

MINUTES OF A WORK SESSION  
OF THE CITY COUNCIL OF CLARKSTON, GEORGIA  
HELD BY TELECONFERENCE, ZOOM AUDIO/VIDEO  
IN SAID CITY ON TUESDAY, JUNE 28, 2022

On the 28th day of June 2022, at 7:00 p.m., the City Council of Clarkston, Georgia met in a Work Session by teleconference, Zoom Audio/Video in said City. Mayor Beverly Burks called the meeting to order. The following member of the Council Members were present: Vice Mayor Awet Eyasu; Councilmembers Jamie Carroll; Debra Johnson; Yterenickia Bell, and Susan Hood. Absent: Laura Hopkins. The following City staff were present: Shawanna Qawiy (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

2. ROLL CALL

All members of the City Council were present.

Councilmember Laura Hopkins was absent.

3. WORK SESSION – RESIDENT COMMENT POLICY

Vice Mayor Eyasu read the Resident Comment Policy.

4. PRESENTATION/ ADMINISTRATIVE BUSINESS

There were no presentations or administrative business.

Councilmember Johnson made a motion to amend the agenda by removing “Item 6A” and deferring it to the July 5 Work Session. Councilmember Bell seconded the motion. Mayor Burks called for the vote and declared the motion approved (5-0). Councilmember Hopkins was absent.

5. OLD BUSINESS

A. Discussion and verification of the Fresh Harvest Memorandum of Agreement vote in December 2021.

City Attorney, Stephen Quinn presented a brief overview and status of the Memorandum of Agreement discussions that were previously discussed with City Council.

The Council briefly discussed this item.

Amy Medford presented her comments on this item.

B. Discussion of an amended Memorandum of Understanding with Fresh Harvest.

City Manager, Shawanna Qawiy stated she has not reviewed the memorandum due to receiving it on June 24, 2022 and being out of the office. However, Mr. Quinn stated he did have an opportunity to review the memorandum and presented the City Council with a brief overview of the latest version of the memorandum.

Joshua Deaton of Fresh Harvest presented a brief overview of the memorandum he sent to the City Manager.

The Council briefly discussed this item.

Amy Medford presented her comments on this item.

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

6. NEW BUSINESS

A. Discussion of a Memorandum of Understanding from AboutFace-USA, Incorporated to allocate \$22,100.00 in ARPA funds for the "Project GROW" program.

This item was removed from the agenda and will be placed on the July 5, 2022 City Council Work Session.

B. Discussion to consider a variance request from Zac Harrison for the property located at 3747 Market Street, Clarkston, GA 30021, zoned NR-1, Low Density Neighborhood Residential to reduce the required side setback requirement of 10 feet for an accessory structure to 2 feet to expand the use to an accessory dwelling unit. (*Public Hearing July 5, 2022*).

City Manager, Shawanna Qawiy stated this item was to consider a variance request from Zac Harrison for the property located at 3747 Market Street, Clarkston, GA 30021, zoned NR-1 , Low Density Neighborhood Residential to reduce the required side setback requirement of 10 feet for an accessory structure to 2 feet to expand the use to an accessory dwelling unit. (*Public Hearing July 5, 2022*).

A variance request from the terms of the ordinance must not be contrary to the public and must be evaluated based on the six criteria points. A variance may be granted in an individual case of unnecessary hardship upon a finding by the City Council that all of the following conditions exist: there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; such conditions are peculiar to the particular piece of property involved; such conditions are not the result of the actions of the applicant; a literal interpretation of the provisions of this ordinance would create an unnecessary hardship; the variance requested will not cause substantial detriment to the public good nor impair the purposes or intent of the zoning ordinance; and the variance is not a request to permit a structure or use of land not authorized in the applicable district.

Staff recommended denying the variance requests and the Planning and Zoning Board recommended approving the variance request.

The Council briefly discussed this item.

Amy Medford presented her comments on this item.

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

C. Discussion of SPLOST 08 Market Street Resurfacing and Sidewalks Change Order #4.

City Manager, Shawanna Qawiy stated this item is to discuss Change Order #4 for the Market Street Sidewalks and Resurfacing Project to determine which option for a permeable sidewalk would be beneficial for the protection of tree root zones two (2) locations on Market Street. The consultant engineering team identified several trees within the city's right of way that require the use of permeable sidewalks for protection of tree root zones at two (2) locations on Market Street. The two locations are Market Street are between Rogers Street and Rowland Street and near DeBelle at the easeabout. Permeable materials allow for transport of water to critical root zones. Concrete sidewalks restrict the movement of moisture. Two (2) material alternatives and associated specifications were presented to Ohmshiv for pricing purposes. These materials would replace the use of concrete for the sidewalks. Both options are acceptable materials for sidewalk use that will require periodic maintenance to ensure that the void spaces within the materials do not get clogged over time.

Option #1- perkEpave is recycled asphalt tires that are shredded and bound together by heat and adhesive material; similar to materials used for running tracks, walkways, and trails, etc. The material is very permeable (Over 2,000 gal per hr. per sq. ft.), its ADA compliant, slip resistant, flexible, and crack resistant. All colors are available except for concrete. The cost for the perkEpave is \$17,150.

Option #2 Porous Concrete is not as porous as the recycled tire material and is sufficient for the use as a permeable sidewalk. The color of the porous concrete is the same as regular concrete products. The cost is less than the recycled tire material at \$11,700.

The consultant city arborist indicated either product is sufficient to protect the root zone of the specimen hardwood trees at both locations.

The availability of the perkEpave product is 4-5 weeks for delivery from the notice to purchase for installation in August. The porous concrete can be available within 2-3 weeks upon notice to purchase..

Staff recommends installing porous concrete at \$11,700.

The Council briefly discussed this item.

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

D. Discussion of a resolution for the issuance and sale of a Tax Anticipation Note (TAN) in the amount of \$500,000.

City Manager, Shawanna Qawiy stated this item is to consider adopting the attached Resolution Authorizing, Among Other Things, the Issuance and Sale of a Tax Anticipation Note in the Principal Amount of \$500,000

The City of Clarkston will receive approximately 60% of our total anticipated revenue for fiscal year 2022 between the months of September and December. The majority of this revenue comes from property taxes, insurance premium payments and other taxes. The bulk of this revenue; property taxes and insurance premium payments, is received during the months of September, October and November.

The City recently received the final 2022 tax digest. While we will not receive property taxes until later this year, we have to generate additional available cash flow to cover our payrolls and other budgeted expenditures over the summer months. The use and subsequent reduction in surplus available cash on hand will result in a temporary cash flow problem during the months from August through September if not addressed. (2022 tax proceeds will be remitted from Dekalb County beginning the end of September through November). We have prepared a detailed schedule of monthly cash flow projections for the remainder of 2022 and expect our deficit balance in operating cash to be approximately \$168,000 at the middle of August 2022 and topping out with a deficit balance of \$500,000 by the end of September 2022.

Given that tax proceeds are not received until the 4<sup>th</sup> quarter of the fiscal year within which they are budgeted, this fiscal reality is not unusual. Many Georgia counties and municipalities take advantage of a State Law that authorizes the issuance of a Tax Anticipation Note (TAN), which will allow borrowing funds sufficient to cover the temporary cash flow deficit. Funds borrowed must be repaid in full prior to December 31<sup>st</sup> of each year.

Staff has received a quote from Truist Bank for the issuance of a Tax Anticipation Note in the amount of \$500,000 with an interest rate of 3.47% and an anticipated closing date of July 12, 2022. This is a short-term loan with full payment due of principal and interest on December 31, 2022. The interest rate charged on the principal balance will be 3.47% annually amortized over 166 days. Accordingly, the interest payments to Truist Bank will be approximately \$8,000. Additionally, issuance of a TAN requires preparation of the TAN resolution and other associated legal documents by a bond attorney. The fee for the bond attorney will be \$5,000.

Staff recommended the City Council adopt the Tax Anticipation Note Resolution and associated documents.

The Council briefly discussed this item.

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

- E. Discussion of a resolution amending the FY 2021 Operating Budget from \$12,648,463 to \$12,720,463.

City Manager, Shawanna Qawiy stated this item was to consider adopting the attached Resolution amending the FY2021 Operating Budget. The City of Clarkston approves an annual budget at the beginning of each fiscal year based on projected revenues and expenditures. Throughout the year, various factors influence the budget which impacts projected revenues being realized and which affect necessary expenditures. As part of our annual audit review, the Georgia Department of Accounts and Audits (GDAA) monitors our budget vs. actuals reports at the legal level of control, which for the City of Clarkston is by fund and departmental level. This budget amendment is needed to correct the Final FY2021 Amended budget appropriations based on actual expenditures in FY2021 in order to be in compliance with the GDAA.

Finance Director, Dan Defnall presented a brief overview of FY 2021 Operating Budget and state the City was under budget by \$355,124.

The Council briefly discussed this item.

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

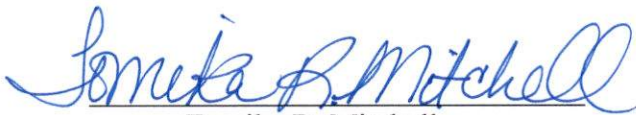
Councilmember Bell inquired about Councilmember Hopkins absence of this meeting and if it was excused or not. She also requested clarity on Councilmember Hopkins excused absence.

#### 7. ADJOURNMENT

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

The meeting adjourned at 8:34 p.m.

ATTEST:



Tomika R. Mitchell  
City Clerk



Beverly H. Burks  
Mayor