



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

Mayor Beverly Burks
Councilmembers:

<i>Debra Johnson-Vice Mayor</i>	<i>Jamie Carroll</i>
<i>Sharifa Adde</i>	<i>Susan Hood</i>
<i>Yterenickia Bell</i>	<i>Mark Perkins</i>

Tammi Saddler Jones, Interim City Manager

CITY COUNCIL WORK SESSION AGENDA

Tuesday, January 28, 2025 - 7:00PM
IN-PERSON/ HYBRID

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENTS

Any member of the public may address questions or comments to the City Council referencing only agenda items after the Mayor and Council have had the opportunity to discuss the agenda item. Each attendee will be allowed 3 minutes for comments.

4. PRESENTATION/ ADMINISTRATIVE BUSINESS

- A. To discuss a Proclamation designating February as “Black History Month”.
- B. To discuss a Proclamation designating March as “Women’s History Month”.
- C. To present the Georgia Environmental Protection Division Storm Water Management Plan document submitted by staff every 5 years.

5. OLD BUSINESS

- A. To discuss a resolution authorizing a contract renewal for the Use of Meeting Space Agreement with the Clarkston Community Center (Venue Rentals) in the amount of \$15,000 to be funded out of the General Fund.
- B. To discuss an ordinance to create the Community Redevelopment Tax Incentive Program.

6. NEW BUSINESS

- A. To discuss a DeKalb County proposal to fund the installation of the Beautification/Landscaping at the Church Street and I-285 Interchange on-ramp and contributes to the installation of new plants at the Church Street off-ramp.
- B. To discuss the fabrication and installation of ten (10) decorative mailboxes on the North side of Norman Road from Rogers Street to the Norman Road dam; including repairs/replacement of mailboxes on East Ponce de Leon for an estimated amount of \$30,000 to be funded out of SPLOST I.
- C. To discuss the fabrication and installation of four (4) pergolas and corresponding benches and trash containers to enhance the pedestrian environment on Market Street between Vaughan Street and North Indian Creek for an estimated amount of \$60,000 to be funded out of SPLOST I.
- D. To discuss the replacement of approximately 100 trees and 600 bushes/grasses that were planted by city landscape contractors over the past 5 years that have not survived or are diseased not to exceed \$125,000 to be funded out of the Tree Bank Fund and General Fund.
- E. To discuss an ordinance to require inspection certificates for 100% of multi-family residential units in connection with the annual business license renewal for such developments.
- F. To discuss an ordinance to define and prohibit nuisances, to define and prohibit highly hazardous conditions and to provide emergency powers for the building official.



- G. To discuss an ordinance to amend the text of the Zoning Ordinance to designate drive-in and drive-thru restaurants as Conditional Uses in the NC-2 Zoning District.
- H. To discuss a resolution appointing Dekalb County Board of Registrations and Elections to conduct the City of Clarkston 2025 General Municipal Election.
- I. To discuss the proposed Downtown Development Authority (DDA) Boundary Map, as recommended by the DDA.

7. ADJOURNMENT

PUBLIC PARTICIPATION BY VIDEO CONFERENCE

The City of Clarkston, Georgia will conduct the City Council Work Session at 7:00 p.m. on Tuesday, January 28, 2025. The public may participate in the meeting in-person or by using the following information below:

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_laiu18A1RZOEMrwjF-a_qg

After registering, you will receive a confirmation email containing information about joining the webinar.



CITY OF CLARKSTON

ITEM NO: 4A

WORK SESSION/ CITY COUNCIL MEETING

HEARING TYPE:
Work Session

AGENDA ITEM SUMMARY SHEET

ACTION TYPE:
Review/Discussion

MEETING DATE: January 28, 2025

SUBJECT: Discuss Black History Month City Proclamation

DEPARTMENT: CITY ADMINISTRATION

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☒ YES ☐ NO
Pages:

INFORMATION CONTACT: Yolanda McGee
PHONE NUMBER: 404 754-6960

PURPOSE: To discuss a Proclamation for Black History Month recognized by the city of Clarkston. The theme for Black History Month 2025 is “Celebrating Generations of Resilience, Leadership, and Innovation”.

NEED/ IMPACT: To recognize the contribution of African Americans to the nation and to the City of Clarkston.

RECOMMENDATION: Mayor publicly announces city’s proclamation acknowledging Black History Month within the city.

City of Clarkston Proclamation Black History Month 2025

WHEREAS, the month of February is recognized nationally as Black History Month, a time to honor and celebrate the significant contributions, achievements, and history of African Americans who have shaped our nation and community; and

WHEREAS, the City of Clarkston, Georgia, is proud of its diverse and inclusive community, which thrives because of the contributions of African Americans and other communities of color who have enriched the cultural, social, and economic fabric of our city; and

WHEREAS, the theme for Black History Month 2025, *“Celebrating Generations of Resilience, Leadership, and Innovation,”* recognizes the enduring impact of African Americans throughout history, from overcoming systemic challenges to advancing social justice, science, art, education, business, and more; and

WHEREAS, we reflect on the trailblazers, including civil rights leaders, educators, entrepreneurs, and artists, whose work and sacrifices have paved the way for progress, and we recognize that Black history is American history; and

WHEREAS, the City of Clarkston remains committed to fostering equity, justice, and opportunity for all, and to creating a future where every individual is celebrated for their unique contributions to our community; and

WHEREAS, during this month, we encourage all residents, businesses, and organizations in Clarkston to participate in events, programs, and initiatives that promote education, awareness, and appreciation of African American history and culture.

NOW, THEREFORE, I, Beverly H. Burks, Mayor of the City of Clarkston, Georgia, do hereby proclaim February 2025 as **Black History Month** in the City of Clarkston and encourage all citizens to join in recognizing and honoring the invaluable contributions of African Americans to our city, state, and nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Clarkston to be affixed this 4th day of February, 2025.



CITY OF CLARKSTON

ITEM NO: 4B

WORK SESSION/ CITY COUNCIL MEETING

HEARING TYPE:
Work Session

AGENDA ITEM SUMMARY SHEET

ACTION TYPE:
Review/Discussion

MEETING DATE: January 28, 2025

SUBJECT: Review/Discuss Women's History Month city proclamation

DEPARTMENT: CITY ADMINISTRATION

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☒ YES ☐ NO
Pages:

INFORMATION CONTACT: Yolanda McGee
PHONE NUMBER: 404 754-6960

PURPOSE: To discuss Proclamation designating March as Women's History Month recognized by the city of Clarkston.

NEED/ IMPACT: To recognize the contribution of women to the nation and to the city of Clarkston.

RECOMMENDATION: Mayor publicly announce city's proclamation acknowledging March as women history month within the city.



Proclamation Designating the Month of March as "Women's History Month"

WHEREAS, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

WHEREAS, American women have played and continue to play critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, American women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force of the Nation; and

WHEREAS, American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation; and

WHEREAS, American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, American women have served our country courageously in the military; and

WHEREAS, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

WHEREAS, despite these contributions, the role of American women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history:

NOW, THEREFORE, I, Beverly H. Burks, Mayor of the City of Clarkston, Georgia and on behalf of the Clarkston City Council, hereby proclaim the month of March 2024 as

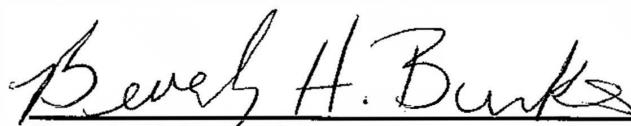
Women's History Month

in the City of Clarkston, and the City Council and Staff hereby acknowledge and celebrate the contributions of women and this proclamation calls upon the people of the City of Clarkston to observe **March as Women's History Month** with appropriate programs, ceremonies, and activities.

SO ORDAINED, this 1 day of March , 2024.

ATTEST:

CITY COUNCIL
CITY OF CLARKSTON, GEORGIA


Beverly H. Burks, Mayor





CITY OF CLARKSTON

ITEM NO: 4C

WORK SESSION/ CITY COUNCIL MEETING

HEARING TYPE:
Work Session

AGENDA ITEM SUMMARY SHEET

ACTION TYPE:
Review/Discussion

MEETING DATE: January 28, 2025

SUBJECT: Present to City Council the Georgia Environmental Protection Division Storm Water Management Plan document submitted by staff every 5 years

DEPARTMENT: CITY ADMINISTRATION

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: YES ☒ NO
Pages: 2

INFORMATION CONTACT: Larry Kaiser, PE
PHONE NUMBER: 404-909-5619

PURPOSE: Present council with the storm water requirements, processes and procedures that staff and Public Works implements on a daily basis to ensure adherence to EPD criteria and most importantly to protect the water quality in the cities streams and creeks.

NEED/ IMPACT: The City is required by Ga EPD to manage its municipal storm water discharges as regulated through the NPDES Municipal Separate Storm Sewer Systems (MS4) Phase I Permit; whereby the 5-year SWMP becomes the cities implementation tool for ensuring the MS4 permit requirements are met through the city's annual MS4 reporting to EPD.

RECOMMENDATION: None. For Information Purposes Only

The Storm Water Management Plan (SWMP) components are as follows. Each year the following components are included in the Annual MS4 report that is due June 15. Each component has required measurable goals/ mapping and reporting forms

- **Maintain and update GIS inventory map of storm water infrastructure; storm pipes, catch basins, detention ponds,** etc.
- **Inspect 20% of all storm water infrastructure and maintain storm water infrastructure** based on inspections and capital project program; including use of approved inspection forms and procedures
- **Evaluate City's 2040 Comprehension Land Use Plan** to identify need for updates
- **Street sweeping** % of city streets and litter collection
- **Flood Management** – inspect and assess city-owned flood management infrastructure that included detention/retention ponds and update as necessary to ensure facilities meet or exceed the requirements in the NPDES permit
- **Municipal Owned Facilities** – maintain inventory of city facilities and inspect annually to ensure that proper storage of chemicals and other potential impacts to the city storm water system
- **Pesticide/Fertilizer/Herbicide Applications** – obtain commercial pesticide applicators license if city performs such work or contractors that perform work for the city
- **Illicit Discharge Detection and Elimination Program** – illicit discharges (sanitary sewer leaks on or off R/W to inspect when notified); SS leak Milam Park 5 years ago, alleged SS leak into Clarkston Lakes 2024, etc.
- **Outfall Inventory and Map** – update and inspect inventory map annually of all outfall structures that convey storm water to state waters

- **Illicit Discharge Detection and Elimination Plan** – inspecting outfalls to identify and remove illegal dumping and sampling any dry weather flows at outfalls to ensure no non-storm water discharges and conveyed to state waters; 20% of outfalls annually for 5 years
- **Spill Response Procedure** – contacts to notify for any type of illegal spills and reporting annually
- **Public Reporting Procedures** – citizen complaints through phone calls or “Report a Concern” on the city web site. Investigate within 3 days and reporting annually
- **Proper Management and Disposal of Used Oil and Toxic Materials-** link on city web site for citizens to take their oils/chemicals to DeKalb County during “Hazardous Waste Day”.
- **Sanitary Sewer Infiltration Controls** – reporting all sanitary sewer spills to DeKalb Watershed
- **Industrial facility Inventory/Inspection/Enforcement** – industrial sites are those identified by EPA/EPD which contains or stores hazardous or other polluting materials, maintain database, inspect, report and enforce spills or other illegal activities within industrial facility sites.
- **Construction Site Management**–adherence to E&SC ordinance on all public and private const. projects
- **Development Site Plan Reviews** – E&SC plans (over 1 acre) sent to the Ga Soil & water Commission to review, Land Disturbance plans reviewed by the city. All land disturbance in excess of 5000 SF are reviewed by the city. City staff development of various engineering checklists to ensure all LDP components are addressed such as tree recompense, hydrology, Ga Storm Water manual adherence, lighting, infrastructure improvements within R/W such as turn lanes, sidewalks, curb and gutter, etc.
- **Development Inspections** – During construction staff inspects sites periodically to ensure plans are being adhered to. Reports are written for E&SC inspections and daily Reports for non- E&SC. Reports are presented monthly in a virtual call with the DeKalb Soil & Water Conservation District Supervisors
- **Enforcement Procedures During Construction of Development** – Staff issues written warnings for non-compliance of city code and after specified period of time if no corrections occur, the warnings are elevated to City Code Compliance for citation issuance
- **Certification** – all staff, contractors and developer’s engineering professionals must be certified with the Ga Soil and Water Commission
- **Highly Visible Pollutant Sources and Facility Inventory** – based on business licenses, staff maintains a list of business that require inspection for any non-storm water pollutant runoff; 20% of all the following businesses must be inspected and reports prepared: auto repair/gas stations, landscape/garden centers, car washes, commercial/retail, apartment operators, laundromats/dry cleaners and restaurants. Enforcement & Education components are also included in the HVPS program.
- **Public Education** – public education of storm water is undertaken through the city web site, brochures placed at city hall, various public engagement meetings such as Rivers Alive, National Night Out, yard debris pickup, etc.
- **Post Construction** – adherence to water quality and reducing storm water runoff including performance standards after development projects are completed
- **Green Infrastructure/Low Impact Development Design Techniques-** every development, including SF lots not in platted development, are required to undertake a rigorous plan review that requires an assessment of various alternative methods for storm water runoff reduction and water quality improvements. This includes flow wells, bio-retention, bio-swales, etc. City staff has incorporated these same designs into city infrastructure over the past 10 years – not required but city staff chose to incorporate to show private sector that the govt. should not be exempt; i.e. bio-swales Rowland, bio-retention on Market Street, underground vault on Rogers St, wetlands construction Friendship Forest.
- **Green Infrastructure Inventory of Projects**
- **Storm Water Facility Maintenance Requirements** – ponds, vaults, green infrastructure, etc. when incorporated into a private development must be maintained by the developer with city inspections annually – documentation that maintenance was undertaken in accordance with city guidelines – including SF lots with flow wells. SW Facility Maintenance Agreement signed by the developer before CO is issued.
- **Municipal Training** – city staff performs this annually with PW staff
- **Impaired Waters Criteria** – additional requirements of the development community if a development is within 1 radial mile of a EPD impaired stream if the developments outfall is conveyed that stream

CITY OF CLARKSTON

ITEM NO: 5A

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:
Work Session

BUSINESS AGENDA / MINUTES

ACTION TYPE:
Discussion

MEETING DATE: January 28, 2025

SUBJECT: To discuss the approval of the renewal of the City Services Agreement between the City of Clarkston and the Clarkston Community Center in the amount of \$15,000 to be funded out of the General Fund

DEPARTMENT: CITY ADMINISTRATION

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☐ YES ☐ NO
Pages:

INFORMATION CONTACT: Tammi Saddler Jones,
Interim City Manager
PHONE NUMBER: 404-296-6489

PURPOSE: To discuss the approval of the renewal of the City Services Agreement between the City of Clarkston and the Clarkston Community Center.

NEED/ IMPACT: The City allocated in its adopted FY 2025 budget \$15,000 for the City to utilize the Clarkston Community Center for meetings and other special events. A portion of this allocation is used to waive the fees for use of the Clarkston Community Center by eligible non-profit organizations upon request.

At the request of a city council member, staff have made additional revisions to the proposed renewal agreement to address the following areas of concern:

1. Greater clarity needed on what qualifies as a “Bonafide non-profit *operating in Clarkston*”
2. Improve admin processes for reserving and approving events and how funds are disbursed or released.
3. Stronger policy needed for cancellation for both the city and residents and non-profits using the funding.
4. Clearly defined prioritization and/or proportional guidelines around funding (city, residents, non-profits)

To allow city administration more time to address these concerns in the proposed renewal agreement, this agenda item was deferred until the work session meeting on Tuesday, January 28, 2025.

RECOMMENDATION: Staff recommends the renewal of the City Services Agreement between the City of Clarkston and the Clarkston Community Center in the amount of \$15,000 to be funded out of the General Fund.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSTON,
GEORGIA, AUTHORIZING A CONTRACT RENEWAL FOR THE USE OF
MEETING SPACE AGREEMENT WITH THE CLARKSTON COMMUNITY
CENTER (VENUE RENTALS).

* * * * *

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSTON, GEORGIA:

Section 1. That the City Council hereby authorizes a contract renewal for the Use of Meeting Space Agreement with the Clarkston Community Center (venue rentals) for the City to utilize if needed for meetings and activity space for certain special events in the amount of \$15,000 to be funded out of the General Fund. A copy of the agreement is attached hereto as “Exhibit A” and are incorporated herein for all purposes.

PASSED, APPROVED and RESOLVED this _____ day of _____ 2025.

Beverly H. Burks, Mayor

ATTEST:

Tomika R. Mitchell, City Clerk

EXHIBIT A

Use of Meeting Space Agreement between Clarkston Community Center and City of Clarkston

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

WHEREAS, the City is desirous of ensuring greater access to the CCC for bona fide 501(c)(3) non-profit organizations as determined by section 501(c)(3) of the Internal Revenue Code. The organization must be organized and operated exclusively for exempt purposes set forth in section 501(c)(3), and none of its earnings may inure to any private shareholder or individual. In addition, it may not be an action organization, i.e., it may not attempt to influence legislation as a substantial part of its activities and it may not participate in any campaign activity for or against political candidates. and

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

WHEREAS, CCC is prepared to provide agreed upon space to the City and non-profit 501(c)(3) organizations.

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

1. **ROLES AND RESPONSIBILITIES** for Clarkston Community Center ("CCC"):
 - a) Provide meeting space to the City, as requested by the City, in partial consideration for the payments contemplated by this Agreement. The value of rental space allocated to the City per this Agreement is \$5,000, based on CCC's standard market rates. If the City's requests to use space during the term of this Agreement exceed the \$5,000 allocated, CCC will invoice the City for the excess amount based on the CCC's standard market rental rates listed in Exhibit A.
 - b) Provide monthly reports to the city manager that list the date, hours and charges for space used by the City of Clarkston.
 - c) If the City does not use all of its \$5,000 allowance for space during the term of this Agreement, CCC shall allocate any unused portion of this amount to space rental by eligible 501(c)(3) organizations.
 - d) Provide \$10,000 worth of rental space to bona fide 501(c)(3) organizations, with each such organization limited to one event funded through this Agreement during the term of this Agreement.
 - e) CCC shall track use of its space by non-profits to enforce the limit of one event per year per 501(c)(3) nonprofit organization.

- f) Verify if A/V sound is being requested by the non-profit. Payment for sound will be dependent upon availability of funds.
- g) Ensure that each request by a 501(c)(3) organization for use of the CCC is made in writing, to the CCC, at least 30 business days prior to the desired event date. This request should clearly identify the purpose of the event, date, time, any additional requests for sound, and a legal copy of their 501 C3 incorporation and determination letter.
- h) Provide the City Manager with a copy of said written request, along with the 501 C3 incorporation paperwork, within two business days of the request being received by the CCC to obtain approval by the City Manager or her/his designee for the use of any or all part(s) of the CCC.
- i) Provide a quarterly report of allocations to the City no later than the following dates: April 5, 2025; July 5, 2025; October 5, 2025; and January 5, 2026.
- j) Verify that the requesting non-profit (501C3) organizations are aware of the CCC's policy that events must be canceled no later than 30 calendar days prior to the approved event. If said organization has violated this policy, they are prohibited from using the CCC for any event during the current agreement year. A CCC representative shall provide the requesting person/organization with a copy of this rule, in writing, within one business day of said request.
- k) Allow the City of Clarkston to cancel their bookings at least fourteen calendar days prior to the scheduled event without penalty, based on the City's business needs.
- l) Allow non-profit 501 C3 organizations to cancel bookings at least 30 calendar days prior to the scheduled event without penalty. If this requirement is met, funds originally applied to the canceled event shall be applied to future events. Events canceled less than 30 calendar days prior to the scheduled event will result in forfeit of the fee for use of the space. Events rescheduled less than 30 calendar days of the event date will be considered cancellations, and penalties will apply as described in Exhibit B.

2) ROLES AND RESPONSIBILITIES for the City of Clarkston ("City"):

- a) Make any request to the CCC for space, through the City Manager's office, in writing.
- b) Review and approve or deny, in writing, any request received from the CCC for use of space by a non-profit within two business days of receipt by the City. Events will be approved on a first come, first served basis, provided all relevant documentation is included in the request to approve.
- c) Pay the CCC, in consideration for the services and use of facilities contemplated herein, Fifteen Thousand Dollars (\$15,000.00). This amount shall be paid in quarterly installments of Three Thousand Seven Hundred and Fifty Dollars (\$3,750) each. The first such payment shall be made not later than February 28, 2025; the second installment shall be paid not later April 15, 2025; the third installment shall be paid not later than July 15, 2025; the fourth installment shall be paid not later than October, 15 2025.

3) Term and Termination

This Agreement is for a period beginning on the date of mutual approval of the Agreement and ending on December 31 of the current agreement year. The Agreement may be renewed on an annual basis by written agreement of the Parties subject to availability of funds and appropriation of said funds by the City Council. The Agreement may be terminated without cause by either party via thirty (30) business days written notice.

SO AGREED, this ____ day of _____, 2025.

CLARKSTON COMMUNITY CENTER

Luay Sami, Executive Director

Date: _____

CITY OF CLARKSTON

Beverly H. Burks, Mayor

Date: _____

Approved as to form:

Stephen Quinn

Stephen G. Quinn
City Attorney



CITY OF CLARKSTON

ITEM NO: 5B

CITY COUNCIL WORK SESSION/ MEETING

MEETING TYPE:
Work Session

AGENDA ITEM SUMMARY SHEET

ACTION TYPE:
Discussion

MEETING DATE: January 28, 2025

SUBJECT: Review/Discuss an ordinance to create the Community Redevelopment Tax Incentive Program.

DEPARTMENT: CITY ADMINISTRATION

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☐ YES ☐ NO
PAGES:

PRESENTER CONTACT INFO:
Councilmember Yterenickia Bell
PHONE NUMBER: (404) 296-6489

PURPOSE: To discuss the Community Redevelopment Tax Incentive Program authorized by the Constitution of the State of Georgia. This is a program to address deplorable housing units and properties in Clarkston to encourage property owners to maintain their properties, reduce the burden of government services, and ensure the safety and wellbeing of residents residing in properties throughout the city.

NEED/ IMPACT: The establishment of this tax incentive program provides a definition of “blight” and details the process of identification of properties that are maintained in a blighted condition. This program provides a process for remediation or redevelopment to remove the designation of blight and illustrate the city's willing to collaborate to ensure the safety of our residents.

RECOMMENDATION: This measure was initially discussed on October 23, 2024, at the Public Safety and Legal SAC meeting and the members voted in the December 11, 2024 meeting to add it to the Council agenda for discussion.

ORDINANCE NO. _____

AN ORDINANCE TO ADOPT NEW ARTICLE VIII OF CHAPTER 5 OF THE CITY CODE TO CREATE A COMMUNITY REDEVELOPMENT TAX INCENTIVE PROGRAM; TO LEVY AN INCREASED AD VALOREM TAX ON BLIGHTED PROPERTY; AND TO PROVIDE FOR A DECREASED RATE OF TAXATION FOR PROPERTY WHERE BLIGHT CONDITIONS ARE REMEDIATED.

WHEREAS, the existence of real property that is maintained in a blighted condition causes increased costs for the city by increasing the need for government services, including but not limited to social services, public safety services and code enforcement services; and

WHEREAS, rehabilitation of blighted property decreases this need for such government services; and

WHEREAS, the City Council by this ordinance exercises the powers granted to municipal corporations by O.C.G.A. Title 36, Chapter 61, Urban Redevelopment, in furtherance of its objective to eradicate conditions of blight within the city; and

WHEREAS, the City Council by this ordinance does establish a community redevelopment tax incentive program as authorized by Article IX, Section II, Paragraph VII(d) of the 1983 Constitution of the State of Georgia in order to encourage private property owners to maintain their real property and the buildings, structures and improvement thereon in good condition and repair, and as an incentive to encourage community redevelopment.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF CLARKSTON as follows:

SECTION 1. New Article VIII of Chapter 5 of the City Code is hereby adopted, to read as follows:

“ARTICLE VIII. COMMUNITY REDEVELOPMENT TAX INCENTIVE PROGRAM

Sec. 5-460. Purpose.

The purposes of this article are to reduce the costs of governmental services, to encourage private property owners to maintain their real property and the buildings, structures and improvement thereon in good condition and repair, and to provide an incentive to encourage community redevelopment.

Sec. 5-461. Definitions

As used in this article, the following terms shall have the meanings indicated:

Blighted property, blighted, or blight means any urbanized or developed property that:

Presents two or more of the following conditions:

-
1. Uninhabitable, unsafe, or abandoned structures including but not limited to boarded-up structures.
 2. Inadequate provisions for ventilation, light, air, or sanitation.
 3. An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe that the governor has declared a state of emergency under the state law or has certified the need for disaster assistance under federal law; provided, however, this designation shall not apply to property unless the relevant public agency has given notice in writing to the property owner regarding specific harm caused by the property and the owner has failed to take reasonable measures to remedy the harm.
 4. A site identified by the Federal Environmental Protection Agency as a superfund site pursuant to 42 U.S.C. Section 9601, et seq. or environmental contamination to the extent that requires remedial investigation or a feasibility study.
 5. Repeated illegal activity on the individual property of which the property owner knew or should have known.
 6. The maintenance of the property is below state, county, or municipal codes for at least three (3) months after written notice of the code violation to its owner.
 7. Is conducive to ill health, transmission of disease, infant mortality or crime in the immediate proximity of the property.
 8. Property that is subject to frequent property maintenance or environmental code citations.

Property shall not be deemed blighted solely because of aesthetic conditions.

Property shall not be deemed blighted for the purpose of any increase of ad valorem taxation under this division if the property is a dwelling house which is being used as a primary residence of one (1) or more persons.

Boarded-up structure means a structure that has its doors, windows, or other openings covered with boards or secured in another way.

Building inspector means a certified inspector possessing the requisite qualifications to determine minimal code compliance.

Building official means a person authorized to enforce provisions of the technical construction codes.

Community redevelopment means any activity, project, or service necessary or incidental to achieving the redevelopment or revitalization of a redevelopment area or portion thereof designated for redevelopment through any urban redevelopment plan that may be adopted by the city or through local ordinances relating to the repair, closing, and demolition of buildings and structures unfit for human habitation.

Governing authority means the mayor and council of the City of Clarkston, a Georgia Municipal Corporation.

Millage or millage rate means the levy, in mills, that is established by the governing authority for purposes of financing, in whole or in part, the levying jurisdiction's general fund expenses for the fiscal year.

Person means an individual, corporation, partnership, business or nonprofit entity, association, joint-stock company, business trust, joint venture, commercial entity, public corporation, unincorporated association, estate, trust, trustee in bankruptcy, receiver, fiduciary, or other legal representative or commercial entity.

Public officer means the city manager, or such officer or employee of the city as designated by the city manager to perform the duties and responsibilities hereafter set forth in this article.

Structure means anything constructed or erected which has, or the use of which requires, permanent or temporary location on or in the ground, or which is attached to something having a permanent location on the ground, including, but not limited to, the following: buildings, gazebos, signs, billboards, tennis courts, radio and television antennae and satellite dishes (including supporting towers), swimming pools, light fixtures, walls, fences and steps.

Sec. 5-462. Levy of increase ad valorem tax on blighted real property.

- (a) There is hereby levied on all real property within the city that has been officially identified as maintained in a blighted condition an increased ad valorem tax by applying a factor of ten (10) to the millage rate applied to the property, so that such property shall be taxed at a higher millage rate generally applied in the municipality, or as may otherwise be provided by general law; provided, however, real property on which there is situated a dwelling house which is being occupied as the primary residence of one (1) or more persons shall not be subject to official identification as maintained in a blighted condition and shall not be subject to increased taxation.
- (b) Such increased ad valorem tax shall be applied and reflected in the next tax bill rendered following official designation of a real property as blighted; provided, however, if a property owner resolves the blighted condition of such owner's property to the city's satisfaction (in accordance with the provisions of section 5-464) at least sixty (60) days prior to the preparation of the first tax bill following such official designation of such real property as blighted, the property shall be eligible for the decrease of the tax rate as provided in section 5-465 in the first tax bill rendered following official designation of such real property as blighted.
- (c) Revenues generated from the increased ad valorem tax imposed on properties designated as maintained in a blighted condition shall, upon receipt, be segregated by the city manager as designated within the General Fund's line item for the abatement of nuisances and used only for community redevelopment purposes, including but not limited to defraying the cost of the city's program to close, repair, or demolish unfit buildings and structures, land acquisition and clearing, and costs associated with the eradication of duly-identified slum and blight.

Sec. 5-463. Official identification of property maintained in blighted condition.

- (a) In order for a parcel of real property to be officially designated as maintained in a blighted condition and subject to increased taxation, the following steps must be completed:

-
- (1) An inspection must be performed on the parcel of property. An inspection may be performed when one of the following conditions is met:
 - a. A request may be made by the public officer or by at least five (5) residents of the city (each living in a different household from the others) for inspection of a parcel of property; or
 - b. The public officer may cause a survey of existing conditions to be performed, or may refer to any such survey conducted or finalized within the previous five (5) years, to locate or identify any parcels that may be in a blighted condition and for which a full inspection should be conducted to determine if that parcel of property meets the criteria set out in this article for designation as being maintained in a blighted condition.
 - (2) A written inspection report of the findings for any parcel of property inspected pursuant to subsection (1) above shall be prepared and submitted to the public officer. Where feasible, photographs of the conditions found to exist on the property on the date of inspections shall be made and will supplement the inspection report. Where compliance with minimum construction, housing, occupancy, fire and life safety codes in effect within the city are in question, the inspection shall be conducted by a certified inspector possessing the requisite qualifications to determine minimal code compliance.
 - (3) Following completion of the inspection report, the public official will review the report and supporting documents for findings and recommendations by the building official in determining that the property identified meets the definition of blighted area as defined under this article. The public officer shall make a determination, in writing, that a property is maintained in a blighted condition, as defined by this article, and is subject to increased taxation.
 - (4) The public officer shall cause a written notice of his/her determination that the real property at issue is being maintained in a blighted condition to be served upon the person(s) shown on the most recent tax digest of DeKalb County as responsible for payment of ad valorem taxes assessed thereon and parties in interest; provided, however, where through the existence of reasonable diligence it becomes known to the public officer that real property has been sold or conveyed since publication of the most recent tax digest, written notice shall be given to the person(s) known or reasonably believed to then own the property or be chargeable with the payment of ad valorem taxes thereon, at the best address available. Service in the manner set forth at O.C.G.A. § 41-2-12 shall constitute sufficient notice to the subject property owner or person chargeable with the payment of ad valorem taxes for purpose of this section, except that posting of the notice on the property will not be required.
- (b) The written notice given to the person(s) chargeable with the payment of ad valorem taxes and parties in interest shall notify such person and parties in interest of the public officer's determination that the real property is being maintained in a blighted condition and shall advise such person and parties in interest of the hours and location at which the person may inspect and copy the public officer's determination and any supporting documentation. Persons and parties in interest notified that the real property of which the person(s) is chargeable with the payment of ad valorem taxes shall have thirty (30) days from the receipt
-

of notice in which to request hearing before the city's municipal court. Written request for hearing shall be filed with the public officer. Upon receipt of a request for hearing, the public officer shall notify the city manager (if the duties of public officer as defined under this article have been delegated by the city manager to some other officer or employee of the city), the municipal court clerk and the city clerk.

- (c) Within thirty (30) days of the receipt of a request for hearing, the municipal court clerk shall set a date, time and location for the hearing and shall give at least ten (10) business days' notice to the person(s) and/or parties in interest requesting the hearing and the public officer. Hearings may be continued by the municipal court judge upon request of any party, for good cause.
- (d) At the hearing, the public officer shall have the burden of demonstrating by a preponderance of the evidence that the subject property is maintained in a blighted condition, as defined by this article. Upon hearing from the public officer and/or their witnesses and the person(s) or parties in interest requesting the hearing and/or their witnesses, the municipal court judge shall make a determination either affirming or reversing the determination of the public officer. The determination shall be in writing and copies thereof shall be served on the parties by certified mail or statutory overnight delivery. The determination by the municipal court judge shall be deemed final. If the municipal court judge affirms the determination of the public officer, a copy of such determination shall be served upon the city manager or their designee. The city manager or their designee will thereafter coordinate with the Tax Commissioner of DeKalb County regarding the imposition of the increased ad valorem tax against the subject property beginning on the next regular tax bill rendered on behalf of the city.
- (e) Persons aggrieved by the determination of the municipal court affirming the determination of the public officer may appeal the decision by petitioning the Superior Court of DeKalb County for review of the decision within thirty (30) days of issuance of the municipal court's written determination.

Sec. 5-464. Remediation or redevelopment to remove designation of blighted condition.

- (a) A property owner or person(s) who is chargeable with the payment of ad valorem taxes on real property that has been officially designated pursuant to this article as property maintained in a blighted condition may petition the public officer to lift the designation, upon proof of compliance with the following:
 - (1) Completion of work required under a plan of remedial action or redevelopment approved by the city's building official and public officer that addresses the conditions of blight found to exist on or within the property, including compliance with all applicable minimum codes; or
 - (2) Completion of work required under a court order entered in a proceeding brought pursuant to Chapter 5, Article II. Property Maintenance Code and Article VII. Nuisance Abatement of the Code of Ordinances for the City of Clarkston, Georgia; and
 - (3) Payment in full of any outstanding ad valorem taxes (state, school, county and city, including the increased tax pursuant to this article) and satisfaction of all governmental liens due and payable on the subject property.
-

-
- (b) Before action on a petition to lift the blight designation, the public officer shall cause the property to be thoroughly inspected by a building inspector, who by written inspection report, shall certify that all requisite work has been performed to applicable code in a workmanlike manner, in accordance with the specifications of the plan of remedial action or redevelopment, or applicable court order. Upon finding required work to be satisfactorily performed, the public officer shall issue a written determination that the real property is no longer maintained in a blighted condition. Copies of this determination shall be served upon the person(s) chargeable with the payment of ad valorem taxes, and upon the city manager or their designee who shall communicate such updated status to the Tax Commissioner of DeKalb County. All fees associated with inspections shall be the responsibility of the property owner.
- (c) All plans for remedial action or redevelopment shall be in writing, signed by the person(s) chargeable with the payment of ad valorem taxes on the real property and the building official and the public officer and shall contain the following:
- (1) The plan shall be consistent with the city's comprehensive plan and all laws and ordinances governing the subject property and shall conform to any urban redevelopment plan adopted for that area.
 - (2) The plan shall set forth in reasonable detail the requirements for repair, closure, demolition, or restoration of existing structures, in accordance with minimal statewide codes; where structures are demolished, the plan shall include provisions for debris removal, stabilization and landscaping of the property.
 - (3) On parcels of five (5) acres or greater, the plan shall address the relationship to local objectives respecting land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.
 - (4) The plan shall contain verifiable funding sources that will be used to complete its requirements and show the feasibility thereof; and
 - (5) The plan shall contain a timetable for completion of required work.
 - (6) Any outstanding ad valorem taxes (state, school, county, and city, including the increased tax pursuant to this article) and governmental liens due and payable on the property must be satisfied in full.

Sec. 5-465. Decreased rate of taxation to be applied after successful remedial action or redevelopment of blighted property.

- (a) Real property which has had its designation as maintained in a blighted condition removed by the public officer, shall be eligible for a decrease in the rate of city ad valorem taxation by applying a factor of 0.5 to the city millage rate applied to the property, so that such property shall be taxed at a lower millage rate than the millage rate generally applied in the municipality or otherwise provided by general law; such decreased rate of taxation shall be applied beginning with the next tax bill rendered following removal of official designation of a real property as blighted. The decreased rate of taxation may be given in successive years, depending on the amount of cost expended by the person(s) chargeable with payment of ad valorem taxes on the property to satisfy its remediation or redevelopment, with every twenty-five thousand dollars (\$25,000.00) or portion thereof equaling one (1) year of tax

reduction; provided, however, that no property shall be entitled to reduction in city ad valorem taxes for more than three (3) successive years.

- (b) In order to claim entitlement for a decreased rate of taxation, the person(s) chargeable with payment of ad valorem taxes on the property shall submit a notarized affidavit to the public officer, supported by receipts or other evidence of payment, of the amount expended.

Sec. 5-466. Duty of city clerk to provide notice to county tax commissioner.

- (a) It shall be the duty of the city clerk to notify the DeKalb County Tax Commissioner in writing as to designation or removal of designation of a specific property as maintained in a blighted condition. Such notice shall identify the specific property by street, address, land lot and tax parcel identification number, as assigned by the DeKalb County Tax Assessor's Office. The public officer shall cooperate with the Tax Commissioner to assure accurate tax billing of those properties subject to increase or reduced ad valorem taxation under this article.

Secs. 5-467—5-479. Reserved.”

SECTION 2. This ordinance is intended to be severable. Should any portion of this ordinance be judged invalid by a Court of competent jurisdiction, such order or judgment shall not invalidate the remainder of this ordinance.

SECTION 3. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

SO ORDAINED this _____ day of _____, 2025.

ATTEST:

**CITY COUNCIL OF
CITY OF CLARKSTON, GEORGIA**

Tomika Mitchell, City Clerk

Mayor Beverly H. Burks

Approved as to form:

Stephen G. Quinn, City Attorney



CITY OF CLARKSTON

ITEM NO: 6A

WORK SESSION/ CITY COUNCIL MEETING

HEARING TYPE:
Work Session

AGENDA ITEM SUMMARY SHEET

ACTION TYPE:
Review/Discussion

MEETING DATE: January 28, 2025

SUBJECT: To discuss a DeKalb County proposal to fund the installation of the Beautification/Landscaping at the Church Street and I-285 Interchange on-ramp and contributes to the installation of new plants at the Church Street off-ramp.

DEPARTMENT: CITY ADMINISTRATION

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: YES ☒ NO
Pages: 5

INFORMATION CONTACT: Larry Kaiser, PE
PHONE NUMBER: 404-909-5619

PURPOSE: In the Board of Commissioners FY 25 budget process, Super District 6 Commissioner Ted Terry seeks to fund 100% of the cost to install new landscaping at the Church St on-ramp (westbound I-285) and a \$10,000 contribution to be used for additional plantings at the Church Street off-ramp.

NEED/ IMPACT: Cost to rehabilitate the existing landscaping at the Church Street off-ramp is approximately \$30,000 and the annual landscape maintenance cost of the proposed new landscaping at the Church Street on-ramp is approximately \$30,000.

RECOMMENDATION: Please refer to additional details of the proposed partnership:

Commissioner Terry, within the Board of Commissioners FY 25 budget, is proposing to continue the Gateway Beautification Program that former CEO Thurman initiated 8 years ago. Various interchanges have been upgraded in the past such as Memorial Drive and Lavista interchanges at I-285 and Mountain Industrial Blvd at Hwy 78. Others have also occurred along I-85.

In partnership with the City, Commissioner Terry has proposed the following Gateway Beautification Initiatives for the I-285 at Church St/East Ponce de Leon Interchange, as outlined below:

- (a) Commissioner Terry will be submitting to the CEO a budget for landscape improvements to the East Ponce de Leon off-ramp (unincorporated DeKalb) and the Church Street on-ramp (City). The approximate cost for the Church Street on-ramp is \$125,000 and the East Ponce de Leon off-ramp estimated cost is \$240,000. If approved by the BOC in the March/April 2025 budget cycle, both beautification projects will be installed by the County's annual landscape firm, Russell Landscaping, by the spring of 2025
- (b) The Church Street on-ramp beautification project would be paid 100% by the county. The city's responsibility would be preparing and submitting a GDOT encroachment permit; including the annual maintenance costs. Maintenance cost would be approximately \$30k annually. City would likely add the scope of this work to the city's landscape maintenance firm
- (c) Commissioner Terry would provide approximately \$10k to the city for improvements to the Church Street off-ramp existing landscaping. The City will need to agree to re-establish the plantings or comparable plantings that were funded by the GDOT REBC grant, including providing annual maintenance of the rehabilitated landscaping by the city's maintenance contractor. The cost to the city to rehabilitate the existing landscaping will be approximately \$30k.

- (d) Commissioner Terry indicated that an email from the Mayor and/or City Manager to him by mid-February agreeing to items (a), (b) and (c) would be sufficient for him to move forward with the budget request for this funding partnership as described herein.

Provided County funding becomes available and council concurs with the terms of this funding partnership, staff would recommend some form of agreement that defines roles and responsibilities and that this agreement be prepared and submitted to the County by mid-March to allow for the County's contractor to begin plant installations in the Spring of 2025.

Attachments: Location Map
Russell Schematic – Church Street off-ramp



Church Street Off-Ramp



East Ponce de Leon Off-Ramp



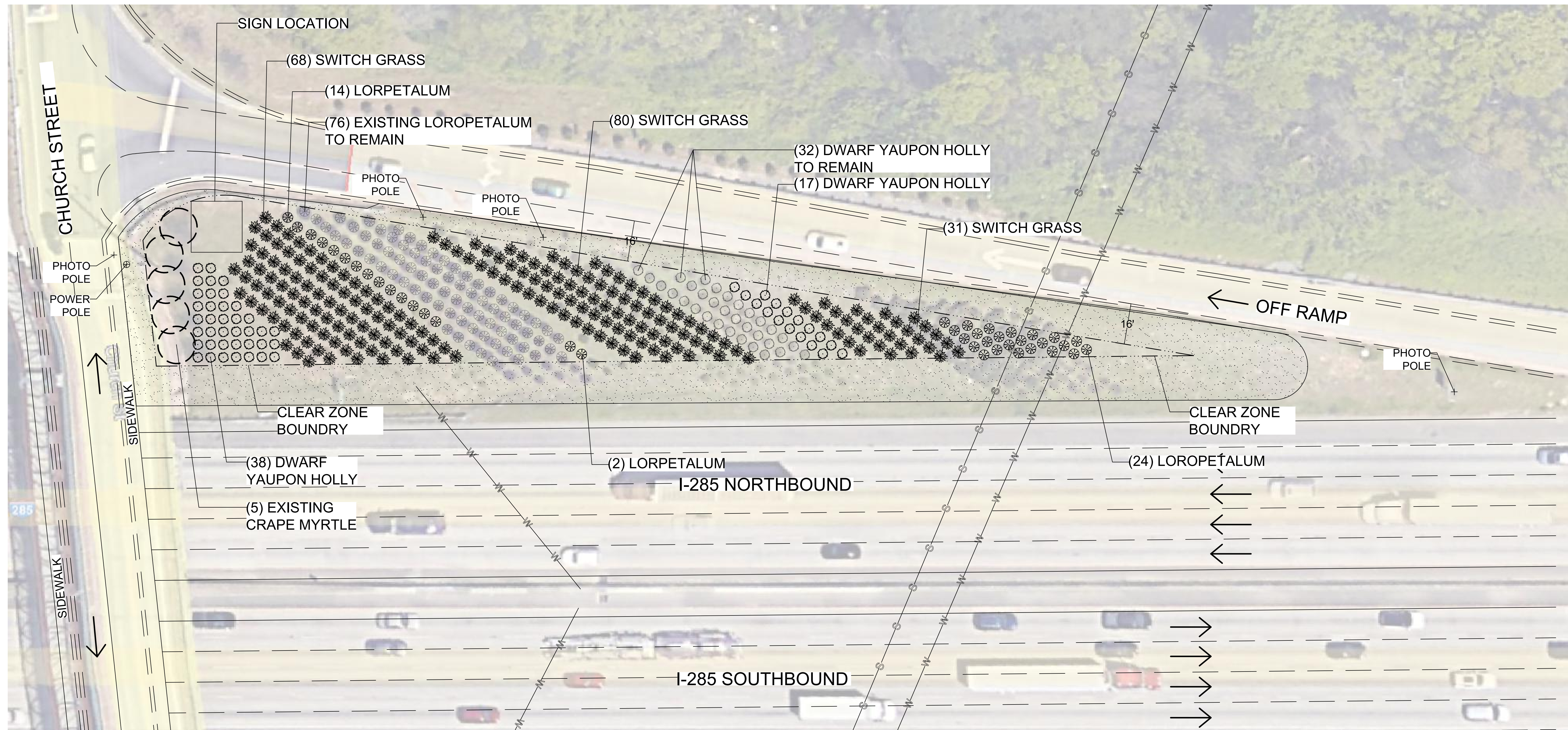
Church Street On-Ramp



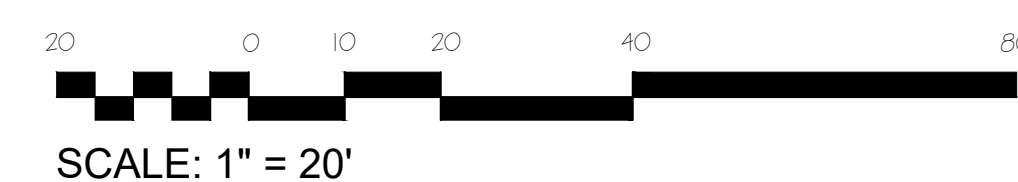
DeKalb County - Clarkston
Interchange Beautification Partnership

800 ft





PLANT SCHEDULE					
COMMON NAME	BOTANICAL NAME	SIZE	QUANTITY	SPACING	NOTES
SHRUBS					
LOROPETALUM	LOROPETALUM CHINENSE	#5	40	5'-6' O.C.	CONTAINER
SWITCHGRASS	PANICUM VIRGATUM	#5	179	5'-6' O.C.	CONTAINER
DWARF YAUPON HOLLY	ILEX VOMITORIA 'NANA'	#5	55	5'-6' O.C.	CONTAINER



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Professional Seals

[illegible]

Sheet Title

LANDSCAPE PLANTING PLAN

Sheet Number

L2



CITY OF CLARKSTON

ITEM NO: 6B

WORK SESSION/ CITY COUNCIL MEETING

HEARING TYPE:
Work Session

AGENDA ITEM SUMMARY SHEET

ACTION TYPE:
Review/Discussion

MEETING DATE: January 28, 2025

SUBJECT: To discuss the fabrication and installation of ten (10) decorative mailboxes on the North side of Norman Road from Rogers Street to the Norman Road dam; including repairs/replacement of mailboxes on East Ponce de Leon for an estimated amount of \$30,000 to be funded out of SPLOST I.

DEPARTMENT: CITY ADMINISTRATION

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: YES ☒ NO
Pages: 9

INFORMATION CONTACT: Larry Kaiser, PE
PHONE NUMBER: 404-909-5619

PURPOSE: To provide the same mailbox design and installation that currently exists on the south side of Norman Road to those residents that live on the north side of Norman Road and to prepare specifications for the mailboxes for purposes of advertising to-bid for this work; including a meeting with each effected property owner to present the agreement form for signature for maintenance and ownership of said mailboxes by the City. Work scope would also include replacement/repair of decorative mailboxes on East Ponce de Leon.

NEED/ IMPACT: The estimated cost for the fabrication and installation of these mailboxes was included in the Cities FY 2025 budget for capital improvements.

RECOMMENDATION:

The streetscape improvements to Norman Road provided for sidewalks on the west side of Norman Road. The components of this south side work included relocation of power poles, concrete curb and gutter and brick pavers at various locations; including the wooden pedestrian walkway platform.

The environmental document prepared for this federally funded project; NEPA (National Environmental Policy Act), included the infrastructure components mentioned above.

During the planning and design scope development for the streetscape project, staff suggested that decorative mailboxes be considered along the parcel frontages within the project limits of the streetscape project; which included the south side of Norman Road and the north side of East Ponce de Leon. Staff and administration was of the opinion that decorative mailboxes presented a “distinctive look” for a community that lacked any significant “small town design character”, that included the use of construction materials reflective of buildings and monument structures throughout the city. This work was also intended to complement the goals and aspirations of the streetscape project which included being a catalysis for development and re-development and urban renewal, which at that time, no new street infrastructure had been built in the city since the 1960’s.

The streetscape project limits excluded work on the north side of Norman Road (except where granite curb was reset for drainage purposes) due to budget and identification of the north side as a historic neighborhood as defined by the NEPA document. .

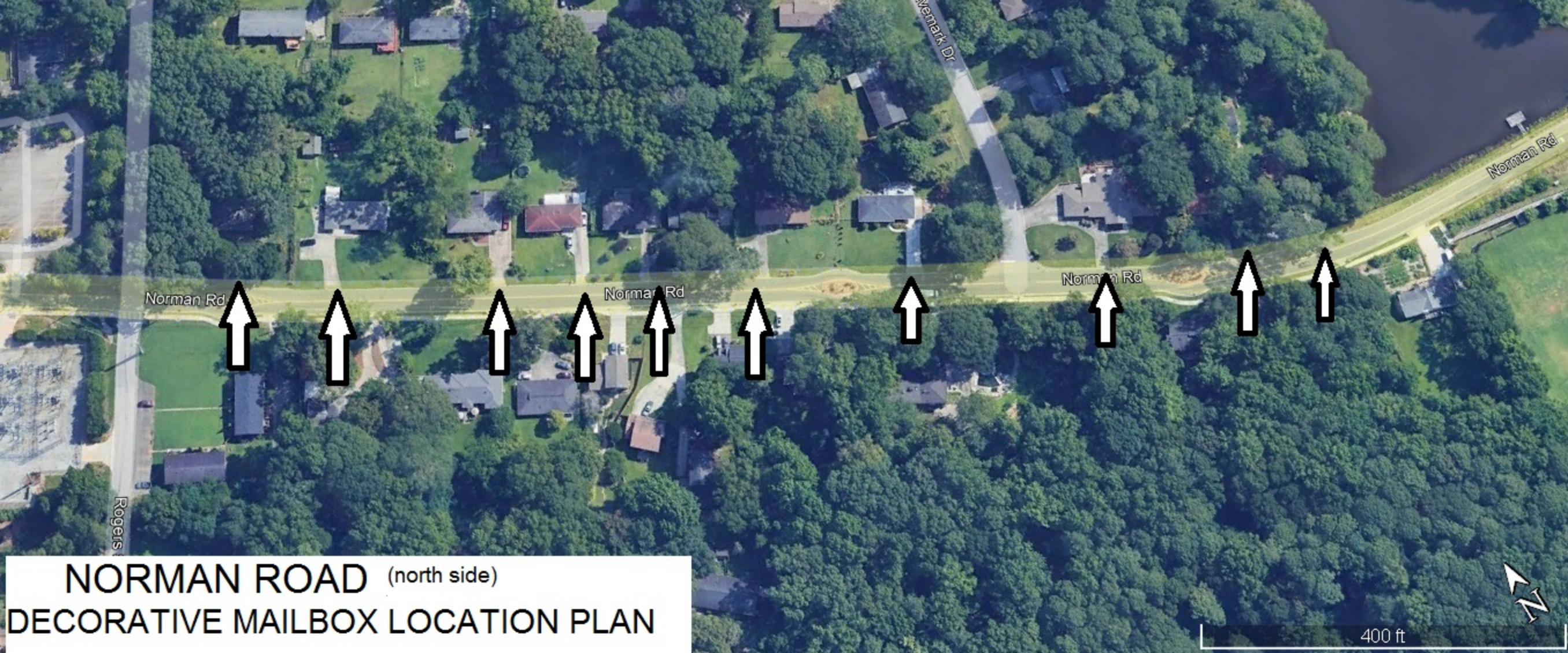
Two face-to-face meetings were held with the property owners that were to receive the decorative mailboxes on the west side. The meetings included a presentation of the design, the agreement form and a timetable for installation.

During construction of the Norman Road sidewalks, homeowners on the east side of Norman Road inquired on the possibility of decorative mailboxes being installed. The City explained that modifications to an approved NEPA document could delay the project construction including significant costs to modify the federal environmental permit. The City solicited a proposal from the environmental firm who prepared the NEPA document. The cost would have been \$35,000.

City administration informed the residents to pursue a request to install decorative mailboxes after the project was completed. The City is not aware of any such requests until recently whereby administration and/or council received a request for the decorative mailboxes.

Attached is a location map of the proposed decorative mailbox locations, including the design, and corresponding letters and agreement forms utilized in the 2016/2017 installations.

Attachment: Location Map – North Side for proposed work
Letter and design sent to residents 2016 and 2020
Agreement form sent to residents 2016 and 2020



NORMAN ROAD (north side)
DECORATIVE MAILBOX LOCATION PLAN





City Council

Awet Eyasu, Vice-Mayor

Jamie Carroll

Ahmed Hassan

Laura Hopkins

Debra Johnson

City Manager Robin I. Gomez

November 25, 2020

RE: Streetscape and Pedestrian Enhancement Project – “New Mailbox Replacement Program”

Dear Property Owner:

In the spring of 2016, the City provided notices on the proposed “New Mailbox Design and Replacement Program.” As the final construction for the **“City Streetscape and Pedestrian Enhancement Project”** draws to a close, the City wishes to notify you that the mailbox replacement program, in which mailboxes will be replaced and maintained at City expense, is expected to begin within 1 month.

As a reminder, the project limits for the installation of the new mailboxes are as follows:

- > East Ponce de Leon from I-285 to Market Street
- > Norman Rd from Church Street to the entrance into Milam Park (west side only)

As you have seen, the project has replaced old sidewalks, resurfaced various roadways, and installed several street and pedestrian lighting segments. Brick edge treatments, arbors, streetscape amenities such as benches and trash receptacles have been added, as well as landscaping, traffic signal mast arms, traffic calming, and numerous other enhancements.

To provide consistency with the City’s streetscape design components mentioned above, the City will be replacing all mailboxes within the project limits with new mailboxes. ***The City will be responsible for the cost of installation and on-going maintenance of all new mailboxes. If mailboxes are damaged to the extent that repairs are not financially feasible, the City will replace at no cost to the owner.***

The new mailboxes will be installed at the same time that the existing mailboxes removed. As such, the City expects no disruption of mail delivery.

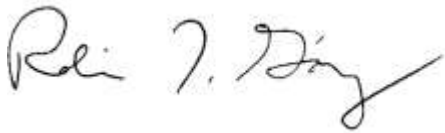
Attached is a rendering of the mailbox to be used on this project. The design is a slight modification to the rendering provided to residents in 2017. The reason for the change is to allow a rear entry into the mailbox which provides for a safer access for mail retrieval. In addition, there are a number of mailboxes on Norman Road that are on a single post. The enclosed design accommodates multiple mailboxes on one post.

To ensure that the streetscape design intent is maintained, the City will not issue a permit nor allow for other mailbox designs to be installed by the property owner. The City believes this new mailbox design and program is critical in maintaining a consistent community “look and feel,” while saving the property owner from all future costs for new mailboxes or maintenance costs.

The City believes you will find this new mailbox to be very aesthetically pleasing and will be of value to you and your neighbors for years to come.

Should you have any questions about the “***New Mailbox Replacement Program***”, I can be reached at 678-409-9683 or rgomez@cityofclarkston.com.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robin I. Gomez", with a stylized flourish at the end.

Robin I. Gomez, Clarkston City Manager

COPY: Vice-Mayor Awet Eyasu & Clarkston City Council
Rodney Beck, Public Works Director
Shawanna Qawiy, Director of Planning and Development
Larry Kaiser, P.E, Streetscape Project Engineer

Attachment (mailbox rendering)

City Letterhead Here

May 2nd, 2016

RE: Streetscape and Pedestrian Enhancement Project
“New Mailbox Design & Replacement Program”

Dear Property Owner,

The City continues to make significant progress with finalizing design and construction plans for the “**City Streetscape and Pedestrian Enhancement Project**”. The City has held a number of public meetings and one property owner meeting over the past 2 years to ensure the general public and the effected owners are kept fully abreast of the project’s progress. As a reminder, the project limits for the improvements is as follows:

- East Ponce de Leon from I-285 to Market Street
- Market Street from North Indian Creek to Rowland Street
- Rowland Street from Market Street to Norman Rd
- Norman Rd from Church Street to the entrance into Milam Park

The project consists of new sidewalks, road resurfacing, street and pedestrian lighting on certain road segments, brick edge treatments, arbors, streetscape amenities such as benches and trash receptacles, landscaping, traffic signal mast arms, traffic calming and numerous other enhancements.

Communication and outreach to the affected property owners during construction will be of utmost importance to the city. One early coordination effort will be mailbox removal and replacement as the construction phase commences. During construction, all obstructions within the construction limits will be removed – which includes all existing mailboxes, to accommodate for the planned improvements. The city’s contractor will ensure that mail delivery continues to occur during this period of time.

To provide consistency with the city’s streetscape design components, the city is excited to announce a “**MAILBOX REPLACEMENT PROGRAM**”! This program will entail the city replacing all mailboxes within the project limits with new mailboxes. The city will be responsible for the cost and installation of all new mailboxes

Attached to this letter is the mailbox to be used on this project. The mailbox was designed by the city landscape architect for the streetscape project – Mr. Huffman. Mr. Huffman is recognized statewide as a premier landscape architect with numerous landscape design awards to his credit.

He has designed numerous streetscapes for over 20 cities and is the State of Georgia landscape designer for the various Welcome Centers.

To ensure the property owner bears no cost for this mailbox program, the city will also maintain and/or replace the mailboxes in the event they are damaged in the future.

To ensure that the streetscape design intent is maintained, the city will not issue a permit nor allow for other mailbox designs to be installed by the property owner. The city believes this mailbox program is not only an asset to maintain a consistent community “look and feel” but it also saves the property owner from all future costs for new mailboxes or maintenance costs.

The city welcomes your comments on this program and we look forward to working with you when the construction of the streetscape improvements begins in the summer of 2017. I can be reached at 404-296-6489.

Sincerely,

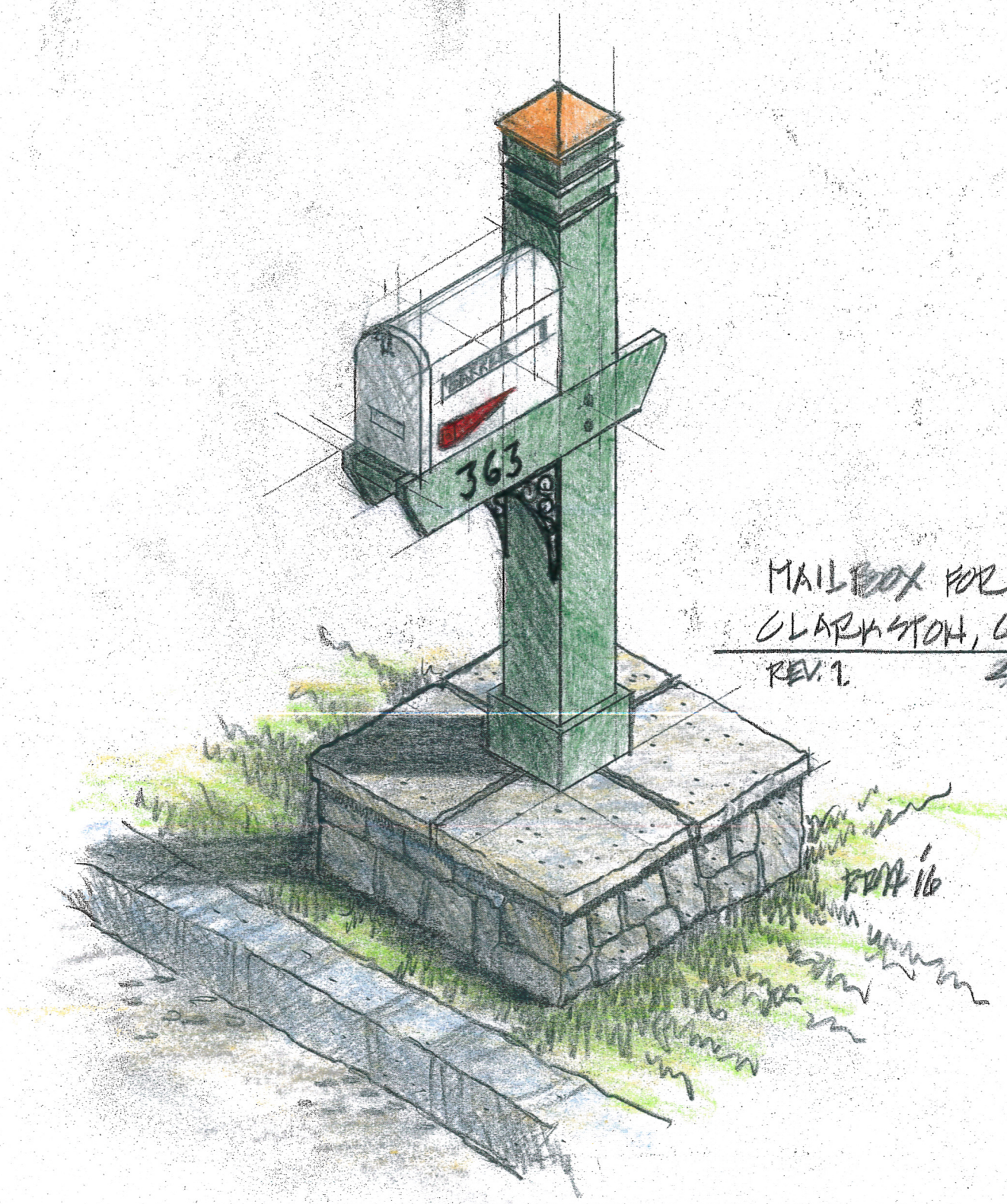
Keith Barker, AICP

City Manager

Cc: Mayor Ted Terry

Members of City Council

Enclosure – rendering of mailbox



MAILBOX FOR
CLARKSTON, GA.
REV. 1. 4/2016

FOR 16



3/20/2018

CITY CENTER IN CLARKSTON STREETSCAPE PROJECT
PI#0007613
MAILBOX RELOCATION & NEW MAILBOX INSTALLATION
AGREEMENT

MAILBOX REMOVAL & RELOCATION

Each property owner is responsible for removal and relocation of their mailbox to avoid construction impacts during the duration of the project.

The owner may instead elect to have the city's contractor remove and relocate mailboxes during the duration of the project.

The undersigned property must select one of these two choices a minimum of 10 days prior to start of construction. The undersigned is to mark the appropriate box accordingly. If no box is selected, the city's contractor will remove and relocate the mailbox:

CHECK ONE BOX

☐

I CHOOSE TO REMOVE AND RELOCATE MY MAILBOX
DURING CONSTRUCTION

☐

I CHOOSE TO HAVE THE CITY'S CONTRACTOR REMOVE AND
RELOCATE MY MAILBOX

PRINT NAME: _____ ADDRESS: _____

NEW MAILBOX

The undersigned must also acknowledge their understanding of the new mailbox installation program. The letter and rendering of the new mailbox design, dated May 2nd, 2016, was mailed to all property owners within the project limits.

CHECK IF YOU AGREE

☐

THE UNDERSIGNED OWNER/TENANT ACKNOWLEDGES THAT THE CITY
WILL INSTALL AND MAINTAIN THE NEW MAILBOX IN ACCORDANCE WITH
THE CITY'S LETTER DATED MAY 2ND, 2016 & MAILED TO ALL EFFECTED
PROPERTY'S

Property Owner and/or Tenant: _____

Print

Signature

Address

Date



CITY OF CLARKSTON

ITEM NO: 6C

WORK SESSION/ CITY COUNCIL MEETING

HEARING TYPE:
Work Session

AGENDA ITEM SUMMARY SHEET

ACTION TYPE:
Review/Discussion

MEETING DATE: January 28, 2025

SUBJECT: To discuss the fabrication and installation of four (4) pergolas and corresponding benches and trash containers to enhance the pedestrian environment on Market Street between Vaughan Street and North Indian Creek for an estimated amount of \$60,000 to be funded out of SPLOST I.

DEPARTMENT: CITY ADMINISTRATION

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: YES ☒ NO
Pages: 2

INFORMATION CONTACT: Larry Kaiser, PE
PHONE NUMBER: 404-909-5619

PURPOSE: To provide similar pedestrian and streetscape amenities to the western end of Market Street as currently exists on Market Street between Vaughan Street and East Ponce de Leon.

NEED/ IMPACT: The estimated cost for the fabrication and installation of pergolas, benches and trash containers is \$60,000. The cost for these streetscape amenities could be SPLOST I funded given the same improvements were previously undertaken at other locations on Market Street the Streetscape Improvement Project.

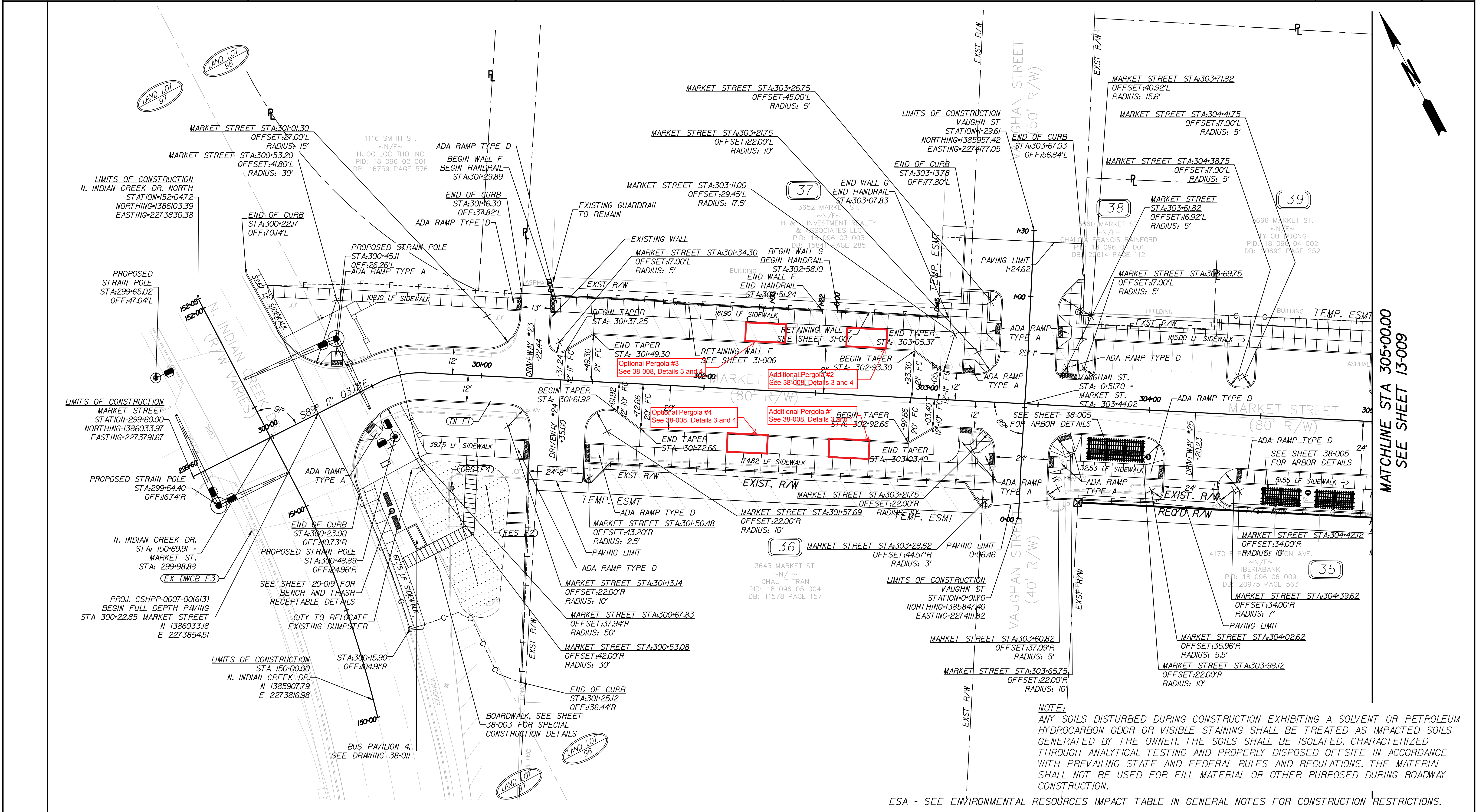
RECOMMENDATION:

With the completion of the streetscape project over 4 years ago, City staff has noticed that there is a need to add additional pedestrian streetscape amenities on Market Street.

When the streetscape design work was undertaken from 2015-2026, the design team and city staff believed the need for pergola's and other streetscape amenities would be limited on certain sections of Market Street given the lack of retail activity that could produce foot traffic – all of which would be needed to justify pergolas and benches. The commercial activity on Market Street, near East Ponce de Leon, at that period of time, had thriving businesses that generated significant footprint traffic including the need to relax and retreat from the sun under a semi-covered pergola.

With minor modifications to the City Streetscapes specifications and plans, staff can prepare a detailed scope of work for Procurement to advertise to-bid the amenities described previously.

Attachment: Location Map of Amenities





CITY OF CLARKSTON

ITEM NO: 6D

WORK SESSION/ CITY COUNCIL MEETING

HEARING TYPE:
Work Session

AGENDA ITEM SUMMARY SHEET

ACTION TYPE:
Review/Discussion

MEETING DATE: January 28, 2025

SUBJECT: To discuss the replacement of approximately 100 trees and 600 bushes/grasses that were planted by city landscape contractors over the past 5 years that have not survived or are diseased not to exceed \$125,000 to be funded out of the Tree Bank Fund and General Fund

DEPARTMENT: CITY ADMINISTRATION

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: YES ☒ NO
Pages: 2

INFORMATION CONTACT: Larry Kaiser, PE
PHONE NUMBER: 404-909-5619

PURPOSE: To discuss the replacement of approximately 100 trees and 600 bushes/grasses that were planted by city landscape contractors over the past 5 years that have not survived or are diseased not to exceed \$125,000 to be funded out of the Tree Bank Fund.

NEED/ IMPACT: The estimated cost to purchase and install the trees, bushes and grasses was included in the FY 2025 budget although this work can be 100% funded by the City Tree Bank Fund and the General Fund.

RECOMMENDATION:

Prior to 2016, all street rights-of-way were devoid of any city-planted trees. From 2016 to present, the city has planted approximately 800 trees on city right-of-way, not to mention hundreds of annual plants, bushes and ornamental grasses. The primary funding sources and locations for these installations were SPLOST I (Streetscape Project and Friendship Forest Wildlife Sanctuary), General Fund – Trees Atlanta (Church Street and East Ponce de Leon), DeKalb Tree Bank Fund (Church Street), GDOT REBC (Church Street off-ramp) and the City's Tree Policy (installations required of the development community).

Tree maturity has a significant impact on the survivability of trees. As the trees mature, their ability to withstand harsh weather conditions (extended lengths of dry weather and very cold temperatures) improves. Soil conditions also have a significant impact on tree survivability. Over time, staff has detected issues with tree survivability when planted on CSX right-of-way. Due to the soil chemical and structural composition, the planted trees have a more difficult time acclimating to their soil environment. Soil characteristics on-CSX right-of-way area can much different than native soil – which can be discussion at a later time.

In those tree footprint areas on CSX R/W where survivability has been questionable, staff recommendation is currently to remove the soils within the tree well area including increasing the size of the tree well/excavation area from 2x the tree ball diameter to 3x the diameter, followed by backfilling with purchased top soil and/or Georgia clean clayey silt.

It should be noted that the streetscape project 2-year tree warranty that staff included in the contractor's contract was utilized to replace a number of trees and bushes in late 2023. Those replaced as well as the original installations from 2020 are doing well with some minor exceptions.

Staff will also note that privatization of the city right-of-way maintenance includes more than just mowing, trash pickup and edging. The privatization scope also includes tree maintenance (pruning). Tree Maintenance is a significant component with increasing the lifespan and survivability of trees.

Staff recommends moving forward with preparing specifications and scope of work for the tree replacement project described herein.



CITY OF CLARKSTON

ITEM NO: 6E

CITY COUNCIL WORK SESSION / MEETING

MEETING TYPE:
Work Session

AGENDA ITEM SUMMARY SHEET

ACTION TYPE:
Discussion

MEETING DATE: January 28, 2025

SUBJECT: To discuss an ordinance to require inspection certificates for 100% of multi-family residential units in connection with the annual business license renewal for such developments.

DEPARTMENT: PLANNING & ECONOMIC DEVELOPMENT

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☒ YES ☐ NO
PAGES: 4

PRESENTER CONTACT INFO: Richard Edwards, AICP
PHONE NUMBER: 404-536-1120

PURPOSE: To discuss and review a text amendment to Sec. 11-97 to require multi-family rental dwellings to complete code compliance inspections by a certified building inspector for all units within the development.

NEED/ IMPACT: The city's code of ordinances only requires that 50% of all multi-family rental dwelling units be inspected on an annual basis. Increasing that requirement to 100% would provide the city with a comprehensive analysis of the conditions of all the multi-family rental dwellings within the city.

RECOMMENDATION: Staff is recommending approval of this text amendment.]

STAFF ANALYSIS AND REPORT

To: City of Clarkston Mayor & City Council

From: Richard Edwards, AICP

Subject: Proposed Text Amendments to Sec. 11-97 of the Code of Ordinances to require code compliance certificates for all units within multi-family rental dwellings at the time of business license renewal.

Date: January 28, 2025

Purpose:

The purpose of this staff report and analysis is to present the proposed text amendments to Sec. 11-97 to require multi-family rental dwellings to complete code compliance inspections by a certified building inspector for all units within the development. This regulation would only apply to multi-family rental dwellings over two (2) years old, as this code section has specific regulations for those dwellings that have received a certificate of occupancy within twenty-four (24) months of the business license renewal.

Background:

The city's code of ordinances currently requires that each multi-family rental dwelling submit a code compliance certificate for fifty percent (50%) of the units at each development. This will provide the city with a comprehensive analysis of the conditions of all the multi-family rental dwellings within the city. These inspections have proven to be a useful tool to safeguard the health, safety, and welfare of citizens living in multi-family rental dwellings.

Below is a list of jurisdiction and their annual multi-family code compliance inspection requirements:

Brookhaven	100% of units
DeKalb County	100% of units
Chamblee	25% of units
Dunwoody	20% of units
Doraville	100% of units
Stonecrest	100% of units
Tucker	100% of units
Sandy Springs	100% of units
Cobb County	100% of exteriors & 25% of units

Attachments:

1. Ordinance
2. Redlines of Sec. 11-97

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 11, ARTICLE V OF THE CITY CODE REGARDING MULTI-FAMILY RENTAL DWELLINGS; TO REQUIRE CODE COMPLIANCE CERTIFICATES FOR ALL UNITS WITHIN MULTI-FAMILY RENTAL DWELLINGS AT THE TIME OF BUSINESS LICENSE RENEWAL; AND FOR OTHER PURPOSES.

WHEREAS, the City Code currently requires owners of multi-family rental dwellings with at least four units and an on-site leasing office that are over two (2) years old to submit a code compliance certificate annually with their business license renewal covering at least fifty (50) percent of the units at the development; and

WHEREAS, to ensure the health, safety, and welfare of residents living in multi-family rental dwellings, the City Council desires to require annual code compliance inspections of all units at such developments; and

WHEREAS, annual code compliance inspections of all units within multi-family rental dwellings will provide the City with a comprehensive analysis of the conditions of all multi-family rental dwellings within the City and is consistent with the requirements in other local jurisdictions, such as Brookhaven, Doraville, unincorporated DeKalb County, Tucker, and Stonecrest.

NOW THEREFORE, BE IT ORDAINED BY the City of Clarkston that Chapter 11 of the Official Code of Ordinances of the City of Clarkston be amended as follows:

SECTION 1. Chapter 11, Article V, Section 11-97, subsection (a) of the City of Clarkston Code of Ordinances is hereby amended to read as follows:

Sec. 11-97. Code compliance certificate required.

- (a) Each owner shall submit a code compliance certificate annually with their business license renewal application. Such certificate shall cover 100 percent (100%) of the units at the development. All units inspected shall be listed individually on the code compliance certificate submitted to the city by the certified building inspector.”

SECTION 2. This ordinance is intended to be severable. Should any portion of this ordinance be judged invalid by a Court of competent jurisdiction, such order or judgment shall not invalidate the remainder of this ordinance.

SECTION 3. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

SO ORDAINED this _____ day of _____, 2025.

ATTEST:

CITY COUNCIL OF
CITY OF CLARKSTON, GEORGIA

Tomika Mitchell, City Clerk

Mayor Beverly H. Burks

Approved as to form:

Stephen G. Quinn, City Attorney

Sec. 11-97. Code compliance certificate required.

- (a) Each owner shall submit a code compliance certificate annually with their business license renewal. Such certificate shall cover 100 at least fifty (50) percent (100%) of the units at the development. ~~Every unit shall be inspected, at a minimum, every twenty-four (24) months and shall appear on a code compliance certificate at least every other year.~~ All units inspected shall be listed individually on the code compliance certificate submitted to the city by the certified building inspector.
- (b) Newly constructed units shall be exempt from the code compliance certificate requirement of subsection (a) for twenty-four (24) months from the date that such units receive a new construction certificate of occupancy from the city. Instead, separately from any certificate that may be required under subsection (a), the owner of newly constructed units (as defined in this subsection) shall submit a code compliance certificate annually for twenty (20) percent of all newly constructed units. No newly constructed unit shall appear on a code compliance certificate required by this section in consecutive years. Upon the date that is twenty-four (24) months after an initial certificate of occupancy is issued, a unit shall be deemed to no longer be "newly constructed" and shall be subject to subsection (a) from that date forward.
- (c) Each owner and certified building inspector shall keep a written record of all inspections for each unit including the date of the inspection, items inspected and all violations, if any, observed. Such records shall be available to the city upon request. Such records shall be presented to the city within ten (10) business days after such request is made in writing to the inspector. Failure to provide such records shall nullify the code compliance certificate for those units.
- (d) This article is not intended to impair the right of the city, through its appropriate officials, to inspect any unit when probable cause exists to suggest that such unit is not in compliance with applicable codes.

(Ord. No. 12-369, § 1(Attach.), 9-4-12; Ord. No. 416, § 1, 10-3-17; Ord. No. 477, § 2, 12-6-22)

Editor's note(s)—Ord. No. 477, § 2, adopted December 6, 2022, repealed the former § 11-79, and enacted a new § 11-79 as set out herein. The former § 11-79 pertained to fee and certificate requirement and derived from Ord. No. 12-369, § 1(Attach.), adopted September 4, 2022; Ord. No. 416, § 1, adopted October 3, 2017.



CITY OF CLARKSTON

ITEM NO: 6F

CITY COUNCIL WORK SESSION / MEETING

MEETING TYPE:
Work Session

AGENDA ITEM SUMMARY SHEET

ACTION TYPE:
Discussion

MEETING DATE: January 28, 2025

SUBJECT: To discuss an ordinance to define and prohibit nuisances, to define and prohibit highly hazardous conditions and to provide emergency powers for the building official.

DEPARTMENT: PLANNING & ECONOMIC DEVELOPMENT

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☒ YES ☐ NO
PAGES: 4

PRESENTER CONTACT INFO: Richard Edwards, AICP
PHONE NUMBER: 404-536-1120

PURPOSE: To discuss and review a text amendment to Sec. 10-1, 10-2, and 10-3 to define “nuisance” and to define and provide enforcement regulations on “highly hazardous conditions.”

NEED/ IMPACT: The city’s code of ordinances does not currently define “nuisance.” Providing a definition will assist code enforcement and the building official with enforcing the regulations that are within the nuisance code. Further, these text amendments create conditions and enforcement for sites that may be declared as “highly hazardous” to life and/or property.

RECOMMENDATION: Staff is recommending approval of this text amendment.

STAFF ANALYSIS AND REPORT

To: City of Clarkston Mayor & City Council

From: Richard Edwards, AICP

Subject: Proposed Text Amendments to Sec. 10-1, 10-2, and 10-3 of the Code of Ordinances to define “nuisance” and to define and provide enforcement regulations for “highly hazardous conditions.”

Date: January 28, 2025

Purpose:

The purpose of this staff report and analysis is to present the proposed text amendments to Sec. 10-1, 10-2, and 10-3 to define “nuisance” and to define and provide enforcement regulations on “highly hazardous conditions.” These text amendments will assist the building official and code enforcement with addressing nuisances within the City of Clarkston.

Background:

The city’s code of ordinances does not currently define “nuisance.” Providing a definition will assist code enforcement and the building official with enforcing the regulations that are within the nuisance code, Sec. 10-1. Staff is proposing the definition of nuisance to read:

“Nuisance shall mean any condition, act or occurrence that results in annoyance, harm, inconvenience or damage to another; and the fact that the act or occurrence may otherwise be lawful shall not keep it from being a nuisance.”

Sec. 10-2 provides conditions that shall be declared highly hazardous. The Building Official would be responsible for inspecting sites that are thought to be highly hazardous and making a determination of the conditions. Further, this text amendment (Sec. 10-3) would allow the city to issue citations for sites that are declared highly hazardous, if action is not taken immediately to remediate the highly hazardous conditions.

Attachments:

1. Ordinance
2. Redlines of Sec. 10-1, 10-2, & 10-3

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE I OF THE CITY CODE REGARDING NUISANCES; TO DEFINE AND PROHIBIT NUISANCES AND HIGHLY HAZARDOUS CONDITIONS; TO PROVIDE ENFORCEMENT REGULATIONS; TO PROVIDE EMERGENCY POWERS FOR THE BUILDING OFFICIAL; AND FOR OTHER PURPOSES.

WHEREAS, the City Code currently provides examples of certain specific conditions which are declared to be nuisances but does not include a general definition of a nuisance; and

WHEREAS, to assist code enforcement and building officials in the performance of their duties, the City Council desires to supplement the City Code by adding a general definition of a nuisance; and

WHEREAS, the City Council further desires to identify certain conditions as highly hazardous and provide an expedited mechanism for the City to issue citations if such conditions are not promptly remediated.

NOW THEREFORE, BE IT ORDAINED BY the City of Clarkston that Chapter 10 of the Official Code of Ordinance of the City of Clarkston be amended as follows:

SECTION 1. Chapter 10, Article I. – Nuisances of the City of Clarkston Code of Ordinances is hereby amended to read as follows:

“Sec. 10-1. Nuisances defined.

Nuisance shall mean any condition, act or occurrence that results in annoyance, harm, inconvenience or damage to another; and the fact that the act or occurrence may otherwise be lawful shall not keep it from being a nuisance.

The inconvenience complained of shall not be fanciful, or such as would affect only one of fastidious taste, but it shall be such as would affect an ordinary reasonable person.

The following conditions are specifically declared to be nuisances:

- (1) Toilets, plumbing, sewers, septic tank systems, garbage containers or any other sanitary systems in bad repair.
- (2) Any dead or decaying matter, fruit, vegetable, animal, or rodent, upon premises which is odorous or capable of causing annoyance to the inhabitants of the city.
- (3) The generation of smoke or fumes in sufficient amounts to cause odor or annoyance to the inhabitants of the city.

- (4) Trash, garbage, refuse or any foul, decaying or putrescent material kept, used, or placed or disposed of in such a manner or place as to be or to become detrimental to human health or well-being.
- (5) Sewage, kitchen wastes, laundry wastes or any other wastes deposited upon or allowed to remain upon the ground surface or any other place so as to be or to become detrimental to human health or well-being.
- (6) Maintaining a dangerous or diseased animal or fowl.
- (7) The disposal of any material, refuse, or filth in any manner that does not comply with Article II of this Code.
- (8) The creation of unreasonably loud, disturbing, and unnecessary noise, or any noise that is of such intensity and/or duration as would be detrimental to the public peace or welfare, as set forth in Article III of this Code.
- (9) The keeping of any swimming pool that does not comply with the provisions set forth in Article IV of this Code.
- (10) To keep in any place accessible to children any abandoned, unattended, or discarded icebox, refrigerator, or other like container, unless the doors, latches, and locks thereof are removed.
- (11) All walls, trees, and buildings that may endanger persons or property.
- (12) Violation of the DeKalb County Ord. No. 93-32, adopted by the county on November 10, 1992, known as the "DeKalb Clean Air Ordinance," which are incorporated herein by reference.
- (13) Any other nuisance that as defined by the laws of the State of Georgia.
- (14) Any property or structure that by virtue of its overall condition is disorderly or in violation of other ordinances of the city and which would tend to constitute a breach of standards adhered to by other properties or structures in its neighborhood or immediate area.

Sec. 10-2. Highly hazardous conditions.

- (a) It shall be unlawful for any owner or operator to allow, or for any occupant to cause the following highly hazardous property conditions, any of which may constitute a nuisance as defined in Article I or Article II.
- (b) The following conditions are declared to be highly hazardous conditions:

- (1) Roofs, floors or supporting members, including, but not limited to, girders, sills, joists and studs, which show fifty percent (50%) or more damage or deterioration or which are of insufficient size or strength to safely support imposed loads.
 - (2) Non-supporting enclosing, outside walls, or coverings which show fifty percent (50%) or more damage or deterioration.
 - (3) Defective or improperly maintained electrical, heating, ventilation, sanitation or like facilities which endanger or insufficiently protect the health, safety or general welfare of the occupants.
 - (4) Means of egress or ingress, which in the determination of the building official, are defective or unsafe, or substantially smaller than the dimensions required by law.
 - (5) Vacant dwellings which are open and unsecured against unforced entry.
 - (6) Conditions which, in the determination of the building official, are dilapidated, decayed, unsafe, unsanitary or that unreasonably expose occupants or the general public to illness, disease or physical injury.
 - (7) Conditions which, in the determination of the building official, unreasonably expose occupants to rain, moisture or cold air.
 - (8) The presence of visible mold growth, as determined by a health official or certified mold specialist.
 - (9) Any condition, which in the determination of the building official, is highly hazardous to health, safety or general welfare of the occupants or general welfare.
- (c) The owner or occupier of any property where a highly hazardous condition exists shall be subject to immediate citation for such offense.

Sec. 10-3. Nuisance violations and abatement.

No person shall create, maintain, support, aid, or continue any condition that constitutes a nuisance as defined in this article.

- (1) If the owner or occupier of any such property where a nuisance shall be found fails to abate the nuisance within ten (10) days after having been notified by certified mail in writing by the city manager or their designee, such failure on the part of the owner or occupier of the property shall constitute a violation of this section; provided however, that upon the fourth occurrence of a violation upon the same property within any twelve- month period, the ten-day grace period to abate the

nuisance shall not apply and the violating party shall be subject to immediate citation for such offense.

- (2) If the owner or occupier of such property fails to abate a nuisance after being notified as hereinbefore described, the city is authorized to enter upon such premises and clean, abate, or remove the nuisance where appropriate, which shall be done at the expense of the owner or occupier of said property and a lien may be placed on the property in the amount of such expense for the benefit of the city.
- (3) If any nuisance exists on any premises which creates a highly hazardous condition with imminent threat of harm to the safety or well-being of others, the city is authorized to enter upon such premises and clean and remove the nuisance without providing notice to the owner or occupier of said property, which shall be done at the expense of the owner or occupier of said property and a lien may be placed on the property in the amount of such expense for the benefit of the city.
- (4) Any person, firm, or corporation that shall do anything prohibited or fail to do anything required by the provisions of this article, upon conviction of a violation in the municipal court shall be subject to a fine and/or imprisonment in accordance with section 1-7 of this Code of Ordinances. Where any offense or violation continues from day to day, each day's continuation thereof shall be deemed a separate offense.
- (5) Where a property is owned by a corporate entity, any natural person found to be in control of that property may be prosecuted for the violation of this article.
- (6) *Failure to comply.* It shall be unlawful for an owner, operator, or occupant to fail to comply with any applicable provision of this Code.
- (7) *Charges and Summons.* The owner, operator, occupant or person in control of a nuisance property may be issued charges and summons directing the person to appear before the municipal court at a specified time and place to answer the charges.

Sec. 10-4. Emergency Powers.

Whenever the building official shall determine that nuisance conditions constitute a clear and present danger or life or public property, the city manager shall be authorized to immediately cause the condition to be remediated, if it exists outside of a structure, or to immediately close the structure to occupation and use if it exists inside a structure.

Sec. 10-5 – 10-9. Reserved.”

SECTION 2. This ordinance is intended to be severable. Should any portion of this ordinance be judged invalid by a Court of competent jurisdiction, such order or judgment shall not invalidate the remainder of this ordinance.

SECTION 3. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

SO ORDAINED this _____ day of _____, **2025.**

ATTEST:

CITY COUNCIL OF
CITY OF CLARKSTON, GEORGIA

Tomika Mitchell, City Clerk

Mayor Beverly H. Burks

Approved as to form:

Stephen G. Quinn, City Attorney

ARTICLE I. NUISANCES

Sec. 10-1. Nuisances defined.

Nuisance shall mean any condition, act or occurrence that results in annoyance, harm, inconvenience or damage to another; and the fact that the act or occurrence may otherwise be lawful shall not keep it from being a nuisance.

The inconvenience complained of shall not be fanciful, or such as would affect only one of fastidious taste, but it shall be such as would affect an ordinary reasonable person.

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The following conditions are declared to be nuisances:

- (1) Toilets, plumbing, sewers, septic tank systems, garbage containers or any other sanitary systems in bad repair.
- (2) Any dead or decaying matter, fruit, vegetable, animal, or rodent, upon premises which is odorous or capable of causing annoyance to the inhabitants of the city.
- (3) The generation of smoke or fumes in sufficient amounts to cause odor or annoyance to the inhabitants of the city.
- (4) Trash, garbage, refuse or any foul, decaying or putrescent material kept, used, or placed or disposed of in such a manner or place as to be or to become detrimental to human health or well-being.
- (5) Sewage, kitchen wastes, laundry wastes or any other wastes deposited upon or allowed to remain upon the ground surface or any other place so as to be or to become detrimental to human health or well-being.
- (6) Maintaining a dangerous or diseased animal or fowl.
- (7) The disposal of any material, refuse, or filth in any manner that does not comply with article II of this Code.
- (8) The creation of unreasonably loud, disturbing, and unnecessary noise, or any noise that is of the intensity or duration as would be detrimental to the public peace or welfare, as set forth in article III of this Code.
- (9) The keeping of any swimming pool that does not comply with the provisions set forth in article IV of this Code.
- (10) To keep in any place accessible to children any abandoned, unattended, or discarded icebox, refrigerator, or other like container, unless the doors, latches, and locks thereof are removed.
- (11) All walls, trees, and buildings that may endanger persons or property.
- (12) Violation of the DeKalb County Ord. No. 93-32, adopted by the county on November 10, 1992, known as the "DeKalb Clean Air Ordinance," which are incorporated herein by reference.
- (13) Any other nuisance that as defined by the laws of the State of Georgia.
- (14) Any property or structure that by virtue of its overall condition is disorderly or in violation of other ordinances of the city and which would tend to constitute a breach of standards adhered to by other properties or structures in its neighborhood or immediate area.

(Ord. No. 274, § 1, 9-2-03; Ord. No. 318, § 1, 12-7-06)

Sec. 10-2. Highly Hazardous Conditions.

It shall be unlawful for any owner or operator to allow, or for any occupant to cause the following highly hazardous property conditions, any of which may constitute a nuisance as defined in Article I and Article II.

The following conditions are declared to be highly hazardous conditions:

- (1) Roofs, floors or supporting members, including, but not limited to, girders, sills, joists and studs, which show fifty (50%) or more damage or deterioration or which are of insufficient size or strength to safely support imposed loads;
- (2) Non-supporting enclosing, outside walls, or coverings which show fifty percent (50%) or more damage or deterioration;
- (3) Defective or improperly maintained electrical, heating, ventilation, sanitation or like facilities which endanger or insufficiently protect the health, safety or general welfare of the occupants;
- (4) Means of egress or ingress, which in the determination of the Building Official, are defective or unsafe, or substantially smaller than the dimensions required by law;
- (5) Vacant dwellings which are open and unsecured against unforced entry;
- (6) Conditions which, in the determination of the Director, are dilapidated, decayed, unsafe, unsanitary or that unreasonably expose occupants or the general public to illness, disease or physical injury;
- (7) Conditions which, in the determination of the Director, unreasonably expose occupants to rain, moisture or cold air;
- (8) The presence of visible mold growth, as determined by a health official or Certified Mold Specialist;
- (9) Any condition which, in the determination of the Building Official, is highly hazardous to health, safety or general welfare of the occupants or general welfare.

Sec. 10-32. Same—Violations.

No person shall create, maintain, support, aid, or continue any condition that constitutes a nuisance as defined herein.

- (1) ~~(1)~~ If the owner or occupier of any such property where a nuisance shall be found fails to abate the nuisance within ten (10) days after having been notified by certified mail in writing by the city manager or ~~their~~his designee, such failure on the part of the owner or occupier of the property shall constitute a violation of this section; provided however, that upon the fourth occurrence of a violation upon the same property within any twelve- month period, the ten-day grace period to abate the nuisance shall not apply and the violating party shall be subject to immediate citation for such offense.
- (2) ~~If the owner or occupier of any such property where a hazardous condition shall be found fails to abate the nuisance immediately, the violating party shall be subject to immediate citation for such offense.~~
- (32) If the owner or occupier of such property fails to abate a nuisance after being notified as hereinbefore described, the city is authorized to enter upon such premises and clean, abate, or remove the nuisance where appropriate, which shall be done at the expense of the owner or occupier of said property.

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- (43) If any nuisance exists on any premises which creates a highly hazardous condition with imminent threat of harm to the safety or well-being of others, the city is authorized to enter upon such premises and clean and remove the nuisance without providing notice to the owner or occupier of said property, which shall be done at the expense of the owner or occupier of said property.
- (54) Any person, firm, or corporation that shall do anything prohibited or fail to do anything required by the provisions of this article, as they now exist or as they may hereafter be amended, upon conviction of a violation in the mayor's court shall be subject to a fine and/or imprisonment in accordance with section 1-7 of this Code of Ordinances. Where any offense or violation continues from day to day, each day's continuation thereof shall be deemed a separate offense.
- (6) Failure to comply. It shall be unlawful for an owner, operator, or occupant to fail to comply with any applicable provision of this Code. Violations of any applicable provision of this Code by a Corporate Entity shall be civil in nature and shall not constitute a criminal infraction.
- (76) Charges and Summons/Civil Notice. If the owner, operator or occupant violates Article I or II, the City Manager or their designee shall be authorized to issue to such person a copy of charges and summons, or in the case of a corporate entities, a civil notice, directing the person to appear before the Court, or notifying them of their opportunity to do so, respectively, a specified time and place to answer the charges and summons, or civil notice shall be accomplished as provided by State Law.
- (87) Emergency Power. Notwithstanding any other provisions of this Code, whenever the Building Official shall determine that conditions constitute a clear and present danger or hazard to person or property, the City Manager or their designee shall be authorized to cause the charges and summons, or civil notice, provided by Section 10-2 of this Article hereinabove to issue instanter or to take any other appropriate action necessary to correct said conditions.

(Ord. No. 274, § 1, 9-2-03; Ord. No. 287, §§ 1, 2, 12-7-04; Ord. No. 376, § 8, 12-3-13)

Secs. 10-~~43~~—10-9. Reserved.



CITY OF CLARKSTON

ITEM NO: 6G

CITY COUNCIL WORK SESSION / MEETING

MEETING TYPE:
Work Session

AGENDA ITEM SUMMARY SHEET

ACTION TYPE:
Discussion

MEETING DATE: January 28, 2025

SUBJECT: To discuss an ordinance to amend the text of the Zoning Ordinance to designate drive-in and drive-thru restaurants as Conditional Uses in the NC-2 Zoning District.

DEPARTMENT: PLANNING & ECONOMIC DEVELOPMENT

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☒ YES ☐ NO
PAGES: 9

PRESENTER CONTACT INFO: Richard Edwards, AICP
PHONE NUMBER: 404-536-1120

PURPOSE: To discuss and review a text amendment to Sec. 403. – Use Table to allow conditional use application submittals for “Eating and drinking establishments, including drive-thru/drive-in establishments” in the NC-2 zoning district.

NEED/ IMPACT: The city’s zoning ordinance does not allow drive-thru/drive in establishments in any zoning district. This text amendment would allow property owners and business owners to submit a conditional use permit in the NC-2 zoning district that would have to be reviewed by the Planning & Zoning Board and City Council via three (3) public meetings.

RECOMMENDATION: Staff is recommending approval of this text amendment.

STAFF ANALYSIS AND REPORT

To: City of Clarkston Mayor & City Council

From: Richard Edwards, AICP

Subject: Proposed Text Amendments to Sec. 403. – Use Table to allow conditional use application submittals for “Eating and drinking establishments, including drive-thru/drive-in establishments” in the NC-2 zoning district.

Date: January 28, 2025

Purpose:

The purpose of this staff report and analysis is to present the proposed text amendments to *Sec. 403. – Use Table* to allow for the submittal of Conditional Use Permit applications for “eating and drinking establishments, including drive-thru/drive-in establishments” in the NC-2 zoning district. The Planning Commission is requested to provide a recommendation at their public hearing on January 21, 2025, which will be forwarded to the City Council for further consideration at their public hearing scheduled for February 4, 2025.

Background:

The city updated the zoning code in June of 2023 and the new code does not allow “drive-thru/drive-in establishments” within any zoning district in the city. There are approximately 29 properties designated as NC-2 that would become eligible to apply for the Conditional Use Permit.

The Conditional Use Permit application has a \$500 application fee and has to be reviewed by the Planning Commission and City Council via three (3) public meetings. The Planning Commission will take a vote to recommend approval or denial to City Council, who will ultimately make a decision on whether the use is appropriate or not.

A public hearing is scheduled for the Planning and Zoning Board to review the proposed text amendment at their regularly scheduled meeting on January 21, 2025.

Attachments:

1. Ordinance
2. Redlines of Sec. 403. – Use Table
3. Zoning Map

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CLARKSTON ZONING ORDINANCE, APPENDIX A, ARTICLE IV OF THE CITY CODE, TO DESIGNATE EATING AND DRINKING ESTABLISHMENTS THAT INCLUDE DRIVE THRU OR DRIVE IN FACILITIES AS USES THAT ARE ALLOWED IN THE NC-2 ZONING DISTRICT UPON THE ISSUANCE OF A CONDITIONAL USE PERMIT.

WHEREAS, Table 4.1 of the City’s Zoning Ordinance sets forth certain permitted and conditional uses within City zoning districts, with any use not specifically listed in Table 4.1 or interpreted to be allowed by the city manager being prohibited; and

WHEREAS, Table 4.1 currently permits eating and drinking establishments in several City zoning districts provided such establishments do not include a drive-thru or drive-in; and

WHEREAS, by contrast, eating and drinking establishments that do include a drive-thru or drive-in are not listed in Table 4.1 and are therefore prohibited within all City zoning districts; and

WHEREAS, the City Council finds that eating and drinking establishments that do include a drive-thru or drive-in may be appropriate in the NC-2 district depending on site-specific conditions as contemplated by Zoning Ordinance Section 219; and

WHEREAS, the City Council desires to amend Table 4.1 to allow conditional use permits for eating and drinking establishments including drive thru and drive in establishments in the NC-2 zoning district; and

WHEREAS, the City has fully complied with the requirements of the Zoning Procedures Law in adopting this ordinance.

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

SECTION 1. Appendix A, Article IV, Division 1, Section 403 – Use Table, of the City of Clarkston Code of Ordinances is amended by deleting the existing Table 4.1 in its entirety and replacing it with the document entitled “Table 4.1 Use Table” attached hereto as Exhibit A.

SECTION 2. This ordinance is intended to be severable. Should any portion of this ordinance be judged invalid by a Court of competent jurisdiction, such order or judgment shall not invalidate the remainder of this ordinance.

SECTION 3. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

Notice Published in DeKalb Champion: _____

Public Hearing Held by City Council: _____

SO ORDAINED this ____ day of _____, 2025.

ATTEST:

CITY COUNCIL OF
CITY OF CLARKSTON, GEORGIA

Tomika Mitchell, City Clerk

Mayor Beverly H. Burks

Approved as to form:

Stephen G. Quinn, City Attorney

EXHIBIT A

Table 4.1 Use Table

P: Permitted use
C: Conditional use subject to the conditional use permit application procedures specified in article II of this chapter
AP: Administratively approved use
Pa: Accessory use as regulated by article IV of this chapter.

NR-1**NR-2****NR-3****NC-1****NC-2****TC****I****R-OS****NR-CD****RC****Supplemental Standards****Residential**

Apartment childcare or tutoring

P**P****P****P****P**Sec. 404

Assisted Living

P**P**

Boarding or Rooming House, except halfway houses

C**C**

Dwelling, Accessory

P**P****P****P****P**Sec. 413

Dwelling, Duplex

P**P**

Dwelling, Multi-family

P**P****P****P****P**

Dwelling, Single-family detached

P**P****P****P****P**

Dwelling, Townhome

P**P****P**

Dwelling, Triplex

P**P**

Dwelling, Quadruplex			P								
Home Occupation	P	P	P								<u>Sec. 407</u>
Non-commercial horticulture and agriculture	P	P	P								<u>Sec. 408</u>
Non-commercial poultry	P	P	P								<u>Sec. 409</u>
Personal Care Home									C	C	
Planned Unit Developments											
Cottage Housing Developments		P ⁺	P ⁺						P ⁺	P ⁺	
Planned Commercial Development				P ⁺	P ⁺	P ⁺			P ⁺	P ⁺	
Planned Mixed-Use Development				P ⁺	P ⁺	P ⁺			P ⁺		
Planned Residential Development		P ⁺	P ⁺							P ⁺	
Commercial and Retail											
Adult entertainment or establishment							C				
Antique shop				P	P	P				P	
Apparel store				P	P	P					
Art store/gallery				P	P	P			P	P	
Banks and financial institutions				P	P	P				P	

Bed and breakfast inns			C			P				C	<u>Sec. 405</u>
Book and video store (non-adult oriented)				P	P	P				P	
Bottle shop/package store					C	P	P				
Bowling Alleys						P	P		C		
Camera shop				P	P	P			P		
Car washes					C		C				
Child day care, adult day care											<u>Sec. 406</u>
Dry cleaner (except drive thru)				P	P						
Eating and drinking establishment, excluding drive-thru/drive-in establishments				P	P	P	P		P	P	
Eating and drinking establishments, including drive-thru/drive-in establishments					C						
Electronics and appliance store						P					
Entertainment venues (non-adult oriented)							P				
Florist				P	P	P			P	P	
Funeral home (no on-site crematory services)							P				

Furniture and home furnishings						P					
Greenhouses and horticultural nurseries				P	P				P	P	

Grocery store						P					
Hookah/Vape Store											
Hospital							P				
Hotel						C					
Jewelry store				P	P	P			P	P	
Laundry, self-service				C	C		C				
Massage establishment							C				
Microbrewery				P	P	P	P		C		
Movie Theater (non-adult oriented)						P	P				
Non-automotive repair services (cameras, jewelry, shoes)				P	P	P	P				
Parking structure				Pa	Pa	Pa	Pa	Pa	Pa		
Personal service establishment (barber shop, hair salon, nail salon)				P	P	P			P	P	
Pet boarding/breeding kennel							P				
Pet grooming and supply shop				P	P	P					

Pharmacy or Drug store				P	P						
Recycling collection				Pa	Pa	Pa	Pa			Pa	
Recycling collection/drop off centers									Pa		

Research and experimental testing laboratories							C				
Retail, 2,500 - 5,000 s.f.					P	P			P	C	
Retail, 2,500 s.f. or less				P	P				P	P	
Retail, over 5,000 s.f.						P	P				
Shoe store				P	P	P					
Sporting goods store				P	P	P					
Tattoo parlor and piercing studio					P	P	P				
Title loan businesses, pawn shops							C				
Toy store				P	P	P					

Office, Institutional, and Cultural

Library, Public				C	C	C	C	C	C	C	
Pre-schools and similar establishments				P	P	P			P	P	
Office (Professional)				P	P	P	P			P	
Office (Medical)				P	P	P	P			P	

Office (Veterinary without boarding)				P	P	P	P			P	
Parks/Green Space	P	P	P	P	P	P	P	P	P	P	

Places of assembly, including religious institutions	C	C	C	C	C		P		C	C	<u>Sec. 411</u>
Tutoring Establishments			P	P	P	P			P	P	

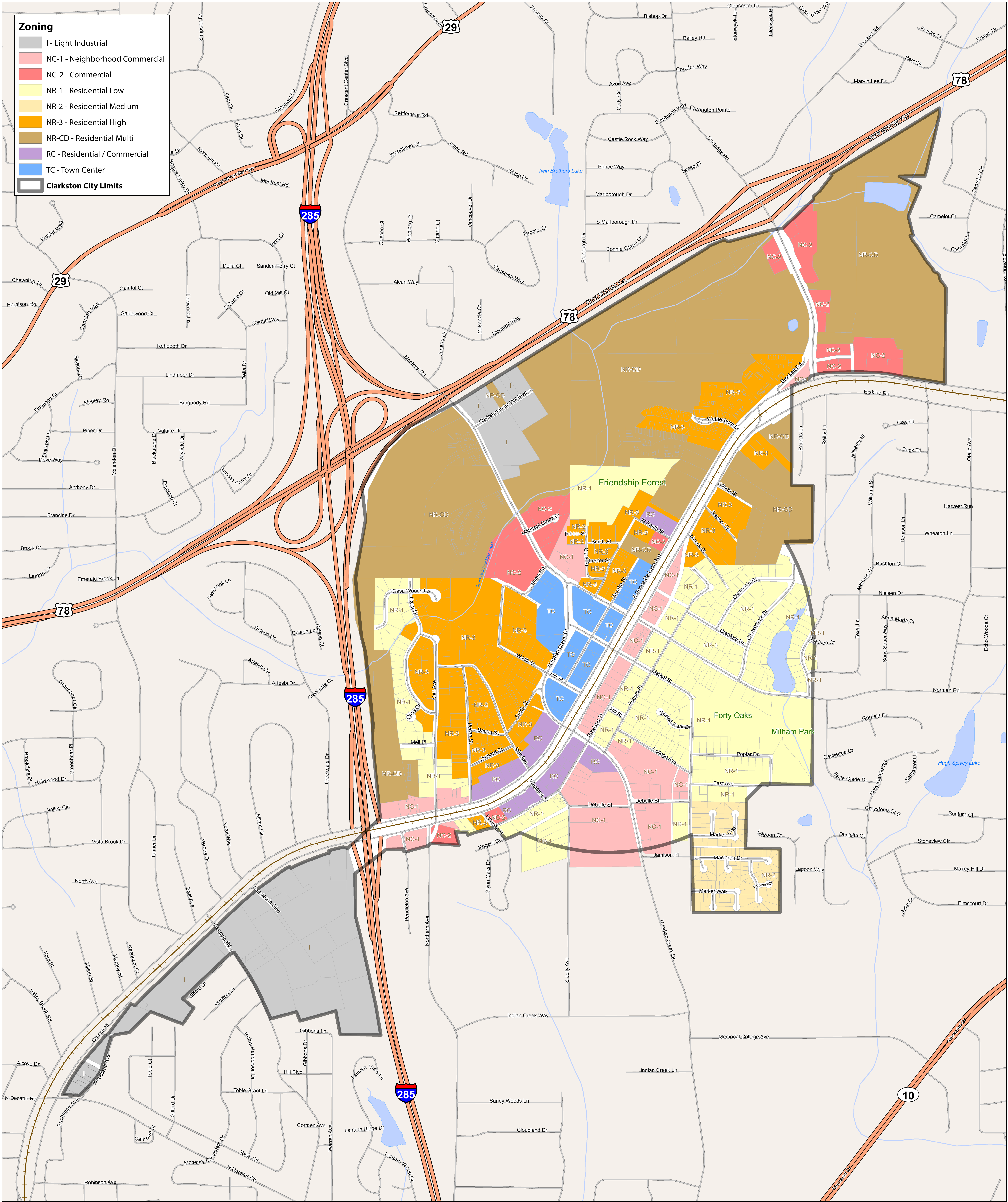
Industrial and Manufacturing

Automobile, truck, motorcycle and heavy equipment sales/service/rental/parts/repair establishments					C		P				
Building and equipment supply/repair services (no outdoor storage)							P				
Commercial dry-cleaning plants							C				
Communications towers (cellular)							C				
Crematories							C				
Manufacturing and assembly, provided no gas, fumes or odors are emitted as a result of the activity							P				
Outdoor storage, commercial											

Trade shops (locksmith, gunsmith, sheet metal, upholstery, furniture, appliance, electrical, carpentry)							P				
Wholesaling and warehousing (entirely indoors)							P				

Temporary Uses											
Farmer's market				AP	AP	AP	AP	AP	AP	AP	<u>Sec. 414</u>
Festival				AP	AP	AP	AP	AP	AP	AP	<u>Sec. 414</u>
Food truck				AP	AP	AP	AP	AP	AP	AP	<u>Sec. 414</u>
Seasonal activities and sales				AP	AP	AP	AP	AP	AP	AP	<u>Sec. 414</u>
Storage of construction equipment				AP	AP	AP	AP	AP	AP	AP	<u>Sec. 414</u>
Tent sale/sale of goods from temporary location				AP	AP	AP	AP	AP	AP	AP	<u>Sec. 414</u>
* When approved by City Council											

ZONING - CITY OF CLARKSTON, GA



Zoning

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



CITY OF CLARKSTON

ITEM NO: 6H

CITY COUNCIL WORK SESSION/ MEETING

MEETING TYPE:

Work Session

AGENDA ITEM SUMMARY SHEET

ACTION TYPE:

Discussion

MEETING DATE: JANUARY 28, 2025

SUBJECT: To discuss a resolution appointing Dekalb County Board of Registrations and Elections to conduct the City of Clarkston 2025 General Municipal Election.

DEPARTMENT: CITY ADMINISTRATION

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☐ YES ☐ NO

PAGES:

PRESENTER CONTACT INFO:

Tomika Mitchell, City Clerk

PHONE NUMBER: 404-296-6489

PURPOSE: To discuss a resolution authorizing the DeKalb County Board of Registrations and Elections to conduct the City of Clarkston 2023 General Municipal Election.

NEED/ IMPACT: On November 6, 2013, the City Council adopted an agreement with DeKalb County to allow the DeKalb County Board of Registrations and Elections staff, equipment and expertise conduct the City of Clarkston Elections. Individual duties and responsibilities of both the City and County staff are set forth in the Intergovernmental Agreement.

RECOMMENDATION: Staff recommend authorizing the DeKalb County Board of Registrations and Elections to conduct the City of Clarkston November 4, 2025, General Municipal Election.

RESOLUTION NO. _____

**APPOINTING DEKALB COUNTY BOARD OF REGISTRATIONS AND ELECTIONS TO
CONDUCT THE CITY OF CLARKSTON 2025 GENERAL MUNICIPAL ELECTION**

WHEREAS; The City of Clarkston, Georgia will hold a General Election on Tuesday, November 4, 2025; and

WHEREAS; The City may have need to hold additional City Elections, including Calls for Special City Elections ("the Calls") and Runoffs in addition to the General Election, collectively, for 2025; and

WHEREAS; The City Council is hereby in agreement that it is in the best interest of its citizens, pursuant to O.C.G.A. §21-2-4S(c), to continue to allow the DeKalb County Board of Registrations and Elections staff, equipment and expertise to conduct the City of Clarkston 2025 Elections; and

WHEREAS; Individual duties and responsibilities of both the City and County staff are set forth in the Intergovernmental Agreement, between the City and the County, adopted by the Council on November 6, 2013.

NOW, THEREFORE, BE IT RESOLVED THAT THE Clarkston City Council does hereby appoint DeKalb County Board of Registrations and Elections to conduct the City of Clarkston Elections for 2025.

PASSED, APPROVED and RESOLVED this _____ day of _____ 2025.

Beverly H. Burks, Mayor

ATTEST:

Tomika R. Mitchell, City Clerk



CITY OF CLARKSTON

ITEM NO: 6I

CITY COUNCIL WORK SESSION / MEETING

MEETING TYPE:
Work Session

AGENDA ITEM SUMMARY SHEET

ACTION TYPE:
Discussion

MEETING DATE: January 28, 2025

SUBJECT: To discuss the proposed Downtown Development Authority (DDA) Boundary Map, as recommended by the DDA.

DEPARTMENT: PLANNING & ECONOMIC DEVELOPMENT

PUBLIC HEARING: ☐ YES ☒ NO

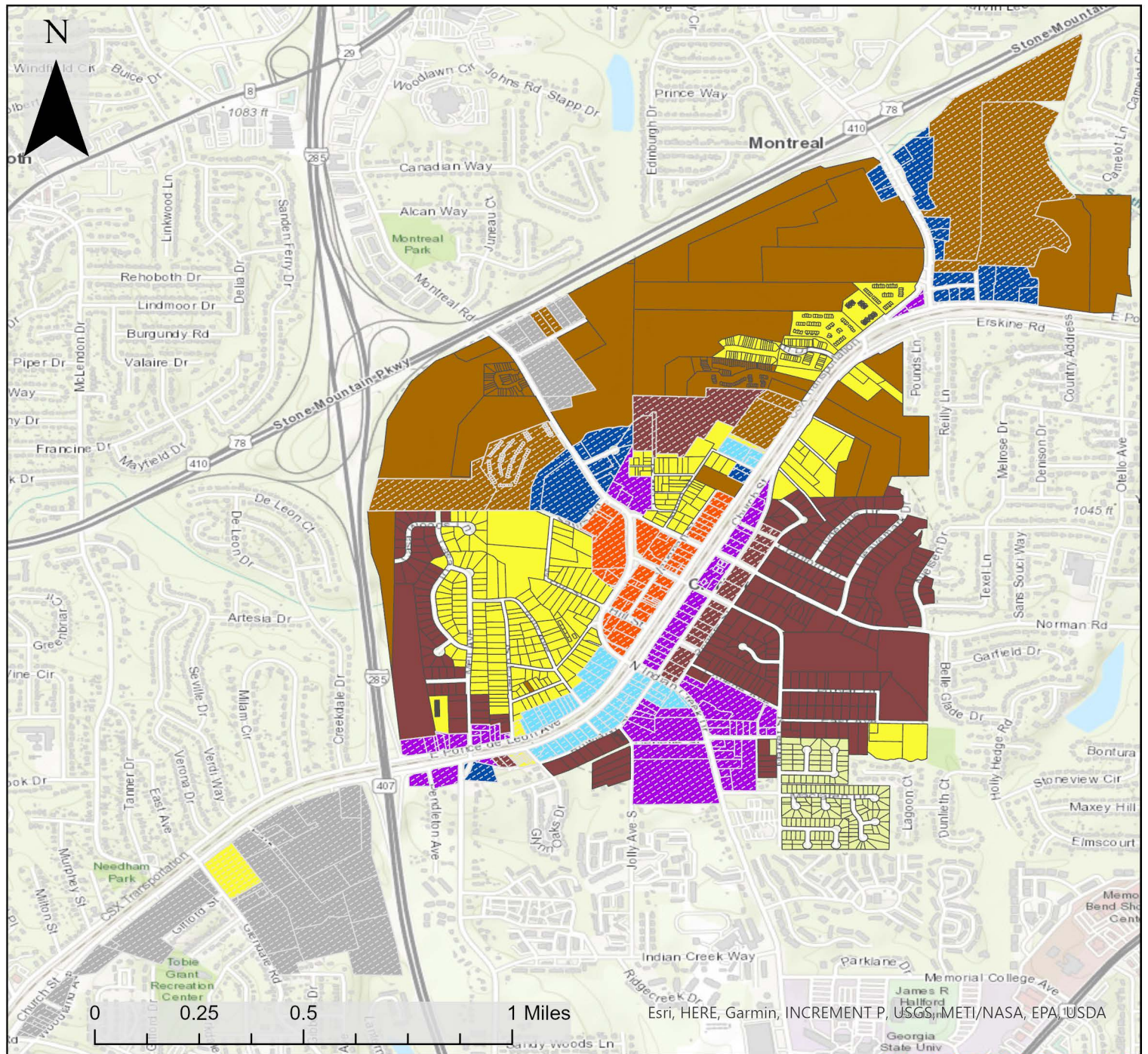
ATTACHMENT: ☒ YES ☐ NO
PAGES: 1

PRESENTER CONTACT INFO: Richard Edwards, AICP
PHONE NUMBER: 404-536-1120

PURPOSE: To discuss and review the proposed DDA Boundary Map update. The DDA reviewed and recommended approval of this map at their special called meeting on December 23, 2024.

NEED/ IMPACT: The proposed DDA Boundary Map would allow the DDA to have a wider footprint for economic development purposes.

RECOMMENDATION: Staff is recommending approval of the proposed DDA Boundary Map.



Zoning Designations

- Low-Density Neighborhood Residential
- Moderate-Density Neighborhood Residential
- High-Density Neighborhood Residential
- Neighborhood Residential - Community Development
- Residential Commercial
- Low-Density Neighborhood Commercial
- Moderate-Density Neighborhood Commercial
- Light Industrial
- Town Center
- N/A

Downtown Development Authority District

DDA Parcel

Viewers:

This map expresses DDA Parcels by overlaying dashed grey lines on the zoning designation color.