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*Mayor Beverly H. Burks*

*Councilmembers:*

*Debra Johnson-Vice Mayor*

*Awet Eyasu*

*Yterenickia Bell*

*Laura Hopkins*

*Jamie Carroll*

*Susan Hood*

*Tammi Saddler Jones, Interim City Manager*

## **CITY COUNCIL MEETING AGENDA**

**Thursday, November 9, 2023 - 7:00PM**  
**IN-PERSON/ HYBRID**

### **1. CALL TO ORDER**

### **2. ROLL CALL**

### **3. PRESENTATION/ ADMINISTRATIVE BUSINESS**

A. To approve the following meeting minutes:

- 10/03/2023 – City Council Meeting
- 10/24/2023 – Special Called City Council Meeting
- 10/31/2023 – City Council Work Session

### **4. REPORTS**

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

### **5. PUBLIC COMMENTS**

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

### **6. OLD BUSINESS**

### **7. CONSENT AGENDA**

- A. To approve a proclamation for Purple Thursday to be recognized on the third Thursday for Domestic Violence Awareness Month.
- B. To approve a resolution authorizing an agreement with PivotPath, LLC for website maintenance and communication services.
- C. To approve a resolution authorizing an agreement with Elarbee, Thompson, Sapp & Wilson, LLP. to review and revise the City of Clarkston Personnel Policies and Employee Handbook.
- D. To approve the allocation of \$240,000 of ARPA Funds for a Homeowner's Assistance and/or Weatherization Program.
- E. To approve replacing the Police Department vehicle, Unit 626 in the amount of \$32,416.50.

### **8. NEW BUSINESS**

### **9. ADJOURNMENT**

#### **PUBLIC PARTICIPATION BY VIDEO CONFERENCE**

The City of Clarkston, Georgia will conduct the City Council Meeting at 7:00 p.m. on Thursday, November 9, 2023. 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\\_csBk3VDGTneV4d86jtGqhA](https://us02web.zoom.us/webinar/register/WN_csBk3VDGTneV4d86jtGqhA)

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

MINUTES OF A REGULAR MEETING  
OF THE CITY COUNCIL OF CLARKSTON, GEORGIA  
HELD IN-PERSON AND BY TELECONFERENCE, ZOOM AUDIO/VIDEO  
IN SAID CITY ON TUESDAY, OCTOBER 3, 2023

On the 3<sup>rd</sup> day of October 2023, at 7:00 p.m., the City Council of Clarkston, Georgia met in regular session in-person and by teleconference, Zoom Audio/Video in said City. Mayor Bverly Burks called the meeting to order. The following members of the Council Members were present: Councilmembers Debra Johnson; Awet Eyasu; Jamie Carroll; Laura Hopkins; and Yterenickia Bell. Absent: Susan Hood. The following City staff were present: Tammi Saddler Jones (Interim City Manager); Dan Defnall (Finance Director); Tomika R. Mitchell (City Clerk); and Stephen Quinn (City Attorney).

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

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

2. ROLL CALL

Councilmember Susan Hood was absent.

3. ADMINISTRATIVE BUSINESS/ PRESENTATION

A. To approve minutes the following meetings:

- 09/05/2023 – City Council Meeting
- 09/14/2023 - Special Called City Council Meeting
- 09/26/2023 - City Council Work Session

Councilmember Hopkins made a motion to approve the following meeting minutes: 09/05/2023 – City Council Meeting; 09/14/2023 - Special Called City Council Meeting; and 09/26/2023 - City Council Work Session. Councilmember Eyasu duly seconded the motion. Mayor Burks called for the vote and declared the motion approved (5-0).

4. REPORTS

A. Planning/Economic and Development Report and the City Manager’s Report.

- Planning/Economic and Development Manager, Lisa Camera gave a brief report of current programs and ongoing projects.

B. City Manager’s Report

- Interim City Manager, Tammi Saddler Jones gave an overview of the upcoming city events, projects and the current budget information.

C. City Attorney’s Report

- No report.

D. Council Remarks

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

E. Mayor's Report

- No report

5. PUBLIC COMMENTS

The following citizens presented public comments: Eric Davis, Kim Ault, and Chris Busing.

6. OLD BUSINESS

There were no items discussed.

7. CONSENT AGENDA

- A. To approve a resolution authorizing a Settlement Agreement with PivotPath, LLC.
- B. To approve a resolution authorizing a Settlement Agreement with Human Resources Dimensions, Inc.
- C. To approve a resolution declaring property surplus for the Clarkston Police Department.

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

8. NEW BUSINESS

There were no items discussed.

9. ADJOURNMENT

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

The meeting was adjourned at 7:32 p.m.

ATTEST:

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Tomika R. Mitchell  
City Clerk

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Beverly H. Burks  
Mayor

MINUTES OF A SPECIAL MEETING  
OF THE CITY COUNCIL OF CLARKSTON, GEORGIA

HELD IN-PERSON IN SAID CITY ON TUESDAY, OCTOBER 24, 2023

On the 24<sup>th</sup> day of October 2023, at 7:00 p.m., the City Council of Clarkston, Georgia met in special session in-person in said City. Mayor Beverly Burks called the meeting to order. The following member of the Council Members were present: Vice Mayor Debra Johnson; Councilmembers Jamie Carroll; Awet Eyasu; Yterenickia Bell; and Susan Hood. Absent: Laura Hopkins. The following City staff were present: Tammi Saddler Jones (Interim City Manager); Dan Defnall (Finance Director); Lisa Cameron (Planning & Economic Development Manager); Tomika R. Mitchell (City Clerk); Stephen Quinn (City Attorney).

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

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

2. ROLL CALL

Councilmember Hopkins was absent.

Vice Mayor Johnson made a motion to enter Executive Session to discuss a real estate matter and a litigation matter. Councilmember Bell duly seconded the motion. Mayor Burks called for the vote and declared the motion approved (5-0).

4. EXECUTIVE SESSION

A. To discuss real estate.

The Council discussed a real estate matter.

B. To discuss litigation.

The Council discussed a litigation matter.

ADJOURNMENT

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

The meeting adjourned at 7:47 p.m.

ATTEST:

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Tomika R. Mitchell  
City Clerk

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Beverly H. Burks  
Mayor

MINUTES OF A WORK SESSION  
OF THE CITY COUNCIL OF CLARKSTON, GEORGIA  
HELD IN-PERSON AND BY TELECONFERENCE, ZOOM AUDIO/VIDEO  
IN SAID CITY ON TUESDAY, OCTOBER 31, 2023

On the 31<sup>st</sup> day of October 2023, at 7:01 p.m., the City Council of Clarkston, Georgia met in a Work Session in-person and by teleconference, Zoom Audio/Video in said City. Mayor Burks called the meeting to order. Mayor Beverly Burks and the following members of the City Council were present: Vice Mayor Debra Johnson; Councilmembers Jamie Carroll; Awet Eyasu, Susan Hood, Yterenickia Bell, and Laura Hopkins. Absent: None. The following City staff were present: Tammi Saddler Jones (Interim City Manager); Dan Defnall (Finance Director); Christine Hudson (Police Chief); Tomika R. Mitchell (City Clerk); and Stephen Quinn (City Attorney).

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

1. CALL TO ORDER

Mayor Burks called the meeting to order.

2. ROLL CALL

No Councilmembers were absent.

3. PUCLIC COMMENTS

Mayor Burks read the Resident Comment Policy.

4. PRESENTATION/ ADMINISTRATIVE BUSINESS

A. Empower Clarkston Update by Malek Alarmash of Tekton Training.

Malek Alarmash of Tekton Training presented an update on the Tekton Career Training Program and what locations received home improvements. Mr. Alarmash stated the program provided job training, mentorship, entrepreneurship development, and job placement.

The Council briefly discussed this item.

City Attorney, Stephen Quinn provided clarification on ARPA Funding for this project.

Dean Moore presented comments on this item.

Mr. Alarmash will follow-up with Council and provide data from the program and the door-to-door study to the Council. He will also follow up with the Council on lessons learned.

B. Presentation by Kicky (Art Tech Company) on a proposal for a Guinness World Record for the Largest Recycled Statue in Clarkston, GA.

Councilmember Bell stated this item was an idea/ exploratory project about women empowerment and a statue pertaining to renewable energy. This project could bring attraction to the City of Clarkston.

Luke Keller with Kicky expressed his idea of creating the largest recycled statue in Clarkston. Mr. Keller stated he chose Clarkston because of sustainability, awareness, celebration and community engagement.

The Council briefly discussed this item.

Dean Moore and DeJah Ault presented comments on this item.

This project will be discussed to determine if it will move forward to a committee for further discussion.

C. Proclamation for Purple Thursday to be recognized on the third Thursday for Domestic Violence Awareness Month.

Councilmember Bell stated there is already a Domestic Violence Awareness Proclamation and Purple Thursday is known nationwide. Establishing this proclamation will allow partnership with the Women Resource Center to end Domestic Violence in Dekalb County to provide annual education to employees on the resources and protection for staff and the community.

The Council briefly discussed this item.

Dean Moore and Kim Ault presented comments on this item.

Councilmember Bell stepped out the meeting. Mayor Burks stated they would circle back to this item upon her return.

5. OLD BUSINESS

There was no Old Business to discuss.

6. NEW BUSINESS

A. To discuss a resolution approving an agreement with PivotPath, LLC for website maintenance and communication services.

Interim City Manager, Tammi Saddler Jones stated this item was for an agreement with PivotPath, LLC in the amount of \$5,000 to do website maintenance and communications services for the City of Clarkston until December 31, 2023.

- Perform fifteen (15) hours of Social Media Management (including content and graphics);
- Produce one Newsletter highlighting City news, events, achievements, and such other content as may be directed by the Interim City Manager;

- Produce one (1) Flyer promoting a City event;
- Prepare and distribute one (1) email blast to residents and businesses promoting City events, meetings and other relevant activities, with a link to the Newsletter;
- Perform Eight (8) hours of Website Maintenance including calendar updates, uploads and banner changes.

The Council briefly discussed this item.

Mayor Burks recommended adding a corresponding banner to match the flyer and Councilmember Bell inquired about geo-targeting.

Dean Moore presented comments on this item.

This item will be placed on Consent Agenda on the next City Council agenda.

*The meeting returned to Item D. to conclude the discussion.*

The Council recommended the proclamation be revised to state "...partnership with local agencies..." to end Domestic Violence in Dekalb County, Georgia.

This item will be placed on the Consent Agenda.

- B. To discuss a resolution approving an agreement with Elarbee, Thompson, Sapp & Wilson, LLP. to review and revise the City of Clarkston Personnel Policies and Employee Handbook.

City Clerk, Tomika Mitchell stated the City of Clarkston Handbook was created in October 2011 by a former City Manager, with a few updates made since then. The City of Clarkston Personnel Policies and Employee Handbook are out of date and should be reviewed and edited for compliance with applicable federal, state and local laws and regulations, identifying any areas where the policies could be subject to multiple or conflicting interpretation or are internally inconsistent, explain any potential weaknesses of the current policies and procedures, and recommend any additional best practices or process improvement.

This process will require approximately 50-60 hours of work to complete the above-described process. The work would be billed at an hourly rate of \$250.00. There will be a current cap of \$15,000 to complete the above-described process. The cap may be raised upon mutual agreement between the City and Elarbee, Thompson, Sapp & Wilson, LLP.

The Council briefly discussed this item.

Mr. Quinn provided clarification and explanation on why this item did not have to be advertised for an RFP.

Dean Moore, Doris Wynn, and DaJah Ault presented comments on this item.

This item will be placed on Consent Agenda on the next City Council agenda.

C. To discuss a resolution approving a supplemental letter agreement with Davenport & Company, LLC. for financial advisory services.

Finance Director, Dan Defnall presented the proposal from Davenport & Company, LLC. for financial advisory services related to future public financing projects such as potential bond financial arrangements. Mr. Defnall stated the request was for a \$20,000 retainer.

The City is currently anticipating a new bond financing agreement if the SPLOST II referendum is approved in the November 7<sup>th</sup> election. Davenport Public Finance has served as our professional advisory firm for financial analysis for financing arrangements since January 2018. They have continually provided updated annual reports, advice, and support to city management and the Mayor and City Council regarding updates on our financials and debt capacity planning since that time.

Mr. Quinn provided clarification on what a retainer is and recommended not to use it pertaining to this matter. He then explained this agreement with Davenport is a Flat Fee Agreement.

The Council stated they would like to see an invoice of what services had been rendered to the City.

The Council briefly discussed this item.

Dean Moore presented comments on this item.

Ms. Saddler Jones recommended discussing this item further with staff and bringing it back to the Council at a later date for additional discussion and clarification.

D. To discuss allocating \$120,000 of ARPA Funds for a Homeowner's Assistance and/or Weatherization Program.

Finance Director, Dan Defnall stated the Council previously allocated an additional \$120,000 with a maximum of \$6,000 per application. Since that date we have processed 18 applications averaging \$5,170.34 and currently have an additional 17 applications with total requests totaling \$83,149.23. The response has been overwhelming as word has gotten out. Up until October 19<sup>th</sup>, we were informing new applicants that current funding allocation has been exhausted and we are putting applications on pending status if future funding is allocated. We date and time stamped all applications as they came in order to prioritize processing. On August 19<sup>th</sup>, we stopped accepting applications. We currently have \$26,270 in current funding available and plan to process more applications this week. We currently have 21 pending applications with a total of \$113,000 in requests that would need to be funded.

The Council briefly discussed this item.

Vice Mayor Johnson recommended increasing the allocation amount to \$240,000 of ARPA Funds for a Homeowner's Assistance and/or Weatherization Program. The Council also



addressed changing the language for applying emphasizing you could not be a public official and utilize the services.

Dean Moore presented comments on this item.

Mayor Burks expressed her thoughts that no elected officials should ever be receiving funds from any of the City programs provided for the residents.

This item will be placed on Consent Agenda on the next City Council agenda.

E. To discuss replacing the Police Department vehicle, Unit 626.

Chief Hudson expressed the need to replace a 2020 Ford Explorer, police unit 626, stating the vehicle was totaled due to an accident. We received a check from our insurance company GIRMA in the amount of \$32,416.50.

The Council briefly discussed this item.

Dean Moore presented comments on this item.

This item will be placed on Consent Agenda on the next City Council agenda.

F. To discuss the Standing Advisory Committee Appointments.

Councilmember Bell stated the committees were discussed at the retreat this year and would like to move forward with discussing the committees due to a surplus of applications that have been received.

The Council discussed the application process and recommended amending the application stating the position is for a one-year term and could be continued.

Ms. Mitchell provided the process of receiving the applications and forwarding them to Council.

The Council briefly discussed this item.

Dean Moore presented comments on this item.

The Mayor recommended bringing the new members to the Council meeting to be introduced to the public. The Council also recommended recruiting for the committees.

Mayor Burks announced there will not be a City Council meeting on Tuesday, November 7<sup>th</sup> due to Election Day. The City Council meeting will be moved to Thursday, November 9<sup>th</sup>.

## 7. ADJOURNMENT

Councilmember Eyasu made a motion to adjourn the meeting. Vice Mayor Johnson duly seconded the motion. Mayor Burks called for the vote and declared the meeting adjourned (6-0).

The meeting was adjourned at 9:54 p.m.

ATTEST:

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Tomika R. Mitchell  
City Clerk

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Beverly H. Burks  
Mayor

CITY OF CLARKSTON

ITEM NO: 7A

CITY COUNCIL MEETING

BUSINESS AGENDA / MINUTES

HEARING TYPE:  
Council Meeting

ACTION TYPE:  
Approve

MEETING DATE: November 9, 2023

**SUBJECT:** To approve a proclamation for Purple Thursday to be recognized on the Third Thursday for Domestic Violence Awareness Month.

DEPARTMENT: CITY ADMINISTRATION

PUBLIC HEARING:  YES  NO

ATTACHMENT:  YES  NO  
Pages:

INFORMATION CONTACT: Yterenickia Bell,  
Councilmember and Vice Mayor, Debra Johnson  
PHONE NUMBER: 404-296-6489

**PURPOSE:** To approve a proclamation for Purple Thursday to be recognized on the Third Thursday in October for Domestic Violence Awareness Month.

**NEED/ IMPACT:** N/A.

**RECOMMENDATION:** N/A.

**PROCLAMATION OF PURPLE THURSDAY TO BE RECOGNIZED  
ON THE 3RD THURSDAY FOR  
DOMESTIC VIOLENCE AWARENESS MONTH**

**OCTOBER 2023**

**WHEREAS**, domestic violence is a serious and pervasive crime affecting millions of women, children and other survivors and communities in the United States every year;

**WHEREAS**, domestic violence and intimate partner violence can have life-long consequences emotionally, mentally, socially, spiritually, and physically; violence harms the core of the human spirit and jeopardizes the future wellbeing of our communities; and

**WHEREAS**, the City of Clarkston is resolute in its commitment to combat domestic violence and to eliminate gender-based violence for the safety and well-being of individuals, children, and families;

**WHEREAS**, ending domestic violence requires the leadership of survivors, support of community leaders, and the collaborative efforts of law enforcement, public health officials, and community members;

**WHEREAS**, the City of Clarkston will take steps to protect survivors by providing employees with combating domestic and gender-based violence training during the week of the third Thursday or on the third Thursday of the month of October, annually to educate employees on resources and protections for staff and members of the Clarkston Community in partnership with local agencies to end Domestic Violence in Dekalb County, Georgia.

**WHEREAS**, the City of Clarkston is united in offering unequivocal support during the month-long observance to survivors of domestic and all gender-based violence and the work of public and private entities striving to provide them with the best possible services with creating a culture free domestic and all gender-based violence;

**THEREFORE, BE IT RESOLVED**, that the City of Clarkston proclaims Purple Thursday to be recognized on the 3rd Thursday for Domestic Violence Awareness Month, honoring domestic violence survivors and advocates;

**FURTHER**, that we stand united in our commitment to end all forms of domestic violence in the City of Clarkston.

**THEREFORE**, we call upon all citizens, law enforcement, community organizations, and health officials to speak out against domestic violence and actively support local efforts such as the Women's Resource Center to End Domestic Violence to assist our neighbors who are survivors of violence to be safe and live their lives free from violence and to hold abusers and systems accountable for the perpetuation of family violence.

SO ORDAINED, THIS 9<sup>TH</sup> DAY OF OCTOBER, 2023.

CITY OF CLARKSTON, GEORGIA

ATTEST:

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Beverly H. Burks, Mayor

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Tomika R. Mitchell, City Clerk

CITY OF CLARKSTON

ITEM NO: 7B

CITY COUNCIL MEETING

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Approve

MEETING DATE: November 9, 2023

**SUBJECT:** To approve an agreement with PivotPath, LLC in the amount of \$5000 to do website maintenance and communications services for the City of Clarkston until December 31, 2023.

DEPARTMENT: Administration

PUBLIC HEARING:  YES  NO

ATTACHMENTS:  YES  NO  
Pages:

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

**PURPOSE:** To approve an agreement with PivotPath, LLC in the amount of \$5000 to do website maintenance and communications services for the City of Clarkston until December 31, 2023.

**NEED/ IMPACT:** PivotPath, LLC will provide website and communications services for the City of Clarkston until December 31, 2023. During the term of this agreement, PivotPath, LLC agrees to perform the following services at the direction of the Interim City Manager:

- Perform fifteen (15) hours of Social Media Management (including content and graphics);
- Produce one Newsletter highlighting City news, events, achievements, and such other content as may be directed by the Interim City Manager;
- Produce one (1) Flyer promoting a City event;
- Produce one (1) corresponding banner to the flyer promoting a City event;
- Prepare and distribute one (1) email blast to residents and businesses promoting City events, meetings and other relevant activities, with a link to the Newsletter;
- Perform Eight (8) hours of Website Maintenance including calendar updates, uploads and banner changes.

**RECOMMENDATION:**

To approve the agreement with PivotPath, LLC in the amount of \$5,000 for website and communications services for the City of Clarkston until December 31, 2023. The City Attorney has reviewed this proposed agreement.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSTON, GEORGIA APPROVING AN AGREEMENT WITH PIVOTPATH, LLC FOR WEBSITE MAINTENANCE AND COMMUNICATIONS SERVICES.

\* \* \* \* \*

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

Section 1. That the City Council authorizes the execution of an agreement with PivotPath, LLC for website maintenance and communication services, commencing upon approval by the City of Clarkston and PivotPath, LLC and shall expire at 5:00 p.m. on December 31, 2023. PivotPath, LLC will perform the services described in Section 1 of the agreement for a flat fee of Five Thousand Dollars (\$5,000). A copy of said agreement is attached to this resolution as "Exhibit A" and is incorporated herein for all purposes.

PASSED, APPROVED and RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Beverly H. Burks, Mayor

ATTEST:

\_\_\_\_\_  
Tomika R. Mitchell, City Clerk

## EXHIBIT A

## WEBSITE MAINTENANCE AND COMMUNICATIONS SERVICES AGREEMENT

This Website Maintenance and Communications Services Agreement (“Agreement”) is made and entered into this \_\_\_\_ day of November 2023, by and between **PivotPath LLC** (“PivotPath”) and the **City of Clarkston, Georgia** (“City”).

WHEREAS, the City is in need of website maintenance and communications services; and

WHEREAS, PivotPath is has the necessary knowledge and experience to provide such services to the City.

### WITNESSETH:

In exchange for the mutual promises and covenants contained herein, the parties do agree as follows:

#### 1.) Services to be Performed

During the Term of this Agreement, PivotPath agrees to perform the following services at the direction of the City Manager:

- Perform fifteen (15) hours of Social Media Management (including content and graphics);
- Produce one Newsletter highlighting City news, events, achievements, and such other content as may be directed by the City Manager;
- Produce one (1) Flyer promoting a City event;
- Prepare and distribute one (1) email blast to residents and businesses promoting City events, meetings and other relevant activities, with a link to the Newsletter
- Perform Eight (8) hours of Website Maintenance including calendar updates, uploads and banner changes.

#### 2.) Term and Termination

The term of this Agreement shall commence upon its approval by both parties and shall expire at 5:00 p.m. on December 31, 2023. This Agreement may be terminated by the City sooner than the expiration of the full term pursuant to this section.

If the City deems PivotPath to be in breach of this Agreement for non-performance, it shall give PivotPath written notice of same. After giving written notice that the City deems PivotPath to be in default and identifying the specific nature of the alleged non-performance, if PivotPath fails to cure such default within seven days the City may terminate this Agreement for non-performance. If this Agreement is terminated by the City due to non-performance by PivotPath, City shall give written notice to PivotPath and shall compensate PivotPath for services rendered



and accepted as of the date of termination; the City would then have no further obligation to PivotPath under this Agreement.

### 3.) Compensation

PivotPath will perform the services described in Section 1 for a flat fee of Five Thousand Dollars (\$5,000.00). PivotPath may submit an invoice for the proportionate share of services performed and accepted in November 2023 during December 2023 and shall submit a final invoice for all services performed but not yet compensated during January 2024. The City will pay PivotPath for work performed and invoiced within ten business days of receiving an invoice.

### 4.) Independent Contractor Status.

PivotPath shall perform services under this Agreement as an independent contractor. The Parties agree that the compensation paid to PivotPath will cover the expense of any materials, equipment, transportation, etc. that may be necessary to perform the services. PivotPath will receive Form 1099 from the City and shall be responsible for paying any tax obligation associated with earnings under this Agreement.

### 5.) Miscellaneous Terms

- *Entire Agreement*

The Parties understand and agree that this Agreement constitutes the entire understanding between PivotPath and the City concerning the subject matter covered herein, and supersedes any and all verbal or written discussions, proposals, and/or agreements regarding the subject of this Agreement.

- *Assignment*

Neither this Agreement nor any duties or obligations under this Agreement shall be assignable without the prior written consent of the other party.

- *Successors and Assigns*

Subject to the provision regarding assignment, this Agreement shall be binding on the heirs, executors, legal representatives, successors, and assigns of the respective parties.

- *Attorney's Fees*

The parties shall each be responsible for their own attorney's fees related to the drafting and review of this Agreement.

- *Governing Law and Venue*

The validity of this Agreement and of any of its terms or provisions, as well as the rights and duties of the parties to this Agreement, shall be governed by the laws of the State of

Georgia. Venue for any dispute arising out of this Agreement shall be exclusively in the State or Superior Court of DeKalb County, Georgia.

- *Amendment*

This Agreement may be amended only by the mutual agreement of the contracting parties in a writing to be attached to and incorporated into this Agreement.

- *Legal Construction*

In case one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, this invalidity, illegality, or unenforceability shall not affect any other provision of this Agreement and this Agreement shall be construed as if the invalid, illegal, or unenforceable provision had never been contained in it.

So agreed:

**CITY OF CLARKSTON, GEORGIA**

**PIVOTPATH, LLC**


\_\_\_\_\_  
Beverly H. Burks, Mayor

  
\_\_\_\_\_  
Elizabeth Oke, Manager

Attest:

\_\_\_\_\_  
Tomika Mitchell, City Clerk

Approved as to Form:

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

CITY OF CLARKSTON

ITEM NO: 7C

COUNCIL MEETING

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Approval

MEETING DATE: November 9, 2023

**SUBJECT:** To approve a resolution authorizing an agreement with Elarbee, Thompson, Sapp & Wilson, LLP to review and revise the City of Clarkston Personnel Policies and Employee Handbook.

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 approve an agreement with Elarbee, Thompson, Sapp & Wilson, LLP to review and revise the City of Clarkston Personnel Policies and Employee Handbook.

**NEED/ IMPACT:** The City of Clarkston Handbook was created in October 2011 by a former City Manager, with a few updates made since then. The City of Clarkston Personnel Policies and Employee Handbook are out of date and should be reviewed and edited for compliance with applicable federal, state and local laws and regulations, identifying any areas where the policies could be subject to multiple or conflicting interpretation or are internally inconsistent, explain any potential weaknesses of the current policies and procedures, and recommend any additional best practices or process improvement.

This process will require approximately 50-60 hours of work to complete the above-described process. The work would be billed at an hourly rate of \$250.00. There will be a current cap of \$15,000 to complete the above-described process. The cap may be raised upon mutual agreement between the City and Elarbee, Thompson, Sapp & Wilson, LLP.

**RECOMMENDATION:** Staff recommends approval of the agreement with Elarbee, Thompson, Sapp & Wilson, LLP.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSTON, GEORGIA APPROVING AN AGREEMENT WITH ELARBEE, THOMPSON, SAPP & WILSON, LLP TO REVIEW AND REVISE THE CITY OF CLARKSTON PERSONNEL POLICIES AND EMPLOYEE HANDBOOK

\* \* \* \* \*

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

Section 1. That the City Council executes the agreement with Elarbee, Thompson, Sapp & Wilson, LLP to review and revise the City of Clarkston Personnel Policies and Employee Handbook. A copy of said agreement is attached to this resolution as “Exhibit A” and is incorporated herein for all purposes.

PASSED, APPROVED and RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Beverly H. Burks, Mayor

ATTEST:

\_\_\_\_\_  
Tomika R. Mitchell, City Clerk

## EXHIBIT A



October 20, 2023

**VIA EMAIL**

Tomika R. Mitchell, M.Ed., CPM, CMC  
City Clerk  
City of Clarkston  
1055 Rowland St.,  
Clarkston, GA 30021  
[tmitchell@cityofclarkston.com](mailto:tmitchell@cityofclarkston.com)

RE: Personnel Policies/Employee Handbook Review Proposal

Dear Tomika:

As requested, this letter sets forth a proposal for a review of the City of Clarkston Personnel Policies/Employee Handbook. Based on discussions to date, the City is requesting that we review the Policies/Handbook for legal compliance and internal consistency. Our proposal for this project is as follows.

We propose to review and edit the Policies/Handbook for compliance with applicable federal, state, and local laws and regulations, identify any areas where the policies could be subject to multiple or conflicting interpretation or are internally inconsistent, explain any potential weaknesses of the current policies and procedures, and recommend any additional best practices or process improvement. We will also provide guidance on potential steps to resolve any issues and will provide sample language when appropriate. You will receive our recommended revisions in a “red-lined” or “tracked changes” electronic version of the Policies/Handbook.

Following receipt of this red-lined version of the Policies/Handbook, we will work with the City to address any questions and to make any additional revisions. At the end of the process, you will be provided the revised Policies/Handbook in complete form ready for adoption and implementation.

Based on our prior experience in conducting reviews of personnel policy manuals and handbooks for local governments and our initial review of the policies/handbook

Tomika R. Mitchell, M.Ed., CPM, CMC  
City Clerk  
City of Clarkston  
October 20, 2023  
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you provided to us, we believe it will require approximately 50-60 hours of work to complete the above-described process. The work would be billed at an hourly rate of \$250.00. There will be a current cap of \$15,000 to complete the above-described process. The cap may be raised upon mutual agreement between the City and Elarbee, Thompson, Sapp & Wilson, LLP.

Please contact me if you have any questions with regard to this proposal.

Sincerely,



Timothy J. Holdsworth

TJH:cao

I have reviewed the foregoing letter, understand it and agree to the proposal by Elarbee, Thompson, Sapp & Wilson, LLP according to the terms set forth herein.

**CITY OF CLARKSTON**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

CITY OF CLARKSTON

ITEM NO:7D

CITY COUNCIL MEETING

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Approval

MEETING DATE: November 9, 2023

**SUBJECT:** To approve the allocation of \$240,000 of ARPA Funds for a Homeowner’s Assistance and/or Weatherization Program.

DEPARTMENT: CITY ADMINISTRATION / CITY COUNCIL

PUBLIC HEARING:  YES  NO

ATTACHMENT:  YES  NO  
Pages:

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

**PURPOSE:** To approve the allocation of ARPA funding of an additional amount of \$240,000 not to exceed \$6,000 per residence to support homeowners with home repairs and/or weatherization projects.

**NEED/ IMPACT:**

The COVID-19 pandemic has caused many Clarkston homeowners economic hardships. A homeowner’s assistance repair and weatherization program may assist with the energy efficiency of dwellings which may possibly as a result cause a reduction of annual utility costs. The weatherization and home repairs assistance program may include air & dust sealing, walls, floors, attic insulation, heating, ventilation, and air conditioning system improvements. Energy efficiency improvements may include lighting, hot water tanks, pipe insulation, and water conservation devices. The City has exhausted all existing funding allocations for home weatherization projects for homeowners.

On September 5<sup>th</sup>, the City Council approved allocating an additional \$120,000 with a maximum of \$6000 per application. Since that date we have processed 18 applications averaging \$5,170.34 and currently have an additional 17 applications with total requests totaling \$83,149.23. The response has been overwhelming as word has gotten out. Up until October 19<sup>th</sup>, we were informing new applicants that current funding allocation has been exhausted and we are putting applications on pending status if future funding is allocated. We date and time stamped all applications as they came in order to prioritize processing. On August 19<sup>th</sup>, we stopped accepting applications. We currently have \$26,270 in current funding available and plan to process more applications this week. We currently have 21 pending applications with a total of \$113,000 in requests that would need to be funded.

**RECOMMENDATION:**

N/A



CITY OF CLARKSTON

ITEM NO: 7E

CITY COUNCIL MEETING

HEARING TYPE:  
Council Meeting

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Approval

MEETING DATE: November 9, 2023

**SUBJECT:** To approve replacing police vehicle unit 626 in the amount of \$32,416.50.

DEPARTMENT: POLICE DEPARTMENT

PUBLIC HEARING:  YES  NO

ATTACHMENT:  YES  NO  
Pages:

INFORMATION CONTACT: Chief Hudson  
PHONE NUMBER: 404-292-9465

**PURPOSE:** To approve replacing a 2020 Ford Explorer, police unit 626. This vehicle was totaled due to an accident.

**NEED/ IMPACT:** We received a check from our insurance company GIRMA in the amount of \$32,416.50. The cost of a 2023 Ford Interceptor from Wade Ford is \$46,694. The difference we would owe is \$14,277.50.

**RECOMMENDATION:** To replace a totaled police patrol vehicle.