

Railroad Outdoor, LLC Appeal

3611 Church Street (Billboard Sign)
3874 East Ponce de Leon Avenue (Billboard Sign)

1. The City's Denials of the Railroad Outdoor Applications Were Erroneous.

The applications for billboards at 3611 Church Street and 3874 East Ponce de Leon Avenue were denied on the sole basis that "Pole signs are not permitted in the City of Clarkston." See Denial E-mail (Exh. A hereto). Denial of my client's applications on this basis was incorrect. These two applications were for billboards, which are specifically governed by Section 15.5-63 of the Clarkston Code of Ordinances. The City's attempt to rely upon a general prohibition on pole signs rather than apply the more specific code section that governs billboards is inconsistent with Georgia law, which provides that the terms of a specific statute govern over those of a more general statute. E.g., Denhardt v. Sparks, 844 S.E.2d 192, 195 (Ga. Ct. App. 2020); Vineville Capital Group, LLC v. McCook, 329 Ga. App. 790, 794 (2014) ("the terms of a specific statute govern over those of a more general statute"); also Bellsouth Telecommunications, LLC v. Cobb County, 305 Ga. 144, 151 (2019) ("the more specific statute governs over the more general one").

Furthermore, a prohibition on pole signs would be unconstitutional. Geft Outdoor, LLC v. City of Westfield, 2020 WL 5814875, at *15 (S.D. Ind. Sept. 30, 2020) ("Because the pole sign ban is not narrowly tailored to serve a significant government interest, it cannot pass intermediate scrutiny and the Court cannot uphold the regulation").

2. The City's Attempt to Change the Basis of Denial Is Improper.

Subsequent to the submission of my client's notice of appeal, the City conceded that the initial denial was erroneous and attempted to issue new denial letters. See September 22, 2020 Letter (Exh. B hereto). Changing the basis of denial after the filing of an appeal is inappropriate. See 10950 Retail, LLC v. City of Johns Creek, Case No. 2007CV142924, Slip Op. at 5-6 (Fulton Super. Mar. 24, 2009) (Exh. C hereto). Notwithstanding the fact that changing the basis of denial is improper, the new bases for denial cited by the City are also invalid for various reasons.

3. City of Clarkston Has Failed to Comply with O.C.G.A. § 36-66-5(a).

Georgia's Zoning Procedures Law ("ZPL") includes O.C.G.A. § 36-66-5(a) which states:

Local governments **shall** adopt policies and procedures which govern calling and conducting hearings required by Code Section 36-66-4, and printed copies of

such policies and procedures shall be available for distribution to the general public. Such policies and procedures shall specify a minimum time period at hearings on proposed zoning decisions for presentation of data, evidence, and opinion by proponents of each zoning decision and an equal minimum time period for presentation by opponents of each proposed zoning decision, such minimum time period to be no less than ten minutes per side.

(emphasis added). This requirement applies to all zoning codes, zoning maps, and zoning decisions. O.C.G.A. § 36-66-3(4); Hoehstetter v. Pickens County, 303 Ga. 786, 787 (2018). A sign ordinance which regulates by zones or districts is a zoning ordinance for purposes of the ZPL. City of Walnut Grove v. Questco, Ltd., 275 Ga. 266, 267 (2002) (sign ordinance that “divided the City into districts (specifically, the existing zoning districts) and regulated the uses of signs relative to the districts” was a zoning ordinance subject to ZPL). The Clarkston Sign Ordinance unquestionably regulates by zones or districts. E.g., Sign Ordinance, § 16 (“General Signage in Residential Zoning Districts”); § 18 (“Size and Location Requirements in Non-Residential Districts”); § 20(b) (“Billboard signs are only permitted on parcels zoned RC, NC-1, NC-2, TC, or I”) (certified copy of Sign Ordinance attached Ex. D hereto).

Georgia’s courts have repeatedly required strict compliance with the ZPL. Fairfax MK, Inc. v. City of Clarkston, 274 Ga. 520, 520 (2001) (“The ZPL is mandatory and applies to the entire process of adopting or amending a zoning ordinance”). Any failure to comply with the terms renders a zoning ordinance or zoning action invalid. McClure v. Davidson, 258 Ga. 706, 709-10 (1988). In such circumstances, the applicant is allowed to move forward with their desired project. City of Walnut Grove, 275 Ga. at 267 (“Because it is uncontroverted that the ordinance was not enacted in accordance with the ZPL, the trial court did not err by finding the sign ordinance to be invalid and ordering the City to issue the necessary permits to allow Questco to erect its signs”).

Clarkston has failed to adopt policies and procedures pursuant to O.C.G.A. § 36-66-5(a) and, therefore, could not properly adopt the Sign Ordinance or Zoning Ordinance, which are being relied upon to deny Railroad Outdoor’s applications. See Frank E. Jenkins, III, Proper Adoption of the Zoning Ordinance and Map, and Potential Challenges, Chap. 8, p. 2, Zoning Seminar, ICLE in Georgia (local government shall call public hearing on policies and procedures and adopt same before calling and conducting zoning hearings).

4. **Clarkston Failed to Comply with O.C.G.A. § 36-66-4 When Adopting the Sign Ordinance.**

The ZPL also includes O.C.G.A. § 36-66-4(a) which states:

A local government taking action resulting in a zoning decision **shall** provide for a hearing on the proposed action. At least 15 but not more than 45 days prior to

the date of the hearing, the local government **shall** cause to be published within a newspaper of general circulation within the territorial boundaries of the local government a notice of the hearing. The notice **shall** state the time, place, and purpose of the hearing.

(emphasis added).

When adopting the Sign Ordinance, Clarkston failed to comply with O.C.G.A. § 36-66-4 in several ways. While not required, Clarkston held two public hearings regarding the adoption of the most recent Sign Ordinance. See Sign Ordinance Hearing Notices (Exh. E hereto). It failed to comply with the ZPL for both meetings. With respect to the public hearing on August 19, 2014, the City ran hearing notices on July 31, August 7, and August 14, 2014. The August 7 and August 14 notices are not at least 15 days prior to the August 19 hearing, and therefore, cannot satisfy the ZPL requirement. While the July 31, 2014 notice complies with the 15-day requirement, it fails to adequately state the purpose of the hearing as required by the statute. Rather than state that the purpose of the hearing was to consider changes to the Sign Ordinance, the ad refers to “Chapter 15.5 of the Code of Ordinances.” This cryptic reference fails to provide due process to the public regarding what zoning action the City was actually considering.

With respect to the public hearing on September 2, 2014, the notices placed by the City adequately specified that the Council would be considering revisions to the “sign regulations,” however, neither of these notices, which ran on August 21 and August 28, respectively, ran 15 days prior to the meeting. In sum, all of the notices placed by the City regarding the adoption of the Sign Ordinance violated Georgia’s ZPL.

5. **Clarkston Failed to Comply with O.C.G.A. § 36-66-4 When Zoning the Parcels at Issue.**

The zoning of property is a zoning decision that must follow the procedures set forth in O.C.G.A. § 36-66-4. Clarkston attempted to zone the parcels where the proposed signs will be located on January 5, 2016. See Dec. 24, 2015 Legal Ad (Exh. F hereto). However, this attempt to zone the parcels by the City was invalid because the City failed to provide published notice at least 15 days prior to the hearing. The legal advertisement for the zoning of the parcels ran on December 24, 2015, which is only 13 days before the January 5, 2016 hearing. Therefore, the zoning of the parcels was invalid.

Because the subject properties had no City zoning, the landowner and Railroad Outdoor, as the landowner’s agent, have the right to use the property in any lawful manner. E.g., Cherokee County v. Martin, 253 Ga. App. 395, 396 (2002); Picadilly Place Condo. Ass’n v. Frantz, 210 Ga. App. 676, 678 (1993).

6. **Clarkston Failed to Comply with O.C.G.A. § 36-66-4 When Adopting the Zoning Map.**

In addition to zoning the newly annexed parcels on January 5, 2016, the City of Clarkston also attempted to adopt an updated Zoning Map to cover the newly annexed area of the City. See Agenda & Minutes from Jan. 5, 2016 Meeting (Exh. G hereto); City Zoning Map (with “effective date” of January 5, 2016) (Exh. H hereto). Georgia law provides that the adoption of a zoning map constitutes a “zoning decision” and must comply with the same notice and hearing requirements as the adoption of a zoning ordinance. E.g., Mid Georgia Envtl. Mgmt. Group, LLLP v. Meriwether County, 277 Ga. 670, 674 (2004). In addition to the fact that the legal ad that Clarkston ran for the January 5, 2016 meeting only ran 13 days prior to the hearing rather than the requisite 15, the legal ad failed to even mention that an updated Zoning Map would be considered and adopted. Therefore, for at least two independent reasons, the adoption of the updated Zoning Map in January 2016 was invalid.

Because there is no zoning map showing the parcels at issue, they are not zoned. Moreover, the lack of a valid zoning map renders the entire zoning ordinance invalid, at least as to the annexed areas of the City.

7. **The Sign Ordinance Is Unconstitutional Under State and Federal Law.**

Beyond the aforementioned reasons as to why Railroad Outdoor’s appeal should be granted, even if the Sign Ordinance was not invalid based on procedural defects, it would be unconstitutional under State and Federal law, for the reasons articulated in pages 2-4 of my client’s appeal letter. See Appeal Letter (Exh. I hereto).

Exhibit “A”

From: Shawanna Qawiy <sqawiy@cityofclarkston.com>

Sent: Monday, September 14, 2020 4:03 PM

To: kshaw@railroadoutdoor.com

Subject: CSX Sign Permit Requests

Good Day,

The City is in receipt of your request for sign permits.

A review of the four (4) sign permit applications from Railroad Outdoor, LLC shows that all of the proposed signs will be located on poles.

Poles signs are prohibited in the City of Clarkston;

1. 3611 Church Street- Pole Sign (Billboard Sign)
 - a. Pole signs are not permitted in the City of Clarkston.
2. 3874 East Ponce de Leon Avenue (Billboard Sign)
 - a. Pole Signs are not permitted in the City of Clarkston.
3. CSX Outside LED I-285(Billboard)
 - a. Pole Signs are not permitted in the City of Clarkston.
4. CSX Inside LED I-285 (Billboard)
 - a. Pole Signs are not permitted in the City of Clarkston.

Therefore, the submitted applications are DENIED.

You may resubmit the applications for review with the applicable required documents and information. Please include the following for each sign (location/type) request;

1. Completion of the sign permit application (page 2-b) with all related dimension(s) listed.
2. Actual (real) colored renderings of the proposed sign on a site plan (at the actual location) with the proposed lettering/wording.
3. Completed Hold Harmless Form (attached) for each location.
4. Invoice for each sign location.

If you have any questions or concerns, please contact me.

Thank you.

Shawanna N. Qawiy, MPA, MSCM
Planning & Development Director



1055 Rowland St. | Clarkston, GA 30021

(O) 404-296-6489

(F) 404-296-6480

SQawiy@cityofclarkston.com

Exhibit “B”



September 22, 2020

VIA FIRST CLASS MAIL
AND EMAIL: adam@webbllc.com

E. Adam Webb, Esq.
Webb, Klase & Lemond, LLC
1900 The Exchange, SE
Suite 480
Atlanta, GA 30339

RE: Billboard Sign Applications by Railroad Outdoor, LLC

Dear Mr. Webb:

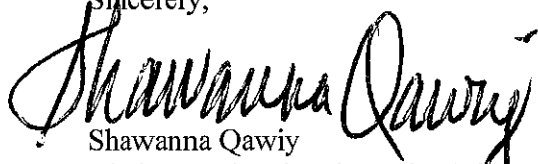
Thank you for your letter dated September 16, 2020. In light of your letter, the City of Clarkston has reevaluated the four sign applications submitted by Railroad Outdoor, LLC. We agree that we prematurely denied the applications based on the prohibition of pole signs.

Per your request, we have reviewed the four applications anew, keeping in mind your suggestion to look for the most specific applicable regulations. In so doing, we found several specific grounds requiring denial of each of the four applications. Please find enclosed documents reflecting the City Manager's official decision with regard to each application.

We will consider your September 16th letter to constitute written appeals of the four revised permit denials enclosed herewith. The Clarkston City Council will hear appeals of the four sign permit denials at its next regular meeting, which will be held on **October 6, 2020 beginning at 7:00 p.m.** City Code Sec. 15.5-26(b).

Due to Covid-19, this meeting will be held via Zoom pursuant to O.C.G.A. § 50-14-1(g). You may find instructions for joining the meeting by Zoom at clarkstonga.gov. If you would like to submit any documents for consideration by the City Council in connection with these appeals, please email them to City Clerk Tracy Ashby at tashby@clarkstonga.gov.

Sincerely,


Shawanna Qawiy
Clarkston Planning & Zoning Director

cc: Kelly Shaw
Mike Fitzgerald
Robin Gomez, City Manager
Tracy Ashby, City Clerk

Exhibit “C”

H

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

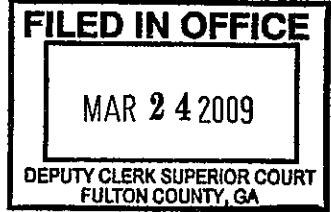
10950 RETAIL, LLC, d/b/a Love
Shack,

Petitioner,

vs.

CITY OF JOHNS CREEK, et al.,

Respondents.



Civil Action No.2007CV142924

FINAL ORDER

The above-captioned matter is presently before the Court on Petitioner's motion for partial summary judgment. Respondent opposes the motion. On March 2, 2009, the Court held a hearing concerning the instant motion. For the reasons set forth below, the instant motion is **GRANTED**, Count One (1) of the above-captioned petition is decided in favor of Petitioner,¹ and the above-captioned case is **CLOSED**.

I. BACKGROUND

Petitioner operates a retail store that stocks and displays clothing, merchandise and media. (Compl. ¶ 23; Answer ¶ 23.) In 2007, Petitioner applied to erect two signs and one banner at its store. (Compl. ¶¶ 2, 24-25; Answer ¶ 2, 24-25.) By letter dated August 3, 2007, Respondent Sam Bishop ("the Director"),

¹ The Court notes that the instant motion relates solely to Count One (1) of the second amended above-captioned petition, wherein Petitioner asserts that Respondent City of Johns Creek, through its Board of Zoning Appeals ("BZA"), misapplied its sign ordinance in denying Petitioner's sign and banner permit applications. In this regard, on March 13, 2009, Petitioner filed an amendment to the second amended petition, voluntarily dismissing without prejudice counts two (2) through six (6) of the amended above-captioned petition.

who served as Senior Planner for Respondent City of Johns Creek Community Development, informed Petitioner that its sign-permit applications (submitted on June 14) and banner-permit application (submitted on July 5) had been denied because "the purported business owner ha[d] been denied an Occupational Tax Certificate for the location," and "it is therefore not appropriate to issue a sign permit for this location." (See Compl. ¶¶ 26-27; Original Compl., Ex. B.) Nothing in Article 33 of Respondent City of Johns Creek's Code of Ordinances ("the Sign Ordinance") was cited or relied on by the Director in his denial letters. (Id.)

Petitioner appealed from the Director's denial decisions. (Id., Ex. C.) The BZA affirmed the denial. (Id., Ex. D.) Following the BZA's decision, Petitioner timely perfected a petition for writ of certiorari with this Court.

II. DISCUSSION

A. Standard of Review

When entertaining a writ of certiorari, "[t]he appropriate standard of review to be applied to issues of fact ... is whether the decision below was supported by any evidence." City of Atlanta Gov't v. Smith, 228 Ga. App. 864, 865 (1997). Of course "any evidence" means competent or admissible evidence. See Guntharp v. Cobb County, 168 Ga. App. 33, 35 (1983). Regarding issues of law, the Court must review whether the lower

tribunal "(1) acted beyond the scope of its discretionary powers; (2) abused its discretion; [or] (3) ... acted in an arbitrary or capricious manner." Jackson v. Spalding County, 265 Ga. 792, 794 (1995)(citing O.C.G.A. § 5-4-12).

The Court's function is not only to determine if the lower tribunal's interpretation of the ordinances was reasonable, its obligation is to construe the ordinances as a matter of law. See Northside Corp. v. City of Atlanta, 275 Ga. App. 30, 31 (2005). Where, as here, the error complained of presents a question of law, if "the court is satisfied that there is no question of fact involved which makes it necessary to send the case back for a new hearing before the tribunal below, it shall be the duty of the judge of the superior court to make a final decision in the case without sending it back to the tribunal below." O.C.G.A. § 5-4-14(b); see also Longshore v. Collier, 37 Ga. App. 450, 452 (1927).

B. Merits of the Instant Motion

1. The Denials were Not Based on Permissible Criteria

Respondent City of Johns Creek must review and decide sign-permit applications based on the standards set forth within the four corners of the Sign Ordinance. See Café Erotica of Fla., Inc. v. St. Johns County, 360 F.3d 1274, 1284-85 (11th Cir. 2004) ("[T]he Constitution requires that [the county] establish neutral criteria to insure that the licensing decision is not based on the content or viewpoint of the speech being

considered. Such criteria should be expressly included within the [c]ounty's sign Ordinance, and should set forth specific content-neutral grounds under which a sign permit may be denied.") (citation and internal quotation marks omitted); accord Union City Bd. of Zoning Appeals v. Justice Outdoor Displays, 266 Ga. 393, 402 (1996) ("[The city's] regulation extends beyond this limitation without establishing that the restriction is 'narrowly tailored to protect some vital government interest.' Accordingly, the trial court did not err in finding that the provision of the [the city] Sign Ordinance that prohibits obscene, indecent or immoral speech is unconstitutionally overbroad and vague.") (citations omitted). Indeed, Respondent City of Johns Creek cannot deny a sign permit application for reasons that are not objectively and narrowly expressed in its prior-restraint scheme. See Café Erotica of Fla., Inc., 360 F.3d at 1284 ("[T]he Ordinance still fails to address our primary concern - that there be 'reasonably specific and objective' grounds for denying a permit application that are 'narrowly drawn, reasonable, and definite' so as to sufficiently reduce the potential for content-based decisionmaking."). Here, when the City denied Petitioner's applications, it reasoned that it was "not appropriate" to issue the permits because Petitioner was denied a business license. However, because the subject ordinance does not require that an applicant possess a business

license to obtain a sign or banner permit, this was not a permissible basis upon which to deny the applications.

2. The Post-hoc Grounds are Impermissible Criteria

At oral argument, the Respondent City of Johns Creek acknowledged that the cited basis for denying the applications, Petitioner's lacked an occupational tax certificate (i.e., business license), is not a proper basis for denying sign applications. In this regard, Respondent City of Johns Creek has offered the Court new grounds for denying the applications, namely, that: (1) Petitioner was not in compliance with the requirements of the zoning district; (2) Petitioner's business was illegal; (3) it could not issue permit to an entity that was not a business; and (4) the banner permit failed to comply with Section 8 of the Sign Ordinance because it lacked "proof that the owner of the lot [gave] express permission for the location of a sign on the property." However, none of these grounds were articulated in the Director's August 3 denial letters.

Despite Respondent City of Johns Creek's contentions and arguments, its post-hoc grounds do not support the denial decisions. First, there was no evidence tendered during the public hearing to support these allegations. Second, if the Court were to allow Respondent City of Johns Creek to proffer new grounds in support of the denials, due process problems emerge. In this regard, a basic requirement of due process "is the opportunity to be heard and it is an 'opportunity which must

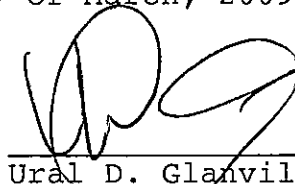
be granted at a meaningful time and in a meaningful manner.’” Parratt v. Taylor, 451 U.S. 527, 540 (1981) (citations omitted); Greene v. McElroy, 360 U.S. 474, 496 (1959) (“[w]here governmental action seriously injures an individual, and the reasonableness of the action depends on fact findings, the evidence used to prove the Government’s case must be disclosed to the individual so that he has an opportunity to show that it is untrue.”); cf. Jackson v. Spalding County, 265 Ga. 792 (1995). Indeed, Respondent City of Johns Creek did not notice Petitioner that it was denying the applications based on these new grounds.

Finally, the subject ordinance mandates that the Director articulate the grounds upon which a denial is based. See Sign Ordinance § 9(B) (“If the decision of the Director is to deny the application, the decision shall state the grounds upon which the denial is based.”). As such, to allow Respondent City of Johns Creek to proffer new grounds at the BZA hearing or in the above-captioned matter that it did not assert in the Director’s letter violates the subject ordinance. Therefore, given the importance § 9(B) plays in the appeal process, it is arbitrary for Respondent City of Johns Creek to violate that section.

III. CONCLUSION

For the reasons set forth above, the instant motion is GRANTED, Count One (1) of the above-captioned petition is decided in favor of Petitioner, and the above-captioned case is CLOSED.

SO ORDERED this 16th day of March, 2009.



Ural D. Glanville, Judge
Superior Court of Fulton County
Atlanta Judicial Circuit

Copies to:

Dana K. Maine
100 Galleria Parkway, Suite 1600
Atlanta, GA 30339

Cary S. Wiggins
260 Peachtree Street NW, Suite 401
Atlanta, GA 30303

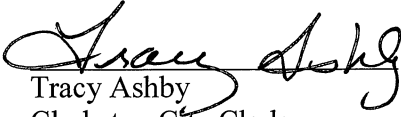
Exhibit “D”

CERTIFICATE OF AUTHENTICITY

I, Tracy Ashby, am the City Clerk for the City of Clarkston, Georgia. In this role, I am the custodian of official City records.

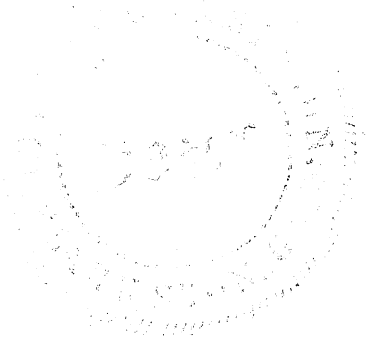
I hereby certify that the forgoing attached documents, consisting of 24 pages, are a true and accurate copy of the Clarkston Sign Ordinance, as amended to date, Chapter 15.5 of the Clarkston City Code of Ordinances. Pages include Sign Ordinance #379 (Adopted 9-2-2014) and Amendment Sign Ordinance #428 (Adopted 11-8-2018).

I certify under penalty of perjury that the foregoing is true and correct.


Tracy Ashby
Clarkston City Clerk

9-24-2020
Date

[CITY SEAL]



ORDINANCE NO. 379

**AN ORDINANCE TO AMEND THE SIGN ORDINANCE OF THE CITY OF CLARKSTON;
TO REPEAL ANY ORDINANCES THAT CONFLICT HERewith; AND TO ESTABLISH
AN EFFECTIVE DATE.**

WHEREAS, signs play an important role in the business and economy of the City but may also pose a traffic safety hazard, may disrupt the aesthetics of the City, and have the potential to damage the public investment in streets and highways unless properly regulated; and

WHEREAS, reasonable time, place, and manner regulations on the display of signs within the City are necessary in order to promote industry and commerce and to provide for orderly, reasonable and safe display of advertising for the benefit of all its citizens.

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

SECTION 1. Chapter 15.5 of the City of Clarkston Code of Ordinances is hereby amended as follows: Chapter 15.5 in its entirety, being sections 15.5-1 through 15.5-24, is hereby deleted and the following is adopted in lieu thereof.

SECTION 2. The document entitled "CLARKSTON SIGN ORDINANCE" attached hereto and consisting of 19 pages is hereby adopted as new Chapter 15.5 of the City of Clarkston Code of Ordinances.

SECTION 3. The document referred to in Section 2 is hereby made public record and shall be maintained by the City Clerk as such and made accessible to the members of the general public at City Hall during normal business hours.

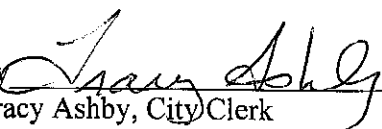
SECTION 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed. The various provisions, clauses, sections and subsections of the Clarkston Sign Ordinance are intended to be severable. Should any court of competent jurisdiction declare any portion of this ordinance to be invalid, it is the express intent of the City Council that all other portions of the ordinance remain in effect without the invalid provision. The effective date of this ordinance is the date of adoption.

FIRST PUBLIC HEARING: August 19, 2014

SECOND PUBLIC HEARING: September 2, 2014

ADOPTED this 2nd day of September, 2014.

ATTEST:

By 
Tracy Ashby, City Clerk
(SEAL)

MAYOR AND CITY COUNCIL,
CLARKSTON, GEORGIA


TED TERRY, Mayor

Approved as to Form

AGQ 9-2-14
Stephen G. Quinn, City Attorney

Article I. GENERAL PROVISIONS

Section 1. Purpose and Findings

The purpose and intent of the governing authority of the city in enacting this chapter is related to the following objectives:

- A. To enact regulations which promote signs that are subordinate to and in aesthetic harmony with their location on buildings and their surrounding environment; to identify requirements that safeguard life, public health, aesthetic quality and welfare by regulating the location, size, number, illumination, construction, maintenance and quality of materials of all signs and outdoor advertising structures and to eliminate visual clutter and blight within the city.
- B. To promote the safety of persons and property by ensuring that signs do not create traffic or other hazards due to collapse, fire, visual obstruction, decay or abandonment.
- C. To protect property values by regulating excessive visual clutter and ensuring that signage is constructed of quality materials and is well-maintained.
- D. To balance the right of individuals to convey their message with the duty to provide an uncluttered and aesthetic public realm for all members of the community.
- E. To provide for fair and consistent enforcement of the ordinance throughout the city.

Section 2. Definitions

For the purpose of this chapter certain terms and words are hereby defined. Words used in the singular shall include the plural, and the plural the singular; and words in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive.

The phrase "use for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for," and the word "structure" shall include the word "building."

Words not defined herein shall be construed as having the meaning as defined in the Merriam-Webster English Dictionary, 2004 edition.

Abandoned sign: a permitted sign or sign structure which was erected in conjunction with a particular use which has been discontinued for a period of at least one hundred eighty (180) days. This excludes temporary periods of remodeling, refurbishment or maintenance of the sign, or temporary vacancy of the property/business where the sign is located.

Aggregate sign area: the area of all signs on a parcel, excluding the area of one face of all double-faced signs.

Animated sign: a sign with action, motion, or changing colors which requires electrical energy. This definition includes any signs that electronically change the sign face, whether by substitution of copy or scrolling. An electronic sign that maintains a steady sign face without change for no less than six (6) hours is not considered an animated sign. However, any deviation from the minimum six (6) hour change of unchanged copy results in the sign being considered an animated sign. LED signs are considered separately from animated signs.

Architectural Embellishment: any modification of a building or attached structures to cause additional notification of the building or advertise the business, including but not limited to enlarged architectural features or projections to the building. Note that linear lighting is considered separately.

Area of a sign/ Sign area: the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses one face of the entire sign, inclusive of any border and trim but excluding the base, apron, supports, and other structural members.

Attached sign: any sign attached to, applied on, or supported by, any part of a building (such as a roof, wall, canopy, awning, arcade, or marquee) which encloses or covers usable space. Banners and window signs shall not be included in this definition for the purposes of this chapter.

Awning sign: a sign located on a roof-like cover extending before a place as a shelter and which may be used in lieu of a wall sign.

Banner: any sign, with or without characters, letters, illustrations or ornaments, applied to cloth, paper, or fabric of any kind, with only such material for a backing.

Billboard sign: any sign with a sign area exceeding 300 square feet.

Building façade: the portion of any exterior elevation of a building extended from grade to the top of the parapet wall or waves and the entire width of the building elevation fronting a public street, excluding alleys and lanes, and which may also be referred to as the building face.

Channel Letters: a type of building signage using separate three-dimensional letters that project from the building.

Changeable copy sign: a sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

Copy area: the area of a sign that displays a message, symbol or emblem, and is exclusive of the base, apron, supports, and other structural members of the sign.

Combined sign area: see aggregate sign area.

Directional sign: a sign containing information relative to the location, distance to, entrance to, and exit from structures or land use activities.

Double-faced sign: a sign which has two (2) display areas placed back to back against each other or where the interior angle formed by the display areas is sixty (60) degrees or less, where one face is designed to be seen from one direction and the other face from another direction.

Feather flag sign: a sign in the shape of a feather or banana that is a part of, or attached to, a pole.

Flag: any fabric or bunting containing colors, patterns, or symbols used to signify a government or other entity or organization.

Freestanding sign: a sign securely affixed to a support structure which is permanently attached to the ground and wholly independent of any building for support, such as monument or pole signs.

Hoist: the half or edge of a flag nearest to the flagpole

Illuminated sign: a sign that has light cast upon the sign from a source either internal to the sign or from an external light source directed primarily toward such sign.

LED Sign: an electronically controlled sign utilizing light-emitting diodes to form a message.

Linear lighting: any linear lighting around windows (either inside or outside the window), building facades, rooflines, doors, signs, and other building structures, or building projections. Linear lighting may include neon tubes, rope lighting, or any source of the lighting that creates the same effect. Linear lighting is not considered a sign for the purposes of this ordinance. Displays that use linear type lighting to create letters or shapes distinct from those described above are considered signs.

Marquee sign: a projecting sign attached to a roofed structure of a building which may project over sidewalks. This definition shall include any hood or stationary awning or permanent construction projecting from the wall of a building above an entrance and extending over a thoroughfare.

Monument sign: a freestanding sign mounted directly upon the ground. Such sign may not be attached to or be a part of or supported by the building in or to which the sign applies. No open spaces which allow a direct line of sight from one side of the sign to the other are permitted in the area beneath the highest point of the sign face.

Non-conforming sign: any sign which does not conform to the provisions of this ordinance that was legal at the time of its erection.

Non-residential district: any parcel which is part of the Clarkston districts RC, NC-1, NC-2, TC, or I.

Parcel: a separate tax unit of real property on county real estate records.

Pennant: any lightweight plastic, fabric, or material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind as a means of attracting attention. May also be several small flags connected to a single line. See spectacular signs.

Permanent sign: any sign attached securely to a building, roof, wall, or canopy or the ground by means of concrete, bolts, metal braces or treated wood and continuing in the same state or without essential change to the sign structure.

Planned center: a group of two or more retail stores, service establishments, offices, industrial buildings, or any other businesses, or combination thereof, consisting of individual buildings or units which are adjacent or abutting one another, and which are planned to serve the public, and which share common amenities or common area, sidewalks, parking areas or driveways, excepting outparcels.

Pole sign: a freestanding sign mounted on one or more poles or pylons set in the ground and of sufficient strength and size to support the advertisement portion of such structure which rests upon or is supported by such poles or pylons.

Portable sign: a mobile, temporary, or non-electrical sign that is mounted on a structure, with or without wheels or skids, and not permanently attached to the ground.

Projecting sign: a sign which is attached to a building wall and which extends at a ninety-degree angle from the face of the building, from the face of such wall. Horizontal projecting sign means any sign which is greater in width than in height. Vertical projecting sign means any sign which is greater in height than in width.

Public art: any special landscape treatment or work of art as ultimately arbitrated by the City Council; public art is not considered a sign for the purpose of this ordinance.

Pylon sign: see Pole sign.

Residential District: any parcel which is part of the Clarkston districts NR-1, NR-2, NR-3, or NR-CD.

Roof sign: a sign attached to or supported by the roof of a building which extends above the immediately adjacent roof line of the building.

Sign: a device or representation for visual communication which is used for the purpose of bringing the subject thereof to the attention of others. The following are not considered signs for the purposes of this chapter: public art, signs bearing only property or post office box numbers, and signs bearing the names of the occupants of the premises.

Sign area: the entire face of a sign and all wall work including illuminated tubing incidental to its decoration. In the case of an open sign made up of individual letters, figures, or designs attached directly to the building or standard, the space between such letters, figures, or designs shall be included as part of the sign area.

Snipe Sign: a sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, posts, poles, stakes, fences, rocks, or to other objects not authorized as part of the sign.

Spectacular sign or device: animated signs, feather flags, streamers, pennants, balloons and other air or gas filled devices, search lights, lasers, beacons, or other light projecting devices.

Streamers: see Pennant.

Temporary sign: any sign used to announce the occasion of a special event, announces the occurrence of a temporal event or activity, which will only be displayed for the duration of the event, or a reasonable time as determined by the Planning and Zoning Board.

Vehicular sign: any sign on a vehicle moving above the ground or any vehicle parked temporarily, secondary to its principle use for transportation. This definition shall not include signs which are being transported to a site of erection, identification signs on commercial vehicles which are used regularly for conducting business, nor does it include signs, lights, or signals used by any authorized emergency vehicle.

Wall sign: a sign fastened or placed upon or parallel to the exterior wall of the structure itself, whether front, rear or side of the structure. Wall signs as regulated by this chapter shall include all flat signs of solid face construction which are placed against a building or other structure and attached to the exterior front, rear, or side wall of any building or structure.

Window sign: a sign installed flush with or on a window and intended to be viewed from the outside.

Section 3. Construction Standards

- A. All signs for which a permit is required under this ordinance shall be constructed and maintained in accordance with the provisions of the city building code.
- B. Every outdoor sign, for which a permit is required, shall be plainly marked with a decal of approval including the permit number issued for the sign or other method of identification as approved by the city. The decal of approval shall be affixed at a location appropriate to the sign, type, location and size.
- C. Signs for which a permit is not required under this ordinance may be posted for a maximum of 60 days unless replaced with another sign of the same material. Any replacement signs may be posted for a maximum of 60 days.

Section 4. Illumination

- A. Illumination for signs shall not cast light on adjacent property or shine in a way as to cause distraction to nearby traffic.
- B. Illumination must be constant and may not change, flash, scroll, or simulate movement. LED lit signs are not considered illumination.
- C. Internal Illumination of signs is limited to channel letters only.
- D. Illumination provided must be a white color (either cool or warm) and may not be any other discernible color.

Article II. PERMITTING AND ENFORCEMENT

Section 5. Sign Permits

- A. All signs, except for those specifically exempted from obtaining a permit by this ordinance, require a permit issued by the City before any sign may be displayed, significantly changed, or erected in the city.
- B. All existing signs which would be required to obtain a permit under this ordinance must register with the city within 90 days of the effective date of this ordinance. Registration of existing signs shall follow the same procedure as permit applications, as described in Section 7; however no permit fee is required for registration.

Section 6. Exemptions from Permit Requirements

- A. The following sign types shall be exempt from the permit requirements of this Article and do not count towards the maximum aggregate sign area limits provided in Section 19:
 - 1. Any sign erected by a public officer arising out of the performance of his/her duties is exempt from the permit requirement. These signs include, but are not limited, to the following: safety signs or notices, danger signs, traffic signs and control devices, memorial plaques, historical markers, street signs, etc.
 - 2. Two (2) freestanding signs per parcel, so long as such sign(s) are less than five (5) feet tall each and not more than six (6) square feet each in area.
 - 3. Numbers displayed for purposes of identifying property address, not to exceed four (4) inches in height in residential districts and ten (10) inches in height in non-residential districts.
 - 4. Seasonal displays located outside of the public right-of-way that are displayed for a maximum period of thirty days no more than twice a year.
- B. Flags. Every parcel may display no more than three (3) flags that shall not count toward the maximum aggregate sign area limits provided in Section 19 without obtaining a permit. Flags must comply with the following regulations:
 - 1. Flagpoles shall not exceed twenty-five (25) feet in height or the height of the primary structure, whichever is less.
 - 2. The dimensions of any flag shall be proportional to the flagpole height such that the hoist side of the flag shall not exceed twenty (20) percent of the vertical height of the flagpole.

3. Flags shall not exceed 24 square feet in area.
4. On officially designated City, county, state, or federal holidays, there shall be no maximum size or number or other limitations on flag display.

Section 7. Sign Permit Application Information

- A. Official sign permit applications shall be provided by the City and filed by the sign owner or the owner's agent with the City. The application asks for all materials needed to verify that the signs in question meet all the requirements of this ordinance.
- B. Additional material may be requested by the Planning and Zoning Board to ensure that the proposed sign will conform to this chapter and other chapters of this Code.

Section 8. Fees

Payment of a sign permit fee shall be required to obtain a permit. The amount of such fee shall be established in a fee schedule as approved by resolution of the Council.

Section 9. Time for Consideration of Sign Permit

- A. The City shall process all sign permit applications within 90 business days of the City's actual receipt of a completed application and associated sign permit fee.
- B. The City shall give notice to the applicant of the decision of the City in writing on or before the 90th business day after the City's receipt of the completed application and fee.
- C. If the Planning and Zoning Board requests additional information as set forth in Section 7.B within forty-five (45) days of the applicant submitting his application and required fee, then the application will not be considered complete until such information is submitted.
- D. If the City fails to act within 90 business days of the receipt of completed application and applicable sign permit fee, the permit shall be deemed to have been granted.

Section 10. Denial and Revocation

- A. Procedure:
 1. The Planning and Zoning Board shall approve or deny sign permits within the City.

2. No permits shall be denied or revoked except for due cause as hereinafter defined. "Due cause" is the violation of any of the provisions of this ordinance, state or federal law related to signage, or the submission of an incomplete application or an application containing any false material statements.
3. Violation of any provision of this ordinance will be grounds for terminating a sign permit.
4. The City will revoke a sign permit if it determines that a sign permit was issued based on an incomplete application or an application containing a false material statement, or that a permit has been erroneously issued in violation of this ordinance.
5. Should the Planning and Zoning Board deny a permit, the reasons for the denial are to be stated in writing and delivered by hand to the applicant or mailed by first class mail to the address provided by the applicant on or before the 90th business day after the City's receipt of the application and corresponding fee.
6. For any application which is denied and subsequently resubmitted, the re-submittal date shall serve as the date of submission not the date of the original denied submission.

B. Appeal:

1. An individual whose permit application has been denied or an individual whose permit has been revoked has the right to appeal the decision to the City Council. A written notice of an appeal must be filed with the City within 15 calendar days of the Planning and Zoning Board's decision.
2. The appeal shall be considered by the Council at the next City Council meeting held after the city's receipt of the written notice of appeal, provided the notice of appeal is received a minimum of five (5) full business days before the meeting. If the appeal is not heard at said meeting, it shall be heard at the next regular Council meeting.
3. The Council shall make a final decision no later than 45 days following the submission of the notice of appeal.

C. Any applicant whose permit has been denied or revoked and is dissatisfied with the decision of the City Council may petition for writ of certiorari to the Superior Court of DeKalb County as provided by law.

Section 11. Permit Expiration

- A. A sign permit shall become null and void if the sign for which the permit was issued has not been erected in accordance with the permit application within six (6) months after the date of issuance.
- B. Permit fees will not be refunded for permits which expired due to failure to erect a permitted sign in the allotted time.
- C. Individuals whose original permit expired but who wish to erect a sign at the same location must file a new application and pay the applicable fee.

Section 12. Enforcement and Penalties

- A. All signs shall be maintained in good condition as to present a neat and orderly appearance.
- B. The City may inspect any sign regulated by this chapter or other ordinances to ensure that such sign conforms to this chapter and all other ordinances of the city. Such inspection may be made at any time deemed necessary by the City, so long as the inspection does not violate the protections afforded by the United States Constitution, and is performed in a lawful manner.
- C. If any sign is erected or maintained in violation of any of the provisions of this chapter or other ordinances, the City shall have the power to provide written notice of the violation to the sign owner, the owner of the property on which the sign is located or both. This notice shall include a brief statement of the particulars in which this chapter or other ordinances are violated and the manner in which such a violation is to be remedied.
 - 1. If a sign has been registered with the city, written notice to the registered owner or the person or firm receiving the permit shall be sufficient.
 - 2. If a sign owner cannot be found, the property owner upon whose property the sign is attached will be given written notice of the violation and will be required to perform corrections or removal of the sign will be upon the property owner on whose property the sign is attached.
 - 3. If the city makes a reasonable effort and cannot locate the sign owner or the property owner, then affixing a copy of the notice to the sign, sign structure, or building for a period of ten (10) days shall be sufficient notice to property owner and/or sign owner.
- D. Once notice has been given to either the sign owner or the owner of the property where the sign is located, the sign shall be remedied in accordance with the statement

provided by the city, or removed. Permanent signs are allotted a period of thirty (30) days, and portable signs a period of twenty-four (24) hours to be remedied or removed.

- E. If such violation is not remedied within the specified time, after notice of violation, the sign will be removed by the sign owner, the property owner, or the city. If the city removes the sign, it will be done at the sign owner or property owner's expense, or where appropriate, both. Such expense may be recouped by placing a lien on the subject property in the amount of expenses incurred by the City.
- F. The sign owner or property owner, or where appropriate, both, will be fined for each day of continued violation before the sign is removed. No notice of violation is required before the city issues citations. The fine will not exceed the maximum amount authorized by this Code.
- G. Any sign that poses an imminent threat to public safety may be immediately removed, without notice to the owner.
- H. In order to enforce the requirements of this chapter, the City shall have the rights and obligations provided by state law regarding access to private property and inspections including the right to obtain an inspection warrant should access be denied.
- I. Any person violating any provision of this chapter shall be guilty of an offense and upon conviction, shall be subject to the penalties as provided in section 3.06 of the City Charter and section 1-7 of this Code of Ordinances. Each sign installed, created, erected or maintained in violation of this chapter shall be considered a separate violation, and each day of continued violation for each sign shall be considered a separate offense.
- J. The city may seek affirmative equitable relief in a court of competent jurisdiction to cause the removal or repair of any sign in violation of this chapter or other city ordinance, but a court order shall not be required for the City to exercise its enforcement rights pursuant to this section.
- K. The City may remove any sign or structure illegally placed upon a public right-of-way without notice and may dispose of said sign or structure as deemed proper and expedient. Such removal and disposal of illegally placed signs shall not preclude the prosecution of any person for illegally placing such signs in the public right-of-way.
- L. The City is authorized to remove any illegal sign and to place a lien for the removal cost upon the real property upon which the sign was located prior to the removal.

Section 13. Variances

- A. Variances are limited to the minimum relief necessary to overcome a hardship. In no circumstance should a variance allow a greater number of signs than would be allowed under the provisions of this ordinance. Nor should a variance allow a sign which is prohibited in this ordinance.

- B. A variance from the sign regulations may only be granted where the applicant establishes that a hardship exists which meets the following criteria:
 - 1. Where the visibility of an otherwise conforming sign from the closest public street would be materially impaired by existing vegetation, natural features, structures, or existing signs on another lot; and
 - 2. Placement of the sign in another location on the site would not remedy the visual impediment; and
 - 3. The proposed variance would not create a safety hazard to pedestrians or vehicular traffic; and
 - 4. The visibility impediment is not created by the owner of the subject property.
- C. Variance applications shall be submitted to the City for Council consideration and shall be heard in the same time frame and rules governing appeals under this ordinance.

Article III. *PROHIBITED SIGNS*

Section 14. Prohibited Locations and Methods of Erection

The following types of signs are prohibited in the locations and circumstances described below:

- A. LED signs except within monument signs or window signs in non-residential areas or electronic billboards where expressly permitted;
- B. Permanent detached and attached signs that are not designed to conform to the city-adopted building code for wind pressures, and constructed to receive dead loads as required in the building codes or other ordinances of the City of Clarkston;
- C. Signs that are within public rights-of-way or utility easements, with the exception of publicly owned or maintained signs;
- D. Signs placed on another person's property without that person's express consent;
- E. Signs placed within the Railroad right of way;
- F. Signs that obstruct any door, window, fire escape, fire or emergency exit, or ventilation system;
- G. Signs which interfere with road visibility or obstruct or otherwise interfere with the safe and orderly movement of pedestrian or vehicular traffic.

Section 15. Prohibited Signs Types

The following types of signs are prohibited throughout the City:

- A. Roof signs;
- B. Pole signs;
- C. Snipe signs;
- D. Portable signs;
- E. Abandoned signs;
- F. Vehicular Signs;
- G. Animated Signs;
- H. Signs which advertise any illegal activity under the laws of the City, the State of Georgia, or otherwise prohibited under federal law;
- I. Signs which pose a hazard to surrounding property or individuals;
- J. Signs that use flashing or blinking lights;
- K. Signs which contain words, pictures, or statements which are obscene, as defined by the Official Code of Georgia Annotated § 16-12-80;
- L. Signs which simulate traffic control or warning signs or hide from view any traffic or street sign, signal, or public service sign;
- M. Signs which emit or utilize in any manner any sound capable of being detected on any public road by a person of normal hearing;

Article IV. *SIGNS ALLOWED IN RESIDENTIAL DISTRICTS*

Section 16. *General Signage in Residential Zoning Districts*

- A. Other than subdivision entrance signs allowed below, parcels located in residential zoning districts are restricted to a combined sign area of fifteen (15) square feet and are forbidden from being illuminated externally or internally.
- B. No individual sign shall exceed six (6) square feet in sign area in a residential zoning district.
- C. Signs in residential districts are restricted in height to no greater than five (5) feet higher than the center line of the adjacent streets.
- D. Residential signs meeting the standards of this section are exempt from permitting requirements and fees.
- E. Holiday displays as permitted in Section 6.A

- F. Flags as permitted in Section 6.B

Section 17. Subdivision Entrance Signs:

- A. Residential subdivisions including multi-family housing consisting of more than two (2) parcels may erect one (1) monument sign at each entrance to the subdivision.
- B. Entrance signs shall be limited to a height of five (5) feet above the grade level of the center line of the adjacent street. The sign shall have a sign area less than twenty five (25) square feet.
- C. Entrance signs must be twelve (12) feet away from the curb.
- D. Entrance signs may be externally illuminated.
- E. Entrance signs shall not count toward the maximum allowable signage on an individual residential parcel.

Article V. SIGNS ALLOWED IN NON-RESIDENTIAL DISTRICTS

Section 18. Size and Location Requirements in Non-Residential Districts

- A. No freestanding sign shall be located within 30 feet of the intersection of two public streets.
- B. Height Measurement: All sign heights in non-residential zoning districts shall be measured from the grade level of the center line of the adjacent street to which the property on which the sign is located has access. If the property is higher than the level of the street, the ground level at the base of the proposed sign shall be used. Corner lots shall use the higher of the adjacent street levels. The level of the ground shall not be altered in such a way as to provide additional sign height.
- C. In planned centers all signs shall be uniform in location, size, and color of lettering and shall be constructed of non-combustible material.

Section 19. Maximum combined sign area per parcel

Parcels may contain more than one freestanding sign, given the following:

- A. Parcels exceeding 60,000 square feet shall be allowed a maximum aggregate sign area of 200 square feet for the entire parcel.

- B. Parcels less than 60,000 square feet but greater than 15,000 square feet shall be allowed a maximum aggregate sign area of 100 square feet for the entire parcel.
- C. Parcels less than 15,000 square feet in size shall be allowed a maximum aggregate sign area of 50 square feet for the entire parcel.
- D. The limits set forth in (A), (B) and (C) of this Section are assessed against the area of all freestanding signs on the parcel but do not count the area of window, wall, awning, billboard, or projecting signs located on the parcel.

Section 20. Billboard signs.

- A. Billboard signs shall not exceed six hundred and seventy two (672) square feet of sign area. Billboard signs shall not exceed fourteen (14) feet in height or forty eight (48) feet in length.
- B. Billboard signs are only permitted on parcels zoned RC, NC-1, NC-2, TC, or I.
- C. Billboard signs shall only be located on parcels adjacent to US Highway 78 or Interstate 285 and shall be oriented only towards those highways.
- D. Electronic billboards must meet all standards set by Georgia Department of Transportation for that type of signage.
- E. No billboard sign shall be located within 1,000 feet of another billboard sign.
- F. No billboard sign shall be located within 500 feet of residential zoned parcels.
- G. No billboard structure shall exceed a height of fifty (50) feet.

Section 21. Monument signs.

- A. Monument signs for planned centers are limited to 100 square feet of total area, which includes both signage and structure, and shall be limited to one (1) such sign per parcel per street frontage and shall not exceed ten (10) feet in height. No more than eight (8) distinct signs may be located on a single planned center monument sign.
- B. Monument signs for single tenant parcels are limited to 80 square feet of total area, which includes both signage and structure, shall be limited to one (1) such sign per parcel per street frontage and shall not exceed eight (8) feet in height.
- C. No more than 25% of the sign face of a monument sign may be changeable copy.
- D. LED signs are permitted within monument signs provided they meet the following requirements:

1. Occupy no more than 20% of the sign façade.
 2. Not flash or simulate movement.
 3. Not change more than once every ten (10) seconds.
 4. Not exceed brightness of more than 0.20 foot-candles above ambient light levels (at measurement conditions) as measured at a distance of 125 feet.
- E. Monument signs shall be constructed of durable materials such as brick, stone, corrosion-resistant metal, wood, and stucco or other similar materials as approved by the Planning and Zoning Board. Materials and colors should match those used on the primary structure. Wood shall only be used if it meets all the following criteria
1. The wood portion of the sign must be created using a sand-blasting or carving technique
 2. The wood must be painted to protect it from moisture, and kept in an orderly appearance
 3. The wood shall not be in contact with the ground

Section 22. Wall and Awning Signs.

- A. Wall and awning signs shall not extend above the parapet wall.
- B. Wall signs shall not project beyond the building face by more than 18 inches. Awning signs shall not project beyond the building face by more than five (5) feet.
- C. Wall and awning signs shall not exceed ten (10) percent of the wall face to which the sign is attached or 300 feet of total sign area, whichever is less. For individual tenant spaces that are connected to a larger multi-tenant building, only the wall area of the tenant space is counted.
- D. The maximum wall or awning sign height shall be ten (10) feet.
- E. Wall signs are only permitted on parcels zoned RC, NC-1, NC-2, TC, or I.
- F. Wall signs must be constructed of non-combustible materials, plastic must have a matte or non-glossy appearance.
- G. Neon signs are permitted as wall signs, but are limited to twenty (20) square feet in total area. Any tube lighting signage shall be deemed a “neon sign” for purposes of this section.

Section 23. Projecting Signs

- A. Projecting signs, including the frames, braces, and supports thereof, shall be designed by a structural engineer or manufacturer, and shall be approved by the building inspector as in compliance with the building code of the city, and shall be constructed of incombustible materials.
- B. Movable parts. Any movable part of a projecting sign such as the cover of a service opening shall be securely fastened by chains, screws, or hinges.
- C. Size limitations. Except by special permission of the Planning and Zoning Board, projecting signs shall be limited to five (5) percent of the building face but no larger than fifty (50) square feet on each side. No Projecting sign shall be less than twelve (12) inches wide.
- D. Location. Every projecting sign shall be placed at least ten (10) feet above the ground, and a distance not greater than four (4) feet from the face of the wall to which it is attached, measuring from the point of the sign nearest to the wall. No projecting sign shall be nearer to the curb line than eight (8) feet. Projecting signs shall not be erected over public driveways, alleys, or thoroughfares.

Section 24. Window signs

- A. Windows signs must not exceed 30% of the window area.
- B. LED signs are permitted as window signs provided they meet the following requirements:
 - 1. Not flash or simulate movement.
 - 2. Not change more than once every hour.
 - 3. Not exceed brightness of more than 0.20 foot-candles above ambient light levels (at measurement conditions) as measured at a distance of 125 feet.

Section 25. Architectural Embellishments

- A. Generally. Architectural embellishments added to a structure for the purpose of conveying a message as to the purpose of the building, or to attract attention to the building, shall be treated as signs, and must comply with the standards set forth in this ordinance. The area of architectural embellishments shall count towards wall sign totals.
- B. Requirements. All applications for approval of architectural embellishments shall meet the following requirements:

1. Architectural embellishments must be consistent with the design of the building and compatible with the surrounding structures.
2. No text, logos, arrows, flags, or banners shall be part of an architectural embellishment. Lighting may be considered an architectural embellishment if it meets the criteria mentioned above.
3. Architectural embellishments shall be applied and constructed strictly in accordance with the plans submitted with the sign application.

Article VI. *SPECIAL SIGN PROVISIONS*

Section 26. *Temporary Signs*

- A. Applications for temporary sign permits shall be submitted to the City, along with all appropriate fees. City staff shall determine whether the requested sign conforms to the requirement of this section.
- B. Applications for temporary sign permits shall be submitted no less than twenty (20) days prior to the anticipated use of such sign. The City shall render its decision on any application for a temporary sign within five (5) working days of its receipt by the city or the permit shall be deemed granted. The fee for the sign shall be determined by the fee ordinance of the city.
- C. The applicant for a temporary sign permit should be prepared to submit any of the information required for permanent signs as listed in Section 7 of this chapter should such be requested by the City, including number, dimensions and locations of existing signage on site.
- D. Any person who is dissatisfied with the decision of the City may appeal that decision to the Planning and Zoning Board. Any such appeal shall be delivered to the City within ten (10) days of receipt of the adverse decision of the City or their designee.
- E. The applicant for the temporary sign permit shall be responsible for removing the signs within the time required by this chapter or by the city council. Temporary sign permits shall not be used in lieu of permits required for other signs in this chapter. No temporary sign permit is necessary for the signs exempted from the permit requirement under Section 6.
- F. The following signs are permitted with a temporary sign permit.
 1. Banners are permitted as a temporary sign if they conform to the following standards:
 - a. No banner shall exceed ten (10) percent of the building façade, but shall be no smaller than fifteen (15) square feet in total area;

- b. Each banner must be individually attached to poles, mast arms or other appropriate structures;
 - c. No more than one (1) banner may be displayed upon any lot, parcel or suite/tenant space at any one time;
 - d. Banners may be displayed for a maximum of two (2) weeks at any given time, not to exceed six (6) weeks in any calendar year;
 - e. No banner may be displayed or used upon any lot with another temporary sign including, but not limited to, temporary detached signs and portable display signs;
 - f. If any lot displays a banner, then there shall only be one (1) window sign while the banner is on display;
 - g. All banners shall be maintained in good condition.
2. Signs, including feather flag signs or streamers, advertising a special or weekend event, and directional signs pertaining to these events are permitted in any zoning district, provided that they conform to the following provisions:
- a. No more than five (5) signs shall be erected which advertise or direct traffic to the event, more than forty-eight (48) hours before the event.
 - b. Signs shall be removed immediately after the event, or within forty-eight (48) hours of being erected, whichever is the shorter period.
 - c. Special event signs may be displayed for a maximum of twenty (20) days in any calendar year.
 - d. No sign shall be placed on another person's property without that property owner's express permission.
 - e. No sign shall exceed four (4) square feet in area.
3. Balloons, gas-filled figures or other novelties are allowed for a period of ten (10) days or less in all zoning districts except NR-1, NR-2, and NR-3. Such signs shall be limited to one (1) per entity or individual, and shall not exceed three (3) cubic feet. No lot shall display more than two (2) such signs per calendar year.
4. A maximum of two (2) temporary subdivision directional signs not to exceed twenty-four (24) square feet are allowed while the project is under construction.

5. A temporary detached sign is permitted in any zoning district for any property under development or construction, however the sign shall not exceed twenty (20) square feet.
6. No more than two (2) temporary signs shall be displayed on any lot in any zoning district at the same time. This provision applies to all signs, regardless of whether a permit is required. This provision is also subject to all other restrictions in this chapter.
7. No temporary sign shall exceed six (6) square feet in sign face area unless otherwise stated in this chapter.
8. One or more temporary flags exceeding the allowed flags set forth in Section 6.B.

Section 27. Nonconforming Signs

- A. Nonconforming signs, which met all legal requirements when erected, may stay in place, provided that within 90 days of the effective date of this ordinance the owner of the non-conforming sign or the owner's agent registers the sign with the city. The registration must contain all the requirements of new sign applications and must specify the sign is non-conforming and state the date the sign was completely installed. If original construction drawings for existing signs cannot be located, a series of color photographs may be provided. A fee is not required for the registration of a non-conforming sign; however failing to register will be considered an offense and may be penalized as any other ordinance violation. Non-conforming signs are permitted until one of the following conditions occurs:
 1. The deterioration or destruction of the sign makes it a hazard or unsightly; or
 2. The sign is damaged to the extent that major repairs are required to repair the sign. The sign may be restored to its previous non-compliant condition provided the cost to repair the sign does not exceed 50% of the replacement cost for a new conforming sign.
- B. No structural repairs except those permitted by Section 27.A, or change in size, shape, or design, shall be permitted except to make a non-conforming sign comply with all requirements of this ordinance.
- C. A non-conforming sign shall not be replaced by another non-conforming sign.
- D. Minor repairs and maintenance of nonconforming signs are permitted, but no changes in size or shape are permitted except to make the sign comply with the requirements of this chapter.

ORDINANCE NO. 428

AN ORDINANCE BY THE CITY OF CLARKSTON TO AMEND CHAPTER 15 OF THE CODE REGARDING PLANNING AND DEVELOPMENT AND TO AMEND CHAPTER 15.5 OF THE CODE REGARDING SIGNS; TO PROVIDE FOR ADMINISTRATIVE REVIEW OF SIGN APPLICATIONS AND APPROVAL BY THE CITY MANAGER RATHER THAN THE PLANNING AND ZONING BOARD; AND FOR OTHER PURPOSES.

WHEREAS, the City desires to protect the public safety and enhance the aesthetic appeal of the City by providing for a process whereby all sign applications must be reviewed and approved or denied by the City Manager.

NOW, THEREFORFE, BE IT ORDAINED BY the City of Clarkston that the City's Code of Ordinances be amended as follows:

Section 1. Subsection (b) of Section 15-5 of Chapter 15 of the City Code is hereby deleted and replaced with "Reserved."

Section 2. Section 15.5-23 of Chapter 15.5 of the City Code is hereby deleted in its entirety and replaced with the following:

"Sec. 15.5-23. Sign Permit Application.

(a) Official sign permit application forms shall be provided by the city and shall be used by the sign owner or the owner's agent to file a sign permit application with the city. The application form shall indicate all material information needed to verify that the signs in question would meet all of the requirements of this chapter.

(b) Additional material may be requested by the city manager to ensure that the proposed sign will conform to this chapter and other applicable chapters of this Code."

Section 3. Section 15.5-25 of Chapter 15.5 of the City Code is hereby deleted in its entirety and replaced with the following:

"Sec. 15.5-25. Time for Consideration of Application.

(a) The city shall process all sign permit applications within ninety (90) business days of the city's actual receipt of a completed application and associated sign permit fee.

(b) The city manager shall give notice to the applicant of the decision on the application in writing on or before the ninetieth business day after the city's receipt of the completed application and fee.

(c) If the city manager requests additional information as set forth in subsection 15.5-23(b) within forty-five (45) days of the applicant submitting his application and required

fee, then the application will not be considered complete until such information is submitted.

(d) If the city manager fails to act on the application within ninety (90) business days of the receipt of a complete application and applicable sign permit fee, the permit shall be deemed to have been granted.”

Section 4. Section 15.5-26 of Chapter 15.5 of the City Code is hereby deleted in its entirety and replaced with the following:

“Sec. 15.5-26. Approval, Denial or Revocation of Sign Permit.

(a) Initial Procedure:

- (1) The city manager shall approve or deny sign permits within the city.
- (2) No sign permit may be denied or revoked except for due cause as hereinafter defined. "Due cause" is the violation of any of the provisions of this ordinance, state or federal law related to signage, or the submission of an incomplete application or an application containing any false material statements.
- (3) Violation of any provision of this chapter will be grounds for terminating a sign permit.
- (4) The city manager will revoke an existing sign permit if it is determined that a sign permit was issued based on an incomplete application or an application containing a false material statement, or that a permit has been erroneously issued in violation of this chapter. If the city manager revokes a sign permit, the city manager shall promptly give written notice of such revocation to the permittee.
- (5) Should the city manager deny a sign permit application, the reasons for the denial are to be stated in writing and delivered by hand to the applicant or mailed by first class mail to the address provided by the applicant on or before the ninetieth business day after the city's receipt of the application and corresponding fee.
- (6) For any application which is denied and subsequently resubmitted, the resubmittal date shall serve as the date of submission not the date of the original denied submission.

(b) Appeal of Denial or Revocation to City Council:

- (1) An applicant whose permit application has been denied or a permittee whose permit has been revoked has the right to appeal such decision by the city manager to the city council. A written notice of an appeal must be filed with the city clerk within

fifteen (15) calendar days of the city manager's decision to deny the application or revoke the permit.

(2) The appeal shall be considered by the council at the next regular city council meeting held after the city's receipt of the written notice of appeal, provided the notice of appeal is received a minimum of five (5) full business days before the such meeting. If the appeal is not heard at said meeting, it shall be heard at the next regular council meeting.

(3) The city council shall make a final decision no later than forty-five (45) days following the submission of the notice of appeal.

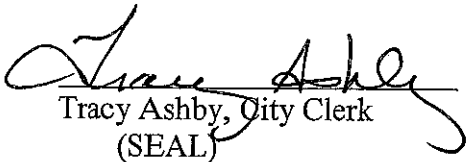
(c) Any appellant that is dissatisfied with the decision of the city council on appeal may petition for writ of certiorari to the Superior Court of DeKalb County as provided by law.

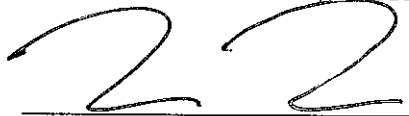
Section 5. The effective date of this ordinance is the date of its adoption. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

SO ORDAINED, by the Clarkston City Council, this 8 day of November 2018.

ATTEST:

CITY COUNCIL OF
CITY OF CLARKSTON, GEORGIA


Tracy Ashby, City Clerk
(SEAL)


Mayor Ted Terry

Approved as to Form



Stephen G. Quinn, City Attorney

Exhibit “E”

CERTIFICATE OF AUTHENTICITY

I, Tracy Ashby, am the City Clerk for the City of Clarkston, Georgia. In this role, I am the custodian of official City records.

I hereby certify that the forgoing attached documents, consisting of 5 pages, are a true and accurate copy of All advertisements published in the Champion News, the City's legal organ which provided notice of the public hearings held on August 19, 2014 and September 2, 2014 regarding the City's consideration of revisions or amendments to the City of Clarkston Sign Ordinance.

Pages include the Champion News Legal Ads on below dates:

Champion News Legal Ads Dated 7-31-201

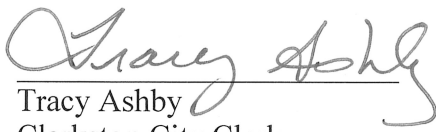
Champion News Legal Ads Dated 8-7-2014

Champion News Legal Ads Dated 8-14-2014

Champion News Legal Ads Dated 8-21-2014

Champion News Legal Ads Dated 8-28-2014

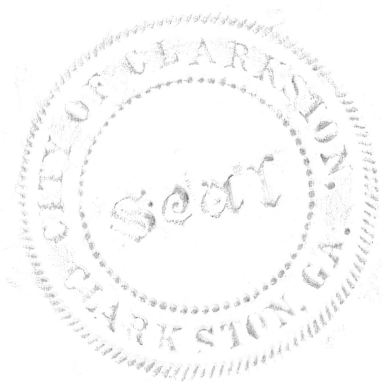
I certify under penalty of perjury that the foregoing is true and correct.


Tracy Ashby

Clarkston City Clerk

10-2-2020
Date

[CITY SEAL]



scheduled at a later date. If no objections are filed the Petition may be granted without a hearing.
JERYL DEBRA ROSE
Judge of the Probate Court
Kimberly H. Curry
556 N. McDonough Street
Decatur, Georgia 30030
404-371-2601

NOTICE

2014-1260
The petition of FRANCES REBECCA GAINES, for a year's support from the estate of JOHN PATRICK GAINES, deceased, for decedent's surviving spouse, having been duly filed all interested persons are hereby notified to show cause, if any they have, on or before September 1, 2014, why said petition should not be granted.
All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed on or before the time stated in the preceding sentence. All pleadings/objections must be signed before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number for the required amount filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed the Petition may be granted without a hearing.
Jeryl Debra Rose
Probate Judge
By: Rhonda G. Veal
Probate Clerk/Deputy Clerk
556 North McDonough Street
Room 1100
Decatur, GA 30030
(404) 371-2601

Public Hearing

320-361048 7/31,8/7,8/14JH
NOTICE OF PUBLIC HEARING
Notice is hereby given pursuant to the Georgia Zoning Procedures Act that the Planning and Zoning Board of the City of Clarkston will hold a Public Hearing on ++Tuesday, August 19, 2014 at 7:00 p.m.++, regarding proposed revisions to Chapter 15.5 of the City of Clarkston Code of Ordinances. The hearing will take place in the council chambers at City Hall, 3921 Church Street, Clarkston, Georgia. All interested parties are invited to attend.

STATE BOARD MEMBER TO HOLD PUBLIC HEARING

August 19, 2014
Barbara Hampton to Host State Board of Education Sixth District Public Hearing
The State Board of Education will hold a public hearing for citizens in the Sixth Congressional District on ++Tuesday, August 19, 2014++ 8:00 p.m. at Dunwoody High School, 5035 Vemack Road, Dunwoody, GA. The purpose of the hearing is to hear comments from interested citizens and educators within the congressional district regarding the performance and problems of public education. This includes hearing comments about the Common Core Georgia Performance Standards in Mathematics and English Language Arts as part of the State Board's formal evaluation of these standards. Persons wishing to speak should sign in upon arrival. For more information, please contact Mrs. Debbie Caputo at 404-657-7410.
The Georgia Department of Education does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need assistance or auxiliary aids for participation in this public forum are invited to make their needs known to Mrs. Debbie Caputo at (404) 657-7410, no later than 72 hours before the scheduled event.

Public Notice

330-360397 7/24,7/31,8/7,8/14JH
Georgia Department of Transportation
To Hold
A Location and Design
Public Information Open House
for Project NHS00-0000-00(784)
Fulton and DeKalb Counties
P.I. No. 0000784

On August 19, 2014, from 11 a.m. to 1 p.m., and on August 21, 2014, from 11 a.m. to 1 p.m. and from 5 p.m. to 7 p.m., the Georgia Department of Transportation will hold a ++Public Information Open House (PIOH) concerning Project NHS00-0000-00(784)+-. Fulton and DeKalb counties, at the Dunwoody Baptist Church (gymnasium), located at 1445 Mt. Vernon Road, Dunwoody, GA 30338.

Project NHS00-0000-00(784), Fulton and DeKalb counties is a proposal to reconstruct the Interstate 285 (I-285) at State Route (SR) 400 interchange. The purpose of these PIOHs is to provide the public with an opportunity to view the proposed project, ask questions, and comment on the proposal. The plans and meeting materials will also be available at the Georgia Department of Transportation Atlanta office, located at 600 West Peachtree Street, NW, 16th Floor until September 5, 2014 or by visiting the GDOT website at www.dot.ga.gov. Click on Public Outreach from the Information Center dropdown menu at the top right side of the page.

The PIOHs will be informal and the public is invited to attend anytime during the hours listed above. There will be no formal presentation. Americans with Disabilities Act (ADA) Information.

The meeting site is accessible to persons with disabilities. Accommodations for people with disabilities can be arranged with advance notice by calling Kevin Cowan of the Georgia Department of Transportation at 770-986-1257. Written statements will be accepted concerning this project until September 5, 2014. Written statements may be submitted to:

Ms. Hiral Patel, P.E.
State Environmental Administrator
Georgia Department of Transportation
600 West Peachtree Street, NW - 16th Floor
Atlanta, Georgia 30308

NOTICE OF ABANDONED MOTOR VEHICLE

++Year: 2002 Chevrolet Malibu
VIN:1G1NE52J2M694446++
License No. ED6R49
Color: Red
Body Style: 4 Door
Abandoned on June 6, 2014
TO WHOM IT MAY CONCERN:
The above vehicle is presently located at 708 Derrydown Way, Decatur GA 30030; phone (404) 399-0266 in possession of Best Friends Auto Repair. Attempts to locate the owner have been unsuccessful. The vehicle is deemed abandoned under O.C.G.A. 40-11-2 and will be disposed of if not redeemed. This notice is given pursuant to Georgia law.
330-361035 7/31,8/7JH

NOTICE OF ABANDONED MOTOR VEHICLE

++Year: 2001 Acura TL
VIN No. 19UUA56721A029413++
License: 983BASH
Color: GREEN
Body Style: 4 Door
Abandoned Date:
December 24, 2013

To Whom It May Concern:

The above vehicle is presently located at 5727 Covington Hwy, Decatur, Georgia 30035 (770) 322-5471 in the possession of Mr. Transmission. Attempts to locate the owner has been unsuccessful. The vehicle is deemed abandoned under O.C.G.A. 40-11-2 and will be disposed of if not redeemed. This notice is given pursuant to Georgia law.

NOTICE OF ABANDONED MOTOR VEHICLE

++Year: 2004 Jaguar X Type
VIN No. SAJEAS1CBW084383++
License: NONE
Color: TAN
Body Style: 4 Door
To Whom It May Concern:
The above vehicle is presently located at 4533 Rockbridge Rd., Stone Mountain, GA 30088 in the possession of R.C.B. Auto Sales and Service. Attempts to locate the owner has been unsuccessful. The vehicle is deemed abandoned under O.C.G.A. 40-11-2 and will be disposed of if not redeemed. This notice is given pursuant to Georgia law.

NOTICE OF ABANDONED MOTOR VEHICLE

++Year: 2002 Suzuki GSX1300R
VIN No. 1S1GW71A1Z2105507++
License: NONE
Color: SILVER
Body Style: Motorcycle
Abandoned Date: June 20, 2014

To Whom It May Concern:

The above vehicle is presently located at 8476 Donald Rd., Snellville, Georgia 30039 678-458-1394 in the possession of Arthur Davis. Attempts to locate the owner has been unsuccessful. The vehicle is deemed abandoned under O.C.G.A. 40-11-2 and will be disposed of if not redeemed. This notice is given pursuant to Georgia law.

PUBLIC NOTICE

The undersigned hereby certify that ++RidgeWorth Investments++ is conducting a business at 3333 Piedmont Rd. NE, Ste. 1500 in the City of Atlanta, County of DeKalb, State of Georgia under the name of RidgeWorth Investments, and that the nature of the business is SEC registered investment advisor and money management holding company, and that said business is composed of the following partnership: RidgeWorth Capital Management LLC, 3333 Piedmont Rd. NE, Ste. 1500, Atlanta, GA 30305.

BOARD MEETING

The DeKalb Board of Registration and Elections will meet Thursday, ++August 14, 2014++ at 4:30 PM in the Voter Registration & Elections Office, located at 4380 Memorial Drive, Decatur, Georgia for the purpose of conducting its normal monthly business. The meeting is open to the public.

PUBLIC NOTICE

The Development Authority of DeKalb County will conduct a monthly meeting on Thursday, August 14, 2014, at MedShare located at 3240 Clifton Springs Road, Decatur, GA 30034 at 8:00 a.m. ++DADC 8/14/14++

PUBLIC NOTICE

Major Spill Notice: ++6378 Greenock Drive, Stone Mountain++
On July 29, 2014, DeKalb County notified EPD and the public pursuant to EPD 391-3-6-.05 of a 60,750 gallon wastewater spill that occurred on July 28, 2014, at 18:04 hours, at 6378 Greenock Drive, Stone Mountain into North Crooked Creek. The spill was caused by a manhole overflowing. Service was restored at 23:07 hours when the crew pressure washed the 8" sewer main 275ft. upstream clearing the debris.

NOTICE OF ABANDONED MOTOR VEHICLE

2001 Honda Civic
VIN: ++1HGES26731L0550433++
License No. BWB4622
Color: Burgundy
Body Style: 4 Door
Abandoned on July 22, 2014
TO WHOM IT MAY CONCERN:
The above vehicle is presently located at 5361 Buford Hwy, Doraville GA 30340; phone (770) 899-7284 in possession of Universal Body Shop. Attempts to locate the owner have been unsuccessful. The vehicle is deemed abandoned under O.C.G.A. 40-11-2 and will be disposed of if not redeemed. This notice is given pursuant to Georgia law.

NOTICE OF ABANDONED MOTOR VEHICLE

1999 Toyota Solara
VIN: ++21CG22P7XC183623++
License No.
Color: Green
Body Style: 2 Door
Abandoned on February 26, 2014
TO WHOM IT MAY CONCERN:
The above vehicle is presently located at 4381 Covington Hwy, Decatur GA 30035; phone (404) 284-5642 in possession of All In One Auto Sales Inc. Attempts to locate the owner have been unsuccessful. The vehicle is deemed abandoned under O.C.G.A. 40-11-2 and will be disposed of if not redeemed. This notice is given pursuant to Georgia law.

Public Sale

PUBLIC AUCTION NOTICE OF SALE

Guardian Self Storage, pursuant to the Georgia Self Storage Act, 10-4-213, shall conduct a public sale of the following units at 5305 Peachtree Boulevard, Chamblee, GA 30341; 770-986-0270; at 11 A.M. on ++Friday, August 15th, 2014,++ Guardian reserves the right to withdraw units from such sale and reject any bid. Terms of sale are cash, American Express, MasterCard, Visa or Discover card, with removal within 48 hours. (All purchases have a 5% buyers fee, 5% fee is waived if balance is paid in cash.) The following units will be sold:
Dalton Hanley Jr. P109, P110, P111, Elia Floyd K430, Lucile Lanning Q436 & K421, Jeffrey Cassell B234 & B235, William Hall K323, Nelson Vallejos 0704, William Alston 0144 & 0146, Rufus Fann P306.
Items for sale include: household goods, furniture, clothes, boxes and misc. items.

NOTICE OF PUBLIC SALE OF PERSONAL PROPERTY

Notice is hereby given that the undersigned will sell, to satisfy lien of the owner, at public sale by competitive bidding via www.storagebattles.com on ++08-25-2014++ at 5:30pm for the Extra Space Storage facility located at:
Extra Space
1989 Montreal Rd
Tucker GA 30084
770-723-7353
The personal goods stored therein by the following may include, but are not limited to general household, furniture, boxes, clothes, and appliances.

B088
Hashim Craft
Furniture, Boxes, Suitcases

2121
Althea Miley
Furniture

1004
Lenny Franco
files and furniture and artifacts

1004
The Franco Law Firm
files and furniture and artifacts

B064
Kedric Walker
Household Items

1030
Mary Simpson
office furniture

215
Chaka Campbell
household items

4132
Tracey Malone
Hair salon stuff misc house stuff

2023
CAROLYN ANDREWS
bed and household ect.

2058
Tameka Courtney
sofa, loveseat, mattress/box spring, misc items

Purchases must be made with cash only and paid at the time of sale. All goods are sold as is and must be removed at the time of purchase. Extra Space Storage reserves the right to refuse any bid. Sale is subject to adjustment.

S&W TOWING NOTICE OF PUBLIC AUCTION

Vehicles are stored at S&W Towing Service at 2158 Tucker Industrial Rd Tucker Ga and some may have unknown owners. These vehicles will be sold as abandoned if not redeemed at public auction on or around ++August 9, 2014+-. Vehicles sold as cash only no warranties
1995 ACURA INTEGRA
JH4DC4353S029067

1999 CHRYSLER CONCORDE
2C3HD46J0XH561419

1995 CHEVROLET K15
1GNFK16KXSJ27061

2006 DODGE STRATUS
1B3EL46R46N207255

1990 LINCOLN TOWNCAR
1NLCM81F7L47647

1995 CHEVROLET S10
1GCGH144V7B144566

2006 DODGE STRATUS
1B3EL46X26N123529

2000 CHEVROLET BLAZER
1GNCS13W9Y2117628

1998 FORD MUSTANG
1FAFP4047WF205469

2000 FORD EXPEDITION
1FMUR1561YLA13666

1995 NISSAN MAXIMA
JN1CA21D1S1632937

1999 NISSAN MAXIMA
JN1CA21D9VM539064

1999 MAZDA 626
1YVGF22C0X5877580

1999 FORD TRUCK
1FTRF17W5XNB11565

1994 CHEVROLET LUMINA
2G1WL54T1R114912

2010 DODGE CHARGER SXT
2B3CA3CV4AH148833

2005 CHRYSLER PACIFICA VAN
2C4GM68445R496642

2004 CHRYSLER VAN
2C8GM68464R582306

1982 CHEVROLET C10
2G0CC14H9C1211331

1996 NISSAN MAXIMA
JN1CA21D1TT739018

1998 CHEVROLET K 15
3GNFK16R3WG141172

2003 CHEVROLET IMPALA
2G1WF55KX39256830

1997 DODGE CARAVAN
1B4GP44R4B347155

1998 SATURN SL2
1G8ZK5275Z7180552

1985 BUICK CENTURY
1G4AL19R8FD457932

2002 CADILLAC DEVILLE
1G6KE57Y926103032

1994 CADILLAC DEVILLE
1G6KF52Y7R2U22061

2005 DODGE MAGNUM
2D4FV48T65H133675

1991 HONDA ACCORD
1HGCB7659MA047452

1988 CHEVROLET GMT 400
2GCDK14K3J126047

1999 CHEVROLET BLAZER
1GNCS13W3K22065

2005 CHEVROLET IMPALA
2G1WF52E592324204

PUBLIC SALE

In accordance with the provisions of State Law, there being due and unpaid charges for which the undersigned is entitled to satisfy an owner and/or manager's lien of the goods hereinafter described and stored at the Uncle Bob's Self Storage Location(s) listed below. And, due notice having been given, to the owner of said property and all parties known to claim an interest therein, and the time specified in such notice for payment of such having expired, the goods will be sold at public auction at the below stated location(s) to the highest bidder or otherwise disposed of on ++Friday, August 25th, 2014 at 9:00AM++
2595 Candler Rd, Decatur, GA 30032
Phone: (404) 212-1125

Space No.
Customer Name
Inventory Name

235
Bridgette Johnson
Household goods/ Furniture

308
Timothy Brown
Toys/ Appliances

410
Timothy Brown
Household goods / Furniture

423
Gregory T. Rice
Household goods / Furniture

506
Christopher Williams
Household goods

712
Joseph McClary
Household goods / Furniture

717
Chivica Christian
Household goods / Furniture/ Boxes

806
Takisha Bailey
Household goods / Furniture

807
Stanley McCray
Household goods / Furniture/ Boxes /Sporting goods/ Appliances

825
Tammy McIntosh
Household goods / Furniture

942
Latarcha Hemsley
Household goods / Furniture/ Boxes/ TVs or Stereo Equip.

951
Michael Malone
Household goods / Furniture/ Appliances

970
Stephanie Bradley
Household goods / Furniture

996
Michael Smith
Household goods / Furniture

9002
Renee Brason
Household goods / Furniture/ TVs or Stereo Equip.

B219
Beverly Turner
Household goods / Furniture/ Boxes /Appliances /TV's or Stereo Equip.

B234
Demarius Cornish
Household goods / Furniture/ Boxes

F219
Jermaine McCall
Household goods / Furniture

F231
Leonard Carr
Household goods / Furniture

H104
Cherrie Caldwell
Household goods / Furniture/ TVs or Stereo Equip

I102
Malcolm Dixon
Household goods / Furniture

NOTICE OF PUBLIC SALE

Pursuant to the Georgia Self-Service Storage Facility Act, Ga. Code Ann. §§ 10-4-210 et seq., the undersigned will conduct a public auction on ++August 21 and 22, 2014++ of the below-listed units. Each of the below units generally contain the following: furniture, clothing, tools, and other household/business items.

PUBLIC STORAGE PROPERTY: 08392

4300 Peachtree Rd.
Atlanta GA 30319
(404)814-9314
August 21, 2014 at 9:30AM
STORED BY THE FOLLOWING PERSONS:
1303 - Light, Gary
1309 - Light, Gary
1310 - Light, Gary
1317 - Howard, Asha
1377 - Light, Gary
1397 - Clincy, Karenza
2054 - Schrader, Steve
2519 - Moore, Sherell

PUBLIC STORAGE PROPERTY: 08053

3692 Clairmont Rd
Brookhaven, GA 30341
(770) 451-1034
August 21, 2014 at 9:45 AM
STORED BY THE FOLLOWING PERSONS:
0117 - Hamilton, Nneka
0220 - Gieger, Tekela
0441 - Holmes, Corey
0426 - Bynum, Jr., Walter
0507 - Weaver, Cupid
0512 - Mitchell, Cheryl
0609 - Quimby, Glorious
0816 - Leath, Nathaniel
1903 - Moses-Hendley, Monte

PUBLIC STORAGE PROPERTY: 66060

3375 N. Druid Hills
Decatur, GA 30030
(404) 315-6431
August 21, 2014 10:00AM
STORED BY THE FOLLOWING PERSONS:
E022 - ASSOCIATES, JONAP & L010 - Rivers, Jacquelyn

PUBLIC STORAGE PROPERTY: 25987

1750 Montreal Circle
Tucker, GA 30084
(770) 934-1270
August 21 at 10:15AM
STORED BY THE FOLLOWING PERSONS:
A018 - Green, Norma
B075 - Johnson, Steven
D125 - Washington, Joy
E024 - Cryer, Travis
E032 - Lewis, Laquanda
E163 - Aikens, Chris
F018 - Hopson, Taffether
F068 - Humphrey, Renita

PUBLIC STORAGE PROPERTY: 00509

1438 Montreal Rd
Tucker, GA 30084
(770) 621-9776
August 21, 2014 at 10:30 AM
STORED BY THE FOLLOWING PERSONS:
C014 - Strats, Lori
C019 - Shilob, Angela
D037 - Hones, Carol Ann
E055 - Hughes, Kenneth
E056 - Facione, Blaine
E120 - Marshall, Danielle
E159 - Willett, Kaheli
E178 - Porter, Tracy
F027 - SARAH A. TERRELL, D&S JANITORIAL
F042 - Johnson, Denise
G001 - WATKINS, BRIDGET
G061 - Acker, Raneka
G062 - Miles, Dennis
H018 - Jones, Christina
H026 - Husbands, Ilda
H033 - BLU COMPANY

PUBLIC STORAGE PROPERTY: 20491

3400 Lawrenceville Hwy
Tucker, GA 30084
(770) 908-2330
August 21, 2014 at 10:45 AM
STORED BY THE FOLLOWING PERSONS:
A001 - James, Shante
A031 - Brown, Danny
A045 - Golden, Kimberly
A058 - Rigdon, Janice
A075 - MORTON, KALVIN
A133 - Young, Melody
A155 - Mangum, Tyesha
A178 - Rodriguez, Michel
B012 - Freides, Tatene
C053 - Williams, Ginger
C130 - Campbell, Gwendolyn

PUBLIC STORAGE PROPERTY: 08050

320-361882 8/14, 8/21, 8/28/JH
**CITY OF BROOKHAVEN
 PUBLIC HEARING NOTICE**
 Purpose: Additional public hearings, Planning Commission recommendation relating to the City of ++Brookhaven Comprehensive Plan 2034++ and Mayor and Council authorization to transmit Comprehensive Plan to the Atlanta Regional Commission for review
 Date: Planning Commission Public Hearing 7:00 P.M. September 3, 2014
 Date: Mayor and Council Public Hearing 7:00 P.M. September 9, 2014
 Location: City of Brookhaven, City Hall, Council Chamber, 4362 Peachtree Road
 Additional information: www.brookhaventga.gov
 320-362273 8/21/WG
PUBLIC HEARING
 Notice is hereby given by the City of Doraville City Council that a Public Hearing on the following item will be held by the Doraville City Council in the Council Chamber located at 3725 Park Avenue, Doraville, Georgia on the following date:
City Council Meeting
 ++September 15, 2014 6:30 p.m.++
 Text Amendment to City of Doraville Code Section 23-910 C-2 General Commercial to add "Industrial loan" businesses as a permitted use.
 320-362410 8/21/WG
**NOTICE OF PUBLIC HEARING
 GEORGIA, DEKALB COUNTY**
 A petition has been filed with the Board of Commissioners of DeKalb County, Georgia, for the installation of ++speed tables on Wynbrooke Parkway++ in the 18th District of DeKalb County, Georgia. Said petition has been set for hearing before the Board of Commissioners at ten o'clock AM on Tuesday, August 26, 2014, in the Maloof Auditorium, the Maloof Building, 1300 Commerce Drive, Decatur, Georgia. All persons whose interest are affected by the proposed installation of the described traffic devices are hereby notified to appear in person or by attorney at said time and place and present such objection or evidence herein as interest require. This 21st day of August, 2014.
 By: Lee May
 Interim Chief Executive Officer
 DeKalb County, Georgia
 320-362411 8/21/WG
**NOTICE OF PUBLIC HEARING
 GEORGIA, DEKALB COUNTY**
 A petition has been filed with the Board of Commissioners of DeKalb County, Georgia, for the installation of ++speed tables on Fork Creek Church Road++ in the 15th District of DeKalb County, Georgia. Said petition has been set for hearing before the Board of Commissioners at ten o'clock AM on Tuesday, August 26, 2014, in the Maloof Auditorium, the Maloof Building, 1300 Commerce Drive, Decatur, Georgia. All persons whose interest are affected by the proposed installation of the described traffic devices are hereby notified to appear in person or by attorney at said time and place and present such objection or evidence herein as interest require. This 21st day of August, 2014.
 By: Lee May
 Interim Chief Executive Officer
 DeKalb County, Georgia
 320-362412 8/21, 8/28/WG
NOTICE OF PUBLIC HEARING
 Notice is hereby given pursuant to the Georgia Zoning Procedures Act that the Clarkston City Council will hold a Public Hearing on Tuesday, ++September 2, 2014at 6:30 p.m., to adopt revisions to the City's sign regulations,++ located in Chapter 15.5 of the City of Clarkston Code of Ordinances. The hearing will take place in the council chambers at City Hall, 3921 Church Street, Clarkston, Georgia. All interested parties are invited to attend.

320-362454 8/21, 8/28/JH
**STATE BOARD MEMBER
 TO HOLD PUBLIC HEARING
 August 26, 2014**
**Kenneth Mason to Host
 State Board of Education
 Fifth District Public Hearing**
 The State Board of Education will hold a public hearing for citizens in the Fifth Congressional District on ++Thursday, August 28, 2014,++ The meeting will be held from 7:00 - 8:00 p.m. at KIPP Strive Academy, 1444 Lucile Ave., SW, Atlanta, GA 30310
 The purpose of the hearing is to hear comments from interested citizens and educators within the congressional district regarding the performance and problems of public education. This includes hearing comments about the Common Core Georgia Performance Standards in Mathematics and English Language Arts as part of the State Board's formal evaluation of these standards. Persons wishing to speak should sign in upon arrival. For more information, please contact Mrs. Debbie Caputo at 404-657-7410.
 The Georgia Department of Education does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need assistance or auxiliary aids for participation in this public forum are invited to make their needs known to Mrs. Debbie Caputo at (404) 657-7410, no later than 72 hours before the scheduled event.

320-361777 8/14, 8/21/WG
**STATE BOARD MEMBER TO
 HOLD PUBLIC HEARING
 August 26, 2014**
**Lisa Kinnemore to Host
 State Board of Education
 Fourth District Public Hearing**
 The State Board of Education will hold a public hearing for citizens in the Fourth Congressional District on ++Tuesday, August 26, 2014++ The meeting will be held from 7:00 - 8:00 p.m. at Rockdale Career Academy, 1064 Culppepper Drive, Conyers, GA.
 The purpose of the hearing is to hear comments from interested citizens and educators within the congressional district regarding the performance and problems of public education. This includes hearing comments about the Common Core Georgia Performance Standards in Mathematics and English Language Arts as part of the State Board's formal evaluation of these standards. Persons wishing to speak should sign in upon arrival. For more information, please contact Mrs. Debbie Caputo at 404-657-7410.
 The Georgia Department of Education does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need assistance or auxiliary aids for participation in this public forum are invited to make their needs known to Mrs. Debbie Caputo at (404) 657-7410, no later than 72 hours before the scheduled event.

320-361873 8/14, 8/21/JH
**NOTICE OF ABANDONED
 MOTOR VEHICLE**
 VIN: 1B4HS28N01F56383+
 License No.
 Color: Burgundy
 Body Style: Truck
 Abandoned on August 5, 2014
 2000 Nissan Maxima
 VIN: JN1CA31D0Y1538756
 License No.
 Color: Tan
 Body Style: 4 Door
 Abandoned on August 5, 2014

320-362400 8/21, 8/28, 9/4/JB
PUBLIC NOTICE
 The public is hereby notified that action is underway by the DeKalb County Board of Commissioners to ++amend a Home Rule Ordinance++ by the governing authority of DeKalb County under the Home Rule Provisions for Counties of the Constitution of the State of Georgia, to amend an act of the General Assembly of 1981, found in 1981 Georgia Laws Page 4304, ET SEQ., as amended, increasing the monetary threshold for the requirement of formal sealed bids to \$100,000.00, and for other purposes. The public is hereby further notified that this amendment will be considered by the DeKalb County Board of Commissioners, at its regular September 23, 2014 and October 14, 2014 meetings. Pursuant to the Home Rule for Counties provisions of the Georgia Constitution, it is necessary for the Board of Commissioners to adopt an ordinance containing an amendment to a local act of the General Assembly at two regular consecutive meetings held not less than seven (7) nor more than sixty (60) days apart. The public is hereby further notified that a copy of said proposed amend-

320-362453 8/21/JH
**TAPESTRY PUBLIC CHARTER
 SCHOOL NONDISCRIMINATION
 POLICY**
 Tapestry School, Inc. intends to operate a charter school named ++Tapestry Public Charter School++. The school admits students of any race, color, national origin, and ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. It does not discriminate on the basis of race, color, national origin, and ethnic origin in administration of its educational policies, admission policies, scholarship and loan programs, and athletic and other school-administered programs.

320-361732 8/14, 8/21/WG
PUBLIC SALE
 Burford Highway Mini-Storage, pursuant to the "Georgia Self Service Storage Facility Act", shall conduct a public sale of the contents of the storage spaces listed below at 4206 Burford Highway, Atlanta, GA 30345 (404) 636-6244, on ++September 3, 2014++ at 11:00 a.m. and will be for cash to the highest bidder. Burford Highway Mini Storage reserves the right to reject any bids and to withdraw any item from such sale.
 B-32
 T. Whitley
 Bags, boxes, misc. items
 B-33
 F. Arreguin
 Dryer, lawnmower, tools
 C-09
 G. Teter
 Newspapers, clothes
 D-02
 P. Rodriguez
 Soda machine, misc. items
 D-53
 E. Gibbs
 Boxes, car parts
 F-22
 W. Jones
 Freezer, boxes, tubs
 F-40
 B. Thomas
 Boxes, chair, misc. items
 F-47
 A. Abavaca
 Little car, bike, misc. items
 G-19
 J. Alvarado
 Suitcases, clothes
 H-08
 B. Saunders
 Mattress, bags, tools
 H-24
 F. Goddard
 Bags, boxes
 H-29
 G. Teter
 Newspapers, misc. items
 K-20
 C. Alvarado
 Bikes, misc. items
 M-10
 D. White
 Stereo, keyboard, misc. items
 N-09
 R. Clarke
 Bed, TV, dresser, table, chairs
 O-06
 U. Sillah
 Dining room, buffet, chair, rugs, table
 O-40
 U. Sillah
 Table, carpet
 P-07
 T. Gibson
 TV, bags, kids stuff
 R-12
 U. Sillah
 Misc. items
 340-361817 8/14, 8/21/WG
PUBLIC SALE
 Notice is hereby given that pursuant to the State's Self-Storage Facility Act on ++September 4, 2014++ at 3:00 PM at Site # 568, 4931 Ashford Dunwoody Rd, Dunwoody, Georgia State the undersigned, CubeSmart Storage General Manager will sell at public sale the following stored property (All items in storage units contain household items unless otherwise mentioned):
 Name
 Unit #
 General Description of Property
 Tonya Blackshear
 4024
 5054-57
 Law Offices Of Amy Ferguson
 4003
 Files and Equipment
 Linda F. Law
 5014

320-361848 8/14, 8/21/WG
**NOTICE OF PUBLIC
 SALE / AUCTION**
 Pursuant to OCGA Section 40-11-6, notice is hereby given that the following motor vehicle will be sold to the highest and best bidder at 1868 Candler Rd., Decatur, GA 30032 on 8/30/14 at 9:00 am
 Description of ++Car 2002 Merz CP VIN# WDBLJ70682F197286++
 Lienholders reserves the right to refuse the final bid. This item will be sold to Highest Bidder.
 340-361848 8/14, 8/21/JH
PUBLIC SALE
 In accordance with OCGA 40-11-02 and 40-11-05, the following vehicles have been deemed abandoned and will be sold at a public auction on ++8/23/2014 at 3pm,++ Auctioned by B & J Towing, Inc, at 7666 old Covington Hwy, Lithonia, GA. 30058. PHONE 770-484-7917 All vehicles will be foreclosed in the Magistrate Court of DeKalb County, Georgia.
 mardon2001 mercury sable 1ME-FM50U61A629240
 WHITE 1990 HOND ACCORD 1HGCB7663L1A23352
 SILVER 1999 HONDA PASSPORT 456CK58W6X4409039
 MAROON 1998 HONDA ACCORD 1HGCG6675WA032138
 GREEN 2003 CHRYSLER SEBRING 1LC3446X3N10969
 1995 GOLD NISSAN MAXIMA JN1CA21D1ST069629
 1985 WHITE CHEVY MONTE CARLO 1G1G237G3FR128173
 1998 WHITE CADILLAC DEVILLE 1GBK654Y4WU786061
 RED LINCOLN CONTINENTAL 1LNFM97W8YU737439
 340-361849 8/14, 8/21/JH
**Notice of Public Sale
 Personal Property
 Georgia Self Storage Act (210-215)
 Metro Self Storage**
 Notice is hereby given that the undersigned self storage units will be sold at a public sale by competitive bidding, in their entirety to the highest bidder, on or after ++September 3, 2014++ to satisfy the lien of the Lessor, with Metro LLC as managing agent for Lessor, for rental and other charges due from the undersigned. The said property has been stored and is located at the respective address below. The sale will be held at the first of the following addresses, listed in order, and will begin at 12:00 PM or after on said date and will continue hour by hour until all units are sold at each location.
Metro Self Storage: 6231 Hillendale Dr, Lithonia, GA 30058
 205 Royce Carter Bed Boxes Ladder
 219 Raymond Gainer Bed Clothes Boxes
 241 Sonda Durden Boxes Beds Sofa
 247 Deidre M. Goodwin Mattress Mirrors TV
 261 Russell Fairchild Tires Chairs Mattress
 278 Akinfolajimi Abiodun Mattress Mirrors Sofa
 377 Mary Mattia Totes Bags Chest of Drawers
 377 Mary C. Mattia Totes Bags Chest of Drawers
 414 Sandra Meads Totes Boxes Pictures
 463 Thyra Anderson Suitcase Bags Clothing
 527 Robin N. Taylor Totes Boxes Table
 540 Martha Griffin Pictures Boxes Mattress
 553 Verdale Nichols Mattresses Chairs TV
 535 Deljanea Mitchell, Sr Mattress Box Spring TV
 555 Tierny Mitchell Clothing Suitcase Box
 560 Candycye Ward Bags Boxes Dresser
 643 Stacy Stevenson Boxes Clothing Mattress
 647 Keith Brown-Steele Toys Sofa Mattress
 745 Krystle N. Lavender Baby Crib Chest of Drawers Sofa
 801 Christine V. Ferrin Mattress Boxes Dresser
 813 Erica Asberry Boxes Mattress Box Spring
 857 Tammy Sessions Clothing Mattress Box Spring
 980 Gwana Jenkins Pictures Mattress Box Spring
 121 Abandoned Mattresses Dresser

320-362371 8/21/WG
**Public Notice
 To Very Low Income Families
 Application For Public Housing
 One Bedroom Only**
 The Housing Authority of the City of Lithonia Georgia will be accepting applications for the ++Low Income Public Housing Program ONLY starting August 25, 2014++ at 9:00 A.M. and ending on August 26, 2014 at 12:00 P.M Noon. Application will be open for **One bedrooms only**. Applicants must be 18 years or older to apply. **All applicants must apply in person and present a picture ID.** No messages will be accepted via voice mail, electronic mail or fax. Applications are accepted without regard to Race, Color, Religion, Sex, Handicap, Familial Status, or National Origin. The names of eligible (very low income) families or elderly (62 years or older), handicapped, or disabled persons are placed on the Public Housing Waiting List, in accordance with the Federal Rule for assistance in the future.
 The Lithonia Housing Authority's Public Housing Office, is located at 6878 Max Cleland Boulevard, Lithonia, Georgia 30058. Occupants of the Section 8 Housing Choice Voucher Program or other assisted housing, and applicants on a waiting list for any such housing must apply specifically for participation in the City of Lithonia's Public Housing Program if they wish to be considered for such participation. Applicants for these programs participations will not lose their place on the Section 8 Housing Choice Voucher Program waiting list or their place on waiting lists for any other assisted housing programs.
 The City of Lithonia's Public Housing Program is subsidized by the United States Department of Housing and Urban Development, and is administered by the Lithonia Housing Authority in accordance with the Federal and State Fair Housing Laws and the Federal Housing Amendment Act of 1988. The Lithonia Housing Authority will place notification in The Champion News paper when the application process resumes.

320-362427 8/21, 10/23, 10/30/wg
**CALL FOR AND NOTICE
 OF DEKALB COUNTY, GEORGIA
 ++NOVEMBER 4, 2014
 SPECIAL ELECTION++**
 TO THE QUALIFIED VOTERS OF THE PROPOSED TERRITORY TO BE ANNEXED INTO THE CITY OF CLARKSTON, WITHIN DEKALB COUNTY, GEORGIA:
YOU ARE HEREBY NOTIFIED THAT on the 4th day of November, 2014, a special election will be held for the purpose of submitting to the qualified voters of the proposed territory sought to be annexed into the City of Clarkston, within DeKalb County, and excluding all other voters within the County beyond said boundaries, the question of whether to annex the territory into the City of Clarkston in DeKalb County under the provisions of the Georgia General Assembly's House Bill 1128 (Part Two).
The ballots to be used at said election shall have written or printed thereon substantially the following:
 [] YES "Shall Part Two of the Act which annexes certain land into the City of Clarkston be approved?"
 [] NO
All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the annexation shall vote "No." If more than one-half of the votes cast on such question are for approval of the annexation, then this Act shall become effective on January 1, 2015. Otherwise, this Act shall not become effective and shall be automatically repealed on the first day of January immediately following the election date.
 The last day to register to be eligible to vote in this special election is October 6, 2014. The special referendum will be held in all the regular polling precincts and election districts of DeKalb County, Georgia within the boundaries of the proposed territory to be annexed. The polls will open at 7:00 AM and close at 7:00 PM.
Those residents qualified to vote at said election shall be determined in all respects in accordance with the election laws of the State of Georgia.
This notice is given pursuant to the approval of House Bill 1128 (Part Two) and Civil Action #14-CV-5638-5+.
 This 21st day of August, 2014
 H. Maxine Daniels,
 Elections Supervisor
 For: The DeKalb County Board of Registration and Elections

320-362453 8/21/JH
**TAPESTRY PUBLIC CHARTER
 SCHOOL NONDISCRIMINATION
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 Tapestry School, Inc. intends to operate a charter school named ++Tapestry Public Charter School++. The school admits students of any race, color, national origin, and ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. It does not discriminate on the basis of race, color, national origin, and ethnic origin in administration of its educational policies, admission policies, scholarship and loan programs, and athletic and other school-administered programs.

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 Suitcases, clothes
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 Mattress, bags, tools
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 Name
 Unit #
 General Description of Property
 Tonya Blackshear
 4024
 5054-57
 Law Offices Of Amy Ferguson
 4003
 Files and Equipment
 Linda F. Law
 5014

320-361848 8/14, 8/21/WG
**NOTICE OF PUBLIC
 SALE / AUCTION**
 Pursuant to OCGA Section 40-11-6, notice is hereby given that the following motor vehicle will be sold to the highest and best bidder at 1868 Candler Rd., Decatur, GA 30032 on 8/30/14 at 9:00 am
 Description of ++Car 2002 Merz CP VIN# WDBLJ70682F197286++
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 555 Tierny Mitchell Clothing Suitcase Box
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 801 Christine V. Ferrin Mattress Boxes Dresser
 813 Erica Asberry Boxes Mattress Box Spring
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 980 Gwana Jenkins Pictures Mattress Box Spring
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320-362371 8/21/WG
**Public Notice
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 Application For Public Housing
 One Bedroom Only**
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320-362427 8/21, 10/23, 10/30/wg
**CALL FOR AND NOTICE
 OF DEKALB COUNTY, GEORGIA
 ++NOVEMBER 4, 2014
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The ballots to be used at said election shall have written or printed thereon substantially the following:
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 340-361848 8/14, 8/21/JH
PUBLIC SALE
 In accordance with OCGA 40-11-02 and 40-11-05, the following vehicles have been deemed abandoned and will be sold at a public auction on ++8/23/2014 at 3pm,++ Auctioned by B & J Towing, Inc, at 7666 old Covington Hwy, Lithonia, GA. 30058. PHONE 770-484-7917 All vehicles will be foreclosed in the Magistrate Court of DeKalb County, Georgia.
 mardon2001 mercury sable 1ME-FM50U61A629240
 WHITE 1990 HOND ACCORD 1HGCB7663L1A23352
 SILVER 1999 HONDA PASSPORT 456CK58W6X4409039
 MAROON 1998 HONDA ACCORD 1HGCG6675WA032138
 GREEN 2003 CHRYSLER SEBRING 1LC3446X3N10969
 1995 GOLD NISSAN MAXIMA JN1CA21D1ST069629
 1985 WHITE CHEVY MONTE CARLO 1G1G237G3FR128173
 1998 WHITE CADILLAC DEVILLE 1GBK654Y4WU786061
 RED LINCOLN CONTINENTAL 1LNFM97W8YU737439
 340-361849 8/14, 8/21/JH
**Notice of Public Sale
 Personal Property
 Georgia Self Storage Act (210-215)
 Metro Self Storage**
 Notice is hereby given that the undersigned self storage units will be sold at a public sale by competitive bidding, in their entirety to the highest bidder, on or after ++September 3, 2014++ to satisfy the lien of the Lessor, with Metro LLC as managing agent for Lessor, for rental and other charges due from the undersigned. The said property has been stored and is located at the respective address below. The sale will be held at the first of the following addresses, listed in order, and will begin at 12:00 PM or after on said date and will continue hour by hour until all units are sold at each location.
Metro Self Storage: 6231 Hillendale Dr, Lithonia, GA 30058
 205 Royce Carter Bed Boxes Ladder
 219 Raymond Gainer Bed Clothes Boxes
 241 Sonda Durden Boxes Beds Sofa
 247 Deidre M. Goodwin Mattress Mirrors TV
 261 Russell Fairchild Tires Chairs Mattress
 278 Akinfolajimi Abiodun Mattress Mirrors Sofa
 377 Mary Mattia Totes Bags Chest of Drawers
 377 Mary C. Mattia Totes Bags Chest of Drawers
 414 Sandra Meads Totes Boxes Pictures
 463 Thy

the temporary guardianship, the Petition will be dismissed. If a natural guardian files an objection to the appointment of the petitioner(s) as guardian(s), or if a parent who is not a natural guardian files an objection to the petition, a hearing on the matter shall be scheduled at a later date.
Jeryl Debra Rosh
PROBATE JUDGE
By: Jacqueline King
PROBATE CLERK/DEPUTY CLERK
556 N. McDonough Street, Rm 1100
Decatur, GA 30030
404-371-2701

270-362461 8/28,9/4w/g
CITATION
ESTATE NO. 2014-1396
GEORGIA, DeKALB COUNTY
IN RE: PETITION OF Sheree Antoinette Wyatt FOR TEMPORARY LETTERS OF GUARDIANSHIP ES-TATE OF Antwaan Andrew-Nicholas Russell, MINOR(S)
DATE OF MAILING, IF ANY : N/A
DATE OF SECOND PUBLICATION, IF ANY : 9/04

TO: Sheeana Alta Wyatt, Mother and Unknown Father of, Antwaan Andrew-Nicholas Russell
You are hereby notified that a petition for the appointment of a temporary guardian has been filed regarding the above-named minor. All objections to the Petition described above either to the appointment of a temporary guardian or the appointment of the petitioner(s) as temporary guardian(s), must be in writing, setting forth the grounds of any such objections, and must be filed with this Court no later than 14 days after this notice is mailed, or 10 days after this notice is personally served upon you, or ten days after the second Publication of this notice if you are served by publication. All pleadings must be signed before a notary Public or Georgia probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact probate court personnel at the below address/telephone number for the required amount of filing fees.
*****NOTE: If a natural guardian files an objection to the creation of the temporary guardianship, the Petition will be dismissed. If a natural guardian files an objection to the appointment of the petitioner(s) as guardian(s), or if a parent who is not a natural guardian files an objection to the petition, a hearing on the matter shall be scheduled at a later date.

Jeryl Debra Rosh
PROBATE JUDGE
By: Reginald Prince
PROBATE CLERK/DEPUTY CLERK
556 N. McDonough Street, Rm 1100
Decatur, GA 30030
404-371-2892

270-362491 8/28,9/4w/g
CITATION
ESTATE NO. 2014-1361
GEORGIA, DeKALB COUNTY
IN RE: PETITION OF WILLIAM M. MITCHELL FOR TEMPORARY LETTERS OF GUARDIANSHIP ESTATE OF IDRIS D. MITCHELL, JR., MINOR(S)
DATE OF MAILING, IF ANY : DATE OF SECOND PUBLICATION, IF ANY : 09/04

TO: Vernice J. Headspeth & Idris D. Mitchell parents of Idris E. Mitchell Jr., minor
You are hereby notified that a petition for the appointment of a temporary guardian has been filed regarding the above-named minor. All objections to the Petition described above either to the appointment of a temporary guardian or the appointment of the petitioner(s) as temporary guardian(s), must be in writing, setting forth the grounds of any such objections, and must be filed with this Court no later than 14 days after this notice is mailed, or 10 days after this notice is personally served upon you, or ten days after the second Publication of this notice if you are served by publication. All pleadings must be signed before a notary Public or Georgia probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact probate court personnel at the below address/telephone number for the required amount of filing fees.
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Jeryl Debra Rosh
PROBATE JUDGE
By: Reginald Prince
PROBATE CLERK/DEPUTY CLERK
556 N. McDonough Street, Rm 1100
Decatur, GA 30030
404-371-2892

to the petition, a hearing on the matter shall be scheduled at a later date.
Jeryl Debra Rosh
PROBATE JUDGE
By: Reginald Prince
PROBATE CLERK/DEPUTY CLERK
556 N. McDonough Street, Rm 1100
Decatur, GA 30030
404-371-2892

270-362492 8/28,9/4w/g
CITATION
ESTATE NO. 2014-1374
GEORGIA, DeKALB COUNTY
IN RE: PETITION OF PALACESTINE G. WILLIAMS TABSON AND ELECHA D. JACKSON FOR TEMPORARY LETTERS OF GUARDIANSHIP ESTATE OF ANIYA A. WILLIAMS, MINOR(S)
DATE OF MAILING, IF ANY : DATE OF SECOND PUBLICATION, IF ANY : 9/04

TO: Tracy Bumpers father of Aniya A. Williams, minor
You are hereby notified that a petition for the appointment of a temporary guardian has been filed regarding the above-named minor. All objections to the Petition described above either to the appointment of a temporary guardian or the appointment of the petitioner(s) as temporary guardian(s), must be in writing, setting forth the grounds of any such objections, and must be filed with this Court no later than 14 days after this notice is mailed, or 10 days after this notice is personally served upon you, or ten days after the second Publication of this notice if you are served by publication. All pleadings must be signed before a notary Public or Georgia probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact probate court personnel at the below address/telephone number for the required amount of filing fees.
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Jeryl Debra Rosh
PROBATE JUDGE
By: Reginald Prince
PROBATE CLERK/DEPUTY CLERK
556 N. McDonough Street, Rm 1100
Decatur, GA 30030
404-371-2892

270-362493 8/28,9/4w/g
CITATION
ESTATE NO. 2014-1378
GEORGIA, DeKALB COUNTY
IN RE: PETITION OF RUBY ASH AND DEANZA RICHARDS FOR TEMPORARY LETTERS OF GUARDIANSHIP ESTATE OF JEROD CRUICKSHANK, MINOR(S)
DATE OF MAILING, IF ANY : DATE OF SECOND PUBLICATION, IF ANY : 09/04

TO: Eugene Cruickshank father of Jerod Cruickshank, minor
You are hereby notified that a petition for the appointment of a temporary guardian has been filed regarding the above-named minor. All objections to the Petition described above either to the appointment of a temporary guardian or the appointment of the petitioner(s) as temporary guardian(s), must be in writing, setting forth the grounds of any such objections, and must be filed with this Court no later than 14 days after this notice is mailed, or 10 days after this notice is personally served upon you, or ten days after the second Publication of this notice if you are served by publication. All pleadings must be signed before a notary Public or Georgia probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact probate court personnel at the below address/telephone number for the required amount of filing fees.
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Jeryl Debra Rosh
PROBATE JUDGE
By: Reginald Prince
PROBATE CLERK/DEPUTY CLERK
556 N. McDonough Street, Rm 1100
Decatur, GA 30030
404-371-2892

270-362494 8/28,9/4w/g
CITATION
ESTATE NO. 2014-1382
GEORGIA, DeKALB COUNTY
IN RE: PETITION OF CONSTANCE M. SANDERS FOR TEMPORARY LETTERS OF GUARDIANSHIP ES-TATE OF RAYLYNN L. SANDERS AND COBY R. SANDERS, MINOR(S)
DATE OF MAILING, IF ANY : DATE OF SECOND PUBLICATION, IF ANY : 09/04

TO: Cora R. Hazen mother of Raylynn M. Sanders and Coby R. Sanders, minors
You are hereby notified that a petition for the appointment of a temporary guardian has been filed regarding the above-named minor. All objections to the Petition described above either to the appointment of a temporary guardian or the appointment of the petitioner(s) as temporary guardian(s), must be in writing, setting forth the grounds of any such objections, and must be filed with this Court no later than 14 days after this notice is mailed, or 10 days after this notice is personally served upon you, or ten days after the second Publication of this notice if you are served by publication. All pleadings must be signed before a notary Public or Georgia probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact probate court personnel at the below address/telephone number for the required amount of filing fees.
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Jeryl Debra Rosh
PROBATE JUDGE
By: Reginald Prince
PROBATE CLERK/DEPUTY CLERK
556 N. McDonough Street, Rm 1100
Decatur, GA 30030
404-371-2892

270-362495 8/28,9/4w/g
CITATION
ESTATE NO. 2014-1396
GEORGIA, DeKALB COUNTY
IN RE: PETITION OF Sheree Antoinette Wyatt FOR TEMPORARY LETTERS OF GUARDIANSHIP ES-TATE OF Antwaan Andrew-Nicholas Russell, MINOR(S)
DATE OF MAILING, IF ANY : N/A
DATE OF SECOND PUBLICATION, IF ANY : 9/04

TO: Sheeana Alta Wyatt, Mother and Unknown Father of, Antwaan Andrew-Nicholas Russell
You are hereby notified that a petition for the appointment of a temporary guardian has been filed regarding the above-named minor. All objections to the Petition described above either to the appointment of a temporary guardian or the appointment of the petitioner(s) as temporary guardian(s), must be in writing, setting forth the grounds of any such objections, and must be filed with this Court no later than 14 days after this notice is mailed, or 10 days after this notice is personally served upon you, or ten days after the second Publication of this notice if you are served by publication. All pleadings must be signed before a notary Public or Georgia probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact probate court personnel at the below address/telephone number for the required amount of filing fees.
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Jeryl Debra Rosh
PROBATE JUDGE
By: Reginald Prince
PROBATE CLERK/DEPUTY CLERK
556 N. McDonough Street, Rm 1100
Decatur, GA 30030
404-371-2892

270-362555 8/28,9/4w/g
CITATION
ESTATE NO. 2014-1050
GEORGIA, DeKALB COUNTY
IN RE: PETITION OF DILL MANGER AND KAUSHA MANGER FOR TEMPORARY LETTERS OF GUARDIANSHIP ESTATE OF SHEBIKA MAN-AGER, MINOR(S)
DATE OF MAILING, IF ANY : DATE OF SECOND PUBLICATION, IF ANY : 09/04

TO: Parents of Shebika Mangar, minor
You are hereby notified that a petition for the appointment of a temporary guardian has been filed regarding the above-named minor. All objections to the Petition described above either to the appointment of a temporary guardian or the appointment of the petitioner(s) as temporary guardian(s), must be in writing, setting forth the grounds of any such objections, and must be filed with this Court no later than 14 days after this notice is mailed, or 10 days after this notice is personally served upon you, or ten days after the second Publication of this notice if you are served by publication. All pleadings must be signed before a notary Public or Georgia probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact probate court personnel at the below address/telephone number for the required amount of filing fees.
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Jeryl Debra Rosh
PROBATE JUDGE
By: Reginald Prince
PROBATE CLERK/DEPUTY CLERK
556 N. McDonough Street, Rm 1100
Decatur, GA 30030
404-371-2892

Miscellaneous
290-361710 8/7,8/14,8/21,8/28JH
NOTICE

IN THE PROBATE COURT OF DEKALB COUNTY STATE OF GEORGIA Estate No. 2014-0532

IN RE: Estate of Jeremiah B. McCarthy
Petition By Personal Representative for Waiver of Bond and Grant of Certain Powers
GEORGIA, DeKALB COUNTY
*****PROBATE COURT

Michael X. McCarthy has petitioned for waiver of bond and for the grant of certain powers contained in O.C.G.A. §53-12-232. All interested parties are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the court on or before September 1, 2014. All pleadings/objections must be signed before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.

Jeryl Debra Rosh
PROBATE JUDGE
By: Michelle Wingard
PROBATE CLERK/DEPUTY CLERK
556 N. McDonough St, Rm 1100
Decatur, GA 30030
404-371-2601

290-362458 8/28,9/4,9/11,9/18w/g
NOTICE

Estate # 2014-1394
AN ORDER FOR SERVICE WAS GRANTED BY THIS COURT ON AUGUST 15, 2014, REQUIRING THE FOLLOWING: (For use if an heir is required to be served by publication.)
TO: YOLANDE COLE
(List here all heirs having unknown addresses to be served by publication)

This is to notify you of file election, if there is any, to the above referenced petition, in this Court on or before September 22, 2014. BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any

such objections. All pleadings/objections must be signed before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.

JERYL DEBRA ROSH
Judge of the Probate Court
556 N. McDonough Street
Decatur, Georgia 30030
404-371-2601

Year's Support

310-361711 8/7,8/14,8/21,8/28JH
NOTICE

2014-1260
The petition of FRANCES RE-BECCA GAINES, for a year's support from the estate of JOHN PATRICK GAINES, deceased, for decedent's surviving spouse, having been duly filed all interested persons are hereby notified to show cause, if any they have, on or before September 2, 2014, why said petition should not be granted.

All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed on or before the time stated in the preceding sentence. All pleadings/objections must be signed before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Jeryl Debra Rosh
PROBATE JUDGE
By: Rhonda G. Veal
Probate Clerk/Deputy Clerk
556 North McDonough Street
Room 1100
Decatur, GA 30030
(404) 371-2601

310-361871 8/14,8/21,8/28,9/4JH
NOTICE

2011-1929
The petition of JOYCE S. DUBE, for a year's support from the estate of PATRICK MAGAMENDODA DUBE, deceased, for decedent's surviving spouse, having been duly filed all interested persons are hereby notified to show cause, if any they have, on or before September 8, 2014, why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed on or before the time stated in the preceding sentence. All pleadings/objections must be signed before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Jeryl Debra Rosh
PROBATE JUDGE
By: Rhonda G. Veal
Probate Clerk/Deputy Clerk
556 North McDonough Street
Room 1100
Decatur, GA 30030
(404) 371-2601

310-362378 8/21,8/28,9/4,9/11w/g
NOTICE

2014-1335
The petition of JAMES G. POAG, for a year's support from the estate of ROSETTA WEST POAG, deceased, for decedent's surviving spouse, having been duly filed all interested persons are hereby notified to show cause, if any they have, on or before September 15, 2014, why said petition should not be granted.

All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed on or before the time stated in the preceding sentence. All pleadings/objections must be signed before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate

court personnel at the following address/telephone number for the required amount filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed the Petition may be granted without a hearing.

Jeryl Debra Rosh
PROBATE JUDGE
By: Rhonda G. Veal
Probate Clerk/Deputy Clerk
556 North McDonough Street
Room 1100
Decatur, GA 30030
(404) 371-2601

310-362495 8/28,9/4,9/11,9/18w/g
NOTICE

2014-1365
The petition of CELESTIA LOUISE WRIGHT, for a year's support from the estate of BOBBY WRIGHT, deceased, for decedent's surviving spouse, having been duly filed all interested persons are hereby notified to show cause, if any they have, on or before SEPTEMBER 22 2014, why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed on or before the time stated in the preceding sentence. All pleadings/objections must be signed before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number for the required amount filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed the Petition may be granted without a hearing.

Jeryl Debra Rosh
PROBATE JUDGE
By: Michelle Wingard
Probate Clerk/Deputy Clerk
556 North McDonough Street
Room 1100
Decatur, GA 30030
(404) 371-2601

310-362554 8/28,9/4,9/11,9/18W/G
NOTICE

2014-0884
The petition of MARY LOUISE SEALE JACKSON, for a year's support from the estate of DAVID EUGENE JACKSON, AKA DAVID EUGENE JACKSON, SR., deceased, for decedent's surviving spouse, having been duly filed all interested persons are hereby notified to show cause, if any they have, on or before September 15, 2014, why said petition should not be granted.

All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed on or before the time stated in the preceding sentence. All pleadings/objections must be signed before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number for the required amount filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed the Petition may be granted without a hearing.

Jeryl Debra Rosh
PROBATE JUDGE
By: Rhonda G. Veal
Probate Clerk/Deputy Clerk
556 North McDonough Street
Room 1100
Decatur, GA 30030
(404) 371-2601

Public Hearing

320-361882 8/14,8/21,8/28JH
CITY OF BROOKHAVEN
PUBLIC HEARING NOTICE

Purpose: Additional public hearings, Planning Commission recommendation relating to the City of Brookhaven Comprehensive Plan 2034+*, and Mayor and Council authorization to transmit Comprehensive Plan to the Atlanta Regional Commission for review
Date: Planning Commission
Public Hearing
7:00 P.M. September 3, 2014

Date: Mayor and Council
Public Hearing
7:00 P.M. September 9, 2014
Location: City of Brookhaven, City Hall, Council Chamber, 4362 Peachtree Road
Additional information: www.brookhavenga.gov

320-362412 8/21,8/28W/G

NOTICE OF PUBLIC HEARING
Notice is hereby given pursuant to the Georgia Zoning Procedures Act that the Clarkston City Council will hold a Public Hearing on Tuesday, ++September 2, 2014+ 6:30 p.m., to adopt revisions to the City's sign regulations,++ located in Chapter 15.5 of the City of Clarkston Code of Ordinances. The hearing will take place in the council chambers at City Hall, 3921 Church Street, Clarkston, Georgia. All interested parties are invited to attend.

320-362454 8/21,8/28JH
STATE BOARD MEMBER
TO HOLD PUBLIC HEARING
August 28, 2014

Kenneth Mason to Host State Board of Education Fifth District Public Hearing

++The State Board of Education will hold a public hearing for citizens in the Fifth Congressional District on Thursday, August 28, 2014,++ The meeting will be held from 7:00 - 8:00 p.m. at KIPP Strive Academy, 1444 Lucile Ave., SW, Atlanta, GA 30310
The purpose of the hearing is to hear comments from interested citizens and educators within the congressional district regarding the performance and problems of public education. This includes hearing comments about the Common Core Georgia Performance Standards in Mathematics and English Language Arts as part of the State Board's formal evaluation of these standards. Persons wishing to speak should sign in upon arrival. For more information, please contact Mrs. Debbie Caputo at 404-657-7410.
The Georgia Department of Education does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need assistance or auxiliary aids for participation in this public forum are invited to make their needs known at the time of the hearing.

The Housing Authority of the City of Decatur, Georgia per HUD requirements will hold a Public Hearing to discuss its 2015 Agency Plan on Thursday +September 4, 2014++ at 9:00 A.M. This hearing will take place at the Housing Authority Central Office located at 750 Commerce Dr. Suite 110 Decatur GA 30030. The Plan is available for review at the Central Offices of the Housing Authority at 750 Commerce Dr. Suite 110, Decatur GA. Comments will be accepted before and during the Public Hearing.
HOUSING AUTHORITY OF THE CITY OF DECATUR, GEORGIA
By: Douglas S. Faust, Executive Director
Dated this 20 day of August, 2014

320-362553 8/28w/g
Public Hearing Notice

The Decatur Zoning Board of Appeals will hold a public hearing on Monday, ++September 8, 2014++ at 7:30 p.m. to consider the items listed below. Meetings of the Zoning Board of Appeals are held in the City Commission meeting room in the City Hall at 509 North McDonough Street, Decatur, Georgia.
1. Scott Hartley has requested a variance from the minimum stream buffer requirements for the property at 348 Eastland Drive.
2. Robert Leonard has requested a variance from the minimum stream buffer requirements for the property at 217 Green Street.
3. Dan Hanlan has requested a variance from the minimum side yard requirements for the property at 432 Nelson Ferry Road.
4. Russell E. Ford has requested a variance from the minimum side yard requirements for the property at 243 Forkner Drive.
5. Jared Poley & Laura Caruth have requested a variance from the maximum floor area requirements for the property at 463 South Columbia Drive.
6. Roderick Cloud has requested a variance from the minimum side yard requirements for the property at 217 East Hancock Street.
7. Jeff Rimmel has requested a variance from the minimum front and side yard setback for the property at

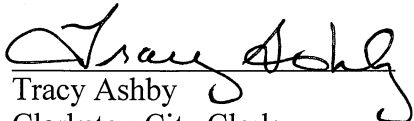
Exhibit “F”

CERTIFICATE OF AUTHENTICITY

I, Tracy Ashby, am the City Clerk for the City of Clarkston, Georgia. In this role, I am the custodian of official City records.

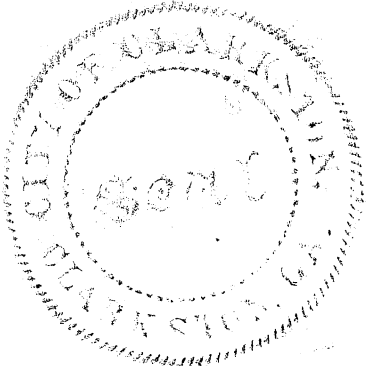
I hereby certify that the forgoing attached documents, consisting of 1 page, is a true and accurate copy of the advertisement published in the Champion News, the City's legal organ, that provided notice of the public hearing on January 5, 2016 at which the Zoning Reclassification of newly annexed property, including the parcel numbers 18 066 06 002 and 18 066 01 026 were zoned by the City.

I certify under penalty of perjury that the foregoing is true and correct.


Tracy Ashby
Clarkston City Clerk

10-2-2020
Date

[CITY SEAL]



370-380672 12/24, 12/31DS
AFFIDAVIT FOR REGISTRATION OF TRADE NAME
State of Georgia, County of DeKalb
The undersigned hereby certifies that they are conducting a business in the City of Doraville, County of DeKalb, at 3137 Chestnut Drive, in the State of Georgia, under the name ++Prime Wine and Spirits++. Said business is registered under Chalkboard Distributors, LLC. This affidavit is made in compliance with GA Code Annotated, Title 10, Chapter 1, Section 490. Applicant/Owner Sworn to and subscribed this 24th day of November 2015. Instrument number 2015TN00584 Filed November 24, 2015

Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

370-380673 12/24, 12/31DS
AFFIDAVIT FOR REGISTRATION OF TRADE NAME
State of Georgia, County of DeKalb
The undersigned hereby certifies that they are conducting a business in the City of Lithonia, County of DeKalb, at 2294 Pine Mountain St, in the State of Georgia, under the name ++Permahome++. Said business is registered under Kenneth King / Owner. This affidavit is made in compliance with GA Code Annotated, Title 10, Chapter 1, Section 490. Applicant/Owner Sworn to and subscribed this 24th day of November 2015. Instrument number 2015TN00585 Filed November 24, 2015

Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

370-380674 12/24, 12/31DS
AFFIDAVIT FOR REGISTRATION OF TRADE NAME
State of Georgia, County of DeKalb
The undersigned hereby certifies that they are conducting a business in the City of Dunwoody, County of DeKalb, at 4515 Chamblee Dunwoody Rd, Suite 200, Dunwoody, GA 30338, in the State of Georgia, under the name ++Studio 4515 Salon++. Said business is registered under Get Pretty Or Get Out LLC.. This affidavit is made in compliance with GA Code Annotated, Title 10, Chapter 1, Section 490. Applicant/Owner Sworn to and subscribed this 24th day of November 2015. Instrument number 2015TN00586 Filed November 24, 2015

Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

370-380675 12/24, 12/31DS
AFFIDAVIT FOR REGISTRATION OF TRADE NAME
State of Georgia, County of DeKalb
The undersigned hereby certifies that they are conducting a business in the City of Atlanta, County of DeKalb, at 2958 Wintercrest Drive, Atlanta, GA 30360, in the State of Georgia, under the name ++One Voice Media++. Said business is registered under One Voice Language Solutions. This affidavit is made in compliance with GA Code Annotated, Title 10, Chapter 1, Section 490. Applicant/Owner Sworn to and subscribed this 25th day of November 2015. Instrument number 2015TN00587 Filed November 25, 2015

Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

370-380676 12/24, 12/31DS
AFFIDAVIT FOR REGISTRATION OF TRADE NAME
State of Georgia, County of DeKalb
The undersigned hereby certifies that they are conducting a business in the City of Stone Mountain, County of DeKalb, at 499 Rowland rd Stone Mountain, Ga. 30083, in the State of Georgia, under the name ++Abba House ILP Transitional Housing And Dev.+Pro+-. Said business is registered under Abba House Human Development. This affidavit is made in compliance with GA Code Annotated, Title 10, Chapter 1, Section 490. Rev. Dr. Robert Lee Harrell Applicant/Owner Sworn to and subscribed this 30th day of November 2015. Instrument number 2015TN00588 Filed November 30, 2015

Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

370-380677 12/24, 12/31DS
AFFIDAVIT FOR REGISTRATION OF TRADE NAME
State of Georgia, County of DeKalb
The undersigned hereby certifies that they are conducting a business in the City of Chamblee, County of DeKalb, at 3710 Longview Dr, #4 Chamblee, GA 30341, in the State of Georgia, under the name ++CODE++. Said business is registered under Cross Over Dental Enterprises. This affidavit is made in compliance with GA Code Annotated, Title 10, Chapter 1, Section 490. Hootan Shahidi Applicant/Owner Sworn to and subscribed this 1st day of December 2015. Instrument number 2015TN00591 Filed December 1, 2015

Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

370-380678 12/24, 12/31DS
AFFIDAVIT FOR REGISTRATION OF TRADE NAME
State of Georgia, County of DeKalb
The undersigned hereby certifies that they are conducting a business in the City of Stone Mountain, County of DeKalb, at 3350-F Chamblee-Tucker Rd, Atlanta, GA 30341, in the State of Georgia, under the name ++Plan-et Hookah & Cafe+-. Said business is registered under Ameri Tobacco and Smoke, LLC. This affidavit is made in compliance with GA Code Annotated, Title 10, Chapter 1, Section 490. Abdo Ibrahim Applicant/Owner Sworn to and subscribed this 1st day of December 2015. Instrument number 2015TN00593 Filed December 1, 2015

Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

370-380681 12/24, 12/31DS
AFFIDAVIT FOR REGISTRATION OF TRADE NAME
State of Georgia, County of DeKalb
The undersigned hereby certifies that they are conducting a business in the City of Atlanta, County of DeKalb, at 3350-F Chamblee-Tucker Rd, Atlanta, GA 30341, in the State of Georgia, under the name ++Plan-et Hookah & Cafe+-. Said business is registered under Ameri Tobacco and Smoke, LLC. This affidavit is made in compliance with GA Code Annotated, Title 10, Chapter 1, Section 490. Abdo Ibrahim Applicant/Owner Sworn to and subscribed this 1st day of December 2015. Instrument number 2015TN00593 Filed December 1, 2015

Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

370-380682 12/24, 12/31DS
AFFIDAVIT FOR REGISTRATION OF TRADE NAME
State of Georgia, County of DeKalb
The undersigned hereby certifies that they are conducting a business in the City of Decatur, County of DeKalb, at 185 Laredo Drive, in the State of Georgia, under the name ++Move Functional Fitness+-. Said business is registered under New Street Fitness, LLC. This affidavit is made in compliance with GA Code Annotated, Title 10, Chapter 1, Section 490. Jonathan Beckner Applicant/Owner Sworn to and subscribed this 1st day of December 2015. Instrument number 2015TN00594 Filed December 1, 2015

Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

370-380683 12/24, 12/31DS
AFFIDAVIT FOR REGISTRATION OF TRADE NAME
State of Georgia, County of DeKalb
The undersigned hereby certifies that they are conducting a business in the City of Stone Mountain, County of DeKalb, at 5379 Rockbridge Road, in the State of Georgia, under the name ++B.O.S.S.E.S+-. Said business is registered under Tiffany Hall. This affidavit is made in compliance with GA Code Annotated, Title 10, Chapter 1, Section 490. Applicant/Owner Sworn to and subscribed this 1st day of December 2015. Instrument number 2015TN00595 Filed December 1, 2015

Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

370-380684 12/24, 12/31DS
AFFIDAVIT FOR REGISTRATION OF TRADE NAME
State of Georgia, County of DeKalb
The undersigned hereby certifies that they are conducting a business in the City of Stone Mountain, County of DeKalb, at 5379 Rockbridge Road, in the State of Georgia, under the name ++B.O.S.S.E.S+-. Said business is registered under Tiffany Hall. This affidavit is made in compliance with GA Code Annotated, Title 10, Chapter 1, Section 490. Applicant/Owner Sworn to and subscribed this 1st day of December 2015. Instrument number 2015TN00595 Filed December 1, 2015

Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

370-380685 12/24, 12/31DS
AFFIDAVIT FOR REGISTRATION OF TRADE NAME
State of Georgia, County of DeKalb
The undersigned hereby certifies that they are conducting a business in the City of Stone Mountain, County of DeKalb, at 5379 Rockbridge Road, in the State of Georgia, under the name ++B.O.S.S.E.S+-. Said business is registered under Tiffany Hall. This affidavit is made in compliance with GA Code Annotated, Title 10, Chapter 1, Section 490. Applicant/Owner Sworn to and subscribed this 1st day of December 2015. Instrument number 2015TN00595 Filed December 1, 2015

Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

370-380686 12/24, 12/31DS
AFFIDAVIT FOR REGISTRATION OF TRADE NAME
State of Georgia, County of DeKalb
The undersigned hereby certifies that they are conducting a business in the City of Stone Mountain, County of DeKalb, at 925 Main Street, Suite 300-13, Stone Mountain, GA 30083, in the State of Georgia, under the name ++A B S Consulting Group+-. Said business is registered under A Better School-house. This affidavit is made in compliance with GA Code Annotated, Title 10, Chapter 1, Section 490. Brenda H. Jones Applicant/Owner Sworn to and subscribed this 1st day of December 2015. Instrument number 2015TN00592 Filed December 1, 2015

Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

370-380687 12/24, 12/31DS
AFFIDAVIT FOR REGISTRATION OF TRADE NAME
State of Georgia, County of DeKalb
The undersigned hereby certifies that they are conducting a business in the City of Atlanta, County of DeKalb, at 3350-F Chamblee-Tucker Rd, Atlanta, GA 30341, in the State of Georgia, under the name ++Plan-et Hookah & Cafe+-. Said business is registered under Ameri Tobacco and Smoke, LLC. This affidavit is made in compliance with GA Code Annotated, Title 10, Chapter 1, Section 490. Abdo Ibrahim Applicant/Owner Sworn to and subscribed this 1st day of December 2015. Instrument number 2015TN00593 Filed December 1, 2015

Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

370-380688 12/24, 12/31DS
AFFIDAVIT FOR REGISTRATION OF TRADE NAME
State of Georgia, County of DeKalb
The undersigned hereby certifies that they are conducting a business in the City of Decatur, County of DeKalb, at 185 Laredo Drive, in the State of Georgia, under the name ++Move Functional Fitness+-. Said business is registered under New Street Fitness, LLC. This affidavit is made in compliance with GA Code Annotated, Title 10, Chapter 1, Section 490. Jonathan Beckner Applicant/Owner Sworn to and subscribed this 1st day of December 2015. Instrument number 2015TN00594 Filed December 1, 2015

Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

370-380689 12/24, 12/31DS
AFFIDAVIT FOR REGISTRATION OF TRADE NAME
State of Georgia, County of DeKalb
The undersigned hereby certifies that they are conducting a business in the City of Stone Mountain, County of DeKalb, at 5379 Rockbridge Road, in the State of Georgia, under the name ++B.O.S.S.E.S+-. Said business is registered under Tiffany Hall. This affidavit is made in compliance with GA Code Annotated, Title 10, Chapter 1, Section 490. Applicant/Owner Sworn to and subscribed this 1st day of December 2015. Instrument number 2015TN00595 Filed December 1, 2015

Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

370-380690 12/24, 12/31DS
AFFIDAVIT FOR REGISTRATION OF TRADE NAME
State of Georgia, County of DeKalb
The undersigned hereby certifies that they are conducting a business in the City of Stone Mountain, County of DeKalb, at 5379 Rockbridge Road, in the State of Georgia, under the name ++B.O.S.S.E.S+-. Said business is registered under Tiffany Hall. This affidavit is made in compliance with GA Code Annotated, Title 10, Chapter 1, Section 490. Applicant/Owner Sworn to and subscribed this 1st day of December 2015. Instrument number 2015TN00595 Filed December 1, 2015

Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

370-380691 12/24, 12/31DS
AFFIDAVIT FOR REGISTRATION OF TRADE NAME
State of Georgia, County of DeKalb
The undersigned hereby certifies that they are conducting a business in the City of Stone Mountain, County of DeKalb, at 5379 Rockbridge Road, in the State of Georgia, under the name ++B.O.S.S.E.S+-. Said business is registered under Tiffany Hall. This affidavit is made in compliance with GA Code Annotated, Title 10, Chapter 1, Section 490. Applicant/Owner Sworn to and subscribed this 1st day of December 2015. Instrument number 2015TN00595 Filed December 1, 2015

Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

370-380798 12/24/24wg
CITY OF BROOKHAVEN
NOTICE OF PUBLIC HEARING
ADOPTING THE CODE OF ORDINANCE
A Public Hearing will be conducted by the City of Brookhaven City Council at 7:00 P.M., ++January 12, 2016++ in the Council Chambers of City Hall, 4362 Peachtree Rd, Brookhaven, Ga. 30319, to solicit public comment on the proposed new Brookhaven Code of Ordinances. City Council will take comments offered at the hearing into account before considering the adoption of the new Code of Ordinances which includes the City Charter, City Zoning, Zoning Map, other land use regu-

lations, and other local regulations applicable within the City. A copy of the proposed Brookhaven Code of Ordinances under consideration is available for public inspection during normal business hours at the office of the City Clerk of Brookhaven City Hall, 4362 Peachtree Rd, Brookhaven, GA., 30319.

380-380809 12/24wg
City of Clarkston
JANUARY 5, 2016
++CITY COUNCIL MEETING
CHANGE OF TIME AND VENUE++

The Clarkston City Council will meet on Tuesday, January 5, 2016 at 7:30 PM, at the Clarkston Community Center, 3701 College Avenue, Clarkston, GA 30021, and will hold public hearings to consider the following: Variance request, for 4250 East Ponce de Leon Ave. from Article X of the Clarkston Zoning Ordinance, Civic Design, Section 1005, to allow parking in the front yard of a property zoned TC, Town Center. Rezoning of newly annexed parcels from DeKalb County zoning districts to City of Clarkston zoning districts. All interested parties are invited to attend and be heard. For further information, please contact Jahnee Prince, Interim City Planner at 404-296-6489.

380-380941 12/24, 12/31WG
NOTICE OF PUBLIC HEARING
The Mayor and Council of the City of Pine Lake will hold a Public Hearing on Tuesday, January 26, 2016 to solicit input on a proposed text amendment to the Zoning Ordinance pertaining to the ++regulation of use and development in the Single Family Residential District.++ This hearing will be held in the Council Chambers, 459 Pine Drive, Pine Lake Georgia 30072, beginning at 7:30 pm. Copies of the proposed changes are available at City Hall, 462 Clubhouse Drive, during normal working hours. Interested parties are invited to attend and be heard.

380-380941 12/24, 12/31WG
NOTICE OF PUBLIC HEARING
The Mayor and Council of the City of Pine Lake will hold a Public Hearing on Tuesday, January 26, 2016 to solicit input on a proposed text amendment to the Zoning Ordinance pertaining to the ++regulation of use and development in the Single Family Residential District.++ This hearing will be held in the Council Chambers, 459 Pine Drive, Pine Lake Georgia 30072, beginning at 7:30 pm. Copies of the proposed changes are available at City Hall, 462 Clubhouse Drive, during normal working hours. Interested parties are invited to attend and be heard.

380-380941 12/24, 12/31WG
NOTICE OF PUBLIC HEARING
The Mayor and Council of the City of Pine Lake will hold a Public Hearing on Tuesday, January 26, 2016 to solicit input on a proposed text amendment to the Zoning Ordinance pertaining to the ++regulation of use and development in the Single Family Residential District.++ This hearing will be held in the Council Chambers, 459 Pine Drive, Pine Lake Georgia 30072, beginning at 7:30 pm. Copies of the proposed changes are available at City Hall, 462 Clubhouse Drive, during normal working hours. Interested parties are invited to attend and be heard.

380-380941 12/24, 12/31WG
NOTICE OF PUBLIC HEARING
The Mayor and Council of the City of Pine Lake will hold a Public Hearing on Tuesday, January 26, 2016 to solicit input on a proposed text amendment to the Zoning Ordinance pertaining to the ++regulation of use and development in the Single Family Residential District.++ This hearing will be held in the Council Chambers, 459 Pine Drive, Pine Lake Georgia 30072, beginning at 7:30 pm. Copies of the proposed changes are available at City Hall, 462 Clubhouse Drive, during normal working hours. Interested parties are invited to attend and be heard.

380-380941 12/24, 12/31WG
NOTICE OF PUBLIC HEARING
The Mayor and Council of the City of Pine Lake will hold a Public Hearing on Tuesday, January 26, 2016 to solicit input on a proposed text amendment to the Zoning Ordinance pertaining to the ++regulation of use and development in the Single Family Residential District.++ This hearing will be held in the Council Chambers, 459 Pine Drive, Pine Lake Georgia 30072, beginning at 7:30 pm. Copies of the proposed changes are available at City Hall, 462 Clubhouse Drive, during normal working hours. Interested parties are invited to attend and be heard.

380-380941 12/24, 12/31WG
NOTICE OF PUBLIC HEARING
The Mayor and Council of the City of Pine Lake will hold a Public Hearing on Tuesday, January 26, 2016 to solicit input on a proposed text amendment to the Zoning Ordinance pertaining to the ++regulation of use and development in the Single Family Residential District.++ This hearing will be held in the Council Chambers, 459 Pine Drive, Pine Lake Georgia 30072, beginning at 7:30 pm. Copies of the proposed changes are available at City Hall, 462 Clubhouse Drive, during normal working hours. Interested parties are invited to attend and be heard.

380-380941 12/24, 12/31WG
NOTICE OF PUBLIC HEARING
The Mayor and Council of the City of Pine Lake will hold a Public Hearing on Tuesday, January 26, 2016 to solicit input on a proposed text amendment to the Zoning Ordinance pertaining to the ++regulation of use and development in the Single Family Residential District.++ This hearing will be held in the Council Chambers, 459 Pine Drive, Pine Lake Georgia 30072, beginning at 7:30 pm. Copies of the proposed changes are available at City Hall, 462 Clubhouse Drive, during normal working hours. Interested parties are invited to attend and be heard.

380-380941 12/24, 12/31WG
NOTICE OF PUBLIC HEARING
The Mayor and Council of the City of Pine Lake will hold a Public Hearing on Tuesday, January 26, 2016 to solicit input on a proposed text amendment to the Zoning Ordinance pertaining to the ++regulation of use and development in the Single Family Residential District.++ This hearing will be held in the Council Chambers, 459 Pine Drive, Pine Lake Georgia 30072, beginning at 7:30 pm. Copies of the proposed changes are available at City Hall, 462 Clubhouse Drive, during normal working hours. Interested parties are invited to attend and be heard.

380-380941 12/24, 12/31WG
NOTICE OF PUBLIC HEARING
The Mayor and Council of the City of Pine Lake will hold a Public Hearing on Tuesday, January 26, 2016 to solicit input on a proposed text amendment to the Zoning Ordinance pertaining to the ++regulation of use and development in the Single Family Residential District.++ This hearing will be held in the Council Chambers, 459 Pine Drive, Pine Lake Georgia 30072, beginning at 7:30 pm. Copies of the proposed changes are available at City Hall, 462 Clubhouse Drive, during normal working hours. Interested parties are invited to attend and be heard.

380-380941 12/24, 12/31WG
NOTICE OF PUBLIC HEARING
The Mayor and Council of the City of Pine Lake will hold a Public Hearing on Tuesday, January 26, 2016 to solicit input on a proposed text amendment to the Zoning Ordinance pertaining to the ++regulation of use and development in the Single Family Residential District.++ This hearing will be held in the Council Chambers, 459 Pine Drive, Pine Lake Georgia 30072, beginning at 7:30 pm. Copies of the proposed changes are available at City Hall, 462 Clubhouse Drive, during normal working hours. Interested parties are invited to attend and be heard.

380-380941 12/24, 12/31WG
NOTICE OF PUBLIC HEARING
The Mayor and Council of the City of Pine Lake will hold a Public Hearing on Tuesday, January 26, 2016 to solicit input on a proposed text amendment to the Zoning Ordinance pertaining to the ++regulation of use and development in the Single Family Residential District.++ This hearing will be held in the Council Chambers, 459 Pine Drive, Pine Lake Georgia 30072, beginning at 7:30 pm. Copies of the proposed changes are available at City Hall, 462 Clubhouse Drive, during normal working hours. Interested parties are invited to attend and be heard.

380-380941 12/24, 12/31WG
NOTICE OF PUBLIC HEARING
The Mayor and Council of the City of Pine Lake will hold a Public Hearing on Tuesday, January 26, 2016 to solicit input on a proposed text amendment to the Zoning Ordinance pertaining to the ++regulation of use and development in the Single Family Residential District.++ This hearing will be held in the Council Chambers, 459 Pine Drive, Pine Lake Georgia 30072, beginning at 7:30 pm. Copies of the proposed changes are available at City Hall, 462 Clubhouse Drive, during normal working hours. Interested parties are invited to attend and be heard.

first set out above. The sale will be conducted subject (1) to confirmation that the sale is not prohibited under the U.S. Bankruptcy Code and (2) to final confirmation and audit of the status of the loan with the holder of the security deed. Pursuant to O.C.G.A. Section 9-13-172.1, which allows for certain procedures regarding the rescission of judicial and non-judicial sales in the State of Georgia, the Deed Under Power and other foreclosure documents may not be provided until final confirmation and audit of the status of the loan as provided immediately above.

The entity that has full authority to negotiate, amend, and modify all terms of the mortgage with the debtor is: Carrington Mortgage Services, LLC, 1600 South Douglas Road, Suite 2000 A, Anaheim, CA 92806. Please understand that the secured creditor is not required to negotiate, amend, or modify the terms of the mortgage instrument.

To the best of the undersigned's knowledge and belief, said property is also known as 3947 Pinehurst Valley Drive, Decatur, GA 30034, and the party in possession of the property is/are HAROLD J. GROSS, JR. or a tenant or tenants of said property. CARRINGTON MORTGAGE SERVICES, LLC As Attorney-in-Fact for ++HAROLD J. GROSS, JR.++ SOLOMON BAGGETT, LLC 40 Technology Parkway West, Suite 202 Norcross, Georgia 30092 (678) 243-2512

THE LAW FIRM IS ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

420-375821
12/10, 12/17, 12/24, 12/31WG
NOTICE OF SALE UNDER POWER
GEORGIA, DEKALB COUNTY
By virtue of the power of sale contained in a Security Deed from Michael Blackford to Mortgage Electronic Registration Systems Inc., as nominee for Taylor, Bean & Whitaker Mortgage Corp., its successors and assigns dated January 2, 2009 recorded in Deed Book 4675, Page 44-57 Rockdale County Records on March 9, 2009 and Deed Book 21387, Page 353, DeKalb County Records on April 21, 2009, and last assigned to Carrington Mortgage Services, LLC, conveying the after-described property to secure a Note in the original principal amount of ONE HUNDRED THIRTY-SEVEN THOUSAND NINE HUNDRED TWO AND 00/100 (\$137,902.00), with interest thereon as set forth therein, there will be sold at public outcry to the highest bidder for cash, before the Courthouse door of Rockdale County, Georgia, during the legal hours of sale on Tuesday, January 5, 2016 the following described property, to wit: All that tract or parcel of land lying and being in Land Lot 179 of the 16th District, Rockdale County and DeKalb County, Georgia, being Lot 55, of The Falls at Bridgewater Subdivision, Unit Two, as per plat thereof recorded in Plat Book 29, pages 203-204, Rockdale County and DeKalb County, Georgia Records, which recorded plat is incorporated herein by this reference and made a part of this description. The Debt secured by said Security Deed has been and is hereby declared due because of nonpayment of the indebtedness when due and in the manner provided in the Note and Security Deed. The debt remaining in default, the sale will be made for the purpose of paying the same and all expenses of sale, as provided in the Security Deed and by law, including attorney's fees, notice of intent to collect attorney's fees having been given. Said property will be sold subject to any outstanding ad valorem taxes, any assessments, liens, encumbrances, zoning ordinances, restrictions, covenants, and matters of record superior to the Security Deed first set out above.

To the best knowledge and belief of the undersigned, the party in possession of the property is Clara L. Brown and Estate of Clara L. Brown or, a tenant or tenants, and said property was or is commonly known as 507 Quillian Avenue, Decatur, GA 30022.

The sale will be conducted subject (1) to confirmation that the sale is not prohibited under the U.S. Bankruptcy Code and (2) to final confirmation and audit of the status of the loan with the holder of the security deed. Reverse Mortgage Solutions, Inc. As Attorney in Fact for Clara L. Brown Martin & Brunav 2800 North Druid Hills Rd. Building B, Suite 100 Atlanta, GA 30329 (404) 982-0088 M&B File No.: ++15-22710 BROWN++

THIS LAW FIRM IS ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

420-375822
12/10, 12/17, 12/24, 12/31WG
NOTICE OF SALE UNDER POWER
GEORGIA, DEKALB COUNTY
By virtue of the power of sale contained in a Security Deed from Clara L. Brown to Urban Financial Group dated January 19, 2009 recorded in Deed Book 21288, Page 265. DeKalb County Records, and last assigned to Reverse Mortgage Solutions, Inc., conveying the after-described property to secure a Note in the original principal amount of ONE HUNDRED NINETY-FIVE THOUSAND AND 00/100 (\$195,000.00), with interest thereon as set forth therein, there will be sold at public outcry to the highest bidder for cash, before the Courthouse door of DeKalb County, Georgia, during the legal hours of sale on Tuesday, January 5, 2016 the following described property, to wit: All that tract or parcel of land lying and being in Land Lot 171 of the 15th District of DeKalb County, Georgia and being more particularly described as follows: Beginning at a point on the West side of Quillian Street, Three Hundred (300) feet South of the Southwest intersection of Quillian Street and Glenwood Avenue, running thence South along the West side of Quillian Street Sixty Five (65) feet to an iron pin; running thence Westerly One Hundred Fifty (150) feet to an iron pin; running thence Northerly Sixty Five (65) feet to an iron pin; running thence Easterly One Hundred Fifty (150) feet to the West side of Quillian Street and the Point of Beginning.

The Debt secured by said Security Deed has been and is hereby declared due because of nonpayment of the indebtedness when due and in the manner provided in the Note and Security Deed. The debt remaining in default, the sale will be made for the purpose of paying the same and all expenses of sale, as provided in the Security Deed and by law, including attorney's fees, notice of intent to collect attorney's fees having been given. Said property will be sold subject to any outstanding ad valorem taxes, any assessments, liens, encumbrances, zoning ordinances, restrictions, covenants, and matters of record superior to the Security Deed first set out above.

To the best knowledge and belief of the undersigned, the party in possession of the property is Clara L. Brown and Estate of Clara L. Brown or, a tenant or tenants, and said property was or is commonly known as 507 Quillian Avenue, Decatur, GA 30022.

The sale will be conducted subject (1) to confirmation that the sale is not prohibited under the U.S. Bankruptcy Code and (2) to final confirmation and audit of the status of the loan with the holder of the security deed. Reverse Mortgage Solutions, Inc. As Attorney in Fact for Clara L. Brown Martin & Brunav 2800 North Druid Hills Rd. Building B, Suite 100 Atlanta, GA 30329 (404) 982-0088 M&B File No.: ++15-22710 BROWN++

THIS LAW FIRM IS ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

420-375823
11/19, 11/26, 12/3, 12/10, 12/17, 12/24, 12/31WG
NOTICE OF SALE UNDER POWER
GEORGIA, DEKALB COUNTY
By virtue of the power of sale contained in a Security Deed from Michael A. Mustafa to Mortgage Electronic Registration Systems Inc., as nominee for Taylor, Bean & Whitaker Mortgage Corp., its successors and assigns dated November 14, 2008 recorded in Deed Book 21170, Page 627. DeKalb County Records, and last assigned to Carrington Mortgage Services, LLC, conveying the after-described property to secure a Note in the original principal amount of ONE HUNDRED FORTY-EIGHT THOUSAND SEVEN HUNDRED FIFTY-TWO AND 00/100 (\$148,752.00), with interest thereon as set forth therein, there will be sold at public outcry to the highest bidder for cash, before the Courthouse door of DeKalb County, Georgia, during the legal hours of sale on Tuesday, January 5, 2016 the following described property, to wit: All that tract or parcel of land lying and being in Land Lot 31 of the 18th District, DeKalb County, Georgia, being Lot 116, Block C, of Wymbrooke Subdivision, Unit II, as per plat thereof recorded in Plat Book 92, page 12, DeKalb County, Georgia Records, which recorded plat is incorporated herein by reference and made a part of this description. The Debt secured by said Security Deed has been and is hereby declared due because of nonpayment of the indebtedness when due and in the manner provided in the Note and Security Deed. The debt remaining in default, the sale will be made for the purpose of paying the same and all expenses of sale, as provided in the Security Deed and by law, including attorney's fees, notice of intent to collect attorney's fees having been given. Said property will be sold subject to any outstanding ad valorem taxes, any assessments, liens, encumbrances, zoning ordinances, restrictions, covenants, and matters of record superior to the Security Deed first set out above.

with the holder of the security deed. Carrington Mortgage Services, LLC As Attorney in Fact for Michael Blackford Martin & Brunav 2800 North Druid Hills Rd. Building B, Suite 100 Atlanta, GA 30329 (404) 982-0088 M&B File No.: ++15-22570 BLACKFORD++

THIS LAW FIRM IS ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

420-375822
12/10, 12/17, 12/24, 12/31WG
NOTICE OF SALE UNDER POWER
GEORGIA, DEKALB COUNTY
By virtue of the power of sale contained in a Security Deed from Clara L. Brown to Urban Financial Group dated January 19, 2009 recorded in Deed Book 21288, Page 265. DeKalb County Records, and last assigned to Reverse Mortgage Solutions, Inc., conveying the after-described property to secure a Note in the original principal amount of ONE HUNDRED NINETY-FIVE THOUSAND AND 00/100 (\$195,000.00), with interest thereon as set forth therein, there will be sold at public outcry to the highest bidder for cash, before the Courthouse door of DeKalb County, Georgia, during the legal hours of sale on Tuesday, January 5, 2016 the following described property, to wit: All that tract or parcel of land lying and being in Land Lot 171 of the 15th District of DeKalb County, Georgia and being more particularly described as follows: Beginning at a point on the West side of Quillian Street, Three Hundred (300) feet South of the Southwest intersection of Quillian Street and Glenwood Avenue, running thence South along the West side of Quillian Street Sixty Five (65) feet to an iron pin; running thence Westerly One Hundred Fifty (150) feet to an iron pin; running thence Northerly Sixty Five (65) feet to an iron pin; running thence Easterly One Hundred Fifty (150) feet to the West side of Quillian Street and the Point of Beginning.

The Debt secured by said Security Deed has been and is hereby declared due because of nonpayment of the indebtedness when due and in the manner provided in the Note and Security Deed. The debt remaining in default, the sale will be made for the purpose of paying the same and all expenses of sale, as provided in the Security Deed and by law, including attorney's fees, notice of intent to collect attorney's fees having been given. Said property will be sold subject to any outstanding ad valorem taxes, any assessments, liens, encumbrances, zoning ordinances, restrictions, covenants, and matters of record superior to the Security Deed first set out above.

To the best knowledge and belief of the undersigned, the party in possession of the property is Michael A. Mustafa or, a tenant or tenants, and said property was or is commonly known as 660 Wynbrooke Parkway, Stone Mountain, GA 30087.

The sale will be conducted subject (1) to confirmation that the sale is not prohibited under the U.S. Bankruptcy Code and (2) to final confirmation and audit of the status of the loan with the holder of the security deed. Carrington Mortgage Services, LLC As Attorney in Fact for Michael A. Mustafa Martin & Brunav 2800 North Druid Hills Rd. Building B, Suite 100 Atlanta, GA 30329 (404) 982-0088 M&B File No.: ++15-22710 MUSTAFA++

THIS LAW FIRM IS ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

420-375833
12/10, 12/17, 12/24, 12/31WG
NOTICE OF SALE UNDER POWER
GEORGIA, COUNTY OF DEKALB
By virtue of the power of sale contained in a certain Deed to Secure Debt executed and delivered by SEON D. SMITH AND THEMPIA WILLIAMS SMITH to EDWIN L. COLLINS dated February 18, 1998 in the amount of \$79,000.00 recorded in Deed Book 9850, Page 166, later transferred and assigned to Leon Earl Collins and Stanley Mooney, Co-Trustees of the Edwin Leon Collins Item VI Residual Trust, on September 3, 2009, recorded in Deed Book 21698, Page 631, in the office of the Clerk of the Superior Court, DeKalb County, Georgia, said Security Deed having been given to secure a Note of even date and fully described herein on Earl Collins and Stanley Mooney, Co-Trustees of the Edwin Leon Collins Item VI Residual Trust have declared the entire unpaid indebtedness due and payable in full in accordance with the terms of said Note, and the same has not been paid. By virtue of default in payment of the debt mentioned therein, the undersigned will sell at public outcry to the highest bidder for cash before the courthouse doors in DeKalb County, Georgia, on the first Tuesday in January, 2016, during the leg-

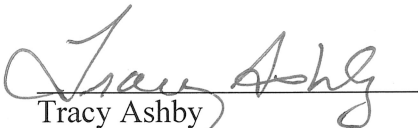
Exhibit “G”

CERTIFICATE OF AUTHENTICITY

I, Tracy Ashby, am the City Clerk for the City of Clarkston, Georgia. In this role, I am the custodian of official City records.

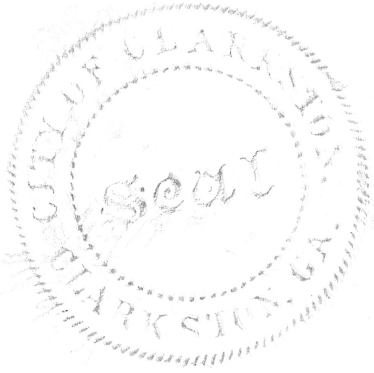
I hereby certify that the forgoing attached documents, consisting of 76 pages, are a true and accurate copy of all agendas and minutes for the January 5, 2016 Council Meeting at which a public hearing concerning the Zoning Reclassification of newly annexed property Area and adoption of the updated Zoning Map occurred.

I certify under penalty of perjury that the foregoing is true and correct.


Tracy Ashby
Clarkston City Clerk

10-2-2020
Date

[CITY SEAL]



CITY COUNCIL MEETING



Ted Terry – Mayor

Ahmed Hassan – Vice Mayor *Beverly Burks*
Awet Eyasu *Robert Hogan*
Dean Moore *Mario Williams*

Keith Barker – City Manager

AGENDA

January 5, 2016 6:30PM
Clarkston Community Center

DUE TO LOCATION THIS MEETING WILL NOT LIVE STREAM

A. CALL TO ORDER

B. ROLL CALL

C. ADMINISTRATIVE BUSINESS:

- C1) Swear in Newly Elected Council Members
- C2) Approve Minutes 11/24/15 Special Call and 12/1/15 Council Meeting
- C3) Proclamation – CHS Cross Country Team
- C4) Council Elect Vice-Mayor
- C5) Confirm Attorney
- C6) Confirm Auditor
- C7) Confirm Judge
- C8) Confirm Solicitor
- C9) Confirm Public Defender

D. PUBLIC COMMENTS

E. OLD BUSINESS

- E1) Approve Right of Away/ Easement Options Agreement & Deed Phase 1A East Ponce de Leon Sidewalk Project – Injury 2 Wellness Centers, PC (Parcel # 18-096-22-005)

F. NEW BUSINESS

- F1) Service Agreement between the City of Clarkston & Clarkston Community Center
- F2) Approve Budget Amendment
- F3) Approve Variance Request – Ha Nguyen, 4250 E Ponce de Leon Ave
- F4) Re-Zoning classification for Annexation area
 - 1) Public Hearing - To take public comment on the proposed Zoning Reclassification Ordinance
 - 2) Council Adopt Zoning Classifications Ordinance for Newly-Annexed Area
- F5) Adopt Updated Zoning Map
- F6) Set Date for Special Called Meeting Work Session to Discuss Establishing Standing Committees

G. REPORTS:

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



PROCLAMATION

Honoring the 2015 Clarkston High School Cross Country Team

Whereas, the City of Clarkston recognizes the importance of athletic achievement by our Community Youth; and

Whereas, the members of the 2015 Clarkston High School Boys Cross Country Team are: Ngabo Daniel, Minani Elia, Gamada Fayiso, Awet Fitwi, Bosco Hakuzimana, Suheib Mohamed, Paul Nikobiri, Bineyam Tumbo, Rukundo Uwimana; and

Whereas, the Boys Cross Country Team's 2nd Place Finish at the DeKalb County Championships marked another successful County Championship in the school's history; and

Whereas, the Boys Cross Country Team's is the 2015 Region 6-5A Team Champions; and

Whereas, the Team won their second consecutive Georgia Class 5A State Title on November 7, 2015; and

Whereas, the Clarkston High School Boys Cross Country Team has been successful with the support of Head Coach Wesley Etienne and Assistant Coaches Dione Hester, J'Mia Byrd, Carmetta Maupin, Ahmed Shakoor, Christopher Banks; and

NOW, THEREFORE, I, Mayor Ted Terry, by virtue of the authority vested in me as Mayor of the City of Clarkston, do hereby proclaim January 5, 2016 be dedicated Clarkston High School Cross Country Team Day.

DATED this 5th day January, 2016.

Mayor Ted Terry, City of Clarkston

ATTEST: _____
City Clerk

Seal





December 18, 2015

Honorable Mayor and Members of the
City Council and City Manager of
City of Clarkston, Georgia
3921 Church Street
Clarkston, Georgia 30021

Attn: Dan Defnall, Finance Director and Keith Barker, City Manager

We are pleased to confirm our understanding of the services we are to provide the City of Clarkston, Georgia (the City) for the year ended December 31, 2015. We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of the City of Clarkston, Georgia as of and for the year then ended. These statements will include the budgetary comparison information for the General Fund and any major special revenue fund. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis (MD&A).
2. Schedule of Changes in the City's Net Pension Liability and Related Ratios.
3. Schedule of City Contributions – Pension Plan.
4. Budgetary comparisons for the General Fund and Major Special Revenue Funds.

We have also been engaged to report on supplementary information other than RSI that accompanies the City's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

1. Combining and individual fund statements

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, we have no responsibility for determining whether such other information is properly stated, and our auditor's report will not provide an opinion or any assurance on that other information:

1. Introductory section
2. Statistical section

Audit Objectives

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of the City of Clarkston, Georgia and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of the City's financial statements. Our report will be addressed to the Members of the City Council for the City of Clarkston, Georgia. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements are other than unmodified, we will fully discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue reports, or may withdraw from this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will include a paragraph that states that the purpose of the report is solely to describe the scope of testing of internal control over financial reporting and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control over financial reporting or on compliance, and that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control over financial reporting and compliance. The paragraph will also state that the report is not suitable for any other purpose.

If during our audit we become aware that the City is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

Management Responsibilities

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein.

Management is responsible for establishing and maintaining effective internal controls, including evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; following laws and regulations; and ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles, for the preparation and fair presentation of the financial statements and all accompanying information in conformity with U.S. generally accepted accounting principles, and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts or grant agreements, or abuse that we report.

You are responsible for the preparation of the supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates

that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon or make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

You agree to assume all management responsibilities relating to the financial statements and related notes and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and related notes and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. You agree to oversee the nonaudit services by designating an individual, preferably from senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective,

Government Auditing Standards do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City of Clarkston, Georgia's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not

express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

Other Attestation Services

Our annual examination will also be conducted to provide for attestation on certain management assertions in accordance the American Institute of Certified Public Accountants' (AICPA's) Attestation (AT) Section 601, *Compliance Attestation*. The objective of our reports will be as follows:

1. We will examine management's assertion about Clarkston's compliance with the requirement to use grant proceeds solely for the purpose or purposes for which the grants were made for each Local Assistance Grant and Governor's Emergency Fund Grant. Management will be responsible for compliance with the respective requirements. Our responsibility will be to express an opinion on management's assertion about Clarkston's compliance based on our examination. Our report will include a statement that the report is intended for the information and use of the Georgia Department of Audits and Accounts and Clarkston's management and is not intended to be and should not be used by anyone other than these specified parties.

Other Services

We will also assist in preparing the financial statements and related notes of the City in conformity with U.S. generally accepted accounting principles based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*.

Audit Administration, Fees, and Other

We understand that your employees will prepare all cash or other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our reports to the City of Clarkston, Georgia; however, management is responsible for distribution of the reports and financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit, including other attestation examination, documentation for this engagement is the property of Mauldin & Jenkins and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Mauldin & Jenkins personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by a regulatory body. If we are aware

that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately March 14, 2016 and to issue our reports no later than June 30, 2016. Doug Moses is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. Our fee for these services will be \$24,000 for the year ended December 31, 2015. Our hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered as work progresses and are payable upon presentation. The above fees are based on anticipated cooperation from your personnel (including complete and timely receipt by us of the information on the respective client participation listings to be prepared annually) and the assumption that unexpected circumstances (including scope changes) will not be encountered during the audit. If significant additional time is necessary, we will discuss it with management and arrive at a new fee estimate before we incur the additional costs.

As a result of our prior or future services to you, we might be requested or required to provide information or documents to you or a third party in a legal, administrative, arbitration, or similar proceeding in which we are not a party. If this occurs, our efforts in complying with such requests will be deemed billable to you as a separate engagement. We shall be entitled to compensation for our time and reasonable reimbursement for our expenses (including legal fees) in complying with the request. For all requests we will observe the confidentiality requirements of our profession and will notify you promptly of the request.

We appreciate the opportunity to be of service to the City of Clarkston, Georgia and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Sincerely,

MAULDIN & JENKINS, LLC



Douglas A. Moses

RESPONSE:

This letter correctly sets forth the understanding of the City of Clarkston, Georgia.

By: _____

Title: _____

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: E1

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: January 5, 2016

SUBJECT: Approve City Right-Of-Way Easement Option Agreements & Deeds, Special Conditions and Drive Way Easements for the Phase 1(a) East Ponce de Leon Sidewalk Improvements Project

DEPARTMENT: City Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages: 1

INFORMATION CONTACT: Keith Barker
PHONE NUMBER: 404-296-6489

PURPOSE:

To approve the City Right-Of-Way Easement Option Agreements & Deeds, Special Conditions and Drive Way Easements for the Phase 1(a) East Ponce de Leon Sidewalk Project.

NEED/ IMPACT:

In 2013, the Clarkston City Council approved a multi-year, multi-phase sidewalk improvement project. Phase 1(a) of the project will extend on East Ponce de Leon from Market Street to West Smith Street.

In order to complete the project, the City will be required to obtain Temporary Construction Easement Agreements and Fee Simple ROW Acquisitions, and Drive Way Easements. Additionally, the City has negotiated certain Special Conditions associated with the use of shared driveways.

Once approved, each of the ROW Deeds, Special Conditions and Drive Way Easements will be recorded at the DeKalb County Clerk of Court.

1) Approve Right of Away/ Easement Options Agreement & Deed Phase 1A East Ponce de Leon Sidewalk Project – Injury 2 Wellness Centers, PC (Parcel # 18-096-22-005)

RECOMMENDATIONS:

Staff recommends that the City Council approve the City Right-Of-Way Easement Option Agreements & Deeds, Special Conditions and Drive Way Easements for the Phase 1(a) East Ponce de Leon Sidewalk Project

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: F1

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Contract

MEETING DATE: January 5, 2016

SUBJECT: Service Agreement between City of Clarkston and Clarkston Community Center

DEPARTMENT: Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages 3

INFORMATION CONTACT: Keith Barker
PHONE NUMBER: 404-296-6489

PURPOSE: To consider and approve a service agreement between the City of Clarkston and the Clarkston Community Center

NEED/ IMPACT: The City is desirous of ensuring greater access to the Clarkston Community Center for Clarkston residents and/or businesses located within the City of Clarkston. From time to time the City is in need of meeting and activity space for certain special events. The Clarkston Community Center has in the past and will continue to provide agreed upon space to the City of Clarkston, Clarkston residents and/or businesses located within Clarkston.

In consideration for the services and use of facilities contemplated herein, the City shall pay CCC twenty thousand dollars (\$20,000.00). This amount shall be paid in quarterly installments of five thousand dollars (\$5,000) each. The first such payment shall be made not later than January 15, 2016; the second installment shall be paid not later April 15, 2016; the third installment shall be paid not later than July 15, 2016; the fourth installment shall be paid not later than October, 15 2016.

This Service Agreement is for a period of one year from adoption. The Agreement may be renewed on an annual basis by written agreement of the Parties subject to appropriation of funds by the Clarkston City Council.

RECOMMENDATIONS:

Staff recommends approving the attached Service Agreement between the City of Clarkston and the Clarkston Community Center. The FY 2016 budget will be amended to provide funding of this item.

**Services Agreement between
Clarkston Community Center and City of Clarkston**

This Services Agreement is entered into this 5th day of January, 2016, by and between **CLARKSTON COMMUNITY CENTER, INC.**, a Georgia non-profit corporation doing business at 3701 College Avenue, Clarkston, GA 30021, (hereinafter "CCC") and the **CITY OF CLARKSTON**, a Georgia municipal corporation located at 1055 Rowland Street, Clarkston GA 30021, (hereinafter the "City");

WHEREAS, the City is desirous of ensuring greater access to the CCC for Clarkston residents and/or businesses located within Clarkston; and

WHEREAS, the City is in need of meeting and activity space for certain special events; and

WHEREAS, CCC is prepared to provide agreed upon space to Clarkston residents and/or businesses located within Clarkston

NOW, THEREFORE, in consideration of the payment and mutual covenants described herein, the City and CCC do hereby agree as follows:

- 1) Services to be provided by CCC:
 - a) CCC shall dedicate \$3000 from City payment per quarter to space for Clarkston resident/business and allocate at standard market rates until amount is utilized. (See attached)
 - b) CCC shall reserve \$2000 from City payment for administrative costs and for City-reserved events such as Town Hall meetings per quarter.
 - c) One (1) person or one (1) group residing or working within City limits may contract space in the East Room, West Room or Conference Room at the CCC within the three-month quarter pending availability of space.
 - a. One (1) person or one (1) group may contract a series of four (4) or six (6) two-hour weekly classes/meetings every other quarter.
 - b. Should desire for repeat series occur, booking for subsequent series shall occur in the quarter period following the conclusion of the series.
 - d) One (1) person or one (1) group may hold one-time, maximum four (4)-hour gathering monthly.
 - e) CCC may choose to place a group in Angora Hall at the CCC's discretion pending availability of space but space within Angora Hall shall not be part of this agreement.
 - f) Once reserved, CCC shall not cancel reservation save for emergencies that cause closing of entire Center.
 - g) Events of over 50 people shall require standard deposit and security fees to be paid by resident or business two weeks before event
 - h) Events requiring sound shall require standard AV fees to be paid by resident or business two weeks before event.

- i) Every group or person requesting use of the CCC must make a written request to the CCC and the CCC has the duty to provide each member of the Council with a copy of said written request within 48 hours of the request being received by the CCC;
- j) No event can be held pursuant to this service agreement without notice being given to each council member at least 10 days prior to the scheduled date of the approved event.
- k) No Council member has the authority to cancel a CCC approved event so long as the notice requirements for said event have been met;
- l) CCC shall provide quarterly report of allocations to the City no later than the following dates: April 25, 2016; July 25, 2016; October 25, 2016; and January 25, 2017.
- m) If, on *more than one occasion*, a person/organization is approved to use the CCC but then cancels its scheduled event within 7 days of the scheduled event, that same person/organization is prohibited from using the CCC for any event, for a period of 3 months. A CCC representative shall provide the requesting person/organization with a copy of this rule, in writing, within 24 hours of said request.

2) Use of CCC Facility by City

The CCC shall provide to the City space for training, the State of the City Address, quarterly Town Hall meetings, and other events as needed by the City. Any city official/employee who request CCC space for training, the State of the City Address, quarterly Town Hall meetings, and other events as needed by the City must make a written request to the CCC, and a copy of said request must be provided to each City Council member within 48 hours of the request being received by the CCC. In addition, a request made by any City official/employee for training, the State of the City Address, quarterly Town Hall meetings, and other events as needed by the City must be made 10 days prior to the scheduled date of the event.

3) Payment to CCC

In consideration for the services and use of facilities contemplated herein, the City shall pay CCC twenty thousand dollars (\$20,000.00). This amount shall be paid in quarterly installments of five thousand dollars (\$5,000) each. The first such payment shall be made not later than January 15, 2016; the second installment shall be paid not later April 15, 2016; the third installment shall be paid not later than July 15, 2016; the fourth installment shall be paid not later than October, 15 2016.

4) Term and Termination

This Service Agreement is for a period of one year from adoption. The Agreement may be renewed on an annual basis by written agreement of the Parties subject to appropriation of funds by the Clarkston City Council. The Agreement may be terminated without cause by either party via thirty (30) days written notice and if the party seeking to terminate the agreement is the City of Clarkston, a simple majority vote by the City Council pursuant to a quorum in favor of termination must be obtained. If either party fails to comply with the terms herein, the CCC, with cause, upon written notice to each City Council member may immediately terminate this

Agreement; however, if the City of Clarkston chooses to terminate this agreement due to non-compliance with its terms, the Council must (1) provide written notice to the director of the CCC and (2) obtain a simple majority vote by the Council in favor of termination pursuant to a quorum.

SO AGREED, upon the date first written above.

CLARKSTON COMMUNITY CENTER

McKenzie Wren, Executive Director

Date: _____

CITY OF CLARKSTON

Ted Terry, Mayor

Date: _____

Attest:

Date:

Tracy Ashby, City Clerk

APPROVED AS TO FORM:

Stephen G. Quinn, City Attorney

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: F2

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: January 5, 2016

SUBJECT: To Amend the 2016 Operating Budget

DEPARTMENT: Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages: 1

INFORMATION CONTACT: Keith Barker
PHONE NUMBER: 404-296-6489 ext. 421

PURPOSE:

To amend the 2016 Operating Budget.

NEED/ IMPACT:

The Clarkston City Council desires to amend the 2016 Operating Budget for the following purpose:

Add \$20,000 in expenditure to the Community Action Projects budget for the purpose of funding the service agreement with the Clarkston Community Center; eliminate the \$7,500 expenditure for Computer and Software Services in the Planning and Development budget; increase the revenue estimate for Real Property Tax by \$12,500.

RECOMMENDATIONS:

Staff recommends approval.

BUDGET SUMMARY	ACTUAL	2015 Adopted	2015 ACTUAL	Budget	2015	2016	2016	2016	
	As of October 21, 2015	2014	Budget	As of October 21, 2015	% of Budget Used	PROJECTED & AMENDED BUDGET	BUDGET REQUEST	Budget Amendment Proposed Jan 5, 2016	AMENDED BUDGET
REVENUES									
General Fund	3,941,424	4,746,177	3,200,470	67.4%	4,896,533	5,103,811	12,500	5,116,311	
Federal Seizures Fund	41,736	145,300	78,688	54.2%	85,000	60,000		60,000	
City Seizures Fund	-	1,300	-	0.0%	50	50		50	
Grants Fund	108,524	136,600	41,392	30.3%	127,011	164,000		164,000	
HOST Fund	45,704	32,000	25,078	78.4%	45,000	45,000		45,000	
Stormwater Fund	116,989	177,050	107,537	60.7%	174,510	179,600		179,600	
Sanitation Fund	148,901	189,000	99,731	52.8%	172,375	185,000		185,000	
Total Revenue - All Funds	4,403,279	5,427,427	3,552,897	65.5%	5,500,479	5,737,461		5,749,961	
EXPENDITURES									
Administration	1,191,678	1,283,074	1,044,127	81.4%	1,337,721	924,204		924,204	
Buildings and Grounds	93,743	108,700	78,130	71.9%	116,900	92,400		92,400	
Planning and Development	123,019	245,340	163,317	66.6%	279,027	297,100	(7,500)	289,600	
Community Action Projects	20,000	44,500	31,200	70.1%	38,200	4,000	20,000	24,000	
Municipal Court	-	-	395,156	-	520,657	571,212		571,212	
Police	1,454,000	1,973,902	1,406,567	71.3%	1,306,218	1,794,275		1,794,275	
Public Works	239,944	409,061	364,810	89.2%	467,294	659,178		659,178	
Parks	87,988	105,000	80,579	76.7%	99,100	90,700		90,700	
Debt Service	132,710	131,200	104,435	79.6%	149,695	191,141		191,141	
Capital Projects Fund	395,226	409,000	145,854	35.7%	581,721	479,600		479,600	
Total General Fund Expenditures	3,738,308	4,709,777	3,814,173	81.0%	4,896,533	5,103,811	12,500	5,116,311	
Federal Seizures Fund	66,453	145,300	80,498	55.4%	85,000	60,000		60,000	
City Seizures Fund	43	1,300	-	0.0%	50	50		50	
Grants Fund	149,957	160,000	52,939	44.5%	127,011	164,000		164,000	
HOST Fund	119,104	45,000	9,283	-	45,000	45,000		45,000	
Public Works Building Fund	25,267	-	-	0.0%	-	-		-	
Stormwater Fund	223,947	177,050	69,523	39.3%	174,510	179,600		179,600	
Sanitation Fund	150,627	189,000	128,860	68.2%	172,375	185,000		185,000	
Total Expenditures - ALL FUNDS	4,473,705	5,427,427	4,155,276	76.6%	5,500,479	5,737,461	12,500	5,749,961	

REVENUES	ACTUAL	2015 Adopted	2015	Budget	2015	2016	2016	2016
			As of October	% of Budget	PROJECTED & AMENDED		Budget Amendment Proposed	AMENDED
As of October 21, 2015	2014	Budget	21, 2015	Used	BUDGET	BUDGET	Jan 5, 2016	BUDGET
FUND 1 - GENERAL FUND - Revenue								
Public Utility R/E Tax - Current	311110	159,691	135,000	84,997	63%	150,000	150,000	150,000
Other Real Prop Tax	311190	1,183,013	1,485,000	802,522	54%	1,625,019	1,867,282	1,879,782
Real Property Tax - Prior	311200	28,040	50,000	30,048	60%	40,000	50,000	50,000
Public Utility R/E Tax - Prior	311210	4,395				-	-	-
Motor Vehicle Tax - Curr	311310	88,155	60,000	77,759	130%	85,000	85,000	85,000
Intangible Tax (Reg/Rec)	311340	28,046	10,000	39,338	393%	42,000	42,000	42,000
Railroad Equip Tx-Curr	311350	1,326	500	666	133%	800	800	800
Personal Prop Tax-Curr	311390	34,205	28,000	22,434	80%	32,000	32,000	32,000
Personal Prop Tax-Prior	311400	811	2,500	1,456	58%	1,500	1,500	1,500
Real Estate Transfer Tax	311600	4,743	4,000	13,352	334%	14,000	14,000	14,000
Franchise Taxes-Electric	311710	183,884	220,000	184,009	84%	200,000	200,000	200,000
Franchise Taxes-Gas	311730	15,916	25,000	16,417	66%	21,889	21,889	21,889
Franchise Taxes-Cable/T	311750	46,969	50,000	20,250	41%	50,000	50,000	50,000
Franchise Taxes-Teleph	311760	5,075	8,250	4,606	56%	6,142	6,142	6,142
Alcoholic Bev Excise Tax	314200	88,301	80,000	77,765	97%	100,000	100,000	100,000
Local Option Mix Dr Tax	314300	8,414	15,000	8,386	56%	11,000	11,000	11,000
Business/Occupational Tax	316100	28,378	130,000	111,725	86%	145,057	160,057	160,057
Insurance Premium Tax	316200	407,639	500,000	435,207	87%	435,207	485,207	485,207
Penalties/Interest-Real Tax	319110	4,271	2,050	2,022	99%	2,100	2,100	2,100
Alcoholic Investigation Fee	321105	1,200	1,000	3,600	360%	3,600	3,600	3,600
Retail Beer License	321110	3,000	5,000	5,500	110%	5,500	5,500	5,500
Retail Beer License/Drink	321115	4,500	8,000	4,250	53%	4,250	4,250	4,250
Retail Wine License	321120	3,000	5,000	5,500	110%	5,500	5,500	5,500
Retail Wine License/Drink	321125	4,500	8,000	4,250	53%	4,250	4,250	4,250
Retail Liquor License	321130	5,341	5,000	5,000	100%	5,000	5,000	5,000
Retail Liquor License/Drink	321135	20,009	25,000	16,708	67%	16,708	16,708	16,708
Work Permit & ID Card-Alcohol	321150	2,604	3,000	3,437	115%	3,800	3,800	3,800
Work Permit & ID Card-Entertainment	321151	-	57,000	60,518	106%	66,000	66,000	66,000
Ins Co Business License	321220	18,520	10,500	12,600	120%	12,600	12,600	12,600
Zoning/Land Use Permits	322210	470	1,100	1,603	146%	1,600	1,600	1,600
Sign Permits	322230	1,834	2,000	1,507	75%	1,800	1,800	1,800
Building Permits	322240	14,290	14,000	11,745	84%	13,000	13,000	13,000
Tree Service Permit Fees	322245	126	350	320	91%	350	350	350
Demolition	322900	150	300	350	117%	350	350	350
Building Inspections	323120	731	10,000	3,882	39%	4,000	4,000	4,000
Other Regulatory Fees	323900	31	-	-	-	-	-	-
Printing & Duplicating	341400	224	300	334	111%	350	350	350
Election Qualifying Fees	341910	-	800	525	66%	525	525	525
Accident Reports	342120	364	4,000	3,984	100%	4,400	4,400	4,400
False Alarm	342130	-	-	-	0%	-	-	-
Special Pickups	344111	1,956	1,500	50	3%	200	200	200
Backgrd Check Fees/Crim	346410	643	3,000	17,308	577%	20,000	20,000	20,000
Woman Club Reservation	347200	8,781	5,000	3,359	67%	4,500	4,500	4,500
Pool Admissions	347201	29,812	32,000	25,174	79%	26,000	26,000	26,000
Tennis Fees	347202	-	-	-	0%	-	-	-
Pavilion Reservation Fees	347203	6,404	5,000	8,212	164%	8,500	8,500	8,500
Program Fees	347500	1,200	-	-	0%	-	-	-
Other Culture/Recreat Fee	347900	-	-	-	0%	-	-	-
Bad Check Fees	349300	-	100	65	65%	100	100	100

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Other Fees/Chgs for Svcs	349900	482	10	494	4937%	500	500	500
Municipal Court Fines/Forf	351170	932,927	1,175,317	894,802	76%	1,073,763	1,100,000	1,100,000
Police Admin IT Fee	351180	14,858	30,000	-	0%	30,000	30,000	30,000
Interest Revenues	361000	65	3,600	-	0%	100	100	100

REVENUES	ACTUAL	2015 Adopted	2015	Budget	2015	2016	2016	2016	
As of October 21, 2015	2014	Budget	As of October 21, 2015	% of Budget Useu	PROJECTED & AMENDED BUDGET	BUDGET	Budget Amendment Proposed Jan 5, 2016	AMENDED BUDGET	
FUND 1 - GENERAL FUND - Revenue									
Contributions/Donations	371000	2,100	3,000	-	0%	-	-	-	
Rents & Royalties	381000	69,741	95,000	62,184	65%	72,409	72,409	72,409	
Reim for Damaged Prop	383000	-	5,000	5,743	115%	5,743	5,743	5,743	
Other Miscellaneous Rev	389000	10,167	25,000	6,327	25%	6,500	6,500	6,500	
Reim for Workers Comp	389006	-	2,000	-	0%	-	-	-	
Bus Shelter Revenue	389010	27,576	28,000	-	0%	28,000	28,000	28,000	
Reimburse DEA/OT	389005	15,877	17,000	14,644	86%	18,000	18,000	18,000	
Sale/General Fixed Assets	392100	-	-	700	0%	700	700	700	
Sale Surplus Property	392150	-	-	-	0%	-	-	-	
Sale/Land Property	392200	-	-	-	0%	-	-	-	
Transfer from Fund Balance	391100	-	-	-	0%	-	-	-	
Proceeds from Capital Leases	393130	185,979	-	-	0%	142,386	-	-	
Revenue - Proceeds from Debt Issuance-SRTA	393140	230,693	350,000	82,836	0%	343,836	350,000	350,000	
TOTAL - FUND 1		3,941,424	4,746,177	3,200,470	67%	4,896,533	5,103,811	12,500	5,116,311

EXPENDITURE	2014	2015 Adopted	2015 Actual	Budget	2015	2016	2016	2016	
	As of October 21, 2015	Budget	As of October 21, 2015	% of Budget Used	PROJECTE D & AMENDED BUDGET	BUDGET	Budget Amendment Proposed Jan 5, 2016	AMENDED BUDGET	
PLANNING AND DEVELOPMENT - 74-7400									
						REQUEST			
Zoning & Review Board Stipends	70-511100	900	3,600	1,348	37.4%	3,000	3,600	3,600	
Zoning & Review Board FICA	70-512200	369	210	107	50.9%	210	223	223	
Zoning & Review Board Medicare	70-512300	86	50	25	50.1%	50	52	52	
Zoning & Review Board Training	70-523700	-	1,500	-	0.0%	300	1,500	1,500	
Salaries-Reg F/T	74-511100	68,465	65,000	54,641	84.1%	67,931	69,060	69,060	
Part-Time Salaries	74-511200	-	2,000	-	0.0%	-	-	-	
Overtime	74-511300	-	-	-	-	-	-	-	
Health Insurance	74-512100	-	-	-	-	-	8,268	8,268	
FICA Contributions	74-512200	3,999	4,155	3,388	81.5%	4,213	4,282	4,282	
Medicare Contributions	74-512300	799	975	792	81.3%	992	1,001	1,001	
Retirement Contribution	74-512400	-	-	-	-	-	5,870	5,870	
Unemployment Ins	74-512600	-	-	-	0.0%	-	-	-	
Workers Compensation	74-512700	-	-	-	-	-	1,844	1,844	
Professional Services	74-521215	34,855	140,000	96,332	68.8%	167,000	167,500	167,500	
Building Inspections/Permitting	74-521220	10,794	14,000	1,711	12.2%	30,000	20,000	20,000	
Computer and Software Services	74-521300	-	-	-	-	-	7,500	\$ (7,500)	
Vehicle Repair & Maintenance	74-522210	104	2,000	22	-	100	300	300	
Communication	74-522210	369	500	721	144.2%	1,051	1,200	1,200	
Other Expense-Advertising	74-523300	-	-	100	-	100	500	500	
Printing Service	74-523400	97	600	614	0.0%	700	600	600	
Travel	74-523500	298	1,500	1,629	108.6%	1,700	1,500	1,500	
Dues and Fees	74-523600	515	650	904	139.1%	300	300	300	
Education/Tng	74-523700	639	1,500	250	16.7%	980	1,500	1,500	
General Supplies	74-531100	728	500	382	76.4%	400	500	500	
Computer, Software, Hardware	74-531600	-	6,000	-	0.0%	-	-	-	
Small Equipment	74-531600	-	600	351	-	-	-	-	
TOTALS PLANNING & ZONING		123,019	245,340	163,317	66.6%	279,027	297,100	(7,500)	289,600

EXPENDITURE	2014	2015 Adopted	2015	Budget	2015	2016	2016	2016	
	As of October 21, 2015	Budget	As of October 21, 2015	% of Budget Used	PROJECTE D	BUDGET	Budget Amendment Proposed Jan 5, 2016	AMENDED BUDGET	
COMMUNITY ACTION PROJECTS 10-7600									
						REQUEST			
Clarkston Community Center	573010	20,000	20,000	20,200	101.0%	20,200	-	20,000	
Sagal Radio	573020	-	7,000	7,000	100.0%	7,000	-	-	
Clarkston Community Festival	573040	-	7,500	-	0.0%	1,000	4,000	4,000	
Community Action Projects-Citizen Budgeting	573050	-	10,000	4,000	40.0%	10,000	-	-	
TOTAL COMMUNITY ACTION PROJECTS		20,000	44,500	31,200	70.1%	38,200	4,000	20,000	24,000

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: F3

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Contract

MEETING DATE: January 5, 2016

SUBJECT: To Approve with Conditions, A variance Request for 4250 E. Ponce de Leon Avenue

DEPARTMENT: Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages 4

INFORMATION CONTACT: Keith Barker
PHONE NUMBER: 404-296-6489

PURPOSE:

To consider and approve the variance from Article X, Civic Design, Section 1005, to allow parking in the front yard along Vaughn Street, with conditions.

NEED/ IMPACT:

Article X of the Clarkston Zoning Ordinance, Civic Design, Section 1005 - Front yard, subsection (a) Front yard general requirements, paragraph (2) states: "Automobile parking shall be prohibited from being located within the front yard". This standard applies to all zoning districts.

Mr. Ha Nguyen is planning to build a 5,500 square feet brick office and retail building at 4250 East Ponce de Leon Avenue. The property, which is zoned TC, is vacant. The attached site plan shows that 4250 East Ponce de Leon Avenue is a double frontage lot, extending from East Ponce de Leon to Vaughn Street. Because this property has frontage on two streets, legally it has two front yards.

The site plan also shows that Mr. Nguyen is proposing to have parking in both the front yard facing East Ponce de Leon and the front yard facing Vaughn Street. He also is proposing vehicular access to both East Ponce de Leon and Vaughn Street.

Located across Vaughn Street is a newer single family home that, if the building and site were constructed as proposed, would look out the rear parking lot for this building. Mr. Nguyen is proposing a 10 feet buffer to screen the parking lot that would front on Vaughn Street. The buffer would be traversed by the proposed driveway access on Vaughn Street. Mr. Nguyen is not proposing any interparcel access to/with neighboring commercial properties.

This property is zoned TC, Town Center. According to the Clarkston Zoning Ordinance:

The TC zoning district is intended to serve as Clarkston's central business district by providing for a high-density mix of office, retail and other commercial uses, along with apartments and condominiums. Development of property within this district is intended to encourage a pedestrian-friendly urban form and aims to revitalize the city's commercial core and serve as a destination for both city residents and visitors.

In order to design the site to encourage a pedestrian friendly urban form and revitalize the city's commercial core, buildings should be constructed adjacent to the sidewalk. The variance requested is based on the site plan submitted by the applicant which shows parking lots in both front yards. If a building is constructed with the proposed site design, it will undermine the intent of the TC zoning district. However an alternative site design could further the goals of the TC district and allow the applicant to have convenient parking for the tenants of the proposed office/retail building.

At their December 15 meeting, the Planning and Zoning Commission recommended approval of the variance from Article X, Civic Design, Section 1005, to allow parking in the front yard along Vaughn Street. The Planning and Zoning Commission directed the applicant to work with staff to develop a new site plan that will not have parking in the front yard along Ponce de Leon.

At this time, the applicant has not yet met with staff to work on a revised site plan.

RECOMMENDATIONS:

Staff recommends approval of the variance from Article X, Civic Design, Section 1005, to allow parking in the front yard along Vaughn Street, with the following conditions.

1. The site be redesigned as follows:
 - a. Move the building to be adjacent to the sidewalk on East Ponce de Leon Avenue.
 - b. Locate parking to the side and in the yard that fronts on Vaughn Street. No parking is to be located in the front yard adjacent to East Ponce del Leon Avenue.
 - c. Increase the size of the buffer along Vaughn Street to 25 feet and plant it with two offset rows of Leyland Cypress trees (or other similar fast growing evergreen trees) to screen the parking from the house on Vaughn Street.
2. The applicant demonstrates compliance with the Civic Design section of the Clarkston Zoning Ordinance.

CITY of CLARKSTON

VARIANCE ANALYSIS

Report Prepared by: Jahnee Prince, Interim City Planner

Applicant: Ha Nguyen
404-294-5776

Location: 4250 East Ponce de Leon

Parcel ID(s): 18 096 22 006

Lot Size: .5 +/- acres

Current Use: Vacant lot

Proposed Use: 5,500 square feet one story brick retail/office building

Zoning: TC, Town Center

Zoning and Use of Surrounding Properties:

	Zoning	Land Use
North	TC, Town Center	House converted to office
South	TC, Town Center	Chiropractic office
East	none	Railroad right of way
West	NR-3, Neighborhood Residential 3	Single family house

Request: Variance from Article X, Civic Design, Section 1005, to allow parking in the front yard of a property that is zoned TC, Town Center.

P&Z Meeting: December 15, 2015

Sign Posted: December 17, 2015

City Council Meeting: January 5, 2016

Site Design

Article X of the Clarkston Zoning Ordinance, Civic Design, Section 1005 - Front yard, subsection (a) Front yard general requirements, paragraph (2) states: "Automobile parking shall be prohibited from being located within the front yard". This standard applies to all zoning districts.

Mr. Ha Nguyen is planning to build a 5,500 square feet brick office and retail building at 4250 East Ponce de Leon Avenue. The property, which is zoned TC, is vacant. The attached site plan shows that 4250 East Ponce de Leon Avenue is a double frontage lot, extending from East Ponce de Leon to Vaughn Street. Because this property has frontage on two streets, legally it has two front yards.

The site plan also shows that Mr. Nguyen is proposing to have parking in both the front yard facing East Ponce de Leon and the front yard facing Vaughn Street. He also is proposing vehicular access to both East Ponce de Leon and Vaughn Street.

Located across Vaughn Street is a newer single family home that, if the building and site were constructed as proposed, would look out the rear parking lot for this building. Mr. Nguyen is proposing a 10 feet buffer to screen the parking lot that would front on Vaughn Street. The buffer would be traversed by the proposed driveway access on Vaughn Street. Mr. Nguyen is not proposing any interparcel access to/with neighboring commercial properties.

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.

4250 East Ponce de Leon is a double frontage lot and therefore has two front yards.

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

There are a number of double frontage lots in the Town Center zoning district.

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

This lot was not platted as a double frontage lot by the applicant.

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

Not allowing the applicant to have parking in either legal front yard would severely limit the area available for parking, making the site less attractive for development.

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

This property is zoned TC, Town Center. According to the Clarkston Zoning Ordinance:

The TC zoning district is intended to serve as Clarkston's central business district by providing for a high-density mix of office, retail and other commercial uses, along with apartments and condominiums. Development of property within this district is intended to encourage a pedestrian-friendly urban form and aims to revitalize the city's commercial core and serve as a destination for both city residents and visitors.

In order to design the site to encourage a pedestrian friendly urban form and revitalize the city's commercial core, buildings should be constructed adjacent to the sidewalk. The variance requested is based on the site plan submitted by the applicant which shows parking lots in both front yards. If a building is constructed with the proposed site design, it will undermine the intent of the TC zoning district. However an alternative site design could further the goals of the TC district and allow the applicant to have convenient parking for the tenants of the proposed office/retail building.

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

Retail and office buildings are permitted in the TC zoning district.

Staff Recommendation:

Staff recommends approval of the variance from Article X, Civic Design, Section 1005, to allow parking in the front yard along Vaughn Street, with the following conditions.

1. The site be redesigned as follows:
 - a. Move the building to be adjacent to the sidewalk on East Ponce de Leon Avenue.
 - b. Locate parking to the side and in the yard that fronts on Vaughn Street. No parking is to be located in the front yard adjacent to East Ponce del Leon Avenue.
 - c. Increase the size of the buffer along Vaughn Street to 25 feet and plant it with two offset rows of Leyland Cypress trees (or other similar fast growing evergreen trees) to screen the parking from the house on Vaughn Street.
2. The applicant demonstrates compliance with the Civic Design section of the Clarkston Zoning Ordinance.

Planning and Zoning Commission Recommendation:

At their December 15 meeting, the Planning and Zoning Commission recommended that approval of the variance from Article X, Civic Design, Section 1005, to allow parking in the front yard along Vaughn Street. The Planning and Zoning Commission directed the applicant to work with staff to develop a new site plan that will not have parking in the front yard along Ponce de Leon.

At this time, the applicant has not yet met with staff to work on a revised site plan.

Attachments:

- Application package including site plan

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: F4

HEARING TYPE:
Public Hearing

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: January 5, 2016

SUBJECT: Resolution to Adopt Zoning Classifications for Newly-Annexed Area

DEPARTMENT: Planning & Development

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages: 5

INFORMATION CONTACT: Keith Barker
PHONE NUMBER: 404-296-6489 ext. 421

PURPOSE:

To adopt a resolution assigning zoning classifications to the parcels subject to annexation effective January 1, 2016.

NEED/ IMPACT:

The area around E. Ponce de Leon Avenue and Church Street that was annexed into the City via Legislative Act and a referendum on November 3, 2015 consists of more than 160 individual parcels of land that each must be assigned a City zoning classification. Staff has prepared a listing of all the impacted parcels and recommended zoning classifications based on existing uses.

The recommended zoning classifications were approved by the P & Z Board at its meeting on December 15, 2015.

RECOMMENDATIONS:

Staff recommends the adoption of the resolution assigning zoning classifications to the parcels subject to annexation effective January 5, 2016.

ORDINANCE NO. ____

AN ORDINANCE TO ZONE CERTAIN PROPERTY ANNEXED IN TO THE CITY.

WHEREAS, certain property identified by Exhibit “A” will become part of the City by virtue of annexation effective January 1, 2016; and

WHEREAS, the City has complied with the zoning procedures required for annexed property per O.C.G.A. § 36-66-4(d).

NOW THEREFORE, BE IT ORDAINED that the parcels identified by Exhibit “A” hereto are hereby zoned as indicated on Exhibit “A” by the City of Clarkston.

This ordinance shall become effective January 1, 2016.

SO ORDAINED by the City Council of the City of Clarkston this 5th day of January, 2016.

ATTEST:

**CITY COUNCIL
CITY OF CLARKSTON, GEORGIA**

Tracy Ashby, City Clerk

TED TERRY, MAYOR

(SEAL)

APPROVED AS TO FORM:

Stephen G. Quinn, City Attorney



REZONING ANALYSIS

Report Prepared by: Jahnee Prince, Interim City Planner

Applicant: City initiated assignment of zoning to newly annexed properties (effective January 1, 2016)

Locations: See attached maps

Current Zoning: See attached maps

Proposed Zoning:

The annexation of properties in the Mell Avenue and Church Street industrial areas will become effective on January 1, 2016. At this time, the City of Clarkston must assign city zoning districts to each of the parcels. All of the zoning districts assigned will be similar to the DeKalb County zoning districts under which the subject properties were developed and built. There are some minor differences between the DeKalb County zoning districts and the Clarkston zoning districts. However, every effort has been made to assign the most compatible zoning for each parcel.

Rezoning of the following parcels from DeKalb County zoning district R-75 to City of Clarkston zoning district NR-1, Low Density Neighborhood Residential district:

18 066 01 027	18-097 -01-109	18-097 -01-083	18-097 -01-062
18 066 02 061	18-097 -01-110	18-097 -01-079	18-097 -01-102
18 066 02 062	18-097 -01-111	18-097 -01-080	18-097 -01-063
18-097 -01-118	18-097 -01-112	18-097 -01-081	18-097 -10-050
18-097 -01-119	18-097 -01-087	18-097 -01-076	18-097 -13-001
18-097 -01-115	18-097 -01-088	18-097 -01-077	18-097 -01-004
18-097 -01-116	18-097 -01-089	18-097 -01-078	18-097 -01-003
18-097 -01-117	18-097 -01-085	18-097 -01-075	18-097 -10-046
18-097 -01-106	18-097 -01-086	18-097 -01-067	18-097 -10-059
18-097 -01-120	18-097 -01-084	18-097 -01-068	18-097 -10-047
18-097 -11-103	18-097 -01-104	18-097 -01-069	18-097 -10-011
18-097 -01-105	18-097 -01-103	18-097 -01-070	18-097 -10-052
18-097 -01-114	18-097 -01-090	18-097 -01-071	18-097 -10-053
18-097 -01-107	18-097 -01-091	18-097 -01-066	18-066 -02-057
18-097 -01-108	18-097 -01-092	18-097 -01-064	
18-097 -01-113	18-097 -01-082	18-097 -01-065	

Rezoning of the following parcels from DeKalb County zoning district MR-2 to City of Clarkston zoning district NR-3, High Density Neighborhood Residential district:

18 066 15 001	18 066 15 005	18 066 15 009	18 066 15 013
18 066 15 002	18 066 15 006	18 066 15 010	18 066 15 014
18 066 15 003	18 066 15 007	18 066 15 011	
18 066 15 004	18 066 15 008	18 066 15 012	

Rezoning of the following parcels from DeKalb County zoning district MR-2 to City of Clarkston zoning district NR-CD, Neighborhood Residential Community Development district:

18-097 -13-025	18-097 -13-014	18-097 -13-008	18-097 -13-004
18-097 -13-019	18-097 -13-015	18-097 -13-009	18-097 -13-005
18-097 -13-020	18-097 -13-016	18-097 -13-010	18-097 -13-006
18-097 -13-021	18-097 -13-017	18-097 -13-011	18-097 -01-001
18-097 -13-022	18-097 -13-018	18-097 -13-012	
18-097 -13-023	18-097 -13-013	18-097 -13-002	
18-097 -13-024	18-097 -13-007	18-097 -13-003	

Rezoning of the following parcels from DeKalb County zoning district M to City of Clarkston zoning district I, Light Industrial:

18 047 32 002	18 065 06 015	18 065 06 034	18 066 02 059
18 047 32 004	18 065 06 035	18 065 06 036	18 065 06 033
18 047 32 005	18 065 06 038	18 065 06 037	18 047 34 001
18 047 32 006	18 065 03 032	18 065 06 039	18 065 03 033
18 047 32 007	18 065 06 001	18 065 06 040	18 065 03 036
18 047 32 008	18 065 06 010	18 065 06 041	18 065 03 037
18 047 32 009	18 065 06 011	18 065 06 042	
18 065 03 034	18 065 06 031	18 065 06 043	
18 065 06 003	18 065 06 032	18 065 06 007	

Rezoning of the following parcels from DeKalb County zoning district C-1 to City of Clarkston zoning district NC-1, low density neighborhood commercial district:

18 066 01 013	18-097 -10-009	18-066 -06-004	18-066 -06-002
18 066 01 026	18-097 -10-010	18-097 -01-123	18-097 -01-121
18 066 04 001	18-097 -10-056	18-097 -01-124	18-097 -10-007
18 066 04 007	18-097 -10-055	18-097 -01-002	18 066 02 060
18-097 -10-048	18-097 -10-054	18-097 -10-011	
18-097 -10-007	18-097 -04-017	18-097 -10-052	
18-097 -10-008	18-066 -06-003	18-097 -10-053	

Rezoning of the following parcels from DeKalb County zoning district C-2 to City of Clarkston zoning district NC-2, moderate density neighborhood commercial district:

18 066 02 005
18 066 09 001

Proposed Uses:

Almost all of the properties to be rezoned are developed. The City of Clarkston will zone each of the properties with the City zoning district that most closely matches the existing zoning on each property.

Single Family

The DeKalb County zoning that these houses were constructed under is R-75. The R-75 district is similar to Clarkston's NR-1 zoning district in terms of allowed uses (only single family) and lot size (10,000 square feet).

Multi Family

The multi-family properties were developed under DeKalb County's RM-85 zoning, now called MR-2. Clarkston's NR-CD zoning is recommended for these parcels because it is the most similar in intent/ allowable land uses.

Industrial

The industrial properties, zoned M in DeKalb County, are recommended to have Clarkston's Light Industrial zoning district, I. The Light Industrial zoning district is Clarkston's only industrial zoning district and the list of allowed uses under the City's Light Industrial zoning is significantly shorter than the list of allowed uses under DeKalb County's M zoning district.

Commercial

NC-1 and NC-2 zoning is recommended for the existing commercially zoned properties depending on their use. Clarkston does not have a zoning district exclusively for office uses. Office uses will be zoned C-1. The properties with higher intensity commercial uses are recommended to be NC-2.

Analysis of Rezoning Request (Article III, Sec. 305):

Criteria point 1: The effect upon the health, safety, morals or general welfare of the public compared to any hardship imposed upon the individual property owner seeking rezoning should rezoning be denied;

There will be no effect on the health, safety, morals, or general welfare of the public. These properties are already developed.

Criteria Points 2 and 3: Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

The rezoning will not affect the existing use or usability of adjacent or nearby property because the areas to be rezoned are already developed. Nothing will change.

Criteria Point 4: Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

All of the property has reasonable economic use as currently zoned.

Criteria Point 5: Whether the zoning proposal will result in a use that may cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

The rezoning of the subject properties will not burden existing streets, transportation facilities, utilities or schools.

Criteria Point 6: Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

The annexation of these properties will be effective on January 1, 2016. The City of Clarkston must assign zoning districts to these properties.

Criteria Points 7 and 8: Whether the zoning proposal is compatible with the principals of the city's long range plan as set forth in the Conceptual Master Land Use and Connectivity Plan for the City of Clarkston, a part of the Clarkston Livable Centers Initiative Study as adopted in March 2005, adopted as the city's comprehensive plan; Whether the zoning proposal is compatible with the most current adopted version of the Future Development Map of the Clarkston Comprehensive Plan

The property is currently outside of the City of Clarkston and not subject to the City's existing Comprehensive Plan. When the Comprehensive Plan is updated in 2016, this area will be included in the City's Future Development Map.

Staff Recommendation:

Staff recommends **rezoning of all the subject properties as detailed above.** In order to assign zoning to these new areas of the City of Clarkston in the most efficient manner. Staff recommends that the entire city zoning map (revised to show new additions to the city limits) be readopted.

Planning and Zoning Commission Recommendation:

At their December 15, 2015 meeting, the Planning and Zoning Commission recommended **rezoning of all the subject properties as detailed above.**

Attachments:

- Aerial photo
- Parcel ID Map
- DeKalb County Zoning Map
- Proposed Clarkston Zoning Districts Map
- New Zoning Map

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: F5

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: January 5, 2016

SUBJECT: Adopt the Official Zoning Map for City of Clarkston

DEPARTMENT: Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages: 2

INFORMATION CONTACT: Keith Barker
PHONE NUMBER: 404-296-6489 ext. 421

PURPOSE:

To adopt by resolution the Official Zoning Map of the City, effective immediately.

NEED/ IMPACT:

In accordance with Appendix A, Sections 501 and 503 of the City Code of Ordinances, Staff has prepared a revised City Zoning Map for adoption. The revised map takes into account the newly annexed area and the zoning of parcels in said area, which were adopted by the Council on January 5, 2016.

RECOMMENDATIONS:

Staff recommends the adoption of the Official Zoning Map of the City, effective immediately.

**ORDINANCE TO ADOPT A
NEW CITY ZONING MAP**

WHEREAS, new property will be annexed into the City effective January 1, 2016; and

WHEREAS, City Code Appendix A, § 304 provides for amendment to the City Zoning Map; and

WHEREAS, City Code Appendix A, § 501 and §503 provide for the adoption and replacement of the City Zoning Map; and

WHEREAS, the City has complied with the Zoning Procedures Law.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Clarkston that the map attached as Exhibit “A” labeled “City of Clarkston Zoning Map” and dated January 1, 2016 is hereby adopted as the official zoning map for the City.

This ordinance shall become effective January 5, 2016.

ATTEST:

**CITY COUNCIL
CITY OF CLARKSTON, GEORGIA**

Tracy Ashby, City Clerk

TED TERRY, MAYOR

(SEAL)

APPROVED AS TO FORM:

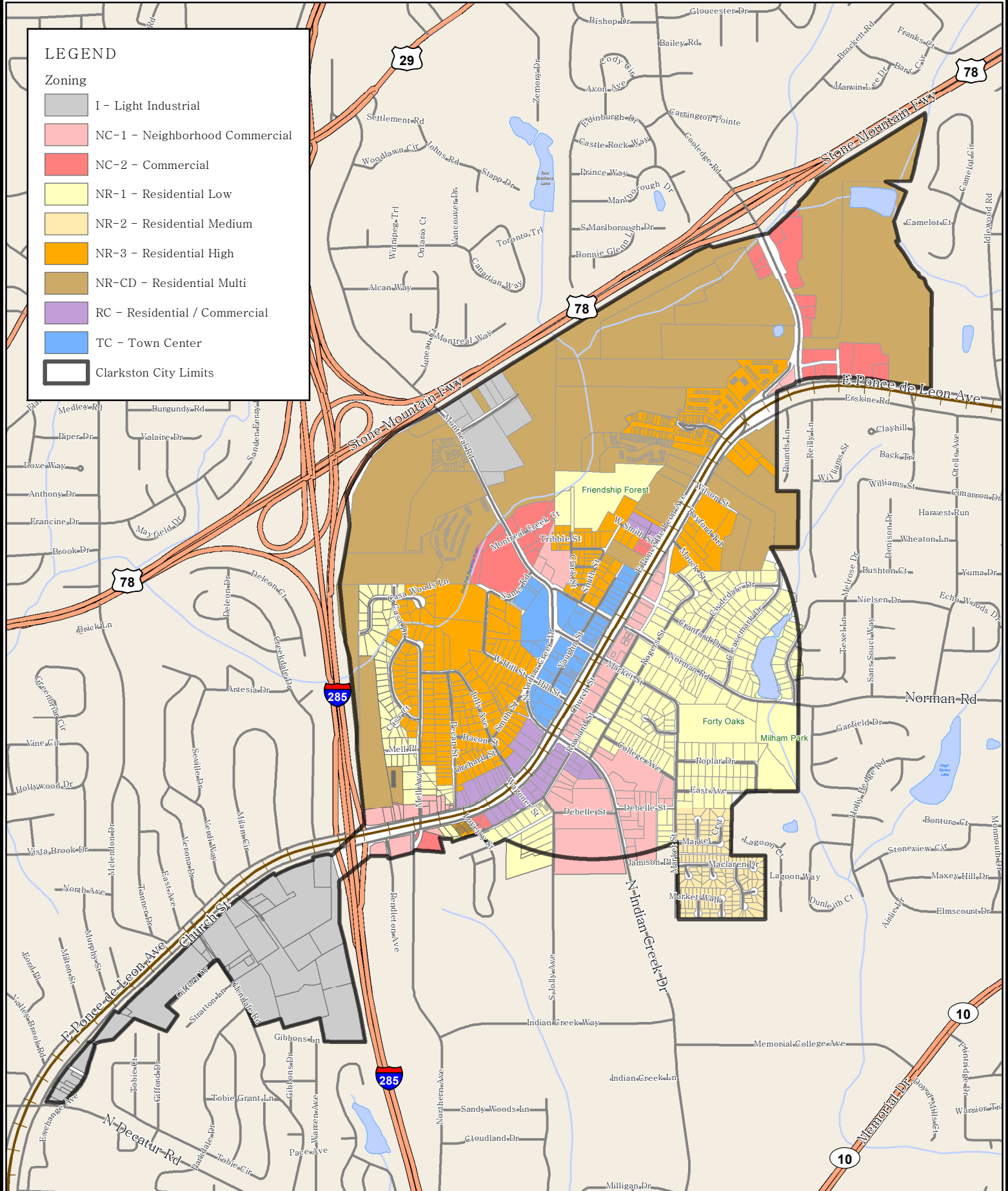
Stephen G. Quinn, City Attorney

PROPOSED ZONING - CITY OF CLARKSTON, GA

LEGEND

Zoning

- I - Light Industrial
- NC-1 - Neighborhood Commercial
- NC-2 - Commercial
- NR-1 - Residential Low
- NR-2 - Residential Medium
- NR-3 - Residential High
- NR-CD - Residential Multi
- RC - Residential / Commercial
- TC - Town Center
- Clarkston City Limits



0 0.125 0.25 0.5 Miles



CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: F6

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: January 5, 2016

SUBJECT: Set Date for Special Called Meeting Work Session to Discuss Establishing Standing Committees

DEPARTMENT: Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages:

INFORMATION CONTACT: Mayor Ted Terry
PHONE NUMBER: 404-296-6489 ext. 421

PURPOSE:

To set a date for a special called meeting work session to discuss policies and procedures associated with establishing Standing Committees of the Clarkston City Council.

NEED/ IMPACT:

The Clarkston City Council desires to establish certain Standing Committees to improve its legislative review process. The City Council desires to discuss the various policy, procedural and logistical issues associated with establishing this legislative review process as a "committee of the whole." In order to facilitate this discussion consistent with the State Open Meetings Act and Sec. 2-21 of the Clarkston City Code of Ordinances, The Mayor has called for a special called meeting to be held on Tuesday, January 12, 2016 beginning at 5:30 pm.

RECOMMENDATIONS:

Staff recommends approval.

CITY COUNCIL MEETING



Ted Terry – Mayor

Ahmed Hassan –Vice Mayor Beverly Burks
Awet Eyasu Robert Hogan
Dean Moore Mario Williams

Keith Barker – City Manager

AGENDA

January 5, 2016 7:30PM

A. CALL TO ORDER

B. ROLL CALL

C. ADMINISTRATIVE BUSINESS:

- C1) Swear in Newly Elected Council Members
- C2) Approve Minutes 11/24/15 Special Call and 12/1/15 Council Meeting
- C3) Proclamation – CHS Cross Country Team
- C4) Council Elect Vice-Mayor
- C5) Confirm Attorney
- C6) Confirm Auditor
- C7) Confirm Judge
- C8) Confirm Solicitor
- C9) Confirm Public Defender

D. PUBLIC COMMENTS

E. OLD BUSINESS

- E1) Approve Right of Away/ Easement Options Agreement & Deed Phase 1A East Ponce de Leon Sidewalk Project – Injury 2 Wellness Centers, PC (Parcel # 18-096-22-005)

F. NEW BUSINESS

- F1) Service Agreement between the City of Clarkston & Clarkston Community Center
- F2) Approve Budget Amendment
- F3) Approve Variance Request – Ha Nguyen, 4250 E Ponce de Leon Ave
- F4) Re-Zoning classification for Annexation area
 - 1) Public Hearing - To take public comment on the proposed Zoning Reclassification Ordinance
 - 2) Council Adopt Zoning Classifications Ordinance for Newly-Annexed Area
- F5) Adopt Updated Zoning Map
- F6) Set Date for Special Called Meeting Work Session to Discuss Establishing Standing Committees

G. REPORTS:

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

ADJOURNMENT:



PROCLAMATION

Honoring the 2015 Clarkston High School Cross Country Team

Whereas, the City of Clarkston recognizes the importance of athletic achievement by our Community Youth; and

Whereas, the members of the 2015 Clarkston High School Boys Cross Country Team are: Ngabo Daniel, Minani Elia, Gamada Fayiso, Awet Fitwi, Bosco Hakuzimana, Suheib Mohamed, Paul Nikobiri, Bineyam Tumbo, Rukundo Uwimana; and

Whereas, the Boys Cross Country Team's 2nd Place Finish at the DeKalb County Championships marked another successful County Championship in the school's history; and

Whereas, the Boys Cross Country Team's is the 2015 Region 6-5A Team Champions; and

Whereas, the Team won their second consecutive Georgia Class 5A State Title on November 7, 2015; and

Whereas, the Clarkston High School Boys Cross Country Team has been successful with the support of Head Coach Wesley Etienne and Assistant Coaches Dione Hester, J'Mia Byrd, Carmetta Maupin, Ahmed Shakoor, Christopher Banks; and

NOW, THEREFORE, I, Mayor Ted Terry, by virtue of the authority vested in me as Mayor of the City of Clarkston, do hereby proclaim January 5, 2016 be dedicated Clarkston High School Cross Country Team Day.

DATED this 5th day January, 2016.

Mayor Ted Terry, City of Clarkston

ATTEST: _____
City Clerk

Seal





December 18, 2015

Honorable Mayor and Members of the
City Council and City Manager of
City of Clarkston, Georgia
3921 Church Street
Clarkston, Georgia 30021

Attn: Dan Defnall, Finance Director and Keith Barker, City Manager

We are pleased to confirm our understanding of the services we are to provide the City of Clarkston, Georgia (the City) for the year ended December 31, 2015. We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of the City of Clarkston, Georgia as of and for the year then ended. These statements will include the budgetary comparison information for the General Fund and any major special revenue fund. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis (MD&A).
2. Schedule of Changes in the City's Net Pension Liability and Related Ratios.
3. Schedule of City Contributions – Pension Plan.
4. Budgetary comparisons for the General Fund and Major Special Revenue Funds.

We have also been engaged to report on supplementary information other than RSI that accompanies the City's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

1. Combining and individual fund statements

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, we have no responsibility for determining whether such other information is properly stated, and our auditor's report will not provide an opinion or any assurance on that other information:

1. Introductory section
2. Statistical section

Audit Objectives

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of the City of Clarkston, Georgia and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of the City's financial statements. Our report will be addressed to the Members of the City Council for the City of Clarkston, Georgia. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements are other than unmodified, we will fully discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue reports, or may withdraw from this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will include a paragraph that states that the purpose of the report is solely to describe the scope of testing of internal control over financial reporting and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control over financial reporting or on compliance, and that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control over financial reporting and compliance. The paragraph will also state that the report is not suitable for any other purpose.

If during our audit we become aware that the City is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

Management Responsibilities

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein.

Management is responsible for establishing and maintaining effective internal controls, including evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; following laws and regulations; and ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles, for the preparation and fair presentation of the financial statements and all accompanying information in conformity with U.S. generally accepted accounting principles, and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts or grant agreements, or abuse that we report.

You are responsible for the preparation of the supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates

that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon or make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

You agree to assume all management responsibilities relating to the financial statements and related notes and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and related notes and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. You agree to oversee the nonaudit services by designating an individual, preferably from senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective,

Government Auditing Standards do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City of Clarkston, Georgia's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not

express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

Other Attestation Services

Our annual examination will also be conducted to provide for attestation on certain management assertions in accordance the American Institute of Certified Public Accountants' (AICPA's) Attestation (AT) Section 601, *Compliance Attestation*. The objective of our reports will be as follows:

1. We will examine management's assertion about Clarkston's compliance with the requirement to use grant proceeds solely for the purpose or purposes for which the grants were made for each Local Assistance Grant and Governor's Emergency Fund Grant. Management will be responsible for compliance with the respective requirements. Our responsibility will be to express an opinion on management's assertion about Clarkston's compliance based on our examination. Our report will include a statement that the report is intended for the information and use of the Georgia Department of Audits and Accounts and Clarkston's management and is not intended to be and should not be used by anyone other than these specified parties.

Other Services

We will also assist in preparing the financial statements and related notes of the City in conformity with U.S. generally accepted accounting principles based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*.

Audit Administration, Fees, and Other

We understand that your employees will prepare all cash or other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our reports to the City of Clarkston, Georgia; however, management is responsible for distribution of the reports and financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit, including other attestation examination, documentation for this engagement is the property of Mauldin & Jenkins and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Mauldin & Jenkins personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by a regulatory body. If we are aware

that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately March 14, 2016 and to issue our reports no later than June 30, 2016. Doug Moses is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. Our fee for these services will be \$24,000 for the year ended December 31, 2015. Our hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered as work progresses and are payable upon presentation. The above fees are based on anticipated cooperation from your personnel (including complete and timely receipt by us of the information on the respective client participation listings to be prepared annually) and the assumption that unexpected circumstances (including scope changes) will not be encountered during the audit. If significant additional time is necessary, we will discuss it with management and arrive at a new fee estimate before we incur the additional costs.

As a result of our prior or future services to you, we might be requested or required to provide information or documents to you or a third party in a legal, administrative, arbitration, or similar proceeding in which we are not a party. If this occurs, our efforts in complying with such requests will be deemed billable to you as a separate engagement. We shall be entitled to compensation for our time and reasonable reimbursement for our expenses (including legal fees) in complying with the request. For all requests we will observe the confidentiality requirements of our profession and will notify you promptly of the request.

We appreciate the opportunity to be of service to the City of Clarkston, Georgia and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Sincerely,

MAULDIN & JENKINS, LLC



Douglas A. Moses

RESPONSE:

This letter correctly sets forth the understanding of the City of Clarkston, Georgia.

By: _____

Title: _____

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: E1

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: January 5, 2016

SUBJECT: Approve City Right-Of-Way Easement Option Agreements & Deeds, Special Conditions and Drive Way Easements for the Phase 1(a) East Ponce de Leon Sidewalk Improvements Project

DEPARTMENT: City Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages: 1

INFORMATION CONTACT: Keith Barker
PHONE NUMBER: 404-296-6489

PURPOSE:

To approve the City Right-Of-Way Easement Option Agreements & Deeds, Special Conditions and Drive Way Easements for the Phase 1(a) East Ponce de Leon Sidewalk Project.

NEED/ IMPACT:

In 2013, the Clarkston City Council approved a multi-year, multi-phase sidewalk improvement project. Phase 1(a) of the project will extend on East Ponce de Leon from Market Street to West Smith Street.

In order to complete the project, the City will be required to obtain Temporary Construction Easement Agreements and Fee Simple ROW Acquisitions, and Drive Way Easements. Additionally, the City has negotiated certain Special Conditions associated with the use of shared driveways.

Once approved, each of the ROW Deeds, Special Conditions and Drive Way Easements will be recorded at the DeKalb County Clerk of Court.

1) Approve Right of Away/ Easement Options Agreement & Deed Phase 1A East Ponce de Leon Sidewalk Project – Injury 2 Wellness Centers, PC (Parcel # 18-096-22-005)

RECOMMENDATIONS:

Staff recommends that the City Council approve the City Right-Of-Way Easement Option Agreements & Deeds, Special Conditions and Drive Way Easements for the Phase 1(a) East Ponce de Leon Sidewalk Project

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: F1

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Contract

MEETING DATE: January 5, 2016

SUBJECT: Service Agreement between City of Clarkston and Clarkston Community Center

DEPARTMENT: Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages 3

INFORMATION CONTACT: Keith Barker
PHONE NUMBER: 404-296-6489

PURPOSE: To consider and approve a service agreement between the City of Clarkston and the Clarkston Community Center

NEED/ IMPACT: The City is desirous of ensuring greater access to the Clarkston Community Center for Clarkston residents and/or businesses located within the City of Clarkston. From time to time the City is in need of meeting and activity space for certain special events. The Clarkston Community Center has in the past and will continue to provide agreed upon space to the City of Clarkston, Clarkston residents and/or businesses located within Clarkston.

In consideration for the services and use of facilities contemplated herein, the City shall pay CCC twenty thousand dollars (\$20,000.00). This amount shall be paid in quarterly installments of five thousand dollars (\$5,000) each. The first such payment shall be made not later than January 15, 2016; the second installment shall be paid not later April 15, 2016; the third installment shall be paid not later than July 15, 2016; the fourth installment shall be paid not later than October, 15 2016.

This Service Agreement is for a period of one year from adoption. The Agreement may be renewed on an annual basis by written agreement of the Parties subject to appropriation of funds by the Clarkston City Council.

RECOMMENDATIONS:

Staff recommends approving the attached Service Agreement between the City of Clarkston and the Clarkston Community Center. The FY 2016 budget will be amended to provide funding of this item.

**Services Agreement between
Clarkston Community Center and City of Clarkston**

This Services Agreement is entered into this 5th day of January, 2016, by and between **CLARKSTON COMMUNITY CENTER, INC.**, a Georgia non-profit corporation doing business at 3701 College Avenue, Clarkston, GA 30021, (hereinafter "CCC") and the **CITY OF CLARKSTON**, a Georgia municipal corporation located at 1055 Rowland Street, Clarkston GA 30021, (hereinafter the "City");

WHEREAS, the City is desirous of ensuring greater access to the CCC for Clarkston residents and/or businesses located within Clarkston; and

WHEREAS, the City is in need of meeting and activity space for certain special events; and

WHEREAS, CCC is prepared to provide agreed upon space to Clarkston residents and/or businesses located within Clarkston

NOW, THEREFORE, in consideration of the payment and mutual covenants described herein, the City and CCC do hereby agree as follows:

- 1) Services to be provided by CCC:
 - a) CCC shall dedicate \$3000 from City payment per quarter to space for Clarkston resident/business and allocate at standard market rates until amount is utilized. (See attached)
 - b) CCC shall reserve \$2000 from City payment for administrative costs and for City-reserved events such as Town Hall meetings per quarter.
 - c) One (1) person or one (1) group residing or working within City limits may contract space in the East Room, West Room or Conference Room at the CCC within the three-month quarter pending availability of space.
 - a. One (1) person or one (1) group may contract a series of four (4) or six (6) two-hour weekly classes/meetings every other quarter.
 - b. Should desire for repeat series occur, booking for subsequent series shall occur in the quarter period following the conclusion of the series.
 - d) One (1) person or one (1) group may hold one-time, maximum four (4)-hour gathering monthly.
 - e) CCC may choose to place a group in Angora Hall at the CCC's discretion pending availability of space but space within Angora Hall shall not be part of this agreement.
 - f) Once reserved, CCC shall not cancel reservation save for emergencies that cause closing of entire Center.
 - g) Events of over 50 people shall require standard deposit and security fees to be paid by resident or business two weeks before event
 - h) Events requiring sound shall require standard AV fees to be paid by resident or business two weeks before event.

- i) Every group or person requesting use of the CCC must make a written request to the CCC and the CCC has the duty to provide each member of the Council with a copy of said written request within 48 hours of the request being received by the CCC;
- j) No event can be held pursuant to this service agreement without notice being given to each council member at least 10 days prior to the scheduled date of the approved event.
- k) No Council member has the authority to cancel a CCC approved event so long as the notice requirements for said event have been met;
- l) CCC shall provide quarterly report of allocations to the City no later than the following dates: April 25, 2016; July 25, 2016; October 25, 2016; and January 25, 2017.
- m) If, on *more than one occasion*, a person/organization is approved to use the CCC but then cancels its scheduled event within 7 days of the scheduled event, that same person/organization is prohibited from using the CCC for any event, for a period of 3 months. A CCC representative shall provide the requesting person/organization with a copy of this rule, in writing, within 24 hours of said request.

2) Use of CCC Facility by City

The CCC shall provide to the City space for training, the State of the City Address, quarterly Town Hall meetings, and other events as needed by the City. Any city official/employee who request CCC space for training, the State of the City Address, quarterly Town Hall meetings, and other events as needed by the City must make a written request to the CCC, and a copy of said request must be provided to each City Council member within 48 hours of the request being received by the CCC. In addition, a request made by any City official/employee for training, the State of the City Address, quarterly Town Hall meetings, and other events as needed by the City must be made 10 days prior to the scheduled date of the event.

3) Payment to CCC

In consideration for the services and use of facilities contemplated herein, the City shall pay CCC twenty thousand dollars (\$20,000.00). This amount shall be paid in quarterly installments of five thousand dollars (\$5,000) each. The first such payment shall be made not later than January 15, 2016; the second installment shall be paid not later April 15, 2016; the third installment shall be paid not later than July 15, 2016; the fourth installment shall be paid not later than October, 15 2016.

4) Term and Termination

This Service Agreement is for a period of one year from adoption. The Agreement may be renewed on an annual basis by written agreement of the Parties subject to appropriation of funds by the Clarkston City Council. The Agreement may be terminated without cause by either party via thirty (30) days written notice and if the party seeking to terminate the agreement is the City of Clarkston, a simple majority vote by the City Council pursuant to a quorum in favor of termination must be obtained. If either party fails to comply with the terms herein, the CCC, with cause, upon written notice to each City Council member may immediately terminate this

Agreement; however, if the City of Clarkston chooses to terminate this agreement due to non-compliance with its terms, the Council must (1) provide written notice to the director of the CCC and (2) obtain a simple majority vote by the Council in favor of termination pursuant to a quorum.

SO AGREED, upon the date first written above.

CLARKSTON COMMUNITY CENTER

McKenzie Wren, Executive Director

Date: _____

CITY OF CLARKSTON

Ted Terry, Mayor

Date: _____

Attest:

Date:

Tracy Ashby, City Clerk

APPROVED AS TO FORM:

Stephen G. Quinn, City Attorney

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: F2

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: January 5, 2016

SUBJECT: To Amend the 2016 Operating Budget

DEPARTMENT: Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages: 1

INFORMATION CONTACT: Keith Barker
PHONE NUMBER: 404-296-6489 ext. 421

PURPOSE:

To amend the 2016 Operating Budget.

NEED/ IMPACT:

The Clarkston City Council desires to amend the 2016 Operating Budget for the following purpose:

Add \$20,000 in expenditure to the Community Action Projects budget for the purpose of funding the service agreement with the Clarkston Community Center; eliminate the \$7,500 expenditure for Computer and Software Services in the Planning and Development budget; increase the revenue estimate for Real Property Tax by \$12,500.

RECOMMENDATIONS:

Staff recommends approval.

BUDGET SUMMARY	ACTUAL	2015 Adopted	2015 ACTUAL	Budget	2015	2016	2016	2016	
	As of October 21, 2015	2014	Budget	As of October 21, 2015	% of Budget Used	PROJECTED & AMENDED BUDGET	BUDGET REQUEST	Budget Amendment Proposed Jan 5, 2016	AMENDED BUDGET
REVENUES									
General Fund	3,941,424	4,746,177	3,200,470	67.4%	4,896,533	5,103,811	12,500	5,116,311	
Federal Seizures Fund	41,736	145,300	78,688	54.2%	85,000	60,000		60,000	
City Seizures Fund	-	1,300	-	0.0%	50	50		50	
Grants Fund	108,524	136,600	41,392	30.3%	127,011	164,000		164,000	
HOST Fund	45,704	32,000	25,078	78.4%	45,000	45,000		45,000	
Stormwater Fund	116,989	177,050	107,537	60.7%	174,510	179,600		179,600	
Sanitation Fund	148,901	189,000	99,731	52.8%	172,375	185,000		185,000	
Total Revenue - All Funds	4,403,279	5,427,427	3,552,897	65.5%	5,500,479	5,737,461		5,749,961	
EXPENDITURES									
Administration	1,191,678	1,283,074	1,044,127	81.4%	1,337,721	924,204		924,204	
Buildings and Grounds	93,743	108,700	78,130	71.9%	116,900	92,400		92,400	
Planning and Development	123,019	245,340	163,317	66.6%	279,027	297,100	(7,500)	289,600	
Community Action Projects	20,000	44,500	31,200	70.1%	38,200	4,000	20,000	24,000	
Municipal Court	-	-	395,156	-	520,657	571,212		571,212	
Police	1,454,000	1,973,902	1,406,567	71.3%	1,306,218	1,794,275		1,794,275	
Public Works	239,944	409,061	364,810	89.2%	467,294	659,178		659,178	
Parks	87,988	105,000	80,579	76.7%	99,100	90,700		90,700	
Debt Service	132,710	131,200	104,435	79.6%	149,695	191,141		191,141	
Capital Projects Fund	395,226	409,000	145,854	35.7%	581,721	479,600		479,600	
Total General Fund Expenditures	3,738,308	4,709,777	3,814,173	81.0%	4,896,533	5,103,811	12,500	5,116,311	
Federal Seizures Fund	66,453	145,300	80,498	55.4%	85,000	60,000		60,000	
City Seizures Fund	43	1,300	-	0.0%	50	50		50	
Grants Fund	149,957	160,000	52,939	44.5%	127,011	164,000		164,000	
HOST Fund	119,104	45,000	9,283	-	45,000	45,000		45,000	
Public Works Building Fund	25,267	-	-	0.0%	-	-		-	
Stormwater Fund	223,947	177,050	69,523	39.3%	174,510	179,600		179,600	
Sanitation Fund	150,627	189,000	128,860	68.2%	172,375	185,000		185,000	
Total Expenditures - ALL FUNDS	4,473,705	5,427,427	4,155,276	76.6%	5,500,479	5,737,461	12,500	5,749,961	

REVENUES	ACTUAL	2015 Adopted	2015	Budget	2015	2016	2016	2016
			As of October	% of Budget	PROJECTED & AMENDED		Budget Amendment Proposed	AMENDED
As of October 21, 2015	2014	Budget	21, 2015	Used	BUDGET	BUDGET	Jan 5, 2016	BUDGET
FUND 1 - GENERAL FUND - Revenue								
Public Utility R/E Tax - Current	311110	159,691	135,000	84,997	63%	150,000	150,000	150,000
Other Real Prop Tax	311190	1,183,013	1,485,000	802,522	54%	1,625,019	1,867,282	1,879,782
Real Property Tax - Prior	311200	28,040	50,000	30,048	60%	40,000	50,000	50,000
Public Utility R/E Tax - Prior	311210	4,395				-	-	-
Motor Vehicle Tax - Curr	311310	88,155	60,000	77,759	130%	85,000	85,000	85,000
Intangible Tax (Reg/Rec)	311340	28,046	10,000	39,338	393%	42,000	42,000	42,000
Railroad Equip Tx-Curr	311350	1,326	500	666	133%	800	800	800
Personal Prop Tax-Curr	311390	34,205	28,000	22,434	80%	32,000	32,000	32,000
Personal Prop Tax-Prior	311400	811	2,500	1,456	58%	1,500	1,500	1,500
Real Estate Transfer Tax	311600	4,743	4,000	13,352	334%	14,000	14,000	14,000
Franchise Taxes-Electric	311710	183,884	220,000	184,009	84%	200,000	200,000	200,000
Franchise Taxes-Gas	311730	15,916	25,000	16,417	66%	21,889	21,889	21,889
Franchise Taxes-Cable/T	311750	46,969	50,000	20,250	41%	50,000	50,000	50,000
Franchise Taxes-Teleph	311760	5,075	8,250	4,606	56%	6,142	6,142	6,142
Alcoholic Bev Excise Tax	314200	88,301	80,000	77,765	97%	100,000	100,000	100,000
Local Option Mix Dr Tax	314300	8,414	15,000	8,386	56%	11,000	11,000	11,000
Business/Occupational Tax	316100	28,378	130,000	111,725	86%	145,057	160,057	160,057
Insurance Premium Tax	316200	407,639	500,000	435,207	87%	435,207	485,207	485,207
Penalties/Interest-Real Tax	319110	4,271	2,050	2,022	99%	2,100	2,100	2,100
Alcoholic Investigation Fee	321105	1,200	1,000	3,600	360%	3,600	3,600	3,600
Retail Beer License	321110	3,000	5,000	5,500	110%	5,500	5,500	5,500
Retail Beer License/Drink	321115	4,500	8,000	4,250	53%	4,250	4,250	4,250
Retail Wine License	321120	3,000	5,000	5,500	110%	5,500	5,500	5,500
Retail Wine License/Drink	321125	4,500	8,000	4,250	53%	4,250	4,250	4,250
Retail Liquor License	321130	5,341	5,000	5,000	100%	5,000	5,000	5,000
Retail Liquor License/Drink	321135	20,009	25,000	16,708	67%	16,708	16,708	16,708
Work Permit & ID Card-Alcohol	321150	2,604	3,000	3,437	115%	3,800	3,800	3,800
Work Permit & ID Card-Entertainment	321151	-	57,000	60,518	106%	66,000	66,000	66,000
Ins Co Business License	321220	18,520	10,500	12,600	120%	12,600	12,600	12,600
Zoning/Land Use Permits	322210	470	1,100	1,603	146%	1,600	1,600	1,600
Sign Permits	322230	1,834	2,000	1,507	75%	1,800	1,800	1,800
Building Permits	322240	14,290	14,000	11,745	84%	13,000	13,000	13,000
Tree Service Permit Fees	322245	126	350	320	91%	350	350	350
Demolition	322900	150	300	350	117%	350	350	350
Building Inspections	323120	731	10,000	3,882	39%	4,000	4,000	4,000
Other Regulatory Fees	323900	31	-	-	-	-	-	-
Printing & Duplicating	341400	224	300	334	111%	350	350	350
Election Qualifying Fees	341910	-	800	525	66%	525	525	525
Accident Reports	342120	364	4,000	3,984	100%	4,400	4,400	4,400
False Alarm	342130	-	-	-	0%	-	-	-
Special Pickups	344111	1,956	1,500	50	3%	200	200	200
Backgrd Check Fees/Crim	346410	643	3,000	17,308	577%	20,000	20,000	20,000
Woman Club Reservation	347200	8,781	5,000	3,359	67%	4,500	4,500	4,500
Pool Admissions	347201	29,812	32,000	25,174	79%	26,000	26,000	26,000
Tennis Fees	347202	-	-	-	0%	-	-	-
Pavilion Reservation Fees	347203	6,404	5,000	8,212	164%	8,500	8,500	8,500
Program Fees	347500	1,200	-	-	0%	-	-	-
Other Culture/Recreat Fee	347900	-	-	-	0%	-	-	-
Bad Check Fees	349300	-	100	65	65%	100	100	100

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Other Fees/Chgs for Svcs	349900	482	10	494	4937%	500	500	500
Municipal Court Fines/Forf	351170	932,927	1,175,317	894,802	76%	1,073,763	1,100,000	1,100,000
Police Admin IT Fee	351180	14,858	30,000	-	0%	30,000	30,000	30,000
Interest Revenues	361000	65	3,600	-	0%	100	100	100

REVENUES	ACTUAL	2015 Adopted	2015	Budget	2015	2016	2016	2016	
As of October 21, 2015	2014	Budget	As of October 21, 2015	% of Budget Useu	PROJECTED & AMENDED BUDGET	BUDGET	Budget Amendment Proposed Jan 5, 2016	AMENDED BUDGET	
FUND 1 - GENERAL FUND - Revenue									
Contributions/Donations	371000	2,100	3,000	-	0%	-	-	-	
Rents & Royalties	381000	69,741	95,000	62,184	65%	72,409	72,409	72,409	
Reim for Damaged Prop	383000	-	5,000	5,743	115%	5,743	5,743	5,743	
Other Miscellaneous Rev	389000	10,167	25,000	6,327	25%	6,500	6,500	6,500	
Reim for Workers Comp	389006	-	2,000	-	0%	-	-	-	
Bus Shelter Revenue	389010	27,576	28,000	-	0%	28,000	28,000	28,000	
Reimburse DEA/OT	389005	15,877	17,000	14,644	86%	18,000	18,000	18,000	
Sale/General Fixed Assets	392100	-	-	700	0%	700	700	700	
Sale Surplus Property	392150	-	-	-	0%	-	-	-	
Sale/Land Property	392200	-	-	-	0%	-	-	-	
Transfer from Fund Balance	391100	-	-	-	0%	-	-	-	
Proceeds from Capital Leases	393130	185,979	-	-	0%	142,386	-	-	
Revenue - Proceeds from Debt Issuance-SRTA	393140	230,693	350,000	82,836	0%	343,836	350,000	350,000	
TOTAL - FUND 1		3,941,424	4,746,177	3,200,470	67%	4,896,533	5,103,811	12,500	5,116,311

EXPENDITURE	2014	2015 Adopted	2015 Actual	Budget	2015	2016	2016	2016	
	As of October 21, 2015	Budget	As of October 21, 2015	% of Budget Used	PROJECTE D & AMENDED BUDGET	BUDGET	Budget Amendment Proposed Jan 5, 2016	AMENDED BUDGET	
PLANNING AND DEVELOPMENT - 74-7400									
						REQUEST			
Zoning & Review Board Stipends	70-511100	900	3,600	1,348	37.4%	3,000	3,600	3,600	
Zoning & Review Board FICA	70-512200	369	210	107	50.9%	210	223	223	
Zoning & Review Board Medicare	70-512300	86	50	25	50.1%	50	52	52	
Zoning & Review Board Training	70-523700	-	1,500	-	0.0%	300	1,500	1,500	
Salaries-Reg F/T	74-511100	68,465	65,000	54,641	84.1%	67,931	69,060	69,060	
Part-Time Salaries	74-511200	-	2,000	-	0.0%	-	-	-	
Overtime	74-511300	-	-	-	-	-	-	-	
Health Insurance	74-512100	-	-	-	-	-	8,268	8,268	
FICA Contributions	74-512200	3,999	4,155	3,388	81.5%	4,213	4,282	4,282	
Medicare Contributions	74-512300	799	975	792	81.3%	992	1,001	1,001	
Retirement Contribution	74-512400	-	-	-	-	-	5,870	5,870	
Unemployment Ins	74-512600	-	-	-	0.0%	-	-	-	
Workers Compensation	74-512700	-	-	-	-	-	1,844	1,844	
Professional Services	74-521215	34,855	140,000	96,332	68.8%	167,000	167,500	167,500	
Building Inspections/Permitting	74-521220	10,794	14,000	1,711	12.2%	30,000	20,000	20,000	
Computer and Software Services	74-521300	-	-	-	-	-	7,500	\$ (7,500)	
Vehicle Repair & Maintenance	74-522210	104	2,000	22	-	100	300	300	
Communication	74-522210	369	500	721	144.2%	1,051	1,200	1,200	
Other Expense-Advertising	74-523300	-	-	100	-	100	500	500	
Printing Service	74-523400	97	600	614	0.0%	700	600	600	
Travel	74-523500	298	1,500	1,629	108.6%	1,700	1,500	1,500	
Dues and Fees	74-523600	515	650	904	139.1%	300	300	300	
Education/Tng	74-523700	639	1,500	250	16.7%	980	1,500	1,500	
General Supplies	74-531100	728	500	382	76.4%	400	500	500	
Computer, Software, Hardware	74-531600	-	6,000	-	0.0%	-	-	-	
Small Equipment	74-531600	-	600	351	-	-	-	-	
TOTALS PLANNING & ZONING		123,019	245,340	163,317	66.6%	279,027	297,100	(7,500)	289,600

EXPENDITURE	2014	2015 Adopted	2015	Budget	2015	2016	2016	2016	
	As of October 21, 2015	Budget	As of October 21, 2015	% of Budget Used	PROJECTE D	BUDGET	Budget Amendment Proposed Jan 5, 2016	AMENDED BUDGET	
COMMUNITY ACTION PROJECTS 10-7600									
						REQUEST			
Clarkston Community Center	573010	20,000	20,000	20,200	101.0%	20,200	-	20,000	
Sagal Radio	573020	-	7,000	7,000	100.0%	7,000	-	-	
Clarkston Community Festival	573040	-	7,500	-	0.0%	1,000	4,000	4,000	
Community Action Projects-Citizen Budgeting	573050	-	10,000	4,000	40.0%	10,000	-	-	
TOTAL COMMUNITY ACTION PROJECTS		20,000	44,500	31,200	70.1%	38,200	4,000	20,000	24,000

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: F3

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Contract

MEETING DATE: January 5, 2016

SUBJECT: To Approve with Conditions, A variance Request for 4250 E. Ponce de Leon Avenue

DEPARTMENT: Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages 4

INFORMATION CONTACT: Keith Barker
PHONE NUMBER: 404-296-6489

PURPOSE:

To consider and approve the variance from Article X, Civic Design, Section 1005, to allow parking in the front yard along Vaughn Street, with conditions.

NEED/ IMPACT:

Article X of the Clarkston Zoning Ordinance, Civic Design, Section 1005 - Front yard, subsection (a) Front yard general requirements, paragraph (2) states: "Automobile parking shall be prohibited from being located within the front yard". This standard applies to all zoning districts.

Mr. Ha Nguyen is planning to build a 5,500 square feet brick office and retail building at 4250 East Ponce de Leon Avenue. The property, which is zoned TC, is vacant. The attached site plan shows that 4250 East Ponce de Leon Avenue is a double frontage lot, extending from East Ponce de Leon to Vaughn Street. Because this property has frontage on two streets, legally it has two front yards.

The site plan also shows that Mr. Nguyen is proposing to have parking in both the front yard facing East Ponce de Leon and the front yard facing Vaughn Street. He also is proposing vehicular access to both East Ponce de Leon and Vaughn Street.

Located across Vaughn Street is a newer single family home that, if the building and site were constructed as proposed, would look out the rear parking lot for this building. Mr. Nguyen is proposing a 10 feet buffer to screen the parking lot that would front on Vaughn Street. The buffer would be traversed by the proposed driveway access on Vaughn Street. Mr. Nguyen is not proposing any interparcel access to/with neighboring commercial properties.

This property is zoned TC, Town Center. According to the Clarkston Zoning Ordinance:

The TC zoning district is intended to serve as Clarkston's central business district by providing for a high-density mix of office, retail and other commercial uses, along with apartments and condominiums. Development of property within this district is intended to encourage a pedestrian-friendly urban form and aims to revitalize the city's commercial core and serve as a destination for both city residents and visitors.

In order to design the site to encourage a pedestrian friendly urban form and revitalize the city's commercial core, buildings should be constructed adjacent to the sidewalk. The variance requested is based on the site plan submitted by the applicant which shows parking lots in both front yards. If a building is constructed with the proposed site design, it will undermine the intent of the TC zoning district. However an alternative site design could further the goals of the TC district and allow the applicant to have convenient parking for the tenants of the proposed office/retail building.

At their December 15 meeting, the Planning and Zoning Commission recommended approval of the variance from Article X, Civic Design, Section 1005, to allow parking in the front yard along Vaughn Street. The Planning and Zoning Commission directed the applicant to work with staff to develop a new site plan that will not have parking in the front yard along Ponce de Leon.

At this time, the applicant has not yet met with staff to work on a revised site plan.

RECOMMENDATIONS:

Staff recommends approval of the variance from Article X, Civic Design, Section 1005, to allow parking in the front yard along Vaughn Street, with the following conditions.

1. The site be redesigned as follows:
 - a. Move the building to be adjacent to the sidewalk on East Ponce de Leon Avenue.
 - b. Locate parking to the side and in the yard that fronts on Vaughn Street. No parking is to be located in the front yard adjacent to East Ponce del Leon Avenue.
 - c. Increase the size of the buffer along Vaughn Street to 25 feet and plant it with two offset rows of Leyland Cypress trees (or other similar fast growing evergreen trees) to screen the parking from the house on Vaughn Street.
2. The applicant demonstrates compliance with the Civic Design section of the Clarkston Zoning Ordinance.

CITY of CLARKSTON

VARIANCE ANALYSIS

Report Prepared by: Jahnee Prince, Interim City Planner

Applicant: Ha Nguyen
404-294-5776

Location: 4250 East Ponce de Leon

Parcel ID(s): 18 096 22 006

Lot Size: .5 +/- acres

Current Use: Vacant lot

Proposed Use: 5,500 square feet one story brick retail/office building

Zoning: TC, Town Center

Zoning and Use of Surrounding Properties:

	Zoning	Land Use
North	TC, Town Center	House converted to office
South	TC, Town Center	Chiropractic office
East	none	Railroad right of way
West	NR-3, Neighborhood Residential 3	Single family house

Request: Variance from Article X, Civic Design, Section 1005, to allow parking in the front yard of a property that is zoned TC, Town Center.

P&Z Meeting: December 15, 2015

Sign Posted: December 17, 2015

City Council Meeting: January 5, 2016

Site Design

Article X of the Clarkston Zoning Ordinance, Civic Design, Section 1005 - Front yard, subsection (a) Front yard general requirements, paragraph (2) states: "Automobile parking shall be prohibited from being located within the front yard". This standard applies to all zoning districts.

Mr. Ha Nguyen is planning to build a 5,500 square feet brick office and retail building at 4250 East Ponce de Leon Avenue. The property, which is zoned TC, is vacant. The attached site plan shows that 4250 East Ponce de Leon Avenue is a double frontage lot, extending from East Ponce de Leon to Vaughn Street. Because this property has frontage on two streets, legally it has two front yards.

The site plan also shows that Mr. Nguyen is proposing to have parking in both the front yard facing East Ponce de Leon and the front yard facing Vaughn Street. He also is proposing vehicular access to both East Ponce de Leon and Vaughn Street.

Located across Vaughn Street is a newer single family home that, if the building and site were constructed as proposed, would look out the rear parking lot for this building. Mr. Nguyen is proposing a 10 feet buffer to screen the parking lot that would front on Vaughn Street. The buffer would be traversed by the proposed driveway access on Vaughn Street. Mr. Nguyen is not proposing any interparcel access to/with neighboring commercial properties.

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.

4250 East Ponce de Leon is a double frontage lot and therefore has two front yards.

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

There are a number of double frontage lots in the Town Center zoning district.

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

This lot was not platted as a double frontage lot by the applicant.

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

Not allowing the applicant to have parking in either legal front yard would severely limit the area available for parking, making the site less attractive for development.

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

This property is zoned TC, Town Center. According to the Clarkston Zoning Ordinance:

The TC zoning district is intended to serve as Clarkston's central business district by providing for a high-density mix of office, retail and other commercial uses, along with apartments and condominiums. Development of property within this district is intended to encourage a pedestrian-friendly urban form and aims to revitalize the city's commercial core and serve as a destination for both city residents and visitors.

In order to design the site to encourage a pedestrian friendly urban form and revitalize the city's commercial core, buildings should be constructed adjacent to the sidewalk. The variance requested is based on the site plan submitted by the applicant which shows parking lots in both front yards. If a building is constructed with the proposed site design, it will undermine the intent of the TC zoning district. However an alternative site design could further the goals of the TC district and allow the applicant to have convenient parking for the tenants of the proposed office/retail building.

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

Retail and office buildings are permitted in the TC zoning district.

Staff Recommendation:

Staff recommends approval of the variance from Article X, Civic Design, Section 1005, to allow parking in the front yard along Vaughn Street, with the following conditions.

1. The site be redesigned as follows:
 - a. Move the building to be adjacent to the sidewalk on East Ponce de Leon Avenue.
 - b. Locate parking to the side and in the yard that fronts on Vaughn Street. No parking is to be located in the front yard adjacent to East Ponce del Leon Avenue.
 - c. Increase the size of the buffer along Vaughn Street to 25 feet and plant it with two offset rows of Leyland Cypress trees (or other similar fast growing evergreen trees) to screen the parking from the house on Vaughn Street.
2. The applicant demonstrates compliance with the Civic Design section of the Clarkston Zoning Ordinance.

Planning and Zoning Commission Recommendation:

At their December 15 meeting, the Planning and Zoning Commission recommended that approval of the variance from Article X, Civic Design, Section 1005, to allow parking in the front yard along Vaughn Street. The Planning and Zoning Commission directed the applicant to work with staff to develop a new site plan that will not have parking in the front yard along Ponce de Leon.

At this time, the applicant has not yet met with staff to work on a revised site plan.

Attachments:

- Application package including site plan

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: F4

HEARING TYPE:
Public Hearing

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: January 5, 2016

SUBJECT: Resolution to Adopt Zoning Classifications for Newly-Annexed Area

DEPARTMENT: Planning & Development

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages: 5

INFORMATION CONTACT: Keith Barker
PHONE NUMBER: 404-296-6489 ext. 421

PURPOSE:

To adopt a resolution assigning zoning classifications to the parcels subject to annexation effective January 1, 2016.

NEED/ IMPACT:

The area around E. Ponce de Leon Avenue and Church Street that was annexed into the City via Legislative Act and a referendum on November 3, 2015 consists of more than 160 individual parcels of land that each must be assigned a City zoning classification. Staff has prepared a listing of all the impacted parcels and recommended zoning classifications based on existing uses.

The recommended zoning classifications were approved by the P & Z Board at its meeting on December 15, 2015.

RECOMMENDATIONS:

Staff recommends the adoption of the resolution assigning zoning classifications to the parcels subject to annexation effective January 5, 2016.

ORDINANCE NO. ____

AN ORDINANCE TO ZONE CERTAIN PROPERTY ANNEXED IN TO THE CITY.

WHEREAS, certain property identified by Exhibit “A” will become part of the City by virtue of annexation effective January 1, 2016; and

WHEREAS, the City has complied with the zoning procedures required for annexed property per O.C.G.A. § 36-66-4(d).

NOW THEREFORE, BE IT ORDAINED that the parcels identified by Exhibit “A” hereto are hereby zoned as indicated on Exhibit “A” by the City of Clarkston.

This ordinance shall become effective January 1, 2016.

SO ORDAINED by the City Council of the City of Clarkston this 5th day of January, 2016.

ATTEST:

**CITY COUNCIL
CITY OF CLARKSTON, GEORGIA**

Tracy Ashby, City Clerk

TED TERRY, MAYOR

(SEAL)

APPROVED AS TO FORM:

Stephen G. Quinn, City Attorney



REZONING ANALYSIS

Report Prepared by: Jahnee Prince, Interim City Planner

Applicant: City initiated assignment of zoning to newly annexed properties (effective January 1, 2016)

Locations: See attached maps

Current Zoning: See attached maps

Proposed Zoning:

The annexation of properties in the Mell Avenue and Church Street industrial areas will become effective on January 1, 2016. At this time, the City of Clarkston must assign city zoning districts to each of the parcels. All of the zoning districts assigned will be similar to the DeKalb County zoning districts under which the subject properties were developed and built. There are some minor differences between the DeKalb County zoning districts and the Clarkston zoning districts. However, every effort has been made to assign the most compatible zoning for each parcel.

Rezoning of the following parcels from DeKalb County zoning district R-75 to City of Clarkston zoning district NR-1, Low Density Neighborhood Residential district:

18 066 01 027	18-097 -01-109	18-097 -01-083	18-097 -01-062
18 066 02 061	18-097 -01-110	18-097 -01-079	18-097 -01-102
18 066 02 062	18-097 -01-111	18-097 -01-080	18-097 -01-063
18-097 -01-118	18-097 -01-112	18-097 -01-081	18-097 -10-050
18-097 -01-119	18-097 -01-087	18-097 -01-076	18-097 -13-001
18-097 -01-115	18-097 -01-088	18-097 -01-077	18-097 -01-004
18-097 -01-116	18-097 -01-089	18-097 -01-078	18-097 -01-003
18-097 -01-117	18-097 -01-085	18-097 -01-075	18-097 -10-046
18-097 -01-106	18-097 -01-086	18-097 -01-067	18-097 -10-059
18-097 -01-120	18-097 -01-084	18-097 -01-068	18-097 -10-047
18-097 -11-103	18-097 -01-104	18-097 -01-069	18-097 -10-011
18-097 -01-105	18-097 -01-103	18-097 -01-070	18-097 -10-052
18-097 -01-114	18-097 -01-090	18-097 -01-071	18-097 -10-053
18-097 -01-107	18-097 -01-091	18-097 -01-066	18-066 -02-057
18-097 -01-108	18-097 -01-092	18-097 -01-064	
18-097 -01-113	18-097 -01-082	18-097 -01-065	

Rezoning of the following parcels from DeKalb County zoning district MR-2 to City of Clarkston zoning district NR-3, High Density Neighborhood Residential district:

18 066 15 001	18 066 15 005	18 066 15 009	18 066 15 013
18 066 15 002	18 066 15 006	18 066 15 010	18 066 15 014
18 066 15 003	18 066 15 007	18 066 15 011	
18 066 15 004	18 066 15 008	18 066 15 012	

Rezoning of the following parcels from DeKalb County zoning district MR-2 to City of Clarkston zoning district NR-CD, Neighborhood Residential Community Development district:

18-097 -13-025	18-097 -13-014	18-097 -13-008	18-097 -13-004
18-097 -13-019	18-097 -13-015	18-097 -13-009	18-097 -13-005
18-097 -13-020	18-097 -13-016	18-097 -13-010	18-097 -13-006
18-097 -13-021	18-097 -13-017	18-097 -13-011	18-097 -01-001
18-097 -13-022	18-097 -13-018	18-097 -13-012	
18-097 -13-023	18-097 -13-013	18-097 -13-002	
18-097 -13-024	18-097 -13-007	18-097 -13-003	

Rezoning of the following parcels from DeKalb County zoning district M to City of Clarkston zoning district I, Light Industrial:

18 047 32 002	18 065 06 015	18 065 06 034	18 066 02 059
18 047 32 004	18 065 06 035	18 065 06 036	18 065 06 033
18 047 32 005	18 065 06 038	18 065 06 037	18 047 34 001
18 047 32 006	18 065 03 032	18 065 06 039	18 065 03 033
18 047 32 007	18 065 06 001	18 065 06 040	18 065 03 036
18 047 32 008	18 065 06 010	18 065 06 041	18 065 03 037
18 047 32 009	18 065 06 011	18 065 06 042	
18 065 03 034	18 065 06 031	18 065 06 043	
18 065 06 003	18 065 06 032	18 065 06 007	

Rezoning of the following parcels from DeKalb County zoning district C-1 to City of Clarkston zoning district NC-1, low density neighborhood commercial district:

18 066 01 013	18-097 -10-009	18-066 -06-004	18-066 -06-002
18 066 01 026	18-097 -10-010	18-097 -01-123	18-097 -01-121
18 066 04 001	18-097 -10-056	18-097 -01-124	18-097 -10-007
18 066 04 007	18-097 -10-055	18-097 -01-002	18 066 02 060
18-097 -10-048	18-097 -10-054	18-097 -10-011	
18-097 -10-007	18-097 -04-017	18-097 -10-052	
18-097 -10-008	18-066 -06-003	18-097 -10-053	

Rezoning of the following parcels from DeKalb County zoning district C-2 to City of Clarkston zoning district NC-2, moderate density neighborhood commercial district:

18 066 02 005
18 066 09 001

Proposed Uses:

Almost all of the properties to be rezoned are developed. The City of Clarkston will zone each of the properties with the City zoning district that most closely matches the existing zoning on each property.

Single Family

The DeKalb County zoning that these houses were constructed under is R-75. The R-75 district is similar to Clarkston's NR-1 zoning district in terms of allowed uses (only single family) and lot size (10,000 square feet).

Multi Family

The multi-family properties were developed under DeKalb County's RM-85 zoning, now called MR-2. Clarkston's NR-CD zoning is recommended for these parcels because it is the most similar in intent/ allowable land uses.

Industrial

The industrial properties, zoned M in DeKalb County, are recommended to have Clarkston's Light Industrial zoning district, I. The Light Industrial zoning district is Clarkston's only industrial zoning district and the list of allowed uses under the City's Light Industrial zoning is significantly shorter than the list of allowed uses under DeKalb County's M zoning district.

Commercial

NC-1 and NC-2 zoning is recommended for the existing commercially zoned properties depending on their use. Clarkston does not have a zoning district exclusively for office uses. Office uses will be zoned C-1. The properties with higher intensity commercial uses are recommended to be NC-2.

Analysis of Rezoning Request (Article III, Sec. 305):

Criteria point 1: The effect upon the health, safety, morals or general welfare of the public compared to any hardship imposed upon the individual property owner seeking rezoning should rezoning be denied;

There will be no effect on the health, safety, morals, or general welfare of the public. These properties are already developed.

Criteria Points 2 and 3: Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

The rezoning will not affect the existing use or usability of adjacent or nearby property because the areas to be rezoned are already developed. Nothing will change.

Criteria Point 4: Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

All of the property has reasonable economic use as currently zoned.

Criteria Point 5: Whether the zoning proposal will result in a use that may cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

The rezoning of the subject properties will not burden existing streets, transportation facilities, utilities or schools.

Criteria Point 6: Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

The annexation of these properties will be effective on January 1, 2016. The City of Clarkston must assign zoning districts to these properties.

Criteria Points 7 and 8: Whether the zoning proposal is compatible with the principals of the city's long range plan as set forth in the Conceptual Master Land Use and Connectivity Plan for the City of Clarkston, a part of the Clarkston Livable Centers Initiative Study as adopted in March 2005, adopted as the city's comprehensive plan; Whether the zoning proposal is compatible with the most current adopted version of the Future Development Map of the Clarkston Comprehensive Plan

The property is currently outside of the City of Clarkston and not subject to the City's existing Comprehensive Plan. When the Comprehensive Plan is updated in 2016, this area will be included in the City's Future Development Map.

Staff Recommendation:

Staff recommends **rezoning of all the subject properties as detailed above.** In order to assign zoning to these new areas of the City of Clarkston in the most efficient manner. Staff recommends that the entire city zoning map (revised to show new additions to the city limits) be readopted.

Planning and Zoning Commission Recommendation:

At their December 15, 2015 meeting, the Planning and Zoning Commission recommended **rezoning of all the subject properties as detailed above.**

Attachments:

- Aerial photo
- Parcel ID Map
- DeKalb County Zoning Map
- Proposed Clarkston Zoning Districts Map
- New Zoning Map

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: F5

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: January 5, 2016

SUBJECT: Adopt the Official Zoning Map for City of Clarkston

DEPARTMENT: Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages: 2

INFORMATION CONTACT: Keith Barker
PHONE NUMBER: 404-296-6489 ext. 421

PURPOSE:

To adopt by resolution the Official Zoning Map of the City, effective immediately.

NEED/ IMPACT:

In accordance with Appendix A, Sections 501 and 503 of the City Code of Ordinances, Staff has prepared a revised City Zoning Map for adoption. The revised map takes into account the newly annexed area and the zoning of parcels in said area, which were adopted by the Council on January 5, 2016.

RECOMMENDATIONS:

Staff recommends the adoption of the Official Zoning Map of the City, effective immediately.

**ORDINANCE TO ADOPT A
NEW CITY ZONING MAP**

WHEREAS, new property will be annexed into the City effective January 1, 2016; and

WHEREAS, City Code Appendix A, § 304 provides for amendment to the City Zoning Map; and

WHEREAS, City Code Appendix A, § 501 and §503 provide for the adoption and replacement of the City Zoning Map; and

WHEREAS, the City has complied with the Zoning Procedures Law.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Clarkston that the map attached as Exhibit “A” labeled “City of Clarkston Zoning Map” and dated January 1, 2016 is hereby adopted as the official zoning map for the City.

This ordinance shall become effective January 5, 2016.

ATTEST:

**CITY COUNCIL
CITY OF CLARKSTON, GEORGIA**

Tracy Ashby, City Clerk

TED TERRY, MAYOR

(SEAL)

APPROVED AS TO FORM:

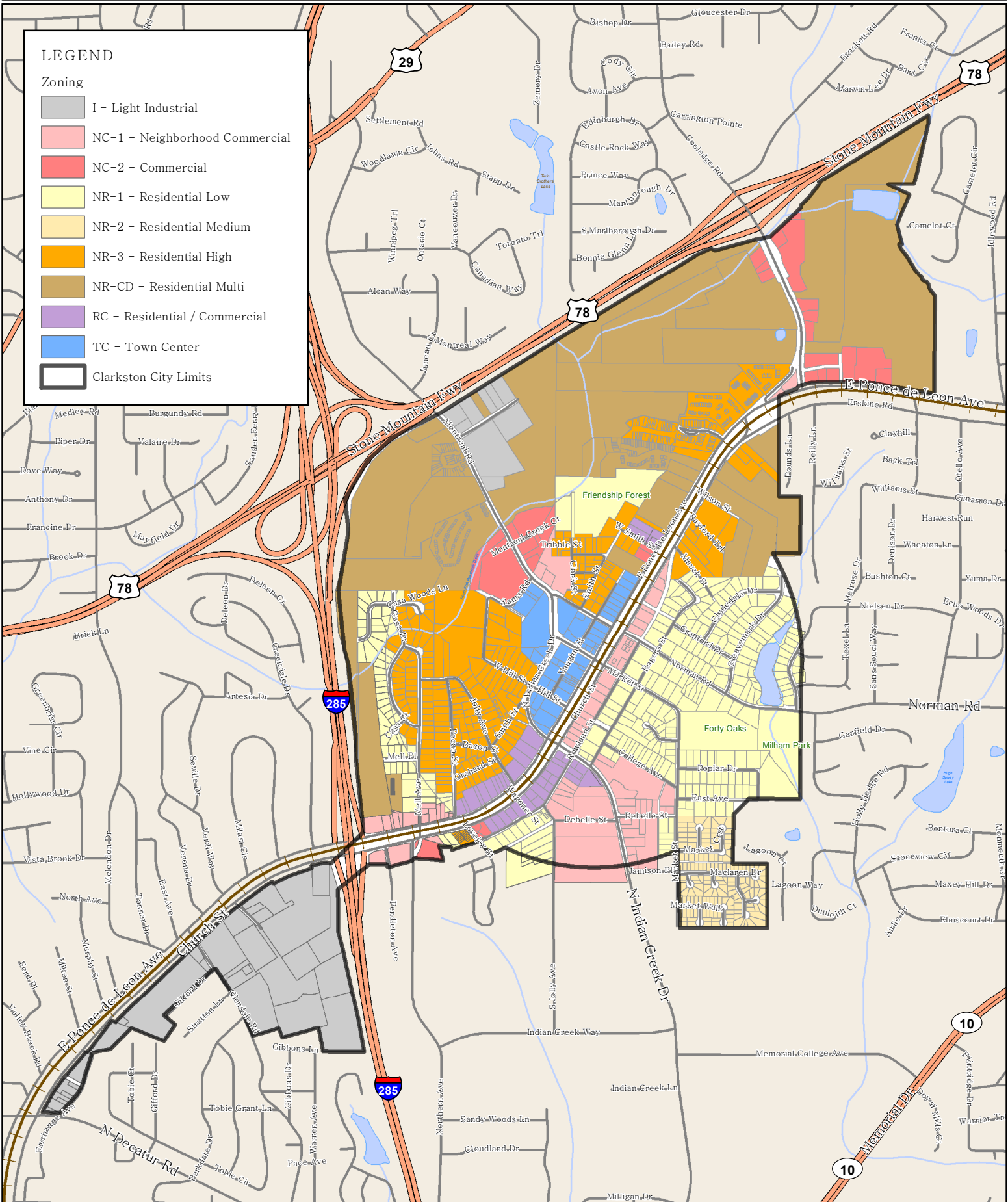
Stephen G. Quinn, City Attorney

PROPOSED ZONING - CITY OF CLARKSTON, GA

LEGEND

Zoning

- I - Light Industrial
- NC-1 - Neighborhood Commercial
- NC-2 - Commercial
- NR-1 - Residential Low
- NR-2 - Residential Medium
- NR-3 - Residential High
- NR-CD - Residential Multi
- RC - Residential / Commercial
- TC - Town Center
- Clarkston City Limits



0 0.125 0.25 0.5 Miles



CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: F6

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: January 5, 2016

SUBJECT: Set Date for Special Called Meeting Work Session to Discuss Establishing Standing Committees

DEPARTMENT: Administration

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
Pages:

INFORMATION CONTACT: Mayor Ted Terry
PHONE NUMBER: 404-296-6489 ext. 421

PURPOSE:

To set a date for a special called meeting work session to discuss policies and procedures associated with establishing Standing Committees of the Clarkston City Council.

NEED/ IMPACT:

The Clarkston City Council desires to establish certain Standing Committees to improve its legislative review process. The City Council desires to discuss the various policy, procedural and logistical issues associated with establishing this legislative review process as a "committee of the whole." In order to facilitate this discussion consistent with the State Open Meetings Act and Sec. 2-21 of the Clarkston City Code of Ordinances, The Mayor has called for a special called meeting to be held on Tuesday, January 12, 2016 beginning at 5:30 pm.

RECOMMENDATIONS:

Staff recommends approval.

CITY COUNCIL MEETING

ADJOURNMENT:

MINUTES

CLARKSTON CITY COUNCIL

Tuesday January 5, 2015

Officials Present

Mayor: Ted Terry
Council: Dean Moore, Dianne Leonetti, Warren Hadlock, Ahmed Hassan, Robert Hogan, Jean Brown
City Manager: Keith Barker
City Clerk: Tracy Ashby
City Attorney: Stephen Quinn

Mayor Ted Terry called the meeting to order at 6:30pm.

Roll Call: Dean Moore, Warren Hadlock, Ahmed Hassan, Robert Hogan, Dianne Leonetti, Jean Brown

Pledge of Allegiance

PRESENTATION/ ADMINISTRIVE BUSINESS:

C1) Swear in Newly Elected Council Members

Mayor Terry thanked Jean Brown, Warren Hadlock and Dianne Leonetti for their years of services. Judge Nicolas swore in Beverley Burks, Awet Eyasu and Mario Williams as Council Members.

C2) Approve Minutes 11/24/15 Special Call and 12/1/15 Council Meeting

Robert Hogan made a motion to approve the 11-24-15 Special Call meeting minutes and the 12-1-15 regular Council Meeting minutes. Mario Williams seconded the motion. A vote was called and the motion carried (6, 0).

C3) Proclamation – CHS Cross Country Team

Mayor Terry read the Proclamation recognizing the Clarkston High School Boys Cross Country team.

C4) Council Elect Vice- Mayor

Awet Eyasu nominated Robert Hogan for Vice Mayor for 2016. A vote was held and Robert Hogan received a unanimous vote (6, 0) for the Vic

C5) Confirm Attorney

Mario Williams made a motion to confirm City Attorney Stephen Quinn. Beverly Burks seconded the motion. A vote was called and the motion carried (6, 0).

C6) Confirm Auditor

Ahmed Hassan made a motion to confirm Auditor Mauldin and Jenkins. Robert Hogan seconded the motion. A vote was called and the motion carried (6, 0).

C7) Confirm Judge

Robert Hogan made a motion to confirm Stephen Nicolas as the Judge. Ahmed Hassan seconded the motion. A vote was called and the motion carried (6, 0).

C8) Confirm Solicitor

Awet made a motion to confirm Joseph Stephens. Motion seconded. A vote was called and the motion carried (6, 0).

C9) Confirm Public Defender

Beverley Burks made a motion to confirm Frank Gaither. Ahmed Hassan seconded the motion. A vote was called and the motion carried (6, 0).

PUBLIC COMMENTS

N/A

OLD BUSINESS

E1) Approve Right of Away / Easement Options Agreement & Deed Phase 1A East Ponce De Leon Sidewalk project- Injury to Wellness Centers, PC (Parcel # 18-096-22-005)

Robert Hogan made a motion to approve the Right of Away/ Easement Options Agreement & Deed Phase 1A East Ponce De Leon Sidewalk project- Injury to Wellness Centers. Dean Moore seconded the motion. A vote was called and the motion carried (6, 0).

NEW BUSINESS

F1) Service Agreement between the City of Clarkston & Clarkston Community Center

Dean Moore made a motion to approve the City of Clarkston & Clarkston Community Center Agreement. Robert Hogan seconded the motion. A vote was called and the Motion carried (6, 0).

F2) Approve Budget Amendment

The City Manager detailed that the operating budget needed to be amended to account for the Clarkston Community Center Agreement. Ahmed Hassan made a motion to approve the budget amendment. Awet Eyasu seconded the motion. A vote was called and the motion carried (6, 0).

F3) Approve Variance Request – Ha Nguyen, 4250 E. Ponce De Leon Ave

Beverley Burks made a motion to table the variance request until the February Council Meeting. Mario Williams seconded the motion. A vote was called and the motion carried (6, 0).

F4) Re- Zoning classification for Annexation area

- 1) Public Hearing – To take public comment on the proposed Zoning Reclassification Ordinance
No Public Comments.
- 2) Council Adopt Zoning Classification Ordinance for Newly – Annexed Area
Robert Hogan made a motion to adopt Zoning Classification Ordinance effective January 5, 2016. Dean Moore seconded. A vote was called and the motion carried (6, 0).

F5) Adopt Updated Zoning Map

The floor was opened for public comments on the proposed update to the Zoning Map. No comments.

Ahmed Hassan made a motion to approve the update to the zoning map. Robert Hogan seconded the motion. A vote was called and the motion carried (6, 0).

F6) Set Date for Special Called Meeting Work Session to Discuss Establishing Standing Committees

Robert Hogan made a motion to set the a Special Call work session at the City Hall annex conference room for January 12, 2016 to discuss establishing standing committees. Mario Williams seconded the motion. A vote was called and the motion carried (6, 0).

REPORTS

- 1) Planning and Zoning Report
No report

2) City Manager's Report

No report

3) City Attorney's Report

Stephen Quinn thanked the council for confirming him for 2016 and offered congratulations to the newly elected Council member.

4) Council Remarks

Council Members thanked Jean Brown, Warren Hadlock and Dianne Leonetti for their years of services.

5) Mayor's Report

Mayor Terry thanked Jean, Warren and Dianne for their years of service and welcomed the new council members.

ADJOURNMENT

Dean Moore made a motion to adjourn the meeting. Ahmed Hassan seconded the motion. A vote was called and the motion carried (6,0).

Attest:

Tracy Ashby, City Clerk

Adopted by Council 2-6-2016

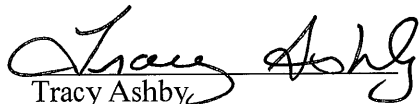
Exhibit “H”

CERTIFICATE OF AUTHENTICITY

I, Tracy Ashby, am the City Clerk for the City of Clarkston, Georgia. In this role, I am the custodian of official City records.

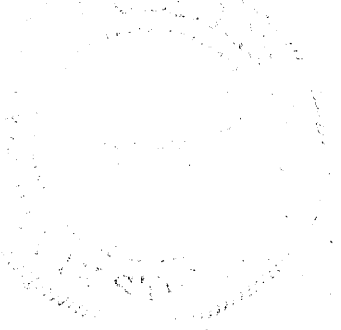
I hereby certify that the forgoing attached documents, consisting of 2 pages, are a true and accurate copy of the Clarkston Zoning Map, Ordinance #392 (Adopted 1-5-2016).

I certify under penalty of perjury that the foregoing is true and correct.


Tracy Ashby
Clarkston City Clerk

9-24-2020
Date

[CITY SEAL]



ORDINANCE TO ADOPT A 392
NEW CITY ZONING MAP

WHEREAS, new property will be annexed into the City effective January 1, 2016; and

WHEREAS, City Code Appendix A, § 304 provides for amendment to the City Zoning Map; and

WHEREAS, City Code Appendix A, § 501 and §503 provide for the adoption and replacement of the City Zoning Map; and

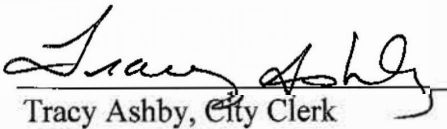
WHEREAS, the City has complied with the Zoning Procedures Law.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Clarkston that the map attached as Exhibit "A" labeled "City of Clarkston Zoning Map" and dated January 1, 2016 is hereby adopted as the official zoning map for the City.

This ordinance shall become effective January 5, 2016.

ATTEST:

**CITY COUNCIL
CITY OF CLARKSTON, GEORGIA**


Tracy Ashby, City Clerk


TED TERRY, MAYOR

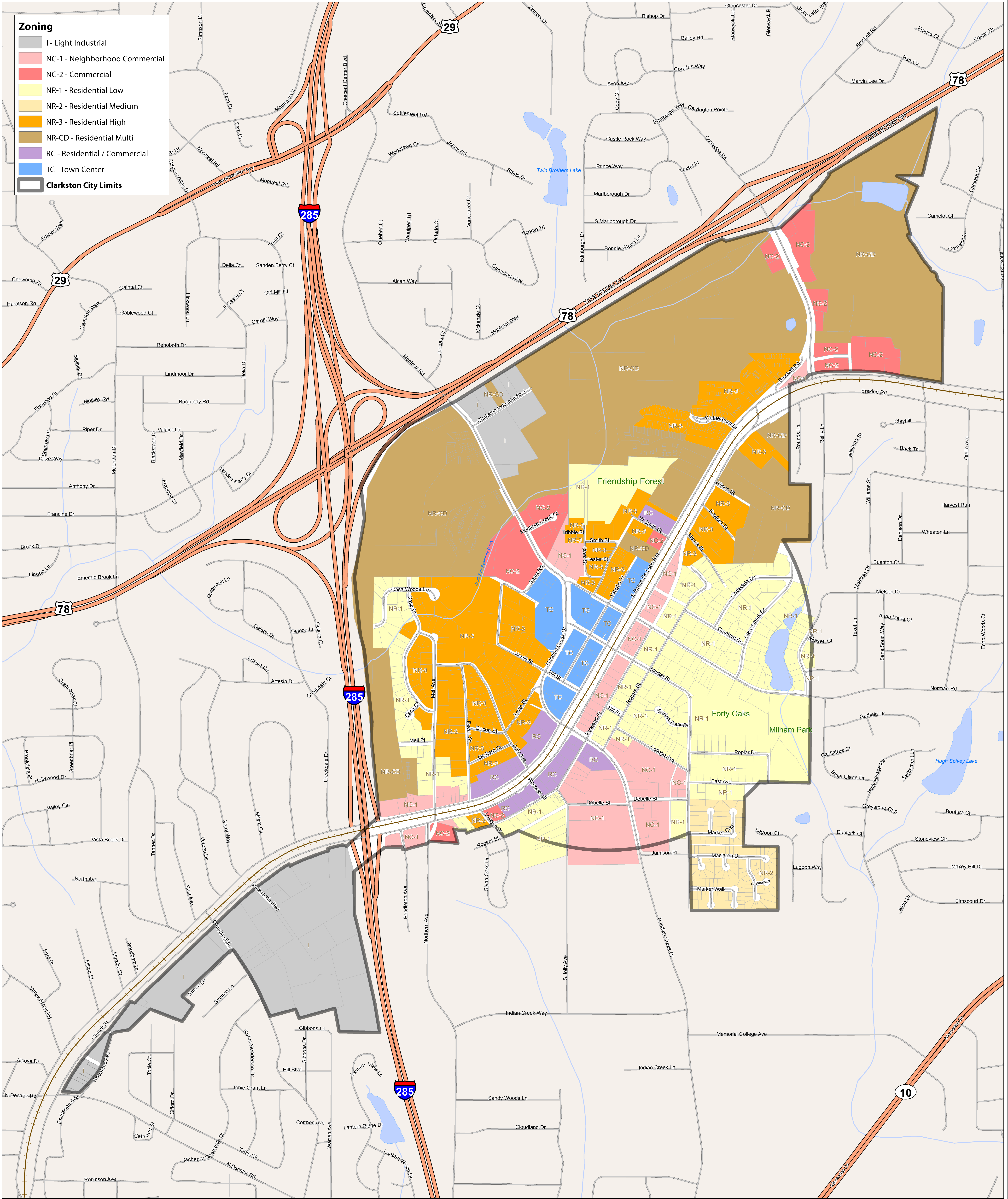
(SEAL)

APPROVED AS TO FORM:


Stephen G. Quinn, City Attorney

ZONING - CITY OF CLARKSTON, GA

- Zoning**
- I - Light Industrial
 - NC-1 - Neighborhood Commercial
 - NC-2 - Commercial
 - NR-1 - Residential Low
 - NR-2 - Residential Medium
 - NR-3 - Residential High
 - NR-CD - Residential Multi
 - RC - Residential / Commercial
 - TC - Town Center
 - Clarkston City Limits



ADOPTED: January 1, 2016

0 0.125 0.25 0.5 Miles



Exhibit “I”

WEBB, KLASE & LEMON, LLC

ATTORNEYS AT LAW

1900 THE EXCHANGE, S.E. • SUITE 480 • ATLANTA, GEORGIA 30339

(770) 444-9325 • (770) 217-9950 (facsimile)

Author's Direct Dial:
(770) 444-0773

Email Address:
Adam@WebbLLC.com

September 16, 2020

VIA E-MAIL & U.S. MAIL

Shawanna N. Qawiy, MPA, MSCM
Planning & Development Director
City of Clarkston
1055 Rowland Street
Clarkston, GA 30021
sqawiy@cityofclarkston.com

Re: Sign Applications for Railroad Outdoor, LLC

Dear Ms. Qawiy:

I write to you in your capacity as Director of Planning and Development for the City of Clarkston on behalf of my client Railroad Outdoor, LLC ("Railroad"). Pursuant to Section 15.5-26(b)(1) of the Clarkston Code of Ordinances, please accept this letter as Railroad's written notice of appeal from the City's denial of my client's four sign applications. Based on my review of the City's denial (Exh. A hereto) and the Chapter 15.5 Signs of the City's Code of Ordinances, I wanted to outline my client's arguments on appeal. These articulated grounds for appeal are not exhaustive, and Railroad reserves the right to present additional arguments prior to and at the City Council appeal hearing.

All four of my client's sign applications were denied on the grounds that "Pole signs are not permitted in the City of Clarkston." Denial of my client's applications on this basis was incorrect for several reasons. First, as you note in your September 14 email, all four of my client's applications were for billboards, which are specifically governed by Section 15.5-63 of the Clarkston Code of Ordinances. Your attempt to rely upon a general prohibition on pole signs rather than apply the more specific code section that governs billboards is inconsistent with Georgia law, which provides that the terms of a specific statute govern over those of a more general statute. E.g., Denhardt v. Sparks, 844 S.E.2d 192, 195 (Ga. Ct. App. 2020); Vineville Capital Group, LLC v. McCook, 766 S.E.2d 156, 160 (Ga. Ct. App. 2014) ("the terms of a specific statute govern over those of a more general statute"); also Bellsouth Telecommunications, LLC v. Cobb County, 824 S.E.2d 233, 239 (Ga. 2019) ("the more specific statute governs over the more general one"). Had you properly applied the more specific billboard regulation, the basis of denial would not have been applicable.

Section 15.5-63 allows billboards in the City of Clarkston that are 672 square feet in sign area and 50 feet in height, so long as the billboards are on parcels zoned RC, NC-1, NC-2, TC, or I; are located on parcels adjacent to US Highway 78 or Interstate 285 and oriented thereto; and comply with the standards set by Georgia Department of Transportation as to the use of digital technology. See Section 15.5-63(a)-(g). My client's applications meet all of these criteria and should have been approved. Railroad is aware of several billboards that have been erected in Clarkston despite the ordinance's general prohibition on pole signs. It is plainly not applicable to billboards.

My client's applications for billboards on property owned by CSX Railroad should also have been granted. According to the City's Zoning Map (Exh. B hereto), the railroad property within the City of Clarkston has not been zoned. Therefore, Georgia law requires that my client be allowed to install the requested signs. The general rule is that the owner of property has the right to use their property in any lawful manner. E.g., Cherokee County v. Martin, 253 Ga. App. 395, 396 (2002); Picadilly Place Condo. Ass'n v. Frantz, 210 Ga. App. 676, 678 (1993). Because zoning regulations restrict this right, they must be strictly construed in favor of the property owner, and more specifically, the owner's free use of their property. DeKalb County v. Post Apartment Homes, L.P., 234 Ga. App. 409, 410(1) (1998); Martin, 253 Ga. App. at 396; Glynn County v. Palmatary, 247 Ga. 570, 574 (1981); also Fayette County v. Seagraves, 245 Ga. 196, 197-98, 264 S.E.2d 13 (1980). Consequently, land use limitations must (i) be clearly established, (ii) be enforced only as to their plain and explicit terms, and (iii) any ambiguities therein must be resolved in the owner's favor. E.g., Northside Corp. v. City of Atlanta, 278 Ga. 416 (2005); JWIC, Inc. v. City of Sylvester, 278 Ga. 416, 417 (2004); Martin, 253 Ga. App. at 396; Picadilly, 210 Ga. App. at 678; Bo Fancy Productions v. Rabun County Bd. of Comm's, 267 Ga. 341, 343 (1996); Beugnot v. Coweta County, 231 Ga. App. 715, 722 (1998).

Here, the CSX property is unzoned and thus not restricted by any applicable zoning regulations. Although the CSX property has been inside the City limits for decades, the City has chosen not to zone the property. As such, CSX has never had any opportunity to appear before the City Council to show the City what zoning and land use restrictions would be appropriate for the railroad property. Thus, any restrictions being enforced by the City are invalid and void. E.g., Davidson Mineral Properties, Inc. v. Monroe County, 257 Ga. 215, 217 (1987) (holding county could not restrict use of property). Because the City's official zoning map unambiguously shows that the railroad property has not been zoned, the requested billboards must be allowed.

Beyond these errors in misapplying the City's Code of Ordinances and instances of undue discretion, Railroad also believes that the City's guidelines with respect to billboard signs regulate on the basis of content. Why else would your September 14 email request that my client resubmit renderings of the proposed signs with the proposed wording of the sign. In the decision of Reed v. Town of Gilbert, 135 S. Ct. 2218, 2227 (2015), the Supreme Court held that "[g]overnment regulation of speech is content-based if a law applies to particular speech because of the topic discussed or the idea or message expressed." Id. at 2227 (citations omitted). The

Court deemed this rule to be “commonsense” and requires a reviewing court to determine whether a law “‘on its face’ draws distinctions based on the message a speaker conveys.” Id.

The Court then devoted several pages of its opinion to rejecting the rationales of the lower courts for finding that the law was content-neutral. Id. at 2227-31. For instance, the Court found that the government’s motives in adopting the law are irrelevant if the law regulates by content on its face. Id. at 2228 (“Innocent motives do not eliminate the danger of censorship presented by a facially content-based statute, as future government officials may one day wield such statutes to suppress disfavored speech”). The Court also noted that “a speech regulation targeted at specific subject matter is content-based even if it does not discriminate among viewpoints within that subject matter.” Id. at 2230.

The Court then analyzed whether the content-based law could survive strict scrutiny, “which requires the Government to prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest.” Id. at 2231 (citations omitted). The Court held that the law could not survive strict scrutiny because, even if the town’s interests in traffic safety and aesthetics were considered compelling governmental interests, the code was “hopelessly underinclusive.” Id. (noting that signs bearing certain messages were “no greater an eyesore” than other types of signs, as well as the lack of evidence that signs bearing some messages are more detrimental to traffic safety than signs conveying favored content).

Since Reed, courts have *repeatedly* recognized that distinguishing between signs based on content is unconstitutional. For example, in Thomas v. Schroer, 116 F.3d 869 (W.D. Tenn. 2015), a court relied upon Reed to enjoin the Tennessee Department of Transportation from enforcing state sign laws that subjected off-premise signs to more regulation than on-premise signs. Id. at 875-76. This decision was affirmed by the Sixth Circuit Court of Appeals in Thomas v. Bright, 937 F.3d 721 (6th Cir. 2019), which held that the content-based nature of the sign regulations post-Reed was “neither a close call nor a difficult question.” Id. at 729, 733 (“Tennessee’s Billboard Act contains a non-severable regulation of speech based on the content of the message. Applied to [the plaintiff’s] billboard, it is, therefore, a content-based regulation of non-commercial speech, which subjects it to strict scrutiny”). The State of Kentucky’s sign regulations were just thrown out on the same basis as the Thomas case. See L.D. Mgmt. Co. v. Thomas, 2020 WL 1978387, at *4 (W.D. Ky. Apr. 24, 2020).

Even more recently, the Fifth Circuit Court of Appeals weighed in on this issue. In Reagan National Advertising, Inc. v. City of Austin, __ F.3d __, 2020 WL 5015455 (5th Cir. Aug. 25, 2020), two sign companies filed applications to convert existing off-premise signs (a/k/a billboards) to digital technology. The city denied the applications because its ordinance did not allow off-premise signs to be digitized (even though signs bearing on-premise content could be digitized). The sign companies sued arguing the ordinance was unconstitutional pursuant to Reed but the district court granted judgment in favor of the city. The Fifth Circuit reversed, finding the ordinance content-based and unconstitutional under Reed. The court noted that “to determine whether a sign is on-premises or off-premises, one must read the sign and ask: does it advertise ‘a business, person, activity, goods, products, or services not located on the site

where the sign is installed, or that directs persons to any location not on that site.” Id. at *6. This fact rendered the code content-based and unconstitutional. Id. at *6-11. The City’s admitted intent to review the content on Railroad’s proposed signs as part of the review process is similarly unconstitutional.

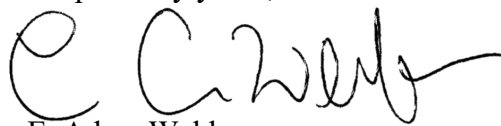
Moreover, the City’s strict regulation of signs in general runs afoul of the Georgia Supreme Court’s requirement that governmental bodies employ the “least restrictive means” when regulating speech activity. E.g., Coffey v. Fayette County, 279 Ga. 111, 111 (2005) (“Coffey I”); Statesboro Publ’g Co. v. City of Sylvania, 271 Ga. 92, 95-96 (1999). Under this standard, cities and counties must carry a heavy burden in order to justify their sign restrictions. Coffey v. Fayette County, 280 Ga. 656, 657-58 (2006). In order to meet this high threshold, the Georgia Supreme Court requires that evidence be presented to support the regulations. Id. This is because Georgia law is the most protective in the nation toward the use of signs for free speech activity. Coffey I, 279 Ga. at 111 (“This Court has interpreted the Georgia Constitution to provide even broader protection than the First Amendment”). Clarkston cannot meet this strict standard as to its Sign Ordinance.

We will also contend that the City’s zoning procedures, Sign Ordinance, zoning code, and/or zoning map have been adopted in an improper manner. Georgia’s Zoning Procedures Law is mandatory and strict compliance is required. We have made requests for the necessary documentation simultaneously herewith and will supplement this appeal upon receipt.

Under Georgia law an application must be granted if the ordinance is invalid for any reason. E.g., Tilley Properties, Inc. v. Bartow County, 261 Ga. 153, 165 (1991) (holding that “[w]here, as in this case, the zoning ordinance is invalid, there is no valid restriction on the property, and the appellant has the right under the law to use the property as it so desires”); Davidson Mineral Props., 257 Ga. at 216-17 (invalidating basis of denial and then mandating that applicant was authorized to proceed with proposed use). As such, Railroad is entitled to the requested permits.

If you have any questions regarding this appeal or need any additional information regarding the same, please do not hesitate to contact me. I look forward to the hearing in front of the City Council.

Respectfully yours,



E. Adam Webb

EAW/ss

Attachments/Enclosures

Exhibit “A”

From: Shawanna Qawiy <sqawiy@cityofclarkston.com>

Sent: Monday, September 14, 2020 4:03 PM

To: kshaw@railroadoutdoor.com

Subject: CSX Sign Permit Requests

Good Day,

The City is in receipt of your request for sign permits.

A review of the four (4) sign permit applications from Railroad Outdoor, LLC shows that all of the proposed signs will be located on poles.

Poles signs are prohibited in the City of Clarkston;

1. 3611 Church Street- Pole Sign (Billboard Sign)
 - a. Pole signs are not permitted in the City of Clarkston.
2. 3874 East Ponce de Leon Avenue (Billboard Sign)
 - a. Pole Signs are not permitted in the City of Clarkston.
3. CSX Outside LED I-285(Billboard)
 - a. Pole Signs are not permitted in the City of Clarkston.
4. CSX Inside LED I-285 (Billboard)
 - a. Pole Signs are not permitted in the City of Clarkston.

Therefore, the submitted applications are DENIED.

You may resubmit the applications for review with the applicable required documents and information. Please include the following for each sign (location/type) request;

1. Completion of the sign permit application (page 2-b) with all related dimension(s) listed.
2. Actual (real) colored renderings of the proposed sign on a site plan (at the actual location) with the proposed lettering/wording.
3. Completed Hold Harmless Form (attached) for each location.
4. Invoice for each sign location.

If you have any questions or concerns, please contact me.

Thank you.

Shawanna N. Qawiy, MPA, MSCM
Planning & Development Director



1055 Rowland St. | Clarkston, GA 30021

(O) 404-296-6489

(F) 404-296-6480

SQawiy@cityofclarkston.com

Exhibit “B”

ZONING - CITY OF CLARKSTON, GA

- Zoning**
- I - Light Industrial
 - NC-1 - Neighborhood Commercial
 - NC-2 - Commercial
 - NR-1 - Residential Low
 - NR-2 - Residential Medium
 - NR-3 - Residential High
 - NR-CD - Residential Multi
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