

# CITY COUNCIL MEETING

*Ted Terry – Mayor*

*YT Bell*

*Andrea Cervone*

*Jamie Carroll*

*Awet Eyasu*

*Ahmed Hassan*

*Mario Williams*

*Robin I. Gomez– City Manager*

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## AGENDA

**Tuesday, June 4, 2019 7:00PM**

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**A. CALL TO ORDER**

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

**C. ADMINISTRATIVE BUSINESS/ PRESENTATION**

C1) Approve Minutes: Special Call 4-30-19, 5-28-19 and Council Meeting 5-7-19

C2) The Fulton-DeKalb Hospital Authority Presentation (AED's)

**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. CONSENT AGENDA**

- F1) Adopt After Dark Summer Basketball Program Agreement with the DeKalb Police Athletic League for an amount not to exceed \$5,000.
- F2) Confirm City Clerk as Elections Superintendent
- F3) Issue Call for Election and Set Qualifying period for November General Election
- F4) Adopt Resolution Re-Certifying City of Ethics
- F5) Approve Reschedule August Council Meeting

**G. OLD BUSINESS**

**H. NEW BUSINESS**

H1) Approve 2019 Proposed Advertised Millage Rate

H2) Approve Resolution Authorizing Tax Anticipation Note 2019 (TAN)

H3) PUBLIC HEARING: Consider a variance application request from Tad Braswell, Oak Hall Companies, LLC to vary from Section 703 NR-3 High Density Neighborhood Residential District (f) Bulk and area regulations to reduce the minimum lot size of 5,000 sq. ft. to 3,000 sq. ft. and to reduce the minimum lot width of 50 feet to 40 feet. If granted the applicant will develop 37 parcels on the properties located at 3809, 3835, 3861, and 3827 East Avenue, Clarkston, GA 30021.

H4) Amend Chapter 5 Article III Regarding Flood Damage Prevention

H5) PUBLIC HEARING: Zoning Code Reform/Changes (Admin and child care changes)

# CITY COUNCIL MEETING

H6) Activate Clarkston 2020 US Census Complete County Committee

H7) Establish a City of Clarkston Youth Advisory Council

**H. EXECUTIVE SESSION**

To Discuss a Legal matter

**G. ADJOURNMENT:**

## MINUTES

### CLARKSTON CITY COUNCIL

Tuesday, April 30, 2019

#### Officials Present

Mayor: Ted Terry  
Council: YT Bell, Awet Eyasu, Andrea Cervone, Jamie Carroll  
City Manager: Robin I. Gomez  
City Clerk: Tracy Ashby  
City Attorney: Stephen Quinn

#### A. CALL TO ORDER –SPECIAL CALL MEETING

Mayor Terry called the special call meeting to order at 7:10pm..

#### B. ROLL CALL

YT Bell, Awet Eyasu, Ahmed Hassan, Jamie Carroll (arrive 7:15pm)

Councilmembers: Andrea Cervone and Mario Williams absent

#### C. OLD BUSINESS

None

#### D. NEW BUSINESS

##### D1) Approve a Resolution Imposing a Moratorium on New Applications to Demolish Structures within the Potential Historic District of the City

Mayor Terry recognized City Attorney Stephen Quinn. The City of Clarkston adopted a historic preservation ordinance on January 3, 2019 and is in the process of appointing members to the historic preservation commission. The City Council has determined a “Potential Historic District” within the City, parcels shown in blue and in red on the map attached as Exhibit "A". The Council is concerned that structures within the Potential Historic District could be demolished while the City is in the process of appointing members to the historic preservation commission and establishing a historic preservation district.

Georgia law recognizes that a moratorium on demolitions is a legitimate means of maintaining the status quo while a historic preservation program is established. Mr. Quinn read what the resolution would accomplish if approved and that the effective date would be for any application for a demolition permit received on or after April 24, 2019. He clarified the effective date of April 24<sup>th</sup> date was based on the date the City announced the special call meeting. The proposed resolution would be in effect until October 31, 2019, while the process of establishing a historic preservation program is completed.

Council Member Eyasu thanked Council Member Cervone for organizing the historic preservation seminar as that helped to clarify the urgency of passing a moratorium while they are manning the committee.

Mayor Terry directed attendees to the proposed map and the build dates of the properties going back to the early 1900s.

#### Public Comment

Dean Moore, stated his support of this moratorium.

Lisa Williams asked if the potential historic district include the house at 40 Oaks and it was confirmed it was included.

Mayor Terry closed public comments.

Awet Eyasu made a motion to approve the resolution imposing a Moratorium on New Applications to Demolish Structures within the Potential Historic District of the City for six months. Ahmed Hassan seconded the motion. Discussion: Jamie Carroll questioned if NAMB had been contacted on this issue. Mr. Gomez responded their application had been received but it had not been acted upon.

A vote was called and the motion failed (2- Yes: Awet Eyasu, Ahmed Hassan and 2 - Abstain: Jamie Carroll, YT Bell).

Discussion: City Attorney stated the moratorium is legal and the NAMB submitted the application after the announcement of this meeting. If the Council wants to preserve the structures, the Council should pass the moratorium.

Awet Eyasu made a motion to approve the resolution imposing a Moratorium on New Applications to Demolish Structures within the Potential Historic District of the City. Ahmed Hassan seconded the motion.

Discussion: Awet Eyasu said they know what is at stake to preserve these historic structures and it's only for the proposed historic district and not city-wide. Mayor Terry echoes that there has been strong support from the community to preserve the historic areas.

A vote was called and the motion carried (4, 0).

ADJOURNMENT:

Awet Eyasu made a motion to adjourn the meeting. Ahmed Hassan seconded the motion. A vote was called and the motion carried (4, 0). Meeting adjourned.

## MINUTES

### CLARKSTON CITY COUNCIL

Tuesday, May 28, 2019

#### Officials Present

Mayor:	Ted Terry
Council:	YT Bell, Mario Williams, Awet Eyasu, Jamie Carroll
City Manager:	Robin I. Gomez
City Clerk:	Tracy Ashby
City Attorney:	Stephen Quinn

#### A. CALL TO ORDER –SPECIAL CALL MEETING

Mayor Terry called the special call meeting to order at 7:10pm

#### B. ROLL CALL

YT Bell, Mario Williams, Awet Eyasu, Jamie Carroll,  
Councilmembers Ahmed Hassan and Andrea Cervone absent

#### C. OLD BUSINESS

None

#### D. NEW BUSINESS

##### D1) Approve Resolution to purchase Property from Brocket Triangle Enterprises, Inc. and to Pay Closing Costs

Stephen Quinn reported that the Council approved the Brockett Triangle property purchase at the May 7 Council Meeting. The Closing Attorney has indicated the Council needs to approve the payment of closing costs, not to exceed \$5,000.

Awet Eyasu made a motion to approve a Resolution to purchase Property from Brocket Triangle Enterprises, Inc. and to Pay Closing Costs for DeKalb County Tax Parcel No. 18-119-09-004 as part of the Streetscape SPLOST Project 07-D, the City will acquire 5507 SF of land in fee simple for \$23,906 as agreed to by Brocket Triangle Enterprises, Inc and the City will agree to the paying of assigned closing costs, not to exceed \$5,000. Mario Williams seconded the motion. A vote was called and the motion carried (4, 0).

#### I. EXECUTIVE SESSION

Executive Session to discuss a Legal Issue

Awet Eyasu made a motion to go into executive session to discuss a legal issue. YT Bell seconded the motion. A vote was called and the motion carried (4, 0).

#### E. ADJOURNMENT:

Awet Eyasu made a motion to adjourn the meeting. YT Bell seconded the motion. A vote was called and the motion carried (4, 0). Meeting adjourned.

## MINUTES

### CLARKSTON CITY COUNCIL

Tuesday, May 7, 2019

#### Officials Present

Mayor: Ted Terry  
Council: YT Bell, Jamie Carroll, Andrea Cervone, Awet Eyasu, Ahmed Hassan, Mario Williams  
City Manager: Robin I. Gomez  
City Clerk: Tracy Ashby  
City Attorney: Stephen Quinn

#### A. CALL TO ORDER

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

#### B. ROLL CALL:

Present: YT Bell, Mario Williams, Awet Eyasu, Ahmed Hassan, Andrea Cervone

Councilmember Jamie Carrol arrived 7:09pm.

#### PLEDGE OF ALLEGIANCE

#### C. ADMINISTRATIVE BUSINESS/ PRESENTATION

##### C1) Approve Minutes: Council Meeting 5-7-19

Andrea Cervone made a motion to approve to approve the minutes with amendments “corrections provided Consultant Kaiser by email (4/3/19) that for item G6) Approve the Award of lowest bid received by Ohmshiv Construction, LLC, in the amount of \$1,109,175.15, the corrected low bid amount should be: \$1,041,182.20.” Awet Eyasu seconded the motion. A vote was called and the motion carried (5, 0).

##### C2) Georgia State University Panthers Accelerated Career Experience (PACE) J. Mack Robinson School of Business.

PACE Students provided a presentation.

##### C3) 100% Clean Energy Presentation

Greenlinks Group provided a presentation.

#### D. REPORTS:

##### 1) Planning & Zoning Report

Shawanna Qawiy reported receipt of four Historic Preservation Commission (HPC) applications. Modification of flood maps and the study are with the City Attorney for review.

##### 2) City Manager’s Report

Mr. Gomez provided the current financial report through April 30, 2019. He provided an update on the Streetscape construction. He commended the success of the Clarkston Culture Fest. Mr. Gomez reported there will be a Public Information Open House on May 20 for the Rowland Street. GDOT will hold a

Public Information meeting (6/18) for I-285 express lane proposed changes. He encouraged everyone to attend the Milam Pool opening on May 24; admission will be free and hotdogs will be served from 11am to 1pm.

### 3) City Attorney's Report

Mr. Quinn provided an update on the nuisance abatement action on 590 Woodland started approximately 2 years ago. DeKalb County is foreclosing on the property due to non-payment of taxes and the city may be repaid for the prior demolishing of the structure.

### 4) Council Remarks

YT Bell reported on attending the cottage home open house. She has spoken with a Clark Estates resident about annexation.

Awet Eyasu reported on attending the Clarkston Historic Preservation meeting (5/18), the Art contest judging at Jolly Elementary, Immigration Rights and responsibility meeting and the Culture Fest and Immigration Roundtable meeting.

Jamie Carrol reported on the Coffee with Council and the Culture Fest.

Andrea Cervone discussed the Historic preservation and the Coffee with Council meetings. She reported on the upcoming micro farming working session (5/18) and a second Historic Preservation 101. She will be attending the Spring GMA training and she has applied for a CDBG to assist with energy retrofit for single family or owner occupied housing.

### 5) Mayor's Report

Mayor Terry applauded the Clarkston High Schools boys' soccer team's efforts in their playoff game.

Mayor and Council recognition of City Clerk Tracy Ashby for Municipal Clerks Week. Mayor Terry read the resolution.

## 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 30 minutes and it is not a time for dialogue. If your public comment contains a series of questions, please provide those questions to the City Clerk in writing on the Public Comment Card. This will facilitate follow-up by the council or staff. The City Council desires to allow an opportunity for public comment; however, the business of the City must proceed in an orderly, timely manner.

Warren Hadlock discussed his opposition to the East Ave rezoning that is proposed.

Victoria Webb expressed her opposition to the annexation/rezoning of the Eat Ave properties. She requested Council deny the request.

Dean Moore spoke on concerns for code enforcement if larger livestock animals are permitted under the proposed urban agriculture ordinance. He requested the East avenue properties remain NR-1 zoning.

Susan Hood reported she is working on the final Charter Review recommendations and the draft will be forthcoming. She discussed the importance for the council to hire a professional to update the zoning ordinance.

Kathleen Andros Spoke in support of smaller homes.

Chris Busing Discussed code enforcement meeting and supported that code not being enforced unless there are direct complaints. He expressed concerns with proposed changes to the meeting comment policy.

Public Comments closed

F. OLD BUSINESS

F1) Public Hearing Regarding Application to Rezone 3827, 3835 and 3861 East Avenue from conditional NR-1 (Low Density Residential) to Conditional NR-3 (High Density Residential)

Mayor Terry recognized the applicant Mr. Braswell, Oak Hall Companies, who presented the proposed plan to annex 6 acres into the city and build 36 cottage style homes with 24 conditions.

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

1. The property will generally be developed substantially as depicted on the attached conceptual site plan dated April 29, 2019, particularly as to the depicted site configuration and vegetated buffers. Such conceptual site plan is attached hereto and labeled as Exhibit "B."
2. The site shall have no more than thirty-six (36) single family cottage-style homes.
3. None of the homes will have more than three (3) bedrooms.
4. The building materials for the homes shall be a mixture of real brick, stone or hardi-plank siding. No vinyl siding shall be allowed.
5. All homes will be wired to be electric vehicle and solar ready.
6. The driveways and sidewalks of each unit shall be a pervious material.
7. The outlet structure for the storm water system and the location of the storm water facilities shall be substantially the same as depicted on the plans attached hereto and labeled as Exhibit "C," subject to approval by the City's engineer. Developer shall work with the City's engineer to ensure that adequate erosion control measures are provided to protect the streams.
8. A majority of the trees planted on the site will be of a native species. No non-native species will be planted on common areas of the property. No more than two (2) accent trees, such as Japanese Maples, may be planted in each individual yard.
9. Developer shall grant to the City a 10' permanent easement and a 30' construction easement for the future construction of a trail system near the northeast corner of the property as shown on the conceptual site plan attached as Exhibit B. Such easement shall be located such that it does not encroach within the required 75' stream buffer of Snapfinger Creek.
10. The developer shall donate \$40,000 to the Clarkston Affordable Housing Trust or the Clarkston Environmental Trust, at the City's election, prior to recording the Final Plat
11. The developer is required to adhere to all development reviews required by the City of Clarkston including, but not limited to, for the land disturbance permit, landscape and tree replacement plans.
12. The developer shall adhere to all reviews as required by outside agencies with jurisdiction over the property, including but not limited to, DeKalb County Fire Marshal's office, DeKalb County Water and Sewer Department and the Georgia Soil and Water Conservation Commission.
13. All lots developed at the property shall be subjected by restrictive covenant to participation in a mandatory homeowners' association ("HOA") as described by these conditions.
14. A maximum of three (3) of the homes may be rented or non-owner occupied at any given time. This restriction shall be included in the HOA governing documents and be binding upon all home owners.
15. The HOA shall have a professional engineer inspect the storm water facilities and prepare a report on such facility's condition bi-annually. This report shall be promptly submitted to the city manager.
16. The HOA shall be managed by a third-party manager employed by the HOA Board of Directors.

17. The developer shall provide a copy of the HOA documents to the city for review and approval prior to recording. The documents shall include the following requirements:
  - a. All landscaped areas, including those located on individual lots, shall be maintained by the HOA.
  - b. All streets shall be private and maintained by the HOA.
  - c. There shall be an Architectural Review Board. This ARB shall be chaired by the developer until 51% of all the homes are constructed. Standards or revisions to any structure shall be approved by the ARB.
  - d. The Developer shall remain the Declarant until 100% of the homes have been sold.
  - e. Any change to the management structure of the Board will have to be approved by the Homeowners Association Board of Directors. The HOA will always be managed by a third party management company.
18. Prior to selling any lots, developer shall convey to the City an access easement for inspection (not maintenance) of the storm water facilities on the property. The HOA shall maintain such facilities.
19. Every home shall have a minimum of one visitor parking space to be located behind each home's carport.
20. Common areas shall be jointly owned by the owners of the individual parcels.
21. Yards along the exterior shall include an opaque, vegetated landscaped buffer on the sides that abut other residential properties.
22. Final plat with covenants shall be submitted, reviewed, accepted and recorded before construction begins. Recording of the covenants and final plat shall create a separate lot for each dwelling place and subjects each lot in the development to private deed covenants that assure the continuance of the approved plan as submitted with the required maintenance of the common areas.
23. The city manager (in consultation with an appropriate expert) shall review and approve the landscape plan for compliance with "regenerative landscaping" principles.
24. All lots created on the property shall conform with the required dimensions and other development controls applicable in the NR-3 zoning district, unless a variance is granted by the City.

### Public Hearing

#### Support:

Hazel Poe, current co-owner of the property, spoke in support of the project.

#### Opposed:

Lisa Williams spoke in opposition to the proposal.

Ann McCormack spoke in opposition to the proposal

Ashley Kehrer spoke in opposition to the proposal

Pat Davis-Morris spoke in opposition to the proposal

Dean Moore spoke in opposition to the proposal

Mayor Terry closed the public hearing.

The City Attorney discussed the amended proposed conditions. Councilman Williams questioned if the application should be returned to Planning & Zoning for review based on the new conditions. Mr. Quinn advised that would be a policy decision if the Council felt the application should be reviewed by

Planning & Zoning, but legally it is not required as the project is still substantially the same as what the Planning & Zoning Committee reviewed. Further discussion on the proposed project.

F2) Consider Application to Annex 3827, 3835 and 3861 East Avenue and Assign NR-1 Zoning Designation (City's designation analogous to existing DeKalb zoning)

Mayor Terry opened the floor for a motion.

Awet Eyasu made a motion Deny the application to Annex 3827, 3835 and 3861 East Avenue and Assign NR-1 Zoning Designation (City's designation analogous to existing DeKalb zoning). Mario Williams seconded the motion. Vote: Yes -Ahmed Hassan, Awet Eyasu, Mario Williams, No- Andrea Cervone, Jamie Carroll, YT Bell. Mayor Terry broke the tie and voted NO. Motion failed (3, 4).

The Mayor re-opened the floor for a motion.

Jamie Carroll made a motion to approve the application to Annex 3827, 3835 and 3861 East Avenue and Assign NR-1 Zoning Designation. YT Bell seconded the motion. A vote was called Yes- Andrea Cervone, YT Bell, Jamie Carroll, No-Ahmed Hassan, Awet Eyasu, Mario Williams. The annexation is approved (4, 3).

F3) Consider Application to Rezone 3827, 3835 and 3861 East Avenue from NR-1 (Low Density Residential) to NR-3 (High Density Residential)

Mayor Terry opened the floor for a motion.

Jamie Carroll made a motion to approve the application to rezone 3827, 3835 and 3861 East Avenue from NR-1 (Low Density Residential) to NR-3 (High Density Residential) with the 24 conditions on Exhibit A. YT Bell seconded the motion. Discussion: Mario Williams stated that the developer has admitted to making considerable changes and the Planning & Zoning have not seen those changes so how can we approve the application without Planning & Zoning reviewing the changes. Jamie Carroll stated he sat on the Planning & Zoning committee for three years, and he respects their respects their recommendations and after attending their last meeting, he felt many of their concerns had been addressed by the conditions and he discussed those specifically. He discussed that if the applicant chose to go to DeKalb County to develop the property, he felt many of those conditions would not be placed on the project. Further discussion on referring the item back to the Planning & Zoning committee.

Mayor Terry called for the Vote: Yes- YT Bell, Andrea Cervone, Jamie Carroll, No- Awet Eyasu, Ahmed Hassan, Mario Williams, the Mayor broke the tie and voted Yes. Motion approved (4, 3).

G. NEW BUSINESS

G1) Discussion for Application for a proposed planned Cottage Home Development (CHD) consisting of eight (8) cottages, on 0.57 acres, located at 1160 Vaughan Street, Clarkston, GA 30021. (Public Hearing 5-7-19 Council Meeting)

Mayor Terry opened the public hearing.

Public Hearing

Support: No speakers

Opposed:

Kim Bucciero, the representative for MicroLife, spoke in support of the proposal.

Lisa Williams spoke in support of the proposal.

No other speakers. Mayor Terry closed the public hearing.

G2) Discussion of proposal by MicroLife Institute to build a planned Cottage Home Development (CHD) located at 1160 Vaughan Street, Clarkston, GA 30021, to use 1179 Smith Street and Vaughan Street- (unopened right-of way) as a part of the CHD development.

Mayor Terry opened the floor for a motion.

Jamie Carrol made a motion to approve the application by MicroLife Institute to build a planned Cottage Home Development (CHD) located at 1160 Vaughan Street, Clarkston, GA 30021, to use 1179 Smith Street and Vaughan Street- (unopened right-of way) as a part of the CHD development.

YT Bell seconded the motion. A vote was called and the motion carried (6, 0).

G3 Adopt Summer/Fall Youth Tennis Program at Milam Park with South Atlanta Community Tennis Association

Andrea Cervone made a motion to Adopt Summer/Fall Youth Tennis Program at Milam Park with South Atlanta Community Tennis Association. Ahmed Hassan seconded the motion. A vote was called and the motion carried (6, 0).

G4) Agreement to Purchase Real Estate, Tax Parcel Id # 18-119-09-004 as part of the E Ponce de Leon Streetscape Improvement Project

Mayor Terry reported this will create a MARTA bus carve out at near Brockett Road and purchasing the triangle area to develop as a pocket park.

YT Bell made a motion to adopt the agreement to purchase Real Estate, Tax Parcel Id # 18-119-09-004 as part of the E Ponce de Leon Streetscape Improvement Project. Awet Eyasu seconded the motion. A vote was called and the motion carried (6, 0).

G5) Adopt resolution to Refer a Plastic Bags and Single-Use Plastics Ban for study to the Environment & Natural Resources Committee

Awet Eyasu made a motion adopt the resolution to refer a Plastic Bags and Single-Use Plastics Ban for study to the Environment & Natural Resources Committee. YT Bell seconded the motion. A vote was called and the motion carried (6, 0).

G6) Adopt Urban Agriculture Consulting Agreement with Roots Down Consulting LLC

Council discussion on the agreement and terms. Council Members Hassan and Eyasu requested this be held until the next year's budget. Council Member Cervone detailed the purpose to approve and move forward.

Andrea Cervone made a motion adopt Urban Agriculture Consulting Agreement with Roots Down Consulting LLC. Jamie Carroll seconded the motion. A vote was called and the motion carried Yes, Andrea Cervone, YT Bell, Jamie Carroll, Mario Williams, No- Awet Eyasu, Ahmed Hassan, (4, 2).

G7) Adopt Council Comment Policy

Mayor Terry stated that the comment policy for the work session will remain the same, time limit of 3 minutes per speaker. For City Council meetings, the public comment period will limit speakers to 3 minutes and the overall comment period will be limited to 40 minutes.

Ahmed Hassan made a motion to adopt the Council Comment Policy and rules of decorum. YT Bell seconded the motion. A vote was called and the motion carried (6, 0).

G8) Adopt Resolution to Establish Public Hearing Procedures for Zoning Hearings

The City Attorney reported on the public comment for public hearings and detailed the speaker registration process for public hearings only. Speakers can register online 9a-4p or at City Hall (Council Room), starting one hour prior to the meeting, up to 5 minutes before the hearing.

Andrea Cervone made a motion to adopt the Resolution to Establish Public Hearing Procedures for Zoning Hearings. Ahmed Hassan seconded the motion. A vote was called and the motion carried (5, 1-Awet Eyasu).

ADJOURNMENT:

Andrea Cervone made a motion to adjourn the Council Meeting. Jamie Carroll seconded the motion. A vote was called and the motion carried (6, 0).

Meeting adjourned

CITY OF CLARKSTON

ITEM NO: F1

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
SERVICE  
AGREEMENT

MEETING DATE: June 4, 2019

**SUBJECT:** Adopt After Dark Summer Basketball Program Agreement with the DeKalb Police Athletic League for an amount not to exceed \$5,000.

DEPARTMENT: City Administration

PUBLIC HEARING: YES  NO

ATTACHMENT: YES  NO   
Pages: 2

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

**PURPOSE:** The City of Clarkston is committed to creating and supporting policies and programs to encourage additional and varied recreation and leisure activities from light walking in parks to swimming during the warmer months to bicycling on established/delineated paths to active recreational activities such as soccer, basketball, volleyball, tennis, and other. The City has previously partnered with the DeKalb Police Athletic League (PAL) for a successful summer youth after dark basketball program at the Clarkston First Baptist Church designed to help curb summer/out-of-school inner-city crime and related nefarious activity by keeping urban youth engaged in various positive recreational and learning activities to include the attendance of various workshops promoting and encouraging career, employment, and life skills alternatives. The City desires to enter into an agreement with the DeKalb PAL to manage, coordinate, schedule, and run the entire summer basketball program/league. The City will pay various administrative and equipment costs for shirts (\$645), trophies/awards/recognition/miscellaneous (\$1,500), referees/officials (\$1,400), and off-duty police officers (\$1,300), in amount not to exceed, five thousand dollars (\$5,000.00), to fund the program. The league will begin on June 18<sup>th</sup> and conclude on August 1, 2019.

The expenditure is in the approved 2019 budget under the Community Action Budget.

**NEED/ IMPACT:** The PAL After Dark Summer Basketball Program agreement will further enhance the City's quality of life by providing needed youth recreation programming designed to promote a healthy lifestyle as well as providing important life, career, educational, and positive self-esteem skills to various at-risk youth primarily ages 15-19.

**RECOMMENDATIONS:** Council adopt referenced services agreement.

# **AGREEMENT FOR THE PROVISION OF AN AFTER DARK SUMMER YOUTH BASKETBALL PROGRAM WITH THE DEKALB POLICE ATHLETIC LEAGUE**

This Services Agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by and between **the DEKALB POLICE ATHLETIC LEAGUE (PAL)**, and the **CITY OF CLARKSTON**, a Georgia municipal corporation located at 1055 Rowland Street, Clarkston GA 30021. (hereinafter the "City");

**WHEREAS**, a positive, enhanced quality of life incorporates various health, wellness, and recreational opportunities for all residents particularly for youth during the summer school break; and

**WHEREAS**, the City is committed to creating and supporting policies and programs to encourage additional and varied recreation and leisure activities from light walking in parks to swimming during the warmer months to bicycling on established/delineated paths to active recreational activities such as soccer, basketball, volleyball, tennis, and other, and

**WHEREAS**, the City of Clarkston has previously partnered with the DeKalb Police Athletic League (PAL) for a successful youth after dark basketball program at the Clarkston First Baptist Church designed to help curb summer/out-of-school inner-city crime and related nefarious activity by keeping urban youth engaged in various positive recreational and learning activities to include the attendance of various workshops promoting and encouraging career, employment, and life skills alternatives; and

**WHEREAS**, a partnership between the DeKalb Police Athletic League, and the City will provide a means to achieve Clarkston's goal of providing various and diverse active and passive recreation opportunities specifically for our youth;

**NOW, THEREFORE**, in consideration of the payment and mutual covenants described herein, the City and the South Atlanta Community Tennis Association hereby agree as follows:

- 1) Services to be Provided by the DeKalb Police Athletic League:
  - a) Plan, coordinate, and manage an after dark, 9 pm to midnight, indoor basketball league primarily for youth and young adult participants with an emphasis on at-risk youths (male and female) and/or those referred to the DeKalb County Juvenile Court and/or Probation Office between the ages of 15 – 19. The league will operate from June 18<sup>th</sup> to Aug 1, with an estimated 85-100 participants divided into 6-8 teams comprising anywhere from 8 – 13 players. Games will be scheduled on the following dates: June 20, June 25, June 27, July 2, July 9, July 11, July 16, July 18, July 23, July 25, July 30, and Aug 1.
  - b) PAL will coordinate and schedule for all league participants to attend a mandatory one hour workshop on the day of their game. The workshop will incorporate the listening of various career, life, and employment skills from representatives of various industries to help motivate, encourage, and possibly change the direction of any potential at risk behavior.
  - c) Provide various forms of recruiting and marketing of the after dark summer basketball league throughout Clarkston including Clarkston High School and other local social service and not-for-

profit community organizations.

- d) Provide a brief narrative/report (electronic) of the activities performed including an accounting of the number of weekly participants, workshop presenters, and volunteers.

2) Additional Considerations

The use of the facility for the program, the First Baptist Church located at 3999 Church St in Clarkston, will be coordinated by PAL, with the City’s assistance.

3) Payment of Services and Equipment

In consideration for the services and other considerations contemplated, the City shall pay the following costs, not to exceed \$5,000:

- a. Uniform T-shirts for participants and volunteers: \$650.00. \$6.50/shirt for 100 shirts.
- b. Referees/Officials – \$1,400. 2 refs at \$25/game, 4 games total - \$200/week, for 7 weeks.
- c. Off-Duty Uniform Officers - \$1,300. \$90/officer, 2 days per week, \$180 x 7 weeks
- d. Trophies/awards/recognition/supplies - \$1,500

4) Term and Termination

The Term of this Service Agreement shall be from Monday, June 10, 2019, to Friday, August 2, 2019. The Agreement may be terminated by either party for any reason upon thirty (30) days' prior written notice, provided, however, such termination shall not relieve either party from performance of obligations (including, without limitation, making of any payments required under this Agreement and providing services for any time period remaining as a result of those payments) accruing through the effective date of such termination, which obligations shall survive such termination. Notwithstanding the foregoing, if either party fails to comply with the terms herein, the other party may immediately terminate this Agreement upon written notice to the party failing to abide by the terms hereof.

SO AGREED, upon the date first written above.

DEKALB POLICE ATHLETIC LEAGUE

\_\_\_\_\_  
Janice Love, DeKalb Police Sgt

Date: \_\_\_\_\_

CITY OF CLARKSTON

\_\_\_\_\_  
EDWARD TED TERRY, CLARKSTON MAYOR

Date: \_\_\_\_\_

ATTEST:

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

Date: \_\_\_\_\_



CITY OF CLARKSTON CLARKSTON

ITEM NO: F2

CITY COUNCIL MEETING

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Resolution

MEETING DATE: June 4, 2019

**SUBJECT:** Appoint Municipal Elections Superintendent

DEPARTMENT: Administration

PUBLIC HEARING:  YES  NO

ATTACHMENT:  YES  NO  
Pages:

INFORMATION CONTACT: Tracy Ashby  
PHONE NUMBER: 404-296-6489 ext 413

**PURPOSE:** To appoint the City Clerk as the Municipal Elections Superintendent

**NEED/ IMPACT:** Under O.C.G.A 21-2-70.1 (a) The municipal superintendent shall conduct, in accordance with this chapter, all municipal elections held within his or her municipality.

(b) The municipal superintendent shall be a person or committee selected by the governing authority of the municipality in a public meeting, and such selection shall be recorded in the minutes of such meeting. The municipal superintendent shall receive compensation fixed and paid by the governing authority of the municipality from municipal funds. The appointment shall be made in a public meeting, and the appointment shall be recorded in the minutes of said meeting. In the event that a municipality fails to make an appointment, the city clerk shall serve as the municipal superintendent. A parent, spouse, child, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law of a candidate shall not be eligible to serve as a municipal superintendent in any primary or election in which such candidate's name appears on the ballot. Historically the City Clerk has filled the duties of the Municipal Elections Superintendent.

**RECOMMENDATIONS:** Staff recommends appointing the City Clerk as the Municipal Elections Superintendent for the November 5, 2019 election.

CITY OF CLARKSTON

ITEM NO: F3

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Resolution

MEETING DATE: June 4, 2019

**SUBJECT:** Issue Election Call and Set Qualifying Period for the November 5, 2019 General Election

DEPARTMENT: Administration

PUBLIC HEARING:  YES  NO

ATTACHMENT:  YES  NO  
Pages:

INFORMATION CONTACT: Tracy Ashby  
PHONE NUMBER: 404-296-6489 ext 413

**PURPOSE:**

To Issue the Election Call and to set the qualifying period for the November 5, 2019 General Election

**NEED/ IMPACT:** O.C.G.A 21-2-132 (d) (4) defines that "Each candidate for municipal office or a designee shall file a notice of candidacy in the office of the municipal superintendent of such candidate's municipality during the municipality's qualifying period. Each municipal superintendent shall designate the days of the qualifying period, which shall be no less than three days and no more than five days. The days of the qualifying period shall be consecutive days. Qualifying periods shall commence no earlier than 8:30 A.M. on the third Monday in August immediately preceding the general election and shall end no later than 4:30 P.M. on the following Friday." Historically Clarkston has set qualifying periods for General elections for five day ranges.

O.C.G.A 21-2-132 (e) (5) (B)(ii) clarifies that "The hours of qualifying each day shall be from 8:30 A.M. until 4:30 P.M. with one hour allowed for the lunch break; provided, however, that municipalities which have normal business hours which cover a lesser period of time shall conduct qualifying during normal business hours for each such municipality."

**RECOMMENDATIONS:** Staff recommends Issuing the Call for the November 5, 2019 General Election and to set the qualifying period for the General Election for five (5) days from Monday, August 19, 2019 until Friday, August 23, 2019, starting at 9:00am to 4:30pm (daily).

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: F4

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Resolution

MEETING DATE: June 4, 2019

**SUBJECT:** Adopt Resolution to Re-certify as a GMA City of Ethics

DEPARTMENT: Administration

PUBLIC HEARING:  YES  NO

ATTACHMENT: YES  NO   
Pages:

INFORMATION CONTACT: Robin I. Gomez  
PHONE NUMBER: 404-296-6489 ext. 425

PURPOSE: Adopt resolution to Re-certify as a Certified City of Ethics

NEED/ IMPACT: The City of Clarkston has been a Certified City of Ethics under the Georgia Municipal Association Program since June 2003. Beginning January 1, 2009 certification and re-certification are good for a period of four years. To remain a Certified City of Ethics, prior to the expiration of the four year period, the organization must submit to GMA for review, a resolution re-adopting the five ethics principles and a copy of the city's current ethics ordinance.

The resolution establishes the five ethics principles for the conduct of the city's officials. These principles are designed to guide the elected officials as individuals and as a governing body. These principles are:

- Serve others, not ourselves
- Use resources with efficiency and economy
- Treat all people fairly
- Use the power of our position for the well being of our constituents
- Create an environment of honesty, openness and integrity

RECOMMENDATIONS: Staff recommends the City Council vote to adopt the Resolution to be a Certified City of Ethics.

**RESOLUTION**

**WHEREAS** the Board of Directors of the Georgia Municipal Association has established a Certified City of Ethics program; and,

**WHEREAS** the City of Clarkston, wishes to be re-certified as a Certified City of Ethics under the GMA Program; and,

**WHEREAS** part of the certification process requires the Mayor and Council to subscribe to the ethics principles approved by the GMA Board;

**NOW THEREFORE BE IT RESOLVED** by the governing authority of the City of Clarkston, Georgia, that as a group and as individuals, the governing authority subscribes to the following ethics principles and pledges to conduct its affairs accordingly:

- \* Serve Others, Not Ourselves
- \* Use Resources With Efficiency and Economy
- \* Treat All People Fairly
- \* Use The Power of Our Position For The Well Being Of Our Constituents
- \* Create An Environment Of Honesty, Openness And Integrity

**RESOLVED** this 4th day of June, 2019.

\_\_\_\_\_  
Ted Terry, Mayor

\_\_\_\_\_  
Jamie Carroll, Councilmember

\_\_\_\_\_  
Awet Eyasu, Vice-Mayor

\_\_\_\_\_  
Ahmed Hassan, Councilmember

\_\_\_\_\_  
YT Bell, Councilmember

\_\_\_\_\_  
Mario Williams, Councilmember

\_\_\_\_\_  
Andrea Cervone, Councilmember

**ATTEST:**

\_\_\_\_\_  
Tracy Ashby  
City Clerk

**Note:** A copy of the approved resolution and ordinance by cities who desire to participate in the GMA "Certified City of Ethics" program should be submitted to GMA, Attention: Legal Department, 201 Pryor Street, SW, Atlanta, Georgia 30303

CITY OF CLARKSTON

ITEM NO: F5

CLARKSTON CITY COUNCIL MEETING

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Resolution

HEARING TYPE:  
Council Meeting

MEETING DATE: June 4,

2019

SUBJECT: Re-schedule August Council Meeting

DEPARTMENT: Administration

PUBLIC HEARING:  YES  NO

ATTACHMENT:  YES  NO  
Pages:

INFORMATION CONTACT: Robin I. Gomez  
PHONE NUMBER: 404-292-9465

PURPOSE:

To allow for a re-schedule of the August Council Meeting to allow participation in the National Night Out Event.

NEED/ IMPACT:

The August Council Meeting conflicts with the Annual National Night Out event. Re-scheduling this meeting to the Thursday, August 8th, will allow full staff, citizen and elected officials participation in the National Night Out Event.

RECOMMENDATIONS:

Staff recommends that the Council vote to reschedule the August Council Meeting from Tuesday, August 6 to Thursday, August 8, 2019.

## A RESOLUTION

**WHEREAS**, the City of Clarkston must periodically amend the Council Meeting schedule to address various conflicts with other City sponsored events; and

**WHEREAS**, the City of Clarkston Hosts their National Night Out Event on the first Tuesday in August; and

**WHEREAS**, the August 2019 Council Meetings occur on the same day as the National Night Out event; and

**WHEREAS**, the Mayor and Council desire to hold meetings in a manner that allows the citizens, elected officials and staff to attend and fully participate.

**NOW, THEREFORE, BE IT RESOLVED BY THE** City Council of the City of Clarkston that the August 6, 2019 City Council Meeting be re-scheduled to Thursday, August 8, 2019.

**SO RESOLVED**, this 4th day of June, 2019.

CITY COUNCIL  
CITY OF CLARKSTON, GEORGIA

---

TED TERRY, Mayor

ATTEST:

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Tracy Ashby, City Clerk

CITY OF CLARKSTON

ITEM NO: H1

CLARKSTON CITY COUNCIL WORK SESSION

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Resolution

MEETING DATE: June 4, 2019

**SUBJECT:** Approve 2019 Proposed Advertised Millage Rate

DEPARTMENT: Administration

PUBLIC HEARING:  YES  NO

ATTACHEMENT:  YES  NO  
Pages:

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

PURPOSE:

To Set the 2019 Advertised Millage Rate.

NEED/ IMPACT:

The City of Clarkston has received our first Valuation Report from DeKalb County in preparation for the millage adoption process. The current 2019 projected Clarkston Net Tax Digest is \$ 209,017,765. The 2018 Net Tax Digest for Clarkston was \$ 166,859,487. This represents an increase of \$ 42,158,278 in our Net Tax Digest. The current digest figures are subject to change as additional information is received.

The calculated rollback millage rate for 2019, (rate which applied would net the city the same tax revenue amount as last year) is 13.282 mils.

DeKalb County has requested that our final adopted millage rate be concluded before July 3, 2018. The Council must vote to set a proposed advertised millage rate at the June 4, 2019 Council Meeting. This is the millage rate that will be advertised for public information. The proposed millage is not necessarily the same rate the Council would eventually adopt. The final adopted millage rate may be the same as the proposed (advertised) rate or lower than the proposed rate. The final millage rate adopted by the City Council may not be greater than the proposed (advertised) millage rate.

The Council must hold three public hearings if their proposed millage rate is greater than the millage rollback rate. The purpose of the meetings is to take public comment on the millage rate for consideration of the final adopted rate. There must be 5 days between the public hearings. Two meetings can be held on the same day with one starting prior to noon and one meeting must start between 6-7pm.

RECOMMENDATION:

Staff recommends setting the 2019 Advertised Millage Rate at 15.89 mils. City will hold two Public Hearings on Tuesday, June 25 at 10AM and 6:30PM. The final public hearing will be held in conjunction with the July 2nd Council Meeting.

## 2019 Millage Rate

### **Process for Millage Adoption**

#### **Council must vote to propose a millage rate-**

The Council must vote for a proposed millage rate at the June 4, 2019 Council Meeting. This is the millage rate that will be advertised for public information. The proposed millage is not necessarily the same as rate the Council would adopt. The final rate adopted can be the same as the proposed (advertised) rate or lower than the proposed rate. The Council adopted millage rate cannot be higher than the proposed (advertised) millage rate.

#### **Council hold Public Hearings**

The Council must hold three public hearings if their proposed millage rate is higher than the calculated millage rollback rate. The purpose of the meetings is to take public comment on the millage rate for consideration in the final adopted rate. There must be 5 days between the public hearings. Two meetings can be held on the same day with one starting prior to noon and one meeting must start between 6-7p.

#### **Council Adopt Millage Rate**

After the conclusion of the final Public Hearing, the Council will vote to adopt the final millage rate for 2019.

#### **Advertising Requirements**

During the Millage Adoption Process there are advertising requirements the City must comply with. The Legal Organ for DeKalb County is the Champion Newspaper and they have a deadline of noon on Wednesdays for the advertisement to run in the following Thursday issue.

- A “5 Year History” must be published at least one week before the final adoption of the 2019 millage rate and include the dates for the Public Hearings.
- A “Notice of Property Tax Increase” must be published at least one week before each hearing
- Simultaneously with this notice, the recommending authority or levying authority shall provide a press release to the local media.
- The advertisement for the Public Hearings shall appear at least one week prior to each hearing.

Millage Adoption Timeline 2019	Millage Adoption Proposed Schedule
<b>Council Vote Proposed (advertising) Millage Rate</b>	Tuesday, June 04, 2019
<b>1st Public Hearing Special Call Meeting- 10:00am - Council Rm</b>	Tuesday, June 25, 2019
<b>2nd Public Hearing Special Call Meeting- 6:30pm - Council Rm</b>	Tuesday, June 25, 2019
<b>3rd Public Hearing - 7:00pm- Council Rm</b>	Tuesday July 2, 2019
<b>Council Vote Adopt 2019 Millage Rate</b>	Tuesday July 2, 2019
<b>Final Millage to DeKalb County</b>	Tuesday, July 3, 2019

CITY OF CLARKSTON

ITEM NO: H2

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Resolution

MEETING DATE: June 4, 2019

**SUBJECT:** Adopt Resolution Authorizing, Among Other Things, the Issuance and Sale of a Tax Anticipation Note in the Principal Amount of \$750,000

DEPARTMENT: Administration

PUBLIC HEARING:  YES  NO

ATTACHMENT:  YES  NO  
Pages: 12

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

PURPOSE: To consider adopting the attached Resolution Authorizing, Among Other Things, the Issuance and Sale of a Tax Anticipation Note in the Principal Amount of \$750,000

NEED/ IMPACT: The City of Clarkston will receive approximately 60% of our total anticipated revenue for fiscal year 2019 between the months of September and December. The majority of this revenue comes from property taxes, insurance premium payments and municipal court fines. The bulk of this revenue; property taxes and insurance premium payments, is received during the months of September, October and November.

The City anticipates receiving the final 2019 tax digest in the next couple of weeks. While we will not receive property taxes until later this year, we have to generate additional available cash flow to cover our payrolls and other budgeted expenditures over the summer months. The use and subsequent reduction in surplus available cash on hand will result in a temporary cash flow problem during the months from June through September if not addressed. (2019 tax proceeds will be remitted from DeKalb County beginning the end of September through November). We have prepared a detailed schedule of monthly cash flow projections for the remainder of 2019 and expect our deficit balance in operating cash to be approximately \$53,000 at the end of June 2019 and topping out with a deficit balance of \$750,000 by the end of August 2019.

Given that tax proceeds are not received until the 4<sup>th</sup> quarter of the fiscal year within which they are budgeted, this fiscal reality is not unusual. Many Georgia counties and municipalities take advantage of a State Law that authorizes the issuance of a Tax Anticipation Note (TAN), which will allow borrowing funds sufficient to cover the temporary cash flow deficit. Funds borrowed must be repaid in full prior to December 31<sup>st</sup> of each year.

Staff is awaiting a final quote from BB&T Bank for the issuance of a TAN in the amount of \$750,000 with an anticipated closing date of June 14, 2019 with full payment due of principal and interest on

December 31, 2019. The interest rate charged on the principal balance will is estimated to be between 3.05% and 3.20% annually amortized over 200 days. Accordingly, the interest payments to BB&T will be approximately \$13,333 on the high end. (We are awaiting a final quote from BB&T on the final interest rate). Additionally, issuance of a TAN requires preparation of the TAN resolution and other associated legal documents by a bond attorney. The fee for the bond attorney will be \$5,000.

RECOMMENDATIONS: Staff recommends the City Council adopt the attached TAN Resolution and associated documents.

**RESOLUTION**  
**AUTHORIZING, AMONG OTHER THINGS,**  
**THE ISSUANCE AND SALE OF A TAX ANTICIPATION NOTE**  
**IN THE AMOUNT OF \$750,000**

**WHEREAS**, the City of Clarkston, Georgia (the “Issuer”) is a municipal corporation of the State of Georgia, duly created and existing under and by virtue of the Constitution and laws of the State of Georgia; and

**WHEREAS**, the Mayor and City Council of the City of Clarkston, Georgia (the “Governing Body”) has determined that it is in the best interest of the Issuer to borrow money to pay current expenses for calendar year 2019 in anticipation of the receipt of taxes levied or to be levied for the General Fund; and

**WHEREAS**, the Issuer is authorized by Article IX, Section V, Paragraph V of the Constitution of the State of Georgia and Section 36-80-2 of the Official Code of Georgia Annotated to borrow money to pay current expenses during any calendar year and to evidence such borrowing by issuing tax anticipation notes in anticipation of the receipt of taxes levied or to be levied for the General Fund for expenses payable in such calendar year; and

**WHEREAS**, the Issuer proposes to issue a Tax Anticipation Note in the principal amount of \$750,000 (the “Note”) to pay the current expenses of the Issuer;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Issuer and it is hereby resolved by authority of the same, as follows:

**Section 1. Findings.** The Governing Body hereby finds and determines as follows: (a) the principal amount of the Note and any other outstanding temporary loans do not exceed 75% of the total gross income from taxes collected by the Issuer in calendar year 2018 for the General Fund; (b) the principal amount of the Note, together with other contracts, notes, warrants or obligations of the Issuer for current expenses payable from the General Fund, do not exceed the total anticipated tax revenues of the Issuer for the General Fund for calendar year 2019; (c) no temporary loan or other contract, note, warrant or other obligation for current expenses incurred in calendar year 2018 or any prior calendar year remains unpaid as of the date hereof; and (d) a need exists for the Issuer to borrow \$750,000 to pay current expenses of the Issuer in calendar year 2019 prior to the receipt of sufficient revenues from taxes levied or to be levied for the General Fund for 2019.

**Section 2. Authorization of Note; Terms and Execution.** There is hereby authorized to be issued a tax anticipation note of the Issuer in the principal amount of \$750,000 which shall be designated “City of Clarkston, Georgia Tax Anticipation Note, 2019” (the “Note”). The Note shall be dated as of the date of delivery thereof to the purchaser, shall bear interest at the rate of interest set forth therein and shall be issued in registered form. Both principal and interest shall be payable in lawful money of the United States of America by wire transfer to the person who is the registered owner on December 15, 2019 without the presentation or surrender of the Note, except that upon written request of the Issuer made

concurrently with or reasonably promptly after payment in full of the Note, the registered owner thereof shall surrender the Note for cancellation, reasonably promptly after any such request, to the Issuer, and shall be payable as to principal and interest. The Note shall mature and together with accrued interest shall be payable on December 31, 2019. The Note may be prepaid in whole prior to maturity, without premium, in an amount equal to par plus accrued interest. The Note shall be executed by the Mayor, or in his absence, the Vice-Mayor, and shall be attested to by the Clerk, and the seal shall be impressed thereon. In case any officer whose signature shall be affixed to the Note or who shall have sealed the Note shall cease to be such officer before the Note so signed and sealed shall have been actually delivered, the Note, nevertheless, shall be a valid Note obligation of the Issuer and may be delivered as such notwithstanding the fact that such officer or officers may have ceased to be such officer or officers of the Issuer when the Note shall be actually delivered.

**Section 3. Approval of Form of Note.** The Note as initially issued shall be issued in substantially the form attached hereto as Exhibit A subject to such minor changes, insertions or omissions as may be approved by the Mayor or, in his absence, the Vice-Mayor, and the execution and delivery of the Note shall be conclusive evidence of such approval.

**Section 4. Tax Revenues Used to Repay Note.** The Issuer agrees to use for payment of the Note and the interest thereon a sufficient portion of the revenues received by the Issuer from taxes levied or to be levied for calendar year 2019 for the General Fund and other funds available for such purpose. The indebtedness evidenced by the Note is a general obligation of the Issuer, and the full faith and credit of the Issuer have been and hereby are irrevocably pledged to secure the payment of the principal of and interest on this Note.

**Section 5. Authentication of Note.** The Note as originally issued and each Note issued in connection with a registration of transfer shall have endorsed thereon a certificate of authentication substantially in the form set forth in the Note. The Note shall not be deemed to be validly issued hereunder unless it contains such certificate of authentication.

**Section 6. Registered Owner.** The person in whose name the Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of either principal or interest shall be made only to or upon the order of the registered owner thereof or his duly authorized attorney. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

**Section 7. Tax Covenants and Representations.** The Note is being issued by the Issuer for the governmental purpose of providing funds for the current expenses of the Issuer for the year 2019, in compliance with the conditions necessary for the interest income on the Note to be excludable from gross income for federal income taxation pursuant to the provisions of Section 103(a) of the Internal Revenue Code of 1986, as amended (the "Code"). It is the intention of the Issuer that the interest on the Note be and remain excludable from gross income for federal income tax purposes, and, to that end, the Issuer hereby covenants with the holder of the Note, as follows:

(a) It will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the tax-exempt status of the interest on the Note under Section 103 of the Code.

(b) It will not directly or indirectly use or permit the use of any proceeds of the Note or any other funds of the Issuer or take or omit to take any action in a way that would cause the Note to be (i) a “private activity bond” within the meaning of Section 141 of the Code, (ii) an obligation which is “federally guaranteed” within the meaning of Section 149 of the Code or (iii) a “hedge bond” within the meaning of Section 149 of the Code.

(c) It will not directly or indirectly use or permit the use of any proceeds of the Note or any other funds of the Issuer or take or omit to take any action that would cause the Note to be an “arbitrage bond” within the meaning of Section 148 of the Code.

(d) It will cause to be completed and filed with the Internal Revenue Service the information required by Section 149(e) of the Code (Treasury Form 8038-G) simultaneously with the issuance of the Note.

**Section 7. General Authority.** From and after the date of adoption of this Resolution, any member of the Governing Body and the officers of the Issuer are hereby authorized to do such acts and things, and to execute and deliver all such certificates or agreements as may be necessary or desirable in connection with the issuance of the Note. All actions of the Governing Body, officers or agents of the Issuer taken in connection therewith prior to the date hereof are hereby ratified and confirmed. If the Mayor shall not be able to execute the documents herein authorized, the Vice-Mayor is hereby authorized to execute the documents on behalf of the City. If the Clerk shall not be able to execute the documents herein authorized, the Assistant Clerk is hereby authorized to execute the documents on behalf of the City.

**Section 9. Sale of Note.** The sale of the Note to Branch Banking and Trust Company is hereby approved.

**Section 10. Tax Levy for Payment of Note.** For the purpose of providing funds for the payment of the principal of and interest on the Note, there shall be and hereby is assessed and levied and there shall hereafter be collected a direct tax upon all real and personal property now or hereafter subject to taxation within the Issuer, the net proceeds of which will be in a sufficient amount to produce such sums as are required to pay the principal and interest thereon. Said sums are irrevocably pledged and appropriated to the payment of the principal and interest, when due on the Note, and the provisions to meet the requirements of this Resolution shall hereafter be made in due time and manner so that the Note, including both principal and interest, shall be fully paid at maturity.

**Section 11. Bank Qualification.** The Issuer hereby designates the Note as a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3) of the Code.

**Section 12. Contract.** The provisions, terms, and conditions of this Resolution will constitute a contract by and between the Issuer and the holder of the Note. After the

issuance of the Note, this Resolution shall not be repealed or amended in any respect which will adversely affect the rights and interest of the holder of the Note.

**Section 13. Effective Date.** This Resolution shall be in full force and effect immediately upon its adoption, and any and all resolutions or parts of resolutions in conflict with this Resolution shall be, and they are, to the extent of such conflict, hereby repealed.

Adopted by the Governing Body of the Issuer on June 4, 2019.

**CITY OF CLARKSTON, GEORGIA**

(SEAL)

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

Attest:

\_\_\_\_\_  
Clerk

UNITED STATES OF AMERICA

STATE OF GEORGIA

CITY OF CLARKSTON, GEORGIA  
TAX ANTICIPATION NOTE,  
2019

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Date of Issue</u>
December 31, 2019	\$750,000	June 13, 2019

KNOW ALL MEN BY THESE PRESENTS: CITY OF CLARKSTON, GEORGIA, a municipal corporation of the State of Georgia (the “Issuer”), for value received, hereby promises to pay to Branch Banking and Trust Company or its successors or assigns (the “Bank”), (a) the sum of \$750,000 and (b) interest on such sum at the Stated Rate (calculated on the basis of a 360-day year comprised of twelve 30-day months), in immediately available funds, on the Maturity Date set forth above.

Both principal hereof and interest are payable in lawful money of the United States of America. The Issuer also promises to pay any and all amounts owed by the Issuer as arbitrage rebate pursuant to Section 148 of the Internal Revenue Code of 1986, as amended and any amounts expended by any owner of this Note in connection with the collection of amounts owed hereunder, including, but not limited to attorney fees.

This Note is authorized by a resolution (the “Resolution”) duly adopted by the Mayor and City Council of the City of Clarkston, Georgia (the “Governing Body”) of the Issuer on June 4, 2019 (the “Note Resolution”), in accordance with Article IX, Section V, Paragraph V of the Constitution of the State of Georgia and Section 36-80-2 of the Official Code of Georgia Annotated, for the purpose of making a temporary loan to pay current expenses of the Issuer in calendar year 2019.

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

Upon the occurrence of a Determination of Non-Bank Qualified Status, then, from and after the Date of Non-Bank Qualified Status, the interest rate used to calculate interest on the Note shall be the Non-Bank Qualified Rate, as defined below. After a Determination of Non-Bank Qualified Status and upon demand of the owner or any prior owner of the Note, the City shall pay to such owner or prior owner such additional amount as shall be necessary to provide,

together with interest received at the Stated Rate, an equivalent amount as if interest on the Note shall have been payable at the Non-Bank Qualified Rate from the Date of Non-Bank Qualified Status.

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

The following terms shall have the following meanings in this Note unless the context otherwise requires:

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

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

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

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

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

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

(c) on that date when the City shall receive notice from any owner or prior owner that the Internal Revenue Service (or any other government official or agency exercising the same or a substantially similar function from time to time) has assessed as

includable in the gross income of such owner or any prior owner the interest on the Note paid to such owner or prior owner due to the occurrence of an Event of Taxability;

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

“Event of Taxability” shall mean a change in law or fact or the interpretation thereof, or the occurrence or existence of any fact, event or circumstance (including, without limitation, the taking of any action by the City, or the failure to take any action by the City, or the making by the City of any misrepresentation herein or in any certificate required to be given in connection with the issuance, sale or delivery of the Note) which has the effect of causing interest paid or payable on the Note to become includable, in whole or in part, in the gross income of the owner or any prior owner for federal income tax purposes.

“Non-Bank Qualified Rate” shall mean a rate of interest per annum equal to 3.30%.

“Stated Rate” shall mean a rate of interest per annum equal to 3.20%.

“Taxable Rate” shall mean a rate of interest per annum equal to 4.06%.

This Note is issued in anticipation of the receipt of taxes levied or to be levied for the General Fund in calendar year 2019. The principal amount of this Note together with all other temporary loans, notes, warrants or similar obligations does not exceed 75% of the total revenues from taxes collected for the General Fund by the Issuer in calendar year 2018 and does not exceed, together with other contracts, notes, warrants and obligations of the Issuer for calendar year 2019 payable from the General Fund, the total anticipated revenues from taxes of the Issuer for the General Fund for calendar year 2019. No temporary loan or other contract, note, warrant or other obligation for current expenses incurred in calendar year 2018 or any prior calendar year remains unpaid.

This Note may be prepaid in whole prior to maturity, without premium, in an amount equal to par plus accrued interest.

The Issuer hereby waives demand, protest, notice of demand, protest and nonpayment and any other notice, required by law relative hereto.

The Issuer represents and warrants to the Bank that:

(a) The Issuer is a municipal corporation duly created and existing under the laws of the State of Georgia with the power and authority to execute this Note.

(b) The proceeds of the loan evidenced by this Note will be used for the operations of the Issuer.

(c) The execution and delivery of, and the performance of the obligations and agreements of the Issuer set forth or referred to in this Note have been duly authorized by all necessary proceedings.

(d) There is no action, suit or proceeding pending or, to the best knowledge of the Issuer, threatened against or affecting the Issuer before any court, governmental department, commission, board or other federal, state, Issuer, municipal or other instrumentality, agency or authority which might adversely affect the power or authority of the Issuer or the ability of the Issuer to perform its obligations set forth or referred to in this Note.

(e) All authorizations, consents, approvals and findings of governmental bodies or agencies required of the Issuer in connection with the (i) execution and delivery of this Note, (ii) adoption of the Note Resolution and (iii) consummation of the transactions contemplated by this Note and the Note Resolution have been obtained and are in full force and effect. The Note Resolution has not been modified or rescinded and is in full force and effect.

(f) The execution and delivery of, and the performance of the obligations and agreements set forth or referred to in this Note, will not conflict with or constitute a violation or a default under any constitutional provision, statute, indenture, mortgage, lease, resolution, or other agreement or instrument, to which the Issuer is a party or by which it is bound, or any order, rule or regulation of any court or governmental agency or body having jurisdiction over the Issuer or its activities or properties.

(g) The adoption of the Note Resolution occurred at a meeting held after due and reasonable public notice given in accordance with the Issuer's procedures and the provisions of law, which was open to the public and at which a quorum was present and acting throughout, and said actions appear of public record in the minute books of the Issuer.

It is hereby certified, recited and declared that all acts, conditions and things required by the Constitution and laws of the State of Georgia to be done precedent to or as a condition to the issuance of this Note have been properly done, have happened and have been performed in the manner required by the Constitution and laws of the State of Georgia; that the tax levies in anticipation of which this Note is issued are or will be valid and legal levies; that the Issuer will use a sufficient amount of the proceeds of such tax levies and other available funds for the payment of this Note and the interest hereon; and that this Note, together with all other indebtedness of the Issuer, is within every debt or other limit provided by the Constitution and laws of the State of Georgia.

All capitalized terms used but not defined herein shall have the meanings assigned to them in the Note Resolution.

IN WITNESS WHEREOF, the Issuer acting by and through its Governing Body, has caused this Note to be executed in its name by the manual signature of the Mayor, and attested by the manual signature of the Clerk and the seal of the Issuer to be impressed or imprinted hereon, all as of the date of original issue as shown above.

CITY OF CLARKSTON, GEORGIA

(SEAL)

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

Attest:

\_\_\_\_\_  
Clerk

**CERTIFICATE OF AUTHENTICATION**

This is the Note described in the within mentioned authorizing resolution of the Mayor and City Council of the City of Clarkston, Georgia adopted on June 4, 2019, and is hereby authenticated.

**CITY OF CLARKSTON, GEORGIA**

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

Date of Authentication: June 13, 2019

\* \* \* \* \*

**CLERK’S CERTIFICATE**

The undersigned does hereby certify that the foregoing pages of typewritten matter constitute a true and correct copy of a resolution pertaining to the City of Clarkston, Georgia Tax Anticipation Note, 2019 in the principal amount of \$750,000, which resolution was duly adopted at a meeting of the governing body (the “Governing Body”) of the City of Clarkston, Georgia which was duly called and assembled on June 4, 2019, which was open to the public, and at which a quorum was present and acting throughout and that the original of said resolution appears of record in the minute book of the Governing Body which is in my custody and control, and that said resolution has not been amended, repealed, revoked or rescinded as of the date hereof.

Given under my hand and the seal of the Governing Body, this \_\_\_\_\_ day of June, 2019.

(SEAL)

\_\_\_\_\_  
Clerk

CITY OF CLARKSTON

ITEM NO: H3

CLARKSTON CITY COUNCIL WORK SESSION

HEARING TYPE:  
**Council Meeting**

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Resolution

MEETING DATE: June 4, 2019

**SUBJECT:** Variance requests for the properties located at 3809, 3835, 3861 and 3827 East Avenue, Clarkston, Ga.

DEPARTMENT:  
Planning & Development

PUBLIC HEARING:  YES  NO

ATTACHMENT:  YES  NO  
Pages:

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

**PURPOSE:** A variance request to vary from Section 703 NR-3 High Density Neighborhood Residential District (f) Bulk and area regulations to reduce the minimum lot size of 5,000 sq. ft. to 3,000 sq. ft. and to reduce the minimum lot width of 50 feet to 40 feet. If granted the applicant will develop 36 parcels on the properties located at 3809, 3835, 3861, and 3827 East Avenue, Clarkston, GA 30021.

**STAFF RECOMMENDATIONS:**

Staff recommends conditionally approving the variance requests as follows;

1. The minimum lot widths of all 36 lots shall be 40 feet with;
  - a. 1 lot shall be a minimum of 3200 square feet
  - b. 11 lots shall have a minimum lot size of 3300 square feet
  - c. 6 lots shall have a minimum lot size of 3400 square feet
  - d. 8 lots shall have a minimum lot size of 3500 square feet
  - e. 4 lots have a minimum lot size of 3700 square feet
  - f. The 6 lots that abut the Snapfinger Creek Tributary shall have a minimum lot size of 5,000 square feet.
2. The developer is limited to build 36 homes on the proposed 4.5+/- acres.
3. The developer shall adhere to the 24 conditions as approved at the May 7, 2019 City Council meeting for the parcels located at 3861/3827/3865/3809 East Avenue.
4. The developer is required to submit a final plat for approval to staff and DeKalb County for recording before applying for any permits.

**PLANNING AND ZONING RECOMMENDATION(S):** Based on the May 21, 2019 Planning and Zoning Board public hearing meeting, the Board recommended to DENY the variance requests.



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

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

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

**Location:** 3861/3827/3835/3809 East Avenue, Clarkston, GA 30021

**Parcel ID(s):** 18 067 02 183/ 18 067 02 001/ 18 067 02 184/ 18 067 02 025

**Lot Size:** 4.5+/- acres

**Current Land Use:** 3835 and 3861 East Avenue are currently vacant.  
 3809 East Avenue has an occupied home and 3827 East Avenue has an unoccupied home on the wooded lot.

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

**Zoning:** NR-3 High Density Neighborhood Residential District\*  
 (\*Annexation and rezoning's approved on May 7, 2019)

**Zoning and Use of Surrounding Properties:**

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

**Request:** A variance request to vary from Section 703 NR-3 High Density Neighborhood Residential District (f) Bulk and area regulations to reduce the minimum lot size of 5,000 sq. ft. to 3, 000 sq. ft. and to reduce the minimum lot width of 50 feet to 40 feet. If granted the applicant will develop 36 parcels on the properties located at 3809, 3835, 3861, and 3827 East Avenue, Clarkston, GA 30021.

**Signs Posted:** May 16, 2019  
**Planning and Zoning** May 21, 2019  
**City Council Work Session** May 28, 2019  
**City Council Meeting:** June 4, 2019

**Analysis:**

The applicant is proposing to build 37 cottage style single family homes on the parcels located at 3867/3827/3835/3809 East Avenue. 3835 and 3861 East Avenue are currently vacant. 3809 East Avenue has an occupied home and 3827 East Avenue has an unoccupied home on the wooded lot. The properties, which have been approved for an annexation and re-zonings on May 7, 2019 are currently zoned NR-3 High Density Neighborhood Residential District. With the annexation and rezoning request there are 24 detailed conditions for approval. (*See attached rezoning conditions-May 7, 2019*) which included the proposed conceptual site plan dated May 7, 2019 layout approved with the proposed 36 single family homes and that “all lots created on the property shall conform to the required dimensions and other development controls applicable in the NR-3 zoning district, unless a variance is granted by the City.”

Currently the NR-3 zoning district requires that each minimum lot size is 5,000SF with a minimum lot width of 50’. The applicant has requested to vary those requirements and request a minimum lot size of 3,000 SF and 40’ for the minimum lot width. These are requests for all developable lots.

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

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

There are a combination of four (4) parcels included in the proposed development. The topography of the property has a slope from North to South that abuts up to the Stoneview Subdivision (DeKalb County) and to the Snapfinger Creek Tributary.

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

The properties were rezoned and/or annexed into the City of Clarkston on May 7, 2019. With that approval and annexation the developer must adhere to 24 specified conditions on these properties to construct 36 single family cottage style homes. At this time the DeKalb Watershed Department (DWD) has acknowledged that the applicant has submitted all required documents for review. After a preliminary review, the DWD recommended that the applicant shall submit Sewer Action Plan designated for Dry Weather Restrictions which the influent will need to be stored and released a non-peak hours of 12 midnight to 5am.

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

The NR-3 zoning district requires a minimum lot size 5,000SF with a minimum lot width of 50’. The developer is aware that the approved development as presented and approved on May 7, 2019 did not meet the minimum requirements and as a condition to the re-zoning approval is required to submit for the variance of 3,000 SF for the minimum lot size and 40’ for the minimum lot width, will include all 36 proposed lots.

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

A literal interpretation of the provision of this ordinance would not create an undue hardship for the applicant. The applicant is able to construct cottage style single family homes without the requested variances.

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

The approved rezoning request of NR-3 zoning district is intended for single family at a greater density on smaller lots. Developments of this type are to encourage a pedestrian-friendly urban form and help to revitalize the city's commercial core by attracting new residents.

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

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

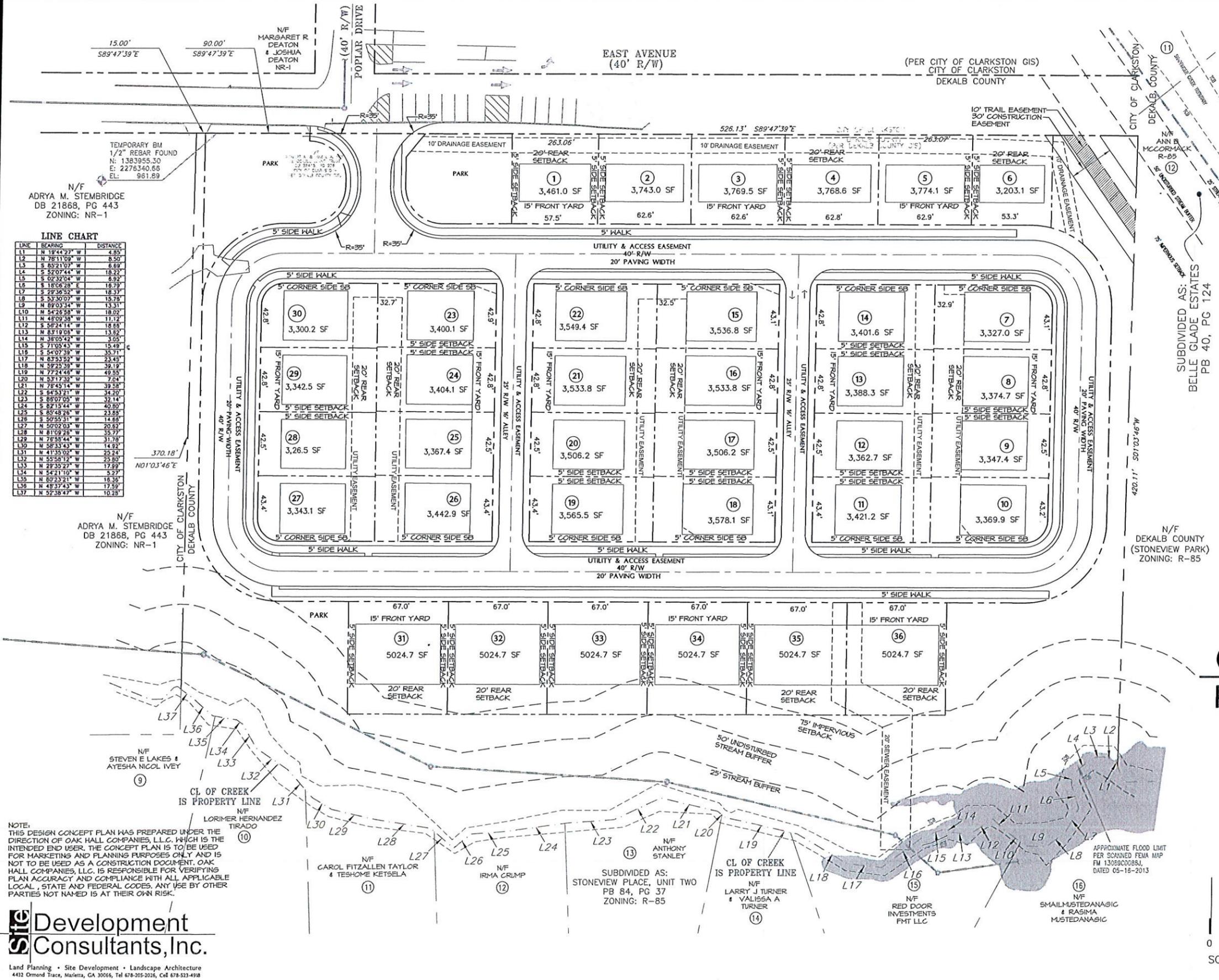
**Staff Recommendation(s):**

Staff recommends conditionally approving the variance requests as follows;

1. The minimum lot widths of all 36 lots shall be 40 feet with;
  - a. 1 lot shall be a minimum of 3200 square feet
  - b. 11 lots shall have a minimum lot size of 3300 square feet
  - c. 6 lots shall have a minimum lot size of 3400 square feet
  - d. 8 lots shall have a minimum lot size of 3500 square feet
  - e. 4 lots have a minimum lot size of 3700 square feet
  - f. The 6 lots that abut the Snapfinger Creek Tributary shall have a minimum lot size of 5,000 square feet.
2. The developer is limited to build 36 homes on the proposed 4.5+/- acres.
3. The developer shall adhere to the 24 conditions as approved at the May 7, 2019 City Council meeting for the parcels located at 3861/3827/3865/3809 East Avenue.
4. The developer is required to submit a final plat for approval to staff and DeKalb County for recording before applying for any permits.

**Attachments:**

- Application package including preliminary site plan



**LINE CHART**

LINE	BEARING	DISTANCE
L1	N 18°44'37" W	4.85'
L2	N 76°11'59" W	38.50'
L3	S 85°21'07" W	6.69'
L4	S 52°07'44" W	18.22'
L5	S 02°32'04" W	6.92'
L6	S 18°06'28" E	18.79'
L7	S 29°36'52" W	18.37'
L8	S 53°30'07" W	15.78'
L9	N 89°03'34" W	13.31'
L10	N 54°26'58" W	18.02'
L11	N 48°09'58" W	11.12'
L12	S 58°24'14" W	18.68'
L13	N 83°19'08" W	13.52'
L14	N 38°05'42" W	3.05'
L15	S 71°05'43" W	15.48'
L16	S 54°07'39" W	35.71'
L17	N 83°53'52" W	23.45'
L18	S 50°53'51" W	38.18'
L19	N 77°24'48" W	49.55'
L20	N 53°17'32" W	7.04'
L21	N 78°45'14" W	39.58'
L22	S 54°33'11" W	34.20'
L23	S 88°07'05" W	32.14'
L24	S 82°15'44" W	40.80'
L25	S 85°48'26" W	23.85'
L26	S 50°53'51" W	14.88'
L27	N 50°02'03" W	20.85'
L28	N 81°09'28" W	35.77'
L29	N 76°58'44" W	31.78'
L30	N 58°33'43" W	14.92'
L31	N 41°35'09" W	29.24'
L32	N 55°58'12" W	25.80'
L33	N 28°35'27" W	17.89'
L34	N 54°21'00" W	5.27'
L35	N 82°32'51" W	18.36'
L36	N 48°37'43" W	17.59'
L37	N 52°38'47" W	10.28'

**LOT TABLE**

LOT#	SIZE SF	FRONT SETBACK (FT)	SIDE SETBACK (FT)	CORNER SIDE SETBACK (FT)	REAR SETBACK (FT)
1	3,461.0	15	5	n/a	20
2	3,743.0	15	5	n/a	20
3	3,769.5	15	5	n/a	20
4	3,768.6	15	5	n/a	20
5	3,774.1	15	5	n/a	20
6	3,203.1	15	5	n/a	20
7	3,327.0	15	5	5	20
8	3,374.7	15	5	n/a	20
9	3,347.4	15	5	n/a	20
10	3,369.9	15	5	5	20
11	3,421.2	15	5	5	20
12	3,362.7	15	5	n/a	20
13	3,388.3	15	5	n/a	20
14	3,401.6	15	5	5	20
15	3,536.8	15	5	5	20
16	3,533.8	15	5	n/a	20
17	3,506.2	15	5	n/a	20
18	3,578.1	15	5	5	20
19	3,565.5	15	5	5	20
20	3,506.2	15	5	n/a	20
21	3,533.8	15	5	n/a	20
22	3,549.4	15	5	5	20
23	3,400.1	15	5	5	20
24	3,404.1	15	5	n/a	20
25	3,367.4	15	5	n/a	20
26	3,442.9	15	5	5	20
27	3,343.1	15	5	5	20
28	3,326.5	15	5	n/a	20
29	3,342.5	15	5	n/a	20
30	3,300.2	15	5	5	20
31	5,024.7	15	5	n/a	20
32	5,024.7	15	5	n/a	20
33	5,024.7	15	5	n/a	20
34	5,024.7	15	5	n/a	20
35	5,024.7	15	5	n/a	20
36	5,024.7	15	5	n/a	20

**OAK HALL**  
COMPANIES LLC

**CLARKSTON TRACT**  
**RESIDENTIAL CONCEPT**

LOCATED IN LAND LOTS 67 AND 96 OF THE 18TH DISTRICT, DEKALB COUNTY, GEORGIA.  
Prepared for  
Oak Hall Companies, LLC  
5256 Peachtree Road, Suite 195  
Atlanta, GA 30341  
770-662-5995  
MAY 20, 2019

**LOT PLAN**  
NOT RELEASED FOR CONSTRUCTION

Scale: 1" = 30'

Sheet **1** OF 1

**Site Development Consultants, Inc.**  
Land Planning • Site Development • Landscape Architecture  
4432 Ormond Trace, Marietta, GA 30066, Tel 678-255-2026, Cell 678-523-4918

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

**LOT TABLE**

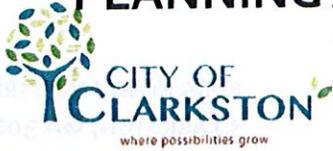
LOT#	SIZE SF	FRONT SETBACK (FT)	SIDE SETBACK (FT)	CORNER SIDE SETBACK (FT)	REAR SETBACK (FT)
1	3,461.0	15	5	n/a	20
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3	3,769.5	15	5	n/a	20
4	3,768.6	15	5	n/a	20
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6	3,203.1	15	5	n/a	20
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8	3,374.7	15	5	n/a	20
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32	5,024.7	15	5	n/a	20
33	5,024.7	15	5	n/a	20
34	5,024.7	15	5	n/a	20
35	5,024.7	15	5	n/a	20
36	5,024.7	15	5	n/a	20

PB 40, PG 124

25' STREAM



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



1055 ROWLAND STREET  
 CLARKSTON, GA 30021  
 404.296.6489

**PROPERTY INFORMATION/OWNER AUTHORIZATION**

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

**PARCEL (PROPERTY) INFORMATION**

3861 East Avenue Clarkston, GA 30021  
 Property Address/Location Suite/Apt. # City, State Zip Code  
18-067-02-183 2.7  
 Parcel ID/Property Tax Identification Number Total Acreage  
Vacant Land R85  
 Present Use(s) Present Zoning (Official Zoning Map)  
CHD- Cottage Housing

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

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

The Village of East Avenue - See Legal Attached  
 Subdivision Name Lot # Block #

**PROPERTY OWNER**

Ray G. Adams  
 Owner (Person, Firm, Corporation, or Agency) Company Name  
169 Old Mill Way SW Conyers, GA 30094  
 Mailing Address Suite/Apt. # City, State Zip Code  
770-715-8425 770-929-1848  
 Primary Phone # Fax # Email Address

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

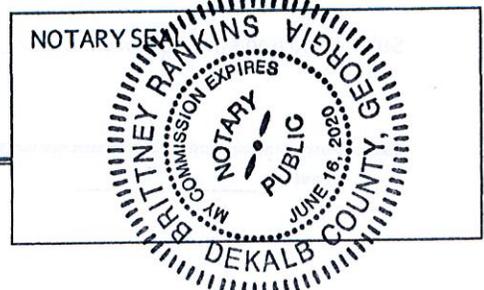
William R. Braswell Jr. Oak Hall Companies, LLC  
 Name and Company (Owner's Agent or Attorney)  
5256 Peachtree Rd., Ste 195 Atlanta, GA 30341  
 Mailing Address Suite/Apt. # City, State Zip Code  
770-662-5995 678-262-3588 rad@oakhallcompanies.com  
 Primary Phone # Fax # Email Address #

**AUTHORIZATION FOR AGENT (If applicable)**

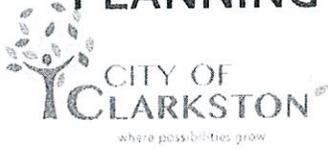
Ray G. Adams 5-10-19  
 Owner Signature Date  
RAY G Adams  
 Print Name

Subscribed and sworn before me this 5/10/19

Bretty RQ  
 \_\_\_\_\_  
 Case #: \_\_\_\_\_



Attention: Elena Braswell



CITY of CLARKSTON
PLANNING AND DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION

1055 ROWLAND STREET
CLARKSTON, GA 30021
404.296.6489

PROPERTY INFORMATION/OWNER AUTHORIZATION

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PARCEL (PROPERTY) INFORMATION

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

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

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

The Village of East Avenue - See attached legal description.
Subdivision Name Lot # Block #

PROPERTY OWNER

Estate of Joan E. Adams c/o Laura A. Marches
Owner (Person, Firm, Corporation, or Agency) Company Name
422 Charleston Place Villa Rica, GA 30180
Mailing Address Suite/Apt. # City, State Zip Code
Email Address: lormarches@att.net

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

William R. Braswell Jr. Oak Hall Companies, LLC
Name and Company (Owner's Agent or Attorney)
5256 Peachtree RD., Ste 195 Atlanta, GA 30341
Mailing Address Suite/Apt. # City, State Zip Code
770-662-5995 678-262-3588 jad@oakhallcompanies.com
Primary Phone # Fax # Email Address #

AUTHORIZATION FOR AGENT (If applicable)

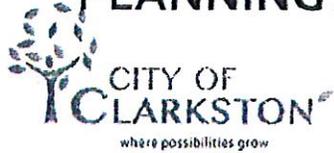
Laurie Marches Laurie Marches
Owner Signature Date 05/09/2019
Estate of Joan A. Adams c/o Laurie A. Marches
Print Name Date 5/9/2019

Shonda Burnette
Subscribed and sworn before me this 9th day of May, 2019
Shonda Burnette



Case #: \_\_\_\_\_





CITY of CLARKSTON

PLANNING AND DEVELOPMENT DEPARTMENT

VARIANCE APPLICATION

1055 ROWLAND STREET
CLARKSTON, GA 30021
404.296.6489

PROPERTY INFORMATION/OWNER AUTHORIZATION

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

PARCEL (PROPERTY) INFORMATION

3809 East Avenue
Clarkston, GA 30021
18-067-02-025
Parcel ID/Property Tax Identification Number
Single Family Home
Present Use(s)
CHD-Cottage Housing
Proposed Use(s)

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

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

The Village of East Avenue - See Legal attached
Subdivision Name Lot # Block #

PROPERTY OWNER

Hazel A. Poe
Owner (Person, Firm, Corporation, or Agency)
3809 East Avenue
Mailing Address
404-552-6202
Primary Phone #
Clarkston, GA 30021
Company Name
City, State
Zip Code

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

William R. Braswell JR. Oak Hall Companies, LLC
Name and Company (Owner's Agent or Attorney)
5256 Peachtree Rd., Ste 115 Atlanta, GA 30041
Mailing Address
770-662-5995 678-262-3588 ted@oakhallcompanies.com
Primary Phone # Fax # Email Address #

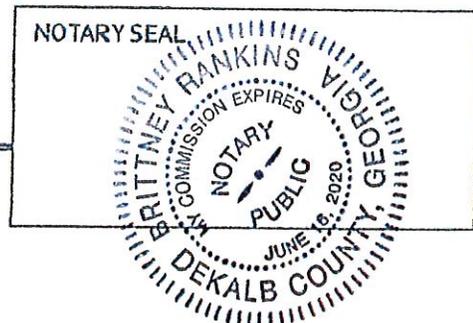
AUTHORIZATION FOR AGENT (If applicable)

Hazel A. Poe
Owner Signature
HAZEL A. POE
Print Name
5-10-19
Date

Subscribed and sworn before me this 5/10/19

Butty R. [Signature]

Case #: \_\_\_\_\_





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

1055 ROWLAND STREET  
CLARKSTON, GA 30021  
404.296.6489

**PROPERTY INFORMATION/OWNER AUTHORIZATION**

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

**PARCEL (PROPERTY) INFORMATION**

<u>3835 East Avenue</u> Property Address/Location	<u>Clarkston, GA 30021</u> City, State	<u>1</u> Zip Code
<u>18-067-02-184</u> Parcel ID/Property Tax Identification Number	<u>1.6</u> Total Acreage	
<u>vacant land</u> Present Use(s)	<u>R85</u> Present Zoning (Official Zoning Map)	
<u>CHD- Cottage Housing</u> Proposed Use(s)		

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

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

The Village of East Avenue - See Legal Attached  
Subdivision Name Lot # Block #

**PROPERTY OWNER**

<u>Hazel A. Poe</u> Owner (Person, Firm, Corporation, or Agency)	<u>Clarkston, GA 30021</u> Company Name
<u>3809 East Avenue</u> Mailing Address	<u>30021</u> Zip Code
<u>404-552-6202</u> Primary Phone #	<u></u> Email Address
<u></u> Fax #	

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

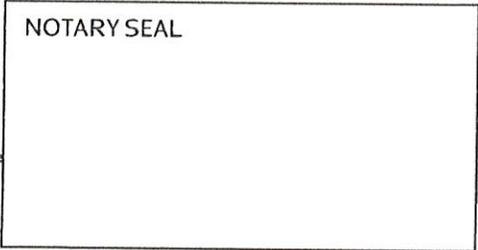
<u>William R. Braswell JR. Oak Hall Companies, LLC</u> Name and Company (Owner's Agent or Attorney)			
<u>5256 Peachtree Rd., Ste 115</u> Mailing Address	<u>Atlanta, GA</u> City, State	<u>30041</u> Zip Code	
<u>770-662-5995</u> Primary Phone #	<u>678-262-3588</u> Fax #	<u>ted@oakhallcompanies.com</u> Email Address #	

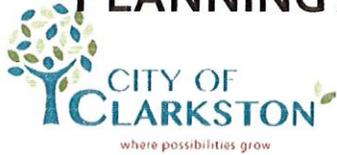
**AUTHORIZATION FOR AGENT (If applicable)**

Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_\_





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

1055 ROWLAND STREET  
CLARKSTON, GA 30021  
404.296.6489

**PROPERTY INFORMATION/OWNER AUTHORIZATION**

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

**PARCEL (PROPERTY) INFORMATION**

<u>3861 East Avenue</u>		<u>Clarkston, GA 30021</u>	
Property Address/Location	Suite/Apt. #	City, State	Zip Code
<u>18-067-02-183</u>		<u>2.7</u>	
Parcel ID/Property Tax Identification Number		Total Acreage	
<u>Vacant Land</u>		<u>R85</u>	
Present Use(s)		Present Zoning (Official Zoning Map)	
<u>CHD- Cottage Housing</u>			
Proposed Use(s)			

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

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

<u>The Village of East Avenue</u>	<u>- See Legal Attached</u>
Subdivision Name	Lot # Block #

**PROPERTY OWNER**

<u>Ray G. Adams</u>		<u>Conyers, GA 30094</u>	
Owner (Person, Firm, Corporation, or Agency)		Company Name	
<u>169 Old Mill Way SW</u>		<u>770-429-1848</u>	
Mailing Address	Suite/Apt. #	City, State	Zip Code
<u>770-715-8425</u>	<u>770-429-1848</u>		
Primary Phone #	Fax #	Email Address	

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

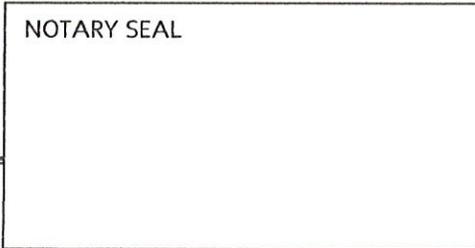
<u>William R. Braswell Jr.</u>		<u>Oak Hall Companies, LLC</u>	
Name and Company (Owner's Agent or Attorney)			
<u>5256 Peachtree Rd., Ste 195</u>		<u>Atlanta, GA 30341</u>	
Mailing Address	Suite/Apt. #	City, State	Zip Code
<u>770-662-5995</u>	<u>678-262-3588</u>	<u>lad@oakhallcompanies.com</u>	
Primary Phone #	Fax #	Email Address #	

**AUTHORIZATION FOR AGENT (If applicable)**

Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_\_





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

Dear Shawanna,

This is to serve as our request for 2 variances to Section 703,(f). The first is to reduce the lot size from 5000 SF to 3000 SF and to reduce the lot width from 50' to 40'. These request are the results of working with the community and the City to agree on a Site Plan and Conditions for the proposed community.

The following are the responses to the variance checklist:

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

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

Sincerely,

*W.R. Braswell, Jr.*

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

# CITY of CLARKSTON

## PLANNING AND DEVELOPMENT DEPARTMENT

### VARIANCE APPLICATION



1055 ROWLAND STREET  
CLARKSTON, GA 30021  
404.296.6489

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

#### SUBMITTAL CHECKLIST

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

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

#### FOR OFFICE USE/DETERMINATION

Review determination and fee: Review fee (payable to *The City of Clarkston*) depends on type of review(s). (See Fee Schedule):

\_\_\_\_\_ Variance \_\_\_\_\_ (Fee)  
Please indicate if this is an Administrative Variance

#### APPLICANT INFORMATION

William R. Braswell SR.                      OakHall Companies, LLC  
 Applicant Name    Company  
770-662-5995                      404-234-6669                      678-262-3588  
 Primary Phone #                      Alternate Phone #                      Fax #  
ted@oakhallcompanies.com  
 Email Address

#### PROJECT SUMMARY

The Village of East Avenue  
Name of Project

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

See attached letter.



CITY of CLARKSTON  
PLANNING AND DEVELOPMENT DEPARTMENT  
VARIANCE APPLICATION

1055 ROWLAND STREET  
CLARKSTON, GA 30021  
404.296.6489

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

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

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

Applicant Signature

Property Owner

Owner's Agent

Date

5/9/19



**Disclosure of Campaign Contributions**

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

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

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

Yes  No

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

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

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

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

\_\_\_\_\_  
Description of Campaign Contribution (Please Print)

\$ \_\_\_\_\_  
Dollar Amount

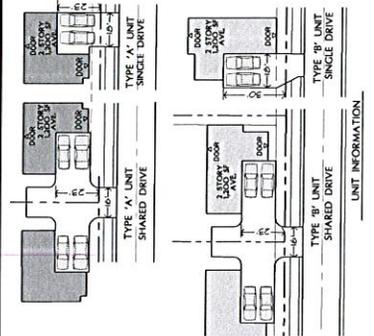
This disclosure must be filed within ten (10) days after the application is first filed and must be submitted to the City of Clarkston, 3921 Church Street, Clarkston, GA 30021.

  
Signature (choose one) Applicant  Owner

\_\_\_\_\_  
5-9-19  
Date

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Date and Seal



**UNIT INFORMATION**

**TYPE 'A' UNIT SHARED DRIVE**

**TYPE 'A' UNIT SINGLE DRIVE**

**TYPE 'B' UNIT SHARED DRIVE**

**TYPE 'B' UNIT SINGLE DRIVE**

**SITE SUMMARY**

NR-1 & DEALB R-85  
6.29 ACRES

**SINGLE FAMILY**

4 UNITS  
24 UNITS  
24 UNITS  
36 UNITS  
**TOTAL**

**DENSITY**  
36 UNITS / 6.29 ACRES

**5.72 UNITS/ACRE**

**73 SPACES**

**14,400 SF**

**78,635 SF**

**OPEN SPACE REQ'D:** 14,400 SF

**OPEN SPACE PROVIDED:** 78,635 SF

**PARKING REQUIRED:** (2 SP/UNIT)

**PARKING PROVIDED:** (400SF/UNIT)



**OAK HALL**  
COMPANIES LLC

**CLARKSTON TRACT**  
**RESIDENTIAL CONCEPT**

LOCATED IN LAND LOTS 67 AND 96 OF THE 18TH DISTRICT, DEKALB COUNTY, GEORGIA

Prepared for  
**Oak Hall Companies, LLC**  
5256 Peachtree Road, Suite 195  
Atlanta, GA 30341  
770-662-5995

MAY 7, 2019

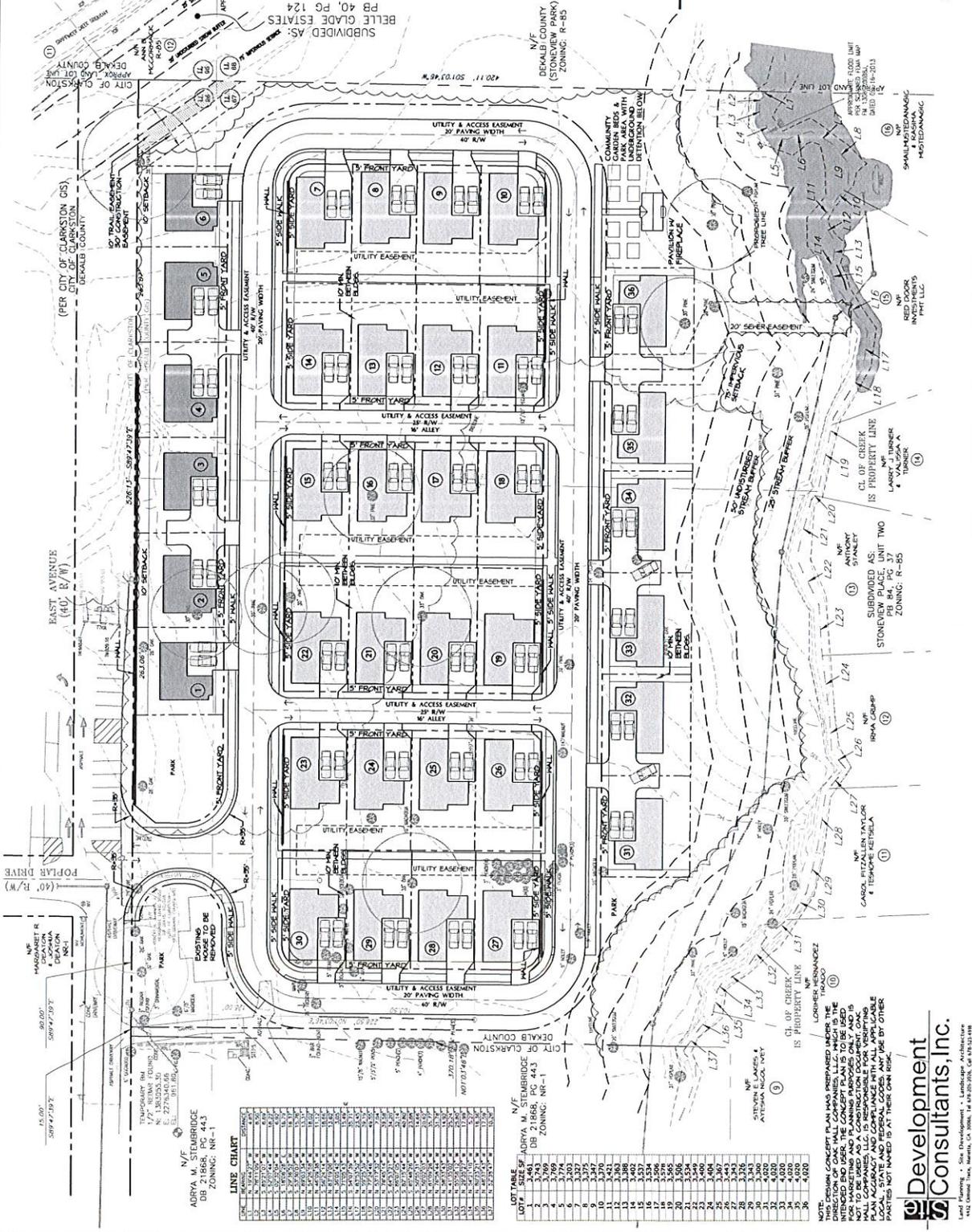
**SITE PLAN**

NOT RELEASED FOR CONSTRUCTION

Scale: 1"=30'

0 15 30 60 NORTH

Sheet **1** OF 4



**LINE CHART**

LOT	SIZE SF	ADRYA M. STEMBRIDGE DB 21868, PC 443 ZONING: NR-1
1	3,743	
2	3,743	
3	3,743	
4	3,743	
5	3,743	
6	3,743	
7	3,743	
8	3,743	
9	3,743	
10	3,743	
11	3,743	
12	3,743	
13	3,743	
14	3,743	
15	3,743	
16	3,743	
17	3,743	
18	3,743	
19	3,743	
20	3,743	
21	3,743	
22	3,743	
23	3,743	
24	3,743	
25	3,743	
26	3,743	
27	3,743	
28	3,743	
29	3,743	
30	3,743	
31	3,743	
32	3,743	
33	3,743	
34	3,743	
35	3,743	
36	3,743	
37	3,743	

**Development Consultants, Inc.**

4432 Diamond Drive, Norcross, GA 30068, Tel: 478-226-2526, Fax: 478-226-1818

NOTE: THIS DESIGN CONCEPT PLAN WAS PREPARED UNDER THE INTENDED END USER. THE CONCEPT PLAN IS TO BE USED FOR PRELIMINARY DESIGN AND CONSTRUCTION DOCUMENTS ONLY. DEVELOPMENT CONSULTANTS, INC. IS NOT RESPONSIBLE FOR VERIFYING LOCAL, STATE AND FEDERAL CODES. ANY USE BY OTHER PARTIES NOT NAMED IS AT THEIR OWN RISK.



**OAK HALL**  
— COMPANIES LLC —

# CLARKSTON TRACT RESIDENTIAL CONCEPT

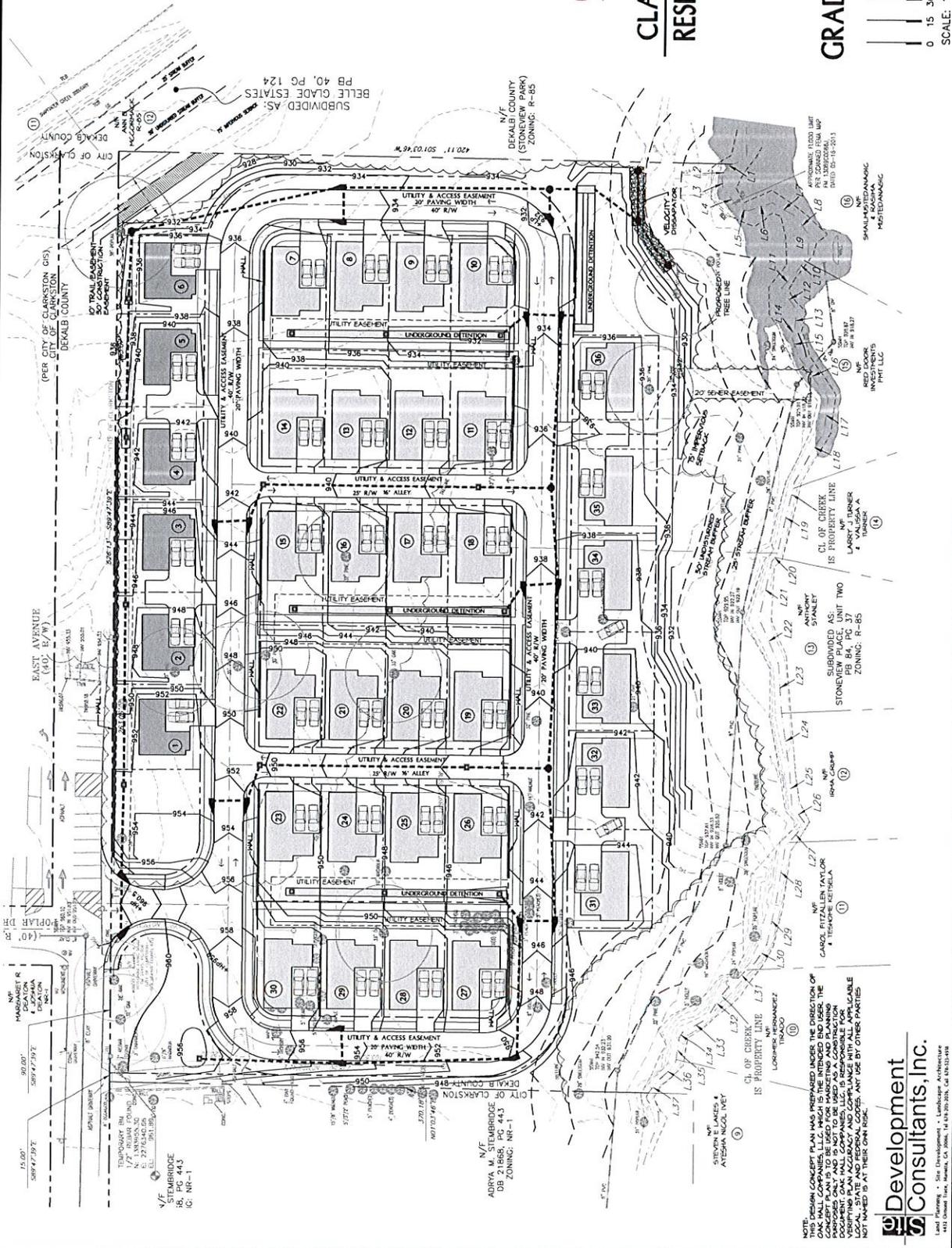
LOCATED IN LAND LOTS 47 AND 48 OF THE  
10TH DISTRICT, DEKALB COUNTY, GEORGIA.  
Prepared for  
Oak Hall Companies, LLC  
5256 Peachtree Road, Suite 195  
Atlanta, GA 30341  
770-662-5995  
MAY 7, 2019

## GRADING & DRAINAGE

NOT RELEASED FOR CONSTRUCTION

Sheet **2** OF 4

SCALE: 1"=30'



NOTE: THIS CONCEPT PLAN WAS PREPARED UNDER THE DIRECTION OF OAK HALL COMPANIES, LLC, WHICH IS THE INTENDED END USER. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THAT ALL LOCAL, STATE AND FEDERAL CODES, ANY USE BY OTHER PARTIES NOT NAMED IS AT THEIR OWN RISK.

**Development Consultants, Inc.**  
14411 Peachtree Road, Suite 100, Atlanta, Georgia 30329  
404.252.3333, Fax 404.252.3334, Cell 404.252.3338



**OAK HALL**  
— COMPANIES LLC

# CLARKSTON TRACT RESIDENTIAL CONCEPT

LOCATED IN LOTS 67 AND 68 OF THE  
19TH DISTRICT, DEKALB COUNTY, GEORGIA

Prepared for

Oak Hall Companies, LLC  
5256 Peachtree Road, Suite 195  
Atlanta, GA 30341

770-662-5995

MAY 7, 2019

## UTILITY PLAN

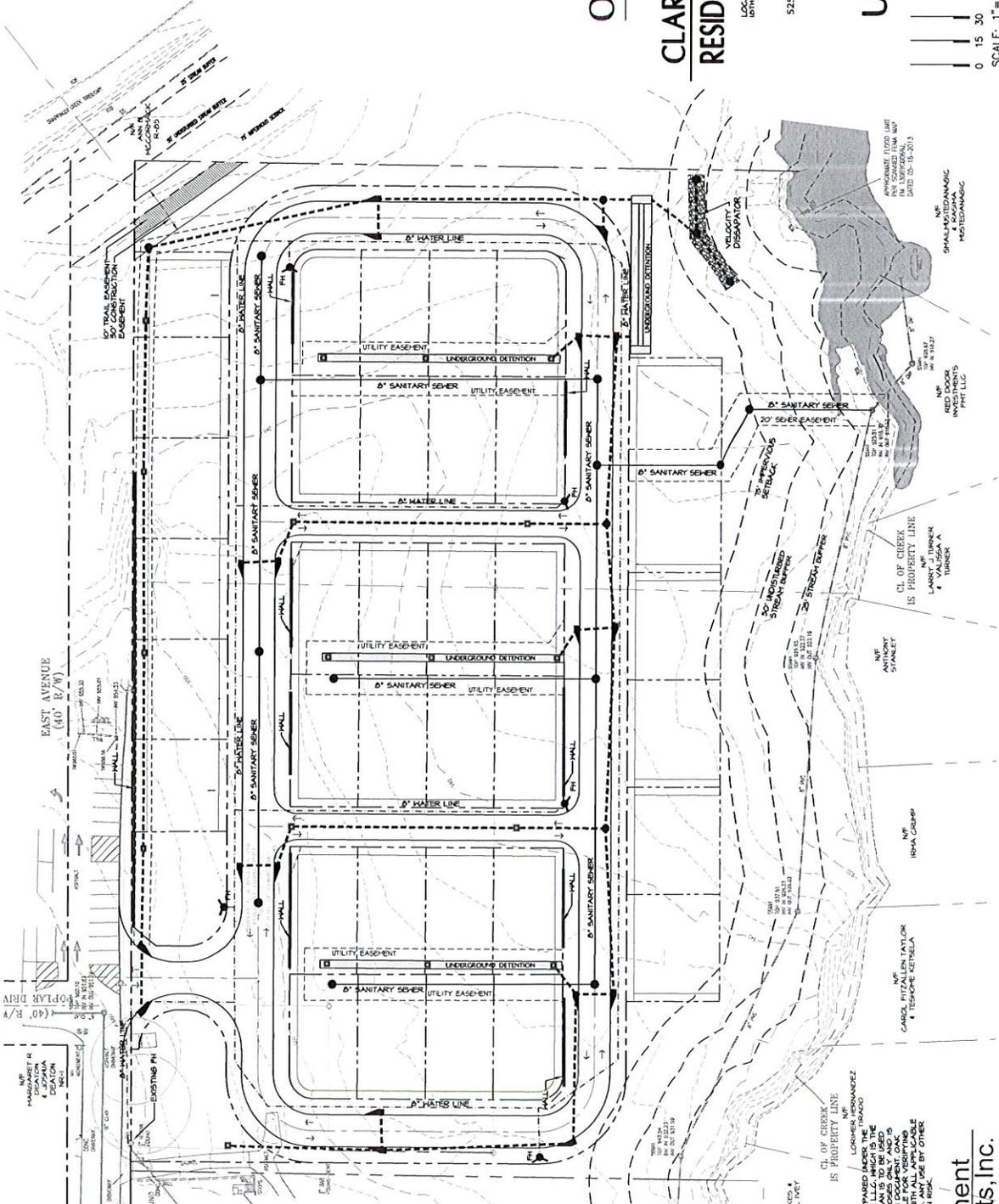
NOT RELEASED FOR CONSTRUCTION

Scale: 1" = 30'

0 15 30 60

Sheet **3** OF 4

NORTH



THIS DESIGN CONCEPT PLAN HAS BEEN PREPARED UNDER THE DIRECTION OF OAK HALL COMPANIES, LLC, WHICH IS THE ARCHITECT OF RECORD FOR THE PROJECT AND IS NOT TO BE USED FOR MARKETING AND PLANNING PURPOSES ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSES. OAK HALL COMPANIES, LLC IS NOT RESPONSIBLE FOR VERIFYING PLAN ACCURACY AND COMPLIANCE WITH ALL APPLICABLE REGULATIONS AND CODES. ALL UTILITIES SHOWN ON THIS PLAN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY DATA. OTHER UTILITIES NOT SHOWN ARE AT THE USER'S OWN RISK.

**Development Consultants, Inc.**  
Land Planning • Site Development • Landscape Architecture  
1100 Peachtree Street, N.E., Suite 1000, Atlanta, GA 30309

APPROXIMATE FLOOD LIMIT  
IN 100-YEAR FLOOD  
DATE: 05-15-2013

SHAW-HUTCHINGS  
A. SHAW  
P. HUTCHINGS

RED BOOK  
INVESTMENTS  
PRT, LLC

CL. OF CREEK  
IS PROPERTY LINE  
LARRY J. TURNER  
VALERIE A.  
TURNER

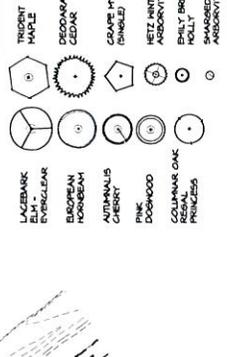
IRMA CRISP

CAROL FITZALLAN TAYLOR  
& TESHORE KETHELA

CL. OF CREEK  
IS PROPERTY LINE  
LARRY J. TURNER  
VALERIE A.  
TURNER

CL. OF CREEK  
IS PROPERTY LINE  
LARRY J. TURNER  
VALERIE A.  
TURNER

# TREE LEGEND



TREE REQUIREMENTS	U.S. UNITS	MIN. SIZE QUANT.
OPEN SPACE REQ'D: (400SF/UNIT)	14,000 SF	15
CHERRY TREES REQ'D (1 TREE/500SF REQ'D OPEN SPACE)	30 TREES	5
CHERRY TREES REQ'D (1 TREE/500SF REQ'D OPEN SPACE)	77 TREES	5
UNDERSTORY TREES REQ'D (1 TREE/500SF REQ'D OPEN SPACE)	30 TREES	5
UNDERSTORY TREES REQ'D (1 TREE/500SF REQ'D OPEN SPACE)	58 TREES	5

COMMON NAME	BOTANICAL NAME	MIN. SIZE QUANT.
Amelanchier	Amelanchier	2" CH.
Buckeye	Corylus florida	2" CH.
Cherry	Cerasus	2" CH.
Hickory	Carya	2" CH.
American	Quercus	2" CH.
Cherry	Cerasus	2" CH.
Myrtle	Myrica	2" CH.
Anti	Quercus	2" CH.
Green	Quercus	2" CH.
Washington	Quercus	2" CH.
Holly	Ilex	2" CH.
Bronze	Quercus	2" CH.
Shadower	Quercus	2" CH.
Assortive	Quercus	2" CH.

SIZE	QUANT.	POP.
30"	5	1
32"	1	2
38"	1	1

SIZE	QUANT.	POP.
30"	5	1
32"	1	2
38"	1	1

SIZE	QUANT.	POP.
30"	5	1
32"	1	2
38"	1	1

SIZE	QUANT.	POP.
30"	5	1
32"	1	2
38"	1	1

SIZE	QUANT.	POP.
30"	5	1
32"	1	2
38"	1	1

SIZE	QUANT.	POP.
30"	5	1
32"	1	2
38"	1	1

SIZE	QUANT.	POP.
30"	5	1
32"	1	2
38"	1	1

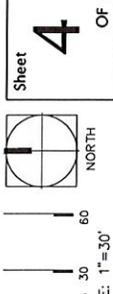
SIZE	QUANT.	POP.
30"	5	1
32"	1	2
38"	1	1

SIZE	QUANT.	POP.
30"	5	1
32"	1	2
38"	1	1

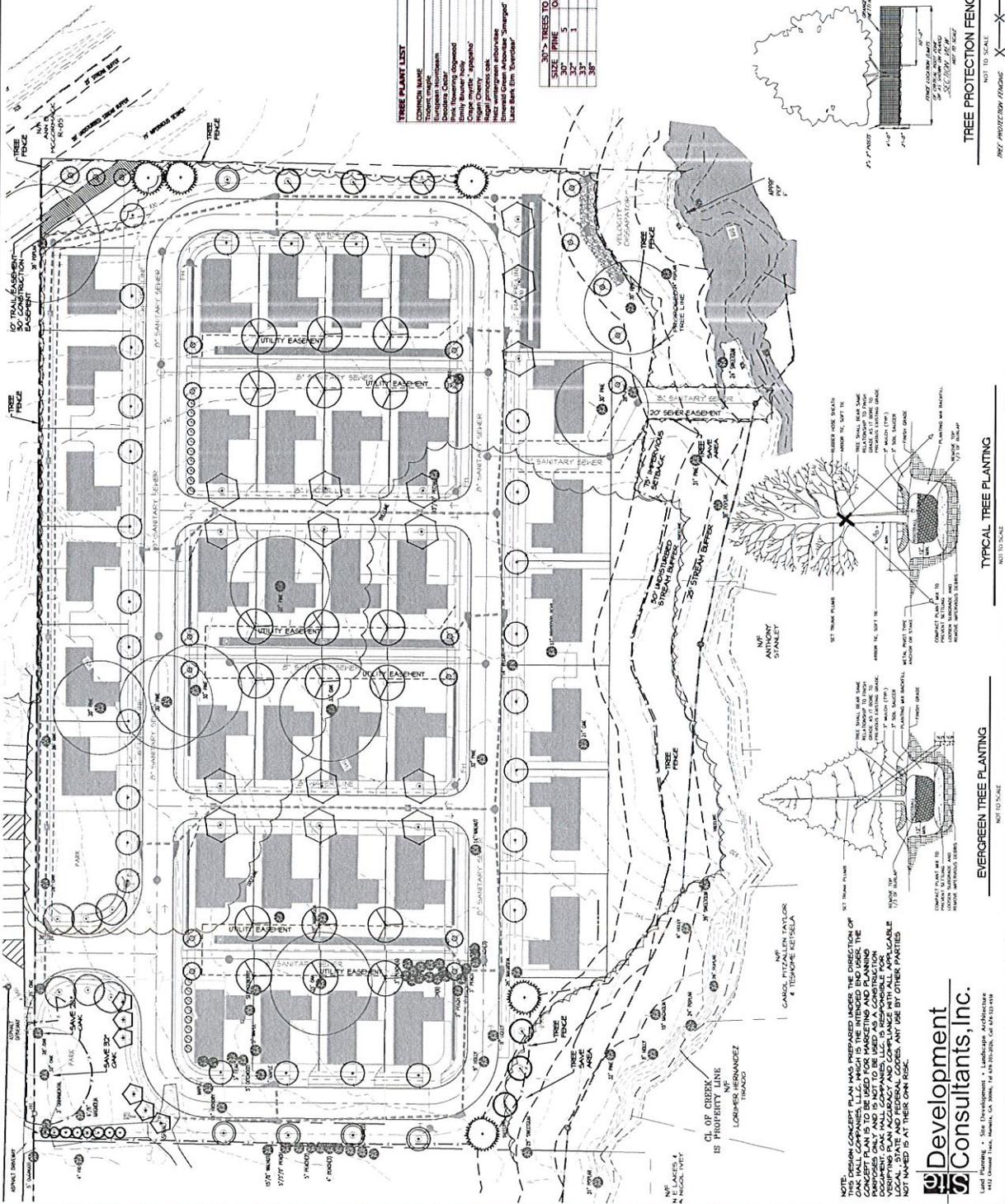
# OAK HALL — COMPANIES, LLC — CLARKSTON TRACT RESIDENTIAL CONCEPT

Prepared for  
Oak Hall Companies, LLC  
5256 Peachtree Road, Suite 195  
Atlanta, GA 30341  
770-662-5995

## TREE PLAN



NOT RELEASED FOR CONSTRUCTION  
Sheet **4** OF 4  
NORTH  
SCALE: 1"=30'



NOTE: THIS DESIGN CONCEPT PLAN WAS PREPARED UNDER THE DIRECTION OF CAROL FITZALLAN TAYLOR & TISHORE WELLS. THE CONCEPT PLAN IS TO BE USED FOR MARKETING AND PLANNING PURPOSES ONLY AND IS NOT TO BE USED FOR CONSTRUCTION DOCUMENTS. THE DESIGNER'S LIABILITY IS LIMITED TO THE VERIFICATION OF PLAN ACCURACY AND COMPLIANCE WITH ALL APPLICABLE REGULATIONS. THE USER ASSUMES ALL RISK. ANY USE BY OTHER PARTIES NOT NAMED IS AT THEIR OWN RISK.

**Development Consultants, Inc.**  
Land Planning • Site Development • Landscape Architecture  
1433 Grand View, Houston, TX 77058, Tel: 281-250-2826, Fax: 281-250-2826



## Legal Description

### OVERALL

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lots 67 & 96, 18<sup>th</sup> District, DeKalb County, Georgia, being more particularly described as follows:

**TO FIND THE POINT OF BEGINNING** commence at the southeastern intersection of the right of way of East Avenue (40 feet right of way) and the right of way of Market Street, a.k.a. McLendon Avenue; thence easterly along the southern right of way of East Avenue a distance of 920.69 feet to a point, that is the **POINT OF BEGINNING**; thence continuing along said right of way South  $89^{\circ}47'39''$  East a distance of 15.00 feet to a point; thence leaving said right of way South  $01^{\circ}03'46''$  West a distance of 125.00 feet to a point; thence South  $89^{\circ}47'39''$  East a distance of 90.00 feet to a point; thence North  $01^{\circ}03'46''$  East a distance of 125.00 feet to a point located on the southern right of way of East Avenue; thence along said right of way South  $89^{\circ}47'39''$  East a distance of 526.13 feet to a point; thence leaving said right of way South  $01^{\circ}03'46''$  West a distance of 420.11 feet to a point located on the centerline of creek; thence along said centerline of creek the following courses and distances: North  $19^{\circ}44'27''$  West a distance of 4.85 feet to a point; thence North  $78^{\circ}11'09''$  West a distance of 8.50 feet to a point; thence South  $85^{\circ}21'07''$  West a distance of 6.69 feet to a point; thence South  $52^{\circ}07'44''$  West a distance of 18.22 feet to a point; thence South  $02^{\circ}32'04''$  West a distance of 6.92 feet to a point; thence South  $18^{\circ}06'28''$  East a distance of 16.79 feet to a point; thence South  $29^{\circ}36'52''$  West a distance of 18.37 feet to a point; thence South  $53^{\circ}30'07''$  West a distance of 15.76 feet to a point; thence North  $89^{\circ}03'34''$  West a distance of 13.31 feet to a point; thence North  $54^{\circ}26'58''$  West a distance of 18.02 feet to a point; thence North  $46^{\circ}09'38''$  West a distance of 11.12 feet to a point; thence South  $56^{\circ}24'14''$  West a distance of 18.66 feet to a point; thence North  $83^{\circ}19'06''$  West a distance of 13.62 feet to a point; thence North  $36^{\circ}05'42''$  West a distance of 3.05 feet to a point; thence South  $71^{\circ}05'43''$  West a distance of 15.49 feet to a point; thence South  $54^{\circ}07'39''$  West a distance of 35.71 feet to a point; thence North  $83^{\circ}53'52''$  West a distance of 23.45 feet to a point; thence North  $59^{\circ}25'39''$  West a distance of 39.19 feet to a point; thence North  $77^{\circ}24'46''$  West a distance of 49.55 feet to a point; thence North  $53^{\circ}17'32''$  West a distance of 7.04 feet to a point; thence North  $76^{\circ}45'14''$  West a distance of 39.58 feet to a point; thence South  $64^{\circ}53'21''$  West a distance of 34.20 feet to a point; thence South  $86^{\circ}07'05''$  West a distance of 32.14 feet to a point; thence South  $82^{\circ}15'44''$  West a distance of 40.80 feet to a point; thence South  $85^{\circ}48'26''$  West a distance of 23.88 feet to a point; thence South  $50^{\circ}55'31''$  West a distance of 14.66 feet to a point; thence North  $50^{\circ}02'03''$  West a distance of 20.62 feet to a point; thence North  $81^{\circ}09'26''$  West a distance of 35.77 feet to a point; thence North  $76^{\circ}58'44''$  West a distance of 31.78 feet to a point; thence North  $58^{\circ}33'43''$  West a distance of 14.92 feet to a point; thence North  $41^{\circ}35'02''$  West a distance of 25.24 feet to a point; thence North  $55^{\circ}58'12''$  West a distance of 25.80 feet to a point; thence North  $29^{\circ}35'27''$  West a distance of 17.99 feet to a point; thence North  $54^{\circ}21'10''$  West a distance of 5.27 feet to a point; thence North  $80^{\circ}23'21''$  West a distance of 16.36 feet to a point; thence North  $48^{\circ}37'43''$  West a distance of 17.59 feet to a point; thence North

## *Legal Description*

### *TRACT 1*

**ALL THAT TRACT OR PARCEL OF** land lying and being in Land Lots 67 & 96, 18<sup>th</sup> District, DeKalb County, Georgia, being more particularly described as follows:

**TO FIND THE POINT OF BEGINNING** commence at the southeastern intersection of the right of way of East Avenue (40 feet right of way) and the right of way of Market Street, a.k.a. McLendon Avenue; thence easterly along the southern right of way of East Avenue a distance of 920.69 feet to a point, that is the **POINT OF BEGINNING**; thence continuing along said right of way South 89°47'39" East a distance of 15.00 feet to a point; thence leaving said right of way South 01°03'46" West a distance of 228.50 feet to a point; thence South 89°47'39" East a distance of 353.06 feet to a point; thence South 01°03'46" West a distance of 226.79 feet to a point located on the centerline of creek; thence along the centerline of creek the following courses and distances: North 53°17'32" West a distance of 7.04 feet to a point; thence North 76°45'14" West a distance of 39.58 feet to a point; thence South 64°53'21" West a distance of 34.20 feet to a point; thence South 86°07'05" West a distance of 32.14 feet to a point; thence South 82°15'44" West a distance of 40.80 feet to a point; thence South 85°48'26" West a distance of 23.88 feet to a point; thence South 50°55'31" West a distance of 14.66 feet to a point; thence North 50°02'03" West a distance of 20.62 feet to a point; thence North 81°09'26" West a distance of 35.77 feet to a point; thence North 76°58'44" West a distance of 31.78 feet to a point; thence North 58°33'43" West a distance of 14.92 feet to a point; thence North 41°35'02" West a distance of 25.24 feet to a point; thence North 55°58'12" West a distance of 25.80 feet to a point; thence North 29°35'27" West a distance of 17.99 feet to a point; thence North 54°21'10" West a distance of 5.27 feet to a point; thence North 80°23'21" West a distance of 16.36 feet to a point; thence North 48°37'43" West a distance of 17.59 feet to a point; thence North 52°38'47" West a distance of 10.28 feet to a point; thence leaving said centerline of creek North 01°03'46" East a distance of 370.18 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 1.898 Acres.

52°38'47" West a distance of 10.28 feet to a point; thence leaving said centerline of creek North 01°03'46" East a distance of 370.18 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 6.292 Acres.

## *Legal Description*

### *TRACT 2*

**ALL THAT TRACT OR PARCEL OF** land lying and being in Land Lots 67 & 96, 18<sup>th</sup> District, DeKalb County, Georgia, being more particularly described as follows:

**TO FIND THE POINT OF BEGINNING** commence at the southeastern intersection of the right of way of East Avenue (40 feet right of way) and the right of way of Market Street, a.k.a. McLendon Avenue; thence easterly along the southern right of way of East Avenue a distance of 1025.69 feet to a point, that is the **POINT OF BEGINNING**; thence continuing along said right of way South 89°47'39" East a distance of 263.06 feet to a point; thence leaving said right of way South 01°03'46" West a distance of 228.50 feet to a point; thence North 89°47'39" West a distance of 353.06 feet to a point; thence North 01°03'46" East a distance of 103.50 feet to a point; thence South 89°47'39" East a distance of 90.00 feet to a point; thence North 01°03'46" East a distance of 125.00 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 1.594 Acres.

## *Legal Description*

### *TRACT 3*

**ALL THAT TRACT OR PARCEL OF** land lying and being in Land Lots 67 & 96, 18<sup>th</sup> District, DeKalb County, Georgia, being more particularly described as follows:

**TO FIND THE POINT OF BEGINNING** commence at the southeastern intersection of the right of way of East Avenue (40 feet right of way) and the right of way of Market Street, a.k.a. McLendon Avenue; thence easterly along the southern right of way of East Avenue a distance of 1288.75 feet to a point, that is the **POINT OF BEGINNING**; thence continuing along said right of way South 89°47'39" East a distance of 263.07 feet to a point; thence leaving said right of way South 01°03'46" West a distance of 420.11 feet to a point located on the centerline of creek; thence along said creek the following courses and distances: North 19°44'27" West a distance of 4.85 feet to a point; thence North 78°11'09" West a distance of 8.50 feet to a point; thence South 85°21'07" West a distance of 6.69 feet to a point; thence South 52°07'44" West a distance of 18.22 feet to a point; thence South 02°32'04" West a distance of 6.92 feet to a point; thence South 18°06'28" East a distance of 16.79 feet to a point; thence South 29°36'52" West a distance of 18.37 feet to a point; thence South 53°30'07" West a distance of 15.76 feet to a point; thence North 89°03'34" West a distance of 13.31 feet to a point; thence North 54°26'58" West a distance of 18.02 feet to a point; thence North 46°09'38" West a distance of 11.12 feet to a point; thence South 56°24'14" West a distance of 18.66 feet to a point; thence North 83°19'06" West a distance of 13.62 feet to a point; thence North 36°05'42" West a distance of 3.05 feet to a point; thence South 71°05'43" West a distance of 15.49 feet to a point; thence South 54°07'39" West a distance of 35.71 feet to a point; thence North 83°53'52" West a distance of 23.45 feet to a point; thence North 59°25'39" West a distance of 39.19 feet to a point; thence North 77°24'46" West a distance of 49.55 feet to a point; thence leaving said centerline of creek North 01°03'46" East a distance of 455.29 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 2.801 Acres.

Title is vested in the following:

3861 East Avenue	Ray G. Adams
3835 East Avenue	The Robert A. Poe and Hazel A. Poe Revocable Living Trust Dated 2/1,2009, Robert A. Poe and Hazel A. Poe, Trustees
3827 East Avenue	The Estate of Joan E. Adams

Deeds/ Estate docs attached

FILED & RECORDED  
DEKALB CO. GA.

AUG 17 11 56 AM '93

CLERK OF SUPERIOR COURT  
DEKALB COUNTY, GA.

STATE OF GEORGIA  
DEKALB COUNTY

EXECUTOR'S DEED

THIS INDENTURE, Made this 16th day of August, in the year of our Lord One Thousand Nine Hundred Ninety Three (1993), between JOAN E. ADAMS, as Executrix of the Last Will and Testament of VERSIE A. ADAMS, Testatrix, late of the State of Georgia, and County of DeKalb, deceased, of the First Part, hereinafter called Grantor, and RAY G. ADAMS, of the State of Georgia and County of DeKalb, of the Second part, hereinafter called Grantee, the words "grantor" and "grantee" to include their respective heirs, successors and assigns where the contest requires or permits:

WITNESSETH: that the said Grantor (acting under and by virtue of the power and authority in said Will, the same having been duly probated and recorded in the Probate Court of DeKalb County, Georgia), as Executrix under the Will of VERSIE A. ADAMS, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted and conveyed, and by these presents does grant and convey unto the said Grantee, Testatrix's interest in:

all that tract or parcel of land lying and being in Land Lot 67 of the 18th District of DeKalb County, Georgia, and described more particularly as Tract 3, being 2.797 acres, as shown on survey dated 3/24/85, marked Exhibit A, recorded at Deed Book 6253, Page 252, DeKalb County Records, which survey is hereby incorporated by reference.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever, IN FEE SIMPLE, in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by the said Deceased.

IN WITNESS WHEREOF, Grantor herein has hereunto to set hand and seal, the day and year first above written.

Signed, sealed and delivered in the presence of:

Joan E. Adams (SEAL)  
JOAN E. ADAMS as Executrix

James R. Gray  
Official Witness

Cynthia L. Horton, Attorney at Law  
315 W. Ponce de Leon Ave. Suite 842  
Decatur, GA 30030 (404) 371-8233



J. Horton  
Notary Public, DeKalb County, Georgia  
My Commission Expires July 11, 1997

BOOK 7795 PAGE 159

DeKalb County, Georgia  
Rec'd Estate Transfer Tax  
Paid \$ NONE  
CLERK, SUPERIOR COURT  
William Thurman  
Clerk

2009075062 DEED BOOK 21358 Pg 331



Real Estate Transfer Tax \$0.00

Filed and Recorded:

4/3/2009 4:32:57 PM

Linda Carter  
Clerk of Superior Court  
DeKalb County, Georgia

Heritage Trust  
P.O. Box 66972  
Scotts Valley, CA 95067  
(831) 438-5047

Recording requested by and  
when recorded return to and  
MAIL TAX STATEMENTS TO:

Robert and Hazel Poe  
3809 East Avenue  
Clarkston, GA 30021

## Quit Claim Deed

The undersigned declares that the documentary transfer tax is -0-.  
Exempt: not a sale, transfer to trustees. This transfer is being made to effectuate an estate plan.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Robert A. Poe and Hazel A. Poe  
3809 East Avenue  
Clarkston, GA 30021

hereby quit claims to:

---

Quit Claim Deed Page 1 of 2

This Quit Claim Deed does not constitute the rendering of legal advice or services. This product is intended for information use only and is not a substitute for legal advice. State laws vary, so consult an attorney on all legal matters. This product was not necessarily prepared by a person licensed to practice law in your state.



DeKalb County, Georgia  
Real Estate Transfer Tax  
Paid \$ NONE  
CLERK, SUPERIOR COURT  
*Mary Thomas*  
Deputy Clerk

STATE OF GEORGIA  
DEKALB COUNTY

EXECUTOR'S DEED

THIS INDENTURE, Made this 16th day of August, in the year of our Lord One Thousand Nine Hundred Ninety Three (1993), between JOAN E. ADAMS, as Executrix of the Last Will and Testament of VERDIE A. ADAMS, Testatrix, late of the State of Georgia and County of DeKalb, deceased, of the First Part, hereinafter called Grantor, and JOAN E. ADAMS, of the State of Georgia and County of DeKalb, of the Second part, hereinafter called Grantee, the words "grantor" and "grantee" to include their respective heirs, successors and assigns where the context requires so permits:

WITNESSETH: that the said Grantor (acting under and by virtue of the power and authority in said Will, the same having been duly probated and recorded in the Probate Court of DeKalb County, Georgia), as Executrix under the Will of VERDIE A. ADAMS, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted and conveyed, and by these presents does grant and convey unto the said Grantee, Testatrix's interest in:

all that tract or parcel of land lying and being in Land Lot 67 of the 18th District of DeKalb County, Georgia, and described more particularly as Tract 1, being 1.912 acres, as shown on survey dated 9/24/85, marked Exhibit A, recorded at Deed Book 6253, Page 252, DeKalb County Records, which survey is hereby incorporated by reference.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever, IN FEE SIMPLE; in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by the said Deceased.

IN WITNESS WHEREOF, Grantor herein has hereunto to set hand and seal, the day and year first above written.

Signed, sealed and delivered in the presence of:

*Joan E. Adams* (SEAL)  
JOAN E. ADAMS as Executrix

*James R. Gray*  
Unofficial Witness  
Cynthia L. Horton, Attorney at Law  
315 W. Ponce de Leon Ave. Suite 842  
Decatur, GA 30030 (404) 371-8233



Notary Public, DeKalb County, Georgia  
My Commission Expires July 11, 1997

FILED & RECORDED  
DEKALB CO. GA.  
AUG 17 1993  
11 56 AM '93

LAST WILL AND TESTAMENT  
OF  
JOAN ELIZABETH CROUT ADAMS

I, JOAN ELIZABETH CROUT ADAMS, of DeKalb County, Georgia, do make and publish this my Last Will and Testament, hereby revoking all other Wills and Codicils heretofore made by me.

ITEM ONE

I wish my body be buried in a suitable manner at Georgia Memorial Park, Marietta, Georgia where I own two cemetery lots that are paid in full and I wish a suitable memorial erected and the cost thereof paid out of my Estate.

ITEM TWO

I direct that all my just debts, including expenses of last illness and funeral, be paid by my Executor as soon as practicable after my death.

ITEM THREE

I give and devise to my daughter, Beverly Lanning Adams Marks, if she is living at the time of my death, all of my personal jewelry, my Theodore Havalind china, my Stief sterling silver and serving pieces, my sterling silver goblets, my cut glass, all of my crystal, my antique bedroom suit and all of the family documents pertaining to the Adams name.

ITEM FOUR

I give and bequeath to my son, William Kells Browne, if he is living at the time of my death, my personal automobiles.

ITEM FIVE

All of the rest, residue and remainder of my property of every kind and description and wherever located (but not including any property over which I may have the power of disposition or appointment), I give, devise and bequeath to my husband, Norman Philip Adams, if he survives me by thirty (30) days, and if he fails so to survive me, I give, devise and bequeath such property, to my children then living with an

PAGE (1) OF MY LAST WILL AND TESTAMENT.  
*Joan Elizabeth Crout Adams* P.K.W.

equal share per stirpes to the then lineal descendants of a deceased child of mine. If at the time of my death, none of my children nor any lineal descendants thereof are in life, then all of the property in this Item shall be distributed to my heirs-at-law according to the laws of descent and distribution now in effect in the State of Georgia.

ITEM SIX

I hereby designate and appoint Beverly Lanning Adams Marks, of Plano, Texas as Executrix of this Will. If she shall decline to serve, or for any reason cannot serve, or after having qualified, dies, resigns or becomes incapacitated, I name William Kells Browne of Paulding County, Georgia as Executor with all powers, rights and immunities granted in this Will. I expressly confer upon my Executrix the power, as such, to administer my Estate, excusing her from giving any bond and from making and filing inventory and appraisement, or making any returns to the probate or any other Court concerning her acts or doings, and I expressly confer upon said individual the full authority and power to sell any part of my Estate not hereinbefore specially devised, including real or personal property at public or private sale, with or without notice, as she may deem best, and without any order of, or report to, any Court, making good and sufficient conveyances to the purchaser and holding the proceeds of the said sale to the same uses and trusts as hereinbefore declared in the several Items of this my LAST WILL AND TESTAMENT. I further hereby expressly confer upon my Executrix herein named the authority and power to borrow money for the use of my said Estate, in any instance where she may think it necessary and proper, and to secure the same by lien, mortgage, security deed, or trust deed, or other form of security to or upon any part of my Estate, not hereinbefore specifically devised; the foregoing powers my Executrix may do without the order of any Court. Said Executrix is further given full and complete power and authority to compromise, adjust, or settle any claims or

PAGE (2) OF MY LAST WILL AND TESTAMENT P.K.W. R.  
*Jean Elizabeth Crout Adams*

demands by or against my Estate, and, to rescind or modify any contract affecting my Estate. My Executrix is further hereby empowered and authorized to employ agents, auditors, attorneys, or real estate brokers, and to pay them reasonable compensation for their services.

**ITEM EIGHT**

There shall be an original and two (2) copies of this instrument which, when properly signed and witnessed, shall constitute original evidence of this my LAST WILL AND TESTAMENT.

IN WITNESS WHEREOF, I have hereunto set my Hand and affixed my Seal to this my Will, appearing on this and the two (2) preceding pages hereof, each of which preceding page is identified by my signature, this the 29 day of February, 1988.

(SEAL)

Joan Elizabeth Crout Adams

SIGNED, SEALED, PUBLISHED and DECLARED by Joan Elizabeth Crout <sup>Adams</sup> and for his Last Will and Testament, in our presence, and we at his request, and in his presence, and in the presence of each other, have hereunto subscribed our names as witnesses the day and year above set out.

WITNESS

ADDRESS:

Debrae Lane

5211-B Oldfield Ct.  
College Park Ga 30349

D. Kim White

1402 Harvest Grove Lane  
Conyers, Ga. 30208

PAGE (3) OF MY LAST WILL AND TESTAMENT

Joan Elizabeth Crout Adams <sup>DKW</sup>

PETITION TO PROBATE WILL IN COMMON FORM

STATE OF GEORGIA  
COUNTY OF DEKALB

To the Honorable Judge of the Probate Court:

The petition of Beverly Lanning Adams Marks, whose  
mailing address is 3520 Big Horn Trail Plano, TX 75075,  
respectfully shows to the Court:

1.  
On August 16, 1990, Joan Elizabeth Adams  
whose place of domicile was 2772 Winding Lane AtL DeKalb GA  
and whose legal residence was 2772 Winding Lane AtL DeKalb GA  
departed this life owning property in Georgia.

2.  
While alive, the decedent duly made and published a Last Will and Testament  
which is offered for probate in Common Form. Your petitioner is named as the  
Executor.

3.  
Listed below are all of deceased's heirs at law, with the age, address, and  
relationship to deceased set opposite the name of each:

Name	Age	Address	Relationship
<u>Norman P. Adams</u>	<u>62</u>	<u>2772 Winding Lane AtL, GA</u>	<u>husband</u>
<u>William K. Browne</u>	<u>40</u>	<u>8214 Oak Creek Ct Dallas, GA</u>	<u>son</u>
<u>Beverly A. Marks</u>	<u>34</u>	<u>3520 Big Horn Trail Plano, TX 75075</u>	<u>daughter</u>

4.  
Additional Data: Where full particulars are lacking, state here the reasons  
for any such omission. If any persons listed above as heirs are cousins,  
grandchildren, nephews or nieces of the deceased, please list the deceased  
ancestor through whom they are related to the deceased.

Court Identification No.

5.

To the knowledge of the petitioner, no other proceedings with respect to this estate are pending, or have been completed, in any other probate court in this state.

WHEREFORE, petitioner(s) pray(s) leave to prove said Will in Common Form, that it be admitted to record on proper proof, that Letters Testamentary issue, and that this Court order such other relief as may be proper under the circumstances.

<u>Beverly Fanning Adams Marks</u> Signature of Attorney (or petitioner if pro se)	Signature of Attorney (or petitioner if pro se)
Address: 3526 Big Bear Pine, TX 75075	Address:
Telephone Number: 214/964-1088	Telephone Number:

GEORGIA, \_\_\_\_\_ COUNTY

Personally appeared before me the undersigned who on oath states that the facts set forth in the foregoing petition are true.

<u>Beverly Fanning Adams Marks</u> Petitioner	Petitioner
Residence Address: 3526 Big Bear Pine, TX 75075	Residence Address:
Telephone Number: 214/964-1088	Telephone Number:

Sworn to and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Margaret A. Huff  
Clerk of Probate Court  
or Notary Public

ORDER

GEORGIA, DeKalb COUNTY

It has been shown to the Court in the matter of the Last Will and Testament of John Elizabeth Adams, deceased, propounded by Beverly Adams Marks, named as Executor, that the said deceased died a resident of said County; and that the said Will has been proven by a witness to be the Last Will and Testament of said deceased as alleged by the propounder.

INTERROGATORIES TO WITNESS TO WILL

Georgia Probate Court Standard Form

PROBATE COURT OF DeKalb COUNTY

Re: Petition of Beverly Lanning Adams Marks to probate in (Common)(Solemn) Form the purported Last Will and Testament dated 2/29/88, 1988, of Joan Elizabeth Crout Adams, deceased.

To: D. Kevin Wheeler 1739 Cheshire Bridge Rd. Atlanta GA 30324
Name Address

The following interrogatories are submitted to you under the provisions of Official Code of Georgia Ann. §53-3-21 as amended; in connection with the petition referred to above.

(Check A or B below:)

- X A. The original of said purported Will is exhibited to you herewith.
B. Attached hereto is a true photographic copy of said purported Will.

You are hereby requested to answer the following questions in the space provided with respect to said purported Will:

- 1. Is the signature "D. Kevin Wheeler" on the last page of the instrument your signature? 1. Answer: yes
2. Is the signature "Joan Elizabeth Crout Adams" on the instrument the signature of the deceased named above? 2. Answer: yes
3. Did the deceased sign this instrument in your presence and in the presence of each other person whose signature appears as a witness to the instrument? 3. Answer: yes
4. Did you witness this Will at the request of the deceased and in the presence of the deceased and in the presence of each other witness? 4. Answer: yes
5. Did the deceased know that he/she was executing his/her Last Will and Testament when he/she executed this instrument? 5. Answer: yes
6. Did the deceased execute this instrument voluntarily? 6. Answer: yes
7. Did the deceased appear to be of sound and disposing mind and memory at the time of execution of this instrument? 7. Answer: yes

Before me, the undersigned Notary Public or Clerk of the Probate Court, appeared D. Kevin Wheeler who, under oath, stated that the answers (s)he has given to the foregoing interrogatories are true and correct. This 24 day of August, 1990.

Signature of Witness (handwritten signature)
Mailing Address: 1739 Cheshire Bridge Rd Atlanta Georgia 30324
Telephone Number: (404) 892-3936

Notary Public for DeKalb County, Georgia
My Commission Expires May 25, 1993

MINUTE 1184 PAGE 11

Note: (1) General instructions applicable to all Georgia probate court standard forms appear in Volume 255 of the Georgia Reports and are available in each probate court; (2) if the interrogatories are submitted to a witness to a purported codicil, appropriate changes must be made in this form.

Effective 1/86

GPCSF 6

Court Identification No.

IT IS, THEREFORE, ORDERED by this Court that said Will be established as the Last Will and Testament of Joan Elizabeth Crout Adams; that the same be admitted to record as proven in Common Form; that the Executor have leave to qualify as such; and upon so doing, that Letters Testamentary be issued.

(Initial and complete the following if applicable:)

— FURTHER ORDERED, that said Executor, being a non-resident of the State of Georgia, be relieved from posting bond, as provided in Item — of the Will and as provided by law.

August 24, 1990  
DATE

[Signature]  
JUDGE OF THE PROBATE COURT

OATH

I do solemnly swear (or affirm) that this writing contains the true last will of the within named Joan Elizabeth Crout Adams, deceased, so far as I know or believe, and that I will well and truly execute the same in accordance with the laws of the State. So help me God.

Sworn to and subscribed before me,  
this 24 day of Aug, 1990.

Margaret A. Griffin  
Judge/Clerk of the Probate Court

[Signature]  
Executor

\_\_\_\_\_  
Executor

EXECUTOR'S LETTERS



Georgia, DeKalb County

BY THE HONORABLE JUDGE OF THE PROBATE COURT

It appears that on the 24th day of August, 19 90, the last Will and Testament of Joan Elizabeth Crout Adams

of this county, was proved in Common form in open court and admitted to record.

Beverly Lanning Adams Marks is therefore, granted the full power as Executor to administer the estate of said deceased, according to the said Will and Testament.

This 24th day of August, 19 90.

Manor Owen Jr.

JUDGE OF THE PROBATE COURT

ATTESTED:

Margaret A. Griffin, Clerk of Probate Court, DeKalb County

MINUTE 1184 PAGE

201

NOTE: NOT VALID UNLESS SEAL AND CLERK'S ATTESTATION AFFIXED.

APPLICATION FOR LETTERS OF DISMISSION  
(RELIEVED OF FILING RETURNS)

GEORGIA, DeKalb COUNTY

To the Honorable Judge of the Probate Court of said State and County:

The application of Beverly Lanning Adams Marks  
(as ~~Executor(s)~~ Administrator(s) of the estate of Joan Elizabeth Crout Adams,  
deceased, show(s) that applicant(s) (has)(have) fully discharged all duties as such, and (is)(are) entitled to be  
discharged from said trust. Applicant(s) further show(s) that applicant(s) (was)(were) relieved from filing  
returns with this Court

under the will of said deceased.

by unanimous consent of the heirs or beneficiaries, as applicable.

WHEREFORE, applicant(s) pray(s) that citation issue herein and be published as required by law, and  
that if no cause be shown to the contrary, applicant(s) be discharged from said trust and receive Letters of  
Dismission.

Address: 3520 Big Horn Trail  
Atlanta GA 30375

Beverly Lanning Adams Marks  
Signature of Attorney (or applicant if pro se)

Telephone: 214/964-1088

VERIFICATION

GEORGIA, DeKalb COUNTY

Personally appeared before me the undersigned applicant who on oath states that the facts set forth in  
the foregoing application are true.

Beverly Lanning Adams Marks  
Signature of Applicant

Residence Address: 3520 Big Horn Trail  
Telephone: 214/964-1088

Sworn to and subscribed before me, this 20th day of September, 1994.

Sharon D. [Signature]  
Clerk of Probate Court or Notary Public

Personally appeared before me the undersigned applicant who on oath states that the facts set forth in  
the foregoing application are true.

Beverly Lanning Adams Marks  
Signature of Applicant

Residence Address: 3520 Big Horn Trail  
Atlanta GA 30375  
Telephone: 214/964-1088

Sworn to and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Clerk of Probate Court or Notary Public

BOOK 1460 PAGE 568

Probate Court of Dekalb County

**ORDER FOR CITATION**

The within and foregoing application having been read and considered, it is Ordered that citation issue and be published as required by law.

  
Judge of the Probate Court

JERYL SILVERMAN  
ACTING PURSUANT TO APPOINTMENT RECORDED  
AT MIN. 1234, PAGE 312, UNDER O.C.G.A.  
§15-9-38 (C) (1) (2) or §15-9-13 (a).  
STATE BAR NUMBER 64637U

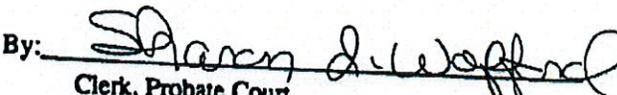
**CITATION**

GEORGIA - PROBATE COURT OF Dekalb COUNTY

Re: Estate of Joan Elizabeth Crout Adams, Deceased

Beverly Lanning Adams Marks, (Executor(s) (Administrator(s)) (has) applied for Letters of Dismission from said trust. This is to notify all persons concerned to show cause, if any they can, why said applicant(s) should not be discharged. All objections must be in writing, setting forth the grounds of any such objections, and filed at or before 10:00 a.m. on the first Monday in November next.

WITNESS the Honorable Marion Guess, Jr., Judge

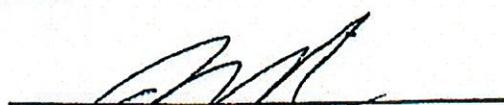
By:   
Clerk, Probate Court

**ORDER**

Probate Court of Dekalb County  
In re: Estate of Joan Elizabeth Crout Adams, Deceased

The foregoing application, averring that the applicant(s) (has)(have) fully discharged the duties of applicant(s) trust, was duly filed in this Court, citation was duly issued and published as required by law, and said application came before this Court at the term stated above, and it appears from the verified application of the applicant(s), whose accounts were not examined by the Court since the applicant(s) (was)(were) relieved of the necessity of filing returns, that the applicant(s) (has)(have) faithfully and honestly discharged the trust and confidence reposed in the applicant(s) and that applicant(s) (is)(are) legally entitled to discharge therefrom, and no good cause was shown to the contrary. Therefore,  
IT IS ORDERED that applicant(s) be, and (is)(are) hereby, discharged from said trust, and that, as evidence thereof, Letters of Dismission issue to applicant(s).

November 7, 1994  
Date

  
Judge of the Probate Court

STATE OF GEORGIA  
COUNTY OF DEKALB

**LETTERS OF DISMISSION  
(Relieved of Filing Returns)**

Re: PETITION FOR LETTERS OF DISMISSION OF BEVERLY LANNING ADAMS MARKS  
AS EXECUTOR OF JOAN ELIZABETH CROUT ADAMS  
DECEASED

NOVEMBER TERM, 19 94

From the Judge of the Probate Court of said County.

KNOW ALL WHOM IT MAY CONCERN:

The above petition was duly filed in this Court, citation was issued and published as required by law, and said petition came before this Court at the term stated above, averring that the petitioner had fully discharged the duties of petitioner's trust, and no good cause was shown to the contrary. Based upon the verified petition of the petitioner, whose accounts were not examined by the Court since the petitioner was relieved of the necessity of filing returns, this Court granted an order discharging petitioner as such fiduciary and directing that Letters of Dismission issue to petitioner as evidence of such discharge.

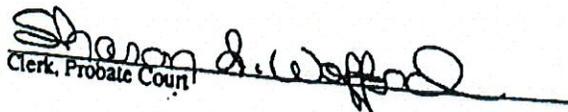
These letters are, therefore, evidence that each petitioner named above has fully discharged said trust, and is relieved from all liability as such fiduciary, as provided by law.

Given under my hand and official seal, this 7th day of November, 19 94.

  
\_\_\_\_\_  
Judge of the Probate Court

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by:

  
\_\_\_\_\_  
Clerk, Probate Court

(Seal)

## Exhibit "A"

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

1. The property will generally be developed substantially as depicted on the attached conceptual site plan dated May 7, 2019, particularly as to the depicted site configuration and vegetated buffers. Such conceptual site plan is attached hereto and labeled as Exhibit "B."
2. The site shall have no more than thirty-six (36) single family cottage-style homes.
3. None of the homes will have more than three (3) bedrooms.
4. The building materials for the homes shall be a mixture of real brick, stone or hardi-plank siding. No vinyl siding shall be allowed.
5. All homes will be wired to be electric vehicle and solar ready.
6. The driveways and sidewalks of each unit shall be a pervious material.
7. The outlet structure for the storm water system and the location of the storm water facilities shall be substantially the same as depicted on the plans attached hereto and labeled as Exhibit "C," subject to approval by the City's engineer. Developer shall work with the City's engineer to ensure that adequate erosion control measures are provided to protect the streams.
8. A majority of the trees planted on the site will be of a native species. No non-native species will be planted on common areas of the property. No more than two (2) accent trees, such as Japanese Maples, may be planted in each individual yard.
9. Developer shall grant to the City a 10' permanent easement and a 30' construction easement for the future construction of a trail system near the northeast corner of the property as shown on the conceptual site plan attached as Exhibit B. Such easement shall be located such that it does not encroach within the required 75' stream buffer of Snapfinger Creek.
10. The developer shall donate \$40,000 to the Clarkston Affordable Housing Trust or the Clarkston Environmental Trust, at the City's election, prior to recording the Final Plat
11. The developer is required to adhere to all development reviews required by the City of Clarkston including, but not limited to, for the land disturbance permit, landscape and tree replacement plans.
12. The developer shall adhere to all reviews as required by outside agencies with jurisdiction over the property, including but not limited to, DeKalb County Fire Marshal's office, DeKalb County Water and Sewer Department and the Georgia Soil and Water Conservation Commission.
13. All lots developed at the property shall be subjected by restrictive covenant to participation in a mandatory homeowners' association ("HOA") as described by these conditions.
14. A maximum of three (3) of the homes may be rented or non-owner occupied at any given time. This restriction shall be included in the HOA governing documents and be binding upon all home owners.

15. The HOA shall have a professional engineer inspect the storm water facilities and prepare a report on such facility's condition bi-annually. This report shall be promptly submitted to the city manager.
16. The HOA shall be managed by a third-party manager employed by the HOA Board of Directors.
17. The developer shall provide a copy of the HOA documents to the city for review and approval prior to recording. The documents shall include the following requirements:
  - a. All landscaped areas, including those located on individual lots, shall be maintained by the HOA.
  - b. All streets shall be private and maintained by the HOA.
  - c. There shall be an Architectural Review Board. This ARB shall be chaired by the developer until 51% of all the homes are constructed. Standards or revisions to any structure shall be approved by the ARB.
  - d. The Developer shall remain the Declarant until 100% of the homes have been sold.
  - e. Any change to the management structure of the Board will have to be approved by the Homeowners Association Board of Directors. The HOA will always be managed by a third party management company.
18. Prior to selling any lots, developer shall convey to the City an access easement for inspection (not maintenance) of the storm water facilities on the property. The HOA shall maintain such facilities.
19. Every home shall have a minimum of one visitor parking space to be located behind each home's carport.
20. Common areas shall be jointly owned by the owners of the individual parcels.
21. Yards along the exterior shall include an opaque, vegetated landscaped buffer on the sides that abut other residential properties.
22. Final plat with covenants shall be submitted, reviewed, accepted and recorded before construction begins. Recording of the covenants and final plat shall create a separate lot for each dwelling place and subjects each lot in the development to private deed covenants that assure the continuance of the approved plan as submitted with the required maintenance of the common areas.
23. The city manager (in consultation with an appropriate expert) shall review and approve the landscape plan for compliance with "regenerative landscaping" principles.
24. All lots created on the property shall conform with the required dimensions and other development controls applicable in the NR-3 zoning district, unless a variance is granted by the City.

CITY OF CLARKSTON

ITEM NO: H4

CLARKSTON CITY COUNCIL WORK SESSION

HEARING TYPE:  
**Council Meeting**

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Ordinance

MEETING DATE: June 4, 2019

**SUBJECT:** A amend Chapter 5, Article III of the City's Code regarding flood damage preventions and to adopt the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for DeKalb County.

DEPARTMENT:

PUBLIC HEARING:  YES  NO

ATTACHMENT:  YES  NO  
Pages:

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

**PURPOSE:**

The Federal Emergency Management Agency (FEMA) notified the City of Clarkston that there were modifications in its flood hazard determinations affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for DeKalb County.

Because of those modifications to the FIRM and FIS report the City is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt floodplain management regulations that meet the standards of the NFIP regulations.

The modified flood hazard information and revised map panels for the City will be effective as of August 15, 2019.

**RECOMMENDATION:**

Staff recommends adopting the attached ordinance to amend Chapter 5, Article II of the City's Code Regarding Flood damage prevention to update the Code to comply with federal requirements for eligibility for the National Flood Insurance Program and to reference the most recent Flood Insurance Study for DeKalb County.

**ORDINANCE NO. 19-\_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 5, ARTICLE III, OF THE CITY'S CODE REGARDING FLOOD DAMAGE PREVENTION TO UPDATE THE CODE TO COMPLY WITH FEDERAL REQUIREMENTS FOR ELIGIBILITY FOR THE NATIONAL FLOOD INSURANCE PROGRAM AND TO REFERENCE THE MOST RECENT FLOOD INSURANCE STUDY FOR DEKALB COUNTY.**

**WHEREAS**, the Federal Emergency Management Agency has recently completed a revision to the countywide Flood Insurance Study report and Flood Insurance Rate Map for DeKalb County; and

**WHEREAS**, the City has received communication from the Federal Emergency Management Agency directing the City to update its floodplain management ordinances to reflect the new Flood Insurance Study and Rate Map; and

**WHEREAS**, the City Council desires to amend the Code as requested so that property within the City may remain eligible for the National Flood Insurance Program.

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

**SECTION 1.** City Code Section 5-101 is hereby repealed and replaced with the following language:

**“Sec. 5-101. - Applicability.**

This article shall be applicable to all areas within the City of Clarkston.”

**SECTION 2.** City Code Section 5-103, subsection (1) is hereby repealed and replaced with the following language:

“(1) The Flood Insurance Study (FIS) for DeKalb County, dated August 15, 2019, with accompanying maps and other supporting data and any revision thereto are adopted by reference.”

**SECTION 3.** City Code Section 5-107 is hereby amended by adding the following definitions to the existing list of definitions:

“*Areas adjacent to the Future-conditions Floodplain* means those areas that are at or below either three (3) feet above the base flood elevation or one (1) foot above the

future-conditions flood elevation, whichever higher, unless the area is hydraulically independent (meaning absolutely no connection to the flooding source such as through pipes, sewer laterals, down drains, foundation drains, ground seepage, overland flow, gated or valved pipes, excavated and backfilled trenches, etc. with no fill or other manmade barriers creating the separation).

*Building* see “*Structure*”

*Existing construction* Any structure for which the "start of construction" commenced before June 15, 1981.

*Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before June 15, 1981.

*New construction* means any structure (see definition) for which the "start of construction" commenced after June 15, 1981 and includes any subsequent improvements to the structure.

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 15, 1981.

*Manufactured Home Park or Subdivision* means a parcel (or continuous parcels) of land divided into two or more manufactured home lots for rent or sale.”

**SECTION 4.** City Code Section 5-150, subsection 1, is hereby repealed and replaced with the following language:

- “(1) New construction or substantial improvements of principal building (residential or non-residential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all requirements of sections 5-132, 5-133 and 5-134 have been met;”

**SECTION 5.** City Code Section 5-151 is hereby repealed and replaced with the following language:

**“Sec. 5-151. - Building standards for structures and buildings within the future-conditions floodplain.**

The following provisions, in addition to those in section 5-150, shall apply:

(1) *New Construction and Substantial Improvements.*

New construction and substantial improvements of principal buildings, including manufactured homes shall not be allowed within the limits of the future-conditions floodplain unless all requirements of sections 5-132, 5-133, and 5-134 have been met. If all of the requirements of sections 5-132, 5-133, and 5-134 have been met, all new construction and substantial improvements shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 5-150(5).

(2) *Non-residential buildings.*

New construction and substantial improvements of principal buildings, including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain unless all requirements of sections 5-132, 5-133, and 5-134 have been met. New construction and substantial improvements that have met all of the requirements of sections 5-132, 5-133 and 5-134 may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one (1) foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the director of public works.

(3) *Accessory structures and facilities.*

Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, parking lots, recreational facilities and other similar non-habitable structures and facilities) which are permitted to be located within the limits of the floodplain shall be constructed of flood-resistant materials and designed to pass all floodwater in accordance with subsection 5-150(5) and be anchored to prevent flotation, collapse or lateral movement of the structure.

(4) *Standards for recreational vehicles.*

All recreational vehicles placed on sites must either:

- a. Be on the site for fewer than one hundred eighty (180) consecutive days and be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
- b. The recreational vehicle must meet all the requirements for Residential buildings, including the anchoring and elevation requirements.

(5) *Standards for manufactured homes.*

- a. New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of sections 5-132, 5-133 and 5-134 have been met.
- b. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that either:
  - 1. The lowest floor of the manufactured home is elevated no lower than three (3) feet above the level of the base flood elevation, or one (1) foot above the future-conditions flood elevation, whichever is higher; or
  - 2. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than thirty-six (36) inches in height above grade.
- c. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with standards of subsection 5-150(7).”

**SECTION 6.** City Code Section 5-152 is hereby repealed and replaced with the following language:

**“Sec. 5-152. - Building standards for structures and buildings authorized adjacent to the future-conditions floodplain.**

- (a) *Residential buildings.* For new construction or substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, shall be at least three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 5-150(5).
- (b) *Non-residential buildings.* For new construction or substantial improvement of any principal non-residential building, the elevation of the lowest floor, including

basement and access to the building, shall be at least one (1) foot above the level of the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 5-150(5).”

**SECTION 7.** This Ordinance shall become effective on August 15, 2019.

**SO ORDAINED, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

**CITY COUNCIL  
CITY OF CLARKSTON, GEORGIA**

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**Mayor Ted Terry**

**ATTEST:**

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Tracy Ashby, City Clerk

**APPROVED AS TO FORM:**

 5-16-19

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Stephen G. Quinn  
Assistant City Attorney

CITY OF CLARKSTON

ITEM NO: H5

MAYOR AND CITY COUNCIL WORKSESSION

HEARING TYPE: Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Ordinance

MEETING DATE: June 4, 2019

**SUBJECT:** Zoning Code Review

DEPARTMENT:  
Planning & Development

**PUBLIC HEARING:**  YES   
NO

ATTACHMENT:  YES   
NO Pages: 13

INFORMATION CONTACT:  
**Councilperson Jaime Carroll**  
PHONE NUMBER: 404-296-6489

**PURPOSE:**

To approve the amendments to the text of Appendix A-Zoning, Article I- Title, Applicability and Purpose, Article III-Administration, Article IV-Definitions, Article V-Provisions for Official Zoning Map and the Establishment of Districts, Article VI-General Provisions, Article VII-Zoning District Standards, Article VIII-Non-conforming uses, Article IX-Planned Developments, Article XIII-Non Commercial Poultry, Article XIV-Legal Status Provisions of the City of Clarkston Code Of Ordinances, in The Clarkston Zoning Ordinance.

**NEED/IMPACT:**

The goals of the text amendments are to (1) update and adopt revised and/or amended zoning text; (2) and propose and adopt revision and/or amendments to the current zoning districts.

**STAFF RECOMMENDATIONS:**

Staff recommends approving the following revised and or amended administrative text:

**Section 102 Purpose (n) - Page 3**

**Section 302 Application Requirements (f) - Page 6**

**Section 303 Application Submitted and Completeness- Page 6**

**Section 304 Zoning Ordinance and Map Amendment Procedure- Page 7**

(a), (b) Planning and Zoning Board Review (1), (c) City Council and Mayor-Page 8, and (1) (c) - Page 9

**(ii) Notice to Legal Organ- Page 9**

(iii) delete 14 days- add 15 days- delete at least 15 days prior to Planning and Zoning and City Council Public Hearing.

**IV. Community Open House Meeting-: (A) (B) (C) (D) Page 10**

**Section 307 Variance Procedures- Page 15**

Delete: by the public works director

Add: The staff report shall be forwarded to the planning and zoning board for recommendation which will be forwarded to the mayor and city council for consideration.

**Section 309 Administrative Variances-** Page 15

**Section 310 Reapplication to the Mayor and City Council for Variance or Zoning Amendments -**Page 16

**Section 312 Conditional Use Permit-** Pages 16-17

Add: that if approved will follow all code and permitting processes.

**Section 313 Temporary Use Permit (2) (3)** Page 18

**Article IV –Definitions**

Accessory Dwelling-Page 23

Accessory Use- Page 23

Building- Page 25

Child Care Learning Center-Page 26

Early Learning Program-Page 28 delete: apartment

Family Child Care Learning Home: Page 29

**Section 604 Child, Adult Daycare and Personal Care Uses-** Page 39

**Section 605 Home Occupations** Page 40

(b) (2) (a),

(k), (n), (o)

(c) (1), (2)

4. New wording- Page 42

Add: A home occupation may include child or adult daycare, as permitted by the zoning code and registered with the State of Georgia and comply with City of Clarkston, and Georgia Department of Early Care Learning and Adult Day Care regulations.

5. Numbering updated

**Section 906- Procedures** Page 90

(a), (2- Completeness Check), (c – Plan Review and Approval Criteria) - (1),

(f) Preliminary and Final land subdivision Plans: Page 93

**Section 1003- Sidewalks and Street Trees:** Page 96

(d) Street tree planting requirements (3)

Add: Planning and Development Director or his/her designee

**Section 1102 Design Standards:** Page 107

(a) Parking Spaces (2)

**Section 1106 Interpretations:** Page 110

(b) Delete: City Manager

Add: his/her designee

**Section 1112**

Delete: the extra e in services

**Article VII Zoning District Standards-**

Staff recommends hiring a professional consulting firm.

**PLANNING AND ZONING BOARD:**

Approved the administrative revisions and or amended administrative text with additional recommendation(s). *(See May 21, 2019 planning and zoning board meeting minutes)*

**Article VII Zoning District Standards-**

The Planning and Zoning Board recommends hiring a professional consulting firm to review and recommend changes to Article VII Zoning District Standards.

## **CLARKSTON ZONING TEXT AMENDMENT**

### ***DRAFT 5.23.19***

#### **NEW SUBSECTION 102(n):**

(n) To protect residents from being harmed by other existing residences, developments, and businesses.

#### **NEW SUBSECTION 302(f):**

(f) When the city planner determines that an application for rezoning, conditional use approval, or planned unit development approval could have a significant impact on traffic, the city planner shall require the applicant to provide a traffic impact study along with the subject application before it can be considered complete.

#### **NEW SUBSECTION 302(g)**

(g) The city planner may require an environmental and/or economic impact study along with an application for rezoning, conditional use approval, or planned unit development approval if the city planner determines that such study is necessary in order to fully appreciate the potential impact of the application. When the city planner requires such study or studies, the application shall not be considered complete until so provided.

#### **REVISE SECTION 303**

Sec. 303. - Application submittal and completeness.

(a) No application shall be deemed accepted and filed until all required fees have been payed, all required forms have been submitted and all required materials, including any study that may be required at the discretion of the city planner, have been submitted. The date an application is complete and hence accepted and filed shall be noted on the application form by the city planner. Any subsequent deadlines tied to date of application shall begin to run as of said date.

(b) The city planner shall notify the mayor, city council and the public at the next city council meeting after receiving a complete application for rezoning, variance, conditional use permit, or any advertised proposed zoning text amendment.

**REVISE SECTION 304:**

**Sec. 304. – Procedure for Rezoning, Text Amendment, Variance or Conditional Use Zoning Decisions.**

The city zoning ordinance, including the zoning map, may be amended from time to time by the mayor and city council, but no amendment shall become effective unless it shall have been first submitted to the planning and zoning board for review and recommendation.

*(a) Community Open House Meetings.*

When an application meets the criteria set forth in this subsection, the applicant shall comply with the following requirements:

(1) *Applicability.* Filing of any of the following applications shall trigger the requirement for the applicant to hold a Community Open House Meeting:

- (i) An application seeking rezoning of more than 5,000 sq. ft. of property;
- (ii) an application seeking approval of a Planned Unit Developments;
- (iii) any application that is deemed to have a significant public impact by the city planner.

(2) *Requirements for Meeting.* The purpose of the meeting is for the applicant and interested community members to have dialogue about the proposed project. Community Open House Meetings, when required, shall be held as close as reasonably possible to the subject property within the City of Clarkston. The required meeting shall take place at least 15 days prior to the date of the planning and zoning public hearing on the subject application. Any cost associated with holding a Community Open House Meeting shall be paid by the applicant.

(3) *Notice of Meeting.* In order to properly notify interested neighbors of the Community Open House Meeting, the applicant required to hold a Community Open House Meeting shall mail a letter to every property owner within 300 feet of the subject property providing notice of the time, date and place of the Community Open House Meeting. The applicant shall also provide to the city planner the following:

(i) a copy of the mailing list of all property owners within 300 feet of the subject property, including name, street address, and tax parcel identification number;

(ii) a copy of the form letter mailed to the property owners within 300 feet of the subject property informing them of the Community Open House Meeting.

(4) *Post-Meeting Reporting.* The applicant required to hold a Community Open House Meeting shall provide the city planner with a written meeting summary within five days of the meeting. Such summary shall include a list of all meeting attendees, a summary of the concerns and issues expressed during the meeting, and a summary of the applicant's responses to the concerns and issues expressed. The city planner shall consider such report when preparing his/her written analysis of the subject application. A meeting summary report does not constitute a recommendation on the application discussed at this meeting.

(5) Applicants that comply with all requirements of the Community Open House Meeting under this zoning ordinance, regardless of how many participants attend the scheduled meeting, are deemed to have met the Community Open House Meeting requirement of this subsection.

(b) *City planner review.* Upon receipt of an application for rezoning, variance or conditional use permit, or upon notice from two or more city council members of a proposed text amendment to the zoning ordinance, the city planner shall review the application (or proposed text amendment) and prepare a written analysis of the application (or proposed text amendment), which shall be provided to the planning and zoning board as well as the city council.

(c) *Planning and zoning board review.*

- (1) All applications for rezoning, variance or conditional use permit and all proposed amendments to the text of the zoning ordinance shall be submitted to the planning and zoning board for review. Such review shall be conducted based upon the standards set forth in the appropriate section of this zoning ordinance, depending on the nature of the application or proposal. When a complete application is received, the planning and zoning board shall consider the application at its next regularly scheduled meeting, unless deferred pursuant to this section. Such meeting shall include a public hearing and the planning and zoning board shall take comment from the applicant and the public with regard to the application. All required and relevant documents shall be presented by the applicant to the public and planning and zoning board at the public hearing. Following the public input and comment, the planning and zoning board shall, upon appropriate motion, vote to recommend approval or denial of the application. It may make such recommendations as it deems appropriate in the best interests of the city, including the specification of certain conditions to its recommendation of approval of any proposed zoning action.
  
- (2) The city clerk shall cause notice of the date, place and time of the public hearing and a copy of the city planner's staff report on the application to be published on the City's website at least fifteen (15) days prior to the public hearing.
  
- (3) Upon motion, the planning and zoning board may defer any application which it deems to be incomplete. The fact that a required Community Open House Meeting has not yet been held shall cause the application to be deemed incomplete and necessitate a deferral. A complete application may be deferred on only one occasion. An applicant may withdraw his application at any time until a final recommendation on the application is issued by the planning and zoning board.
  
- (4) The planning and zoning board shall make a written report of its recommendation to the city council and mayor with respect to its

findings. Such written report shall be a part of the permanent record of the application and shall be reported at any meeting of the city council which considers the application. In addition, the city clerk shall cause the planning and zoning board's written report to be posted on the City's website from the time that it is available until a final decision on the application is made by the city council.

(5) *Failure to act.*

- a. Failure by the planning and zoning board to act upon any application shall not cause delay of process unless such failure is due to incomplete data or information in an application. Should the planning and zoning board fail to act upon any complete application, it shall pass to the city council with a notation thereon that the planning and zoning board has reviewed but failed to act upon the application.
- b. If the planning and zoning board fails to submit a report within thirty (30) days of its first meeting after it has considered an application that is complete in all respects, it shall be deemed to have recommended approval of the proposed amendment. However, the planning and zoning board and the applicant for an amendment may jointly agree to postpone action for a thirty-day period.

(6) The city council shall hear the application at its next meeting which complies with the Zoning Procedures Act of the State of Georgia.

(7) Provisions for application withdrawal shall be as established in section 310.

(d) *City council and mayor.*

(1) *Public hearing procedures.* Before the mayor and city council shall approve any rezoning, text amendment to the city's zoning ordinance, conditional use permit or variance, they shall hold a public hearing thereon, to be conducted pursuant to procedures for public hearings on zoning matters established by resolution.

- a. The notice of such hearing shall be published at least fifteen (15) but not more than forty-five (45) days prior to the hearing on the proposed action, such publication to be in the legal organ for DeKalb County, Georgia. The notice shall state the date, time, place, and purpose of the hearing.

- b. Said public hearing may be continued to the next regular city council meeting date and for additional consecutive regular meeting dates, or such other date as directed by the mayor, without further legal notice as good planning requirements dictate and the mayor and city council deem necessary, provided that the date on the sign advertising the hearing be changed to reflect the continued hearing date.
- c. If the requested zoning action is for the rezoning of property and is initiated by a party (applicant) other than the city, then:
  - (i) The applicant shall erect on the subject property, not less than fifteen (15) days prior to the hearing, a sign giving the date, place and time of the city council public hearing. Applicant shall provide photographic evidence of the sign placement to the city planner. City staff shall be responsible for providing the signs to the applicant and ensuring that such sign stays where placed and in legible condition until a final decision is made on the zoning matter by the city council.
  - (ii) The notice to the legal organ as required above shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification for the property.
  - (iii) The applicant shall also cause written notice of the date, place and time of the city council public hearing to be given by certified mail, with mailings placed in the mail with sufficient postage affixed at least 14 days prior to the hearing. Such letters shall be addressed and mailed to property owners (as ownership and address appears on the tax records of DeKalb County) of all property within 300 feet of the property that is the subject of the application. When property owners have provided the city planner with an email address for such purpose, the applicant shall also give notice of the public hearing via email to those property owners as an additional courtesy. Applicant must provide the city planner with documentation of the required certified mailing.

(iv) The city clerk shall cause notice of the date, place and time of the public hearing and a copy of the city planner's staff report on the application to be published on the City's website at least fifteen (15) days prior to the public hearing.

(2) *Final action.*

- a. The city council shall approve, approve with conditions, or deny the request. Such final zoning action may occur at the time of the public hearing or at the next regularly scheduled city council meeting.
- b. The city council shall not be bound by, but shall consider the recommendations of the planning and zoning board in its deliberations on the application.

**REVISE SECTION 312:**

**Sec. 312. - Conditional use permit.**

(a) Certain uses of property, designated as conditional uses by Article VII of this Zoning Ordinance, are declared to possess characteristics that may be incompatible with other uses in the district within which they are proposed for location. No conditional use shall be constructed, erected, enlarged, performed, or otherwise undertaken without first obtaining a conditional use permit.

(b) In addition, any use that may be compatible with existing uses in the area where it is proposed and is consistent with the purpose and intent of the zoning district wherein it is proposed to be located, but is not expressly permitted or prohibited by Article VII for the relevant zoning district, shall require the approval of a conditional use permit.

(c) After the required public hearings have been held by the planning and zoning board and the city council, the city council shall issue a conditional use permit to an applicant upon a finding that the proposed conditional use would generally be in the public interest.

(1) In considering whether a proposed conditional use is in the public interest, the mayor and city council shall consider the following, among other relevant factors:

- a. Whether the conditional use would be injurious to the use and enjoyment of the environment or of other property in the

immediate vicinity or diminish and impair property values within the surrounding neighborhood;

- b. Whether the proposed conditional use would increase local or state expenditures in relation to cost of servicing or maintaining neighboring properties;
- c. Whether the establishment of the conditional use would impede the normal and orderly development of surrounding property for uses predominant in the area; and
- d. Whether the location and character of the proposed conditional use would be consistent with a desirable pattern of development for the locality in general.

(2) Once a conditional use has been approved by the mayor and council, said conditional use and any conditions shall run with the land upon which the conditional use was approved.

**REVISE SECTION 313:**

Sec. 313. - Temporary use permit.

- (1) Certain temporary uses of property may be permitted in the NC-1, NC-2, TC and I districts of the city.
- (2) Temporary uses include festivals, farmer's markets, storage of construction equipment, tent sales or the sale of goods from any temporary location, including but not limited to, holiday sales, fireworks sales or Christmas tree sales, as well as other special events of community interest, and other uses that the city manager determines to fit within the intent and purpose of this section.
- (3) Temporary uses are only permitted with the advance written approval of the city manager or his designee within 15-30 days prior to the temporary use of the property. No permit for a temporary use shall be issued unless:
  - (a) Written permission of the property owner is presented.
  - (b) The temporary use is not located within twenty-five (25) feet of any public right-of-way.
  - (c) Adequate parking, ingress and egress are provided on site.
- (4) No temporary use may last more than forty-five (45) consecutive days.
- (5) No more than two (2) temporary use permits may be obtained per parcel per year.

(6) *Food truck* means a mobile conveyance equipped with facilities necessary to safely store and/or prepare food and/or drink for consumption, from which customers may directly purchase food and/or drink. Temporary use permits issued by the city manager or his designee for a temporary food truck use shall not count toward the limit of two (2) temporary use permits per parcel per year as set out in subsection (5). Food trucks approved by the city manager or his designee may be located within twenty-five (25) feet of a public right of way if approved for such location by the city manager or his designee.

**ADD DEFINITIONS TO ARTICLE 4:**

*Adult Day Care Center* means an “adult day care center” as defined by the State of Georgia, as may be amended by the State. O.C.G.A. Section 49-6-82 currently defines an “adult day care center” as a facility serving aging adults that provides adult day care or adult day health services (as such terms are defined by O.C.G.A. Section 49-6-82) for compensation, to three or more persons. The term “adult day care center” shall not include a respite care services program. This definition shall automatically be updated if the State of Georgia amends its definition of “adult day care center.”

*Child Care Learning Center* means “child care learning center” as defined by the State of Georgia, as may be amended by the State. O.C.G.A. Section 20-1A-2 currently defines a “child care learning center” as any place operated by a person, society, agency, corporation, institution, or group wherein are received for pay for group care for less than 24 hours per day, without transfer of legal custody, seven or more children under 18 years of age; provided, however, that this term shall not include a private school which provides kindergarten through grade 12 education, meets the requirements of O.C.G.A. Section 20-2-690, and is accredited by one or more of the entities listed in subparagraph (A) of paragraph (6) of O.C.G.A. Section 20-3-519 and which provides care before, after, or both before and after the customary school day to its students as an auxiliary service to such students during the regular school year only. This definition shall automatically be updated if the State of Georgia amends its definition of “child care learning center.”

*Family Child Care Learning Home* means “family child care learning home” as defined by the State of Georgia, as may be amended by the State. O.C.G.A. Section 20-1A-2 currently defines a “family child care learning home” as a private residence operated by any person who receives therein for pay for supervision and care less than 24 hours per day, without transfer of legal custody, at least three but not more than six children under 13 years of age who are not related to such person and whose parents or guardians are not residents in the same private residence; provided, however, that the total number of unrelated children cared for in such home, for pay and not for pay, may not exceed six children under 13 years of age at one time. This definition shall automatically be updated if the State of Georgia amends its definition of “family child care learning home.”

**REVISE SECTION 604:**

Sec. 604. – Child day care, adult day care and other personal care uses.

(1) Day care nurseries, adult day care centers, kindergartens, child care learning centers, family child care learning homes and nursing, convalescent, or rest homes not used primarily for the treatment of contagious diseases, alcoholism, drug addiction, or mental illness shall meet all applicable state requirements, be licensed by the state where required and shall receive all necessary county board of health and fire marshal approvals prior to issuance of a permit for construction and/or operation.

(2) Day nurseries and kindergartens shall meet the following additional criteria:

- (a) The lot on which such uses are established shall have access on a major or minor thoroughfare;
- (b) There shall be not less than thirty (30) square feet of indoor play area for each child at maximum enrollment, and not less than one hundred (100) square feet per child of outdoor play area at maximum enrollment;
- (c) The outdoor play area shall be enclosed by a fence not less than four (4) feet in height; and
- (d) A circular drive shall be provided for off-street loading and unloading of children.

**REVISE SECTION 605:**

Sec. 605. - Home occupations.

(a) It is the intent and purpose of this section to provide for certain types of restricted occupational uses within residential zoning districts. Such uses are restricted to those which:

- (1) Are incidental to the use of the premises as a residence;
- (2) Are compatible with residential uses; and
- (3) Do not detract from the residential character of the neighborhood.

(b) In all residential zoning districts, any building used for residential occupancy may conduct a home occupation use provided that:

- (1) The primary use of the unit is a dwelling;
- (2) The following standards are complied with in full at all times:
  - a. Such use shall be conducted entirely within the dwelling unit;
  - b. At least one resident of the dwelling unit shall be present and engaged in the home occupation at all times that the home occupation is open for business;
  - c. No more than three total persons (including residents) may be employed by the home occupation at any given time;
  - d. No mechanical or electrical equipment is to be utilized except that which is necessarily, customarily, or ordinarily used for household or leisure purposes;
  - e. No equipment that interferes with radio and/or television reception shall be allowed.
  - f. No toxic, explosive, flammable, combustible, corrosive, radioactive, or other restricted materials shall be used or stored on the premises;
  - g. There shall be no outside operations, storage, or display of materials or products;
  - h. No accessory buildings shall be used in connection with the home occupation.
  - i. No alteration of the residential appearance of the premises occurs, including the creation of a separate entrance to the

dwelling or utilization of an existing entrance exclusively for the business;

- j. There shall be no exterior evidence of the home occupation, except for the sign permitted by this section;
- k. No commodity shall be stocked or sold on the premises to the general public;
- l. No process shall be used which is hazardous to public health, safety, or welfare;
- m. Visitors, customers, or deliveries shall not exceed that normally and reasonably occurring for a residence and shall, under no circumstance, exceed more than eight (8) business visitors/customers per day and not more than two (2) manufacturer or wholesaler direct deliveries of products or materials per week;
- n. No on-street parking associated with the business shall be permitted;
- o. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home occupation; and
- p. The home occupation shall be restricted to fifty percent (50%) of the dwelling's floor space and shall not exceed four hundred and fifty (450) square feet of total floor area. Said home occupation use shall be clearly secondary to the use of the dwelling for dwelling purposes.

(c) In all non-residential zoning districts, any building used for residential occupancy may conduct business provided that:

- (1) The home occupation shall not involve more than three (3) employees on site who do not live in the dwelling unit;
- (2) A home occupation may include the office of a licensed/certified health service practitioner, including a surgeon, dentist dental surgeon, osteopathic physician, psychologist, or other medical practitioner licensed by the state, who receives and treats patients on the premises;

(3) A home occupation may include the office of a person engaged in a profession, including a lawyer, an accountant, an auditor, an engineer, an architect, a real estate agent, or another profession similar in character, who receives and consults with clients on the premises;

(d) A home occupation may have a single sign indicating the name of the business mounted as a wall sign on the dwelling, secured to the primary residential use, and having an area of no more than two (2) square feet.

(e) Adult day care centers, child nursery day cares, child care learning centers and family child care learning homes are expressly permitted as home occupations by this zoning code.

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: H6

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

MEETING DATE: June 4, 2019

ACTION TYPE:  
Activate Us 2020  
Census CCC

SUBJECT: Resolution to Support and Partner with the 2020 US Census

DEPARTMENT: City Administration

PUBLIC HEARING:  YES  NO

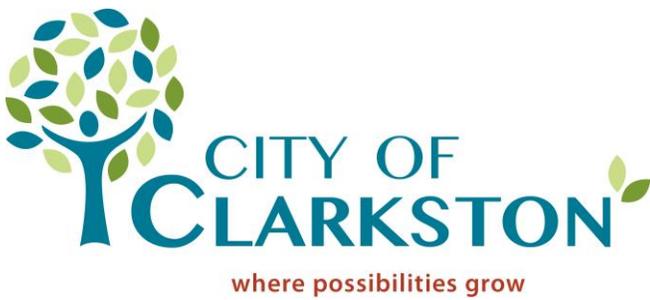
ATTACHMENT:  YES  NO  
Pages:

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

PURPOSE: The U.S. Constitution requires a census count of all residents every 10 years. The confidential data from each resident, collectively compiled, serves many purposes from determining US House of Representatives seat numbers to funding amounts to planning and economic development to health trends and hundreds of other data sets utilized to make many decisions throughout our Country. The US Census bureau is in the final phases of preparing for the 2020 Census with the official Census day being April 1, 2020. The City of Clarkston like thousands of other cities throughout the country adopted a resolution at the Tuesday, April 2, 2019, Council Meeting formally declaring an intent to partner with and support the efforts of the US 2020 Census to include the establishment of a Complete Count Committee to ensure all Clarkston residents/neighbors are counted. We are ready to begin the process of seating interested individuals and organizations to the Clarkston Complete County Committee.

NEED/ IMPACT: To allow the City of Clarkston to identify and seat a complete count committee to encourage all residents/neighbors to participate and complete the 2020 Census form.

RECOMMENDATIONS: City to identify and seat a complete count committee.



**Mayor**  
*Ted Terry*

**City Council**

*YT Bell*  
*Jamie Carroll*  
*Andrea Cervone*

*Awet Eyasu, Vice Mayor*  
*Ahmed Hassan*  
*Mario Williams*

**City Manager**  
Robin I. Gomez

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## 2020 US CENSUS COMPLETE COUNT COMMITTEE

**WHAT:** Group of Clarkston residents, neighbors, and organizations comprising all industries: *business, faith-based, non-profits/social service agencies, education, government*, etc., meeting at least monthly, to devise strategies to count every Clarkstonian as of **April 1, 2020**.

**WHY:** Decennial US Census counts are used to determine representation, funding, and countless other data and research to help improve our community.

**WHEN:** **Committee monthly meetings beginning \_\_\_\_\_ to be held at Clarkston Woman’s Club**

**HOW:** Monthly meetings to devise lists of all organizations, groups, etc., to share Census information and importance of completing Census form – visit & attend as many businesses, multi-family housing, and other complexes and events as possible from now until April 1, 2020.

INTERESTED? PLEASE CONTACT:

Robin Gomez, City Manager, at 678-409-9683 or [rgomez@cityofclarkston.com](mailto:rgomez@cityofclarkston.com)

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United States®  
**Census  
2020**

CITY OF CLARKSTON

ITEM NO: H7

CLARKSTON CITY COUNCIL MEETING

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
RESOLUTION

HEARING TYPE:  
Council Meeting

MEETING DATE: June 4, 2019

SUBJECT: Resolution to Create a City of Clarkston Youth Advisory Council

DEPARTMENT: City Administration

PUBLIC HEARING:  YES  NO

ATTACHMENT:  YES  NO  
Pages: 2

INFORMATION CONTACT: YT Bell,  
PHONE NUMBER: 404-296-6489

PURPOSE: The City of Clarkston is committed to enhancing and supporting policies and programs to continue to further improve the welfare and development of our youth by providing numerous opportunities to educate, expose, and bring awareness to community and youth issues. The City celebrates and understands the value of uplifting talented and diverse youth committed to improving their community through enhanced leadership capabilities and the sharing of ideas that ultimately improves the quality of life for all Clarkston residents. Our youth will continue to be a very important part of the City's continued development and growth serving as key influencers in our future and the over-all role the Clarkston municipal government will play. The US Census, 2013-2017 American Community Survey estimated Clarkston's youth accounting for 31.7% (4,030) of Clarkston's total population of 12,702.

To further enhance and expand access to local government, provide leadership, increase volunteerism, and secure additional participation in important City and Community issues and direction, the City Council is desirous to establish a Youth Advisory Council (YAC) to serve as an advisory body to the Clarkston City Council. The YAC's varied tasks will include advising the Mayor, Council, and City Manager with input and recommendations on how the City may address the needs, community issues, and other matters impacting and affecting youth as well as reviewing, presenting, and providing input on projects, plans, partnerships, and City programs. Additional specifics include: YAC members shall be Clarkston residents, ages 12 – 18, and be appointed for a one (1) year term. The YAC will comprise a minimum of five (5) and a maximum of ten (10) members appointed by the Mayor and one Council member appointed by the majority of the City Council.

NEED/ IMPACT: The establishment of a Youth Advisory Council to among other things allow for the recommendation of events, initiatives, programs, and projects to increase youth engagement in our City and Community will serve to significantly enhance Clarkston's quality of life.

RECOMMENDATIONS: Council to adopt resolution and direct City staff to begin the process to advertise for Clarkston youth to apply to be members of the Youth Advisory Council.

**RESOLUTION TO CREATE A CITY OF CLARKSTON  
YOUTH ADVISORY COUNCIL**

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**WHEREAS**, the City Council is dedicated to the welfare and development of our youth and in giving them opportunities to educate, expose, and bring awareness to community and youth issues, while building relevant skills and working in a professional setting; and

**WHEREAS**, the City Council understands the value of uplifting talented, diverse youth that are committed to their community to enhance their leadership capabilities, share ideas, and improve the quality of life of all residents in the City of Clarkston; and

**WHEREAS**, the City Council recognizes a Youth Advisory Council established to serve as an advisory body to the City Council, will enhance youth involvement in a process which enables them to have an influence and impact on issues and decisions that they care about;

**WHEREAS**, establishing a Youth Advisory Council will expand access to government, promote leadership, increase volunteerism, and the need for formal representation of unique perspectives and needs of its young residents.

**WHEREAS**, the whole of our community benefits from greater civic participation by those who will one day be our leaders; and

**WHEREAS**, the City Council has determined that it is desirable to establish a Youth Advisory Council; and

**WHEREAS**, the City Council has determined that it is desirable to establish the mission and membership of the Youth Advisory Council;

**NOW, THEREFORE, BE IT RESOLVED BY THE** City Council of the City of Clarkston that the following shall apply to the Clarkston Youth Advisory Council:

1. The mission of the Youth Advisory Council shall be to advise the Mayor, City Council, and City Manager with recommendations and input on how the City of Clarkston might address their needs, community issues, and all other matters affecting youth.
2. The Youth Advisory Council shall review, present, and render input on projects, plans, partnerships, and City programs related to youth, and shall bring forth any issues or concerns to the City's elected officials.
3. The Youth Advisory Council will recommend events, initiatives, and projects that may be implemented within the City to increase youth and community engagement.
4. The Youth Advisory Council will advise the Mayor, City Council, and City Manager about community issues and issues of interest to youth in the community, including but

not limited to recommending policies and sponsoring educational and social events for youth.

5. All members of the Youth Advisory Council shall be residents of the City of Clarkston from 12 to 18 years of age.
6. The Youth Advisory Council **shall consist of a minimum of five (5) and a maximum of ten (10) Clarkston resident members** appointed by the Mayor, plus one City Council member who shall be appointed by a majority vote of the City Council.
7. All appointments to the Youth Advisory Council shall be for a one (1) year term. Members may be removed or replaced at the discretion of the Mayor or City Council consistent with the original appointing authority.
8. City of Clarkston's youth residents wishing to be considered for appointment to the Clarkston Youth Advisory Council shall first complete an application which will be made available on the City's official website via Google Doc/Application.

SO RESOLVED, this \_\_day of \_\_\_\_\_, 20\_\_\_\_

CITY COUNCIL  
CITY OF CLARKSTON, GEORGIA

\_\_\_\_\_  
Ted Terry, Mayor

ATTEST:

\_\_\_\_\_  
Tracy Ashby  
City Clerk