



3921 CHURCH STREET ♦ CLARKSTON, GEORGIA 30021
(404) 296-6489 ♦ WWW.CLARKSTONGA.GOV

Mayor Beverly H. Burks

Councilmembers:

Jamie Carroll

Laura Hopkins

Awet Eyasu

Yterenickia Bell

Debra Johnson

Susan Hood

Shawanna Qawiy, City Manager

CITY COUNCIL MEETING AGENDA

Thursday, July 6, 2023 - 7:00PM
IN-PERSON & VIRTUAL

1. CALL TO ORDER

2. ROLL CALL

3. ADMINISTRATIVE BUSINESS/ PRESENTATION

A. To approve minutes the following meetings:

- 06/20/2023 - 10:00AM Special Called City Council Meeting
- 06/20/2023 - 6:30PM Special Called City Council Meeting
- 06/29/2023 - Special Called City Council Meeting
- 06/29/2023 - City Council Work Session

4. REPORTS

- A. Planning/Economic and Development Report**
- B. City Manager's Report**
- C. City Attorney's Report**
- D. Council Remarks**
- E. Mayor's Report**

5. 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.

6. OLD BUSINESS

7. CONSENT AGENDA

- A. To approve a proclamation recognizing the month of July as Muslim American Heritage Month.**
- B. To approve an ordinance to amend Chapter 22 of The City Code Regarding Stormwater; To Require Commercial Conveyor Car Wash Facilities To Recycle Water; And For Other Purposes.**
- C. To approve an ordinance by The City of Clarkston To Amend Chapter 22, Article I of The City Code Regarding Postconstruction Stormwater Management.**
- D. To approve and appoint the City Clerk as the Elections Superintendent.**
- E. To approve and issue the Call for Election and set the Qualifying Period for the November 7, 2023 General Election.**



8. NEW BUSINESS

9. EXECUTIVE SESSION

- A. To discuss litigation.
- B. To discuss a personnel matter.

10. ADJOURNMENT

PUBLIC PARTICIPATION BY VIDEO CONFERENCE

The City of Clarkston, Georgia will conduct the City Council Meeting at 7:00 p.m. on Thursday, July 6, 2023. The public may participate in the meeting by using the following information below:

<https://us02web.zoom.us/j/81584233767?pwd=VFk4dTZEVtBDNC91VTY3VWtjQVRsZz09>

Dial by your location

- +1 312 626 6799 US (Chicago)
- +1 646 558 8656 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 669 900 9128 US (San Jose)
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)

Meeting ID: 815 8423 3767

Find your local number: <https://us02web.zoom.us/j/81584233767?pwd=VFk4dTZEVtBDNC91VTY3VWtjQVRsZz09>

MINUTES OF A SPECIAL MEETING
OF THE CITY COUNCIL OF CLARKSTON, GEORGIA HELD
HELD IN-PERSON AND BY TELECONFERENCE, ZOOM AUDIO/VIDEO
IN SAID CITY ON TUESDAY, JUNE 20, 2023

On the 20th day of June 2023, at 10:00 a.m., the City Council of Clarkston, Georgia met in special session in-person and by teleconference, Zoom Audio/Video in said City. Mayor Beverly Burks called the meeting to order. The following member of the Council Members were present: Vice Mayor Debra Johnson; Councilmembers Awet Eyasu and Susan Hood. Absent: Jamie Carroll, Yterenickia Bell, and Laura Hopkins. The following City staff were present: Shawanna Qawiy (City Manager); Dan Defnall (Finance Director); and Tomika R. Mitchell (City Clerk).

NOTE: Items appearing in these minutes are in the order they were discussed, not necessarily in the order they appeared on the agenda.

1. CALL TO ORDER

The meeting was called to order at 10:00 a.m.

2. ROLL CALL

Councilmembers Carroll, Bell, and Hopkins were absent.

3. PUBLIC COMMENTS

None.

4. NEW BUSINESS

A. Presentation of Proposed 2023 Millage Rate.

City Manager, Shawanna Qawiy gave a presentation on the proposed 2023 Millage Rate of 15.89. Ms. Qawiy explained the adoption process, definitions, the Current Year Property Tax Digest and 5-Year History, the Millage Rate calculations, budget impacts, and the Homeowner Tax Relief Grant.

The Council briefly discussed the proposed rate.

Councilmember Eyasu recommended a Millage Rate at 11.25. Councilmember Hood recommended a Millage Rate between 13.00 to 13.89

Finance Director, Dan Defnall answered questions from Council regarding the budget, ARPA funds and the different rollback rate options

B. Public Hearing on Proposed 2023 Millage Rate.

The Public Hearing opened at 10:48 a.m.

Debbie Gathmann presented comments and agreed to a Millage Rate between 13.00 to 13.89.

The Public Hearing closed at 10:51 a.m.

5. ADJOURNMENT

Councilmember Eyasu made a motion to adjourn. Councilmember Johnson duly seconded the motion. Mayor Burks called for the vote and declared the motion approved (3-0).

The meeting adjourned at 10:52 a.m.

ATTEST:

Tomika R. Mitchell
City Clerk

Beverly H. Burks
Mayor

MINUTES OF A SPECIAL MEETING
OF THE CITY COUNCIL OF CLARKSTON, GEORGIA
HELD IN-PERSON AND BY TELECONFERENCE, ZOOM AUDIO/VIDEO
IN SAID CITY ON TUESDAY, JUNE 20, 2023

On the 20th day of June 2023, at 6:30 p.m., the City Council of Clarkston, Georgia met in special session in-person and by teleconference, Zoom Audio/Video in said City. Mayor Beverly Burks called the meeting to order. The following member of the Council Members were present: Vice Mayor Debra Johnson; Councilmembers Jamie Carroll; Awet Eyasu; Laura Hopkins, Yterenickia Bell, and Susan Hood. Absent: None. The following City staff were present: Shawanna Qawiy (City Manager); Dan Defnall (Finance Director); and Tomika R. Mitchell (City Clerk).

NOTE: Items appearing in these minutes are in the order they were discussed, not necessarily in the order they appeared on the agenda.

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m.

2. ROLL CALL

All members of the City Council were present.

3. PUBLIC COMMENTS

None.

4. NEW BUSINESS

A. Presentation of Proposed 2022 Millage Rate.

City Manager, Shawanna Qawiy gave a presentation on the proposed 2023 Millage Rate of 15.89. Ms. Qawiy presented additional Millage Rate calculations to display what the property tax rate would be should the Council adopt a Millage Rate at 14.89, 13.89, 13.00, 12.20, and 11.25.

The Council briefly discussed the proposed rate and recommended rates from 11.25 to 13.89.

B. Public Hearing on Proposed Millage Rate.

The Public Hearing opened at 6:50 p.m.

Brian Medford presented comments recommending a Millage Rate at 13.89.

Amy Medford presented comments recommending a Millage Rate at 13.89.

The Public Hearing closed at 6:53 p.m.

5. ADJOURNMENT

Councilmember Eyasu made a motion to adjourn. Councilmember Hopkins duly seconded the motion. Mayor Burks called for the vote and declared the motion approved (6-0).

The meeting adjourned at 6:54 p.m.

ATTEST:

Tomika R. Mitchell
City Clerk

Beverly H. Burks
Mayor

MINUTES OF A SPECIAL MEETING
OF THE CITY COUNCIL OF CLARKSTON, GEORGIA
HELD IN-PERSON AND BY TELECONFERENCE, ZOOM AUDIO/VIDEO
IN SAID CITY ON THURSDAY, JUNE 29, 2023

On the 29th day of June 2023, at 6:30 p.m., the City Council of Clarkston, Georgia met in special session in-person and by teleconference, Zoom Audio/Video in said City. Mayor Beverly Burks called the meeting to order. The following member of the Council Members were present: Vice Mayor Debra Johnson; Councilmembers Jamie Carroll; Awet Eyasu; Yterenickia Bell (*attended by Zoom*), and Susan Hood. Absent: Laura Hopkins. The following City staff were present: Shawanna Qawiy (City Manager); Dan Defnall (Finance Director); and Tomika R. Mitchell (City Clerk).

NOTE: Items appearing in these minutes are in the order they were discussed, not necessarily in the order they appeared on the agenda.

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m.

2. ROLL CALL

Councilmember Hopkins was absent.

3. PUBLIC COMMENTS

None.

4. NEW BUSINESS

A. Presentation of Proposed 2023 Millage Rate.

City Manager, Shawanna Qawiy gave a presentation on the proposed 2022 Millage Rate of 15.89.

The Council briefly discussed the proposed rate. Councilmember Hood recommended a millage rate at 13.6. Councilmember Carroll recommended a millage rate at 13.6 or 13.5, giving the City 10% of digest. Councilmember Johnson stated she was in support of a millage rate of 13.89.

B. Public Hearing on Proposed Millage Rate.

The Public Hearing opened at 6:45 p.m.

Millan Gupta inquired about the 41%.

Berhanu Nune inquired about the benefits to business and property owners.

The Public Hearing closed at 6:49 p.m.

Mayor Burks informed the citizens that the City is looking at bringing back DDA.

C. Approve an ordinance to adopt the 2022 Millage Rate.

Vice Mayor Johnson made a motion to adopt and set the 2023 Millage Rate of 13.89. Councilmember Hood duly seconded the motion. Mayor Burks called for the vote and declared the motion approved (5-0).

5. ADJOURNMENT

Councilmember Eyasu made a motion to adjourn. Councilmember Hood duly seconded the motion. Mayor Burks called for the vote and declared the motion approved (5-0).

The meeting adjourned at 6:54 p.m.

ATTEST:

Tomika R. Mitchell
City Clerk

Beverly H. Burks
Mayor

MINUTES OF A WORK SESSION
OF THE CITY COUNCIL OF CLARKSTON, GEORGIA
HELD IN-PERSON AND BY TELECONFERENCE, ZOOM AUDIO/VIDEO
IN SAID CITY ON THURSDAY, JUNE 29, 2023

On the 29th day of June 2023, at 7:00 p.m., the City Council of Clarkston, Georgia met in a Work Session in-person and by teleconference, Zoom Audio/Video in said City. Mayor Beverly Burks called the meeting to order. The following members of the City Council were present: Vice Mayor Debra Johnson; Councilmembers Awet Eyasu; Jamie Carroll; Yterenickia Bell, and Susan Hood. Absent: Laura Hopkins. The following City staff were present: Shawanna Qawiy (City Manager); Dan Defnall (Finance Director); Christine Hudson (Police Chief); Dorothy Jackson (Chief Court Clerk); Tomika R. Mitchell (City Clerk); and Stephen Quinn (City Attorney).

NOTE: Items appearing in these minutes are in the order they were discussed, not necessarily in the order they appeared on the agenda.

1. CALL TO ORDER

Mayor Burks called the meeting to order.

2. ROLL CALL

Councilmember Hopkins was absent.

3. PUBLIC COMMENTS

Mayor Burks read the Resident Comment Policy.

4. PRESENTATION/ ADMINISTRATIVE BUSINESS

A. To discuss the Inflation Reduction Act.

Andy Phelan, Communications Director from Congressman Hank Johnson's Office presented the Inflation Reduction Act and educated the public on how to utilize the program. Mr. Phelan also presented information on seminars and workshops that will be held by the Grants Coordinator, Kandice Williams; information was left with the City Manager.

Chris Busing presented comments on this item.

Debbie Gathmann presented comments on this item.

Vice Mayor Johnson presided over this item.

B. To discuss a proclamation recognizing the month of July as Muslim American Heritage Month.

Mayor Burks stated this item was to recognize the month of July as Muslim American Heritage Month. The proclamation will continue to recognize the City of Clarkston as an inclusive and diverse city. There are 25 other cities across Georgia expected to do a proclamation / resolution regarding Muslim American Heritage Month.

Chris Busing presented comments on this item.

This item will be placed on the Consent Agenda.

Mayor Burks presided over this item.

C. To discuss SPLOT II.

Shawanna Qawiy, City Manager stated this item was a general discussion to put ahead for the public, Mayor, and City Council to start discussing the City's possible SPOLT list.

There are community meetings taking place, there was one on June 21st at the Manuel J. Maloof Auditorium and the following meetings are scheduled for June 22nd at the South DeKalb Senior Center, June 28th at the Lou Walker Senior Center, and July 12th at the Central DeKalb Senior Center and July 13th at the Dunwoody Library.

The Council briefly discussed this item and Councilmember Hood requested a schedule of all meetings.

City Attorney, Stephen Quinn responded to questions regarding infrastructure. Finance Director, Dan Defnall responded to questions related to taxes.

Chris Busing presented comments and ideas for projects.

Brian Medford presented comments and ideas for new projects.

Debbie Gathmann presented comments and ideas for projects.

5. OLD BUSINESS

There was no Old Business to discuss.

6. NEW BUSINESS

A. To discuss an ordinance to amend Chapter 22 of The City Code Regarding Stormwater; To Require Commercial Conveyor Car Wash Facilities To Recycle Water; And For Other Purposes.

Ms. Qawiy stated this item was to discuss an ordinance to amend Chapter 22 Of the City Code regarding Stormwater; to require commercial conveyor car wash facilities to recycle water; and for other purposes. The City of Clarkston is required to comply with several State and Federal laws, regulations and permits and the requirements of the Metropolitan North Georgia Water Planning District's regional water plan related to managing the water quantity, velocity, and quality of post- construction stormwater runoff.

The City of Clarkston desires to enact regulations requiring the use of recycled water by commercial conveyor car wash facilities operating within its jurisdiction.

The Council briefly discussed this item.

This item will be placed on the Consent Agenda.

- B. To discuss an ordinance by The City of Clarkston To Amend Chapter 22, Article I of The City Code Regarding Postconstruction Stormwater Management.

Ms. Qawiy stated this item was to discuss amending Chapter 22, Article I of the City Code regarding post construction stormwater management for new development and redevelopment. The City of Clarkston is required to comply with several State and Federal laws, regulations and permits and the requirements of the Metropolitan North Georgia Water Planning District's regional water plan related to managing the water quantity, velocity, and quality of post- construction stormwater runoff.

The Council briefly discussed this item.

Chris Busing presented comments on this item.

This item will be placed on the Consent Agenda.

- C. To discuss and appoint the City Clerk as the Elections Superintendent.

The City Clerk, Tomika Mitchell stated under O.C.G.A 21-2-70.1 (a) The municipal superintendent shall conduct, in accordance with this chapter, all municipal elections held within his or her municipality; and (b) The municipal superintendent shall be a person or committee selected by the governing authority of the municipality in a public meeting, and such selection shall be recorded in the minutes of such meeting. Historically the City Clerk has filled the duties of the Municipal Elections Superintendent.

Staff recommended appointing the City Clerk as the Municipal Elections Superintendent for the November 7, 2023 General Election.

The Council briefly discussed this.

Chris Busing presented comments on this item.

This item will be placed on the Consent Agenda.

- D. To discuss and issue the Call for Election and set the Qualifying Period for the November 7, 2023 General Election.

Ms. Mitchell stated under O.C.G.A 21-2-132 (d) (4) defines that "Each candidate for municipal office or a designee shall file a notice of candidacy in the office of the municipal superintendent of such candidate's municipality during the municipality's qualifying period. Each municipal superintendent shall designate the days of the qualifying period, which shall be no less than three days and no more than five days. The days of the qualifying period

shall be consecutive days. Qualifying periods shall commence no earlier than 8:30 A.M. on the third Monday in August immediately preceding the general election and shall end no later than 4:30 P.M. on the following Friday...” Historically Clarkston has set qualifying periods for General elections for five-day ranges.

Staff recommended issuing the Call for the November 7, 2023 General Election and to set the qualifying period for the General Election for five (5) days from Monday, August 21, 2023 until Friday, August 25, 2023, starting at 9:00am to 4:30pm (daily).

The Council briefly discussed this item.

Chris Busing presented comments on this item.

This item will be placed on the Consent Agenda.

Councilmember Carroll made a motion to enter Executive Session. Councilmember Johnson duly seconded the motion. Mayor Burks called for the vote and declared the motion approved (5-0).

7. EXECUTIVE SESSION

A. To discuss a personnel matter.

Vice Mayor Johnson made a motion to exit Executive Session. Councilmember Hood duly seconded the motion. Mayor Burks called for the vote and declared the motion approved (5-0).

8. ADJOURNMENT

Councilmember Carroll made a motion to adjourn the meeting. Councilmember Eyasu duly seconded the motion. Mayor Burks called for the vote and declared the meeting adjourned (5-0).

The meeting was adjourned at 9:13 p.m.

ATTEST:

Tomika R. Mitchell
City Clerk

Beverly H. Burks
Mayor

CITY OF CLARKSTON

ITEM NO: 7A

CITY COUNCIL MEETING

HEARING TYPE:

Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:

Vote

MEETING DATE: July 6, 2023

SUBJECT: To approve a proclamation recognizing the month of July as Muslim American Heritage Month

DEPARTMENT: Administration

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES ☐ NO
Pages:

INFORMATION CONTACT:

Mayor Beverly H, Burks
Shawanna Qawi, City Manager

PHONE NUMBER: 404-296-6489

PURPOSE: To approve a proclamation that will recognize the month of July as Muslim American Heritage Month.

NEED/ IMPACT: The General Assembly hereby finds and determines that: The State of Georgia takes great pride in the varied religious and cultural traditions of the residents of this state and seeks to afford all people in Georgia the opportunity to better understand, recognize, and appreciate the rich histories, cultures, significant contributions, and shared principles of Muslim Americans.

Clarkston has a significant number of Muslims, and such proclamation will continue to recognize the City of Clarkston as an inclusive and diverse city. Therefore, you also know that there are 25 other cities across Georgia expected to do a proclamation / resolution re: Muslim American Heritage Month.

RECOMMENDATION: N/A

Proclamation By The City of Clarkston
CELEBRATING
Month of July As
MUSLIM AMERICAN HERITAGE MONTH

WHEREAS, The City of Clarkston takes great pride in the varied religious and cultural traditions of its residents and seeks to afford all people in The City of Clarkston of Georgia the opportunity to better understand, recognize, and appreciate the rich histories, cultures, significant contributions, and shared principles of Muslim Americans;

WHEREAS, Muslim Americans contribute greatly to charitable organizations that help people from all faiths in the United States and around the world by feeding the hungry, providing recuperation efforts following natural disasters, and providing medical assistance, family services, scholastic supplies, and before- and after-school programs;

WHEREAS, Muslim Americans have contributed to every part of the economy, culture, education, and identity of Georgia and the United States in making advancements in architecture, arts, business, culture, diplomacy, government, law, medicine, the military, national security, religion, and sports;

WHEREAS, Muslim Americans from Georgia have made significant contributions in the development of vaccines and the global fight against polio, malaria, influenza, hepatitis, cancer, and other diseases; and

WHEREAS, There is a need for public education, awareness, discourse, and policies that are culturally competent when describing, discussing, or addressing the impacts of being Muslim American;

WHEREAS, The month of July each year is designated as '**Muslim American Heritage Month**' in The City of Clarkston of Georgia;

WHEREAS, Officials and departments of state, county, and municipal governments, boards of education, elementary and secondary schools, colleges and universities, businesses, and all citizens are encouraged to participate in appropriate ceremonies, programs, and activities that commemorate and honor the contributions of Muslim Americans throughout each July during '**Muslim American Heritage Month.**'

NOW, THEREFORE,

House Bill 360

By: Representatives Kennard of the 101st, Reeves of the 99th, Romman of the 97th, Parsons of the 44th, Mughal of the 105th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 1 of the Official Code of Georgia Annotated, relating to
2 holidays and observances, so as to designate the month of July each year as "Muslim
3 American Heritage Month" in Georgia; to provide for legislative findings; to provide for
4 ceremonies and programs; to provide for related matters; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 4 of Title 1 of the Official Code of Georgia Annotated, relating to holidays and
9 observances, is amended by adding a new Code section to read as follows:

10 "1-4-26.

11 (a) The General Assembly hereby finds and determines that:

12 (1) The State of Georgia takes great pride in the varied religious and cultural traditions
13 of the residents of this state and seeks to afford all people in Georgia the opportunity to
14 better understand, recognize, and appreciate the rich histories, cultures, significant
15 contributions, and shared principles of Muslim Americans;

(2) Muslim Americans contribute greatly to charitable organizations that help people from all faiths in the United States and around the world by feeding the hungry, providing recuperation efforts following natural disasters, and providing medical assistance, family services, scholastic supplies, and before- and after-school programs;

(3) Muslim Americans have contributed to every part of the economy, culture, education, and identity of Georgia and the United States in making advancements in architecture, arts, business, culture, diplomacy, government, law, medicine, the military, national security, religion, and sports;

(4) Muslim Americans from Georgia have made significant contributions in the development of vaccines and the global fight against polio, malaria, influenza, hepatitis, cancer, and other diseases; and

(5) There is a need for public education, awareness, discourse, and policies that are culturally competent when describing, discussing, or addressing the impacts of being Muslim American.

(b) The month of July each year is designated as 'Muslim American Heritage Month' in Georgia.

(c) Officials and departments of state, county, and municipal governments, boards of education, elementary and secondary schools, colleges and universities, businesses, and all citizens are encouraged to participate in appropriate ceremonies, programs, and activities that commemorate and honor the contributions of Muslim Americans throughout each July during Muslim American Heritage Month."

SECTION 2.

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

MUSLIM AMERICAN HERITAGE MONTH

July 2023



INCLUSIVENESS • DIVERSITY • UNITY



GEORGIA
a Voices of Muslims Initiative

PROCLAMATIONS:

DEKALB

JULY 11, 2023

Manuel Maloof Auditorium
1300 Commerce Dr. Decatur, GA 30030

FULTON

JULY 12, 2023

Fulton County Government Center
141 Pryor Street, Atlanta, GA 30303

GWINNETT

JULY 18, 2023

GJAC Auditorium
75 Langley Dr. Lawrenceville, GA 30046

COBB

JULY 25, 2023

Cobb County Government
100 Cherokee Street, Suite 300. Marietta, GA 30090

FORSYTH

JULY , 2023

TBD



MUSLIM AMERICAN
HERITAGE MONTH

GALA

JULY 29, 2023





GEORGIA

a Voices of Muslims Initiative

What is MUSLIM AMERICAN HERITAGE Month?



"Muslim American Heritage Month" recognizes and celebrates contributions made by Muslims to the fabric of society in the United States, Georgia, and around the Globe in various fields such as philanthropy, sciences, medicine, business, technology, arts & culture, academia, and much more. This recognition is vital to promoting diversity and inclusion in our communities to encourage more contributions.

5 Major Counties

Proclamations by 5 major counties.

Cobb • Dekalb • Fulton • Forsyth • Gwinnett

25 Major Cities

Proclamations by 25 major targeted cities.

Alpharetta	Duluth	Newnan
Athens	Fayetteville	Norcross
Atlanta	Forest Park	Savannah
Augusta	Grayson	Stone Mountain
Buford	Kennesaw	Sugarhill
Columbus	Lawrenceville	Suwanee
Cumming	Lilburn	Symrna
Dalton	Macon	Valdosta
Decatur	Marietta	
Doraville	Newnan	

Officials from all 3 Branches

Dignitaries from Legislative, Executive, & Judicial Branches of the Government.

Senators • Representatives • Commissioners •
Mayors • Council Members • Judges • Sheriffs

250,000+ Social Outreach

**Across the social media channels of the
Voices of Muslims & MAHM networks.**



CITY OF CLARKSTON

ITEM NO: 7B

CITY COUNCIL MEETING

HEARING TYPE:

Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:

Vote

MEETING DATE: July 6, 2023

SUBJECT: To approve an Ordinance to Amend Chapter 22 Of The City Code Regarding Stormwater; To Require Commercial Conveyor Car Wash Facilities To Recycle Water; And For Other Purposes.

DEPARTMENT:

Administration/Public Works

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES ☐ NO
Pages:

INFORMATION CONTACT:

Shawanna Qawiy, City Manager

PHONE NUMBER: 404-296-6489

PURPOSE: To approve an ordinance to amend Chapter 22 Of the City Code regarding Stormwater; to require commercial conveyor car wash facilities to recycle water; and for other purposes.

NEED/IMPACT: The City of Clarkston is required to comply with several State and Federal laws, regulations and permits and the requirements of the Metropolitan North Georgia Water Planning District's regional water plan related to managing the water quantity, velocity, and quality of post- construction stormwater runoff.

The City of Clarkston desires to enact regulations requiring the use of recycled water by commercial conveyor car wash facilities operating within its jurisdiction.

RECOMMENDATION: N/A

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 22 OF THE CITY CODE REGARDING STORMWATER; TO REQUIRE COMMERCIAL CONVEYOR CAR WASH FACILITIES TO RECYCLE WATER; AND FOR OTHER PURPOSES.

WHEREAS, the City of Clarkston and its residents have long demonstrated concern for the conservation of the environment; and

WHEREAS, the City of Clarkston desires to enact regulations requiring the use of recycled water by commercial conveyor car wash facilities operating within its jurisdiction.

NOW THEREFORE BE IT ORDAINED by the Clarkston City Council that Chapter 22 of the Official Code of Ordinances of the City of Clarkston be amended as follows:

Section 1. New Article IV of Chapter 22 of the Code of Ordinances is hereby adopted and shall provide as follows:

“ARTICLE IV. COMMERCIAL CAR WASHES.

Sec. 22-101. Purpose and Intent.

The purpose of this article is to reduce water consumption from commercial car wash facilities by requiring all new conveyor car washes to install operational recycled water systems.

Sec. 22-102. Applicability.

- (a) This article shall apply to all new conveyor car washes and modifications to existing conveyor car washes permitted and constructed after July 6, 2023, regardless of the water source.
- (b) The provisions of this article shall not apply to conveyor car washes that were permitted or constructed before July 6, 2023, unless such facility makes modifications to its existing conveyor car wash system after said date.
- (c) The provisions of this article shall not apply to self-service car washes or in-bay automatic car washes.

Section 22-103. Definitions.

As used in this article, the terms listed below shall have the following defined meanings:

"Conveyor car wash" means a commercial car wash where the car moves on a conveyor belt during the wash. The driver of the vehicle may remain in the vehicle or wait outside of the vehicle.

"In-bay automatic car wash" means a commercial car wash where the driver pulls into the bay and parks the car. The vehicle remains stationary while a machine moves back and forth over the vehicle to clean it, instead of the vehicle moving through the tunnel.

"Modification to existing conveyor car wash system" means any modifications to the site layout, signage or other development site changes to a conveyor car wash.

"Recycled water system" means a water system that captures, and reuses water previously used in wash or rinse cycles.

"Self-service car wash" means a commercial car wash where the customers wash their cars themselves with spray wands and brushes.

Section 22-104. Commercial Conveyor Car Wash Water Recycling Requirement.

All new commercial conveyor car washes or modifications to existing conveyor car wash systems permitted and constructed after July 6, 2023 shall install operational recycled water systems. A minimum of 50 percent of water utilized shall be recycled."

Section 2. The effective date of this ordinance is July 6, 2023.

SO ORDAINED this 6th day of July, 2023.

ATTEST:

CITY OF CLARKSTON, GEORGIA

Tomika Mitchell, City Clerk

Beverly H. Burks, Mayor

Approved as to Form

Stephen Quinn
Stephen G. Quinn, City Attorney

CITY OF CLARKSTON

ITEM NO: 7C

CITY COUNCIL MEETING

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Vote

MEETING DATE: July 6, 2023

SUBJECT: To approve an Ordinance By The City Of Clarkston To Amend Chapter 22, Article I Of The City Code Regarding Postconstruction Stormwater Management For New Developments And Redevelopments; To Provide For Definitions, Requirements, Prohibitions And Penalties In Connection With Postconstruction Stormwater Management For New Development And Redevelopment; And To Repeal Conflicting Ordinances.

DEPARTMENT:
Administration/Public Works

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES ☐ NO
Pages:

INFORMATION CONTACT:
Shawanna Qawiy, City Manager

PHONE NUMBER: 404-296-6489

PURPOSE: To approve amending Chapter 22, Article I of the City Code regarding post construction stormwater management for new development and redevelopment.

NEED/IMPACT: The City of Clarkston is required to comply with several State and Federal laws, regulations and permits and the requirements of the Metropolitan North Georgia Water Planning District's regional water plan related to managing the water quantity, velocity, and quality of post- construction stormwater runoff.

RECOMMENDATION: N/A

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY OF CLARKSTON TO AMEND CHAPTER 22, ARTICLE I OF THE CITY CODE REGARDING POSTCONSTRUCTION STORMWATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT; TO PROVIDE FOR DEFINITIONS, REQUIREMENTS, PROHIBITIONS AND PENALITIES IN CONNECTION WITH POSTCONSTRUCTION STORMWATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT; AND TO REPEAL CONFLICTING ORDINANCES.

WHEREAS, the City of Clarkston maintains a public stormwater infrastructure system throughout the city for the benefit of all residents, businesses and properties within the city; and

WHEREAS, the City Council imposes the regulations on new development and redevelopment enacted through this Ordinance in order to fairly allocate the burdens and benefits of stormwater management, protect existing stormwater infrastructure, avoid flooding and generally protect persons and property throughout the city.

NOW THEREFORE BE IT ORDAINED by the City of Clarkston, Georgia that Chapter 22 of the Official Code of Ordinances of the City of Clarkston be amended as follows:

SECTION 1.

Existing Article I of Chapter 22 (Sections 22-1 through 22-21) is hereby repealed.

SECTION 2.

New Article I of Chapter 22 of the City Code, which is attached hereto and consists of 15 pages, is hereby enacted.

SECTION 3.

To the extent that a provision of the City Code not repealed by this ordinance conflicts with this ordinance, the terms of this ordinance shall control.

SECTION 4.

This ordinance shall become effective immediately upon its adoption by the City Council and signature by the Mayor.

SO ORDAINED this ____ day of _____, 2023.

ATTEST:

CITY COUNCIL, CITY OF
CLARKSTON GEORGIA

Tomika Mitchell, City Clerk
(SEAL)

Beverly H. Burks, Mayor

Approved as to Form:

Stephen Quinn
Stephen G. Quinn, City Attorney

Chapter 22

Article I - Post-Construction Stormwater Management for New Development and Redevelopment

Article [1]. Post-Construction Stormwater Management for New Development and Redevelopment.

Section [22]-1. Purpose and Intent. The purpose of this article is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-construction stormwater runoff and nonpoint source pollution associated with new development and redevelopment. Proper management of post- construction stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. Additionally, the **City of Clarkston** is required to comply with several State and Federal laws, regulations and permits and the requirements of the Metropolitan North Georgia Water Planning District's regional water plan related to managing the water quantity, velocity, and quality of post- construction stormwater runoff.

Section [22]-2. Definitions. For this Article, the terms below shall have the following meanings:

“administrator” means the person appointed to administer and implement this Article on Post-Construction Stormwater Management for New Development and Redevelopment in accordance with Section [22]-4.

“applicant” means a person submitting a land development application for approval.

“BMP” or “best management practice” means both structural devices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the State of Georgia.

“BMP landscaping plan” means a design for vegetation and landscaping that is critical to the performance and function of the BMP including how the BMP will be stabilized and established with vegetation. It shall include a layout of plants and plant names (local and scientific).

“channel” means a natural or artificial watercourse with a definite bed and banks that conveys continuously or periodically flowing water.

“detention” means the temporary storage of stormwater runoff in a stormwater detention facility for the purpose of controlling the peak discharge.

“detention facility” means a structure designed for the storage and gradual release of stormwater runoff at controlled rates.

“development” means new development or redevelopment.

“extended detention” means the storage of stormwater runoff for an extended period of time.

“extreme flood protection” means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

“flooding” means a volume of surface water that exceeds the banks or walls of a BMP, or channel; and overflows onto adjacent lands.

“GSMM” means the latest edition of the Georgia Stormwater Management Manual, Volume 2: Technical Handbook, and its Appendices.

“hotspot” means a land use or activity on a site that has the potential to produce higher than normally found levels of pollutants in stormwater runoff. As defined by the administrator, hotspot land use may include gasoline stations, vehicle service and maintenance areas, industrial facilities (both permitted under the Industrial Stormwater General Permit and others), material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.

“impervious surface” means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into the soil.

“Industrial Stormwater General Permit” means the National Pollutant Discharge Elimination System (NPDES) permit issued by Georgia Environmental Protection Division to an industry for stormwater discharges associated with industrial activity. The permit regulates pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies based on Standard Industrial Classification (SIC) Code.

“infiltration” means the process of percolating stormwater runoff into the subsoil.

“inspection and maintenance agreement” means a written agreement providing for the long-term inspection, operation, and maintenance of the stormwater management system and its components on a site.

“land development application” means the application for a land development permit on a form provided by **City of Clarkston** along with the supporting documentation required in Section [22]-10(a).

“land development permit” means the authorization necessary to begin construction-related, land-disturbing activity

“land disturbing activity” means any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including but not limited to clearing, dredging, grading, excavating, and filling of land. Land disturbing

activity does not include agricultural practices as described O.C.G.A. 12-7-17(5) or silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities.

“linear feasibility program” means a feasibility program developed by **City of Clarkston** and submitted to the Georgia Environmental Protection Division, which sets reasonable criteria for determining when implementation of stormwater management standards for linear transportation projects being constructed by **City of Clarkston** is infeasible.

“linear transportation projects” means construction projects on traveled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

“MS4 Permit” means the NPDES permit issued by Georgia Environmental Protection Division for discharges from the **City of Clarkston’s** municipal separate storm sewer system.

“new development” means land disturbing activities, structural development (construction, installation or expansion of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

“nonpoint source pollution” means a form of water pollution that does not originate from a discrete point such as a wastewater treatment facility or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water or groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

“overbank flood protection” means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain).

“owner” means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

“person” means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.

“post-construction stormwater management” means stormwater best management practices that are used on a permanent basis to control and treat runoff once construction has been completed in accordance with a stormwater management plan.

“post-development” means the conditions anticipated to exist on site immediately after completion of the proposed development.

“practicability policy” means the latest edition of the Metropolitan North Georgia Water

Planning District's Policy on Practicability Analysis for Runoff Reduction.

“pre-development” means the conditions that exist on a site immediately before the implementation of the proposed development. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time before the first item being approved or permitted shall establish pre-development conditions.

“pre-development hydrology” means (a) for new development, the runoff curve number determined using natural conditions hydrologic analysis based on the natural, undisturbed condition of the site immediately before implementation of the proposed development; and (b) for redevelopment, the existing conditions hydrograph may take into account the existing development when defining the runoff curve number and calculating existing runoff, unless the existing development causes a negative impact on downstream property.

“previously developed site” means a site that has been altered by paving, construction, and/or land disturbing activity.

“redevelopment” means structural development (construction, installation, or expansion of a building or other structure), creation or addition of impervious surfaces, replacement of impervious surfaces not as part of routine maintenance, and land disturbing activities associated with structural or impervious development on a previously developed site. Redevelopment does not include such activities as exterior remodeling.

“routine maintenance” means activities to keep an impervious surface as near as possible to its constructed condition. This includes ordinary maintenance activities, resurfacing paved areas, and exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

“runoff” means stormwater runoff.

“site” means an area of land where development is planned, which may include all or portions of one or more parcels of land. For subdivisions and other common plans of development, the site includes all areas of land covered under an applicable land development permit.

“stormwater concept plan” means an initial plan for post-construction stormwater management at the site that provides the groundwork for the stormwater management plan including the natural resources inventory, site layout concept, initial runoff characterization, and first round stormwater management system design.

“stormwater management plan” means a plan for post-construction stormwater management at the site that meets the requirements of Section [22]-8(d) and is included as part of the land development application.

“stormwater management standards” means those standards set forth in Section [22]-7.

“stormwater management system” means the entire set of non-structural site design features and structural BMPs for collection, conveyance, storage, infiltration, treatment, and

disposal of stormwater runoff in a manner designed to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

“stormwater runoff” means flow on the surface of the ground, resulting from precipitation.

“subdivision” means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

“Trout stream” means waters designated by the Wildlife Resources Division of the Georgia Department of Natural Resources as Primary Trout Waters or Secondary Trout Streams. Primary Trout Waters are waters supporting a self-sustaining population of Rainbow, Brown or Brook Trout. Secondary Trout Streams are those with no evidence of natural trout reproduction but are capable of supporting trout throughout the year.

Other terms used but not defined in this Article shall be interpreted based on how such terms are defined and used in the GSMM and the **City of Clarkston’s** MS4 permit.

Section [22]-3. Adoption and Implementation of the GSMM; Conflicts and Inconsistencies.

(a) In implementing this Article, the **City of Clarkston** shall use and require compliance with all relevant design standards, calculations, formulas, methods, and other guidance from the GSMM as well as all related appendices.

(b) This Article is not intended to modify or repeal any other Article, ordinance, rule, regulation or other provision of law, including but not limited to any applicable stream buffers under state and local laws, and the Georgia Safe Dams Act and Rules for Dam Safety. In the event of any conflict or inconsistency between any provision in the **City of Clarkston’s** MS4 permit and this Article, the provision from the MS4 permit shall control. In the event of any conflict or inconsistency between any provision of this Article and the GSMM, the provision from this Article shall control. In the event of any other conflict or inconsistency between any provision of this Article and any other ordinance, rule, regulation or other provision of law, the provision that is more restrictive or imposes higher protective standards for human health or the environment shall control.

(c) If any provision of this Article is invalidated by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Article.

Section [22]-4. Designation of Administrator. The Public Works Director may from time to time appoint someone to administer and implement this Article.

Section [22]-5. Applicability Criteria for Stormwater Management Standards. This Article applies to the following activities:

(a) New development that creates or adds 5,000 square feet or greater of new

impervious surface area or that involves land disturbing activity of 1 acre of land or greater;

(b) Redevelopment (excluding routine maintenance and exterior remodeling) that creates, adds, or replaces 5,000 square feet or greater of new impervious surface area or that involves land disturbing activity of 1 acre or more;

(c) New development and redevelopment if

(i) such new development or redevelopment is part of a subdivision or other common plan of development, and

(ii) the sum of all associated impervious surface area or land disturbing activities that are being developed as part of such subdivision or other common plan of development meets or exceeds the threshold in (a) and (b) above;

(d) Any commercial or industrial new development or redevelopment, regardless of size, that is a hotspot land use as defined in this Article; and

(e) Linear transportation projects that exceed the threshold in (a) or (b) above.

Section [22]-6. Exemptions from Stormwater Management Standards. This Article does not apply to the following activities:

(a) Land disturbing activity conducted by local, state, authority, or federal agencies, solely to respond to an emergency need to protect life, limb, or property or conduct emergency repairs;

(b) Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement;

(c) Land disturbing activity conducted by local, state, authority, or federal agencies, whose sole purpose is to implement stormwater management or environmental restoration;

(d) Repairs to any stormwater management system deemed necessary by the administrator;

(e) Agricultural practices as described O.C.G.A. 12-7-17(5) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in [22]-5 (a) or (b);

(f) Silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in [22]-5 (a) or (b);

(g) Installations or modifications to existing structures solely to implement Americans with Disabilities Act (ADA) requirements, including but not limited to elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits; and

(h) Linear transportation projects being constructed by **City of Clarkston** to the extent the administrator determines that the stormwater management standards may be infeasible to apply, all or in part, for any portion of the linear transportation project. For this exemption to apply, an infeasibility report that is compliant with the **City of Clarkston** linear feasibility program shall first be submitted to the administrator that contains adequate documentation to support the evaluation for the applicable portion(s) and any resulting infeasibility determination, if any, by the administrator.

Section [22]-7. Stormwater Management Standards. Subject to the applicability criteria in Section [22]-5 and exemptions in Section [22]-6, the following stormwater management standards apply. Additional details for each standard can be found in the GSMM Section 2.2.2.2:

(a) Design of Stormwater Management System: The design of the stormwater management system shall be in accordance with the applicable sections of the GSMM as directed by the administrator. Any design which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

(b) Natural Resources Inventory: Site reconnaissance and surveying techniques shall be used to complete a thorough assessment of existing natural resources, both terrestrial and aquatic, found on the site. Resources to be identified, mapped, and shown on the Stormwater Management Plan, shall include, at a minimum (as applicable):

- (i) Topography (minimum of 2-foot contours) and Steep Slopes (i.e., Areas with Slopes Greater Than 15%),
- (ii) Natural Drainage Divides and Patterns,
- (iii) Natural Drainage Features (e.g., swales, basins, depressional areas),
- (iv) Natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, drinking water wellhead protection areas and river corridors,
- (v) Predominant soils (including erodible soils and karst areas), and
- (vi) Existing predominant vegetation including trees, high quality habitat and other existing vegetation.

(c) Better Site Design Practices for Stormwater Management: Stormwater management plans shall preserve the natural drainage and natural treatment systems and reduce the generation of additional stormwater runoff and pollutants to the maximum extent practicable. Additional details can be found in the GSMM Section 2.3.

(d) Stormwater Runoff Quality/Reduction: Stormwater Runoff Quality/Reduction shall be provided by using the following:

- (i) For development with a stormwater management plan submitted before **December 10, 2020**, the applicant may choose either (A) Runoff Reduction or (B) Water Quality.
- (ii) For development with a stormwater management plan submitted on or after **December 10, 2020**, the applicant shall choose (A) Runoff Reduction and

additional water quality shall not be required. To the extent (A) Runoff Reduction has been determined to be infeasible for all or a portion of the site using the Practicability Policy, then (B) Water Quality shall apply for the remaining runoff from a 1.2 inch rainfall event and must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM.

(A) Runoff Reduction - The stormwater management system shall be designed to retain the first 1.0 inch of rainfall on the site using runoff reduction methods, to the maximum extent practicable.

(B) Water Quality – The stormwater management system shall be designed to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM for runoff from a 1.2 inch rainfall event.

(iii) If a site is determined to be a hotspot as detailed in Section [22]-5, the **City of Clarkston** may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.

(e) Stream Channel Protection: Stream channel protection shall be provided by using all of the following three approaches:

(i) 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event;

(ii) Erosion prevention measures, such as energy dissipation and velocity control; and

(iii) Preservation of any applicable stream buffer.

(f) Overbank Flood Protection: Downstream overbank flood protection shall be provided by controlling the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour storm event.

(g) Extreme Flood Protection: Extreme flood protection shall be provided by controlling the 100-year, 24-hour storm event such that flooding is not exacerbated.

(h) Trout Stream Protection: Trout stream protection shall be provided by controlling temperature for receiving waters with trout stream designation. In streams designated as primary trout waters by the Wildlife Resources Division, there shall be no elevation of natural stream temperatures. In streams designated as secondary trout waters, there shall be no elevation exceeding 2°F of natural stream temperatures.

(i) Downstream Analysis: Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system fail to reduce discharge peaks to pre-development levels downstream from the site. A downstream peak flow analysis

shall be provided to the point in the watershed downstream of the site or the stormwater management system where the area of the site comprises 10% of the total drainage area in accordance with Section 3.1.9 of the GSMM. This is to help ensure that there are minimal downstream impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system.

(j) Stormwater Management System Inspection and Maintenance: The components of the stormwater management system that will not be dedicated to and accepted by the **City of Clarkston**, including all drainage facilities, best management practices, credited conservation spaces, and conveyance systems, shall have an inspection and maintenance agreement to ensure that they continue to function as designed. All new development and redevelopment sites are to prepare a comprehensive inspection and maintenance agreement for the on-site stormwater management system. This plan shall be written in accordance with the requirements in Section [22]-16.

Section [22]-8. Pre-Submittal Meeting, Stormwater Concept Plan, and Stormwater Management Plan Requirements.

(a) Before a land development permit application is submitted, an applicant may request a pre-submittal meeting with the **City of Clarkston**. The pre-submittal meeting should take place based on an early step in the development process such as before site analysis and inventory (GSMM Section 2.4.2.4) or the stormwater concept plan (GSMM Section 2.4.2.5). The purpose of the pre-submittal meeting is to discuss opportunities, constraints, and ideas for the stormwater management system before formal site design engineering. To the extent applicable, local and regional watershed plans, greenspace plans, trails and greenway plans, and other resource protection plans should be consulted in the pre-submittal meeting. Applicants must request a pre-submittal meeting with the **City of Clarkston** when applying for a Determination of Infeasibility through the Practicability Policy.

(b) The stormwater concept plan shall be prepared using the minimum following steps:

(i) Develop the site layout using better site design techniques, as applicable (GSMM Section 2.3).

(ii) Calculate preliminary estimates of the unified stormwater sizing criteria requirements for stormwater runoff quality/reduction, channel protection, overbank flooding protection and extreme flood protection (GSMM Section 2.2).

(iii) Perform screening and preliminary selection of appropriate best management practices and identification of potential siting locations (GSMM Section 4.1).

(c) The stormwater concept plan shall contain:

(i) Common address and legal description of the site,

(ii) Vicinity map, and

(iii) Existing conditions and proposed site layout mapping and plans (recommended scale of 1" = 50'), which illustrate at a minimum:

(A) Existing and proposed topography (minimum of 2-foot contours),

(B) Perennial and intermittent streams,

(C) Mapping of predominant soils from USDA soil surveys,

(D) Boundaries of existing predominant vegetation and proposed limits of clearing and grading,

(E) Location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.),

(F) Location of existing and proposed roads, buildings, parking areas and other impervious surfaces,

(G) Existing and proposed utilities (e.g., water, sewer, gas, electric) and easements,

(H) Preliminary estimates of unified stormwater sizing criteria requirements,

(I) Preliminary selection and location, size, and limits of disturbance of proposed BMPs,

(J) Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains,

(K) Flow paths,

(L) Location of the boundaries of the base flood floodplain, future-conditions floodplain, and the floodway (as applicable) and relationship of site to upstream and downstream properties and drainage, and

(M) Preliminary location and dimensions of proposed channel modifications, such as bridge or culvert crossings.

(d) The stormwater management plan shall contain the items listed in this part and be prepared under the direct supervisory control of either a registered Professional Engineer or a registered Landscape Architect licensed in the state of Georgia. Items (iii), (iv), (v), and (vi) shall be sealed and signed by a registered Professional Engineer licensed in the

state of Georgia. The overall site plan must be stamped by a design professional licensed in the State of Georgia for such purpose. (GSMM Section 2.4.2.7)

- (i) Natural Resources Inventory
- (ii) Stormwater Concept Plan
- (iii) Existing Conditions Hydrologic Analysis
- (iv) Post-Development Hydrologic Analysis
- (v) Stormwater Management System
- (vi) Downstream Analysis
- (vii) Erosion and Sedimentation Control Plan
- (viii) BMP Landscaping Plan
- (ix) Inspection and Maintenance Agreement
- (x) Evidence of Acquisition of Applicable Local and Non-Local Permits
- (xi) Determination of Infeasibility (if applicable)

(e) For redevelopment and to the extent existing stormwater management structures are being used to meet stormwater management standards the following must also be included in the stormwater management plan for existing stormwater management structures

- (i) As-built Drawings
- (ii) Hydrology Reports
- (iii) Current inspection of existing stormwater management structures with deficiencies noted
- (iv) BMP Landscaping Plans

Section [22]-9. Application Fee. The fee for review of any land development application shall be based on the fee structure established by the **City of Clarkston**, and payment shall be made before the issuance of any land disturbance permit or building permit for the development.

Section [22]-10. Application Procedures. Land development applications are handled as part of the process to obtain the land disturbance permit pursuant to **Section 21-5** or building permit **Section 5-16**, as applicable. Before any person begins development on a site, the owner of the site shall first obtain approval in accordance with the following procedure:

- (a) File a land development application with the **City of Clarkston** on the **City of Clarkston's** form of application with the following supporting materials:

(i) the stormwater management plan prepared in accordance with Section [22]-8 (d),

(ii) a certification that the development will be performed in accordance with the stormwater management plan once approved,

(iii) a **Runoff Reduction Infeasibility Form for Determination of Infeasibility as adopted by the North Georgia Water Planning District**, and

(iv) an acknowledgement that applicant has reviewed the **City of Clarkston's** form of inspection and maintenance agreement and that applicant agrees to sign and record such inspection and maintenance agreement before the final inspection.

(b) The administrator shall inform the applicant whether the application and supporting materials are approved or disapproved.

(c) If the application or supporting materials are disapproved, the administrator shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same for the administrator to again consider and either approve or disapprove.

(d) If the application and supporting materials are approved, the **City of Clarkston** may issue the associated land disturbance permit or building permit, provided all other legal requirements for the issuance of such permits have been met. The stormwater management plan included in such applications becomes the approved stormwater management plan.

Section [22]-11. Compliance with the Approved Stormwater Management Plan. All development shall be:

(a) consistent with the approved stormwater management plan and all applicable land disturbance and building permits, and

(b) conducted only within the area specified in the approved stormwater management plan.

No changes may be made to an approved stormwater management plan without review and advanced written approval by the administrator.

Section [22]-12. Inspections to Ensure Plan Compliance During Construction. Periodic inspections of the stormwater management system during construction shall be conducted by the staff of the **City of Clarkston** or conducted and certified by a professional engineer who has been approved by the **City of Clarkston**. Inspections shall use the approved stormwater management plan for

establishing compliance. All inspections shall be documented with written reports that contain the following information:

- (a) The date and location of the inspection;
- (b) Whether the stormwater management system is in compliance with the approved stormwater management plan;
- (c) Variations from the approved stormwater management plan; and
- (d) Any other variations or violations of the conditions of the approved stormwater management plan.

Section [22]-13. Final Inspection; As-Built Drawings; Delivery of Inspection and Maintenance Agreement. Upon completion of the development, the applicant is responsible for:

- (a) Certifying that the stormwater management system is functioning properly and was constructed in conformance with the approved stormwater management plan and associated hydrologic analysis,
- (b) Submitting as-built drawings showing the final design specifications for all components of the stormwater management system as certified by a professional engineer,
- (c) Certifying that the landscaping is established and installed in conformance with the BMP landscaping plan, and
- (d) Delivering to **City of Clarkston** a signed inspection and maintenance agreement that has been recorded by the owner in the property record for all parcel(s) that make up the site.

The required certification under part (a) shall include a certification of volume, or other performance test applicable to the type of stormwater management system component, to ensure each component is functioning as designed and built according to the design specifications in the approved stormwater management plan. This certification and the required performance tests shall be performed by a qualified person and submitted to the **City of Clarkston** with the request for a final inspection. The **City of Clarkston** shall perform a final inspection with applicant to confirm applicant has fulfilled these responsibilities.

Section [22]-14. Violations and Enforcement. Any violation of the approved stormwater management plan during construction, failure to submit as-built drawings, failure to submit a final BMP landscaping plan, or failure of the final inspection shall constitute and be addressed as violations of, or failures to comply with, the underlying land disturbance permit pursuant to **Sections 21-6 and 21-7** or the underlying building permit pursuant to **Section 5-19**. To address a violation of this Article, the **City of Clarkston** shall have all the powers and remedies that are available to it for other violations of building and land disturbance permits,

including without limitation the right to issue notices and orders to ensure compliance, stop work orders, and penalties as set forth in the applicable ordinances for such permits.

Section [22]-15. Maintenance by Owner of Stormwater Management Systems Predating Current GSMM. For any stormwater management systems approved and built based on requirements predating the current GSMM and that is not otherwise subject to an inspection and maintenance agreement, such stormwater management systems shall be maintained by the owner so that the stormwater management systems perform as they were originally designed.

Section [22]-16. Inspection and Maintenance Agreements.

(a) The owner shall execute an inspection and maintenance agreement with the **City of Clarkston** obligating the owner to inspect, clean, maintain, and repair the stormwater management system; including vegetation in the final BMP landscaping plan. The form of the inspection and maintenance agreement shall be the form provided by the **City of Clarkston**. After the inspection and maintenance agreement has been signed by the owner and the **City of Clarkston**, the owner shall promptly record such agreement at the owner's cost in the property record for all parcel(s) that make up the site.

(b) The inspection and maintenance agreement shall identify by name or official title the person(s) serving as the point of contact for carrying out the owner's obligations under the inspection and maintenance agreement. The owner shall update the point of contact from time to time as needed and upon request by the **City of Clarkston**. Upon any sale or transfer of the site, the new owner shall notify the **City of Clarkston** in writing within 30 days of the name or official title of new person(s) serving as the point of contact for the new owner. Any failure of an owner to keep the point of contact up to date shall, following 30 days' notice, constitute a failure to maintain the stormwater management system.

(c) The inspection and maintenance agreement shall run with the land and bind all future successors-in-title of the site. If there is a future sale or transfer of only a portion of the site, then:

(i) The parties to such sale or transfer may enter into and record an assignment agreement designating the owner responsible for each portion of the site and associated obligations under the inspection and maintenance agreement. The parties shall record and provide written notice and a copy of such assignment agreement to the **City of Clarkston**.

(ii) In the absence of a recorded assignment agreement, all owners of the site shall be jointly and severally liable for all obligations under the inspection and maintenance agreement regardless of what portion of the site they own.

Section [22]-17. Right of Entry for Maintenance Inspections. The terms of the inspection and maintenance agreement shall provide for the **City of Clarkston's** right of entry for maintenance inspections and other specified purposes. If a site was developed before the requirement to have

an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then the **City of Clarkston** shall have the right to enter and make inspections pursuant to the **City of Clarkston's** general provisions for property maintenance inspections pursuant to **Section 5-63**.

Section [22]-18. Owner's Failure to Maintain the Stormwater Management System. The terms of the inspection and maintenance agreement shall provide for what constitutes a failure to maintain a stormwater management system and the enforcement options available to **City of Clarkston**. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then:

- (a) An owner's failure to maintain the stormwater management system so that it performs as it was originally designed shall constitute and be addressed as a violation of, or failure to comply with, owner's property maintenance obligations pursuant to **Section 5-63** and
- (b) To address such a failure to maintain the stormwater management system, the **City of Clarkston** shall have all the powers and remedies that are available to it for other violations of an owner's property maintenance obligations, including without limitation prosecution, penalties, abatement, and emergency measures.

CITY OF CLARKSTON

ITEM NO: 7D

CITY COUNCIL MEETING

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Vote

MEETING DATE: July 6, 2023

SUBJECT: To approve and appoint Municipal Elections Superintendent

DEPARTMENT: Administration

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☐ YES ☒ NO
Pages:

INFORMATION CONTACT:
Tomika R. Mitchell, City Clerk
Shawanna Qawiy, City Manager
PHONE NUMBER: 404-296-6489

PURPOSE: To approve and appoint the City Clerk as the Municipal Elections Superintendent

NEED/ IMPACT: Under O.C.G.A 21-2-70.1 (a) The municipal superintendent shall conduct, in accordance with this chapter, all municipal elections held within his or her municipality. (b) The municipal superintendent shall be a person or committee selected by the governing authority of the municipality in a public meeting, and such selection shall be recorded in the minutes of such meeting. The municipal superintendent shall receive compensation fixed and paid by the governing authority of the municipality from municipal funds. The appointment shall be made in a public meeting, and the appointment shall be recorded in the minutes of said meeting. In the event that a municipality fails to make an appointment, the city clerk shall serve as the municipal superintendent. A parent, spouse, child, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law of a candidate shall not be eligible to serve as a municipal superintendent in any primary or election in which such candidate's name appears on the ballot. Historically the City Clerk has filled the duties of the Municipal Elections Superintendent.

RECOMMENDATIONS: Staff recommends appointing the City Clerk as the Municipal Elections Superintendent for the November 7, 2023 General Election.

CITY OF CLARKSTON

ITEM NO: 7E

CITY COUNCIL MEETING

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Vote

MEETING DATE: July 6, 2023

SUBJECT: To approve and issue the Call for Election and set the Qualifying Period for the November 7, 2023 General Election

DEPARTMENT: Administration

PUBLIC HEARING: ☐YES ☒NO

ATTACHMENT: ☐YES ☒NO
Pages:

INFORMATION CONTACT:
Tomika R. Mitchell, City Clerk
Shawanna Qawiy, City Manager
PHONE NUMBER: 404-296-6489

PURPOSE: To approve and issue the Call for Election and set the Qualifying Period for the November 7, 2023 General Election

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

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

RECOMMENDATIONS: Staff recommends Issuing the Call for the November 7, 2023 General Election and to set the qualifying period for the General Election for five (5) days from Monday, August 21, 2023 until Friday, August 25, 2023, starting at 9:00am to 4:30pm (daily).