



CITY COUNCIL WORK SESSION

Awet Eyasu – Vice-Mayor

*Jamie Carroll
Ahmed Hassan*

*Laura Hopkins
Debra Johnson*

Robin Gomez – City Manager

AGENDA

Tuesday, August 25, 2020 7:00PM

A. ROLL CALL

B. WORK SESSION - RESIDENT COMMENT POLICY

Any member of the public may address questions or comments to the Council referencing only agenda items after the Mayor and council have had the opportunity to discuss the agenda item. Each Attendee will be allowed 3 minutes for comments at the discretion of the Presiding Officer. Attendees will be asked to conclude their comments in a reasonable time period if they exceed the 3 minute limit.

C. PRESENTATION/ ADMINISTRATIVE BUSINESS

D. OLD BUSINESS

E. NEW BUSINESS

E1) Approve Resolution to Declare a Vacancy in the Office of Councilmember and to Call a Special Election to Fill the Unexpired Term

E2) Increase the Amount of Money for the Rental Relief Program

E3) Housing relief to unemployed residents both rent and Mortgage relief by partnering with non-profit organizations and intergovernmental cooperation

E4) Work Force Development for Unemployed

E5) Consider "Joining Common Cause's lawsuit against Trump's Census Memo"

E6) Discuss Removing Section 13-3 from the Municipal Code

E7) Discuss Enforcing Section 13-4 which says that Lighting in the Parks will be Extinguished after 8:30 Except for Special Events - Specifically in 40 Oaks Nature Preserve

F. ADJOURNMENT

CITY OF CLARKSTON

ITEM NO: E1

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:
Council Work Session

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Discuss Resolution

MEETING DATE: August 25, 2020

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

DEPARTMENT: City Administration

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☒ YES ☐ NO
Pages: 2

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

PURPOSE:

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

NEED/ IMPACT:

The Georgia Constitution Article 2, Section 2, Paragraph V, provides that the office of an elected municipal official immediately becomes vacant upon the official qualifying for another elected office, which occurred on August 12, 2020, when YT Bell qualified as a candidate for the Clarkston Mayor Special Election. The Clarkston City Charter, Section 2.05 (a) provides that a vacancy in the office of Council shall be declared by the Vice Mayor at a regular meeting of the City Council and shall be affirmed by a majority vote of the City Council. Clarkston City Charter, Section 2.05 (c) provides that such a vacancy is to be filled by a special election if the term of the vacant seat will not expire in the next twelve (12) months (term to conclude Dec 31, 2021). Furthermore, Clarkston City Charter, Section 2.05 (c) provides that such a special election shall be held on a date provided by GA code, Section 21-2-540(c), which is the date of the Primary Election to be held on March 16, 2021.

Consequently, approving the resolution would direct the City Election Superintendent, City Clerk, to call a special election to be held on March 16, 2021, to fill the remainder of the unexpired term of the Clarkston Councilmember which concludes on December 31, 2021. A Qualifying Period that complies with applicable State law shall be established and published by the City Election Superintendent.

RECOMMENDATIONS:

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

RESOLUTION NO. _____

**BY THE CLARKSTON CITY COUNCIL TO DECLARE A VACANCY IN THE
OFFICE OF COUNCILMEMBER AND TO CALL A SPECIAL ELECTION TO
FILL THE UNEXPIRED TERM OF FORMER COUNCILMEMBER BELL.**

WHEREAS, Councilmember Yterenickia “YT” Bell qualified as a Candidate to participate in the special election for the office of Mayor on August 12, 2020; and

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

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

WHEREAS, Clarkston City Charter Sec. 2.05(c) provides that a vacancy in the office of Councilmember is to be filled by a special election if a regular municipal election is not scheduled to occur within twelve (12) months from the date that the vacancy is declared; and

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

WHEREAS, the next available date for a special election under O.C.G.A. § 21-2-540(c) to fill the vacancy in the office of Councilperson is the third Tuesday in March 2021.

NOW THEREFORE, BE IT RESOLVED that Vice Mayor Eyasu has declared the office formerly held by Councilwoman Bell to be vacant as set forth above and the City Council does hereby affirm the existence of such vacancy.

BE IT FURTHER RESOLVED by the City Council that the City Election Superintendent shall call a special election to be held March 16, 2021, to fill the remainder of the unexpired term of Councilwoman Bell, which concludes on December 31, 2021.

BE IT FURTHER RESOLVED that a Qualifying Period that complies with applicable State law shall be established and published by the City Election Superintendent.

[signature page follows]

SO RESOLVED, this _____ day of _____, 2020.

**CITY COUNCIL
CITY OF CLARKSTON, GEORGIA**

AWET EYASU, Vice Mayor

ATTEST:

Tracy Ashby, City Clerk

Approved as to form:

Stephen G. Quinn
Stephen Quinn, City Attorney

CITY OF CLARKSTON

ITEM NO: E2

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:
Council Worksession

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Discussion

MEETING DATE: AUGUST 25, 2020

SUBJECT: Increase the Amount of Money for the Rental Relief Program

DEPARTMENT: City Administration

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☒ YES ☐ NO
Pages: 1

INFORMATION CONTACT: Jamie Carroll
PHONE NUMBER: 404-296-6489

PURPOSE:

Continue to provide temporary rental payment assistance by increasing the program's funding.

NEED/IMPACT:

At the June meeting, the Council approved a \$100,000 temporary rental payment assistance program funded from the City's Affordable Housing Trust Fund and authorized an additional \$50,000 at the August Council meeting; for a total of \$150,000.

As of August 18 (the date of this writing) the City has made 225 payments, totaling \$133,591.25. It is anticipated that the remaining balance of \$16,408.75 will be paid out by August 20 (will provide an update at the Aug 25 Council Worksession), reducing the available funding to \$0.00.

The City has received over 500 inquiries with nearly 200 from individuals residing outside of the City's limits (boundary/border). Most of those have been referred to the United Way's 2-1-1 line, Envision Atlanta, Positive Growth, Inc, CPACS, and/or Star-C.

We are anticipating minimal if any reduction in folks applying for the temporary rental payment assistance over the next month or two.

CITY OF CLARKSTON

ITEM NO: E3

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:
Work Session

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Approve

MEETING DATE: AUGUST 25, 2020

SUBJECT: Housing relief to Unemployed residents both rent and mortgage relief by partnering with non-profit organizations and intergovernmental cooperation.

DEPARTMENT: City Administration

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☐ YES ☐ NO
Pages:

INFORMATION CONTACT: Awet Eyasu, VM
PHONE NUMBER: 404-296-6489

PURPOSE:

Discuss the City providing housing relief to unemployed residents both rent and mortgage relief by partnering with non-profit organizations and intergovernmental cooperation.

NEED/IMPACT:

At the August meeting, the Council approved allocating an additional \$50,000 from the Affordable Housing Trust Fund for assisting with rent payments. The Council also approved allocating \$25,000 for mortgage assistance from the AHTE.

RECOMMENDATION

Staff has no recommendation.

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: E4

HEARING TYPE:
Work session

BUSINESS AGENDA / MINUTES

MEETING DATE: August 25, 2020

ACTION TYPE:
Discussion

SUBJECT: Clarkston Work Force Development Initiative

DEPARTMENT: City Administration

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☐ YES ☐ NO
Pages:

INFORMATION CONTACT: Awet Eyasu, Debra Johnson

PHONE NUMBER: 404-296-6489

PURPOSE:

This agenda item is to discuss Clarkston Work Force Development Initiative.

CITY OF CLARKSTON

ITEM NO: E5

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:
Work Session

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: AUGUST 25, 2020

SUBJECT: Consider "Joining Common Cause's lawsuit against Trump's Census Memo"

DEPARTMENT: City Administration

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☒ YES ☐ NO
Pages:

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

PURPOSE:

Discuss the City Joining Common Cause's lawsuit against Trump's Census Memo

NEED/IMPACT:

On July 24, 2020, Common Cause; Atlanta, GA; Paterson, NJ; Partnership for the Advancement of New Americans and individual plaintiffs located in New York, Florida, and California filed a lawsuit in the D.C. District Court challenging the Trump Administration's recent Memorandum to the Census Bureau instructing the Bureau to not include undocumented immigrants in their apportionment calculations.

The plaintiffs are inviting additional cities and towns to join as plaintiffs. Currently, cities including Dallas, TX; Dayton, OH; Denver, CO; Portland, OR; San Antonio, TX; San Diego, CA; San Gabriel, CA; South Bend, IA; and others are considering joining as plaintiffs.

Cities and towns throughout the United States are where the largest numbers of Americans reside. Erasing immigrant families from the Census will reduce the representation of these cities and towns, and the millions of people who live in them, in Congress, state legislatures and every level of government. Moreover, erasing immigrant populations from the Census will also deprive these cities of federal dollars that represent the tax dollars paid by residents - citizen and non-citizen alike, documented and undocumented alike.

Common Cause v. Trump Administration

Case Background

On July 24, 2020, Common Cause; Atlanta, GA; Paterson, NJ; Partnership for the Advancement of New Americans and individual plaintiffs located in New York, Florida, and California filed a lawsuit in the D.C. District Court challenging the Trump Administration's recent Memorandum to the Census Bureau instructing the Bureau to not include undocumented immigrants in their apportionment calculations.

[The full Common Cause v. Trump Administration complaint is available here.](#)

The plaintiffs are inviting additional cities and towns to join as plaintiffs. Currently, cities including Dallas, TX; Dayton, OH; Denver, CO; Portland, OR; San Antonio, TX; San Diego, CA; San Gabriel, CA; South Bend, IA; and others are considering joining as plaintiffs.

Why should cities and towns join as plaintiffs?

Cities and towns throughout the United States are where the largest numbers of Americans reside. Erasing immigrant families from the Census will reduce the representation of these cities and towns, and the millions of people who live in them, in Congress, state legislatures and every level of government. Moreover, erasing immigrant populations from the Census will also deprive these cities of federal dollars that represent the tax dollars paid by residents – citizen and non-citizen alike, documented and undocumented alike.

Immigrant families often have a mix of citizen and non-citizen family members. Amongst non-citizen family members, there is often a mix of people with different immigrant documentation and status. People who have entered legally can fall out of status or have their status changed by new federal policies. Young people brought to the U.S. by parents without documentation, may have obtained temporary legal status. Erasing households from the Census count that are believed to have undocumented individuals will **fall heaviest on cities and towns**, which already have thinly stretched resources to cope with COVID 19, on top of regular city services.

Policy Background

[What does the Administration's Census Exclusion memorandum do?](#)

On July 21, 2020, President Donald Trump issued a memorandum requiring the Secretary of Commerce (which oversees the Census Bureau) to exclude immigrants without legal immigration documents from the apportionment base following the 2020 Census. This memo directs the Secretary to provide President Trump with the information needed in order to exclude undocumented immigrants from being counted in congressional seat allocations.¹

[Why is the Census Exclusion memorandum unconstitutional?](#)

The U.S. Constitution, Article I, Section 2 as amended by the Fourteenth Amendment, states that the apportionment of how many congressional seats go to each state is based on a Census count of the population of **"whole number of persons in each state"**.

By statute, the President is required to send to Congress a statement of the count showing the “whole number of persons in each state” and the number of congressional seats each state gets. 2 USC § 2a(a). The number of seats in the House of Representatives is fixed at 435 by federal law.²

The memo orders the Secretary of Commerce to send to the President the Census tabulation of total population for congressional apportionment (13 U.S.C. 141(b)), with additional information that would allow the President to exclude the number of undocumented people from the final count.

This memo is counter to the plain language in the U.S. Constitution and federal statutes. It also runs counter to the consistent practice of previous Administrations. The complaint cites legal memos from the Departments of Justice under **Presidents Carter, Reagan, H.W. Bush, and Obama** that reaffirm this 250-year precedent. The complaint documents the stance taken by President Ronald Reagan’s Administration:

In the DOJ’s view, it was “clear” that, under the Fourteenth Amendment, “all persons, including aliens residing in this country, [must] be included” in the congressional apportionment base. (emphasis added). In fact, the DOJ noted, the Reconstruction Congress “rejected arguments that representation should be based on people with permanent ties to the country” and “consciously chose to include aliens.” Id. at 2-3.

In its 1988 opinion, the DOJ went on to explain that, for apportionment purposes, the Fourteenth Amendment makes no distinction between “aliens” who are and are not lawfully present in the United States. Furthermore, DOJ explained, in analyzing the Fourteenth Amendment, “the Supreme Court . . . has read the word ‘person’ to include illegal aliens.”

The Census Exclusion memorandum flies in the face of 250 years of established precedent and the clear language of the U.S. Constitution.

Timeline

The initial complaint was filed on July 23. An amendment to the complaint will be filed on or before August 10. Additional cities seeking to join the case should send confirmation no later than August 6.

Counsel

Emmet Bondurant of Bondurant, Mixson, & Elmore, LLP, [Gregory Diskant](#), Aron Fischer, and Jonah Knobler of the firm [Patterson Belknap Webb & Tyler LLP](#), and Michael Kimberly of McDermott Will & Emery will serve as legal counsel. *These firms are providing the services pro bono, which means plaintiffs will not be charged for any attorney fees, or other costs such as filing fees, and court costs.*

CITY OF CLARKSTON

ITEM NO: E6

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:
Work Session

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: AUGUST 25, 2020

SUBJECT: Discuss Removing Section 13-3 from the Municipal Code

DEPARTMENT: City Administration

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☒ YES ☐ NO
Pages:

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

PURPOSE:

Discuss the City Removing Section 13-3 from the Municipal Code

NEED/IMPACT:

Section 13-3 was adopted in 1991 to provide for Restriction on the use of certain athletic parks. The full section 13-3 is cited below:

- (a) It shall be unlawful for any person over the age of twelve (12) years to use the athletic field in Milam Park in the city which lies contiguous to Norman Road for the purpose of playing baseball or softball.
- (b) For the purposes of this section, one shall be considered as playing baseball or softball if he is a participant on a team which is playing or practicing baseball or softball on said field or if he strikes a baseball or softball with a bat while located on that field or throws a baseball or softball on that field; provided, however, nothing contained herein shall preclude any person who is acting as a coach for children twelve (12) years old and under to participate in coaching drills with such children.
- (c) The city shall post signs at the subject field to inform the public of the restrictions as set forth in this section.
- (d) Any person who shall be in violation of this section shall be punished in accordance with section 1-7 of this Code.

RECOMENDATION

Staff has no recommendation.

CITY OF CLARKSTON

ITEM NO: E7

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:
Work Session

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Resolution

MEETING DATE: AUGUST 25, 2020

SUBJECT: Discuss Enforcing Section 13-4 for Outdoor Lighting in the Parks and Specifically in 40 Oaks Nature Preserve

DEPARTMENT: City Administration

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☒ YES ☐ NO
Pages:

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

PURPOSE:

Discuss the City enforcing section 13-4 which says that lighting in the parks will be extinguished after 8:30, except for special events, Specifically in 40 Oaks Nature Preserve

NEED/IMPACT:

Section 13-4 was adopted in 2002 to provide for restrictions on outdoor lighting for events or activities after 8:30pm. The full section 13-4 is cited below:

13-4. - Outdoor lighting.

(a) In order to provide for the peace, tranquility and general convenience of the citizens of Clarkston, all lighted outdoor events or activities where the lighted area exceeds two thousand (2,000) square feet must cease no later than 8:30 p.m., local time, and all such lighting shall be extinguished at that time. It shall be the affirmative duty of the owner or lessee of such property to comply with the provisions of this section. To violate the provisions of this section shall be deemed unlawful conduct subject to the penalties and punishment provided in section 1-7 of this Code.

(b) This section shall not apply to the tennis courts in Milam Park, a city owned and operated facility, nor shall it apply to security lighting, public or private, which is left on from sundown to sunup.

RECOMENDATION

Staff has no recommendation.