MINUTES OF A REGULAR MEETING

OF THE CITY COUNCIL OF CLARKSTON, GEORGIA

HELD IN-PERSON AND BY TELECONFERENCE, ZOOM AUDIO/VIDEO

IN SAID CITY ON TUESDAY, NOVEMBER 7, 2024

On the 7th day of November 2024, at 7:03 p.m., the City Council of Clarkston, Georgia met in regular 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 and Councilmembers Yterenickia Bell; Jamie Carroll; Susan Hood; and Mark Perkins. Absent: None. The following City staff were present: Tammi Saddler Jones (Interim City Manager); Michael Duncan (Parks & Recreation Director); Lolita Grant (Finance Director); Christine Hudson (Police Chief); Richard Edwards (Interim Planning and Economic Development Director); Dr. Dwight Baker (Director of Human Resources & Risk Management); Tomika R. Mitchell (City Clerk); Willis Moody (Procurement Consultant); 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
   The meeting was called to order at 7:03 p.m.

2. ROLL CALL
   All Councilmembers were present.

3. ADMINISTRATIVE BUSINESS/ PRESENTATION
   A. To approve minutes the following meetings:
      - 10/01/2024 – City Council Meeting
      - 10/29/2024 – Special Called City Council Meeting (Budget Public Hearing)
      - 10/29/2024 – City Council Work Session Meeting

   Councilmember Carroll made a motion to approve the 10/01/2024 City Council Meeting minutes, 10/29/2024 Special Called City Council Meeting minutes, and 10/29/2024 City Council Work Session minutes. Vice Mayor Johnson duly seconded the motion. Mayor Burks called for the vote and declared the motion approved (4-0). Councilmember Hood was absent.

   B. To present the Proposed FY 2025 Operating & Enterprise Fund Budget.

   Interim City Manager, Tammi Saddler Jones and Finance Director, Lolita Grant presented the Proposed FY 2025 Operating & Enterprise Fund Budget.

   *Councilmember Hood entered the meeting at 7:11 p.m.*

   The Council briefly discussed the proposed FY 2025 Operating & Enterprise Fund Budget.

C. To present the Proposed FY 2025 Fee Schedule.

Finance Director, Lolita Grant presented the proposed FY 2025 Fee Schedule mentioning a few departmental fee increases.

4. REPORTS

A. Parks & Recreation Report

- Michael Duncan, Parks & Recreation Director, presented a brief overview of the Parks & Recreation Department Master Plan which includes upcoming programs and events. Mr. Duncan also provided an update on the 100 Georgia Pitch Grant that the city recently applied for.

B. City Manager's Report

- Introduction of the interim staff from CPL Team who are managing the Planning and Economic Development Department, Rebecca Kefer and Richard Edwards.
- Reminder to citizens to view the city's website and newsletter for events.
- Informed the citizens on the Business of the Month program.
- Informed the citizens of financial resources that are available through the Legacy Harvest Foundation.

C. City Attorney's Report

A. No report.

D. Council Remarks

B. The Councilmembers briefly gave an overview of meetings and events they attended, and projects they are currently working on.

E. Mayor's Report

C. Mayor Burks gave a brief overview of meetings and events she attended and other news of the city.

5. BUDGET PUBLIC HEARING

A. **PUBLIC HEARING** to receive public comments regarding the Proposed FY 2025 Operating & Enterprise Fund Budget.

*The public hearing opened.*

The following citizens spoke during the public hearing: Taylor Brooks, Roberta Malavenda, Luay Sami, Dean Moore, and Samia Abdulla.

*The public hearing closed.*

6. PUBLIC COMMENTS

The following citizens presented public comments: John Karr, Charity Becker, and Dean Moore.

7. OLD BUSINESS

A. To consider a resolution awarding a contract to the most responsive and responsible bidder, Southern Demolition, LLC for the demolition of the two-story house at Forty Oaks Nature Preserve in the amount of $39,750 to be funded out of the SPLOST II Fund.

Procurement Consultant, Willis Moody gave a brief overview of this item requesting approval for demolition of the two-story house at Forty Oaks Nature Preserve in the amount of $39,750.

The Council briefly discussed this matter.

Vice Mayor Johnson made a motion to reject all bids for the demolition of 40 Oaks Nature Preserve. Councilmember Hood duly seconded the motion. Mayor Burks called for the vote and declared the motion approved (5-0).

Parks & Recreation Director, Michael Duncan provided a brief overview of what was included in the RFP for the Master Plan pertaining to 40 Oaks Nature Preserve.

8. CONSENT AGENDA
   A. To adopt a resolution to appoint Attorney Julie Kert as Solicitor of the Municipal Court and approve a contract with Yeargan & Kert, LLC for Municipal Court Solicitors Services for a term of one year, in the amount of $2,000 per month/$24,000 annually, to be funded out of General Fund, effective 1/1/2025.
   B. To adopt a resolution awarding a contract to the most responsive and responsible bidder, IKON Filmworks, for public meeting video recording and related services, for a term of one year in the amount of $38,400 to be funded out of ARPA Funds, effective 11/8/2024.
   C. To approve the annual insurance premium payment to the Lexington Insurance in the amount of $41,756 for the city's leased office space located at 736 Park North Blvd to be funded out of the General Fund.
   D. To authorize the City Engineer to issue an RFP for professional engineering services for the development of design/Construction Plans and Permitting for the SPLOST II "bond-funded" Norman Road Dam Reconstruction Project.
   E. To authorize the City Engineer to issue an RFP for contracting services for repairs to Norman Road Dam due to Hurricane Helene to be funded out of SPLOST II.
   F. To approve the 2025 Holiday Schedule for the City of Clarkston.

Councilmember Perkins made a motion to approve the Consent Agenda. Councilmember Hood duly seconded the motion. Mayor Burks called for the vote and declared the motion approved (5-0).

9. NEW BUSINESS
   A. To consider an ordinance to provide the adoption of a budget proposed by the City Manager containing estimates of the proposed revenues and expenditures of the City of Clarkston, Georgia, and to provide for the levy of taxes for expenses of said city for the fiscal year beginning January 1, 2025, and ending December 31, 2025.

Interim City Manager, Tammi Saddler Jones stated the required public hearings were held on October 29th and today, and staff has presented a balanced budget, recommending approval of the budget as presented.

Councilmember Bell made a motion to adopt an ordinance to provide the adoption of a budget proposed by the City Manager containing estimates of the proposed revenues and expenditures of the City of Clarkston, Georgia, and to provide for the levy of taxes for expenses of said city for the fiscal year beginning January 1, 2025, and ending December 31, 2025. Vice Mayor Johnson duly seconded the motion. Mayor Burks called for the vote and declared the motion approved (5-0).

B. To consider a resolution approving an agreement between the City of Clarkston and AT&T for internet and phone services in the amount of $46,740 annually, plus a one-time fee of $5,152 to be funded out of ARPA Funds *(for one year)* and General Fund *(for four years)*, effective on or before 11/18/2024.

Keisha Dixon from the City Manager's Office stated staff is requesting permission to enter into an agreement with AT&T for network services, managed equipment as well as Office@Hand. Ms. Dixon gave a brief overview of the locations that will be included in the network and how many office phones would be included.

Council recommended the Interim City Manager's Office to conduct an audit of which staff has cell phones and who does not have cell phones.

Councilmember Carroll made a motion to approve an agreement between the City of Clarkston and AT&T for internet and phone services in the amount of $46,740 annually, plus a one-time fee of $5,152 to be funded out of ARPA Funds *(for one year)* and General Fund *(for four years)*, effective on or before 11/18/2024. Councilmember Perkins duly seconded the motion. Mayor Burks called for the vote and declared the motion approved (5-0).

C. To consider an Alcoholic Beverages Late Night Sales application for consumption on premises for Ponce Sports Lounge located at 3924 E. Ponce De Leon Ave., Clarkston, GA 30021.

City Clerk, Tomika R. Mitchell stated October 1, 2024, The City Council approved an ordinance amending Chapter 3 of the Code, regarding alcoholic beverages, to allow "late night sales" for consumption on the premises subject to certain conditions.

The City Clerk's Office received and reviewed an Alcoholic Beverages Late Night Sales application from the owner of Ponce Sports Lounge for Late night alcohol sales for consumption on premises located at 3924 E. Ponce De Leon Ave., Clarkston, GA.

The Clarkston Police Department met with the owner on October 22, 2024, at approximately 11:30 a.m. to assess the noise level from the exterior of the business. The owner agreed to monitor the volume closely and keep the music at Level 3, which appeared reasonable and not a nuisance when tested from outside, including the parking lot.

The City Clerk determined all terms and conditions have been met pertaining to the ordinance. Late night sales permits may be granted by the City Council if the City Council finds that late night sales at the subject location would not have an undue negative impact on the health, morals or general welfare of the residents of the city.

Councilmember Perkins made a motion to approve the late-night sales permit. Councilmember Bell duly seconded the motion. Mayor Burks called for the vote and declared the motion approved (5-0).

D. **PUBLIC HEARING** to receive public comments regarding an ordinance to amend the Zoning Code to increase the maximum floor area ratio, reduce the minimum lot size and increase maximum lot coverage requirements for the NR-3 zone; to reduce the minimum lot width and remove side setback requirements for single family attached dwelling units (townhomes); to increase the maximum building height for the TC district; and to reduce parking requirements for certain dwelling types.

*The public hearing opened at 9:09 p.m.*

The following citizens spoke in favor of amending the Zoning Code: Matthew Biggers, Kathleen Andres, and Samia Abdulla.

The following citizens spoke against amending the Zoning Code: Debbie Gathmann, Chris Becker, Tim Hall, Jennifer Luce, Taylor Brooks, Jan Riley, Simone Wilson, Charity Becker, and Dean Moore.

*The public hearing closed at 9:46 p.m.*

E. To consider an ordinance to amend the Zoning Code to increase the maximum floor area ratio, reduce the minimum lot size and increase maximum lot coverage requirements for the NR-3 zone; to reduce the minimum lot width and remove side setback requirements for single family attached dwelling units (townhomes); to increase the maximum building height for the TC district; and to reduce parking requirements for certain dwelling types.

Interim Planning and Economic Development Director, Richard Edwards gave a brief overview of the recommended changes in the Zoning Code. The Housing and Infrastructure Committee had a meeting in March and discussed the lot coverage and restrictions and the Planning and Zoning Commission Board also met and recommended sending this item back to the Housing and Infrastructure Committee for further engagement. Therefore, this discussion will go back to each board one more time before another recommendation comes before the City Council.

Jason Gaines with W&A Engineering stated they were contracted to take a look at the proposed changes and offer a quick overview of how they would factor in the overall implementation of the city's Comp Plan and other Master Planning efforts. Mr. Gaines presented a broad perspective on the recommendations that were presented.

Councilmember Hood made a motion to deny amending the Zoning Code to increase the maximum floor area ratio, reduce the minimum lot size and increase maximum lot coverage requirements for the NR-3 zone; to reduce the minimum lot width and remove side setback requirements for single family attached dwelling units (townhomes); to increase the maximum building height for the TC district; and to reduce parking requirements for certain dwelling types. Vice Mayor Johnson duly seconded the motion. Mayor Burks called for the vote and declared the motion failed (2-3). Councilmembers Bell, Carroll, and Perkins voted "no".

Councilmember Carroll made a motion to approve the changes to increase the maximum floor area ratio for NR-3 from .4 to 1; to increase maximum lot coverage requirements for the NR-3 zone to 67% for Townhomes and Quadruplex, 62% for Triplex, 57% for Duplex; to reduce the minimum lot width and remove side setback requirements for attached townhomes, compliant with the fire code; to increase the maximum building height for the TC district from 75 to 100 feet; and reduce parking requirements for cottage homes, duplex's, triplex's, and quadruplex to one home per unit and also change the parking code to where it no longer sets both minimum and maximum, it just sets maximum and add the lot coverage setting it at 1,400 for townhomes and 2,500 for all other types of homes within NR3 district. Councilmember Bell duly seconded the motion. Mayor Burks called for the vote and declared the motion approved (3-2). Vice Mayor Johnson and Councilmember Hood voted "no".

The Council further discussed this matter.

Mayor Burks inquired about a veto and what are the terms of putting the item back on the agenda.

City Attorney, Stephen Quinn researched and responded to the veto was a simple majority vote to override a veto..

F. **PUBLIC HEARING** to receive public comments regarding the application to rezone properties located at 911 Mell Avenue, 917 Mell Avenue, 929 Mell Avenue, and 935 Mell Avenue from NR-1 (Low-density Neighborhood District) to NR-3 (High-density Neighborhood Residential District).

Interim Planning and Economic Development Director, Richard Edwards gave a brief overview stated the zoning case REZ-24-10-001– The Applicants, Grace Denise Rainey-Orr, Garry Rainey, Victor Dwight Rainey, and John Barry Rainey request to rezone their properties located at 911 Mell Avenue, 917 Mell Avenue, 929 Mell Avenue, and 935 Mell Avenue from NR-1- Low-density Neighborhood District to NR-3. This is in line with the Comprehensive Plan and applied character area of the Traditional Neighborhood Development and these areas are designated to nurture traditional neighborhood development patterns and housing types. the Planning and Zoning Board members recommend approval of the request as presented.

Mr. Quinn presented the process of the Mayor entering a veto.

*The public hearing opened at 10:25 p.m.*

The following citizens spoke in favor of rezoning the properties: Gary Rainey, Debbie Gathmann, Tracy Minich, Dean Moore, and Taylor Brooks.

There were no citizens comments against rezoning the properties.

*The public hearing closed at 10:36 p.m.*

G. To consider the application to rezone properties located at 911 Mell Avenue, 917 Mell Avenue, 929 Mell Avenue, and 935 Mell Avenue from NR-1 (Low-density Neighborhood District) to NR-3 (High-density Neighborhood Residential District).

Councilmember Bell made a motion to approve the application to rezone properties located at 911 Mell Avenue, 917 Mell Avenue, 929 Mell Avenue, and 935 Mell Avenue from NR-1 (Low-density Neighborhood District) to NR-3 (High-density Neighborhood Residential District). Councilmember Perkins duly seconded the motion. Mayor Burks called for the vote and declared the motion approved (3-1-1). Vice Mayor Johnson voted "no" and Councilmember Hood abstained.

H. **PUBLIC HEARING** to receive public comments regarding an application to modify zoning stipulation #19 Final Plat of the Parkside Subdivision to allow carports or garages.

Interim Planning and Economic Development Director, Richard Edwards stated the developer decided to go with an enclosed garage design as opposed to a carport design. Staff recommended amending the language to state "...carports or garages".

*The public hearing opened at 10:40 p.m.*

The following citizens spoke in favor of modifying a zoning stipulation: Matthew Biggers and Chris Becker.

There were no citizens comments against modifying a zoning stipulation

*The public hearing closed at 10:41 p.m.*

I. To consider an application to modify zoning stipulation #19 Final Plat of the Parkside Subdivision to allow carports or garages.

Councilmember Bell made a motion to approve an application to modify zoning stipulation #19 Final Plat of the Parkside Subdivision to allow carports or garages. Councilmember Perkins duly seconded the motion. Mayor Burks called for the vote and declared the motion approved (4-1). Vice Mayor Johnson voted "no".

J. To consider an ordinance to amend Chapter 2, Article 2 of the City Code concerning Council Meetings.

Vice Mayor Johnson stated they have been working on this since 2019 and finally got the verbiage together, with the City Attorney making all the required modifications.

The City Attorney, Stephen Quinn stated at the Work Session there was a group of consensus changes, which was Option A; and an additional change regards to presentation, which was Option B; and then small edits were made to Option A to not say the term "Standing Advisory Committee" and replace it with the term "committee", which was Option C.

Councilmember Hood made a motion to adopt Option "C" with removing the word "by or" in Section 2-25(d). Vice Mayor Johnson duly seconded the motion. Mayor Burks called for the vote and declared the motion approved (4-1). Councilmember Bell voted "no".

K. To consider a resolution to regulate the utilization of the City Attorney's services by Councilmembers.

Councilmember Hood read the ordinance stating Councilmembers should consult with the City Manager before communicating directly with the City Attorney. Councilmembers need not consult with the City Manager first when the matter can be discussed with the City Attorney in fifteen minutes or less, when the Councilmember seeks advice about complying with the code of ethics, or when the matter is a personnel matter related to the City Manager.

In any circumstance where an elected official believes they may have a potential conflict of interest, or other matters related to the code of ethics, such official is encouraged to consult directly with the City Attorney for advice or a written opinion. The City Manager may also request advice or an opinion from the City Attorney regarding an elected official's potential conflict of interest on matters related to city business.

Councilmember Bell made a motion to a resolution to regulate the utilization of the City Attorney's services by Councilmembers. Councilmember Perkins duly seconded the motion. Mayor Burks called for the vote and declared the motion approved (5-0).

L. To consider an ordinance to amend Chapter 2, Article 3 of the City Code concerning the Code of Ethics to prohibit cash advances of compensation to elected officials.

Councilmember Hood read a new section in the ordinance stating neither the Mayor nor any Councilmember shall request nor accept a cash advance of their compensation paid by the City."

Councilmember Carroll made a motion to approve an amendment to Chapter 2, Article 3 of the City Code concerning the Code of Ethics to prohibit cash advances of compensation to elected officials. Councilmember Bell duly seconded the motion. Mayor Burks called for the vote and declared the motion approved (5-0).

10. ADOURNMENT

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

The meeting adjourned at 10:52 p.m.

ATTEST:

Tomika R. Mitchell
City Clerk

Beverly H. Burks
Mayor