



# CITY COUNCIL MEETING

*Ted Terry – Mayor*

*YT Bell*

*Jamie Carroll*

*Awet Eyasu*

*Laura Hopkins*

*Ahmed Hassan*

*Debra Johnson*

*Robin I. Gomez– City Manager*

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## **AGENDA**

**Tuesday, March 3, 2020 7:00PM**

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

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

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

- C1) Approve Minutes: Council Meeting 2-4-2020 and Executive Session 2-25-2020 Minutes
- C2) Resolution honoring Ms. Betty Amin
- C3) Recognize Clarkston Employees Service: Dan Defnall
- C4) Recognize New Hires: Pete Livingston
- C5) Introduce New Police Lieutenant Darian Haygood and Sergeant Andrew Walker
- C6) Recognition for Lifesaving Award: Sgt. Garfield Trumble and OFC. Alberta Fountain
- C7) South Fork Peachtree Creek- Waterway Cleanup Recap

### **D. REPORTS:**

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

### **E. PUBLIC COMMENTS**

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

### **F. OLD BUSINESS**

### **G. NEW BUSINESS**

- G1) PUBLIC HEARING: A request from the North American Mission Board of the Southern Baptist Convention, Incorporated for a conditional use permit for the properties located at 961 Rowland Street and 3673 Hill Street, zoned NR-1, Low Density Neighborhood Residential, Clarkston, GA 30021, for the construction of athletic fields and other athletic facilities to support the church's mission and for church related activities.
- G2) Confirm SAC Committee Members by Resolution
- G3) Appoint CDA Members (1 by council member & 2 by Mayor)
- G4) Approve Moratorium on Storage Companies
- G5) Approve Moratorium on Gas Stations
- G6) Approve Moratorium on Small Box Stores

# CITY COUNCIL MEETING

G7) Approve Resolution Rescheduling August and November 2020 Council Meetings

G8) Approve Urban Productive Landscape Installations Bidder

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

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

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

## H. **ADJOURNMENT:**

## MINUTES

### CLARKSTON CITY COUNCIL

Tuesday February 25, 2020 -7:00pm

#### Officials Present

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

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

Absent: Ahmed Hassan

Work Session

#### H. EXECUTIVE SESSION

Executive Session to discuss a Personnel Issue.

Awet Eyasu made a motion to go into executive session to discuss a Personnel Issue. YT Bell seconded the motion. A vote was called and the motion carried (5, 0).

Executive Session-Personnel Issue

Awet Eyasu made a motion to close the executive session and to adjourn the meeting. Jamie Carroll seconded the motion. A vote was called and the motion carried (5, 0).

Meeting adjourned.

**MINUTES**  
**CLARKSTON CITY COUNCIL**  
Tuesday, February 4, 2020  
Officials Present

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

**A. CALL TO ORDER**

Mayor Terry called the meeting to order at 7:09pm.

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

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

Jamie Carroll made a motion to amend the agenda to add Item G2) to Approve a Settlement Agreement. YT Bell seconded the motion. A vote was called and the motion carried (6, 0).

**C. ADMINISTRATIVE BUSINESS/ PRESENTATION**

C1) Approve Minutes: Council Meeting 1-7-2020 and Executive Session 1-28-2020

Ahmed Hassan made a motion to approve the Council Meeting 1-7-2020 and Executive Session 1-28-2020 minutes. YT Bell seconded the motion. A vote was called and the motion carried. (6, 0).

C2) Recognize Clarkston Employees Service: OFC Hazlewood, Dan Defnall

Mr. Gomez recognized Officer Jedidia Hazlewood for five years of service.

Mr. Gomez advised that Dan Defnall, Finance Director is unable to attend this meeting and he will be recognized at the next meeting.

C3) Recognize New Hires: Sgt. Bodron, OFC. Frazier, Pete Livingston

Assistant Chief Hess recognized and introduced new hires Sgt. Bodron and OFC. Frazier.

Public Works employee was unable to attend the meeting and will be recognized at the March meeting.

C4) Blue Ridge Atlantic – Proposed Development

Christopher Eisenzimmer provide a presentation on their proposed housing project to be built at 4692 E Ponce de Leon Avenue and he announced a Community Meeting scheduled for 2-22-2020 for further public input.

C5) Clarkston Neighborhood Alliance

Lisa Williams discussed the Neighborhood Alliance and she read their mission statement.

**D. REPORTS:**

1) Planning & Zoning Report

Shawanna Qawiy reported the next Planning and Zoning Meeting will be held February 18 and she hi-lighted that two requests for a Conditional Use Permit (CUP) submitted by the NAMB and a CUP request from Brava Auto will be heard. The HPC will be graduating from their training on 2-6-2020 and she welcomed public input to that committee. The new CDA members have also completed their DDA training.

2) City Manager's Report

Mr. Gomez reported on the status of the 2020 Census and he stressed the importance of the Census. He provided the Financial Report on unaudited figures for 2019. He discussed the progress with the Streetscapes.

Chief Hudson and Assistant Chief Hess gave an overview of Police statistics for the month of January and the status for new hybrid patrol vehicles. Council Members addressed questions to the Chiefs.



3) City Attorney's Report

Stephen Quinn stated he would hold his report until Item G2.

4) Council Remarks

Awet Eyasu reminded that February is Black History Month and he discussed his attendance of the funeral for Ms. Betty Amin in January.

YT Bell echoed Councilmember Eyasu's remarks for Ms. Betty. She discussed the Welcoming America assessments results. The City scored 31 out of 45 and the Action Plan to address corrections for deficiencies.

5) Mayor's Report

Mayor Terry reported on visiting the Capitol with the City Manager and the Vice Mayor for DMA day and he mentioned the current proposed legislations that might impact local cities. He also wanted to pursue recognizing Ms. Betty Amin for her legacy works in Clarkston.

**E. PUBLIC COMMENTS**

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

Tracy Bishop welcomed the new Council Members and discussed his concern with the Mayors internet and campaign emails practices.

Amina Osman discussed issues with the construction companies leaving behind trash.

Mark Ford, Dawghouse addressed concerns with the business.

Warren Hadlock thanked the City manager for addressing a resident issue.

Chris Busing welcomed the new council members and he discussed usage of the committee system.

Susan Hood offered an apology for her comments at the last meeting and she commended the streetscape progress and she thanked the City for addressing the concrete pad installation at market and Rowland.

The Mayor closed public comments.

**F. OLD BUSINESS**

F1) Confirm Attorney

Awet Eyasu made a motion to confirm the Stephen Quinn as the City Attorney for the period January to December 2020. YT Bell seconded the motion. A vote was called and the motion carried (6, 0).

F2) Confirm Auditor

YT Bell made a motion to confirm Maudin & Jenkins as the auditors for 2020. Awet Eyasu seconded the motion. A vote was called and the motion carried (6, 0).

F3) Confirm Judge

Judge David Will spoke on his service as the Judge and he commended the Court Staff and Chief Hudson for their assistance with managing the courts. He discussed the state requirements for court and the outreach efforts he takes to address language interpreters issues and substance abuse issues. He addressed questioned posed by the Council. Awet Eyasu stated he has attended the court and he commended Judge Will on how he oversees the Court.

Ahmed Hassan made a motion to approve Judge Will to serve for 2020. YT Bell seconded the motion. A vote was called and the motion carried (6, 0).

#### F4) Confirm Solicitor

Christopher Diwan spoke on changes in the court operations. Discussion by the Council that the proposed agreement will be thru May 5, 2020 to provide an opportunity for the new council members to attend and become familiar with the court process. Mr. Diwan addressed questions posed by the Council.

Awet Eyasu made a motion to approve Christopher Diwan to serve as solicitor until May 5, 2020. YT Bell seconded the motion. A vote was called and the motion carried (6, 0).

The current Public Defender Frank Gaither Jr, (appointment made by the Judge) discussed his taking over the position in mid-2019 when his father had to step down for health reasons. He detailed how he addresses cultural and language issues in his service. Mr. Gaither addressed questions posed by the Council.

The Mayor asked Council to attend the courts and determine if they want to make any changes to be considered for the May Council meeting.

### **G. NEW BUSINESS**

#### G1) Adopt Resolution for Municipal Court Policies

Jamie Carroll discussed the need and purpose of the resolution based on issues raised by the Southern Center for Human Rights and the Institutes for Justice to confirm policies for:

- 1) Indigency and Ability to Pay Determinations
- 2) Certified Interpretive Services
- 3) "Good Time" Credit

Laura Hopkins requested the interpreter information sheet be translated into seven different languages to insure attendees understood their options.

Jamie Carroll made a motion to adopt the Resolution for Municipal Court Policies and include Laura Hopkins recommendation to convert the interpreter information sheet into seven different languages so attendees can identify if they need an interpreter. YT Bell seconded the motion. Mayor Terry thanked the City Manager and City Attorney for addressing these concerns promptly. Stephen Quinn reported he worked closely with the Southern Center for Human Rights on this resolution and they had expressed they were pleased with the City's response. A vote was called and the motion passed (6, 0).

#### G2) Amended Agenda: Approve a Settlement Agreement

The City Attorney detailed the purpose of the preliminary Settlement Agreement with the North American Mission Board to end the pending litigation. Discussion on the item and requested language changes to the public statements.

Laura Hopkins made a motion to permit public comment. Debra Johnson seconded the motion. A vote was called for YES – 3: Laura Hopkins, Debra Johns, Awet Eyasu, NO-3: Ahmed Hassan, YT Bell, Jamie Carroll. The Mayor broke the tie and voted YES, the motion passed.

#### Public Speakers

Chris Busing  
Amina Osman  
Susan Hood  
Emanuel Ransom

Mayor Terry closed the public comments.

Further discussion on proposed language changes to the public statements.

Laura Hopkins made a motion to amend the statement to delete the phrase “the law not on our side in this matter” and read “however, we ultimately determined that it is now in the best interests of the Clarkston community to give up this fight and focus our resources on other matters.” Debra Johnson seconded the motion. A vote was called and the motion carried (5- Yes: Laura Hopkins, Debra Johnson, Awet Eyasu, Jamie Carroll, YT Bell, No- 0, 1: Abstain – Ahmed Hassan)

YT Bell made a motion to amend the NAMB statement to remove “had no choice but” to be replaced with “decide or filed.” Debra Johnson seconded the motion. The Mayor clarified that if approved and NAMB rejects, then the Council will have to come back for another meeting. Mr. Quinn confirmed that was correct. The vote was called and was split evenly (Yes-3: Ahmed Hassan, Jamie Carroll, YT Bell, No- 3: Debra Johnson, Laura Hopkins, Awet Eyasu. The Mayor broke the tie, voted yes, and the motion passed.

Jamie Carroll made a motion to approve the settlement with the two amendments to the statement attached to the settlement agreement. YT Bell seconded the motion. A vote was called and the motion passed (Yes-4: Debra Johnson, Laura Hopkins, Jamie Carroll, YT Bell, NO-2: Awet Eyasu, Ahmed Hassan).

Mr. Quinn stated he would send this document to NAMB’s attorney and advised it has been approved by Clarkston subject to the two changes. It will then be up to him to indicate whether NAMB accepts the changes and if so Mr. Quinn will inform Mr. Gomez to release the public statement. If not the Council will be informed and they can determine to call a special meeting or wait until the next work session.

#### **H. EXECUTIVE SESSION**

To Discuss a Personnel Matter

Awet Eyasu made a motion to go into executive session to discuss a personnel matter. YT Bell seconded the motion. A vote was called and the motion carried (6, 0).

Executive Session – Personnel Matter

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

#### **I. ADJOURNMENT:**

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

Meeting adjourned.

CITY OF CLARKSTON

ITEM NO: G1

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE: Council Meeting

BUSINESS AGENDA / MINUTES  
MEETING DATE: March 3, 2020

ACTION TYPE: PUBLIC HEARING

SUBJECT: Conditional use permit request for the properties located at 961 Rowland Street and 3673 Hill Street.

DEPARTMENT: Planning & Development

PUBLIC HEARING:  YES  NO

ATTACHMENTS:  YES  NO  
Pages:

INFORMATION CONTACT: Shawanna Qawiy-Sapp,  
Planning and Development Director  
PHONE NUMBER: 404-296-6489

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

NEED/ IMPACT:

A conditional use permit application request shall be heard at public hearings to determine whether or not the applicants proposed conditional use would generally be in the public interest. In considering whether a proposed conditional use is in the public interest, the mayor and city council shall consider the following, among other relevant factors: (1) Whether the conditional use would be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity or diminish and impair property values within the surrounding neighborhood; (2) Whether the proposed conditional use would increase local or state expenditures in relation to cost of servicing or maintaining neighboring properties; (3) Whether the establishment of the conditional use would impede the normal and orderly development of surrounding property for uses predominant in the area; and (4) Whether the location and character of the proposed conditional use would be consistent with a desirable pattern of development for the locality in general.

STAFF RECOMMENDATION:

Staff recommended denial of the conditional use permit request to construct athletic fields and other athletic facilities to support the church’s mission and for church related activities.

PLANNING AND ZONING BOARD RECOMMENDATION: 02/18/2020

The Planning and Zoning Board recommended denial of the conditional use permit request to construct athletic fields and other athletic facilities to support the church’s mission and for church related activities.



**CONDITIONAL USE PERMIT ANALYSIS**

**Report Prepared by:** Shawanna N. Qawiy, Planning & Development Director

**Applicant:** Woody Galloway and Laurel David-The Galloway Law Group  
 3500 Lenox Road, Ste. 760  
 Atlanta, Georgia  
 404.965.3680  
[laurel@glawgp.com](mailto:laurel@glawgp.com)  
 for North American Mission Board of the Southern Baptist Convention, Inc.

**Location:** 961 Rowland Street and 3673 Hill Street, Clarkston, GA 30021

**Request:** **Conditional Use Permit**

**Parcel ID(s):** 18 096 10 002 | 18 096 10 003

**Proposed Use /Purpose:** To construct athletic fields and athletic facilities to support the church’s mission and for church related activities.

**Current Land Use:** Low Density Single Family Residential Homes

**Sign Posted:** **Originally August 29, 2019/January 30, 2020**

**Planning & Zoning Meeting:** **September 17, 2019 Deferred until February 18, 2020**  
**City Council Work Session:** **September 24, 2019 Deferred until February 25, 2020**  
**City Council Meeting:** **October 1, 2019 Deferred until March 3, 2020**

**Lot Size:** +/- 1.7 acres/ (.68 acres) 961 Rowland St. / (1.02 acres) 3673 Hill St.

**Road Access:** Hill Street/ Rogers Street/ Rowland Street

<b>Adjacent Land Use/Zoning District:</b>	<b>Current Zoning</b>	<b>Land Use</b>
<b>North</b>	<b>NR-1</b>	<b>Legal Non-conforming parking lot</b>
<b>East</b>	<b>NR-1</b>	<b>Single Family Residential</b>
<b>South</b>	<b>NR-1</b>	<b>Single Family Residential &amp; Office</b>
<b>West</b>	<b>NC-1</b>	<b>Mixed Use/ PUD</b>

**Conditional Use Criteria; Section 312**

**Criteria Point 1: Whether the conditional use would be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity or diminish and impair property values within the surrounding neighborhood;**

Section 701-NR-1 Low Density Neighborhood residential district is intended primarily for single family detached residences and residentially-compatible uses requiring greater amounts of open space. The permitted uses in the NR-1 zoning district are single family detached residential dwellings; non-commercial horticulture and agriculture, and accessory structures and uses incidental to any legal permitted use, including home occupations. The proposed conditional use requests to construct athletic fields and athletic facilities would create an increase in traffic conflicts that could create a considerable amount of encounters along the heavily traveled pedestrian, cyclist and vehicular accessible roads of Rowland, Rogers, and Hill Streets. In the NR-1 low density single family zoning district, the incompatible scale and nature of the conditional use requests would not preserve the character of the low density single family residential neighborhood. There is a potential for increased vehicle and pedestrian accidents occurrences endangering the safety of the residents of the area and the neighborhood as a whole. The proposed conditional uses would be injurious to the use and enjoyment of the single family residential homes surrounding the proposed conditional uses that could cause harm and endanger the safety and the general welfare of the residents. With the applicant proposing an increased amount of traffic to the current residents local travel paths that could cause damage to the neighborhoods quality of life. It is reasonable to ascertain that with no proposed traffic calming measures for Rogers Street an increase of pedestrian and vehicular traffic to the proposed athletic facilities and proposed open fields, may warrant safety issues.

With any new proposed conditional uses/construction, there are minimum parking requirement for each use, as outlined in *Section 1107: Minimum off-street parking requirements; (See Proposed Uses/Minimum Parking Chart A)*

**Proposed Uses/Minimum Parking:**

Proposed Conditional Use		Option 1 Square footage +/-	Parking Minimum Required Parking spaces	Option 2 Square footage +/-	Parking Minimum Required Parking spaces
▪ Playground		2500sf	12	2000sf	10
• Pavilion		1700sf	34	2700sf	54
• New Gym Building		8400sf	168	8200sf	164
▪ Athletic Field 1		13500sf	67	13500sf	67
▪ Athletic Field 2		5500sf	27	5500sf	27
			308		322

- Places of assembly = 1 space per 50 sq. ft. where fixed seats are not provided
- Recreation-Commercial and Public= 200 sq. ft.= 1 space

**Criteria Point 2: Whether the proposed conditional use would increase local or state expenditures in relation to cost of servicing or maintaining neighboring properties.**

Staff’s position is that an increase in local or state expenditures in relation to costs associated with servicing and maintaining neighboring properties cannot be determined at this time.

**Criteria Point 3: Whether the establishment of the conditional use permit would impede the normal and orderly development of surrounding property uses predominant in the area.**

Page 24 of the City of Clarkston's LCI Update 2015 has this area designated as a suburban area that "exhibits a dendritic street pattern of single family homes". Along with pages 25 and 77 illustrating in Figure 2.2 Future Land Use Map and Figure 4.2 Proposed Future Land Use the area is designated as a suburban area. Pages 58 and 59 of the Clarkston 2040 Plan designates the proposed conditional use area as NR-1 Low Density Residential District zoning. Designated as a single family area for the preservation of single family homes both historic as well as new development, the applicants proposed conditional use development is intending to be an extension of the mixed use planned unit development to the west of the properties to support the church's mission and for church related activities.

**Criteria Point 4: Whether the location and character of the proposed conditional use would be consistent with a desirable pattern of development for the locality in general.**

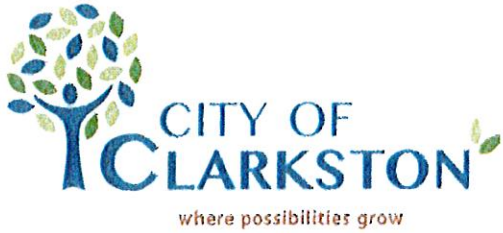
The proposed conditional use development area is not designated on any current or planning resources as an existing or potential park/open space area. The athletic facilities and fields would change the character of the NR-1 low density zoning district. The location and character of the proposed conditional use would not be consistent with the desirable pattern of development for the locality in general due to the desires of the community to enhance the open space and cultural resources that currently exists within the City. Open space, parks, playgrounds, athletic fields and pavilions are all located within +/-1 mile of the proposed conditional uses. A 17 minute walk (.8 mile) or a 4 minute drive (.7 mile) will locate a resident/and or visitor at Milam Park/Soccer Field. A 9 minute walk or (.4 miles) a 2 minute drive (.4 mile) will locate a resident and/or visitor at Forty Oaks. A 15 minute walk or (.7 mile) a 2 minute drive (.7 mile) will locate a resident and/or visitor at Friendship Forest. The Clarkson Community Center also has open space to utilize as a place for exercise and/or designated or landscaped for play or sports activities/events which is a (1 mile), a 1 minute drive or a (433 feet) walk.

**Recommendation:**

Staff recommends denial of the conditional use permit request to construct athletic fields, athletic facilities on the properties located at 961 Rowland Street and 3673 Hill Street.

**Attachments:**

- Conditional Use Permit Application
- Letter of Intent
- Warranty Deed
- Maps
- Site Plan



CITY OF CLARKSTON  
CONDITIONAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION

APPLICANT NAME: North American Mission Board of the Southern Baptist Convention, Inc.

ADDRESS: c/o Woody Galloway and Laurel David, The Galloway Law Group, 3500 Lenox Rd., Suite 760, Atlanta GA

PHONE: 404-965-3680 CELL: \_\_\_\_\_ FAX: 404-965-3620

EMAIL ADDRESS: laurel@glawgp.com

OWNER INFORMATION (If different from Applicant)

OWNER NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ CELL: \_\_\_\_\_ FAX: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

PROPERTY INFORMATION (attach legal description)

ADDRESS: 961 Rowland Street and 3673 Hill Street, Clarkston GA 30021

PARCEL ID#: 10 002 and 003 LAND LOT: 096 DISTRICT: 18

CONDITIONAL USE PERMIT REQUEST

CURRENT ZONING: NR-1 CURRENT LAND USE: vacant structures, surface parking lots

PROPOSED LAND USE: Place of assembly, religious institution

DESCRIPTION OF USE (ex.: number of employees, details of operation, etc.):  
construction of athletic fields and other athletic facilities to support the church's mission and for church related activities



CERTIFICATION OF OWNERSHIP

I hereby certify that I am the owner of the property shown on the attached plat, described in the attached legal description, and identified as follows: 961 Rowland Street and 3673 Hill Street, Clarkston GA 30021

By: George McCallum General Counsel  
Type or Print Owner's Name

[Signature]  
Owner's Signature

7/23/19  
Date

Sworn and subscribed before me this 23 day of July, 2019

Marjorie Bowman  
Notary Public

February 23, 2022  
Commission Expires



POWER OF ATTORNEY (if owner is not the applicant)

Applicant states under oath that: (1) he/she is the executor or Attorney-in-fact under Power-of-Attorney for the owner (attach a copy of Power-of-Attorney letter); (2) he/she has an option to purchase said property (attach a copy of the contract); or (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease).

Not applicable  
Type or Print Owner's Name

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

Sworn and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission Expires

(Seal)

\_\_\_\_\_  
Type or Print Applicant's Name

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

ATTORNEY / AGENT

CIRCLE ONE: Attorney    Agent

William Woodson Galloway and Laurel David  
Type or Print Attorney / Agent's Name

  
Attorney / Agent's Signature

The Galloway Law Group, 3500 Lenox Rd., Suite 760, Atlanta GA 30326  
Address

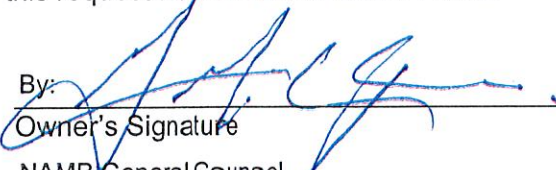
404-965-3680  
Phone Number

laurel@glawgp.com  
Email Address

AUTHORIZATION TO INSPECT PREMISES

I/we The North American Mission Board of the Southern Baptist Convention, Inc. am/are the owner(s) of the subject property, which is the subject matter of this application. I/we authorize the City of Clarkston to inspect the premises, which is the subject of this request for a Conditional Use Permit.

By:   
Type or Print Owner's Name

By:   
Owner's Signature  
NAMB General Counsel

7/23/19  
Date

**LETTER OF INTENT**  
**APPLICATION FOR CONDITIONAL USE PERMIT**  
**CITY OF CLARKSTON, GEORGIA**

The North American Mission Board of the Southern Baptist Convention, Inc. (the “Applicant”) requests a Conditional Use Permit (CUP) to construct athletic fields and other athletic facilities to support its mission and for church related activities on property it owns at 961 Rowland Street and 3673 Hill Street, Clarkston GA 30021 (Parcel Identification Numbers 18 096 10 002 and 003) (the “Property”). The Property is zoned to the NR-1, low-density neighborhood residential district, which allows places of assembly, including religious institutions, with approval of a CUP.

To the criteria established in the Zoning Ordinance of the City of Clarkston that are considered in the evaluation of applications for CUP’s, the Applicant responds as follows:

**A. Whether the conditional use would be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity or diminish and impair property values within the surrounding neighborhood;**

The Property measures approximately 1.6 acres in area. The establishment of the athletic fields will provide green space for the enjoyment of the environment and properties in the vicinity. It will also provide a recreational area for the international and refugee community in addition to representatives from multiple churches to further the mission of the North American Mission Board’s Send Relief Compassion Ministry and supplement its work with job training and placement, computer literacy, and discovering opportunities for employment.

**B. Whether the proposed conditional use would increase local or state expenditures in relation to cost of servicing or maintaining neighboring properties;**

The Applicant will retain ownership of the Property and will be responsible for its maintenance.

**C. Whether the establishment of the conditional use would impede the normal and orderly development of surrounding property for uses predominant in the area; and**

As a place of assembly accessory to a religious institution, the use is an allowed use within the NR-1 zoning with a CUP and will not adversely impact adjoining land uses. The adjacent property is used for a single family dwelling and a State Farm insurance office and will be buffered by landscaping and a new privacy fence. In addition, the fields and building are oriented to place the green space closer to the adjacent property and will be contained within the boundary of public right-of-way along three sides. Accordingly, the size, scale, and massing of the proposed use is



appropriate for the Property. The proposed use will not impede normal and orderly development of surrounding property for uses predominant in the area.

**D. Whether the location and character of the proposed conditional use would be consistent with a desirable pattern of development for the locality in general.**

The land to the northwest of the Property is used predominantly for religious and civic purposes. Land to the southeast of the Property is used predominantly for detached dwellings. Neighboring property to the south is used for a residential dwelling and a State Farm insurance office. As both single-family dwellings and places of assembly, including religious institutions, are allowed uses in the NR-1 district with a CUP, it is evident that these uses are compatible with one another.

The Future Land Use Map of the City of Clarkston assigns the Property to the Single Family land use category. However, the Clarkston 2040, the Comprehensive Plan Update proposes a Refugee Resettlement District for Clarkston as one of the most “popular big ideas” from the public engagement process (p. 42, et al.). The 2015 LCI study proposes that this district center at the intersection of Rowland and Market Streets, which is a busy intersection. The Applicant’s proposed use could provide the foundation for this district in an area that would be more pedestrian-friendly and closer to services for the refugees being provided or proposed on the northwest side of Rowland Street. The 2040 Comprehensive Plan also recommends “support services for refugees as one of its top seven priorities” (p.51). As such, the proposed use is consistent with this land use category and consistent with the stated desirable pattern of development for the locality in general.

Because the Applicant’s proposal is consistent with the foregoing criteria established by the City of Clarkston for the granting of CUP’s, the Applicant respectfully asks that Mayor and City Council approve the CUP as requested.

Sincerely,

THE GALLOWAY LAW GROUP, LLC



Laurel David  
William Woodson Galloway  
Attorneys for the Applicant

3500 Lenox Road NE, Suite 760  
Atlanta, GA 30326  
(404) 965-3680

Please return to:  
JAMES W. CROCKER, P.C.  
6400 POWERS FERRY ROAD  
SUITE 200 ATLANTA, GEORGIA 30339  
17-0202

2017167210 DEEDBOOK 26609 Pg 153

Real Estate Transfer Tax \$270.00

Filed and Recorded  
11/20/2017 3:08:13 PM  
Debra DeBerry  
Clerk of Superior Court  
DeKalb County, Georgia

STATE OF GEORGIA  
COUNTY OF DEKALB

**WARRANTY DEED**

THIS INDENTURE made this 22<sup>nd</sup> day of **September, 2017**, between

**LINDA L. STOREY**,  
as party or parties of the first part, hereinafter called Grantor, and

**THE NORTH AMERICAN MISSION BOARD OF THE SOUTHERN BAPTIST CONVENTION,  
INC., a Georgia corporation,**

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

**All that tract or parcel of land lying and being in Land Lot 96 of the 18th District of DeKalb County, Georgia, and being part of Lot 9 of the E. M. Kittredge Property, and being more particularly described as follows:**

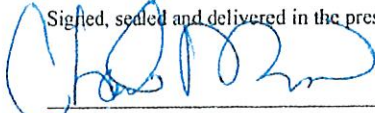
**BEGINNING at a point on the Southeasterly side of Rowland Street 80 feet Northeasterly from the point where the Southeasterly side of Rowland Street intersects the Northeasterly side of Indian Creek Street; running thence Northeasterly along the Southeasterly side of Rowland Street a distance of 140 feet to a point; thence Southeasterly 190 feet to the Northwesterly side of Rogers Street; running thence Southwesterly along the Northwesterly side of Rogers Street 140 feet to a point; running thence Northwesterly 190 feet to the Southeasterly side of Rowland Street and the point of beginning. And being improved property known as No. 961 Rowland Street, according to the present system of numbering houses in DeKalb County, Georgia.**

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, sealed and delivered in the presence of:

  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
LINDA L. STOREY (Seal)

  
\_\_\_\_\_  
Notary Public  
My commission expires





**Summary**

Parcel Number 18 096 10 002  
 Location Address 961 ROWLAND ST  
 CLARKSTON GA 30021  
 Legal Description  
 Property Class R3 - RESIDENTIAL LOT  
 Neighborhood 0660  
 Tax District 34  
 Millage Rate 54.218  
 Approximate/Computed Acres 0.7  
 Homestead N

[View Map](#)

**Owner**

[North American Mission Board Of The Southern Baptist Convention Inc](#)  
 4200 NORTH POINT PKWY  
 ALPHARETTA GA 30022

**Land**

Land Type	Land Code	Description	Square Feet	Acres	Price
G	2	SITE VALUE	0	0.000	33,220

Total Acres: 0.0000  
 Total Land-Value: 33,220

**Residential Improvement Information**

Card	1	Attic	NONE
Stories	1.5	Additional Fixtures	2
Exterior Wall	WOOD FRAME	Heating System	
Style	SINGLE FAMILY RESIDENTIAL	Heat	CENTRAL
Year Built	1928	Total Fixtures	8
Res Sq Ft	1829	Masonry Fireplaces	0
Basement	SEE ADDITIONS	Heating Fuel Type	
Finished Bsmt Sqft	0	Pre Fab Fireplace	0
Total Rooms	0	Miscellaneous Feature	
Bedrooms	3	Miscellaneous Feature 2	
Full Bath/Half Bath	2/0		

**Sales**

Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Qualification	Sales Validity	Owner	Previous Owner	Recording
9/22/2017	\$270,000	WD	26609	00153	Unqualified	To or From Church or Charity	NORTH AMERICAN MISSION BOARD OF THE	STOREY LINDA L	26609 00153
8/15/2017	\$0		26609	00152	Unqualified	Gift	STOREY LINDA L	MORROW CHARLES BUTLER	26609 00152
6/1/2017	\$0	WD	26335	00100	Unqualified	Gift	MORROW CHARLES BUTLER	STOREY DANNY R	26335 00100
4/25/2003	\$0	EX	14530	00337	Unqualified	Estate Exec Admin Deed	STOREY DANNY R	STOREY THELMA RUTH	14530 00337
3/29/1973	\$0	AD	02978	00402	Qualified	Valid Sale FMV			02978 00402

**Valuation**

	2018	2017	2016
LUC	101	101	101
Class	R3	R3	R3
+ Land Value	\$33,200	\$33,200	\$33,200
+ Building Value	\$87,800	\$67,500	\$29,600
= Total Value	\$121,000	\$100,700	\$62,800
Assessed Value	\$48,400	\$40,280	\$25,120

**Recent Sales In Area**

No data available for the following modules: Commercial Improvement Information, Accessory Information, Photos, Sketches.

Last Data Upload: 4/13/2019, 6:03:29 PM

Version 2.2.16





AFTER RECORDING, RETURN ORIGINAL TO:

NORTH AMERICAN MISSION BOARD OF THE SOUTHERN BAPTIST CONVENTION, INC. 4200 NORTH POINT PARKWAY ALPHARETTA, GA 30022

2018131329 DEED BOOK 27053 Pg 130 Filed and Recorded: 7/27/2018 3:44:45 PM Debra DeBarr Clerk of Suprem Court DeKalb County, Georgia Real Estate Transfer Tax \$600.00

PREPARED BY:

JAMES W. CROCKER, PC 6400 POWERS FERRY RD., SUITE 200 ATLANTA, GEORGIA 30339 770-226-8600 File # 18-0136

STATE OF GEORGIA COUNTY OF DEKALB

TAX PARCEL # 18-096-10-003

WARRANTY DEED

THIS INDENTURE made this 25th day of July, 2018, between

MICHAEL S. SAENGER and SHERYL SAENGER,

as party or parties of the first part, hereinafter called Grantor, and

THE NORTH AMERICAN MISSION BOARD OF THE SOUTHERN BAPTIST CONVENTION, INC.,

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF CLARKSTON AND BEING IN LAND LOT 97 OF THE 18TH DISTRICT OF ORIGINALLY HENRY, NOW DEKALB COUNTY, GEORGIA, AND KNOWN AS LOT 10 OF THE ORIGINAL MCLENDON PROPERTY, AS PER PLAT RECORDED IN DEED BOOK PP, PAGE 424, DEKALB COUNTY, GEORGIA RECORDS.

COMMENCING AT THE SOUTHEAST CORNER OF HILL STREET AND ROWLAND STREET AND RUNNING SOUTH ALONG THE SOUTHWEST SIDE OF HILL STREET 198 FEET TO ROGERS STREET; THENCE SOUTHWEST ALONG THE NORTHWEST SIDE OF ROGERS STREET 220 FEET; THENCE NORTHWEST, PARALLEL WITH HILL STREET, 198 FEET TO ROWLAND STREET; THENCE NORTHEAST ALONG THE SOUTHEAST SIDE OF ROWLAND STREET 220 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED BY WARRANTY DEED RECORDED IN DEED BOOK 7708, PAGE 733, DEKALB COUNTY, GEORGIA RECORDS.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons whomsoever.

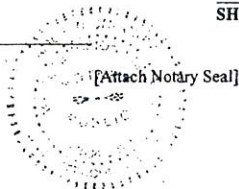
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Caleb M. Saenger

Notary Public

My commission expires:



MICHAEL S. SAENGER (Seal)

SHERYL SAENGER (Seal)



**Summary**

Parcel Number 18 096 10 003  
 Location Address 3673 HILL ST  
 CLARKSTON GA 30021  
 Legal Description  
 Property Class R3 - RESIDENTIAL LOT  
 Neighborhood 0660  
 Tax District 34  
 Millage Rate 54.218  
 Approximate/Computed Acres 1  
 Homestead Y

[View Map](#)

**Owner**

Saenger Michael  
 Saenger Sheryl  
 3673 W HILL ST  
 CLARKSTON GA 30021 1210

**Land**

Land Type	Land Code	Description	Square Feet	Acres	Price
G	2	SITE VALUE	0	0.000	40,140

Total Acres:  
0.0000  
 Total Land-Value:  
40,140

**Residential Improvement Information**

Card 1	Attic	
Stories 1.5	Additional Fixtures 2	
Exterior Wall WOOD FRAME	Heating System	
Style CONVENTIONAL	Heat CENTRAL WITH A.C	
Year Built 1900	Total Fixtures 11	
Res Sq Ft 2604	Masonry Fireplaces 1	
Basement PART	Heating Fuel Type	
Finished Bsmt Sqft 0	Pre Fab Fireplace 0	
Total Rooms 0	Miscellaneous Feature	
Bedrooms 4	Miscellaneous Feature 2	
Full Bath/Half Bath 3/0		

**Sales**

Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Qualification	Sales Validity	Owner	Previous Owner	Recording
7/25/2018	\$600,000	WD	27053	00130	Unqualified	To or From Church or Charity	NORTH AMERICAN MISSION BOARD OF THE	SAENGER MICHAEL S	27053 00130
6/15/2007	\$210,000	WD	20068	00261	Unqualified	Sales from Bank	SAENGER MICHAEL S OR	HOMECOMINGS FINANCIAL LLC	20068 00261
2/6/2007	\$227,900	DP	19764	00528	Unqualified	Foreclosure or Bankruptcy	HOMECOMINGS FINANCIAL LLC	TUTTLE CURTIS W	19764 00528
6/8/1993	\$96,000	WD	07708	00733	Qualified	Valid Sale FMV	TUTTLE CURTIS WADE OR	FLOWERS LOIS PERRIN	07708 00733
2/8/1977	\$0	AD	03630	00113	Qualified	Valid Sale FMV			03630 00113

**Valuation**

	2018	2017	2016
LUC	101	101	101
Class	R3	R3	R3
+ Land Value	\$40,100	\$40,100	\$40,100
+ Building Value	\$228,100	\$144,700	\$58,800
= Total Value	\$268,200	\$184,800	\$98,900
Assessed Value	\$107,680	\$73,920	\$39,560

**Recent Sales In Area**

No data available for the following modules: Commercial Improvement Information, Accessory Information, Photos, Sketches.

Last Data Upload: 4/13/2019, 6:03:29 PM

Version 2.2.16





**CONSTITUTIONAL OBJECTIONS**  
**APPLICATION FOR CONDITIONAL USE PERMIT**  
**CITY OF CLARKSTON, GEORGIA**

Georgia Law and the procedures of the City of Clarkston require us to raise Federal and State Constitutional objections during the CUP application approval process. While the Owner/Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Owner/Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the Zoning Ordinance of the City of Clarkston, Georgia, as applied to the Property, that would result in a denial of the CUP application as requested by the Owner/Applicant, are, or would be, unconstitutional in that they would destroy the Owner/Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Any application of the Code of the City of Clarkston or the City of Clarkston Zoning Ordinance to the Property which restricts its use to any use in a manner other than that requested by the Owner/Applicant is unconstitutional, illegal and null and void because such an application constitutes a taking of the Owner/Applicant's property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I, of the Constitution of the State of Georgia of 1983 and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States because such an application denies the Owner/Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application or approval subject to conditions which differ from those proposed by the Owner/Applicant, would also violate the Religious Land Use and Institutionalized Persons Act by imposing a substantial burden on the exercise of religion without a compelling government interest or without using the least restrictive means possible of furthering a compelling governmental interest.

A denial of this Application would also constitute an arbitrary and capricious act by the City Council of the City of Clarkston without any rational basis therefore, thereby constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal to grant the CUP application as requested by the Owner/Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between

the Owner/Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the CUP application subject to conditions that are different from the conditions requested by the Owner/Applicant, to the extent such different conditions would have the effect of further restricting the Owner/Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth herein above.

In addition, this constitutes formal written notice to the City of Clarkston, pursuant to O.C.G.A. § 36-33-5, that the Owner/Applicant plans to seek to recover all damages that it sustains or suffers as a result of the denial of this Application and/or the unconstitutional zoning of the Property by the City of Clarkston. Such damages may include, but are not necessarily limited to, damages related to the diminution in the value of the Property, attorneys' fees and expenses of litigation.

Accordingly, the Applicant respectfully requests that the City Council of the City of Clarkston grant the CUP application as requested by the Applicant.

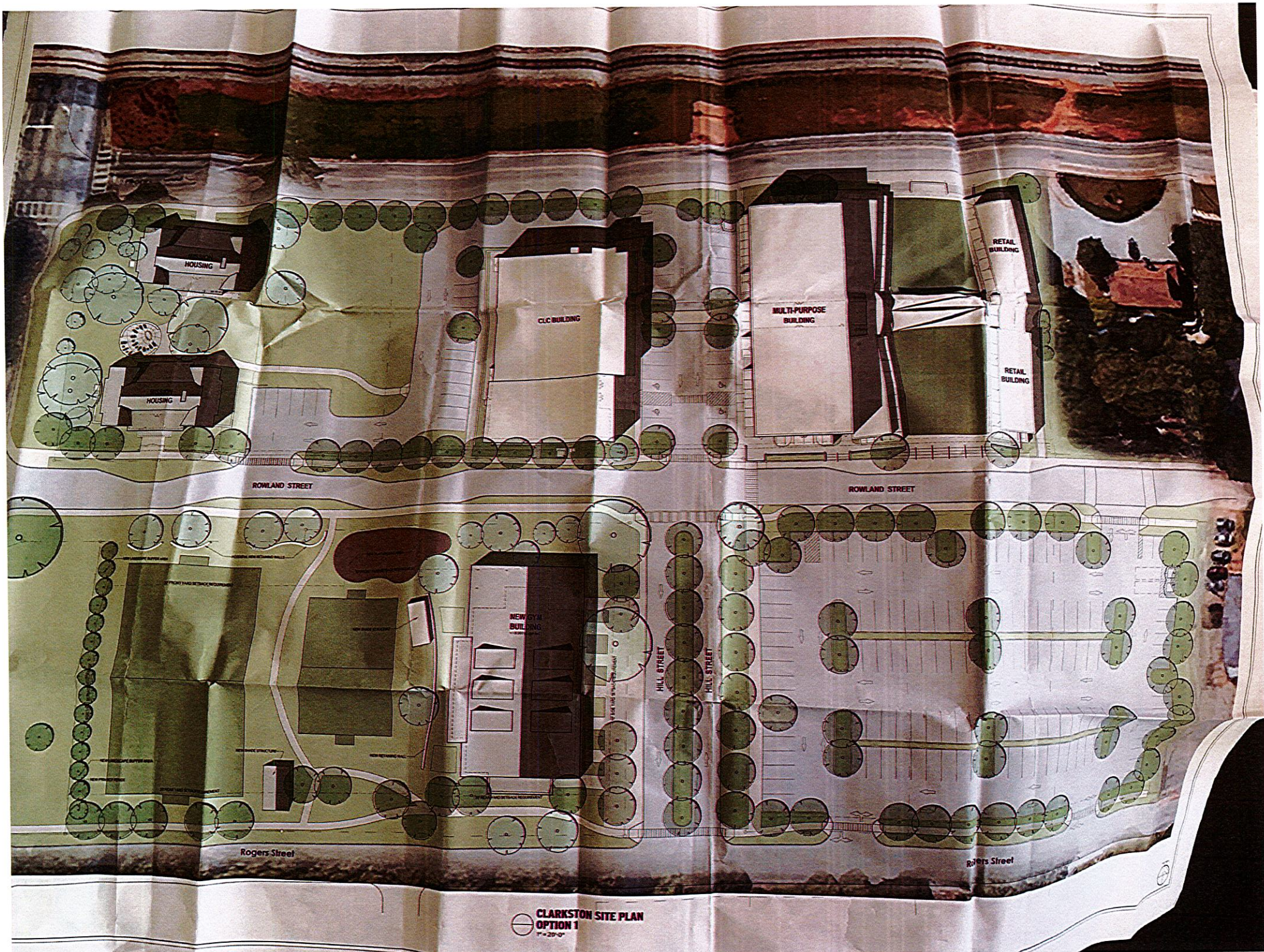
THE GALLOWAY LAW GROUP, LLC



William Woodson Galloway  
Laurel David  
Attorneys for Applicant

3500 Lenox Road NE, Suite 760  
Atlanta, Georgia 30326  
(404) 965-3680





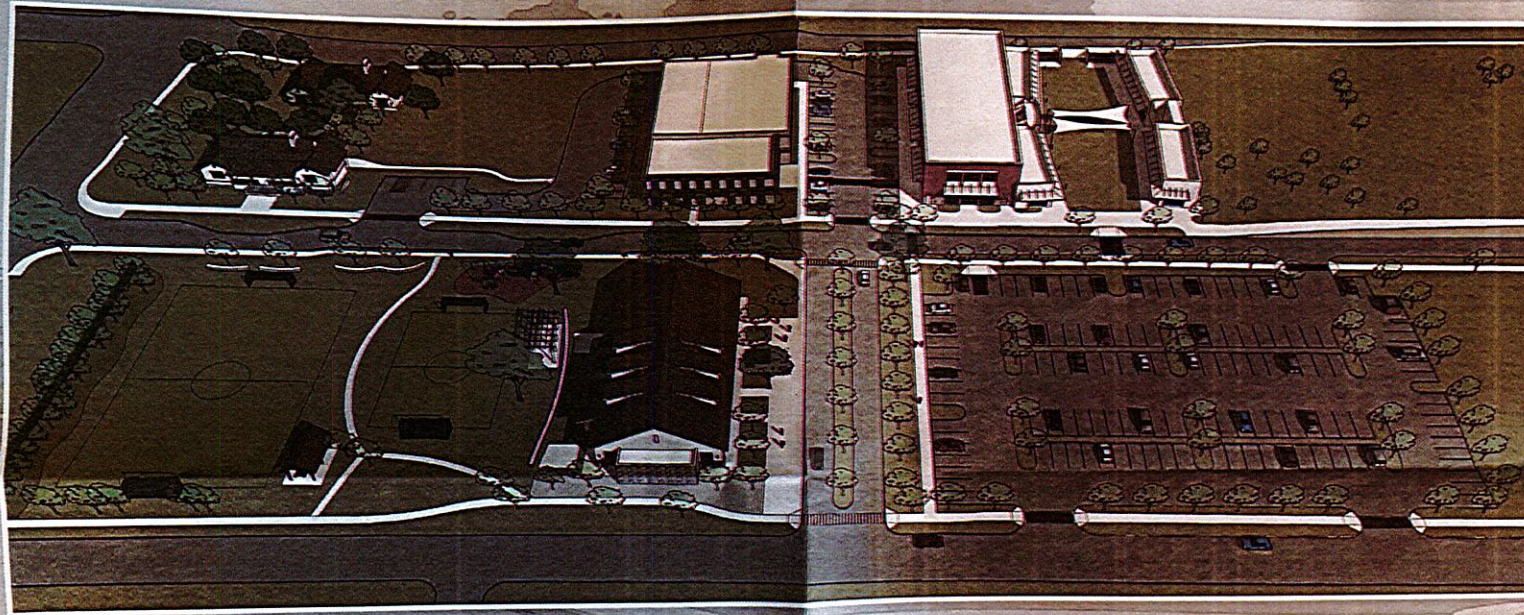
**CLARKSTON SITE PLAN**  
**OPTION 1**  
1" = 20'-0"



# Clarkston South of Rowland Proposed Development

## Option 1 - Hill Street Remaining

May 13, 2019







the Applicant have such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

THE GALLOWAY LAW GROUP, LLC

A handwritten signature in black ink that reads "Laurel David". The signature is written in a cursive style with a large, stylized initial "L".

William Woodson Galloway

Laurel David

3500 Lenox Road NE, Suite 760  
Atlanta, Georgia 30326

**LETTER OF INTENT**  
**APPLICATION FOR CONDITIONAL USE PERMIT**  
**CITY OF CLARKSTON, GEORGIA**

The North American Mission Board of the Southern Baptist Convention, Inc. (the “Applicant”) requests a Conditional Use Permit (CUP) to construct athletic fields and other athletic facilities to support its mission and for church related activities on property it owns at 961 Rowland Street and 3673 Hill Street, Clarkston GA 30021 (Parcel Identification Numbers 18 096 10 002 and 003) (the “Property”). The Property is zoned to the NR-1, low-density neighborhood residential district, which allows places of assembly, including religious institutions, with approval of a CUP.

To the criteria established in the Zoning Ordinance of the City of Clarkston that are considered in the evaluation of applications for CUP’s, the Applicant responds as follows:

**A. Whether the conditional use would be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity or diminish and impair property values within the surrounding neighborhood;**

The Property measures approximately 1.6 acres in area. The establishment of the athletic fields will provide green space for the enjoyment of the environment and properties in the vicinity. It will also provide a recreational area for the international and refugee community in addition to representatives from multiple churches to further the mission of the North American Mission Board’s Send Relief Compassion Ministry and supplement its work with job training and placement, computer literacy, and discovering opportunities for employment.

**B. Whether the proposed conditional use would increase local or state expenditures in relation to cost of servicing or maintaining neighboring properties;**

The Applicant will retain ownership of the Property and will be responsible for its maintenance.

**C. Whether the establishment of the conditional use would impede the normal and orderly development of surrounding property for uses predominant in the area; and**

As a place of assembly accessory to a religious institution, the use is an allowed use within the NR-1 zoning with a CUP and will not adversely impact adjoining land uses. The adjacent property is used for a single family dwelling and a State Farm insurance office and will be buffered by landscaping and a new privacy fence. In addition, the fields and building are oriented to place the green space closer to the adjacent property and will be contained within the

boundary of public right-of-way along three sides. Accordingly, the size, scale, and massing of the proposed use is appropriate for the Property. The proposed use will not impede normal and orderly development of surrounding property for uses predominant in the area.

**D. Whether the location and character of the proposed conditional use would be consistent with a desirable pattern of development for the locality in general.**

The land to the northwest of the Property is used predominantly for religious and civic purposes. Land to the southeast of the Property is used predominantly for detached dwellings. Neighboring property to the south is used for a residential dwelling and a State Farm insurance office. The proposed CUP is to allow a facility that is a place of assembly accessory to a religious institution and an essential part of the church's mission. As both single-family dwellings and places of assembly, including religious institutions, are allowed uses in the NR-1 district with a CUP, it is evident that these uses are compatible with one another.

The Future Land Use Map of the City of Clarkston assigns the Property to the Single Family land use category. However, the Clarkston 2040, the Comprehensive Plan Update proposes a Refugee Resettlement District for Clarkston as one of the most "popular big ideas" from the public engagement process (p. 42, et al.). The 2015 City of Clarkston LCI study proposes that this district center at the intersection of Rowland and Market Streets, which is a busy intersection. The Applicant's proposed use could provide the foundation for this district in an area that would be more pedestrian-friendly and closer to services for the refugees being provided or proposed on the northwest side of Rowland Street. In fact the Proposed Future Land Use Map in Figure 4.2 on page 77 of the 2015 LCI study designates the Property as "Civic/Institutional", the same as the religious facilities on the northern side of Rowland.

The 2040 Comprehensive Plan also recommends "support services for refugees as one of its top seven priorities" (p.51). As stated above, the athletic fields and other athletic facilities will support the mission of the North American Mission Board's Send Relief Compassion Ministry by providing a recreational area for the international and refugee community, for representatives from multiple churches and provide a location for church related activities. As such, the proposed use is consistent with this land use category and consistent with the stated desirable pattern of development for the locality in general. Refusal to grant this CUP would unreasonably limit religious assembly and treat the Applicant on less than equal terms with nonreligious assemblies or institutions.



Because the Applicant's proposal is consistent with the foregoing criteria established by the City of Clarkston for the granting of CUP's, the Applicant respectfully asks that Mayor and City Council approve the CUP as requested.

Sincerely,

THE GALLOWAY LAW GROUP, LLC

A handwritten signature in black ink that reads "Laurel David". The signature is written in a cursive style with a large, sweeping initial 'L'.

William Woodson Galloway

Laurel David

Attorneys for the Applicant

3500 Lenox Road NE, Suite 760  
Atlanta, GA 30326  
(404) 965-3680

**CONSTITUTIONAL OBJECTIONS**  
**APPLICATION FOR PLANNED UNIT DEVELOPMENT**  
**CITY OF CLARKSTON, GEORGIA**

Georgia Law and the procedures of the City of Clarkston require us to raise Federal and State Constitutional objections during the PUD application approval process. While the Owner/Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Owner/Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the Zoning Ordinance of the City of Clarkston, Georgia, as applied to the Property, that would result in a denial of the PUD application as requested by the Owner/Applicant, are, or would be, unconstitutional in that they would destroy the Owner/Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Any application of the Code of the City of Clarkston or the City of Clarkston Zoning Ordinance to the Property which restricts its use to any use in a manner other than that requested by the Owner/Applicant is unconstitutional, illegal and null and void because such an application constitutes a taking of the Owner/Applicant's property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I, of the Constitution of the State of Georgia of 1983 and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States because such an application denies the Owner/Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application or approval subject to conditions which differ from those proposed by the Owner/Applicant, would also violate the Religious Land Use and Institutionalized Persons Act by treating the Owner/Applicant, which is a religious institution, on less than equal terms with nonreligious institutions, which constitutes discrimination against the assembly or institution on the basis of religion and imposes unreasonable limitations and a substantial burden on the exercise of religion without a compelling government interest or without using the least restrictive means possible of furthering a compelling governmental interest.

A denial of this Application would also constitute an arbitrary and capricious act by the City Council of the City of Clarkston without any rational basis therefore, thereby constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal to grant the PUD application as requested by the Owner/Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Owner/Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the PUD application subject to conditions that are different from the conditions requested by the Owner/Applicant, to the extent such different conditions would have the effect of further restricting the Owner/Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth herein above.

In addition, this constitutes formal written notice to the City of Clarkston, pursuant to O.C.G.A. § 36-33-5, that the Owner/Applicant plans to seek to recover all damages that it sustains or suffers as a result of the denial of this Application and/or the unconstitutional zoning of the Property by the City of Clarkston. Such damages may include, but are not necessarily limited to, damages related to the diminution in the value of the Property, attorneys' fees and expenses of litigation.

Accordingly, the Applicant respectfully requests that the City Council of the City of Clarkston grant the PUD application as requested by the Applicant.

THE GALLOWAY LAW GROUP, LLC



William Woodson Galloway

Laurel David

Attorney for Applicant

3500 Lenox Road NE, Suite 760  
Atlanta, Georgia 30326  
(404) 965-3680

January 13, 2020

**Information Meeting for 961 Rowland Street and 3673 Hill Street**

We are notifying all neighboring owners of residentially zoned property of an informational meeting open to the public to discuss a conditional use application for property at 961 Rowland Street and 3673 Hill Street. The meeting will take place from 6:30 P.M. to 7:30 P.M. on Thursday, January 30, 2020, at the Clarkston International Bible Church, 3895 Church Street, Clarkston, GA 30021. The meeting will be held in the CLC/300 Building. If you are unable to attend this meeting but would like more information about the proposal, please feel free to contact the Galloway Law Group at (404) 965-3680.

Sincerely,

THE GALLOWAY LAW GROUP, LLC





THE GALLOWAY LAW GROUP, LLC  
 3500 Lenox Road, N.E., Suite 760  
 Atlanta, Georgia 30326

Check type of mail or service  
 Adult Signature Required  Priority Mail E  
 Adult Signature Restricted Delivery  Registered M  
 Certified Mail  Return Recei

CITY OF CLARKSTON  
 1055 ROWLAND ST  
 CLARKSTON GA 30021-1711

USPS Tracking/Article Number
1.
2.
3.
4.
5.
6.
7.
8.

NORTH AMERICAN MISSION BOARD OF THE  
 SOUTHERN BAPTIST CONVENTION INC  
 PO BOX 2440  
 SPOKANE WA 99210-2440

CLARKSTON INTERNATIONAL BIBLE CHURCH  
 PO BOX 2440  
 SPOKANE WA 99210-2440

NORTH AMERICAN MISSION BOARD OF THE  
 SOUTHERN BAPTIST CONVENTION INC  
 PO BOX 2440  
 SPOKANE WA 99210-2440

NGOC ANH VO  
 933 ROWLAND ST  
 CLARKSTON GA 30021

KRISTINE H LOHR  
 PO BOX 373  
 PINE LAKE GA 30072-373

RENITA I & RUTH P KNIGHT  
 951 ROWLAND ST  
 CLARKSTON GA 30021-2204

NORTH AMERICAN MISSION BOARD OF THE  
 SOUTHERN BAPTIST CONVENTION INC  
 PO BOX 2440  
 SPOKANE WA 30021-2203

Total Number of Pieces  
 Listed by Sender

Total Number of Pieces  
 Received at Post Office

Postmaster, Per (Name of receiving employee)  
*Robert Porter*

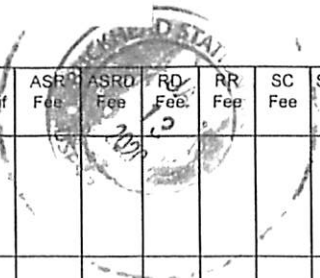


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U.S. POSTAGE PAID  
 ATLANTA, GA  
 30326  
 JAN 13, 20  
 AMOUNT  
**\$3.28**  
 R2304M114331-10

For Accountable Mail

Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
		Handling Charge - if Registered and over \$50,000 in value										
						Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling





countable Mail

THE GALLOWAY LAW GROUP, LLC  
3500 Lenox Road, N.E., Suite 760  
Atlanta, Georgia 30326

Check type of mail or service  
Adult Signature Required  Priority Mail Express  
Adult Signature Restricted Delivery  Registered Mail  
Certified Mail  Return Receipt for Merchandise  
Certified Mail Restricted Delivery



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U.S. POSTAGE PAID  
ATLANTA, GA  
30326  
JAN 13 20  
AMOUNT  
**\$3.28**  
R2304M114331-10

NORTH AMERICAN MISSION BOARD OF THE SOUTHERN BAPTIST CONVENTION INC  
 4200 NORTH POINT PKWY  
ALPHARETTA GA 30022

USPS Tracking/Article Number

1. NORTH AMERICAN MISSION BOARD OF THE SOUTHERN BAPTIST CONVENTION INC  
4200 NORTH POINT PKWY  
ALPHARETTA GA 30022

2. NORTH AMERICAN MISSION BOARD OF THE SOUTHERN BAPTIST CONVENTION INC  
PO BOX 2440  
SPOKANE WA 99210-2440

3. CLARKSTON BAPTIST CHURCH  
PO BOX 2440  
SPOKANE WA 99210-2440

4. NORTH AMERICAN MISSION BOARD OF THE SOUTHERN BAPTIST CONVENTION INC  
PO BOX 2440  
SPOKANE WA 99210-2440

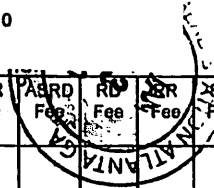
5. MARBEEN U SHAMON  
3817 CHURCH ST  
CLARKSTON GA 30021-1708

6. TOV EQUITY GROUP  
PO BOX 29593  
ATLANTA GA 30359

7. DEKALB BOARD OF EDUCATION  
1701 MOUNTAIN IND BLVD  
STONE MOUNTAIN GA 30083

8.

Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
		Handling Charge - if Registered and over \$50.00 in value										
						Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling



Total Number of Pieces Listed by Sender: 8  
Total Number of Pieces Received at Post Office: 8

Postmaster, Pay (Name of receiving employee)  
*[Signature]*

Complete in Ink



THE GALLOWAY LAW GROUP, LLC  
3500 Lenox Road, N.E., Suite 760  
Atlanta, Georgia 30326

- Check type of mail or service
- Adult Signature Required
  - Adult Signature Restricted Delivery
  - Certified Mail
  - CLARKSTON DG LLC
  - 274 HEMPSTEAD TPKE
  - WEST HEMPSTEAD NY 11552
  -
- Priority Mail Express
  - Registered Mail
  - Return Receipt for



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U.S. POSTAGE PAID  
ATLANTA, GA  
30326  
JAN 13, 20  
AMOUNT  
**\$3.28**  
R2304M114331-10

USPS Tracking/Article Number	Postage	Service Charge	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
1.													
2.													
3.													
4.													
5.													
6.													
7.													
8.													

Total Number of Pieces Listed by Sender: 8  
 Total Number of Pieces Received at Post Office: 8  
 Postmaster, Per (Name of receiving employee): *Adrian Parks*





**THE GALLOWAY LAW GROUP, LLC**  
 3500 Lenox Road, N.E., Suite 760  
 Atlanta, Georgia 30326

U.S. MAILING BOND FOR ACCOUNTABLE MAIL

- Check type of mail or service
- Adult Signature Required
  - Adult Signature Restricted Delivery
  - Certified Mail
  - Certified Mail Restricted Delivery
  - Collect on Delivery (COD)
  - Priority Mail Express
  - Registered Mail
  - Return Receipt for Merchandise
  - Signature Confirmation



U.S. POSTAGE PAID  
 ATLANTA, GA  
 JAN 13 2017  
 \$3.28  
 R2304M114331-10



USPS Tracking/Article Number	Check type of mail or service	Postage (Value Service) Fee	Charge	if Registered	Value	Sender if COD	Fee	Fee	Fee	Fee	Fee	Fee
1.	DEBORAH & WILLIAM CROSWELL 983 ROGERS ST CLARKSTON GA 30021		Handling Charge - if Registered and over \$50,000 in value									
2.	TAYLOR & SYDNEY BETHUNE 991 ROGERS ST CLARKSTON GA 30021						Adult Signature Required					
3.	THANG PENG 997 ROGERS ST CLARKSTON GA 30021						Adult Signature Restricted Delivery					
4.	LANG ENTERPRISES LTD CO 4727 N ROYAL DR STE G TUCKER GA 30084						Restricted Delivery					
5.	TALITHA MOWERY 3678 COLLEGE AVE CLARKSTON GA 30021-2505						Return Receipt					
6.	DANIEL W & ELIZABETH E POPE 3679 COLLEGE AVE CLARKSTON GA 30021						Signature Confirmation					
7.	STEPHEN F & ELIZABETH L COLLINS 3682 COLLEGE AVE CLARKSTON GA 30021-2505						Signature Confirmation Restricted Delivery					
8.							Special Handling					

Total Number of Pieces Listed as Sender: 8 Total Number of Pieces Received at Post Office: 8

Postmaster, Per (Name of receiving employee): [Signature]



Accountable Mail

THE GALLOWAY LAW GROUP, LLC  
 3500 Lenox Road, N.E., Suite 760  
 Atlanta, Georgia 30326

- Check type of mail or service
- Adult Signature Required
  - Adult Signature Restricted Delivery
  - Certified Mail
  - Certified Mail Restricted Delivery
  - Collect on Delivery (COD)
  - Insured Mail
  - Priority Mail
  - Priority Mail Express
  - Registered Mail
  - Return Receipt for Merchandise
  - Signature Confirmation
  - Signature Confirmation Restricted Delivery



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U.S. POSTAGE PAID  
 ATLANTA, GA 30326  
 JAN 13, 20  
 AMOUNT  
**\$1.45**  
 R2304M114331-10



USPS Tracking/Article Number	Addressee (Name, Street, City, State, & ZIP Code™)	Postage	(Extra Service) Fee	Priority Charge	Actual value if Registered	Insured Value	Use Sender if COD	Post Fee	Post Fee	Post Fee	Post Fee	Post Fee	Post Fee	Post Fee	Post Fee
1.	NORTH AMERICAN MISSION BOARD OF THE SOUTHERN BAPTIST CONVENTION INC 4200 NORTH POINT PKWY ALPHARETTA GA 30022			Handling Charge - if Registered and over \$50,000 in value											
2.															
3.															
4.									Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling
5.															
6.															
7.															
8.															

Total Number of Pieces Listed by Sender

Total Number of Pieces Received at Post Office

Postmaster Per (Name of receiving employee)  
*Robert Porter*



NAAAS

### COMMUNITY MEETING SIGN-IN SHEET

Name	Address	E-Mail / Phone
Brian Medford	847 Rowland St	brian.s.medford@gmail.com
Amina	1003 Rogers	7087 Amina@SMane@gmail.com <del>708744</del>
Terry Sanders	1255 Rowland Street	tsanders@cityofclarkston.com

CITY OF CLARKSTON

ITEM NO: G2

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Resolution

MEETING DATE: March 3, 2020

SUBJECT: Discussion Concerning Appointments to Standing Advisory

DEPARTMENT: City Council

PUBLIC HEARING:  YES  NO

ATTACHMENT:  YES  NO  
Pages: 1

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

PURPOSE:

To discuss approving a Resolution Concerning Appointments to the 2020 Standing Advisory Committees

NEED/ IMPACT:

The Clarkston City Council adopted Standing Advisory Committees in February 2018 to provide a mechanism to study and formulate policy recommendations that will benefit the community and to engage members of the public in the process of formulating and studying policy recommendations.

The Clarkston City Council needs to make member appointment in 2020 for the Standing Advisory Committees. The current membership appointments are reflected below:

Public Safety and Legal Committee

**Chair: Vacant**

**Vacant**

Jamie Carroll

Housing and Infrastructure Committee

Chair: Jamie Carroll

**Vacant**

**Vacant**

Community Development Committee

Chair: YT Bell

Mayor Ted Terry

Budget and Finance Committee

Chair: Ahmed Hassan

Mayor Ted Terry

Transportation and Environment Committee

Chair: Awet Eyasu

**Vacant**

Mayor Ted Terry

Marketing and Civic Innovation Committee

**Chair: Vacant**

YT Bell

RECOMMENDATIONS: No Staff recommendation.

**RESOLUTION  
CONCERNING APPOINTMENTS TO STANDING ADVISORY COMMITTEES**

**WHEREAS**, the Clarkston City Council is desirous of creating a mechanism to study and formulate policy recommendations that will benefit the community; and

**WHEREAS**, the Clarkston City Council is desirous of engaging members of the public in the process of formulating and studying policy recommendations that will benefit the community; and

**WHEREAS**, the Clarkston City Council has approved a Resolution creating Standing Advisory Committees.

**NOW THEREFORE, BE IT RESOLVED** by the Clarkston City Council, that the following City Council members are hereby appointed as follows:

**Public Safety and Legal Committee**

Chair: Mario Williams  
Andrea Cervone  
Jamie Carroll

**Housing and Infrastructure Committee**

Chair: Jamie Carroll  
Mario Williams  
Andrea Cervone

**Community Development Committee**

Chair: YT Bell  
Mayor Ted Terry

**Budget and Finance Committee**

Chair: Ahmed Hassan  
Awet Eyasu  
Mayor Ted Terry

**Transportation and Environment Committee**

Chair: Awet Eyasu  
Mario Williams  
Mayor Ted Terry

**Marketing and Civic Innovation Committee**

Chair: Andrea Cervone  
YT Bell

**SO RESOLVED**, this 9 day of August, 2018.

**CITY COUNCIL**

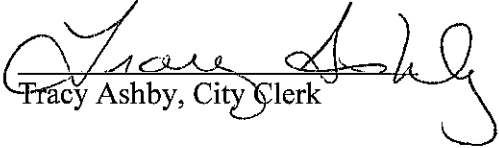
CITY OF CLARKSTON, GEORGIA



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TED TERRY, Mayor

**ATTEST:**



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Tracy Ashby, City Clerk

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: G3

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
CDA APPOINTMENT

MEETING DATE: March 3 2020

SUBJECT: CLARKSTON DEVELOPMENT AUTHORITY (CDA) APPOINTMENT

DEPARTMENT: City Administration

PUBLIC HEARING: YES  NO

ATTACHMENT: YES  NO   
Pages: 4

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

PURPOSE: To continue appointing remaining members of the Clarkston Development Authority (CDA). The seven (7) member board will begin the process to develop strategies for the revitalization and redevelopment of the central business district by financing projects under Clarkston-specific Redevelopment Authorities Law that will develop and promote current and new trade, commerce, industry, and employment opportunities to further enhance the public good and the general welfare of the City of Clarkston. On February 13, 2017, the Clarkston City Council adopted a Resolution requesting the Georgia Legislature to create the Clarkston DA, specifically to define its purpose and powers, to determine the process and criteria by which members are appointed, to determine the process by which officers (President, Vice President, Secretary, Treasurer) are elected for other purposes to foster and encourage redevelopment and development throughout the City including the central business district. On March 22, 2017, the Georgia Legislature adopted a special act (Act No. 134, House Bill 563), creating the CDA that was formally approved and signed into law by the Georgia Governor on May 3, 2017.

Specifically the Act allows for the Clarkston DA to exercise various powers to further downtown redevelopment and development, including: make/execute contracts, agreements or other for construction, leases of projects, contracts for sale of projects, agreements for loans to finance projects; acquire by purchase, lease, or other real and personal property; finance via loan, grant, lease, or other, demolish, erect, assemble, rehabilitate, improve, etc., borrow money; issue revenue bonds; obtain other governmental grants, loans, or other arrangements; contract with other governments to use facilities or services for a period of up to 50 years; extend credit or make loans for project costs; receive and use tax proceeds for project costs; appoint, select, employ various professionals including engineers, architects, urban/city planners, etc.

Both the City Resolution and the GA Legislative Act detail the number of board members, seven (7), their composition, how they are to be appointed, the terms of service, and that an Organizing Resolution setting by-laws and terms of office for members would need Council adoption. The CDA shall be comprised of seven (7) members as follows:

- a. Two (2) members shall either be a taxpayer residing in the City or a taxpayer residing in DeKalb County who owns or operates a business located within the City's downtown development area
- b. Two (2) members shall be taxpayers residing in DeKalb County who possess specific knowledge or professional expertise in the field of banking, finance, real estate development, community development or another area of expertise related to economic development.
- c. Three (3) members shall be members of the governing authority of Clarkston (City Council).

The Mayor will appoint 2 members and the City Council will appoint the other 2 members. Terms will be for four (4) years.

At the December 3, 2019, Clarkston City Council Meeting, Clarkston residents Doug Guess and Emanuel Ransom



along with Council members Y T Bell and Awet Eyasu were appointed to the CDA.

Three additional application have been received by the City for the Council to consider appointing:

Kevin Kifler

Joseph Evans

Kelly James

# Kevin Kipfer

[krkipfer@gmail.com](mailto:krkipfer@gmail.com) • cell: (678) 759-9664 • home address: 3734 Carroll Park Drive, Clarkston, GA 30021

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## SUMMARY

Experienced and successful professional in leading transformational change in a variety of corporate, nonprofit and community environments. Trusted advisor to executive leaders, impact investors and venture philanthropists to utilize transformational investments in achieving significant growth and change.

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## CAREER HIGHLIGHTS

- Led a global initiative to grow Habitat for Humanity's team of influential champions and leadership givers to raise significant funding to execute the new strategic plan, including the launch of the Shelter Venture Fund for innovative and scalable shelter solutions. Global team raised over \$50M in first two years of initiative.
- Global lead to equip a team of change agents in empowering leadership during a transformational change required for the new strategy rollout across a \$2 billion movement.
- Chaired the board of directors for a community-based nonprofit through a 4X growth phase leading to solid infrastructure, a high-caliber board and leadership team, solid resource development function and a significant increase in community impact.
- Launched operations in a new country for an international organization. Built a 30-person team including quality national leadership, sustainable structure and processes, with governmental, community, corporate and NGO partners in place to empower over 100 vulnerable women and children each week through business development and aftercare counseling.
- Led consulting team in reorganization effort to transform a division of 1,300 employees to increase effectiveness and efficiency.
- Lead engineer in transformation of a production facility using lean principles that resulted in a 40% decrease in cycle time and 10% reduction in labor and material cost.

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## PROFESSIONAL SKILLS SUMMARY

Executive coaching & facilitation	Change management	Major donor program development
Strategy development & execution	Lean Six Sigma	Venture philanthropy
Budget & operational planning	Board development	Community development
Partnership development	Nonprofit management	Partial list, all skills are not listed

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## PROFESSIONAL EXPERIENCE

### Comcon Inc. – Community-focused consulting President

Clarkston, GA  
2018-Present

- Launched a consulting firm, serving as a trusted adviser to missional organizations and investors in achieving transformational growth.
- Providing consultation to a portfolio of community-based organizations through board development, strategy development and execution, funding portfolio planning, growth strategies, succession planning and leadership transition.
- Clients have successfully: recruited and transitioned to a new senior leader, achieved 2X revenue growth in first year of a new strategy, and closed a capital campaign totaling two times their annual budget.
- Facilitated multiple workshops for a \$2 billion NGO to clarify and execute their vision for a new transformational change. These workshops including the top 20 executive leaders and global thought leaders.

### Habitat for Humanity – Non-Governmental Organization (NGO), International Housing Director, Habitat Development Council

Atlanta, GA  
2011-2018

- Led a new global major donor initiative that raised \$50M in the first two years of existence, including a \$15M investment to launch a social venture fund investing in innovative and scalable shelter ventures globally.
- Managed relationships with several of Habitat's core donors, including a giver who pledged \$100M.
- Directly partnering with and stewarding members of Habitat's international board of directors and key champions that include multi-million dollar donors, government & community leaders, key advocates for global shelter and other key global influencers
- Building and leading a global team of 10 leadership gift officers and staff in cultivating and securing significant new multi-year pledges. Team members were based in and served strategic global market including: Hong Kong, Singapore, Philippines, India, Indonesia, Great Britain, Brazil, Mexico and Central America.
- Managing a support team to develop annual plans, operational and executive progress reporting, internal and external communications, global knowledge sharing, among several other key projects supporting the overall initiative.

### **Strategy & Organizational Change Sr. Consultant**

- Recruited to Habitat's core team of internal leaders and external consultants to develop the 2020 global strategy for the Habitat movement, including over 1,300 US affiliates and 70 country programs representing over \$2 Billion in annual revenue.
- Global lead for a cross-functional team from Habitat's Headquarters and Areas Offices in the development of best practices and capacity building for strategy and change management.
- Facilitated CEO & senior leadership decision making on strategy execution and transformational change.
- Managed sponsor and change lead training, cross-functional collaboration of major organizational strategic initiatives.

### **Country Director / Director of Microenterprise & Economic Development**

**Addis Ababa, Ethiopia**

#### **Loving Shepherd International – NGO focusing on vulnerable groups internationally**

**2009-2011**

- Built a multi-cultural team of 30 experienced professionals working with orphans, vulnerable children and exploited women
- Cultivated, solicited, and/or stewarded individual, church and foundation relationships to fund and grow programmatic goals, including several five- and six-figure gifts or grants.
- Led collaboration with community partners, government organizations, partner NGO's, LSI USA leadership and funders on issues and projects related to our common missions
- Scaled NGO operations from startup to a high-performing team with significant community impact – including establishing strategic & project planning and agreements, and creating human resource, financial, and operational systems
- Launched small business startup for empowerment of women through income generation. Partnered with World Vision's VisionFund International for microfinance support.

### **Project Manager / Senior Business Consultant**

**Peoria, IL**

#### **CGN Global – Business Transformation Consulting**

**2007-2009**

##### **Caterpillar Inc.**

- **Global Sourcing Division:** Managed multiple cost reduction projects for the Six Sigma Strategic Sourcing initiative, including supplier engagement and negotiation on a product spend of \$100M. Delivered nearly 2% savings on portfolio.
- **New Product Introductions:** Led a cross-functional team through process for New Product Introductions and Advanced Product Quality Planning, collaborating with multiple suppliers, both domestic and international, on product design and manufacturing processes.

### **State Farm Insurance Company, Special Investigative Unit Structure Study – Lead Consultant & Project Manager**

Project Manager for team of consultants, subject matter expertise and State Farm directors to advise executive leadership on strategic direction for the 1,300 employee division regarding process improvement, organizational structure, executive metrics and balanced scorecard development, and budget/cost analysis

### **Secondary Educator**

**Atlanta, GA**

#### **Teach For America & Atlanta Public Schools**

**2004-2007**

Liaison between Teach For America and school site to guide engagement; grade team leader and classroom teacher helping students exceed established targets by nearly 10% for achievement on state standardized tests

### **Process Engineer**

**Berne, IN**

#### **Smith Bros. of Berne, Inc. – Upholstered Furniture Manufacturer**

**1999-2004**

Managed multiple process improvement projects implemented lean principles throughout operations of a \$50M+ company. Increasingly involved in setting strategic and operating goals, while growing as trusted adviser to CEO on sales, costing, productivity and strategy.

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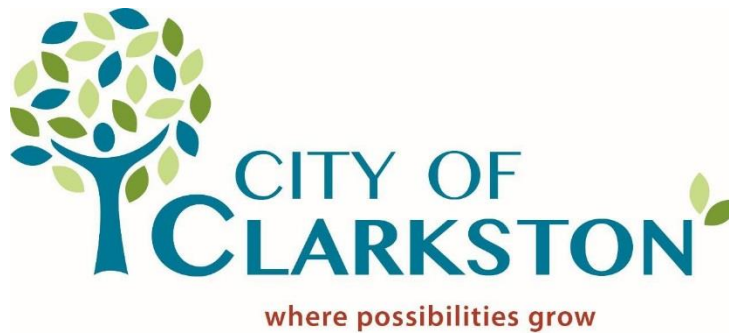
## **EDUCATION**

- Bachelor of Science, Industrial Engineering - Honors Program, Purdue University, West Lafayette, IN, 1999
- Master of Business Administration, Indiana Institute of Technology, Fort Wayne, IN, 2003
- Master of Arts in Intercultural Studies, Columbia International University, Columbia, SC, 2017

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## **PART-TIME & VOLUNTEER EXPERIENCE**

- Friends of Refugees, Chairman of the Board of Directors and other various roles (2014-current)
- Habitat for Humanity Dekalb Co., Clarkston Focus Neighborhood steering committee, Clarkston, GA (2015-2016)
- Various roles including Entrepreneur Mentor, Start.ME Accelerator Program partnering with Village Capital & Emory's Goizueta Business School, Clarkston, GA (2013-2019)
- Adjunct Faculty – Community Development & Leadership, Evangelical Theological College, Addis Ababa (2010-2011)
- Adjunct Faculty – Business Administration, Midstate College, Peoria, IL (2007-2009)



## DOWNTOWN DEVELOPMENT AUTHORITY APPLICATION

### **APPLICATION CRITERIA:**

CDA to exercise various powers to further downtown redevelopment and development, including: make/execute contracts, agreements or other for construction, leases of projects, contracts for sale of projects, agreements for loans to finance projects; acquire by purchase, lease, or other real and personal property; finance via loan, grant, lease, or other, demolish, erect, assemble, rehabilitate, improve, etc., projects and to pay the cost of said projects from proceeds of revenue bonds, notes, or other obligation or funds of the DDA; borrow money; issue revenue bonds; obtain other governmental grants, loans, or other arrangements; contract with other governments to use facilities or services for a period of up to 50 years; extend credit or make loans for project costs; receive and use tax proceeds for project costs; appoint, select, employ various professionals including engineers, architects, urban/city planners, etc.

The Authority shall be comprised of seven (7) Members as follows:

- A. Two (2) Members shall either be a taxpayer residing in the City of Clarkston or a taxpayer residing in DeKalb County who owns or operates a business located within the City' downtown development area.
- B. Two (2) members shall be taxpayers residing in DeKalb County who possess specific knowledge or professional expertise in the field of banking, finance, real estate development, community development or another area of expertise related to economic development.
- C. Three (3) members shall be members of the governing authority of Clarkston.

The Mayor will appoint 2 members and the City Council will appoint the other 2 members. Terms will be for Four (4) years.

### **APPLICATION SUBMISSION:**

Mail or e-mail completed application to:

Downtown Development Authority Application  
City of Clarkston  
1055 Rowland Street  
Clarkston, Georgia 30021

Email application to the City Clerk:  
tashby@cityofclarkston.com  
Phone: 404-296-6489



**DOWNTOWN DEVELOPMENT AUTHORITY APPLICATION**

<b>First Name:</b> Joseph		<b>Last Name:</b> Evans III	
<b>Home Address:</b> 1717 Wilma Drive, Atlanta, GA 30344			<b>Years in Clarkston:</b> N/A
<b>Phone Number:</b> 301-535-9884	<b>Cell</b> <input checked="" type="checkbox"/>	<b>Home</b> <input type="checkbox"/>	<b>E-mail:</b> Joseph@EvanAlexanderGrooming.com
<b>Work (if applicable) Company:</b> Evan Alexander Grooming		<b>Title:</b> Chief Operating Officer	
<b>Work Phone Number:</b> Same		<b>E-mail:</b> Same	
<b>Business Name (If applying as Business Owner in Downtown Area):</b>			<b>Owner:</b>
<b>Business Address</b>			<b>Issued License Number:</b>

**List your Background, Experience, and number of years (Planning Professional – 4yr, Architecture – 2 yr, Finance – 2 yr, etc):**

I currently serve as the Chief Operating Officer for Evan Alexander Grooming. In the role as COO, I oversee the financial management of the organization, manage the annual budget, ensure that targets are met, risk is mitigated, and policies are in place to assure accountability of all funds, physical assets etc. In my previous role as Vice President of Real Estate Development, I was responsible for the origination of multifamily development opportunities and the establishment and management of strategic relationships throughout Georgia and the southeastern region of the country. Prior to joining KCG, I worked for Columbia Residential, a national real estate development firm. I served as a Real Estate Development Manager overseeing all phases of development for new construction and rehab projects, including: conducting feasibility analysis, obtaining entitlement and local approvals, developing and maintaining proformas, securing all financing, and managing the design and construction phases. I managed the development process from start to finish; from site acquisition to conceptual design, funding to construction, and lease-up to site stabilization. (resume attached)

**Please explain why you are, interested in serving on the Downtown Development Authority. Be sure to include any pertinent professional and/or community experience.**

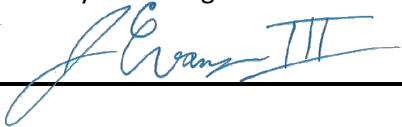
Im interested in serving on the Downtown Development Authority because I want to create positive change in the greater metropolitan area. I have a diverse background in commercial real estate and feel I could add value to the team. I understand the complexities of creating new businesses and buildings while respecting the need for affordable housing inclusion. My previous experience in Real Estate Development has exposed me to a number of government programs geared towards the development of affordable housing units, community centers, retail centers etc.

**Are you willing and available to attend training sessions on-site and/or off-site if provided by the City?**

Yes     No

**\*\*Please attach your resume with this application.\*\***

I understand that I am applying for appointment to a Commission office for the City of Clarkston; that the appointing authority may require an interview prior to consideration for appointment; that if appointed, I will be required to uphold the City's charter and ordinances; that I may be removed from office for any reason permitted by law or City charter. I agree to comply at all times with all requirements of the office for which I am applying and to which I may be appointed. All statements and information provided in this application are true to the best of my knowledge.

**Applicant's Signature:**  **Date:** 11/21/2019

**Joseph E. Evans, III**  
**(301) 535-9884**  
**Joseph.EvansIII@gmail.com**

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**EXPERIENCE**

**Chief Operating Officer  
Evan Alexander Grooming**

**April 2019 – Present**

- Drives excellence and efficiency across all operational functions including product development, accounting, finance, facilities and legal
- Develops and sustains manufacturing strategy for all manufacturing assets to ensure company's objectives are met in areas of safety, quality, profitability, and waste reduction
- Develops and implements capital spending plans that meet the ongoing needs for facilities, equipment, productivity, operations etc.
- Manages and develops strategic relationships with suppliers, manufactures, lenders and government agencies
- Develops and leads the implementation of the organizations long-term strategic plan
- Oversees the financial management of the organization, manages the annual budget, ensuring that targets are met, risk is mitigated, and policies are in place to assure accountability of all funds, physical assets, and other property
- Maintains the accuracy and integrity of financial information, reporting and disclosure requirements
- Protects the legal interests of the organization, upholds and maintains compliance with the law; retains and works with outside counsel to obtain opinions or handle claims and litigation

**Vice President of Real Estate Development  
KCG Companies**

**January 2019 – April 2019**

- Led, managed and monitored general contractors in the construction and successful completion of multifamily projects
- Led, managed and monitored design teams on ground-up development and construction of multifamily projects
- Worked with cities and municipalities in obtaining design and construction approvals for new development and rehabilitation projects
- Developed and implemented the growth strategy for the Southeastern region of the country
- Lead the efforts of the southeastern development team to identify and acquire land for new build construction and/or the purchase of existing communities
- Established and maintained key external partnerships to facilitate the identification, award, acquisition and new build of multifamily projects
- Ensured quality/consistency regarding various originator activities such as loan applications; HUD pre-pay applications; tax credit applications; and acquisition due diligence review etc.
- Worked cross functionally with legal, design, construction and operations to achieve real estate development/acquisition goals
- Negotiated terms and conditions of letters of intent and purchase agreements; reviewed contracts for accurate representation of agreement, timelines, easements and costs
- Maintained up to date market intelligence on supply and demand, demographics, regulation/entitlements and government programs

**Real Estate Development Manager  
Columbia Residential, Atlanta, GA**

**January 2016 – January 2019**

- Evaluated and recommended new business opportunities—including feasibility analysis and due diligence
- Oversaw property acquisitions process—including managing due diligence, reviewing 3rd party reports and working with attorneys to facilitate Closing
- Negotiated project specific contracts in coordination with the Construction Management Group—including but not limited to: Architect, Engineer, Environmental, General Contractor, Soils Engineer, etc.
- Provided financial analyses related to budgets, forecasting, and cash flow management
- Prepared pro forma statements and projections, which accurately reflected history of properties, as well as current and projected future market conditions
- Created and maintained project budgets and high-level master schedule
- Developed and prepared financial modeling, total development budget, operating assumptions, construction/permanent loan and investor analysis
- Negotiated and obtained project financing including grants, loans, tax credits, rental assistance contracts, and other subsidies
- Managed construction administration activities—including monitoring construction progress and quality, preparing project draws, coordinating investor contributions, administering the development budget and paying all invoices associated with each draw
- Presented development plans to state official's, local municipalities and community organizations to gain governmental and neighborhood support

**Senior Associate  
Red Rock Global, LLC, Atlanta, GA**

**August 2012 – October 2017**

- Provided financial modeling/valuations using net present value (NPV), internal rate of return (IRR), and multiples to analyze lease proposals, letters of intent and offer letters
- Analyzed data to make recommendations to Senior Partners and clients
- Conducted feasibility analysis to determine programming of potential retail, office, flex, multifamily and mixed-use development sites
- Participated in business development presentations to governmental agencies, Board of Directors and non-profit organizations
- Responded to request for proposals (RFP) from municipalities, government agencies and corporations
- Negotiated the selling and leasing of commercial real estate properties
- Prepared financial summaries, memorandums and investment recommendations for clients
- Engaged in local business community and charitable events, as well as industry and professional associations for the purpose of creating new contacts and generating new business



**Account Manager**  
**J & M Property Preservation, LLC, Atlanta, GA**

**June 2010 - August 2012**

- Executed monthly budgeting and account management for superiors (i.e., compile and report all staff labor hours and expenses).
- Prepared financial proposals, contracts, and forecasts of financial statements and compiled data for financial statements on a monthly basis.
- Maintained collaborative relationships with asset management companies and financial institutions.
- Presented periodic dashboard reports on current issues and future opportunities for clients.
- Built credibility, established rapport, and maintained communication with upper management—including those external to the organization.
- Participated in business development presentations to asset managers, financial institutions and property managers.

**EDUCATION**

**Clark Atlanta University, Atlanta, GA**

Bachelor of Business Administration, w/ an emphasis in International Business and Finance

**Leadership DeKalb, Decatur, GA**

Class of 2019

**Emerging Leaders DeKalb, Decatur, GA**

Class of 2018

**VOLUNTEER EXPERIENCE & ORGANIZATIONS**

Qiangda “Strong” Academy, Board of Directors, 2017 - 2019

Georgia Affordable Housing Coalition, Member 2016 - 2019

Emerge Project – Foster Child Mentor, 2011 – Present

Global Diversity Summit in Commercial Real Estate, Project Manager, 2012 - 2015



## DOWNTOWN DEVELOPMENT AUTHORITY APPLICATION

### **APPLICATION CRITERIA:**

CDA to exercise various powers to further downtown redevelopment and development, including: make/execute contracts, agreements or other for construction, leases of projects, contracts for sale of projects, agreements for loans to finance projects; acquire by purchase, lease, or other real and personal property; finance via loan, grant, lease, or other, demolish, erect, assemble, rehabilitate, improve, etc., projects and to pay the cost of said projects from proceeds of revenue bonds, notes, or other obligation or funds of the DDA; borrow money; issue revenue bonds; obtain other governmental grants, loans, or other arrangements; contract with other governments to use facilities or services for a period of up to 50 years; extend credit or make loans for project costs; receive and use tax proceeds for project costs; appoint, select, employ various professionals including engineers, architects, urban/city planners, etc.

The Authority shall be comprised of seven (7) Members as follows:

- A. Two (2) Members shall either be a taxpayer residing in the City of Clarkston or a taxpayer residing in DeKalb County who owns or operates a business located within the City' downtown development area.
- B. Two (2) members shall be taxpayers residing in DeKalb County who possess specific knowledge or professional expertise in the field of banking, finance, real estate development, community development or another area of expertise related to economic development.
- C. Three (3) members shall be members of the governing authority of Clarkston.

The Mayor will appoint 2 members and the City Council will appoint the other 2 members. Terms will be for Four (4) years.

### **APPLICATION SUBMISSION:**

Mail or e-mail completed application to:

Downtown Development Authority Application  
City of Clarkston  
1055 Rowland Street  
Clarkston, Georgia 30021

Email application to the City Clerk:  
tashby@cityofclarkston.com  
Phone: 404-296-6489



### DOWNTOWN DEVELOPMENT AUTHORITY APPLICATION

<b>First Name:</b> Kelly		<b>Last Name:</b> James	
<b>Home Address:</b> 862 Wheatfields Place, Decatur, GA 30030			<b>Years in Clarkston:</b> 14 (work)
<b>Phone Number:</b> 404-694-8677	<b>Cell</b> <input checked="" type="checkbox"/>	<b>Home</b> <input type="checkbox"/>	<b>E-mail:</b> kelly@rjamesproperties.com
<b>Work (if applicable) Company:</b> R. James Properties, Inc.		<b>Title:</b> President	
<b>Work Phone Number:</b> 404-874-3495 x 114		<b>E-mail:</b> kelly@rjamesproperties.com	
<b>Business Name (If applying as Business Owner in Downtown Area):</b> Clarkston Townhomes Apartments			<b>Owner:</b> Peachtree Trace Partners, LLC
<b>Business Address</b> 3519 Hill Street, Clarkston, GA 30021			<b>Issued License Number:</b> 32-0182934

List your Background, Experience, and number of years (Planning Professional – 4yr, Architecture – 2 yr, Finance – 2 yr, etc):

I have worked in the real estate industry for 14 years. I am currently the president and qualifying broker for R. James Properties, Inc., an apartment management firm managing around 30 apartment communities in the Atlanta area, including four apartment communities in Clarkston. I began my career in the apartment industry in 2006 as the resident manager at Clarkston Townhomes. During the renovation and subsequent lease-up of this property, we developed, and have continued to cultivate, relationships with numerous refugee service agencies.

Please explain why you are, interested in serving on the Downtown Development Authority. Be sure to include any pertinent professional and/or community experience.

Since I lived in Clarkston in 2006, it has been gratifying to see Clarkston grow and transform. Working with the refugee community has been rewarding, and I am eager to help Clarkston to continue to move in positive direction.

Are you willing and available to attend training sessions on-site and/or off-site if provided by the City?

Yes     No

**\*\*Please attach your resume with this application.\*\***

I understand that I am applying for appointment to a Commission office for the City of Clarkston; that the appointing authority may require an interview prior to consideration for appointment; that if appointed, I will be required to uphold the City's charter and ordinances; that I may be removed from office for any reason permitted by law or City charter. I agree to comply at all times with all requirements of the office for which I am applying and to which I may be appointed. All statements and information provided in this application are true to the best of my knowledge.

**Applicant's Signature:**  **Date:** February 13, 2020

**R. James Properties, Inc.**  
**Kelly James**  
Resume

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Richard “Kelly” James is 37 years old and lives in Decatur, Georgia. After graduating from The University of Georgia in 2004 with a Bachelor of Arts degree in Japanese Language and Literature, Kelly worked in Ogaki, Japan for a year teaching English as a second language to Japanese students.

As he also speaks Spanish, upon returning to Georgia in December 2005, Kelly began working for R. James Properties, Inc. to cover a predominately Spanish-speaking property while the manager underwent surgery. Kelly subsequently became the assistant manager and then the onsite manager of a 91-unit community in Clarkston, Georgia, where he assisted in the supervision of a lease up and \$500,000 renovation. Kelly maintained higher than 94% physical occupancy for two years while he was the resident manager. The property was successfully refinanced in 2008. During the rehabilitation of Clarkston Townhomes, R. James Properties, Inc. developed, and has continued to nurture, relationships with numerous refugee service agencies.

After two years as a resident property manager, Kelly became a regional manager, a position he held from 2009 until 2017. Kelly supervised the management of up to ten apartment communities, in addition to assisting with acquisitions, dispositions, and property rehabilitations. In 2017, Kelly helped to successfully rehabilitate four severely distressed properties, supervising more than \$5,500,000 in rehabilitation expenses. In January of 2018, Kelly became president of R. James Properties, Inc. and currently directs the day-to-day operations of the company. Kelly is a Georgia-licensed real estate broker.

Outside of work, Kelly has remained engaged in his local community. For four years, Kelly mentored local entrepreneurs participating in the Start: ME Program, an intensive 14-week business training program hosted by the Emory University Goizueta Business School for promising local small businesses. In his free time, Kelly enjoys hiking at Stone Mountain, and he is writing a book on the Civil War history of Athens, Georgia.

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

BUSINESS AGENDA / MINUTES

MEETING DATE: March 3, 2020

ITEM NO: G4

ACTION TYPE:  
Resolution

HEARING TYPE:  
Council Meeting

SUBJECT: Adopt moratorium on Self Storage Companies

DEPARTMENT: City Administration

PUBLIC HEARING: YES  NO

ATTACHMENT: YES  NO   
Pages: 1

INFORMATION CONTACT: YT BELL, JAMIE CARROLL  
PHONE NUMBER: 404-296-6489

PURPOSE: City Council to discuss/review a potential moratorium storage companies.

City of Clarkston current inventory of storage companies:

-three (3) Storage companies – Cube Smart and 2 Uhauls

RECOMMENDATIONS:

Staff has no recommendation.



RESOLUTION NO. \_\_\_\_\_

**BY THE CLARKSTON CITY COUNCIL TO IMPOSE A TEMPORARY  
MORATORIUM ON DEVELOPMENT OF MINI-WAREHOUSES AND SELF-  
STORAGE FACILITIES IN ORDER TO PRESERVE THE STATUS QUO PENDING  
ZONING ACTION TO REVISE PERMITTED USES IN THE LIGHT INDUSTRIAL (I)  
DISTRICT.**

**WHEREAS**, Clarkston and the surrounding unincorporated area currently have an over-abundance of “mini-warehouse and self-storage” facilities, including three such facilities within Clarkston; and

**WHEREAS**, the City Council is concerned that such uses have a negative impact on the natural environment and the aesthetics of the City; and

**WHEREAS**, the City Council finds that “mini-warehouse and self-storage” facilities are contrary to the intent of the Light Industrial District to encourage and enable light manufacturing uses; and

**WHEREAS**, the City Council is hereby initiating the zoning decision process to amend the list of permitted uses in the Light Industrial District and finds that it is in the public interest to preserve the status quo during such process.

**NOW, THEREFORE, BE IT RESOLVED** by the Clarkston City Council that a moratorium is hereby declared to prohibit the acceptance of any application or granting of any permit for the development of new “mini-warehouse” or “self-storage” facilities in the City; and

**BE IT FURTHER RESOLVED** that this moratorium shall take effect immediately and will expire on September 21, 2020, unless repealed sooner by act of the City Council.

**SO RESOLVED**, this 3<sup>rd</sup> day of March, 2020.

**CITY COUNCIL  
CITY OF CLARKSTON, GEORGIA**

\_\_\_\_\_  
TED TERRY, Mayor

**ATTEST:**

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

Approved as to Form:

 2-26-2020  
\_\_\_\_\_  
Stephen G. Quinn, City Attorney

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

BUSINESS AGENDA / MINUTES

MEETING DATE: march 3, 2020

ITEM NO: G5

ACTION TYPE:  
Resolution

HEARING TYPE:  
Council Meeting

SUBJECT: Adopt Moratorium on Gas Stations

DEPARTMENT: City Administration

PUBLIC HEARING: YES  NO

ATTACHMENT: YES  NO   
Pages: 1

INFORMATION CONTACT: YT BELL, JAMIE CARROLL  
PHONE NUMBER: 404-296-6489

PURPOSE: City Council to discuss/review a potential moratorium on gas stations.

City of Clarkston current inventory of gas stations:

-seven (7) Gas stations - Citgo, Exxon, Marathon, Texaco, 2 Chevrons, Shell – all also sell convenience-style-type items including beverages and mostly pre-packaged snack-type foods; another one (would have been the eighth) closed in 2019 (formerly a BP).

RECOMMENDATIONS:

Staff has no recommendation.



RESOLUTION NO. \_\_\_\_\_

**BY THE CLARKSTON CITY COUNCIL TO IMPOSE A TEMPORARY MORATORIUM ON DEVELOPMENT OF AUTOMOBILE SERVICE CENTERS AND AUTOMOBILE SERVICE STATIONS (FILLING STATIONS) IN ORDER TO PRESERVE THE STATUS QUO PENDING ZONING ACTION TO REVISE PERMITTED USES IN THE CITY'S ZONING CODE.**

**WHEREAS**, Clarkston and the surrounding unincorporated area currently have an over-abundance of business selling fuel for vehicles, including seven such facilities within Clarkston; and

**WHEREAS**, the City Council is concerned that such uses have a negative impact on the natural environment and the aesthetics of the City; and

**WHEREAS**, the City Council is hereby initiating the zoning decision process to amend the list of permitted uses in the Zoning Ordinance and finds that it is in the public interest to preserve the status quo during such process.

**NOW, THEREFORE, BE IT RESOLVED** by the Clarkston City Council that a moratorium is hereby declared to prohibit the acceptance of any application or granting of any permit for the development of new "automobile service center" or "automobile service station (filling station)" uses in the City; and

**BE IT FURTHER RESOLVED** that this moratorium shall take effect immediately and will expire on September 21, 2020, unless repealed sooner by act of the City Council.

**SO RESOLVED**, this 3<sup>rd</sup> day of March, 2020.

**CITY COUNCIL  
CITY OF CLARKSTON, GEORGIA**

\_\_\_\_\_  
TED TERRY, Mayor

**ATTEST:**

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

Approved as to Form:

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

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

BUSINESS AGENDA / MINUTES

MEETING DATE: March 3, 2020

ITEM NO: G6

ACTION TYPE:  
Resolution

HEARING TYPE:  
Council Meeting

SUBJECT: Adopt Moratorium on Small Box Stores

DEPARTMENT: City Administration

PUBLIC HEARING: YES  NO

ATTACHMENT: YES  NO   
Pages: 7

INFORMATION CONTACT: YT BELL, JAMIE CARROLL  
PHONE NUMBER: 404-296-6489

PURPOSE: City Council to discuss/review a potential moratorium on small box stores. Per the enclosed news article, in December 2019 and again in January 2020 DeKalb County government discussed and held public meetings (hearing) on the possibility of enacting and extending a moratorium on allowing "small box discount stores," dollar general-style/type businesses in unincorporated DeKalb County.

Excerpt from one of the articles: "Per the articles, the moratorium would also give officials the chance to draft long-term regulations for the businesses, which were defined as retail stores less than 16,000 square feet that sell convenience shopping goods at a price lower than traditional establishments. Critics say stores like Dollar General, Dollar Tree and Family Dollar contribute to food insecurity in "food deserts" where residents have limited access to grocery stores that sell fresh food. Some officials and residents worry dollar stores could discourage larger grocery stores from opening nearby." AJC, Jan 2020 article.

City of Clarkston current inventory of "small box discount stores," as referenced in the articles, as well as gas stations, and storage companies:

-two (2) Family Dollar and one (1) Dollar General store

RECOMMENDATIONS:

Staff has no recommendation.

**RESOLUTION NO. \_\_\_\_\_**

**BY THE CLARKSTON CITY COUNCIL TO IMPOSE A TEMPORARY MORATORIUM ON DEVELOPMENT OF SMALL BOX VARIETY STORES IN ORDER TO PRESERVE THE STATUS QUO PENDING ZONING ACTION TO REVISE PERMITTED USES IN THE CITY'S ZONING CODE.**

**WHEREAS**, Clarkston and the surrounding unincorporated area currently have an over-abundance of small box variety stores (as defined below), including three such stores within Clarkston; and

**WHEREAS**, the City Council is concerned that such uses have been found by numerous studies (including the City of New Orleans' "Small Box Retail Diversity Study" dated December 18, 2018, which is hereby adopted by reference) to have a negative impact on public health and welfare because they rarely if ever offer healthy fresh food and they tend to drive out retailers that do offer healthy food options; and

**WHEREAS**, the availability of fresh healthy food at locations within Clarkston is especially important because many Clarkston residents do not own a motor vehicle and walk to purchase food products; and

**WHEREAS**, the City Council desires to protect the public health and welfare, as well as the aesthetics of the City, by temporarily prohibiting small box variety stores while it studies this issue further; and

**WHEREAS**, the City Council is hereby initiating the zoning decision process to amend the list of permitted uses in the Zoning Ordinance and finds that it is in the public interest to preserve the status quo during such process.

**NOW, THEREFORE, BE IT RESOLVED** by the Clarkston City Council that a moratorium is hereby declared to prohibit the acceptance of any application or granting of any permit for the development of new "small box variety stores," which are defined for purposes of this resolution as follows:

*Small box variety store* means a retail store sized between 7,500 and 16,000 square feet which sells at retail an assortment of physical goods, products, or merchandise directly to the consumer, including any combination of food or beverages for off-premises consumption, household products, personal grooming and health products, and other consumer goods. Small box variety stores do not include retail stores that:

- (1) dedicate at least 15% of shelf space to fresh or fresh frozen food;
- (2) dedicate less than 2% of shelf space to food of any kind; or
- (3) contain a prescription pharmacy.

*Fresh or fresh frozen food* means food for human consumption that is unprocessed, or otherwise in its raw state; food that was quickly frozen while still fresh. This includes unprocessed meat and seafood.

**BE IT FURTHER RESOLVED** that this moratorium shall take effect immediately and will expire on September 21, 2020, unless repealed sooner by act of the City Council.

**SO RESOLVED**, this 3<sup>rd</sup> day of March, 2020.

**CITY COUNCIL  
CITY OF CLARKSTON, GEORGIA**

\_\_\_\_\_  
TED TERRY, Mayor

**ATTEST:**

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

Approved as to Form:

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

# DeKalb County extends temporary ban on dollar stores

Dollar General (WSB-TV)

Updated: January 29, 2020 - 5:45 AM

**DEKALB COUNTY** — DeKalb County on Tuesday extended its temporary ban on new dollar stores. The county commission unanimously passed a 180-day extension to its moratorium on “small box discount stores,” after officials and residents expressed concerns that a proliferation of dollar stores could have a negative impact on communities. Dozens of residents attended a three-hour zoning meeting Tuesday night, where officials held a public hearing on the issue.

The county first passed a 45-day moratorium on dollar stores in unincorporated DeKalb in December. The moratorium was set to expire at the end of the month. “I’m not against box stores, but I’m against anything that is a detriment to my community,” Commissioner Lorraine Cochran-Johnson said at the meeting.

Residents who spoke in support of more regulation — or a permanent ban — said they believed dollar stores were negatively and disproportionately affecting black neighborhoods. Commissioners said the extension will give researchers from Georgia State University time to conduct an in-depth study on the impact of dollar stores in DeKalb.

It would also give officials the chance to draft long-term regulations for the businesses, which were defined as retail stores less than 16,000 square feet that sell convenience shopping goods at a price lower than traditional establishments. Critics say stores like Dollar General, Dollar Tree and Family Dollar contribute to food insecurity in “food deserts” where residents have limited access to grocery stores that sell fresh food. Some officials and residents worry dollar stores could discourage larger grocery stores from opening nearby.

Across DeKalb, there are 70 dollar stores selling discount goods, packaged foods and limited cold or frozen groceries. “In south and unincorporated DeKalb, it’s like, one day it’s a vacant lot, the next day it’s a dollar store,” Cochran-Johnson told The Atlanta Journal-Constitution last month.

Stonecrest, one of DeKalb’s largest cities, has about 54,000 residents served by nearly a dozen dollar stores. In November, the city passed a total ban on future small box discount stores.

“You’ve seen your last dollar store in Stonecrest,” Mayor Jason Lary previously told the AJC. The proposal to ban the stores sprouted from concerns from residents that the businesses do not provide enough fresh food options and give off a bad image, he said.

Representatives for the dollar store companies said they help neighborhoods by selling groceries and other goods at discounted prices. A spokeswoman for Dollar General [previously called](#) the ordinances in Stonecrest and other cities “restrictive” and disappointing.

GSU researcher Dean Dabney will lead the study for the county and plans to look into the effect of dollar stores on crime, property values and the local economy, officials said. The county has not yet set an exact amount for how much the study will cost.

The issue of dollar store regulation is quickly becoming a national one. [Cities across the country](#) — including Birmingham, Alabama, Fort Worth, Texas and Oklahoma City — have passed legislation this year that regulates the industry, prohibiting the opening of a new dollar store within a certain distance of an existing one.

Dollar stores have boomed in American communities over the last decade, according to Jerry Shannon, a University of Georgia professor who has researched food deserts and the spread of dollar stores. Since 2011, Dollar General, Dollar Tree and Family Dollar have grown from 20,000 stores to nearly 30,000 in 2018, with thousands of future store openings planned, [according to](#) the Institute for Local Self-Reliance.

# Ban the dollar store? Local communities halt new discount shops

ONLY IN THE AJC: DOLLAR STORES

Dec 17, 2019

By

- [J.D. Capelouto](#), The Atlanta Journal-Constitution

At one intersection in suburban DeKalb County, it takes less than five minutes to walk from the Dollar General to a Family Dollar. Walk another few minutes across Covington Highway, and you'll hit a Dollar Tree. That intersection in the Stonecrest area, where three dollar stores exist in a half-mile radius, is a symbol for what some local officials view as a growing problem with the discount stores. "You can stand in Family Dollar and look across the street and see a dollar store," said DeKalb Commissioner Lorraine Cochran-Johnson. "We don't need them on every corner."

Local governments are beginning to take action. Late last month, the city of Stonecrest passed a total ban on future "small box discount stores," outlawing businesses less than 12,000 square feet that sell most of their goods for \$5 or less. Experts and leaders said this is believed to be the first time a metro Atlanta government has taken this step against dollar stores.

Tuesday, DeKalb County passed a 45-day moratorium on new dollar stores in the unincorporated parts of the county. Commissioners want to study the issue before possibly passing long-term regulations next year. The restrictions in metro Atlanta accompany new laws in several cities around the U.S., where leaders are also grappling with the spread of the discount stores, which has accelerated over the last decade.

"You've seen your last dollar store in Stonecrest," Mayor Jason Lary said. The proposal to ban the stores sprouted from concerns from residents that the businesses do not provide enough fresh food options and give off a bad image, he said. Dollar stores sell discount goods, packaged foods and limited cold or frozen groceries. Critics like Cochran-Johnson said the stores contribute to food insecurity in "food deserts" where residents have limited access to grocery stores that sell fresh food. Some officials and residents worry dollar stores could discourage larger grocery stores from opening nearby. But it remains to be seen whether halting the growth of dollar stores is the right solution to attract supermarkets to neighborhoods and invigorate local economies.

Stonecrest, DeKalb County's largest city, has about 54,000 residents served by nearly a dozen dollar stores. As for grocery stores, the city has a Publix, Food Depot and two Walmarts, which sell groceries. Across the entire county, there are 70 dollar stores, according to Cochran-Johnson's office. A report from the county's planning department earlier this year, obtained by The Atlanta Journal-Constitution, found that dollar stores "have a disproportionate impact" on African-American communities. Research from the [Institute for Local Self-Reliance](#) identified a nationwide trend of dollar stores concentrating in lower-income, predominantly black communities. Stonecrest is more than 90% black and is largely middle class, with a median household income of \$46,000.

"It's the image that it portrays for a place. ... We're trying to send a signal that we're a quality town," said Lary, who has pushed for an upscale grocery store like Whole Foods or Sprouts to open in Stonecrest, which became a city in 2017. The issue is quickly becoming a national one. [Cities across the country](#)—including Birmingham, Alabama, Fort Worth, Texas and Oklahoma City — have passed legislation this year that regulates the industry, prohibiting the opening of a new dollar store within a certain distance of an existing one. None of the regulations has been challenged in court.

A spokeswoman for Dollar General called the ordinances in Stonecrest and other cities "restrictive" and disappointing. "I think our customers who may be forced to travel further or spend more money on everyday needs are the ones that are more (directly) affected by this," the spokeswoman, Crystal Ghassemi, said, adding that the company creates jobs and is adding some fresh produce into more of its stores. Dollar Tree, which acquired Family Dollar in 2015, said in a statement to the AJC that it "understand(s) deeply the concerns of many local officials regarding the changing nature of our shared communities," and said the stores help local economies. Officials with Dollar Tree and Family Dollar did not specifically respond to inquiries from the AJC about the concerns local officials have about proliferation and food security.

Dollar stores have boomed in American communities over the last decade, according to Jerry Shannon, a University of Georgia professor who has researched food deserts and the spread of dollar stores. Since 2011, Dollar General, Dollar Tree and Family Dollar have grown from 20,000 stores to nearly



30,000 in 2018, with thousands of future store openings planned, [according to](#) the Institute for Local Self-Reliance. “They’re seen as being really detrimental both in terms of economic development, and the types of goods they can offer the community,” Shannon said, adding that a negative stigma often accompanies them.

But researchers still don’t have all the answers for how, or whether, to combat dollar stores. “This growth has been so recent,” Shannon said, that experts are “still feeling our way through the dark.” The 45-day moratorium in DeKalb will give leaders time to research and draft regulations for dollar stores, Cochran-Johnson said. The commissioner clarified she is not opposed to dollar stores, and often shops at them.

“I am against the proliferation of dollar stores in communities and particularly under-served communities,” she said. “In south and unincorporated DeKalb, it’s like, one day it’s a vacant lot, the next day it’s a dollar store.”

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: G7

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Resolution

MEETING DATE: March 3, 2020

SUBJECT: Reschedule the August and November City Council Meetings.

DEPARTMENT: Administration

PUBLIC HEARING:  YES  NO

ATTACHEMENT:  YES  NO  
Pages:

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

PURPOSE: For the Council to consider rescheduling the August 4th Council Meeting to Thursday, August 6th and rescheduling the November 3<sup>rd</sup>, 2020 Council Meeting to Thursday November 5, 2020.

NEED/ IMPACT:

The August Council Meeting conflicts with the Annual National Night Out event. Re-scheduling this meeting to Thursday, August 6th, will allow full staff, citizen and elected officials participation in the National Night Out Event.

The November Council Meeting currently falls on the same day as Election Day. Holding the Council Meeting on the same day may present scheduling conflicts for Elected Officials and citizens who may wish to participate in both of these civic opportunities. Moving the November Council Meeting will allow Officials, citizens and staff to perform respective responsibilities without conflict or limitation.

RECOMMENDATIONS: Staff recommends that the Council approve rescheduling the August 4th Council Meeting to Thursday, August 6, 2020 and to reschedule the November 3rd Council Meeting to Thursday, November 5, 2020.

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

ITEM NO: G8

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
DISCUSSION

MEETING DATE: March 3, 2020

SUBJECT: Urban Productive Landscape Installations - Recommend Selection of Low

DEPARTMENT: City Administration

PUBLIC HEARING: YES  NO

ATTACHMENT: YES  NO   
Pages: 6

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

PURPOSE: Staff identified an opportunity to replace typical landscape plantings currently programmed at three (3) active city infrastructure projects with an alternative landscaping design that incorporates urban agriculture plantings. Known in the industry as “Urban Productive Landscaping”, this new approach to landscaping weaves edible and non-edible native plantings at “high pedestrian” locations whereby the public can visualize and be educated on non-traditional landscape plantings. This alternate approach can also result in less maintenance while increasing the cohesiveness of the community through social interaction.

Although maintenance costs can be less than traditional landscape plantings, attention to this function is still required and the work tasks associated with the maintenance can vary depending on the specific design. As such, it is expected that some limited training of the Public Works staff will be included in the Collaborative Infrastructure Services inspection tasks for the project.

### Bid Results

Project was advertised for 4 weeks. Legal advertisement was posted on the city web site, glga.org and the DOAS Procurement Registry. On January 27<sup>th</sup>, 2020, two (2) bids were received for the PRODUCTIVE URBAN LANDSCAPE INSTALLATION PROJECT. The bid results are as follows:

**Natural Born Tillers - \$76,236.45**

**Shades of Green Permaculture Design - \$54,963**

Bidders completed the required bid submittal documentation. Bid amounts were verified and accurate. The low bidder, identified as *Shades of Green Permaculture Design, Inc*, was deemed qualified to perform the work. Reference checks were performed and no issues were encountered.

Prior to bid opening, CIS prepared a “Probable Estimate of Construction Cost”. This estimate was \$40,000. The low bid was 27% more than the engineering estimate.

### Project Scope

The project entails installing various urban agriculture plantings (edible and non-edible) and wildflowers at three locations; including hardscape amenities at the Brockett Triangle location such as a perimeter fence and trellis’.

The plant types at each location are attached.

**Funding Source**

This project will be funded through the following funding sources – all of which are currently under construction; City Streetscape Improvements, Friendship Forest Wildlife Sanctuary Improvements, and the East Ponce-Church Street Pedestrian Improvements projects

Each of the three active construction projects have specific areas where traditional roadside landscape plantings, or in the case of Friendship Forest wetland plantings, can be removed and replaced with the Urban Productive Landscape plantings identified in the bid package. Removing the costs for these traditional landscaping plantings resulted in the following project cost reductions:

- ❖ Streetscape Plantings at Refugee Coffee Frontage (Market Street) - \$3,500
- ❖ Friendship Forest - \$5,000
- ❖ East Ponce @ Church Street Pedestrian Improvements - \$10,000

Cost of Removing Traditional Landscape Plantings - \$18,500

Cost differential is \$54,963 - \$18,500 = \$36,463

**Attachments:** Plant Schedules

**NEED/ IMPACT:** Improve/enhance the City’s landscape infrastructure related to the three referenced construction projects.

**RECOMMENDATIONS:** Mayor and Council to discuss and adopt staff recommendation to proceed with low bid.

**TABLE 1**  
**PLANT INVENTORY**  
**(Refugee Coffee)**

<b>PLANT/TREE NAME</b>	<b>SIZE</b>	<b>QUANTITY</b>
Arbequina Olive (hardy olive) - tree	5 gal	5
Loquat - tree	5 gal	3
Feljoa (pineapple guava) - bush	3 gal	5
Hardy Bananas - bush	3 gal	2
Hardy Kiwi - vine	3 gal	3
Jasmine - vine	3 gal	6
Perennials - mixed herbs/vegetables, pollinators and natives	4-6 inch containers	50
Annuals – mixed vegetables & flowers	4-6 inch containers	50

**TABLE 2**  
**WILDFLOWER SEED MIXTURE**  
**(Refugee Coffee)**

At a minimum, the seed mixture shall include the following:

- Plains Coreopsis (Calliopsis)
- Red phlox
- Indian blanket
- Black-eyed Susan
- Butterfly Weed
- Purple Coneflower
- Red Standing Cypress
- Blazing Star
- Wild Lupine
- Scarlet Sage
- Spiderwort

# TABLE 3

## ROCK MEADOW SEED MIXTURE

(Friendship Forest Wildlife Sanctuary)

The native wildflowers and grasses in this mix will provide an attractive display of color from spring to fall. This mixture is designed for mesic to upland sites and full sun to lightly shaded areas. Seed to be purchased from ERNST SEED Company.

### Mesic to Dry Native Pollinator Mix Composition

- 27.0% *Schizachyrium scoparium*, 'Camper' (Little Bluestem, 'Camper')
- 20.0% *Elymus virginicus*, PA Ecotype (Virginia Wildrye, PA Ecotype)
- 15.0% *Sorghastrum nutans*, PA Ecotype (Indiangrass, PA Ecotype)
- 5.0% *Panicum clandestinum*, 'Tioga' (Deertongue, 'Tioga')
- 5.0% *Tridens flavus* (Purpletop)
- 4.0% *Chamaecrista fasciculata*, PA Ecotype (Partridge Pea, PA Ecotype)
- 3.0% *Coreopsis lanceolata* (Lanceleaf Coreopsis)
- 3.0% *Echinacea purpurea* (Purple Coneflower)
- 3.0% *Rudbeckia hirta*, Coastal Plain NC Ecotype (Blackeyed Susan, Coastal Plain NC Ecotype)
- 3.0% *Verbena hastata*, PA Ecotype (Blue Vervain, PA Ecotype)
- 2.0% *Heliopsis helianthoides*, PA Ecotype (Oxeye Sunflower, PA Ecotype)
- 2.0% *Penstemon digitalis*, PA Ecotype (Tall White Beardtongue, PA Ecotype)
- 1.0% *Asclepias incarnata*, PA Ecotype (Swamp Milkweed, PA Ecotype)
- 1.0% *Liatris spicata*, PA Ecotype (Marsh Blazing Star, PA Ecotype)
- 0.9% *Aster novae-angliae*, PA Ecotype (New England Aster, PA Ecotype)
- 0.7% *Aster laevis*, NY Ecotype (Smooth Blue Aster, NY Ecotype)
- 0.5% *Geum canadense*, PA Ecotype (White Avens, PA Ecotype)
- 0.5% *Senna hebecarpa*, VA & WV Ecotype (Wild Senna, VA & WV Ecotype)
- 0.5% *Zizia aurea*, PA Ecotype (Golden Alexanders, PA Ecotype)
- 0.4% *Baptisia australis*, Southern WV Ecotype (Blue False Indigo, Southern WV Ecotype)
- 0.4% *Monarda fistulosa*, Fort Indiantown Gap-PA Ecotype (Wild Bergamot, Fort Indiantown Gap-PA Ecotype)
- 0.3% *Eupatorium perfoliatum*, PA Ecotype (Boneset, PA Ecotype)
- 0.3% *Lespedeza capitata*, RI Ecotype (Roundhead Lespedeza, RI Ecotype)
- 0.3% *Pycnanthemum tenuifolium* (Narrowleaf Mountainmint)
- 0.3% *Tradescantia ohiensis*, PA Ecotype (Ohio Spiderwort, PA Ecotype)
- 0.2% *Solidago juncea*, PA Ecotype (Early Goldenrod, PA Ecotype)
- 0.1% *Eupatorium fistulosum*, PA Ecotype (Joe Pye Weed, PA Ecotype)
- 0.1% *Eupatorium rugosum*, PA Ecotype (White Snakeroot, PA Ecotype)
- 0.1% *Solidago nemoralis*, PA Ecotype (Gray Goldenrod, PA Ecotype)
- 0.1% *Solidago rugosa*, PA Ecotype (Wrinkleleaf Goldenrod, PA Ecotype)

**TABLE 4**  
**PLANT INVENTORY**  
**(Friendship Forest Wildlife Sanctuary)**

<b>PLANT/TREE NAME</b>	<b>SIZE</b>	<b>QUANTITY</b>
Mayhaws - tree	7 gal	4
Serviceberries - tree	7 gal	3
Apricot - tree	7 gal	3
Elderberry - bush	2 gal	12
Blackberry (thornless) - bush	2 gal	10
Hazelnut (fiberts)	2 gal	8



**TABLE 5**  
**PLANT INVENTORY**  
**(Brockett Triangle)**

<b>PLANT/TREE NAME</b>	<b>SIZE</b>	<b>QUANTITY</b>
Asian Persimmon - tree	5 gal	2
Asian Pear - tree	5 gal	1
Loquat - tree	5 gal	3
Pakistan Mulberry - tree	5 gal	1
Plum - tree	5 gal	2
Arbequina Olive (hardy olive) - tree	5 gal	3
Blueberries - bush	3 gal	8
Raspberries - bush	3 gal	7
Feijoa (Pineapple Guava) - bush	3 gal	5
Muscadines - bush	3 gal	6
Hardy Kiwi - bush	3 gal	2
Summersweet Clethra	3 gal	12
Virginia Sweetspire	3 gal	14
Wood Oats	1 gal	9
White Muhly Grass	1 gal	14
Perennials – mixed herbs/pollinators/natives	4-6 inch containers	200
Annuals – mixed vegetables & flowers	4-6 inch containers	200

**TABLE 6**  
**WILDFLOWER SEED MIXTURE**  
**(Brockett Triangle)**

This mix of grasses and forbs offers season-long color for diverse quail, songbird and pollinator habitat.

## GA Piedmont UPL Meadow Mix Composition

- 41.7% *Schizachyrium scoparium*, 'Blaze' (Little Bluestem, 'Blaze')**
- 24.2% *Panicum anceps*, GA Ecotype (Beaked Panicgrass, GA Ecotype)**
- 15.0% *Elymus virginicus*, PA Ecotype (Virginia Wildrye, PA Ecotype)**
- 3.7% *Rudbeckia hirta*, Coastal Plain NC Ecotype (Blackeyed Susan, Coastal Plain NC Ecotype)**
- 3.0% *Chamaecrista fasciculata*, FL Ecotype (Partridge Pea, FL Ecotype)**
- 2.7% *Coreopsis lanceolata* (Lanceleaf Coreopsis)**
- 1.5% *Liatris spicata*, FL Ecotype (Marsh Blazing Star, FL Ecotype)**
- 1.3% *Rudbeckia fulgida* var. *fulgida*, Northern VA Ecotype (Orange Coneflower, Northern VA Ecotype)**
- 1.0% *Chamaecrista nictitans*, NC Ecotype (Sensitive Pea, NC Ecotype)**
- 1.0% *Eryngium yuccifolium*, SC Ecotype (Rattlesnake Master, SC Ecotype)**
- 1.0% *Helenium flexuosum*, VA Ecotype (Purplehead Sneezeweed, VA Ecotype)**
- 0.7% *Solidago speciosa*, Coastal Plain GA Ecotype (Showy Goldenrod, Coastal Plain GA Ecotype)**
- 0.7% *Vernonia gigantea*, FL Ecotype (Giant Ironweed, FL Ecotype)**
- 0.5% *Baptisia albescens*, SC Ecotype (Spiked Wild Indigo, SC Ecotype)**
- 0.3% *Silphium asteriscus* var. *laevicaule*, GA Ecotype (Starry Rosinweed, GA Ecotype)**
- 0.3% *Tradescantia ohiensis*, AL Ecotype (Ohio Spiderwort, AL Ecotype)**
- 0.3% *Vernonia angustifolia*, SC Ecotype (Tall Ironweed, SC Ecotype)**
- 0.2% *Coreopsis leavenworthii*, FL Ecotype (Leavenworth's Tickseed, FL Ecotype)**
- 0.2% *Coreopsis tripteris*, AL Ecotype (Tall Coreopsis, AL Ecotype)**

CITY OF CLARKSTON

ITEM NO: G9

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
DISCUSSION

MEETING DATE: March 3, 2020

SUBJECT: Willow Creek Apartment (Smith St) Culvert Replacement project  
Recommend Selection of Low Bidder & Temporary Construction Easement

DEPARTMENT: City Administration

PUBLIC HEARING: YES  NO

ATTACHMENT: YES  NO   
Pages: 2

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

PURPOSE: To replace a 36 inch diameter corrugated metal pipe, located approximately on the property line between 982 Smith Street (Willow Creek Apartments) and 1000 Smith Street, that was found to be corroded and blocked with construction debris and sediment. The culvert is unable to convey rain/stormwater. Various sections of the culvert have experienced signs of deterioration resulting in settlement in some areas of the 1000 Smith Street apartment complex parking lot.

The culvert is part of the city stormwater system. The culvert section in question is located at the outfall of the storm line located under Smith Street and is part of a system of culverts and ditches that conveys stormwater from the North Indian Creek/East Ponce de Leon detention pond and ultimately to South Fork Peachtree Creek.

The culvert footprint is located entirely on private property and extends approximately along the property line between 2 parcels. No platted drainage easement exists.

### Bid Results

Project was advertised for 4 weeks. Legal advertisement was posted on the city web site, glga.org and the DOAS Procurement Registry. On January 31<sup>st</sup>, 2020, nine (9) bids were received for the Willow Creek Apartment Culvert Replacement Project. The bid results are as follows:

**Ohmshiv Construction - \$127,275.00**

**Construction 57, Inc - \$101,000.00**

**SITE Engineering - \$242,100.00**

**SOL Construction, LLC - \$99,426.44**

**BRTU Construction, Inc - \$158,830.00**

**The Dickerson Group - \$169,570.00**

**Cline Services Group - \$247,450.00**

**A&S Paving - \$139,805.00**

**Construction Engineering & Management (CE&M)- \$81,360.00**

Bidders completed the required bid submittal documentation. Bid amounts were verified and accurate. The low bidder, identified as Construction Engineering & Management (CE&M), was deemed qualified to perform the work. CE&M is a GDOT pre-qualified firm.

Prior to bid opening, CIS prepared a “Probable Estimate of Construction Cost”. This estimate was \$118,000. The low bid was 30% less than the engineering estimate.

Given the significant difference in the low bid and the engineering estimate, including the difference between the low bid and the 2<sup>nd</sup> lowest bid, CIS staff met with the owner to discuss. The owner of CE&M is comfortable with the bid amount and is willing to proceed with the work as specified in the bid documents.

### **Project Scope**

The project entails the replacement of an existing deteriorated culvert with a 36 inch aluminized corrugated metal pipe. Work will also include partial replacement of an existing parking lot and fences. The footprint of the existing culvert is approximately on the property line between the two adjacent apartment complexes on Smith Street.

Weather permitting, work will be completed within 30 days after the city issues a Notice-to-Proceed. Residents in the two complexes will receive notification of culvert replacement no later than 72 hours before work commences. The portion of the parking lot to the east of the culvert replacement work will not be available for public use. Fortunately, no parking stalls are affected and access will still be available during construction.

### **Temporary Easements for Construction**

Temporary construction easements are required to enter private property. The easements are in the process of being obtained. No work will begin until easements are signed by the City and the respective owner of each complex.

### **Funding Source**

This project will be funded through the Stormwater Enterprise Program

**Attachments:** Easement Areas

**NEED/ IMPACT:** Improve/enhance the City’s stormwater infrastructure designed to allow for reasonable and proper flow of rain/storm waters to alleviate street, right-of-way, and private flooding.

**RECOMMENDATIONS:** Mayor and Council to discuss and adopt staff recommendation to proceed with low bid.





# ATTACHMENT

Approximate Location of the Temporary Easement  
1000 SMITH STREET



CITY OF CLARKSTON

ITEM NO: G10

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
DISCUSSION

MEETING DATE: MARCH 3, 2020

**SUBJECT:** Amend Early Learning Task Force Resolution to increase members from 11 to 21 and appoint members

DEPARTMENT: City Administration

PUBLIC HEARING: YES  NO

ATTACHMENT: YES  NO   
Pages: 3

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

**PURPOSE:** At the September 3, 2019, Clarkston City Council meeting, the City Council adopted a resolution creating an Early Learning Task Force (CELTF) comprising eleven (11) members with a mission to research, discuss, and create practical, innovative, and equitable practices, policies, and programs designed to further enhance early learning activities. Additionally, the CELTF shall collaborate with policy makers, families, caregivers, and other partners to take a holistic view of the needs and aspirations of families with young children; review local, state, and national early learning strategies; and develop short and long term recommendations.

Interested participants completed an application in December 2019 and January 2020. Based on some considerable interest, a request has been made to increase the number of members of the CELTF from 11 to 21, specifically to increase the number of Clarkston residents from five (5) to six (6), with two (2) still appointed by the Mayor and four (4) appointed by a majority vote of the City Council; and the number of community members from three (3) to twelve (12). The other members remains the same: two Council Members and one member of City management.

A list of appointments is enclosed.

**NEED/ IMPACT:** A City of Clarkston Early Learning Task Force, to be created lasting for no more than one year, would bring together city policy makers, families, caregivers, and strategic partners to take a holistic look at the needs and aspirations of families with young children, review innovative and impactful policies, practices, and programs, and develop short and-long term recommendations based on assets, research, and opportunities.

**RECOMMENDATIONS:** Mayor and Council to discuss and adopt a change to the Resolution increasing the number of members from 11 to 21 and appointing the referenced members to the Early Learning Task Force for a term of one (1) year.

## Clarkston Early Learning Task Force

### Clarkston Residents

Ashli Owen-Smith	Home Owner	GSU Professor, Public Health, parent
Jeanne Reneaux	Home Owner	Teacher, school system; Storyteller
Sean D'aigle	Apartment	Museum, science
Maggie Deaton	Home Owner	Rollins Center for Language & Literacy
Mon Sunar	Apartment	Parent, Parents as Teachers (Bhutan)
Hawa Mohamed	Apartment	Parent, community leader, CDA (Sudan)

### Experts

Maryum Gibson	Scottdale Early Learning/READY Schools, Executive Director
Alexandra Cesar	Giselle Academy, Executive Director
Beena Dahal	Parents as Teachers home visitor, previous Clarkston resident
Hira Chhetri	Parents as Teachers home visitor, previous Clarkston resident
Linda Travers	ECE Georgia Piedmont Technical College Professor, Coach
Ana Sousa	Director, Refugee Village Corp (English Oaks); ESOL teacher
Jennifer Green	Director, Refugee Family Literacy Program
Janette Miles	Early Learning Professional, CDA Instructor
Gwendolyn Morgan	Trainer, past director, Clarkston First Baptist Learning Academy
Nassra Mireh	Director, Refugee Family Services, parent
Desta Eyelachew,	Family advocate, CDI Head Start, Clarkston center (on Church St)

### Other

Roberta Malavenda	CDF Action, Chair/Facilitator
Robin Gomez	Clarkston City Manager
Two City Council representatives	

## **RESOLUTION TO INCREASE AND APPOINT MEMBERS TO THE EARLY LEARNING TASK FORCE**

**WHEREAS**, the City Council understands the valuable and important role that early learning programs and resources play in creating a sustainable community with a very high quality of life within the City of Clarkston; and

**WHEREAS**, the City Council established the Clarkston Early Learning Task Force at their September 3, 2019 Meeting; and

**WHEREAS**, the considerable response of interested candidates indicates the need to increase the number of appointed membership positions; and

**WHEREAS**, the City Council is similarly desirous to confirm the mission and the membership criteria of the Clarkston Early Learning Task Force;

**NOW, THEREFORE, BE IT RESOLVED BY THE** City Council of the City of Clarkston that the following shall apply to the Clarkston Early Learning Task Force.

1. The mission shall be to research, discuss, and create practical, innovative, and equitable practices, policies, and programs designed to further enhance early learning activities.
2. The Clarkston Early Learning Task Force (CELTF) shall collaborate with policy makers, families, caregivers, and other partners to take a holistic view at the needs and aspirations of families with young children; review local, state, and national early learning strategies; and develop short and long term recommendations.
3. The CELTF shall consist of no more than twenty (21) total members, comprising: two (2) Council members who shall be appointed by a majority vote of the City Council; one (1) member of City management; six (6) Clarkston residents with (2) two appointed by the Mayor, and four (4) appointed by a majority vote of the City Council; and twelve (12) community members currently employed in education (preferably early learning) or a not-for-profit/community organization providing early learning services.

4. All member appointments will be for one (1) year as the duration for the Task Force will similarly be for one (1) year.
5. The Mayor and City Council shall appoint Members from the attached application list.

SO RESOLVED, this \_\_\_\_ day of \_\_\_\_\_, 2020

CITY COUNCIL  
CITY OF CLARKSTON, GEORGIA

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Ted Terry, Mayor

ATTEST:

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Tracy Ashby, City Clerk

CITY OF CLARKSTON

CLARKSTON CITY COUNCIL MEETING

BUSINESS AGENDA / MINUTES

MEETING DATE: March 3, 2020

ITEM NO: G11

ACTION TYPE:  
BUSINESS APPEAL

HEARING TYPE:  
Council Meeting

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

DEPARTMENT: City Administration

PUBLIC HEARING: YES  NO

ATTACHMENT: YES  NO   
Pages: 12

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

PURPOSE: City Council to discuss/review appeal by Title Max of City staff denial of Title Max renewal application for permit to operate a pawn shop or title pawn.





January 2, 2020

Attn: Tracy Ashby  
City of Clarkston  
1055 Rowland St.  
Clarkston, GA 30021

***Via Federal Express***

Dear Mr. Ashby:

Please find the enclosed Pawn License Renewal, as well as a check in the amount of \$3,500.00 to cover the fee associated with the same, for the store listed below:

Store	Name	Address	City	State	Fee
11542	TitleMax of Clarkston #1	4222 E. Ponce De Leon Ave.	Clarkston	GA	\$3,500.00

The District Manager will be coming to the office within the next few days to handle background checks for himself and staff.

Should you have any questions or need any additional information, please do not hesitate to contact me directly at 912-503-2804, or via email at [seth.riley@titlemax.com](mailto:seth.riley@titlemax.com). Thank you.

Sincerely,

J. Seth Riley  
Licensing Administrator

Enclosure

• 15 Bull Street, Suite 200 • Savannah, GA 31401 •

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(912) 525-2675 • Fax (912) 525-2679



**CITY OF CLARKSTON  
1055 ROWLAND STREET  
CLARKSTON, GA 30021**

**APPLICATION FOR PERMIT TO OPERATE A PAWN SHOP OR TITLE PAWN**

All applications must be typed or legibly printed in black ink. Each question must be answered completely and correctly. If the space provided herein is not sufficient, attach additional information. Applications must be signed, dated notarized and filed in the City Clerk's Office, 1055 Rowland Street, Clarkston, GA 30021.

1. Is applicant:  Sole Proprietorship     Partnership     Corporation
2. (A) Legal Name of Business: TitleMax of Georgia, Inc.  
 (B) Operating / Trade Name of Business: TitleMax
3. Type of Business: Title Pawn  
 Location of Business: 4222 E. Ponce De Leon Ave.  
 City Clarkston State Georgia 30021
4. Business Telephone Number(s): (404) 292-3728
5. Indicate whether your proposed business will: buy \_\_\_\_\_, sell \_\_\_\_\_, process \_\_\_\_\_; gold \_\_\_\_\_, silver \_\_\_\_\_, or jewelry \_\_\_\_\_. (Check all that apply) \*title pawn
6. Full Name of Applicant: TitleMax of Georgia, Inc.
7. Residence Address: 15 Bull St., Ste 200  
 City Savannah State Georgia Zip 31401  
 Telephone Number: Home N/A Business (912) 525-2675  
 Social Security Number: (FEIN) 58-2547327 Date of Birth N/A  
 Place of Birth: N/A  
 Permanent Resident Alien Number: N/A  
 Citizen of the USA?     YES     NO  
 Resident of Georgia?     YES     NO  
 Number of years as residence of Georgia N/A County N/A
8. Has any county, municipality, or other governmental subdivision ever suspended or revoked a pawnshop license issued to the applicant.    YES     NO

9. Licensee/Agent Business Occupation(s), Business Interest(s), and/or Employer(s) for the past five (5) years:

Date	Company	Address (City & State)	Position	Interest
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N/A

10. For all owners, pawnbrokers, employees, or; if a Corporation or Partnership, indicate for the majority stockholder and each principle officer, (If Partnership, include all Partners) Name, Address, DOB, SS# and percentage of interest:

Name	Address	DOB/SSN	Position/Interest.
TMX Finance LLC	15 Bull St., Ste. 200, Savannah, GA 31401	58-244-2222	100%
Tracy Young	427 Barnard St., Savannah, GA 31401	[REDACTED]	0% / CEO, Treasurer, Director
Otto W. Biels, III	115 Sussex Retreat, Pooler GA 31322	[REDACTED]	0% President, Secretary
Carrie E. Carbone	86 Hampton Hall Blvd., Bluffton, SC 29916	[REDACTED]	Asst. Secretary

11. List any individual(s) or firm(s) owning any interest in or receiving any funds from the operation of the business:

N/A

12. List owner of property, location of business, and include address and telephone number.

Janice Brock (770) 806-9376

13. Does applicant, License/Agent, Manager or any Partner(s) or any Corporate Officer(s) or Trustee(s) have within the preceding ten (10) years, any convictions for the violation of any federal, state local laws, ordinances, does said person have current proceedings pending for Violations of any local laws, ordinances, does said person have current proceedings pending for violations of any federal, state local laws, ordinances or regulations. **NO**



- 14. For the purpose of this question, the term "CONVICTION" shall include an Adjudication of Guilt, a plea of Guilty, a plea of Nolo Contendere, or Forfeiture of a bond.

Person Charged	Date	Offense	Location (City, State)	Disposition
N/A				

- 15. Describe the nature and character of business: (Be specific)

Title Pawn

- 16. Are you familiar with the City of Clarkston Ordinances, State Laws and Regulations governing the operation of Pawnshops/Pawn Brokers? Yes  No

- 17. Do you agree to abide by such Ordinances, Laws and Regulations?  YES  NO  
\*Grandfathered in\*

I, Amanda Logan, being duly sworn accordingly to law, do swear that the facts and things stated by me in the foregoing answers to questions are true, and no false or fraudulent statement has been made (herein that such answers were made in order to procure the granting of such license).

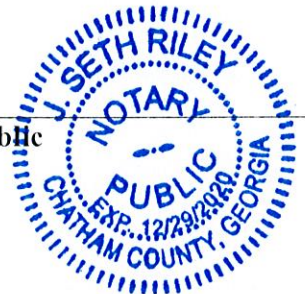
Amanda Logan

Signature of Licensee/Agent

Sworn to and subscribed before me this 23rd day of December 2019.

J. Seth Riley

Notary Public



N/A

Signature and Title of person other than Licensee/Agent filling out this application

( ) \_\_\_\_\_  
Telephone Number

OFFICE USE ONLY

Date Received: \_\_\_\_\_ Assigned Investigator/ Inspector: \_\_\_\_\_

Investigation Notes:

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Date Investigation completed: \_\_\_\_\_ Recommend:  Approve  Deny

Assigned Investigator/ Inspector (Printed Name): \_\_\_\_\_

Assigned Investigator/ Inspector (Signature): \_\_\_\_\_

Date Received: \_\_\_\_\_ Chief Review: \_\_\_\_\_

Recommend:  Approve  Deny

Chief of Police (Printed Name): \_\_\_\_\_

Chief of Police (Signature): \_\_\_\_\_

Submitted to Council Review (Meeting Date): \_\_\_\_\_

Council Recommend:  Approve  Deny

License Issued Date): \_\_\_\_\_

License Number: \_\_\_\_\_







CITY OF CLARKSTON / POLICE DEPARTMENT
PERSONAL HISTORY RECORD

This Form to Be Completed by Every Owner/Pawnbroker/Employee

PERMIT TYPE: \_\_\_\_\_ DATE: \_\_\_\_\_

Name in FULL (Please Print) \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Place of Birth \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_
(City, State) (Day, Month, Year)

Race: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_

Eye Color: \_\_\_\_\_ Hair Color: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ Driver's License # \_\_\_\_\_

Have you been convicted of any law? Federal: \_\_\_\_\_ Foreign Country: \_\_\_\_\_ State Law: \_\_\_\_\_

City Ordinance: \_\_\_\_\_ if so, explain: \_\_\_\_\_

List names and addresses of employers for the past three (3) years: \_\_\_\_\_

Finger print Card Submitted: [ ] YES [ ] NO

Applicant Signature: \_\_\_\_\_

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

CRIMINAL HISTORY CONSENT

I hereby authorize the Clarkston Police Department/License and Permits Unit to receive any criminal history record information pertaining to me which may be in the files of any state local criminal justice agency in Georgia. I also acknowledge that any information I provide on this application can be made publicly available under the Georgia Open Records Act O. C. G. A. 50- 18-70.

Have you ever been charged or convicted of any violation of the law? [ ] Yes [ ] No

Date of Occurrence: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_

Disposition: \_\_\_\_\_ Explain: \_\_\_\_\_

I DO HEREBY SWEAR OR AFFIRM THAT THE ABOVE IS TRUE AND CORRECT AND IN MAKING THE ABOVE REPRESENTATION UNDER OATH, I UNDERSTAND THAT ANY PERSON WHO KNOWINGLY AND WILLFULLY MAKES A FALSE, FICTITIOUS, OR FRAUDULENT STATEMENT OR REPRESENTATION IN AN AFFIDAVIT SHALL BE GUILTY OF A VIOLATION OF O.C.G.A. 16-10-20.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_



**Mayor**  
*Ted Terry*

**City Council**

*YT Bell*  
*Jamie Carroll*  
*Laura Hopkins*

*Awet Eyasu, Vice Mayor*  
*Ahmed Hassan*  
*Debra Johnson*

**City Manager**  
Robin I. Gomez

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January 10, 2020

VIA PRIORITY MAIL # 7019 0160 0000 2140 4762

Ashley Cantrell  
TitleMax of Georgia, Inc.  
15 Bull St, Ste 200  
Savannah GA 31401

**RE: Denial of Renewal of Application for Permit to Operate a Pawn Shop or Title Pawn TitleMax Pawnbroker at 4222 E. Ponce de Leon Ave.**

Dear Ashley Cantrell:

This letter shall serve as notice that the City of Clarkston has denied your application to renew the above-referenced Pawn license. Please find enclosed your check for the \$3,500 license fee. The City denied your application pursuant to City Code §11-5(7). The above-referenced business has failed to conduct itself in accordance with applicable regulations and is not in conformity with location requirements for pawnbrokers.

Specifically, the store manager admitted to the City Council on November 26, 2019 that the store habitually remains open for business between 5:00 p.m. and 7:00 p.m., in violation of City Code §11-121. Moreover, 4222 E. Ponce de Leon is prohibited from being a pawnbroker location by City Code §11-113 because it is within 1,000 feet of a structure in residential use, specifically 1132 Vaughan St and within 1,000 feet of a church, specifically Clarkston First Baptist Church located at 3999 Church St.

Finally, please be advised that you have the right to appeal this nonrenewal pursuant to City Code §11-7.

Sincerely,

Robin I. Gomez  
Clarkston City Manager

cc: Tracy Ashby, City Clerk  
J. Seth Riley

\*Admitted in GA and AL

James A. Balli, Partner\*  
Direct: 770.434.4335  
[jballi@taylorenchlish.com](mailto:jballi@taylorenchlish.com)

February 3, 2020

***VIA EMAIL: [tashby@cityofclarkston.com](mailto:tashby@cityofclarkston.com)***  
***AND FEDERAL EXPRESS***

Tracy Ashby, City Clerk  
City of Clarkston, Georgia  
1055 Rowland Street  
Clarkston Georgia 30021

Re: Denial of Renewal Application for Permit to Operate a Pawn Shop or Title Pawn  
TitleMax Pawnbroker at 4222 E. Ponce de Leon Avenue

Dear Ms. Ashby:

As you are aware, I represent TitleMax of Georgia, Inc. with regard to its location at 4222 E. Ponce de Leon Avenue, Clarkston, Georgia. On January 22, 2020 my client received a copy of the attached letter from your City Manager purporting to deny TitleMax an Occupational Tax Certificate for its current business within the City of Clarkston. Pursuant to Section 11-7 of the Clarkston Code of Ordinances, please consider this my client's appeal of said denial letter. As the letter was received on January 22, 2020, the appeal is timely under the provisions of Article 1, Section 11-7.

As to the identification of the specific objections or exceptions to the decision of the City of Clarkston to purportedly deny the Occupational Tax Certificate, please be advised it is my position that the denial violates the Orders entered by the Superior Court of DeKalb County. Specifically, the injunction entered on December 27, 2019 expressly prohibited the enforcement of the Ordinance attached to the Injunction. The Ordinance attached to the Injunction included Sections 11-121 (hours of operation) and 11-113 (distance). The Interlocutory Injunction entered on January 24, 2020 again attached the entire Ordinance and specifically restrained all of the Defendants from enforcing said Ordinance against TitleMax. Accordingly, it is our contention that, as the City has been ordered not to enforce the Ordinance against TitleMax, the City cannot utilize an alleged violation of the Ordinance as a basis for the denial of the Occupational Tax Certificate.

That said, it is not my belief that the City intended to intentionally violate the Order so I am simply asking that the denial letter be immediately withdrawn and the license issued.<sup>1</sup> I am

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<sup>1</sup> I do not agree that any representative of TitleMax admitted to any violation of any ordinance of the City of Clarkston.

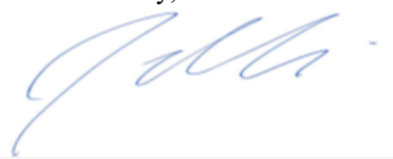
Tracy Ashby, City Clerk  
City of Clarkston, Georgia  
February 3, 2020  
Page 2

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forwarding this letter to you in order, out of an abundance of caution, to comply with the appeal provisions contained within the City's Code of Ordinances. However, as you are represented by the City Attorney and there is ongoing litigation involving the Ordinance, please do not reply directly to me unless you are expressly authorized by your City Attorney who is also copied on this letter. Thank you in advance for your time and cooperation.

TAYLOR ENGLISH DUMA LLP

Sincerely,



James A. Balli

cc: TitleMax of Georgia, Inc.  
Robin Gomez, City Manager – via email only  
Stephen Quinn, Esq. – via email only



**Mayor**  
*Ted Terry*

**City Council**

*YT Bell*  
*Jamie Carroll*  
*Laura Hopkins*

*Awet Eyasu, Vice Mayor*  
*Ahmed Hassan*  
*Debra Johnson*

**City Manager**  
Robin I. Gomez

---

February 13, 2020

**VIA USPS #: 70190160000021396159**  
**& Email: [jballi@taylorenghish.com](mailto:jballi@taylorenghish.com)**

James A. Balli, Esq.  
Taylor English Duma, LLP  
1600 Parkwood Circle, Suite 400  
Atlanta, GA 30339

**RE: Appeal of Denial of Application For Permit to Operate a Pawn Shop or Title Pawn for TitleMax Pawnbroker located at 4222 E. Ponce de Leon Ave.**

Dear Mr. Balli:

The City of Clarkston received your letter dated February 3, 2020, appealing the above referenced denial of TitleMax's application for permit to operate a pawn shop or title pawn. Pursuant to City Code Section 11-126, TitleMax's appeal will be heard by the Clarkston City Council at its regular meeting to take place on March 3, 2020, beginning at 7:00 p.m. at Clarkston City Hall, located at 3921 Church St in Clarkston, GA.

CORDIALLY,

Robin I. Gómez, Clarkston City Manager

Copy: Ashley Cantrell  
Stephen G. Quinn, City Attorney

February 21, 2020

*Via email ([jballi@taylorenghish.com](mailto:jballi@taylorenghish.com))  
and First Class Mail*

James A. Balli, Esq.  
Taylor English Duma, LLP  
1600 Parkwood Circle, Suite 200  
Atlanta, GA 30339

Re: TitleMax v. Clarkston, Superior Court DeKalb County -19CV12558

Dear James:

This letter is in response to your correspondence of February 18, 2020, in which you threatened to ask the Court to hold the City of Clarkston in contempt unless it issues a pawn broker business license to TitleMax. In short, the City is not required to issue such a license by the Consent Interlocutory Injunction Order.

The City Manager scheduled TitleMax's appeal hearing in response to your appeal of the City denying renewal of the pawn broker business license. The City is merely following the process provided for in its Code of Ordinances. TitleMax is not "required" to appear at the appeal hearing but the hearing is TitleMax's opportunity to persuade the City Council that it should be issued a renewal license. It is TitleMax's decision to make whether the company wishes to appear at the hearing or rely on your appeal letter of February 3, 2020.

I strongly disagree with your contention that the Consent Interlocutory Injunction Order in this case requires the City to issue a pawn broker business license to TitleMax for year 2020. The Order certainly does not state that the City will issue a license to TitleMax for 2020 and we never discussed any such thing when we negotiated the Consent Interlocutory Injunction Order. In fact, the Order does not require the City of Clarkston to do anything. It only directs that the City is "enjoined from enforcing the Ordinance."

Your position that the Order requires the City to issue a license for 2020 is inconsistent with the very nature of an interlocutory injunction. Interlocutory injunctions are for the purpose of preserving the status quo during litigation. In this case, the status quo on January 24, 2020, when the Order was entered, was that TitleMax did not have a pawn broker business license for



James A. Balli, Esq.  
Page -2-  
February 21, 2020

2020 but was being allowed to continue its operations without a license. The City will continue to honor the Court's Order as long as it is in place by allowing TitleMax to continue operations without the license that would otherwise be required and by refraining from issuing any citation to TitleMax for operating without a license.

Regarding Attorney General Opinion 2019-2, I do not find this opinion to be persuasive at all. The opinion deals with an unrelated State law concerning pet shops and an unrelated ordinance promulgated by a different city. Your spurious suggestion that this Attorney General Opinion "clearly establishes" the law applicable to Clarkston's pawn shop ordinance and will result in "personal liability" does not merit a response.

Finally, regarding your ante litem letter to the City, your understanding that the City Council voted to reject TitleMax's claim is mistaken. The City Council has not taken any such vote. Furthermore, it is unclear to me how the ante litem statute would apply to this case, since TitleMax has not suffered any monetary damages.

In conclusion, the City's position in this matter is that it has already compromised with TitleMax by delaying the application of its pawn shop ordinance to TitleMax for more than three years *at TitleMax's specific request*. As you know, the City accommodated TitleMax's request to be allowed to operate until its lease at the subject property expired at the end of 2019. The City is not responsible for Title Max's apparent decision to renew its lease even though it knew of the City's lawful ordinance.

Sincerely,

WILSON MORTON & DOWNS, LLC

  
Stephen G. Quinn  
Clarkston City Attorney

SGQ/ccb  
cc: Robin Gomez, City Manager

P.S. Please see the first page of this letter for my office address. I am not located at Clarkston City Hall.

\*Admitted in GA and AL

James A. Balli, Partner\*  
Direct: 770.434.4335  
[jballi@taylorenchlish.com](mailto:jballi@taylorenchlish.com)

February 26, 2020

***VIA EMAIL: [squinn@wmdlegal.com](mailto:squinn@wmdlegal.com)  
AND REGULAR MAIL***

Stephen G. Quinn, City Attorney  
Wilson Morton & Downs, LLC  
Two Decatur Center  
125 Clairmont Avenue, Suite 420  
Decatur, Georgia 30030

Re: Denial of Renewal Application for Permit to Operate a Pawn Shop or Title Pawn  
TitleMax Pawnbroker at 4222 E. Ponce de Leon Avenue

Melvin Johnson, et al. v. City of Clarkston, et al.  
Superior Court of DeKalb County; CAFN: 19CV12558

Dear Stephen:

I am in receipt of your letter dated February 21, 2020. The initial Restraining Order entered in this case was on December 27, 2019, restrained all Defendants from enforcing the Ordinance against the Plaintiffs, and attached a complete copy [including the hours of operation and the distance restrictions] of the Ordinance. (See attached). Therefore, the *status quo* at the time of the injunction [which was extended with identical terms by the January 24, 2020 Order] was that TitleMax had a valid Occupational Tax Certificate [it did not expire until December 31, 2019] to conduct its lawful business. In order to comply with the requirements to maintain its valid Occupational Tax Certificate, TitleMax [as it has done for years in the City] timely filed for renewal and tendered the \$3,500 fee before the March 1, 2020 deadline. Accordingly, it was surprising to get a “denial” which would change the *status quo* established on December 27, 2019 based on portions of an Ordinance that the City was enjoined from enforcing against TitleMax. To me, that appears to be a rather easy case to make for Contempt of the Order.

Also, while I agree that we did not discuss the Order would force the issuance of an occupational tax certificate, the entire reason for the Order was to prohibit the City from denying TitleMax the right to conduct its lawful business while the merits were litigated. Thus, if the City is going to require an operational tax certificate from TitleMax, the City may not deny said issuance based on any allegations of violations of any portion of the Ordinance.

Stephen G. Quinn, City Attorney  
City of Clarkston, Georgia  
February 26, 2020  
Page 2

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However, in your letter dated February 21, 2020, for the first time, I was informed that the City will continue to allow TitleMax to conduct business without an occupational tax certificate and will “refrain from issuing any citation to TitleMax for operating without a license.” With that express commitment in writing, TitleMax does not believe it needs to file a Motion for Contempt but reserves the right to present such argument at the appropriate time.

With regard to the “appeal” hearing, TitleMax will send a legal representative on March 3, 2020 and hereby submits the Order and a copy of its valid 2019 occupational tax certificate [see attached] as the record in support of the appeal and requests a vote by the City Council. TitleMax respectfully contends that the City may not deny an occupational tax certificate based on alleged violations of an Ordinance the City is enjoined from enforcing.

Thank you.

TAYLOR ENGLISH DUMA LLP

Sincerely,



James A. Balli

**NOTE**

**This communication is made for the purpose of attempting to offer a compromise and to resolve a disputed matter. Accordingly, O.C.G.A. § 24-4-408 establishes that this communication is not admissible in any proceeding for any purpose, except to establish notice to the recipient.**

**IN THE SUPERIOR COURT OF DEKALB COUNTY  
STATE OF GEORGIA**

**MELVIN JOHNSON, ELISE )  
GILLISON, DEACON WILLIE )  
KELLEY and TITLEMAX )  
OF GEORGIA, INC., )**

**Plaintiffs, )**

**v. )**

**CITY OF CLARKSTON, (a )  
Georgia Municipal Corporation), )  
EDWARD TERRY, Mayor, )  
Council Members AWET EYASU, )  
AHMED HASSAN, JAMES )  
CARROLL, YTERNECKIA BELL,) )  
ANDREA CERVONE, MARIO )  
WILLIAMS, City Manager )  
ROBIN GOMEZ, and Police Chief )  
CHRISTINE HUDSON all in their )  
individual and Official Capacities, )  
JOHN DOE and JANE DOE, )**

**Defendants. )**

**CIVIL ACTION FILE  
NO. 19CV12558**

**AMENDED TEMPORARY RESTRAINING ORDER  
PURSUANT TO O.C.G.A. § 9-11-65(b) – WITH EXHIBITS**

WHEREAS, Plaintiffs MELVIN JOHNSON, ELISE GILLISON, DEACON WILLIE KELLEY and TITLEMAX OF GEORGIA, INC. have filed a Verified Complaint alleging that Chapter 11, Article 7 entitled “Pawnbrokers” of the City of Clarkston’s Code of Ordinances (the “Ordinance”)(attached to this Order as Exhibit

“A”) violates Georgia law and the Constitutions of the State of Georgia and the United States; and

WHEREAS, as required by O.C.G.A. § 9-11-65(b), Plaintiffs have alleged by Verified Complaint and Affidavit that the Ordinance is set to go into effect on January 1, 2020 and that Plaintiffs would suffer immediate and irreparable injury, loss, or damage to Plaintiffs by (1) severely damaging Plaintiff TitleMax’s business; (2) ending Plaintiffs Johnson’s and Ellison’s employment and (3) causing Plaintiff Kelley to lose the location at which his financial services are obtained; and

WHEREAS, as required by O.C.G.A. § 9-11-65(b), Plaintiffs’ counsel has certified to this Court, in writing, the efforts which have been made to give notice to Defendants and Defendants’ counsel and the reasons supporting why further notice should not be required; and

WHEREAS the Court having considered the entirety of the Verified Complaint and all attachments and, as authorized by O.C.G.A. § 9-11-65(b), in order to maintain the *status quo* pending a full interlocutory injunction hearing or a resolution on the merits;

**IT IS HEREBY ORDERED AND ADJUDGED that effective as of 12:04 P.M. on this 27<sup>th</sup> day of December, 2019, all individual Defendants, their official successors or anyone operating under said individual Defendants’ direction and control are hereby RESTRAINED and PROHIBITED from enforcing the Ordinance**

attached hereto. This Order shall remain in effect until the earlier of thirty (30) days from today's date or further Order of the Court and shall have no effect on the merits of this case.

This 27<sup>th</sup> day of December, 2019.

  
\_\_\_\_\_  
Presiding Judge, Superior Court of DeKalb  
County



# Exhibit “A”

## ARTICLE VII. - PAWNBROKERS

## Sec. 11-110. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section or shall have the same meaning as set forth in the Official Code of Georgia Annotated, Section 44-12-130, should those definitions differ.

*Employee* means any person who works in a pawnshop, whether on a part-time or full-time basis, regardless of whether remuneration is received or not.

*Month* means that period of time from one date in a calendar month to the corresponding date in the following calendar month, but if there is no such corresponding date, then the last day of such following month.

*Pawnbroker* means any person engaged in whole or in part in the business of lending money on the security of pledged goods, or in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as a part of or in conjunction with the business activities described in this paragraph.

*Pawnshop* means a pawnbroker's physical location and/or any place where Pawn transactions occur.

*Pawn transaction* means any loan on the security of pledged goods or any purchase of pledged goods on the condition that the pledged goods may be redeemed or repurchased by the pledger or seller for a fixed price within a fixed period of time.

*Person* means an individual, partnership, corporation, joint venture, trust, association, or any other legal entity however organized.

*Pledged goods* means tangible personal property, including, without limitation, all types of motor vehicles or any motor vehicle certificate of title, which property is purchased by, deposited with, or otherwise actually delivered into the possession of a pawnbroker in connection with a pawn transaction. However, for purposes of this Code section, possession of any motor vehicle certificate of title which has come into the possession of a pawnbroker through a pawn transaction made in accordance with law shall be conclusively deemed to be possession of the motor vehicle, and the pawnbroker shall retain physical possession of the motor vehicle certificate of title for the entire length of the pawn transaction but shall not be required in any way to retain physical possession of the motor vehicle at any time. "Pledged goods" shall not include choses in action, securities, or printed evidences of indebtedness.

( Ord. No. 399, § 1(Attach.), 11-1-16 )

## Sec. 11-111. - Employees.

No person shall be an employee of a pawnshop in any capacity until such person has been fingerprinted by the Clarkston police department and has been issued an annual permit authorizing such person to be employed by a pawnshop. It shall be the duty of the pawnbroker to ensure that his employees are in compliance with the provisions of this section.

( Ord. No. 399, § 1(Attach.), 11-1-16 )

Sec. 11-112. - General policies and purposes.

- (a) Pawnbrokers may operate only after the issuance of a license for such operation by City of Clarkston and only in the manner permitted by such license. Pawn transactions may only occur through a licensee who complies with the rules and regulations of this article and with the licensing, regulatory and revenue requirements of the State of Georgia.
- (b) All licenses are a mere grant or privilege subject to all terms and conditions imposed by this article and state law and subject to being revoked by the city.
- (c) Each licensee of the city shall display the license issued under this article prominently at all times at the outlet for which the license is issued. A separate license must be issued for each outlet of sale and a separate application must be made for each outlet.

( Ord. No. 399, § 1(Attach.), 11-1-16 )

Sec. 11-113. - Location restrictions.

- (a) No pawnshop shall be located within one thousand (1,000) feet of any other pawnshop. This distance shall be measured by the most direct route of travel on the ground.
- (b) No pawnshop shall be located within one thousand (1,000) feet of any of the following uses:
  - (1) From any structures in residential use.
  - (2) From any public or private school.
  - (3) From any public or private park or recreation facility.
  - (4) From any public library branch.
  - (5) From any church or similar place of religious worship.
  - (6) From any public or private hospital or mental health care facility.

The distance in subsection (b)(1)-(6), notwithstanding the definition of distance contained in subsection (a), shall be measured in a straight line from the closest point of the property line of the site proposed to be occupied by the pawnshop or similar place where money is advanced on goods or other effects or merchandise of any kind is taken in pawn, to the closest property line of any use identified above.

- (c) Applicants for license to operate a pawnshop shall include with their application a plat of survey prepared and sealed by a surveyor registered in the state certifying that all of the locational requirements listed above in subsections (a) and (b) have been met.
- (d) *Grandfathering.* Any business holding a valid city business license and operating as pawnbroker on November 1, 2016, shall be exempt from the location restrictions of this section for so long as such business remains at the same location under a valid business license and does not expand its facility at such location, until December 31, 2019, when this grandfathering provision shall expire.

( Ord. No. 399, § 1(Attach.), 11-1-16 ; Ord. No. 408, § 1, 3-21-17 )

Sec. 11-114. - Qualifications for issuance of license.

Any person who desires to obtain a license for the operation of a pawnshop must meet the minimum qualifications set forth in this section. If the applicant is a partnership, each partner must meet the qualifications of any individual license and must make sworn statements of these qualifications as part of the applications process. If the applicant is a corporation, the majority stockholder and each principle officer of the corporation must meet the qualifications as part of the application process.

- (a) No owner, pawnbroker or any person connected with operating a pawnshop for which a license or permit is sought shall have been convicted of a crime involving "moral turpitude" or shall have been convicted of any crime involving felony theft, burglary, robbery, or a violation of the "Family Violence Act."
- (b) No license shall be granted to an applicant who is under the age of eighteen (18) years of age.
- (c) All persons filing an application for a pawnshop license will be required to complete a waiver in order for the applicant's criminal history to be obtained.
- (d) No license shall be granted where the applicant has had any pawnshop license issued by any county, municipality, or other governmental subdivision suspended or revoked.
- (e) No license shall be granted for a location that is not in compliance with any federal, state, or local regulation including, but not limited to, a state certificate of occupancy, a City of Clarkston certificate of occupancy and the location restrictions of this Article.
- (f) No license shall be issued where the applicant has supplied false information in the license application or where any required fee has not been paid by such applicant, including any fees or assessments owed to the city.

( Ord. No. 399, § 1(Attach.), 11-1-16 )

Sec. 11-115. - Annual permit.

Before operating a pawnshop, any person must first file an application with the municipal police department for a permit pursuant to the following:

- (a) The application shall be made on an annual basis;
- (b) No permit to operate a pawnshop shall be issued until a regulatory fee in the amount of three thousand five hundred dollars (\$3,500.00) is paid to the city. Such fee shall be in addition to applicable occupation tax and business licensing fees and is intended to offset expense incurred by the city to administer this article;
- (c) The application shall state the physical address of the pawnshop;
- (d) The application shall contain the full name, street address, mailing address, phone number, facsimile number, e-mail address, Social Security number, and date of birth and of any employee, owner, or pawnbroker;
- (e) The chief of police or designee shall investigate each applicant for such license and shall report to the city council whether such applicant is a person of good character and has not been convicted of a criminal offense an indicated in this article.

( Ord. No. 399, § 1(Attach.), 11-1-16 )

## Sec. 11-116. - Application.

- (a) All applications required in section 11-115, annual permit, shall be in writing and on forms provided by the municipal police department.
- (b) All applications shall be completed by the applicant and sworn to and signed by the applicant in the presence of a notary public or other officer authorized to administer oaths.
- (c) All applicants shall furnish all data, information and records requested of them, and failure to furnish such data, information, and records within thirty (30) days from the date of such request shall automatically serve as grounds to deny the application. An applicant, by filing an application, agrees to produce for questioning any person(s) who are considered relevant to the ascertainment of facts relative to such license, as may be requested by the city council, the municipal police department, or other official designated by the city council. The failure to produce such persons within thirty (30) days after being requested to do so may result in denial of the application.
- (d) Each applicant shall certify on the application that they have read this article and, if the license is granted, each licensee shall maintain a copy of this article on the premises.
- (e) Once an application, accompanying documents, and the required investigative and license fees are filed with the municipal police department, the police department shall conduct a criminal investigation of the applicant and prepare a written criminal investigation report detailing all information relating to fingerprinting, criminal history, arrest data, and other matters pertinent to law enforcement. Upon completion of the criminal investigation report, the municipal police department shall assemble the tendered application forms and accompanying documents relating to investigation and processing of the application and deliver such documents to the city clerk. If the criminal investigation report shows that the applicant meets the requirements set by this article and all other requirements of this ordinance are satisfied, then the city clerk shall schedule the application for hearing at the next regularly scheduled public hearing calendar before the city council and shall so inform the applicant of this fact before such meeting. If the criminal investigation report shows that the applicant fails to meet the requirements set by this article, or if the applicant fails to meet all other requirements outlined by this article, then the city clerk shall inform the applicant, in writing, that the application has been denied, and shall set forth in reasonable detail the reasons for the denial and shall notify the applicant of his right to appeal. Such appeal shall be before the city council in accordance with section 11-126, Appeal procedure, of this article. If an applicant desires to appeal a denial, the applicant must file a written request for an appeal with the city clerk within ten (10) business days of the date of the written notice informing the applicant of the denial of the license.
- (f) Any application that the city clerk determines to satisfy all the requirements outlined in this article, including character requirements as contained in the criminal investigation report of the municipal police department, shall be scheduled for review at the next regularly scheduled public meeting of the city council. At that meeting, the applicant and any person opposed to such application has the right to present to the city council any information that the city council determines is relevant to the licensing decision. In making its determination on whether to approve or deny the application, the city council shall look to the qualifications set forth in this article and consider the public interest and welfare of the citizens of the city. The council shall have the discretion to grant or deny the application based on the information presented. A decision by the city council shall be made within thirty (30) days from the date

of the public hearing, unless the decision is postponed for purposes of obtaining additional information deemed necessary for consideration of the application. Notice of the decision by the city council shall be mailed to the applicant. If the application is denied, such written notification shall set forth in reasonable detail the reasons for the denial and shall notify the applicant of his right to appeal. Such appeal shall be taken solely in accord with section 11-126, Appeal procedure, of this article.

- (g) In all instances in which an application is denied, the applicant may not reapply for the same type of license for at least one year from the date of denial.
- (h) Upon the issuance of a license, the licensee must have and continuously maintain in the city a registered agent upon whom any process, notice, or demand required or permitted by law or under this article may be served. This person must be an individual and must be a resident of city. The licensee shall submit the name of such agent, along with the written consent of such agent, to the city clerk. The identity of the agent may also be submitted contemporaneous to filing the license application.
- (i) Upon approval by the city council of the application for a license, the city clerk shall issue a license in accordance with the approved application. If the applicant is an individual, the license shall be issued in the name of the individual. If the application is a corporation, the license shall be issued in the name of the corporation and in the name of the majority stockholder or a principal officer of the corporation. If the application is a partnership, the license shall be issued in the name of the partnership and in the name of one of the partners. All licenses issued shall be granted for the full calendar year or for the number of months remaining in the calendar year. Any applicant granted a license before July 1 shall pay the full license fee without proration. License fees for licenses granted on or after July 1 shall be one-half the annual license fee. License fees are not refundable once the license is granted by the city.

( Ord. No. 399, § 1(Attach.), 11-1-16 )

#### Sec. 11-116.5. - Employee permits.

- (a) No person shall work in a pawnshop unless he first obtains a permit pursuant to this section.
- (b) To obtain a permit to work as an employee of a pawnshop, the applicant shall submit to a criminal background check to be performed by the municipal police department, provide all necessary information, and pay a non-refundable fee of three hundred dollars (\$300.00).
- (c) If the applicant has not been convicted of a felony or crime of moral turpitude within the past five (5) years, the city clerk shall issue a permit.
- (d) Subsequent indictment of a permittee for committing a felony or crime of moral turpitude shall operate to immediately revoke any permit issued pursuant to this section.

( Ord. No. 399, § 1(Attach.), 11-1-16 )

#### Sec. 11-117. - Commencement and forfeiture.

- (a) All holders of licenses under this article must, within six (6) months after the issuance of the license, open for business the establishment referred to in the license, unless such period is extended by the city clerk. Failure to open the licensed establishment as referred to in this subsection within the six-month period shall serve as an automatic forfeiture and cancellation of the license, and no refund of license fees shall be made to the license holder.



- (b) Any holders of a license under this article who shall begin the operation of the business as authorized in the but who shall for a period of three (3) consecutive months thereafter cease to operate the business as auth the license, shall automatically forfeit his license, which license shall, by virtue of such failure to operate, be without the necessity for any further action by the city.

( Ord. No. 399, § 1(Attach.), 11-1-16 )

Sec. 11-118. - Renewals and transfers.

- (a) Any license holder subject to this ordinance shall apply for renewal of any existing license and shall pay the annual license fee no later than February 15th of each calendar year in which it does business.
- (b) No license granted for a pawnshop shall be transferable except upon application to the municipal police department in the same form and manner, and subject to the same requirements with respect to the transferee as are applicable in an original application. Any such license may be transferred only to another applicant doing the same business at the same place as the license holder to whom the license was originally issued upon approval of a new application pursuant to section 11-116.

( Ord. No. 399, § 1(Attach.), 11-1-16 )

Sec. 11-119. - Disposal of articles.

Any pawnbroker or employee of a pawnshop who makes a loan on pledged goods, or buys pledged goods on the condition that the seller may repurchase said goods, shall hold said goods for at least thirty (30) days before disposing of them by sale, transfer, shipment or otherwise. Nonpledged goods bought under this section shall be held for at least seven (7) calendar days before disposing of them by sale, transfer, shipment or otherwise.

( Ord. No. 399, § 1(Attach.), 11-1-16 )

Sec. 11-120. - Minors.

It shall be unlawful for any pawnbroker or employee of a pawnshop to receive goods in pawn, trade, purchase or sale from a person under eighteen (18) years of age.

( Ord. No. 399, § 1(Attach.), 11-1-16 )

Sec. 11-121. - Hours of operation.

All holders of licenses under this division shall operate only between the hours of 9:00 a.m. and 5:00 p.m., Monday through Saturday.

( Ord. No. 399, § 1(Attach.), 11-1-16 )

Sec. 11-122. - Lost or stolen items.

- (a) It shall be the duty of every person operating or employed by a pawnbroker's license or permit, to report to the chief of police or his duly authorized agent any article or goods sold or pawned to him if he shall have a reason to believe that the article or goods was stolen or lost when presented by seller or customer.

- (b) With respect to any items which would normally have a serial number or other means of identification, if a pawnbroker or employee of a pawnshop becomes aware that such items have had the identification removed or destroyed, such fact shall be immediately reported to the chief of police or his duly authorized agent.
- (c) If it is determined that an item bought, sold, traded or pawned by a seller or customer to the pawnbroker or his employee is the subject of any reported theft, then the pawnbroker shall surrender such item to the chief of police or his duly authorized agent upon demand.

( Ord. No. 399, § 1(Attach.), 11-1-16 )

Sec. 11-123. - Suspension and revocation of license.

Immediate suspension, revocation, or forfeiture of an issued license by the city council shall occur only after notice and opportunity for a hearing before the city council consistent with the procedures set forth in section 11-126, Appeal procedure, and only upon the following occurrences:

- (a) Any license issued under this article for the operation of a pawnshop shall be immediately revoked in the case of bankruptcy, receivership or levy of legal process upon the licensed outlet or property therein.
- (b) Except as provided in section 11-118, Renewals and transfers, any change in the ownership of any entity owning a licensed outlet shall be grounds for the city council to revoke any license issued under this article.
- (c) A license shall be immediately suspended or revoked by the city council upon learning that a licensee furnished fraudulent or untruthful information in the application for a license, or omits information required in the application for a license, or fails to pay all fees, taxes, or other charges imposed under the provisions of this article.
- (d) The city council shall immediately suspend or revoke the license of any licensee who does not meet the qualifications set forth in this article at any time such information becomes known to the city council.

( Ord. No. 399, § 1(Attach.), 11-1-16 )

Sec. 11-124. - Record of transactions.

Every pawnbroker shall maintain a written record of its pawn transactions in which an accurate description of all property pledged, traded or sold to the pawnshop. Such records shall be maintained by the pawnbroker for one year from the date of such transaction and may be inspected by the Clarkston police department at any time. Each record of a transaction shall contain an accurate description of all property pledged, traded or sold to the pawnshop and shall be made at the time of each transaction, provided that the following information is included:

- (1) The date and time of the purchase, pawn or sale of the property.
- (2) The full name, street address and telephone number of the customer making the pledge, trade or sale.
- (3) A description of the customer in terms of sex, race, date of birth, height and weight, as well as the driver's license number of the customer or some other identification card which contains a photograph of the customer.
- (4) A description of the pledged or purchased property by serial, model or other number, if available,

and by any identifying marks (e.g., brand name, color, style, etc.)

- (5) The number of the receipt or pawn transaction issued for the property pawned or bought.
- (6) The price paid or the amount loaned.
- (7) The maturity date of the transaction, if a pawn.
- (8) A photograph of the customer and the item pawned or bought.
- (9) The signature of the customer.

( Ord. No. 399, § 1(Attach.), 11-1-16 )

Sec. 11-125. - Violations.

- (a) It shall be unlawful for any pawnbroker or employee of a pawnshop to violate any of the provisions of this article, whether or not such person or employee is the holder of a current valid permit issued according to the terms of this article. Further, any person failing to comply with any provision of this article or other rules, ordinances and regulations as may be passed by the city council for conduct of the business of a pawnbroker, shall upon conviction, have the license to conduct business revoked.
- (b) It shall be unlawful for any pawnbroker or employee of a pawnshop to:
  - (1) Make any false statement in an application for any permit provided for in this article.
  - (2) Make any false entry in any record book, ledger or form required by the terms of this article.
  - (3) Violate any criminal law of this state while acting in the course of business as a pawnbroker or employee of a pawnbroker.
- (c) Persons who violate this article shall be guilty of a city ordinance violation and shall be punished by up to six (6) months confinement and up to a one thousand dollar (\$1,000.00) fine.

( Ord. No. 399, § 1(Attach.), 11-1-16 )

Sec. 11-126. - Appeal procedure.

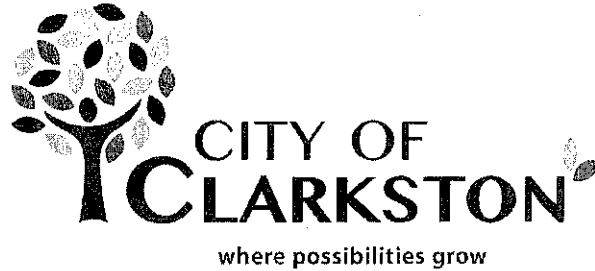
- (a) Upon receipt of a timely appeal of an administrative denial, or upon alleged violation of those items in section 11-123, Suspension and revocation of license, the city clerk shall schedule a hearing before the city council and provide written notice to the adverse party of the time, place and date of the scheduled hearing. The city clerk shall also state in the written notice the basis for the administrative denial or the violation or occurrence alleged that forms the basis for the denial or potential suspension or revocation. After notice of hearing, matters scheduled for hearing may only be continued by agreement of the city attorney and the adverse party and/or counsel for the adverse party.
- (b) The city council shall have the duty of conducting hearings concerning the denial, revocation, or suspension of a license. The standard of proof on all issues in the hearing shall be a preponderance of the evidence and a determination will be made on the basis of the evidence presented at the hearing.
- (c) At the hearing, after presentation of the case against the adverse party, the adverse party will have an opportunity to present his case, to rebut the allegations made against him, and present whatever defenses he has. The adverse party shall have the right to be represented by an attorney, at the expense of the adverse party, and to present evidence and cross-examine opposing witnesses. An opportunity for rebuttal shall be provided.

- (d) At the conclusion of the hearing, the findings and conclusions of the city council shall be reduced to writing forwarded to the adverse party by certified mail.
- (e) The decision of the city council shall be final unless appealed to the Superior Court of DeKalb County via certiorari within thirty (30) days of receipt of the written notification to the adverse party of the council's decision.

( Ord. No. 399, § 1(Attach.), 11-1-16 )

SIC CODE 6141  
CLASS 6

No. 2019-NONPS-268  
DATE ISSUED:  
05/15/2019



This Must Be Displayed in a Conspicuous Place


**2019 BUSINESS REGISTRATION / OCCUPATIONAL TAX CERTIFICATE**

City of Clarkston Georgia  
1055 Rowland Street  
Clarkston, GA 30021

EXPIRATION DATE: 12/31/2019

NOTIFY THIS OFFICE OF ANY CHANGE IN LOCATION OR OWNERSHIP

**TITLE PAWN SHOP**  
Type of Business

  
Authorized Signature

**TITLE MAX OF GEORGIA INC**

**Mailing Address**  
15 BULL ST, STE 200  
SAVANNAH, GA 31401

**Business Address**  
4222 E PONCE DE LEON AVE  
CLARKSTON, GA 30021