(2) Only one tasting event per day may be held on the licensed premises and such tasting event shall not exceed four hours;

(3) Only one type of alcoholic beverage may be served at a tasting event, either malt beverages, wine, or distilled spirits; provided, however, that more than one brand of such type of alcoholic beverage may be offered so long as not more than four packages are open at any one time;

(4) If the tasting event is for malt beverages, a consumer shall not be served more than eight ounces of malt beverages during such tasting event. If the tasting event is for wine, a consumer shall not be served more than five ounces of wine during such tasting event. If the tasting event is for distilled spirits, a consumer shall not be served more than one and one-half ounces of distilled spirits during such tasting event;

(5) Only alcoholic beverages that the licensee is licensed to sell on the licensed premises may be offered as part of a tasting event, and such alcoholic beverages shall be part of the licensee's inventory;

(6) Only food that is lawful to sell on the licensed premises, under this title or under any rules or regulations of the commissioner, may be served as part of a tasting event. Such food shall be offered at no cost to the consumer;

(7) Any operator or employee of the licensee may refuse to provide any brand, type, or quantity of alcoholic beverage to any consumer;

(8) The licensee shall notify the governing authority of the county or municipality in which the licensed premises is located prior to holding a tasting event;

(9) Any broken package containing alcoholic beverages on the licensed premises that is not licensed for retail sales for consumption on the premises shall be kept locked in a secure room or cabinet by the operator of the licensed premises except when in use during a tasting event;

(10) Representatives and salespersons of manufacturers or wholesalers may attend a tasting event; provided, however, that such representatives and salespersons shall not host the tasting event, pour any alcoholic beverage, or provide anything of value to any consumer or to the licensee or an employee of a licensee; and

(11) Any other terms, conditions, and limitations as may be required or imposed by the governing authority of the county or municipality in which the licensed premises is located.

562 3-15-3.

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

565 3-15-4.

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

570 **SECTION 8.**

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

573 **SECTION 9.**

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

## **PROPOSED MENU\***

### **GoBrands, Inc. dba goPuff**

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

#### **Snacks (all pre-packaged items)**

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

#### **Refrigerated drinks (all pre-packaged items)**

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

#### **Canned goods (all pre-packaged items)**

- Soup
- Beans
- Pasta
- Olives
- Tuna

#### **Condiments (all pre-packaged items)**

- Spices
- Ketchup
- Mayonnaise
- Salsa
- Mustard

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

**Dried food (all pre-packaged items)**

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

## Products

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

ATTEST:

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

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

\_\_\_\_\_  
Beverly Burks, Mayor

Approved as to Form:

Stephen Quinn  
Stephen G. Quinn, City Attorney

CITY OF CLARKSTON

ITEM NO: G2

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Change Orders

MEETING DATE: April 6, 2021

SUBJECT: Consider SPLOST 04 B & C – Rowland Street Pedestrian Enhancements & Trailhead Project  
Proposed Changes in Project Scope

DEPARTMENT: City Administration

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☐ YES ☐ NO  
Pages:

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

PURPOSE:

Review/Discuss the Rowland Street Pedestrian Enhancements & Trailhead Project Scope changes as listed below, mainly:

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

NEED/IMPACT:

On January 12, 2021, the Clarkston City Council approved/awarded the Trailhead & Rowland St Pedestrian Improvements Project (as listed below) to the low bid presented by Sol Construction in the amount of \$1,081,011.10. The agenda item discussion focused on various possible adjustments and additions to the project scope including adding sidewalks and parking and retaining on-street parking (on Hill St). The below represents the changes reviewed and provided by the City's Engineering firm, Collaborative infrastructure Services:

At the request of City Council, staff prepared three (3) change orders, including removal of a section of the subject existing project scope, including project construction drawings. The scope changes, including associated costs totaling \$760,004, are described as follows:

➤ **Addition of a sidewalk on Rowland Street from North Indian Creek to Lovejoy**

1. Reset existing granite curb to allow for a 5 ft. sidewalk, with an 18 inch grass beauty strip, to be placed on the north side of Rowland. Sidewalk to be placed between the poles and the granite reset location. No power pole relocations are anticipated
2. Reduce width of Rowland Street from 24 to 20 feet. No centerline striping planned
3. Reset existing granite curb on the south side to reduce flooding problems on several properties
4. All driveways to have new concrete aprons within right-of-way
5. Lengthen easabout to discourage vehicles exiting Wagoner to make a U-turn at the easabout
6. Replace various drainage structures
7. Relocate mailboxes
8. Add 2 benches and 2 trash containers

9. Temporary construction easements will be required at various parcels with one driveway relocation (house across from Wagoner Street)

**COST INCREASE - \$385,247**

➤ **Addition of a sidewalk on Rogers Street from Market to North Indian Creek**

1. Reset existing granite curb on north side of road
2. Place sidewalk behind poles with 18 inch grass beauty strip
3. No pole relocations proposed. Several AT&T facilities will need to be relocated. This will require a 4-6 month time period
4. No reduction in width of Rogers Street
5. Retaining wall required adjacent to the fence on the Market St/Rogers St parcel – south side of property. Wall required to place sidewalk on city right-of-way
6. All landscape vegetation will be removed from the fence to the edge of the road to accommodate the wall and 5 ft. sidewalk
7. Add 2 benches and 2 trash containers along roadway
8. Mill & resurface road (State LMIG funding to be used)
9. Remove stop signs on Rogers St at Hill Street
10. Add 2 additional chicanes (Hill St to NIC) to the existing contract scope. Four chicanes are currently in the contract.

**COST INCREASE - \$262,255**

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

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

**COST INCREASE - \$146,702**

➤ **Remove the Hill Street raised landscape median and new granite curb**

1. Removal of the raised concrete landscape median, new granite curb & landscaping
2. Remove bench in the middle of the landscape median
3. Add angled parking east side of Hill St
4. Add double-yellow striping for a 2 lane road

**COST DECREASE - \$34,200**

Staff will recommend extending the existing 12 month project duration an additional 2 to 4 months depending on the number of scope changes approved by council.

If council approves of one or all of the changes, staff will assist the city manager with holding a resident meeting either on-site or in a city facility to discuss the project changes.

It should be noted that staff prepared construction plans and prepared Bid Schedule of Items for the above scope changes and forwarded to SOL Construction for pricing. The city saved approximately \$15,000 by preparing construction plans in-house as opposed to hiring a design firm to perform these tasks.

#### **INFORMATION ON THE ORIGINAL PROJECT SCOPE:**

The referenced project was included in the City SPLOST program. Staff prepared a budget for all the SPLOST projects in 2017 including the referenced project. The engineering & construction budget for this project is \$1,255,000.

In the summer of 2018, the City staff prepared a project scope and advertised for design services. Five (5) design firms proposed on the work and the City Council selected POND to provide design and construction plans. The SPLOST 04 D project is identified as 5 segments:

- Mell Ave @ Church Street Trailhead and Park
- Rowland Street from Lovejoy Street from North Indian Creek
- Rowland Street from North Indian Creek to Market Street including Hill Street from Rowland St. to Rogers Street
- Hill Street from Rowland Street to Rogers Street
- Rogers Street from Market Street to North Indian Creek
- Rowland Street from Market Street to Norman Road

Refer to the attached scope of work for additional segment details.

It should be noted that the genesis of this project began in 2012 when Council approved a “Green Street” policy that stated the City should encourage the application of “green infrastructure” (use of vegetation within public infrastructure to improve water quality) and converting existing city streets to shared bicyclist/pedestrian/vehicular infrastructure where feasible and practical. When the Rowland Street project was presented to council in early 2017 as a potential SPLOST project, City staff re-introduced this idea of “Green Streets” and upon Council approval, proceeded to prepare a scope of work that satisfied the 2012 City adopted policy.

In 2018, the City held two public information meetings on the referenced project. The City received comments from the public and included a number of scope changes to the concept plans as a result of the public input. Also of note is the coordination with the NAMB-Send Relief development project that occurred when the city permit was issued in the summer of 2019. As a result of this coordination, NAMB agreed to install granite curbing on Rowland Street in those areas that would not be impacted by the City construction project. This coordination will now result in a cost savings to the City of several thousand dollars.

Staff prepared an “Invitation-To-Bid” package and advertised per state and local bidding requirements for the construction of Public Transportation Infrastructure. The City posted the legal ad in the Champion Newspaper, Georgia Procurement Registry and the City web site. The advertisement was for a period of 30 days to procure the services of a contractor. The bid opening occurred on November 27<sup>th</sup>, 2020.

#### **BID RESULTS**

The city received 7 bids. All bidders were deemed qualified to submit a bid, with the results as follows:

- The city budget for construction is \$1,055,000
- The engineers estimate of \$1,596,000 was prepared before the bids were opened

Given the significant difference between the engineers estimate and the low bid amount, staff reached out to the low bidder, SOL Construction, to ensure they understood the project scope and were willing to move forward with the work. The President of the company acknowledged their understanding of the project scope and bid submitted and is willing to move forward with an Agreement with the City.

It should be noted that SOL Construction was awarded the City's 2<sup>nd</sup> SPLOST project in 2018 with the Phase IV East Ponce de Leon sidewalk and new granite curb installation project. They exceeded the City's expectations on this project and staff believes they have the knowledge and skill-set to perform this work.

**Funding**

Funding sources for this project is as follows:

- ✓ GDOT LMIG (3 years)                      2017 SPLOST

## ORIGINAL SCOPE OF WORK

### SCOPE OF WORK

**Contract Duration:** 365 calendar days

**Project Description:**

The Trailhead & Rowland Street Pedestrian Enhancements Project has six (6) distinct segments. The descriptions of each segment are as follows:

The “PATH Trailhead” project, located at the intersection of Mell Ave and Northern Avenue, is currently undeveloped with a PATH Trail that extends through the south end of the property. The work will generally consist of a passive park (PATH Trailhead) that will consist of trees, benches, bike air pump station, granite monument sign, an Information Kiosk and Exhibit that depicts the history of the Clarkston Trolley system.

Improvements to Rowland Street from Lovejoy Street to North Indian Creek will consist of milling, asphalt resurfacing, placement of bicyclist path symbol signs on the pavement, removing the three-way stop sign at Wagoner Street and installation of a traffic calming device known as an easabout.

Rowland Street, from North Indian Creek to Norman Street, will be converted into a multi-use facility that can safely accommodate a wide range of transportation uses from bikes to pedestrians and vehicles. The project plans provide details to reconstruct the curb line to provide a curvilinear road footprint with application of traffic calming devices (elongated raised speed table) to be utilized as a crosswalk. New granite curb will be installed with existing granite curb to be salvaged and re-used at the pedestrian crossings. Sidewalks will also be constructed along most of the roadway section. The traffic calming device will be combined with a reduction in posted speed limit to 15 MPH that will improve the safety for bicyclist and pedestrians. Driveway pruning (elimination of curb cuts), resurfacing, restriping and addition of street trees are included in the project plans. The project will tie-into the existing “HAWK Pedestrian Crossing Improvements & Right-In & Right-Out” channelization project at North Indian Creek and Rowland Street.

Hill Street, from Rogers Street to Rowland Street, will be converted to a 2 lane roadway with a raised landscaped median.

The section of Rowland Street from Market Street to Norman Street will consist of a 100% pedestrian walkway with bollards placed on both ends of the Rowland Street to remove all vehicular traffic. The City is currently in negotiations with effected property owners to remove two existing driveways onto Rowland Street while providing an alternate access into the existing office complex.

At the Norman Road/Rowland Street intersection, brick pavers will be utilized in combination with “green” stained asphalt pavement, to signify the crosswalk. A raised landscaped center island on Norman Road will also be constructed to improve the safe passage of pedestrians and bicyclist crossing Norman Road onto the existing PATH Trail.

Rogers Street improvements will include construction of traffic calming known as “chokers”, milling and resurfacing.

CITY OF CLARKSTON

ITEM NO: G3

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Charter Change

MEETING DATE: April 6, 2021

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

DEPARTMENT: City Administration

PUBLIC HEARING: YES ☐ NO ☒

ATTACHMENT: YES ☒ NO ☐  
Pages:

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

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

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

**RECOMMENDATION:**

Staff has no recommendation.

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

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

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

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

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

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

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

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

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

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

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

**“Sec. 3.11. - Oath of office.**

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

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



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

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

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

- (2) ***Budget Message***

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

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

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

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

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

**“Sec. 4.05. - Annual audit.**

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

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

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

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

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

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

ATTEST:

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

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

\_\_\_\_\_  
Beverly Burks, Mayor

Approved as to Form:

Stephen Quinn  
Stephen G. Quinn, City Attorney

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: G4

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

MEETING DATE: April 6, 2021

ACTION TYPE:  
Proclamation

SUBJECT: Adopt Proclamation Recognizing Pet Month for April

DEPARTMENT: City Administration

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☐ YES ☒ NO  
Pages: 1

INFORMATION CONTACT: Beverly Burks,  
PHONE NUMBER: 404-296-6489

PURPOSE:

Council to discuss adopting a Proclamation Recognizing Pet Month for April

RECOMMENDATION:

Staff has no recommendations.

## **PROCLAMATION**

### **BY THE CLARKSTON CITY COUNCIL TO CELEBRATE NATIONAL PET MONTH, NATIONAL PET FIRST AID AWARENESS MONTH AND TO HOST PET WELLNESS DAY FOR CLARKSTON RESIDENTS**

**WHEREAS**, according to the American Pet Products Association (APPA), sixty-seven percent of U.S. households, or about 84.9 million families, own a pet; and

**WHEREAS**, owning and caring for a pet can be expensive. DeKalb County requires all pet owners to register their dogs and cats. Many residents are unaware that the DeKalb County provides subsidized veterinary services for eligible pet parents; and

**WHEREAS**, it is estimated 4.5 million dog bites are reported every year in the United States. Approximately 334,000 people are admitted to US emergency departments annually with dog bite-associated injuries, and another 466,000 are seen in other medical settings. Half of the people bitten are children younger than 12 years old. Adults more than 70 years old comprise 10% of those bitten and 20% of those killed; and

**WHEREAS**, according to the American Animal Hospital Association, 60% of all vet visits are emergencies. Statistics show that preventable accidents are the leading cause of death among pre-senior dogs and cats. It is critical for pet owners to know their pet's health status to possibly prevent serious issues.

**NOW, THEREFORE**, I, Beverly H. Burks, Mayor of the City of Clarkston, Georgia and on behalf of the Clarkston City Council, hereby proclaim the month of April 2021 as:

#### **National Pet Month**

and remind pet owners to care for their four-legged companions that give them unconditional love. April is also National Pet First Aid Awareness Month and owners can learn more about animal health and safety.

**BE IT FURTHER PROCLAIMED** by the Clarkston City Council that April 25, 2021, is designated Clarkston Pet Wellness Day. An event is scheduled to be held to provide Clarkston residents with low cost pet vaccinations; and

**SO ORDAINED**, this 6th day of April, 2021.

**ATTEST:**

**CITY COUNCIL  
CITY OF CLARKSTON, GEORGIA**

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Tracy Ashby, City Clerk

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BEVERLY H. BURKS, Mayor

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: E65

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

MEETING DATE: April 6, 2021

ACTION TYPE:  
Proclamation

SUBJECT: Adopt a resolution by the Clarkston Mayor and City Council in response to hate crimes against Asian Americans

DEPARTMENT: City Administration

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☐ YES ☒ NO  
Pages: 1

INFORMATION CONTACT: Beverly Burks,  
PHONE NUMBER: 404-296-6489

PURPOSE:

Council to discuss adopting a resolution by the Clarkston Mayor and City Council in response to hate crimes against Asian Americans.

RECOMMENDATION:

Staff has no recommendations.

**A RESOLUTION BY THE CLARKSTON MAYOR AND CITY COUNCIL IN RESPONSE TO  
HATE CRIMES AGAINST ASIAN AMERICANS**

WHEREAS, the City of Clarkston is known as the most diverse city per square mile in the United States. According to the US Census, the City of Clarkston has an Asian Population of 24.6%.

WHEREAS, since the start of the coronavirus pandemic, Asian American and Pacific Islanders (AAPI) face a surge of physical and verbal assaults, harassment, and discrimination.

WHEREAS, according to the Stop AAPI Hate National Report, the group said it received reports of 3,795 incidents between March 19, 2020 and Feb. 28, 2021. The number of cases could be higher because not all incidents are reported.

WHEREAS, the report cited that verbal harassment (68.1%) and shunning (20.5%) (i.e., the deliberate avoidance of Asian Americans) made up the two largest proportions of the total incidents reported.

WHEREAS, a recent report from the Center for the Study of Hate and Extremism at California State University, San Bernardino discovered hate crimes against Asian Americans in 16 cities rose by 150 percent in 2020.

WHEREAS, on March 16, 2021, the shootings at three massage parlors in the Atlanta area left eight dead, six of them were women of Asian descent.

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

NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and City Council of the City of Clarkston, Georgia, that this governing body forcefully condemns violence and harassment of members of the Asian American and Pacific Islander community and will work to ensure that AAPI people feel safe and welcome in our city – both during this COVID-19 pandemic and beyond

NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and City Council of the City of Clarkston, Georgia, condemns harmful rhetoric and racist acts due to the fears of the COVID-19 pandemic and beyond; and

BE IT FURTHER RESOLVED, the Clarkston City Council encourages partnerships with community-based organizations, advocacy groups, as well as other appropriate officials and agencies across the county, to protect Asian American and Pacific Islander residents and victims of discrimination and to curb hate acts related to COVID-19 for other groups, including, but not limited to, Black, Latinx, Indigenous, Muslim, Jewish, and LGBTQIA communities, and people with disabilities; and

BE IT FURTHER RESOLVED, the Clarkston City Council encourages the City to partner with the County of DeKalb, healthcare providers and community-based organizations to educate the public on mental health services for those who have been traumatized or otherwise stigmatized by anti-AAPI hate; and

BE IT FURTHER RESOLVED, the Clarkston City Council encourages City Departments to ensure that all information, such as public health information and emergency and disaster relief resources, is disseminated effectively to Limited English Proficient (LEP) communities; and

BE IT FURTHER RESOLVED, the City of Clarkston calls upon all counties, cities, and local governments across the United States to adopt similar commitments to reaffirm their solidarity with AAPI communities and commit to combating hate and improving health equity.

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

ATTEST:

CITY COUNCIL  
CITY OF CLARKSTON, GEORGIA

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

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

Approved as to Form:

\_\_\_\_\_  
Stephen G. Quinn, City Attorney