City of Norcross

65 Lawrenceville Street
Norcross, GA 30071

Meeting Minutes

Tuesday, January 16, 2024

6:30 PM

2nd Floor Conference Room

Policy Work Session

Mayor Craig Newton
Mayor Pro Tem Bruce Gaynor
Councilmember Andrew Hixson
Councilmember Josh Bare
Councilmember Matt Myers
Councilman Marshall Cheek

A. Roll Call (recorded)

Attendee Name	Title	Status	Arrived
Craig Newton	Mayor	Present	
Bruce Gaynor	Mayor Pro Tem	Present	
Andrew Hixson	Councilmember	Present	
Josh Bare	Councilmember	Present	
Matt Myers	Councilmember	Present	
Marshall Cheek	Councilman	Present	

Policy Work Session was called to order at 6:34 PM by Mayor Craig Newton

B. Citizen Input

C. Board Updates

D. General Updates

Public Safety Building Concept Sketch - Kelley Brown w/Turner & Townsend Heery, Allison Hardy – Sr. Project Manager w/CROFT, Eric Pettingill – Project Architect (lead) w/CROFT

E. Council - General Discussion

F. City Manager's Report

G. Board Appointments

Mayor and Council will consider appointments/reappointments to the following board, authority or commission:

Zoning Board of Appeals (1 Vacancy / 1 Application)

H. Items for Discussion

1. 24-6906: Sponsorship Request - Norcross Gallery & Studios

RESULT:	**THIS MATTER WAS REFERRED TO** **Next: 2/5/2024 6:30 PM**
TO:	Mayor and Council

2. 24-6907: Parks Connectivity Cleanup

RESULT:	**THIS MATTER WAS REFERRED TO** **Next: 2/5/2024 6:30 PM**
TO:	Mayor and Council

3. 23-6885: SUP 2023-003 – 5676 Jimmy Carter Boulevard

RESULT:	**THIS MATTER WAS REFERRED TO** **Next: 2/5/2024 6:30 PM**
TO:	Mayor and Council

4. **24-6908: Mitchell Road Post Office Detention Pond Fence**

RESULT:	**THIS MATTER WAS REFERRED TO** **Next: 2/5/2024 6:30 PM**
TO:	Mayor and Council

5. **24-6911: Public Safety Building Sustainability Options**

RESULT:	**DISCUSSED**

6. **24-6909: Industrialized Home Guidelines**

RESULT:	**THIS MATTER WAS REFERRED TO** **Next: 2/19/2024 6:30 PM**
TO:	Policy Work Session

7. **24-6910: Work Session Discussion**

RESULT:	**DISCUSSED AND REFERRED TO THE CITY MANAGER FOR FOLLOWUP**

8. **23-6876: Review and Revision of Charter Language**

RESULT:	**THIS MATTER WAS REFERRED TO** **Next: 1/29/2024 6:30 PM**
TO:	Special Called Meeting

I. Adjourn to Executive Session for Personnel, Real Estate, or Legal

A motion to adjourn was made by Councilmember Bare at 11:10 PM, seconded by Mayor Pro Tem Gaynor. The vote was unanimous.

J. Signed by: _____ Mayor Craig Newton

K. Attest: _____ Monique Philip, City Clerk

MAYOR **CRAIG NEWTON** · MAYOR PRO TEM **BRUCE GAYNOR** · COUNCILMEMBER **ANDREW HIXSON** · COUNCILMEMBER **JOSH BARE**
COUNCILMEMBER **MATT MYERS** · COUNCILMEMBER **MARSHALL CHEEK** · CITY MANAGER **ERIC JOHNSON** · CITY CLERK **MONIQUE PHILIP**

Agenda Report

To: Mayor and Council

From: Norcross Gallery & Studios

Meeting Date: January 16, 2024 - Policy Work Session

Item No.: 24-6906

Title: Non-Profit Contribution to Norcross Gallery & Studios

CC: Eric Johnson, City Manager

Recommendation I Consider approval of a contribution of up to $2,600 to Norcross Gallery & Studios for the purpose of covering costs associated with NORCROSS--LIFE THROUGH THE LENS photo contest and exhibits.

Background Norcross Gallery & Studios submitted a Community Request for Funding Form to the City of Norcross to assist with a contest and exhibitions from September 14—October 31, 2023.

Financial Impact $2,600. Funds would come from the $20,000 set aside by Mayor and Council FY24 budget to support non-profit funding requests.

Consistent with Comprehensive Plan? (If applicable, please select which goal applies)
Yes, consistent with Goal 6.
Furthers the City's Tradition of Strong Leadership and High Level of Quality Services

Next Steps

Funding will be available as reimbursement if approved by City Council at the February 5 City Council Meeting.

65 LAWRENCEVILLE STREET, NORCROSS, GEORGIA 30071
(678) 421-2027 **UPSTAIRS CITY HALL** (770) 242-0824 **FAX** (770) 448-2111 **POLICE DEPARTMENT**
http://www.norcrossga.net

Attachment: Agenda Report - Non-Profit Contribution to Norcross Gallery & Studios (24-6906 : Sponsorship Request - Norcross Gallery &

Attachments
Community Sponsorship Application - NGS
Request for Funding Description

Update

City of Norcross Community Request for Funding Form

Please complete the following form, giving as much information as possible.

Section 1: Contact Information

Name of organization:	**Norcross Gallery & Studios**
Address:	**116 Carlyle Street**
Main contact:	Anne Hall
Position in organization:	Director
Address (if different from above):	
Email:	annehallstudio@yahoo.com
Daytime telephone number:	215-715-4307

Section 2: About your organization

2.1 Is this organization a registered non-profit organization? Yes x□ No □

If no, does your organization have a constitution/ rules which it follows? Yes* □ No □
*If yes, please include a copy in your application.

2.2 Who does this organization support/benefit?

Everyone with an interest in art, from professional artists to the art curious.

Note: City of Norcross seeks to support charities, non-profit organizations and community groups whose impact pursues to provide positive community development but will view any application form on a case by case basis.

2.3 What are the aims of this organization and what kind of activities/projects does it run?

Attachment: Community Sponsorship Application - NGS (24-6906 : Sponsorship Request - Norcross Gallery & Studios)

Our mission is to provide artists creative opportunities and professional resources, thus advancing the cause of Fine Arts awareness and education in the artistic and local communities. We present exhibitions in our gallery and outside venues, offer classes and workshops, hold open studios, and develop outreach programs to further our cause.

2.4 Description of how the Donation Request Amount will be of benefit to the Norcross Community?

We premiered a citywide photography competition, Norcross: Life through the Lens, inviting every member of the community to submit photographs free of charge for exhibitions in multiple locations in Norcross. This provided an opportunity for prizes and ribbons for photographs selected by a jury of professional photographers, and a People's Choice award voted on by the community.

Section 3: The Need

3.1 How much funding is the organization requesting for the Donation?

$2,600

3.2 Does this Funding from the City of Norcross include Sponsorship for the organization?
Yes x□ No □

If yes, please explain the current sponsorship display format: (Example: City of Norcross Logo in the weekly bulletin?) City of Norcross logo appeared on the web pages and posters printed.

Section 4: Confirmation

For our information please specify where you heard about City of Norcross funding initiative:

For us to process your application please ensure you have:

- Answered all questions on this form
- Signed the form
- Enclosed a copy of your constitution/non-profit designation if necessary

Attachment: Community Sponsorship Application - NGS (24-6906 : Sponsorship Request - Norcross Gallery & Studios)

NORCROSS
a place to imagine

• **The Management Committee (or equivalent) of the organization have agreed to the submission of this application.**	
Signature:	Anne Hall
Print name:	**Anne Hall**
Date:	January 7, 2024

City of Norcross Administrator only: Verifies that a City of Norcross Admin has reviewed this application form.		
Signature:		
Print name:		
Date:		

Attachment: Community Sponsorship Application - NGS (24-6906 : Sponsorship Request - Norcross Gallery & Studios)

Green Community

Norcross Gallery and Studios requests funding for a major project designed to engage every member of the City of Norcross. We have already secured a grant of $3,000 for the project from the Gwinnett Creativity Fund, a sponsorship of $1,500 from Keller Williams agent April MacManus, and a private donation of $400. These funds almost cover our initial outlay to promote the first phase of the project. The narrative below was submitted to the Gwinnett Creativity Fund and has been updated for this submission.

Norcross--La vida através del lente (Norcross--Life Through the Lens) is a city-wide photography competition. We invite every member of the community able to take a picture on a camera or a phone during the July 4 holiday weekend. Our website will be open for submissions free of charge until July 24.. We expect 500-1,000 submissions and plan to accept all except the egregiously objectionable and to display them "clotheslined" in multiple locations to be recruited across the 6.17 square miles of the City of Norcross from September 14-October 31.

A jury of three professional photographers, Tracey Rice, HGay Allen and Pablo Andres Rodriguez, will select the top 40-50 images to be framed and exhibited in our front gallery at 116 Carlyle Street, Norcross. The project will complement plans being made for Artober in Norcross as well as coincide with the annual event, Atlanta Celebrates Photography. Display locations can be featured on the ArtMap so that everyone in this diverse community can share the joy of looking for pictures of the people they love and what they love to do in celebrating our nation's anniversary.

We are developing this project in conjunction with the Norcross Public Arts Commission. Their members Kat Ash, marketing director for Cultivation Breweries, and Sonia Lopez, immediate past president of the Lions Club of Norcross, have been key contributors to the planning process. Management team leader Anne Emerson Hall, formerly VP and director of marketing for the Addison-Wesley Publishing Company, chairs a committee including webmaster and photographer Brendon Lewington, professional photographer Traci Kruger, and Spanish teacher Kathy de Cano, who will translate all communications from English to Spanish to reach the majority Hispanic population.

Briefly discuss the organization and its history and give a short overview of the type of services/programming the organization offers.

Founded in 2006 as Kudzu Art Zone, Inc. this organization serves the cause of Fine Arts awareness, offering creative opportunities and professional resources to artists as well as educational events for the public. During the last 17 years, we have exhibited more than a thousand artworks in over one hundred shows at our gallery and in outside venues in the City of Norcross, held summer camps for underprivileged children and brought nationally known artists to teach workshops. We host receptions for every exhibition in our gallery that are free and open to the public. There are eight exhibitions scheduled there in 2023 as well as ten in Cafe45 South. [Other outside venues with exhibitions that change quarterly or less depending on their preference include the city's

Cultural Arts and Community Center, and popular restaurants Paisano's, the Iron Horse Tavern and Mojitos.] Post pandemic, we have built a schedule of classes that range from introductions to art media to more advanced topics.

Describe the area where the organization is located and the community the organization serves. This community could be defined by geography, age, physical ability, gender, ethnicity, etc., or any combination of these traits.

Right before the pandemic, we changed our trade name to Norcross Gallery & Studios to better reflect our location in Historic Downtown Norcross and our relationship to the City of Norcross. We are a 501(c)3 nonprofit all volunteer organization with 70 members who range from those recognized in the International Association of Artists, a UNESCO partnership; those who have exhibited professionally for decades; to those who are developing their skills in retirement; what they share in common is a love of art and expression. Our members come from various locations in the metro area, from Woodstock, Cumming, Atlanta, Lilburn, Conyers and more.

How does your organization serve underserved communities and how will this project continue to actively engage underserved audiences?

Please provide specific examples. (Note: The answer should not focus exclusively on using an ADA compliant facility or on giving away tickets. Underserved audiences are those groups that lack access to the arts because of any barrier, such as language, geography, economic status, physical ability, etc.)

We have begun implementing recommendations and a white paper on accommodations for special needs provided by a new member who led the accommodation planning process for Georgia State University. In April, we visited Annandale Village to meet with the program director and art teacher in preparation for a painting workshop we held for 10 intellectually challenged adults later that month. We plan to welcome Villagers to similar events in the fall.

This spring we advertised a painting workshop in Spanish taught by a native Spanish speaker. As part of our promotion efforts, we participated in International Night at Summerour Middle School, which has led to more opportunities to bring our art to the student body and to bring the student body to our gallery and studio. It did not result in registrations for our Spanish class, so we recognize we have more to learn about reaching out to the Hispanic community that makes up 47% of the population in Norcross. As we participated in the information gathering phase of the arts master plan process led by Purpose Possible, we learned that the divide between the two sides of Norcross can be characterized as "palpable." It is our strong conviction that our project will take a giant step towards resolving that division, with displays throughout the 6.17 square miles that make up the city.

Describe how your organization demonstrates diversity within your board, leadership/staff, artists, audience and programs.

Please provide specific examples.

The only diversity exhibited in our board is that it is made up 50/50 between artists and community members. Our volunteer leadership is all artists and photographers, 70/30 women and men and all Caucasian. Within our membership are artists born in India, China, Brazil, South Africa, Mexico and Lithuania who came to Atlanta for business and professional opportunities for themselves or family members. What we all share is a love of art and a desire to share that with as many people as we can reach.

As mentioned above, all our offerings are open to the public. As one of the "hidden gems" of Norcross, we are challenged to make our organization and offerings more visible to a greater variety of residents. In January of this year, we began holding a monthly exhibit and reception for the "Artist of the Month" at the invitation of the new owners of Cafe45 South in downtown Norcross, and to participate with them in offering a social event combining wine and painting once a quarter. The attendees at the first such event for Valentine's Day included at least four tables with African American women, a great improvement in exposure for us. The second such event on May 11 a “Sip and Strokes” wine tasting, also attracted a diverse crowd.

How will you ensure the overall quality of the project? How will you ensure that the project is completed successfully? Do you have any partnerships in place for the project?

As described in the answer to the first question, we have a highly qualified team who have been involved in planning for the last five months.We have provided postcards and/or hung posters in close to 140 locations in Norcross and Peachtree Corners; promoted through Facebook and Instagram ads; reached out to the Peachtree Corners Photography Club, Southwest Gwinnett Chamber of Commerce, Korean American Association, and Latino Lions. Our project is intended to be as open and welcoming as possible with no entry fee and minimal criteria for acceptance. Peachtree Corners and Southwest Gwinnett magazines have become our in-kind media sponsor. Anne Hall and Sonia Lopez appeared in two bilingual Facebook Live interviews filmed by Pedro Valdosiera. In addition, a team of six will distribute reminder cards during the firework celebration in Thrasher Park the evening of July 3.

Our crucial next steps are:

1) ***securing funding or donations to print and mount photographs for display—$200.***
2) ***finding locations for “clothesline” displays across the city—$380.***
3) ***purchasing necessary supplies to mount the displays—$250.***
4) ***printing signs to identify the locations—$300.***
5) ***additional social media promotion—$100.***
6) ***holding a reception to announce winning pieces selected by the jury—$400.***
7) ***providing honoraria to our three jurors for their contributions of expertise and time, which we expect to total 18 hours apiece—$300.***
8) ***purchasing ribbons and writing checks to the five award winners—$670.***

Attachment: Request for Funding Description (24-6906 : Sponsorship Request - Norcross Gallery & Studios)

Total requested: $2,600 for which we will provide a report in full with paid invoices from each provider.

We will continue actively seeking more sponsors and donations.

Give an example of recent programming that demonstrates high quality work.

Please provide details of the event such as location in Gwinnett where the event took place, dates, communities served, etc.

We developed an exhibition of artwork by the advanced placement art and International Baccalaureate students of Norcross and Paul Duke STEM high schools during the last four months. Thanks to a partnership with the City of Norcross Downtown Manager, the exhibition was mounted at the city property, The Rectory.

Five teachers collaborated with us to plan and schedule the event working around the end of year requirements for the students' portfolio submissions to the College Board. We raised the funds to put on the exhibition and make awards through our annual fundraiser, Norcross Squares, and by appealing to members and organizations in the City of Norcross as well as friends of the gallery. These include the Heart of Norcross business association and the Southwest Gwinnett Chamber of Commerce as well as several individuals. On Friday, May 5, the teachers and 24 students hung and displayed the artworks the students chose to exemplify their years' work.

Professional gallerist Mark Karelson, founder and owner of Buckhead's Mason Fine Arts and Events juried the exhibition and was so impressed by the overall quality that he donated his honorarium back so that every student artist received an award. He selected four artists based on the artistic merits of their work who received ribbons, generous gift cards from art supply store Sam Flax, and cash awards from the gallery for honorable mention, third, second and first place. A fifth award was made for People's Choice when the ballots were counted—a record high number for us of 64 votes cast.

At the reception on Sunday, May 7, five students selected by their teachers each received merit awards according to the criteria of each teacher. In addition, an anonymous donor selected two recipients of awards to recognize their artistic achievements and to encourage their future development. The top award was a memorial prize provided by the daughters of a late member. The winner was selected by an artist who knew the member, her artwork and values, and who had taught high school art.

The reception and awards ceremony were attended by close to 80 friends and family. Altogether, the prizes and awards totaled $1,400, which represents the encouragement and accolades our community wished to bestow on young artists. Based on the quality of their artwork, the winners included those of Mexican, Taiwanese, Nigerian and Chinese ancestry.

Community Impact

Why are you undertaking this project? How will the community you serve benefit from this project?

As we participated in the information gathering phase of the arts master plan process led by Purpose Possible for the Norcross Public Arts Commission, we learned that the divide between the two sides of Norcross can be characterized as "palpable." It is our strong conviction that our project will take a giant step towards resolving that division, with displays throughout the 6.17 square miles that make up the city. We selected the national holiday for our first foray into a citywide photography competition because we know the firework display on July 3 is very popular and we believe that many families celebrate together on July 4. Our hope is that all Norcross will join in the spirit of "la familia" by sharing their photos with all of us.

How did audience and community input inform the organization's decision to do this project?

Since the project was conceived by Norcross Gallery & Studios member Anne Labaire, we presented it formally to the Norcross Public Arts Commission in fall 2022. We have attended subsequent monthly meetings to gather further input and from them we gained two team members. In more casual conversations with community members in the organizations named above, we have gathered support for the premise. The city's marketing agency Accent Creative has provided advice and ideas of the best ways to communicate through city channels, and their translator is double-checking the work of our translator.

Goals

What is the specific goal/outcome for the project and how will you determine that the goals have been met?

We aim to
-- collect from 500-1000 entries
--display them in as many locations as it takes and/or that we can recruit
--motivate the friends and families (and subjects) of the photographers to visit the displays
--triple the typical number of attendees at the reception we will hold for the exhibition of the photos accepted for the gallery. (We average 70 during a two-to-three-hour period, and our capacity is 150, so we best hope the 210 attendees we desire will space themselves out)
--garner unearned coverage from at least two major media outlets in the metro area.

MAYOR **CRAIG NEWTON** · MAYOR PRO TEM **BRUCE GAYNOR** · COUNCILMEMBER **ANDREW HIXSON** · COUNCILMEMBER **JOSH BARE**
COUNCILMEMBER **MATT MYERS** · COUNCILMEMBER **MARSHALL CHEEK** · CITY MANAGER **ERIC JOHNSON** · CITY CLERK **MONIQUE PHILIP**

Agenda Report

To: Mayor and Council

From: Dr. James Trent, IT Director

Meeting Date: January 16, 2024 – Policy Work Session

Item No.: 24-6907

Title: Parks Connectivity Cleanup

CC: Eric Johnson, City Manager

Recommendation
Regarding public safety, the IT Department requests funding to replace numerous broken cameras and connectivity fully restored: Thrasher, Lillian Webb, Pinnacle, Summerour, and Rossie Brundage Park.

Background
Our current vendor, GC&E, was asked to perform an audit of our existing surveillance system. Several areas have legacy or broken equipment and need to be replaced to maintain 24/7 monitoring of our public spaces. Surveillance footage at the following parks: Thrasher, Lillian Webb, Pinnacle, Summerour and Rossie Brundage continues to have intermittent connectivity impacting the police department. Updating the equipment at each site will enhance our security posture, reduce bandwidth over the existing wireless network, and increase camera quality and uptime.

Financial Impact
This project will be funded using 2017 SPLOTS.

Consistent with Comprehensive Plan? (If applicable, please select which goal applies)
This project is consistent with Goal 1: Continues to define Norcross' sense of place and
Goal 2: Continues to Strengthen Norcross as a Livable, Inclusive, and Safe Environment

Next Steps
Mayor and Council to approve this expenditure as quoted of $71,105.33 from GC&E to begin work on this project.

Attachment: Agenda Report- Parks Connectivity Cleanup (24-6907 : Parks Connectivity Cleanup)

65 LAWRENCEVILLE STREET, NORCROSS, GEORGIA 30071
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Attachments
Parks Connectivity Cleanup - GC&E Systems Group, LLC. Proposal

Update

Attachment: Agenda Report- Parks Connectivity Cleanup (24-6907 : Parks Connectivity Cleanup)

Parks Connectivity Cleanu

2306-TB-01

Revision: 3
Modified: 12/29/2

Presented By:

GC&E Systems Group, LLC
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Suite A
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(770) 448-3908
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Presented T

City of Norcr
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IT Direc
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Attachment: Parks Connectivity Cleanup - GC&E Systems Group, LLC. Proposal (24-6907 : Parks Connectivity Cleanup)

This proposal includes data that will not be disclosed outside the Customer and will not be duplicated, used, or disclosed – in whole or in part – for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this offered as a result of – or in connection with – submission of this data, the Customer will have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Customer's right to use informat it is obtained from another source without restriction. The data subject to this restriction are contained in all sheets.

Introduction: Company Background and Experien

Founded in 1999, GC&E Systems Group, LLC (GC&E), headquartered in Peachtree Corners, GA, is a wholly owned subsidiary Bristol Bay Native Corporation (BBNC), an Alaska Native Corporation headquartered in Anchorage, AK. GC&E specializes Electronic Security, Information Technology (IT), and Telecommunication Solution Design and Installation in the federal, stat and local markets.

Our team includes more than 300 technical professionals, including Network/System Architects and Engineers, Registere Communication Distribution Designers, Project Managers, Security System Installation Technicians, Electricians, and oth technical professionals who are seasoned veterans in our industry. While there are many companies capable of providing tl services requested, few have our proven combination of unique experience, range of expertise, and technical insights to addre all facets of your requirements. In fact, GC&E may be one of a very few firms across the country that possess the broad range expertise and experience that will be required to successfully perform this project.

Why GC&E?

- GC&E is a full-service electronic security systems integrator, which provides technically complex and innovative video surveillance, access control, intrusion detection, intercom, panic, mass notification, perimeter security, biometric, and other security solutions
- GC&E provides turnkey solutions, from the initial needs assessment and consultation, to systems engineering, design, and provisioning, through installation, and on-going system operations and maintenance, through the providing of preparedness and safety training programs
- GC&E has established partnerships with multiple electronic security system manufacturers enabling GC&E to be manufactur and technology neutral
- GC&E possesses diverse project experience and expertise gained through the performance of over 8,000 electronic security projects over the last 10 years, which range in value from a few hundred dollars to over $3.5 million dollars
- GC&E employs industry-recognized management and leadership with more than 100 years of combined electronic security experience and original equipment manufacturer trained and certified installation technicians and engineers
- GC&E has experience working in all major markets including Education; Federal, Civilian and Defense; State, Local, and Coun Governments; Law Enforcement and Correctional Institutions; Health Care; Commercial and Office; Critical Infrastructure (utilities); Manufacturing; and New Construction
- GC&E is a licensed security, electrical, and low voltage contractor
- GC&E employs seven (7) Building Industry Consulting Services International (BICSI) Registered Communications Distribution Designers
- GC&E Quality Management System is ISO 9001 certified

Attachment: Parks Connectivity Cleanup - GC&E Systems Group, LLC. Proposal (24-6907 : Parks Connectivity Cleanup)

Scope of Wo

Solution Summary

To provide for the on-site storage of the video surveillance systems at Trasher, Brundage, Pinnacle, Lillian Webb, and Summerc Parks for the City of Norcross. This will help reduce bandwidth over the existing wireless network and increase camera quality and uptime at each park location.

Installation Approach

Each of the five (5) parks will have a centralized enclosure installed that will house one (1) each 5-port switch, one (1) BCD Archiver video server, and one (1) APC UPS. LAN/WAN connectivity will be provided by the City of Norcross that Archiver units will connect to. Camera connectivity via wireless radios and fiber within each park location will remain and terminate back to the centrally installed Genetec Archivers. The existing cameras will be programmed into the new servers and can be accessed remotely. The following archiver servers wil be installed at each location:

Thrasher Park:
BCDT03-ELVS-I5-12TB-12

Brundage Park:
BCDT03-ELVS-I5-8TB-8

Pinnacle Park:
BCD208-PVS-310-112T-16

Lillian Webb Park:
BCDT03-ELVS-I5-48TB-16

Summerour Park:
BCDT03-ELVS-I5-60TB-20

Attachment: Parks Connectivity Cleanup - GC&E Systems Group, LLC. Proposal (24-6907 : Parks Connectivity Cleanup)

Use or disclosure of data contained on this sheet is subject to the restrictions of the title page of this response document.

Warran

Upon substantial completion of the project, GC&E provides a one (1) year warranty on parts and labor.

To receive product replacement and or warranty support, the customer is required to comply with the manufacturer's standar product registration process as well the standard product return policy that may include prior contact with manufacturer Technical Support, returning defective materials in the original packaging along with all original connectors, cable assemblies, connectors, and all original documentation.

Warranty Coverage does not include damage or malfunction due to accident, acts of nature (including lightning strikes), improper operation, power surge/loss, misuse, neglect, unauthorized modification or repair or use in a manner for which the equipment was not intended or required re-calibration, for any reason, after the project has been signed off as complete. Nor does it cover technician services for troubleshooting, removing or replacing any failed component not covered by this warranty

General Assumptions and Clarificatio

Project Exclusions

- Cameras
- Licenses
- Fixing existing wireless radio connectivity or radio repairs
- Bid, Payment and Performance bond costs
- Monitors, workstations, and hard drive storage
- Troubleshooting of existing network, power, and grounding issues
- Correcting of existing code violations
- Electrical outlets
- Engineered surveying and drawings
- Costs for independent inspections and testing
- Union labor, escorts, specific wage rates, or certified payroll
- Items that are not specifically listed in this quote
- Network equipment including connectivity between closets, switches, patch panels, and SFP's/GBIC's
- Servicing of cameras

Project Assumptions and Clarifications

- Pricing is contingent on the project being award as a whole
- Customer is tax exempt
- Pricing is in accordance with Georgia State contract 99999 -SPD0000172-007
- Labor includes Project Management
- This quote is valid for 30 days from the date of quote
- All work will be done during normal business hours
- Existing wireless system and fiber backhauls to centralized Server location within each park are in working condition
- Space will be available for new equipment
- The existing equipment and/or cable is functional and in normal operating condition
- No material will be ordered without approved submittals
- Manufacturers, part numbers, and MSRP pricing are subject to change due to availability and technology changes
- Existing 120v outlets will be used
- Internet Service at each park location provided and installed by owner prior to GC&E project start

Attachment: Parks Connectivity Cleanup - GC&E Systems Group, LLC. Proposal (24-6907 : Parks Connectivity Cleanup)

Use or disclosure of data contained on this sheet is subject to the restrictions of the title page of this response document

Terms and Conditio

1. **TAXES**: Prices exclude (unless otherwise noted in the proposal) all duties, taxes, tariffs, or other governmental charges that now are, or hereafter may be imposed upon the sale or use of the Products or Services. All such duties, taxes, tariffs, or other charges paid by GC&E shall be for Purchaser's account. Any exemption claimed paid by GC&E shall be for Purchaser's account. Any exemption claimed from the application of such duties, taxes, tariffs, or other charg should be plainly designated on the face of orders placed with GC&E and accompanied by exemption certificates where required. If during the duration of any contract/project there is an increase or decrease from the quoted tax amount due to changes by the corresponding local/county/state entities that amount will be passed through to the customer at cost.

2. **PRICE VALIDITY**: The prices set forth in this proposal are predicated on receipt of a contract or Purchase Order within 15 days from the date of this proposal. If 15 days have passed and performance is required, GC&E reserves the right to revise the pricing in this proposal to reflect current material and labor market prices and current site conditions.

3. **PURCHASER SPECIFICATIONS**: GC&E Systems Group assumes no liability for any errors or omissions in any specification provided by the purchaser, including any errors or omissions made by GC&E in the interpretation of any such specifications. Any items included in any specification provided by the purchaser and not listed and priced on GC&E's proposal are not part of this Agreement.

4. **LIQUIDATED DAMAGES**: GC&E will not be responsible for any liquidated damages other than those attributed to delays caused solely by GC&E. If GC&E i one of several contractors responsible for delays, GC&E will only be responsible for a pro rata share of liquidated damages to the extent attributable to or cause by GC&E. GC&E will not be responsible for any liquidated damages in an amount greater than that actually assessed against GC&E.

5. **CANCELLATION**: This Agreement cannot be cancelled or postponed by the Purchaser except with GC&E's consent and upon terms that will indemnify GC&E against loss. Accordingly, Purchaser shall pay GC&E the greater of (i) a charge equal to 10% of its total price or (ii) reasonable cancellation charges, GC&E's anticipated profit, restocking fees, and expenses already incurred by GC&E in performing or preparing to perform the work required by Purchaser's order, as invoiced by GC&E. GC&E Systems Group reserves the right to cancel this Quotation Agreement if excessive downtime is encountered which, in th discretion of GC&E, is beyond its control (limited access to work area, training, etc.) or if customer fails to comply with any term of this agreement. The GC billable rate for downtime is per GC&E standard rates.

6. **INSPECTION**: Within five business days of receipt of the Products and Services, Purchaser shall inspect the Products and Services to check for shortages c any other nonconformity. Unless Purchaser shall thereafter notify GC&E in writing of any nonconformity (other than that relating to loss or damage in tran which claims will be made directly to the carrier) within ten days of inspection, Purchaser shall be deemed to have accepted the Products and Services without any qualifications and cannot, thereafter, reject the Products and Services for any reason. In any event, Products and Services accepted and used shall be deemed to have been accepted in good condition and in compliance with the specification and order therefore.

7. **GOVERNING LAW**: The terms of this quotation shall be governed and interpreted in accordance with the laws of the State of Alaska. If any provision of t Quotation Agreement shall be held by a court of competent jurisdiction to be contrary to law, the remaining provisions shall remain in full force and effect.

8. **EXISTING CODE VIOLATIONS**: Existing code violations requiring correction by the local authority inspectors is the responsibility of the customer and is nc included in GC&E's pricing.

9. **PAYMENTS**: Payment is due Net 30.

10. **CREDIT CARD PAYMENTS**: Payments rendered by credit cards will be subject to an additional 3% convenience fee that will be added to the balance bei paid.

11. **DELINQUENT PAYMENTS**: If any amount owning to GC&E under the terms hereof is not paid when due, interest shall accrue on any unpaid balance at a rate of 1.5% (1% for Georgia customers per O.C.G.A. § 13-11-2) simple interest every thirty (30) days. Additionally, in the event full payment is not made a GC&E is required to institute legal proceeding in order to collect amounts owing hereunder, the party against whom enforcement is sought shall be require to reimburse GC&E for all reasonable costs of collection, including attorneys' fees, if GC&E is ultimately successful in prosecuting its claims.

12. **DISCLAIMER**: In no event shall GC&E Systems Group be responsible for any direct, indirect, incidental, special or consequential damages, including loss profits, revenue, and/or data, incurred by any party to the agreement, or any third party, resulting from the usage of products or services supplied under tl Quotation Agreement, even if such party has been advised of the possibilities of such damages.

13. **ACCEPTED**: This Quotation Agreement and any exhibits attached hereto constitutes the entire agreement between parties concerning the subject mat hereof, superseding all prior negotiations, discussions and agreements, oral or written. The above prices, specifications and all conditions are satisfactory a are hereby accepted. GC&E is authorized to do work as specified. Payment will be made as outlined above.

Attachment: Parks Connectivity Cleanup - GC&E Systems Group, LLC. Proposal (24-6907 : Parks Connectivity Cleanup)

Use or disclosure of data contained on this sheet is subject to the restrictions of the title page of this response document.

Bill of Materi

State of Georgia Contract 99999-SPD0000172-007

Description	Qty	UoM	Manuf	Part #	MSRP	% off	Unit Price	Extended P
DIN Rail, 10 inch	5	Each	Altronix	D10	$8.13	25.00%	$6.10	$30
Back-UPS 650VA, 120V, 8 NEMA outlets (4 surge)	4	Each	APC	BE650G1	$143.00	0.00%	$143.00	$572
Smart-UPS, SmartConnect Remote Monitoring,Pure Sine Wave Backup & Surge Protection	1	Each	APC	SMT1500RM2UC	$1,295.00	0.00%	$1,295.00	$1,295
Single Channel 10GbE PoE Protector Shielded RJ45 Connection	10	Each	Ditek	DTK-MRJPOES	$93.00	20.00%	$74.40	$744
Professional 2U 8-Bay Video Recording Server Xeon Silver 4310 - 112TB	1	Each	BCDVideo	BCD208-PVS-310-112T-16	$24,100.00	26.00%	$17,834.00	$17,834
Entry Level 3-Bay Tower Video Recording Server Core I5 - 12TB	1	Each	BCDVideo	BCDT03-ELVS-I5-12TB-12	$4,700.00	26.00%	$3,478.00	$3,478
Entry Level 3-Bay Tower Video Recording Server Core I5 - 48TB	1	Each	BCDVideo	BCDT03-ELVS-I5-48TB-16	$6,990.00	26.00%	$5,172.60	$5,172
Entry Level 3-Bay Tower Video Recording Server Core I5 - 60TB	1	Each	BCDVideo	BCDT03-ELVS-I5-60TB-20	$7,750.00	26.00%	$5,735.00	$5,735
Entry Level 3-Bay Tower Video Recording Server Core I5 - 8TB	1	Each	BCDVideo	BCDT03-ELVS-I5-8TB-8	$4,510.00	26.00%	$3,337.40	$3,337
Wall Mount Cabinet, 24x24x36	1	Each	Hoffman	EWMS242436	$1,048.00	5.00%	$995.60	$995
							Sub Total	$39,194

Attachment: Parks Connectivity Cleanup - GC&E Systems Group, LLC. Proposal (24-6907 : Parks Connectivity Cleanup)

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Attachment: Parks Connectivity Cleanup - GC&E Systems Group, LLC. Proposal (24-6907 : Parks Connectivity Cleanup)

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Bill of Materi

State of Georgia Contract 99999-SPD0000172-007 Cost+20%

Description	Qty	UoM	Manuf	Part #	GC&E Cost	Cost + 20%	Extended P
4Ft X 4Ft Fire-Retardant Backboard, Gray	1	Each	DCO	BB4X4	$123.19	$147.83	$147.8
5-Port 10/100/1000BASE-T Gigabit Hardened Unmanaged Ethernet Switch	5	Each	EtherWAN	EX42905	$341.18	$409.42	$2,047.1
30W/1.5A DIN-Rail 24VDC Industrial Power Supply	5	Each	EtherWAN	HDR-30-24	$44.17	$53.00	$265.0
Cat 6 STP Patch Cable, 3', Black	10	Each	Lynn	PC6S03-BK	$4.69	$5.63	$56.3
Cat 6 STP Patch Cable, 7', Black	10	Each	Lynn	PC6S07-BK	$12.32	$14.78	$147.8
Poycarbonate Enclosure with A/C and Heat, 24 x 24 x 10, Opaque	4	Each	Safety Technology International (STI)	EP242410-O2	$3,232.69	$3,879.23	$15,516.9
Misc Installation Materials, Shipping, Handling, Lift, Etc	1	Lot	Misc Items	Misc Items	$2,893.77	$3,474.28	$3,474.2
						Sub Total	$21,655

Attachment: Parks Connectivity Cleanup - GC&E Systems Group, LLC. Proposal (24-6907 : Parks Connectivity Cleanup)

Use or disclosure of data contained on this sheet is subject to the restrictions of the title page of this response document.

Project Summa

Project Summary	
State Contract Equipment:	$39,194.10
Cost + 20% Equipment:	$21,655.23
State Contract Labor:	$10,256.00
Sub Total:	$71,105.33
Estimated Tax:	Exempt
Grand Total:	**$71,105.33**

I have read all of the project scope information and fully understand the quote in its entirety. I have also had the opportunity t request clarification on any and all items listed in this document. I have full authority to execute this agreement and enter intc contract with GC&E Systems Group to furnish labor and materials for the project scope as listed above.

Company: City of Norcross
Printed Name:
Signature:
Title:
Dated:

I have fully coordinated, reviewed, and/or clarified all project scope information listed above with the customer.

Company: GC&E Systems Group, LLC
Printed Name: Scott Johnson
Signature:
Title: Senior Account Manager
Dated:

Attachment: Parks Connectivity Cleanup - GC&E Systems Group, LLC. Proposal (24-6907 : Parks Connectivity Cleanup)

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MAYOR **CRAIG NEWTON** · MAYOR PRO TEM **BRUCE GAYNOR** · COUNCILMEMBER **ANDREW HIXSON** · COUNCILMEMBER **JOSH BARE**
COUNCILMEMBER **MATT MYERS** · COUNCILMEMBER **MARSHALL CHEEK** · CITY MANAGER **ERIC JOHNSON** · CITY CLERK **MONIQUE PHILIP**

Agenda Report

To: Mayor and Council

From: Kellie Littlefield, Senior Planner
Community Development & Planning

Meeting Date: January 16, 2024

Item No.: 23- 6885

Title: Special Use Permit 2023-002

CC: Eric Johnson, City Manager

Recommendation:

A recommendation to approve SUP 2023-002, Global Mall as an Event Hall. The recommendation comes with conditions outlined by Staff and the Planning and Zoning Board.

Background:

On January 3, 2024, The Planning & Zoning Board reviewed the case for the applicant Aarti Aggarwal the co-owner of Global Mall. The applicant is seeking to open an event center at the proposed location. The property has been operating as an event center previously for the last 20 years. However, the city ordinance has changed. There are no proposed changes to the outside of the building and the property is zoned C-2 under General Business and is currently developed as suites and appropriate parking spaces on 9.6 acres at 1 space per 400 square feet. Most businesses at Global Mall are open Monday – Friday from 8 AM to 5 PM. The new Event Hall will operate later than the 5pm business hours.

Financial Impact:

There is no Financial Impact to the City of Norcross. The owner of the property is providing the space and materials at their expense.

Consistent with Comprehensive Plan?

Attachment: Agenda Report Template - SUP2023-003 – 5676 Jimmy Carter Boulevard (23-6885 : SUP 2023-003 – 5676 Jimmy Carter Boulevard)

Yes: Goal1: Continues to define Norcross as a sense of place.

Next Steps:

Attachments:

Special Use Permit Report

Update

Attachment: Agenda Report Template - SUP2023-003 – 5676 Jimmy Carter Boulevard (23-6885 : SUP 2023-003 – 5676 Jimmy Carter Boulevard)

NORCROSS
a place to imagine

Meeting Date: 1/3/2024 at 6:00 PM	Petition Number: SUP2023-002
Project Type:	Change in Ownership - Commercial/Event Hall
Property Location:	5675 Jimmy Carter Blvd
Tax Parcel ID:	R6216 027
Petitioner:	Chiv Aggarwal
Petitioner's Request:	Special Use Permit for an Event Hall in the C-2 zoning district
Recommendation:	**Approval**

Summary

The applicant requests to receive a special use permit to operate an event hall at 5675 Jimmy Carter Blvd.

Timeline

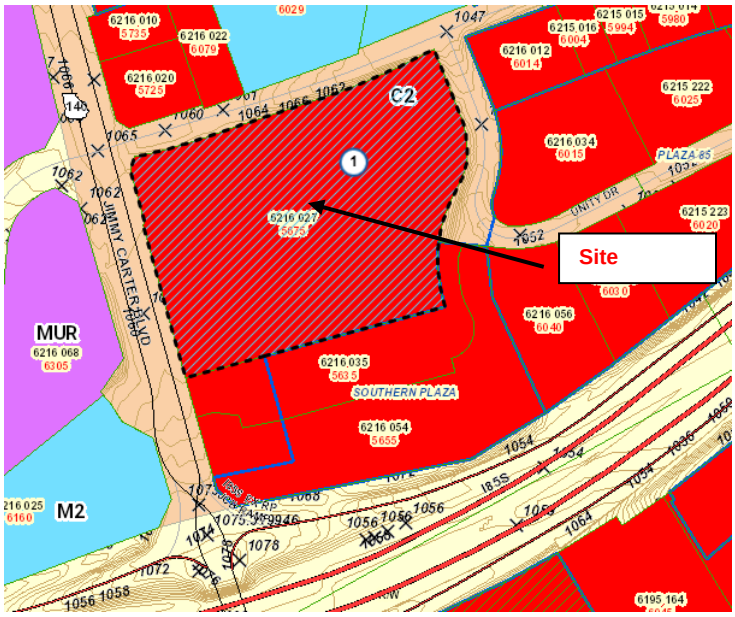
Under the UDO Section 104-3.B special use permit applications require the first review to be by the Planning and Zoning Board, followed by Mayor and Council's policy meeting and the Mayor and Council's regular meeting for final action. Below is the proposed schedule of dates.

Board	Meeting Type	Meeting	Meeting Time	Room
P&Z	Hearing	January 3, 2024	6:00 PM	Community Room 2nd Floor
M&C Policy	Meeting	January 16, 2024	6:30 PM	Conference Room 2nd Floor
M&C Regular	Hearing	February 5, 2024	6:30 PM	Council Chambers 1st Floor

Attachment: SUP2023-003 Staff Report PZ format (23-6885 : SUP 2023-003 – 5676 Jimmy Carter Boulevard)

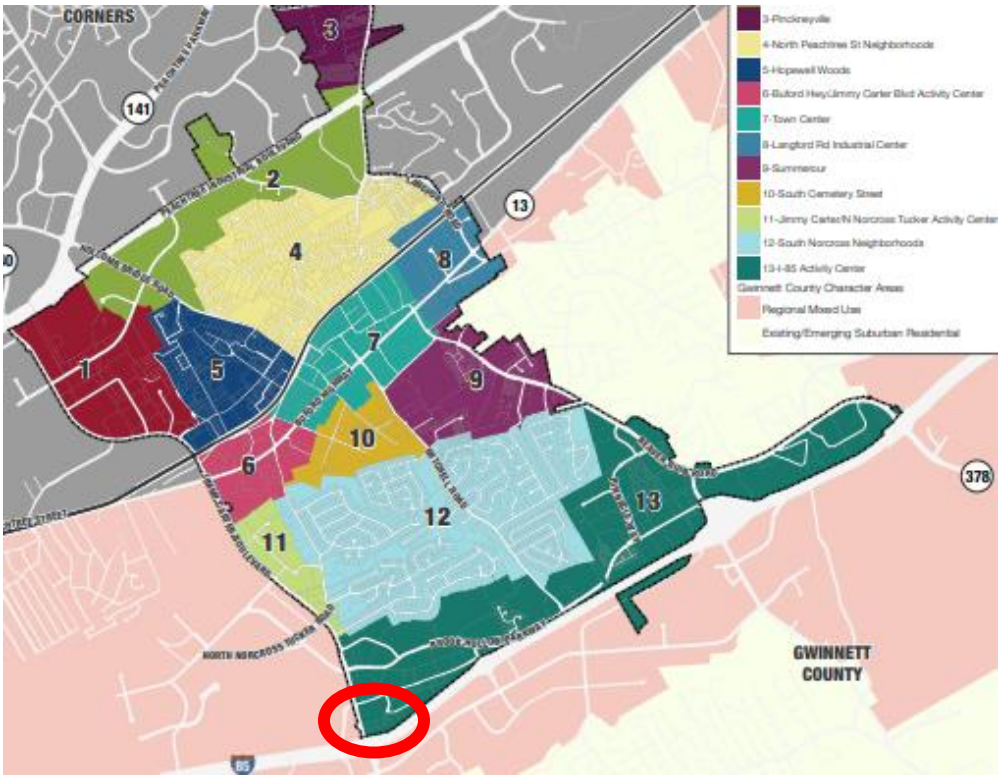
Aerial View

Zoning Map



Attachment: SUP2023-003 Staff Report PZ format (23-6885 : SUP 2023-003 – 5676 Jimmy Carter Boulevard)

Future Development Map



PROPERTY INFORMATION	
Property Location	5675 Jimmy Carter Blvd
Acreage:	9.68 acres
Existing Zoning / Land Use	C-2 / General Business
Proposed Zoning / Land Use	C-2 General Business with a Special Use Permit for an Event Hall
Character Area	I-85 Activity Center
Existing Lot Dimensions:	Frontage: Approximately 533' on Jimmy Carter Blvd Depth: Approximately 776'
Existing Building Dimensions:	Tow Low Rise Office/Commercial Buildings totaling approximately 25,000 SF of gross floor area (gfa)
Topography:	High Point: Northeast corner Low Point: Southwest corner
Elevation:	High Point: 1072 feet Low Point: 1062 feet
Encumbrances:	N/A

Attachment: SUP2023-003 Staff Report PZ format (23-6885 : SUP 2023-003 – 5676 Jimmy Carter Boulevard)

EXISTING ZONING AND LAND USE OF PROPERTIES WITHIN 500 FEET			
Location relative to subject property	**Zoning/Land use**	**Address(es)**	**Land Area (acres) (approximate)**
North	C-2 General Business Southern Plaza	JCB Development Group	0.83 acres
East	C-2 General Business	Baker Homes Inc	1.39 acres
South	C-2 General Business	Southern Plaza	4.2 acres
West	MUR- Mixed Use Residential	Urban Development Agency	99 acres

Applicant's Request

The applicant seeks to open an event center at the proposed location. The property has been operating as an event center previously. There are no proposed changes to the building.

Existing Conditions

The subject property is zoned C-2 (General Business) and is currently developed as suites and appropriate parking spaces on 9.6 acres. The majority of businesses at Indian Trail Center are open Monday – Friday from 8 AM to 5 PM.

Project Description

The applicant seeks a special use permit for an event facility in the C-2 general business zoning district.

ZONING ANALYSIS

Current Zoning

The subject property is zoned C-2, General Business. Adjacent uses include a Convenience Store, retail, and a townhome development in C-2 Zoning districts.

Zoning Request

The C2 general business district is established to provide adequate space in appropriate locations along major streets, thoroughfares and at intersections for various types of business and service uses. These uses should include the retailing of major goods and services, general office facilities and public functions that would serve a community area of several neighborhoods. Development of uses in the district characteristically occupies a larger area than in the C1, neighborhood business district because it is intended to serve a greater population and to offer a wider range of goods and services. Orientation and expansion of this district should occur as an increase in depth at major intersections rather than as a strip-like extension along the street or thoroughfare.

2040 Comprehensive Plan Analysis

The 2040 Comprehensive Plan, the "Comp Plan", is a document that reflects the wishes of the community as acknowledged and adopted by the Mayor and Council. The Comp Plan contains four sections to determine the appropriateness of a zoning action. Those sections are: 1) Table 2.4 a matrix that depicts land uses by character area, 2) specific visions for each of the thirteen-

Attachment: SUP2023-003 Staff Report PZ format (23-6885 : SUP 2023-003 – 5676 Jimmy Carter Boulevard)

character areas, 3) the overarching policy goals for the city, and 4) Land Use Definitions. The subject parcels fall within Character Area 13, I-85 Activity Center.

A. Land Uses by Character Area

Taken from the matrix, the following uses are either specifically detailed in the character area description or considered appropriate according to the matrix:

Character Area 13 – I-85 Activity Center	
Mixed-Use Are	Regional level commercial or office (>50,000 sf)

B. Policy Goals

Under the policy goals the proposed special use permit meets the following criteria:

- *Policy 1-2: Redevelop and enhance existing commercial and industrial areas.*
- *Policy 2-5: Provide pleasant, accessible public gathering places.*
- *Policy 4-6: Support local entrepreneurs in building future ready businesses.*
- *Policy 6-15: Continue to support local arts and cultural events through the provision of facilities, logistics, and marketing efforts.*

C. Character Area Vision

The I-85 Activity Center Character Area contains several points that support the vision of area of which the following applies:

- The mix of uses and intensity is similar to that of Lindbergh Center in Atlanta, where a MARTA station, offices, and numerous restaurants and housing options are located.
- The area has a multi-cultural element that leverages the diversity of the city's population.

D. Land Use Definition

Places of assembly – meeting place at which the public or membership groups are assembled regularly, including but not limited to schools, places of worship, theatres, auditoriums, funeral homes and stadiums.

Attachment: SUP2023-003 Staff Report PZ format (23-6885 : SUP 2023-003 – 5676 Jimmy Carter Boulevard)

Standards Governing the Exercise of Zoning Power

According to Section 103-11, the criteria by which a special use permit action can be approved or denied are as follows:

1) **Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties?**

   Staff is of the opinion that the request to approve a special use permit for an event center is consistent and suitable in view of the use and development of the adjacent and nearby properties. The area in general is developed in a general business development pattern from retail to office spaces and medium density residential. The use of the facility will be by general businesses in the business space and by reservation only for private events in the larger gathering space, which is in keeping with the general development pattern for the area.

2) **Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property?**

   The proposed project for an event center and office space is not anticipated to have any adverse effects on existing uses or usability of nearby properties. The site would have to meet parking standards and all required licensing standards in addition to occupancy limits as determined by the Gwinnett County Fire Marshal.

3) **Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned?**

   The subject property has reasonable economic use as zoned and occupied currently. The property owner could rent the available space to tenants similar to those who already occupy other spaces on site.

4) **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?**

   Staff does not foresee any excessive or burdensome use of existing streets, transportation, utilities, and schools.

5) **Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan?**

   The subject site is located within the I-85 Activity Center Character Area, which is intended as a growing regional center that has convenient access to I-85, is supportive of a major transit hub and celebrates the cultural diversity of the area. Therefore, it meets the intent of the Comprehensive Plan.

6) **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?**

   There are no known existing or changing conditions affecting the use of the property.

Attachment: SUP2023-003 Staff Report PZ format (23-6885 : SUP 2023-003 – 5676 Jimmy Carter Boulevard)

7) Whether the policies and objectives of the comprehensive plan, particularly in relationship to the proposed site and surrounding area align and support the proposal.

The policies and objectives of the comprehensive plan, in relationship to the proposed site and surrounding area, aligns and supports the applicant's request. The site is located more than 500' from any other event facility in the area. In addition, the applicant has stated that evening hour events will be required to provide security for their events to provide an extra level of safety for patrons. The location of the event center is proposed for the front building closest to Brook Hollow Parkway, providing an extra layer of distance from the townhome community to the North.

8) Whether the proposal has the potential for adverse impacts on the surrounding area, regarding, but not limited to traffic, storm drainage, land values and compatibility of land use activities.

The proposed use has two existing commercial grade driveways that serve the subject site to facilitate the traffic into and out of the site, storm drainage is already addressed as the site is already developed. There are no staff concerns for land values or compatibility of land use activities relative to the proposed use of the site.

9) In the case of antennae and towers, the proposal will need to meet the standards listed in subsection 202)z)(5), special use permits.

This criterion does not apply to this request and is therefore not applicable.

Conclusion

The submitted application meets the comprehensive plan expectations as noted by the previously mentioned appropriate land uses, policy goals, and vision in Section C; the proposed development appears to meet the presented policy goals in Section B and it meets the public assembly definition in Section D.

Recommendation

Staff recommends **approval with conditions** of the special use permit for an event center at this location. The applicant is reminded that a special use permit can be considered for revocation, after public notice and a public hearing by the Mayor and Council, should it be determined that there are violations of any Norcross Ordinances with respect to the operations of the business.

1. The applicant is reminded that this approval assumes general conformance with the adopted City of Norcross Architectural and Site Design Standards and Unified Development Ordinance. The applicant and/or builder is responsible for conforming with any specific design standard or UDO code section not addressed in the staff report and Architectural Review Board approval.
2. Any changes in use to the space, or interior finishings, may require a building permit, reviewed by the Planning Department.
3. The owner is responsible for application and any required approvals for the service of alcohol.

Attachment: SUP2023-003 Staff Report PZ format (23-6885 : SUP 2023-003 – 5676 Jimmy Carter Boulevard)

MAYOR **CRAIG NEWTON** · MAYOR PRO TEM **BRUCE GAYNOR** · COUNCILMEMBER **ANDREW HIXSON** · COUNCILMEMBER **JOSH BARE**
COUNCILMEMBER **MATT MYERS** · COUNCILMEMBER **MARSHALL CHEEK** · CITY MANAGER **ERIC JOHNSON** · CITY CLERK **MONIQUE PHILIP**

Agenda Report

To: Mayor and Council

From: Matthew Zaki, Public Works, Utilities and Parks Director

Meeting Date: January 16, 2024 – Policy Work Session

Item No.: 24-6908

Title: Mitchell Road Post Office Detention Pond fence

CC: Eric Johnson, City Manager

Recommendation

Discuss the replacement of the existing chain link fence around the private detention pond located at 265 Buford Highway, at the intersection of Buford Highway and Mitchell Road. Staff is recommending adding this project to the Capital projects and request a budget amendment to fund this through Capital.

Background

With the Norcross Post Office strategically located at the intersection of Buford Highway and Mitchell Road, it serves as a gateway to Historic Downtown Norcross. There is a desire to partner with the United States Postal Service, upgrading the fencing at the intersection of Buford Highway and Mitchell Road by replacing the existing chain link fencing around a stormwater detention pond at that location with a similar-height decorative black, aluminum fence.
As part of replacing the fencing, the city proposes to clean up the fenced area, ensuring it continues to serve its purpose of stormwater detention, the maintenance of the detention Pond will be completed by stormwater staff.

The city will provide all funding for the fence replacement and cleanup. The City will also assume any liability for employees and/or contractors engaged by the City to do the work described herein.

Financial Impact

Staff obtained quotes to complete the project, work to include the removal, disposal of the existing chain link fence and replacing it with a 6' black aluminum fence, cost will not exceed $17,322.40.
The staff is recommending adding this project to the Capital projects and request a budget amendment to fund this through Capital.

Attachment: Agenda Report - Mitchell Road Post Office Detention Pond Fence (24-6908 : Mitchell Road Post Office Detention Pond Fence)

Consistent with Comprehensive Plan? (If applicable, please select which goal applies)

Goal 1: Continues to define Norcross' sense of place
Goal 2: Continues to Strengthen Norcross as a Livable, Inclusive, and Safe Environment

Next Steps

On approval, the City will secure the resources, and initiate the project.

Attachments

A1) Post office letter
A2) Areial Image

Update

N/A

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MAYOR **CRAIG NEWTON** · MAYOR PRO TEM **BRUCE GAYNOR** · COUNCILMEMBER **ANDREW HIXSON** · COUNCILMEMBER **JOSH BARE**
COUNCILMEMBER **MATT MYERS** · COUNCILMEMBER **MARSHALL CHEEK** · CITY MANAGER **ERIC JOHNSON** · CITY CLERK **MONIQUE PHILIP**

January 8, 2024

The United States Postal Service, through its facilities in Norcross, is a valuable partner to the City of Norcross. With the Norcross Post Office strategically located at the intersection of Buford Highway and Mitchell Road, it serves as a gateway to Historic Downtown Norcross.

The City desires to partner with the United States Postal Service, upgrading the fencing at the intersection of Buford Highway and Mitchell Road by replacing the existing chain link fencing around a stormwater retention area at that location with a similar-height decorative black, aluminum fence. As part of replacing the fencing, the City proposes to clean up the fenced area, ensuring it continues to serve its purpose of stormwater retention.

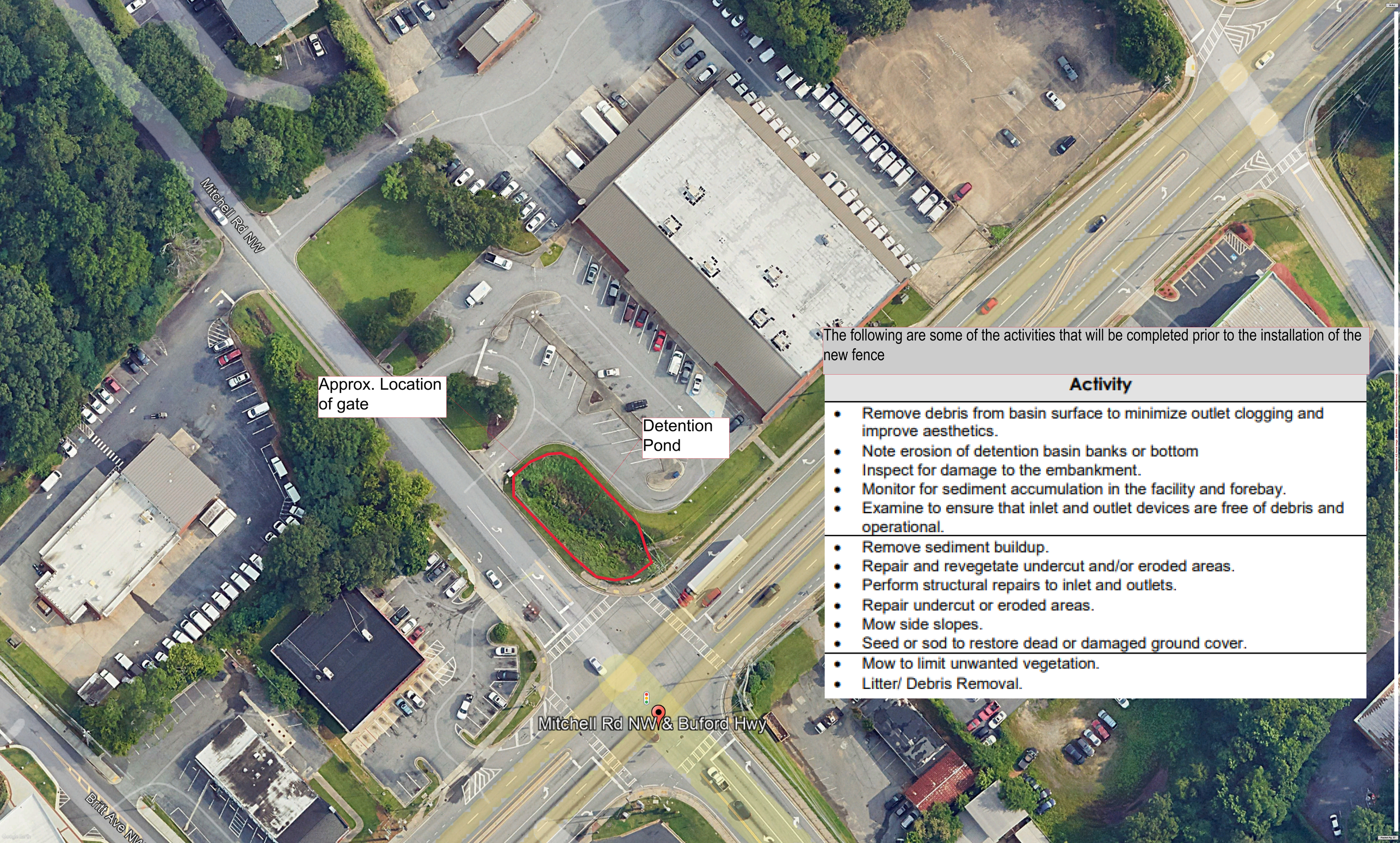
The City will provide all funding for the fence replacement and cleanup. The City will also assume any liability for employees and/or contractors engaged by the City to do the work described herein.

On approval, the City will secure the resources, and initiate the project.

_____
Craig Newton, Mayor

_____
LaShawn R. Bowman, Postmaster

65 LAWRENCEVILLE STREET, NORCROSS, GEORGIA 30071
(678) 421-2027 **UPSTAIRS CITY HALL** (770) 242-0824 **FAX** (770) 448-2111 **POLICE DEPARTMENT**
http://www.norcrossga.net



The following are some of the activities that will be completed prior to the installation of the new fence

Activity
• Remove debris from basin surface to minimize outlet clogging and improve aesthetics. • Note erosion of detention basin banks or bottom • Inspect for damage to the embankment. • Monitor for sediment accumulation in the facility and forebay. • Examine to ensure that inlet and outlet devices are free of debris and operational.
• Remove sediment buildup. • Repair and revegetate undercut and/or eroded areas. • Perform structural repairs to inlet and outlets. • Repair undercut or eroded areas. • Mow side slopes. • Seed or sod to restore dead or damaged ground cover.
• Mow to limit unwanted vegetation. • Litter/ Debris Removal.

MAYOR **CRAIG NEWTON** · MAYOR PRO TEM **BRUCE GAYNOR** · COUNCILMEMBER **ANDREW HIXSON** · COUNCILMEMBER **JOSH BARE**
COUNCILMEMBER **MATT MYERS** · COUNCILMEMBER **MARSHALL CHEEK** · CITY MANAGER **ERIC JOHNSON** · CITY CLERK **MONIQUE PHILIP**

Agenda Report

To: Mayor and Council

From: Eric Johnson, City Manager

Meeting Date: January 16, 2024 – Policy Work Session

Item No.: 24-6911

Title: Public Safety Building Sustainability Options

Recommendation – Approve a green design option for the new Public Safety Building, and waive the policy in the Comprehensive Plan requiring LEED certification of this City building if that option is not selected.

Background – The current Comprehensive Plan commits to a sustainable future, with a sustainability goal under the Needs and Opportunities section, that "[A]ll new City-owned buildings more than 5,000 SF and significant renovations must be LEED certified."

The Public Safety Building that will be designed over the next year is approximately 38,000 square feet (SF). The Comprehensive Plan sustainability goal therefore applies to this building. The City also receives 10 points in the Atlanta Regional Commission (ARC) Green Communities Certification based on that policy. (The City's current Platinum certification required accumulating a minimum of 330 points. In the most recent, November 2021, submission, the City applied for 25 out of the possible 40 points in the Green Building component of the ARC certification checklist, of which 10 points was for the LEED policy.)

Given construction costs that have increased substantially in recent years – with a current estimate of about $550 per SF – the cost of attaining LEED certification at even the lowest level would be significant. There are other, ongoing costs, as well.

City Staff requested CROFT pull together a comparison of the following green programs in comparison to a conventional design. Below is a summary of each as described by CROFT:

- **Conventional Design (Code Compliant Design)** – This would be a design based on the requirements outlined in code and energy code. This is going to be a more efficient building than the buildings that your currently in.

65 LAWRENCEVILLE STREET, NORCROSS, GEORGIA 30071
(678) 421-2027 **UPSTAIRS CITY HALL** (770) 242-0824 **FAX** (770) 448-2111 **POLICE DEPARTMENT**
http://www.norcrossga.net

- **Sustainable Design (Incorporating Sustainable Practices without any submission cost)** – Similar to the conventional design but incorporating some of the sustainable features required in a green building submission.
- **LEED** – This analysis is based on a gold certification level as the target. Please note that LEED certification does require yearly renewal to ensure sustainable practices are being followed (optional).
- **EarthCraft** – Administered through Southface.
- **Energystar** – This program requires you to submit for evaluation 2 years of utility bills after occupation.

Financial Impact – As reflected on the attachment, LEED certification at the Gold level has the greatest impact with a projected cost of 30% of construction costs – which are currently estimated at about $20 million. There are added one-time and ongoing costs, as shown for LEED and each alternative program. Staff have requested clarification on what the lowest level of LEED certification might cost as an additional alternative, as well as whether these alternative certification programs still reflect the same percentage of construction costs when the costs associated with construction have risen rapidly in recent years. In other words, if construction costs rose 50%, did LEED certification costs also rise by 50%?

Consistent with Comprehensive Plan? Only if LEED certification is obtained.

Attachments – Green Design Comparisons Table

Next Steps – A decision on certification can be made at the February City Council meeting without impacting the schedule for design of the Public Safety Building, which is anticipated to begin now, reflecting the exterior design that results from public input.

CROFT

City of Norcross Public Safety

Green Design Comparisons

NORCROSS
a place to imagine

	Conventual Design (Code Compliant Design)	Sustainable Design (Sustainable Principals Incorporated)	LEED	EarthCraft (Administered through Southface)	Energystar (Submitted after 2 years of operation)
Registration Fee	None	None	$11,125.00	$6,000.00	$1,500.00
Miscellaneous Additional Cost	None	Energy Simulation $15,000.00 Documentation (Design Fee) 5% increase	Administration $50,000.00 Energy Simulation $15,000.00 LEED Requirement Fundamental Commissioning $50,000.00 LEED Requirement Enhanced Commissioning $15,000.00 3 LEED points gained Documentation (Design Fee) 10% increase	Energy Simulation $15,000.00 Documentation (Design Fee) 5% increase	$0.00
Average Utility Savings (Estimate)	Average 1-2% Savings	Approximately 3-9% savings	Approximately 10-15% savings	Approximately 8-12% savings	Approximately 3-10% savings
Construction Cost (assuming 37,000sf at $550/sf estimate)	No Impact	Approximately 5% more - $1,000,000.00	Approximately 30% more - $6,000,000.00	Approximately 20% more - $4,000,000.00	Approximately 10% more - $2,000,000.00
Maintenance	Typical	Up to 2x Typical	Up to 4x Typical	Up to 3x Typical	up to 2x Typical

The above-mentioned "costs" and percentages are estimates and may vary. These estimates are presented comparison purposes "only". Actual costs and savings will depend on the final systems selections, final constructed building characteristics, actualized building usage, and consistency of maintenance practices once the facility has been occupied.

MAYOR **CRAIG NEWTON** · MAYOR PRO TEM **BRUCE GAYNOR** · COUNCILMEMBER **ANDREW HIXSON** · COUNCILMEMBER **JOSH BARE**
COUNCILMEMBER **MATT MYERS** · COUNCILMEMBER **MARSHALL CHEEK** · CITY MANAGER **ERIC JOHNSON** · CITY CLERK **MONIQUE PHILIP**

Agenda Report

To: Mayor and Council

From: Councilmember Bare

Meeting Date: January 16, 2024 – Policy Work Session

Item No.: 24- 6909

Title: Industrialized Home Guidelines

CC: Eric Johnson, City Manager

Recommendation:
A discussion regarding regulating design criteria on new construction modular, manufactured, and industrialized homes.

Background:
As the Comprehensive plan has identified a need for sustainable and affordable housing options throughout Norcross, the need has arisen for the Council to evaluate residential building types that are non-traditional in the landscape of Norcross.

In order to accommodate developers who have petitioned for non-traditional housing types, a specific set of design criteria to manage development and create design continuity with established legacy residential.

Financial Impact:
None

Consistent with Comprehensive Plan:
Goal 1: Continue to Define Norcross' Sense of Place
Policy 1-11: Preserve and complement the traditional historic, architectural and landscape character of the Downtown core and surrounding neighborhoods, while guiding reasonable growth.

Goal 5: Ensure that Norcross Residents have a Variety of Attainable, Quality Housing Options
Policy 5-1: Accommodate the housing needs of a diverse population by supporting the development of a variety of residential types and densities based on land use patterns.

Attachment: Agenda Report - Industrialized Home Guidelines (24-6909 : Industrialized Home Guidelines)

Next Steps:

Review of the proposed ordinance for design guidance of industrialized, modular, and manufactured homes.

Attachments:

Proposed Design Guidelines.

Attachment: Agenda Report - Industrialized Home Guidelines (24-6909 : Industrialized Home Guidelines)

Industrialized, Modular, Manufactured Homes

I. Definitions

Industrialized Home - a residential structure that is designed for the occupancy of one or more families; constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and designed to be used as a permanent residential structure

Modular Home - A modular home (or prefabricated home) is built in a factory to about 80-90% completion and then trucked over to the building site to be installed on a permanent foundation.

Manufactured Home - Manufactured homes are manufactured in factories piece by piece in accordance with building codes set by the U.S. Department of Housing and Urban Development (HUD), to be transported to the home site and installed on either a temporary or permanent foundation.

Accessory Dwelling Unit - a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home.

Accessory Structure - a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.

Porch - a covered shelter projecting in front of the entrance of a residential building

Parking - space for leaving vehicles temporarily,

Driveway - a paved area leading from a public road to a dwelling.

Fencing - a barrier, railing, or other upright structure, typically of wood or wire, enclosing an area of ground to mark a boundary, control access, or prevent escape.

Landscaping – the installed planted features of land to alter for the purposes of enhancement, stabilization, barrier, or definition.

II. General Standards

A. All industrial, manufactured or modular, homes are required to be reviewed by the Architectural Review Board. Standard Architectural Design Guidelines shall be subject to this ordinance.

B. All manufactured Homes require a Special Use permit.

III. General Design Standards – Structural

A. Façade

1. Materials – Exterior materials shall be composed of brick, stucco, cement fiber board, or stone. No vinyl shall be permitted.

Attachment: Modular Home Standards (24-6909 : Industrialized Home Guidelines)

2. Windows – Windows must be paned in nature, no metal or wood clad windows shall be permitted.
3. Doors – Doors must be of a framed casing, composed of fiberglass, steel, wood or other permanent sustainable materials.
4. Materials – All roofs shall be composed of shingle materials, metal roofs must be composed of standing seam, and must be attached on grade to the exterior walls of the residence.
5. Gables – Each structure shall possess a minimum of 3 gables.
6. Soffits – Shall be encased in an approved material, no vinyl shall be permitted. Roof vents shall be composed of compatible materials, no metal or vinyl materials exposed.
7. Fascia boards – Fascia boards shall be composed of a compatible material, no vinyl or metal is permitted, in an accent color.
8. Roof Pitch – Roofs shall possess a minimum roof pitch of 4:12.

B. Foundation
1. Underpinning – Underpinning materials must be of permanent materials composed of brick, architectural concrete block, or framed slab.
2. Conventional/Crawl Space – all crawl spaces must be inspected and conform to current International Building Code.
3. Slab – All slab foundations shall be inspected and conform to current International Building Code.

IV. Site Design

A. Lot Dimensions

Lots size	10,000 sq ft
Required set back	Front 20 ft Rear 20 ft Side 10 ft
Minimum square footage	All dwellings must be a minimum of 1500 square feet
Impervious	Maximum impervious is 35%

B. Driveway – All industrialized home shall provide a minimum of 2 parking spaces exterior of the home. Driveway shall be paved, and require

C. Accessory Structure – Accessory structure shall be allowed, provided they do not exceed more than 50 square feet.
No accessory dwelling units shall be permitted on a modular home lot.

D. Fencing – Each development composing more than 3 units shall be required to provide a minimum 8 foot privacy fence.

E. Landscaping – a minimum of one tree per lot is required in the front yard.

All developments shall conform to the R100 tree density unit counts.

F. Porch – All industrialized homes are required to have a porch, minimum of 100 square feet. The porch is required to be underpinned in the same foundation materials.

MAYOR **CRAIG NEWTON** · MAYOR PRO TEM **BRUCE GAYNOR** · COUNCILMEMBER **ANDREW HIXSON** · COUNCILMEMBER **JOSH BARE**
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Agenda Report

To: Mayor and Council

From: Mayor Craig Newton

Meeting Date: January 16, 2024 – Policy Work Session

Item No.: 24-6910

Title: Work Session Discussion

CC: Eric Johnson, City Manager

Recommendation:
A request to adjust the start of the monthly Policy Work Sessions to an earlier start time.

Background:
The additional time allotted will help provide additional time for deliberating pressing agenda items such as charter revisions or other contemporaneous topics that deserve ample time to vet properly.

Adjusting the time may also aid in mitigating the late-night discussions on topics that deserve our full attention.

This change also begins to respond to the work-life balance concerns addressed by staff members.

Financial Impact:
None.

Consistent with Comprehensive Plan:
Goal 6: Furthers the City's Tradition of Strong Leadership and High Level of Quality Services T

Next Steps:

Attachments:

Update:

Attachment: Agenda Report - Work Session Discussion (24-6910 : Work Session Discussion)

MAYOR **CRAIG NEWTON** · MAYOR PRO TEM **BRUCE GAYNOR** · COUNCILMEMBER **ANDREW HIXSON** · COUNCILMEMBER **JOSH BARE**
COUNCILMEMBER **MATT MYERS** · COUNCILMEMBER **MARSHALL CHEEK** · CITY MANAGER **ERIC JOHNSON** · CITY CLERK **MONIQUE PHILIP**

Agenda Report

To: Mayor and Council

From: **Councilmember Andrew Hixson**

Date: January 16, 2023 – Policy Work Session

Item No.: 23- 6876

Title: **Review and revision of Charter language**

CC: Eric Johnson, City Manager

Recommendation
Review changes and revisions to the Norcross City Charter as suggested by the city attorney's office.

Background
The Norcross city charter is a document that has undergone many changes and revisions over its lifetime, which has resulted in a number of contradictions and inconsistencies between various clauses and articles. Over the last few years Council has noted and informally discussed various revisions to the charter which would correct these inconsistencies and obsolete references. Our attorney was asked to mark up the document with possible changes for Council to consider. The document with revisions was sent to Council and the City Manager on November 11.

Financial Impact
No known impact

Consistent with Comprehensive Plan? (If applicable, please select which goal applies)
Furthers the City's Tradition of Strong Leadership and High Level of Quality Services

Attachment: Agenda Report - Review and Revision of Charter Language (23-6876 : Review and Revision of Charter Language)

Next Steps

Council to consider the individual changes suggested by Legal, as well as any other changes suggested by members. After review in the November Policy Work Session, a further mark up of the document will be made by Legal for further consideration in the December PWS. Final approval of all changes should be completed for an approval vote in the February regular council meeting. After approval, the document will be sent to the Gwinnett state legislature delegation for action as a local measure in the 2024 legislative session.

Attachments

Update

PART I
CHARTER AND RELATED LAWS

Subpart A CHARTER[1]

VERSION 4 TRACKED COMMENTS
December 8, 2023
(Councilmembers Hixson, Myers and Gaynor)

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[1]Editor's note(s)—Printed herein is the Charter of the city, as adopted by 1990 Ga. Laws, page 4934. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original act. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

Attachment: Charter Proposed Revisions Version 4 (23-6876 : Review and Revision of Charter Language)

ARTICLE I. INCORPORATION AND POWERS

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Sec. 1.11. Incorporation.

The City of Norcross, Georgia, in the County of Gwinnett and the inhabitants thereof shall continue to be a body politic and corporate under the name and style of the City of Norcross, Georgia. Under that name, said City shall continue to be invested with all the property which now belongs to the corporation; shall have perpetual succession; may sue and be sued; may contract and be contracted with; may acquire and hold such property, real and personal, as may be devised, bequeathed, sold, or in any manner conveyed or dedicated to or otherwise acquired by it, and from time to time may hold or invest, sell or dispose of the same; may have a common seal and alter and renew the same at will; and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

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Sec. 1.12. Corporate boundaries.

(a) The boundaries of the City of Norcross shall be those existing on the effective date of the adoption of this Charter with such alterations as may be made from time to time by local law or in the manner provided by law. The current boundaries of the City of Norcross, at all times, shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the city clerk and to be designated, as the case may be: "Map (or Description) of the Corporate Limits of the City of Norcross, Georgia." Alterations in these boundaries shall be indicated by appropriate entries upon or additions to such map or description. Such entries or additions shall be made by and under the direction of the mayor and city council. Photographic, typed or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as ~~with~~ the original map or description.

(b) The city council may provide for redrawing of any such map to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all

Attachment: Charter Proposed Revisions Version 4 (23-6876 : Review and Revision of Charter Language)

purposes- any previously drawn map~~the earlier map or maps which it is designated to replace~~.

(c) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described right-of-way, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lots 212, 213, 226, 241, and 242 of the 6th District of Gwinnett County, Georgia, and being more particularly described as follows:

The right-of-way of Beaver Ruin Road (State Route 378) beginning at Buford Highway (State Route 13) and continuing 1.732 miles to the intersection of Indian Trail Road exclusive of said intersection. Right-of-way width varies from 90 feet to 130 feet.

All that tract or parcel of land lying and being in Land Lot 213 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

To find the point of beginning, begin at the point located at the intersection of southwest right-of-way of Beaver Ruin Road (S.R. 378) with the West right-of-way of Indian Trail Road; run thence South 04 degrees 41 minutes 00 seconds East along the West right-of-way of Indian Trail Road, a distance of 152.00 feet to a point; run thence South 04 degrees 41 minutes 00 seconds East along the West right-of-way of Indian Trail Road, a distance of 26.69 feet to a point; continue thence along the west right-of-way of Indian Trail Road and following the curvature thereof, a distance of 36.35 feet to a point (said curve having a chord bearing South 05 degrees 52 minutes 09 seconds East and a chord distance of 36.35 feet); thence leaving the West right-of-way of Indian Trail Road, run South 79 degrees 43 minutes 31 seconds West, a distance of 190.76 feet to the point of beginning; from the point of beginning as thus established, run thence South 36 degrees 31 minutes 20 seconds West, a distance of 50.00 feet to a point; run thence North 53 degrees 28 minutes 40 seconds West, a distance of 112.00 feet to a point; run thence North 36 degrees 31 minutes 20 seconds East, a distance of 60.00 feet to a point; run thence South 53 degrees 28 minutes 40 seconds East, a distance of 112.00 feet to a point; run thence South 36 degrees 31 minutes 20 seconds West, a distance of 10.00 feet to the point of beginning; said tract being

Attachment: Charter Proposed Revisions Version 4 (23-6876 : Review and Revision of Charter Language)

shown on Survey for Whisker's Tavern and The City of Norcross prepared by Q-B Engineering and Surveying, Inc., dated November 26, 1990.

(d) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described right-of-way, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lots 271, 272, 273, and 274 of the 6th District of Gwinnett County, Georgia, and being more particularly described as follows:

The right-of-way of Peachtree Industrial Boulevard beginning at a point 787 feet east of the intersection with Holcomb Bridge Road, said point coinciding with the east boundary of tax parcel 6-274-5, and continuing 1.43 miles through and including the intersection of said boulevard and Medlock Bridge Road. Such right-of-way varies from 200 feet to 300 feet in width.

(e) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lots 286 and 271 of the 6th District of Gwinnett County, Georgia, and being more particularly described as follows:

Beginning at the northwest corner of the intersection of Peachtree Industrial Boulevard and Medlock Bridge Road, said point being located in the City of Norcross, Georgia, and continuing along the westerly right-of-way of Medlock Bridge Road to the southwest corner of the intersection of Medlock Bridge Road and Spalding Drive, then continuing along the westerly right-of-way of Spalding Drive to the land lot line dividing Land Lots 285 and 286 of the 6th District, Gwinnett County, Georgia, and continuing southerly along the land lot line through the point at which the land lot line divides Land Lots 271 and 272 of the 6th District of Gwinnett County, Georgia, and continuing along the land lot line dividing Land Lots 271 and 272 to the right-of-way of Peachtree Industrial Boulevard then continuing northeasterly along the right-of-way of Peachtree Industrial Boulevard to the point of beginning at the intersection of Peachtree Industrial Boulevard and Medlock Bridge Road, less and excepting and excluding specifically Parcel 52 of Land Lot 285 of the 6th District and Parcel 95 of Land Lot 286 of the 6th District.

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(f) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lots 286 and 271 of the 6th District of Gwinnett County, Georgia, and being more particularly described as follows:

Beginning at the northwest corner of the intersection of Peachtree Industrial Boulevard and Medlock Bridge Road - said point being located in the City of Norcross, Georgia - and continuing along the westerly right-of-way of Medlock Bridge Road to the southwest corner of the intersection of Medlock Bridge Road and Spalding Drive, then continuing along the westerly right-of-way of Spalding Drive to the Land Lots Line dividing Land Lots 285 and 286 of the 6th District, Gwinnett County Georgia and continuing southerly along the Land Lots line through the point in which the Land Lots line divides Land Lots 271 and 272 of the 6th District, Gwinnett County, and continuing the Land Lot Line dividing Land Lots 271 and 272 to the right-of-way of Peachtree Industrial Boulevard then continuing northeasterly along the right-of-way of Peachtree Industrial Boulevard to the point of beginning at the intersection of Peachtree Industrial Boulevard and Medlock Bridge Road - less and excepting and excluding specifically Parcel 52, Land Lot 285 of the 6th District and Parcel 95, Land Lot 286 of the 6th District.

(g) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in land lots 252, 253, 274 and 275 of the 6th Land District of Gwinnett County, Georgia, which tract is more particularly described as follows:

Beginning at a point located at the intersection of the westerly right-of-way line of Holcomb Bridge Road and the southerly right-of-way line of Atlantic Boulevard, said point being the point of beginning; Thence continuing along said westerly right-of-way line of Holcomb Bridge Road to the southerly right-of-way line of Peachtree Industrial Boulevard; Thence leaving said westerly right-of-way line of Holcomb Bridge Road and running along said southerly right-of-way line of Peachtree Industrial Boulevard to the easterly right-of-

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way line of Jimmy Carter Boulevard; Thence leaving said southerly right-of-way line of Peachtree Industrial Boulevard and running along said easterly right-of-way line of Jimmy Carter Boulevard to the easterly right-of-way line of Pacific Drive, said right-of-way line also being the Norcross, Georgia City Limits; Thence leaving said easterly right-of-way line of Jimmy Carter Boulevard and running along Norcross, Georgia City Limits in a meandering direction northerly and easterly to the southerly right-of-way line of Atlantic Boulevard; Thence continuing along said Norcross, Georgia City Limits and the southerly right-of-way line of Atlantic Boulevard to the westerly right-of-way line of Holcomb Bridge Road, said intersection being the point of beginning.

(h) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lot 271 of the 6th District of Gwinnett County, Georgia. The subject parcel being annexed is described in Deed Book 24173 and Pages 0238 and 0239 from the Gwinnett County Clerk of the Superior Court.

(i) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lot 272 of the 6th District, Gwinnett County, Georgia, and being more fully described as follows:

Beginning at a pipe found at the Land Lot corner common to Land Lots 272, 273, 284 and 285 of aforesaid District and County thence North 82 degrees 16 minutes 17 seconds East a distance of 302.29 feet to an iron pin set on the right-of-way of a cul-de-sac of Guthridge Court, an 80-foot right-of-way; thence along said right-of-way along a curve to the left (said curve having a radius of 75.00 feet and being subtended by a chord bearing South 41 degrees 12 minutes 34 seconds East a distance of 82.75 feet) an arc distance of 87.65 feet to an iron pin set on the westerly right-of-way of said 80-foot right-of-way of Guthridge Court; thence continuing along said 80-foot right-of-way along a curve to the right (said curve having a radius of 676.20 feet and being subtended by a chord bearing South 06 degrees 10 minutes 07 seconds West a distance of 472.30 feet) an arc distance of 482.47 feet to a

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pipe found at the intersection of said right-of-way with the northerly right-of-way of Miller Road, an 80-foot right-of-way, and the Land Lot line common to Land Lots 272 and 273; thence departing said rights-of-way and along said Land Lot line North 31 degrees 41 minutes 45 seconds West a distance of 522.27 feet to a pipe found being the point of beginning.

(j) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract and parcel of land lying and being in Land Lot 286 of the 6th District of Gwinnett County, Georgia, containing 6.55 acres and being more particularly descried according to a plat of survey of Higginbotham and James Associates, Surveyors, dated December 11, 1964, as follows:

Beginning at an iron pin on the southeast right-of-way of Medlock Bridge Road, also known as Georgia Highway No. 141, located a distance of 50 feet in a northeast direction along the southeast right-of-way of Medlock Bridge Road from the iron pin where the Land Lot Line common to Land Lots 286 and 271 of said District intersect the southeast right-of-way of Medlock Bridge Road; thence run in a northeasterly direction along the southeast right-of-way of Medlock Bridge Road a distance of 510.0 feet to an iron pin; thence run along the property of Evans North 79°43' east 864.7 feet to an iron pin; thence run along the property of Evans and along the center of a Branch south 19°18' east 130 feet to an iron pin located on the Land Lot Line common to Land Lots 271 and

286 of said District; thence run along said Land Lot Line south 59°47' west 459 feet to an iron pin; thence run along the property of Thomas Helton south 63°03' west 668.7 feet to the point of beginning on the southeast right-of-way of Medlock Bridge Road.

(k) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in land lot 233 of the 6th district, Gwinnett County, Georgia, and being more particularly descried as follows:

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To find the true point of beginning, commence at a point located at the intersection of Jimmy Carter Blvd. (said road having a 100-foot right-of-way) and Norcross Tucker Road (said road having an 80-foot right-of-way), said point being marked by an iron pin found located at the southwestern point of the intersection of the eastern right-of-way line of Jimmy Carter Blvd. and the western right-of-way line of Norcross Tucker Road; running thence along an arc of a curve to the left (said curve having a radius of 989.86 feet, said arc being subtended by a cord line having a magnetic bearing of north 49 degrees 26 minutes 48 seconds west and a cord length of 150.19 feet) an arc distance of 150.22 feet to an X marked in concrete; running thence north 51 degrees 39 minutes 16 seconds west a distance of 232.39 feet to a point; running thence north 88 degrees 46 minutes 4 seconds east a distance of 106.8 feet to the true point of beginning; from the true point of beginning as thus established, running thence north 9 degrees 59 minutes 16 seconds east a distance of 16.04 feet to a point; running thence north 72 degrees 20 minutes 29 seconds east a distance of 68.11 feet to a point; running thence south 51 degrees 23 minutes 3 seconds east a distance of 59.91 feet to a point; running thence south 38 degrees 36 minutes 57 seconds west a distance of 6.10 feet; running thence south 51 degrees 23 minutes 3 seconds east a distance of 4.30 feet to a point; running thence south 38 degrees 15 minutes 27 seconds west a distance of 58.07 feet to a point; running thence north 51 degrees 44 minutes 33 seconds west a distance of 37.04 feet to a point; running thence 82 degrees 2 minutes 9 seconds west a distance of 8.31 feet to a point; running thence north 51 degrees 42 minutes 42 seconds west a distance of 51.96 feet to the true point of beginning. Said property being shown as a one story frame and stucco building lying at the northwestern corner of a strip shopping center as on a survey for the Ritter Corporation dated October 12, 1988, prepared by the Solar Land Surveying Company, which plat is incorporated herein and made a part hereof by this reference.

(l) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lot 272 of the 6th District of Gwinnett County, Georgia, and being more particularly described as follows:

Attachment: Charter Proposed Revisions Version 4 (23-6876 : Review and Revision of Charter Language)

Beginning at a point on the Southerly side of Cummings Road, also called Miller Road, three hundred twenty-nine (329) feet Westerly from the intersection formed by the Southerly side of Cummings Road (also called Miller Road) and the Westerly side of Highway No. 141 (100-foot right-of-way) running thence Northwesterly along the Southerly side of Cummings Road 1,266 feet, more or less, to an iron pin found; running thence S 31°51' E a distance of 914.76 feet, more or less, to an iron pin on the Northwesterly line of Land Lot 255; running thence Northeasterly along the Northwesterly line of Land Lot 255 a distance of 911 feet, more or less, to an iron pin; running thence Northwesterly 105 feet, more or less, to the Southerly side of Cummings Road and the point of beginning; being the same property as shown and delineated on plat of survey made by A.S. Giometti and Associates, Inc., dated Feb. 6, 1963.

(m) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

Tract 12

All that tract or parcel of land lying and being in Land Lots 271 and 272 of the 6th District, Gwinnett County, Georgia, and being more particularly descried as follows:

Beginning at a right-of-way monument located at the intersection of the Westerly right-of-way line of Medlock Bridge Road and the Southerly right-of-way of Peachtree Industrial Boulevard; thence running South 82°31'35" East 112.04 feet to a right-of-way monument located on the Westerly right-of-way line of Medlock Bridge Road; thence running Southerly along the Westerly right-of-way line of Medlock Bridge Road, and following the curvature thereof, 2,435.09 feet, more or less, to a point of intersection of the Westerly right-of-way line of Medlock Bridge Road and the Northerly right-of-way line of Miller Road; thence running Northeasterly along the Northerly right-of-way line of Miller Road, and following the curvature thereof, 3,453.25 feet, more or less, to a concrete monument located at the intersection of the Southerly right-of-way line of Peachtree Industrial Boulevard and the Northerly right-of-way line of Miller Road; thence running Northeasterly along the Southerly right-of-way Line of Peachtree Industrial Boulevard, and following the curvature thereof, 3,463.53 feet, more or less to the point of beginning; plus

Attachment: Charter Proposed Revisions Version 4 (23-6876 : Review and Revision of Charter Language)

that portion of the right-of-way of Miller Road running from Peachtree Industrial Boulevard to Medlock Bridge Road; less and except those premises located at 5390 Peachtree Industrial Boulevard, Norcross, Georgia, according to the present system of numbering in Gwinnett County, Georgia.

(n) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lots 241 nd 242 of the 6th District of Gwinnett County, Georgia, containing .87 acres according to plat of survey by Miles H. Hannon, Surveyor, dated April 17, 1967, more particularly described as follows:

Beginning at an iron pin on the westerly side of Light Circle at the original line dividing Land Lots 241 and 242 of said District: thence running south 20° 24′ west, along the western side of Light CIrcle, 101.5 feet to a corner; thence north 64° 05′ west 246.2 feet to an iron pin corner; thence north 44° 17′ east 222.7 feet to an iron pin corner; thence south 43° 24′ east 172.6 feet to a corner on the westerly side of the right-of-way of Light Circle, 49.5 feet to the point of beginning.

(o) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lot 198, 6th District, Gwinnett County, Georgia, being more particularly described as follows:

Beginning at an iron pin set at the intersection of the southerly right-of-way line of Goshen Springs Road (having an 80-foot wide right-of-way) and the line common to Land Lots 197 and 198; Thence leaving said Land Lot Line and continuing along said southerly right-of-way line of Goshen Springs Road, North 58°27'07" East, 268,34 feet to a ½-inch rebar found; Thence leaving said southerly right-of-way line of Goshen Springs Road and running, South 39°45'08" East, 728.27 feet to a ½-inch rebar found; Thence,· South 27°31'28" West, 54.99 feet to a point in the centerline of a creek; Thence along said centerline of a creek, South 46°14'05" West, 40.70 feet to a point; Thence, South 57°41'11" West, 45.83 feet to a point; Thence, South 47°25'46" West, 86.32 feet to a point; Thence, South 43°31'51" West, 74.91 feet to a point;

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Thence, South 39°42'17" West, 63.24 feet to a point; Thence, South 28°24'33" West, 44.87 feet to a point; Thence leaving said centerline of a creek and running, South 07°12'21" West, 20.22 feet to a ½-inch rebar found on said line common to Land Lots 197 and 198; Thence along said Land Lot Line, North 29°36'00" West, 853.15 feet to an iron pin set and the true POINT OF BEGINNING.

Said tract contains 6.019 acres (262,206 square feet), more or less, as shown in a survey prepared for Advanced Disposal Services Atlanta, LLC by POINT TO POINT LAND SURVEYORS, INC.

(1996 Ga. Laws, page 3844, § 1; 2001 Ga. Laws (Act No. 61), page 3729, § 1; 2005 Ga. Laws (Act No. 268), page 3876, § 1; Ord. No. 12-2011, § 1 (Exh. A), 10-17-2011; Ord. No. 13-2011, § 1(Exh. A), 10-17-2011; Ord. No. 14-2011, § 1(Exh. A), 10-17-2011; Ord. No. 24-2011, § 1(App. A), 12-5-2011; Ord. No. 03-2012, § 1(App. C, Exh. A), 2-6-2012; Ord. No. 04-2012, § 1(App. A), 2-6-2012; Ord. No. 05-2012, § 1(App. A), 2-6-2012; Ord. No. 11-2012, § 1(App. A), 4-2-2012; Ord. No. 15-2018 , § 1, 10-1-2018)

Editor's note(s)—Subsection (f) of § 1.12 was derived from an unnumbered resolution attached to Act No. 61 at p. 3731. It has been placed in this location at the discretion of the editor and the approval of the city.

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Sec. 1.13. Powers and construction.

(a) In addition to all other powers herein granted, the C~~c~~ity of Norcross (here~~in~~after the "city") shall be vested with any and all powers which municipal corporations are or may hereafter be authorized or required to exercise under the present or future constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter. The~~is~~ city shall have all the powers of self-government not otherwise prohibited by this Charter or by general law.

(b) The powers of the~~is~~ city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers in this Charter shall not be construed as limiting in any way the general power of the city. It is the intention hereof to grant the city full power and right to exercise all governmental authority necessary for the effective operation and conduct of the city and all of its affairs.

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(c) In construing this Charter, the following definitions shall apply:

(1) "City council Aappointed officer" where used in this Charter shall mean all administrative officers, including the city manager, city clerk, city financial advisortreasurer, city attorney, city auditoraccountant and municipal judgecity engineer. Such term shall not include members of boards, commissions or authorities.

(2) "City council," where used herein, shall mean the elected officers of the City of Norcross which include the mayor and five councilmembers. The mayor shall only vote on all matters in the event of a tie vote of the councilmembers.

(3) "City manager," where used herein, shall mean the officer appointed by city council to direct the administration and operations of the city.

"Department head," where used herein, shall be synonymous with department directors.

[Rationale: List only those officers who are appointed by city council. Also, add the names of all offices appointed by city council and establish the definition of "city manager" to aid in the interpretation of and compliance with the provisions of this Charter.]

(1996 Ga. Laws, page 3666, § 1; 1997 Ga. Laws, page 3517, § 1)

Sec. 1.14. Powers.

The corporate powers of the government of the City of Norcross (hereafter the "city"), to be exercised by the mayor and city council, shall include, but not be limited to, the following *[Rationale: The mayor is a member of city council and need not be indicated separately.]*:

(1) *Air and water pollution.* To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the city;

(2) *Animal regulations.* To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same if in violation of any city ordinance or lawful order; to provide for

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the disposition by sale, gift or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted hereunder;

(3) *Appropriations and expenditures.* To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this Charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the~~is~~ city;

(4) *Building regulations.* To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate all housing and building trades;

(5) *Business regulation and taxation.* To levy and to provide for the collection of license fees and taxes on privileges, trades and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for the failure to pay any city taxes or fees;

(6) *Condemnation.* To condemn property, both within~~inside~~ and~~or~~ outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority of the city, utilizing procedures enumerated in O.C.G.A. title 22, or such other applicable laws as are or may hereafter be enacted;

(7) *Contracts.* To enter into contracts and agreements with other governmental entities and with private persons, firms and corporations;

(8) *Emergencies.* To establish procedures for determining and proclaiming that an emergency situation exists inside or outside the city and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health or well-being of the residents ~~citizens~~ of the city;

(9) *Fire regulations.* To fix and establish fire limits and from time to time extend, enlarge or restrict the same; to prescribe fire safety regulations, not inconsistent with general law relating to both fire prevention and

detection and to firefighting; and to prescribe penalties and punishment for violations thereof;

(10) *Garbage fees.* To levy, fix, assess and collect a garbage, refuse and trash collection and disposal, and other sanitary service charges, taxes or fees for such services as may be necessary for the operation of the city from all individuals, firms and corporations residing in or doing business therein; to enforce the payment of such charges, taxes or fees; and to provide for the manner and method of collecting such service charges, taxes or fees;

(11) *General health, safety and welfare.* To define, regulate and prohibit any act, practice, conduct or use of property which is detrimental to the health, sanitation, ~~cleanliness,~~ welfare or~~and~~ safety of the inhabitants of the city and to provide for the enforcement of such standards;

(12) *Gifts.* To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city and the general welfare of its citizens on such terms and conditions as the donor or grantor may impose;

(13) *Health and sanitation.* To prescribe standards of health and sanitation within the city and to provide for the enforcement of such standards;

(14) *Jail sentences.* To provide that persons given jail sentences in the city's court may work out such sentences in any public works or on the streets, roads, drains and squares in the city; to provide for the commitment of such persons to any jail; or to provide for the commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;

(15) *Motor vehicles.* To regulate the operation of motor vehicles and exercise control over all traffic, including parking, on or off the streets, roads, alleys and walkways of the city;

(16) *Municipal agencies and delegation of power.* To create, alter or abolish departments, boards, authorities, offices, commissions and agencies of the city and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;

(17) *Municipal debts.* To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized by this Charter or the laws of the State of Georgia;

(18) *Municipal property ownership.* To acquire, dispose of, and hold in trust or otherwise any real, personal or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;

(19) *Municipal property protection.* To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;

(20) *Municipal utilities.* To acquire, lease, construct, operate, maintain, sell and dispose of public utilities, including, but not limited to, a system of waterworks, sewers, and drains, sewage disposal, gasworks, electric light plants, transportation facilities and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties; and to provide for the withdrawal of service for refusal to pay the same; and to authorize the extension of water, sewerage and electrical distribution systems, and all necessary appurtenances by which said utilities are distributed, inside and outside the corporate limits of the city; and to provide utility services to persons, firms and corporations inside and outside the corporate limits of the city as provided by ordinance;

(20.1) *Telecommunications.* The City shall have the power and authority to acquire, own, hold, lease, sell, resell, build, maintain, operate and contract with respect to a telecommunications systems network in order to provide telecommunications services and similar other services, including cable television services (CATV), to establish and charge rates, fees, tolls and charges for the services, facilities or commodities furnished or made available by such undertaking; to interconnect its system or services or both with the systems or services of consumers and other providers, to use telecommunications to respond to community needs, encourage the development of information-based organizations in the City of Norcross, Georgia, to finance from time to time any such telecommunications systems through the issuance of revenue bonds as then permitted by the Constitution and the laws of the State of Georgia;

and to make any contract with respect to and furnish the services of any said systems to consumers within or outside the corporate limits of the City;

(21) *Nuisances.* To define a nuisance and provide for its abatement whether on public or private property;

(22) *Ordinances, rules and regulations.* To make, establish and adopt such bylaws, ordinances, policies, and rules and regulations as shall appear necessary for the security, welfare, convenience and interest of the city and the inhabitants thereof, and for preserving the health, peace, order and good government of the city;

(23) *Penalties.* To provide penalties for violation of any ordinances adopted pursuant to the authority of this Charter and the laws of the State of Georgia;

(24) *Planning and zoning.* To provide comprehensive city planning for development by zoning, including implementation of a land use plan and enforcement of the goals and objectives in the land use plan; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy and aesthetically pleasing community;

(25) *Police and fire protection.* To exercise the power of arrest through duly appointed policemen and to establish, operate or contract for a police and a firefighting agency;

(26) *Public hazards; removal.* To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;

(27) *Public improvements.* To provide for the acquisition, construction, building, operation and maintenance of public ways, parks, playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, hospitals, sewers, drains, sewerage treatment, docks, parking facilities, and charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detention~~al~~, penal, and medical institutions, agencies and facilities; to provide any other public improvements inside or outside the corporate limits of the city; to

regulate the use of public improvements; and, for such other purposes, property may be acquired by condemnation under O.C.G.A. title 22, or such other applicable laws as are or may hereafter be enacted;

(28) *Public peace.* To provide for the prevention and punishment of drunkenness, riots and public disturbances;

(29) *Public transportation.* To organize and operate such public transportation systems as are deemed beneficial;

(30) *Public utilities and services.* To grant franchises or make contracts for public utilities and public services and to prescribe the rates, fares, regulations and the standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission;

(31) *Regulation of roadside areas.* To prohibit or regulate ~~and control~~ *[Rationale: The word "control" is synonymous with the word "regulate".]* the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, inside or abutting the corporate limits of the city and to prescribe penalties and punishment for violation of such ordinances;

(32) *Retirement.* To provide and maintain a retirement plan for employees of the city;

(33) *Roadways.* To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys and walkways within the corporate limits of the city; and to negotiate and execute leases over, through and under any city property or the right-of-way of any street, road, alley and walkway or portion thereof within the corporate limits of the city for bridges, passageways or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses and underpasses for private use at such location and to charge a rental therefor in such manner as may be provided by ordinance; and to authorize and control the construction of bridges, overpasses and underpasses within the corporate limits of the city; and to grant

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franchises and rights-of-way throughout the streets and roads and over the bridges and viaducts for the use of public utilities and for private use; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

(34) *Sewer fees.* To levy a fee, charge or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining and extending of a sewage disposal plant and sewerage system; to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose and collect a sewer connection fee or fees to those connected with the system;

(35) *Solid waste disposal.* To provide for the collection and disposal of garbage, rubbish and refuse and to regulate the collection and disposal of garbage, rubbish and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper and other recyclable materials and provide for the sale of all solid waste;

(36) *Special areas of public regulation.* To regulate or prohibit junk dealers, pawn shops, the manufacture, sale or transportation of intoxicating liquors, and the use and sale of firearms; to regulate the transportation, storage and use of combustible, explosive and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions and shows of any kind, by taxation or otherwise; and to license, tax, regulate or prohibit professional fortunetelling, palmistry, adult bookstores and massage parlors;

(37) *Special assessments.* To provide for the collection of special assessments to cover the cost of any- city government services~~public improvements~~;*[Rationale: Article IX, § II, Para. VI of the Georgia Constitution authorizes counties and cities to levy and collect fees, assessments, and taxes to pay for the cost of providing local government services.]*

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(38) *Taxes, ad valorem.* To levy and provide for the assessment, valuation, revaluation and collection of taxes on all property subject to taxation;

(39) *Taxes, other.* To levy and collect such other taxes as may be allowed now or in the future by law;

(40) *Taxicabs.* To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;

(41) *Urban redevelopment.* To organize and operate an urban redevelopment program; and

(42) *Other powers.* To exercise and enjoy all other powers, functions, rights, privileges and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience or general welfare of the city and its inhabitants; to exercise all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully stated herein; and to exercise all powers ~~now or in the *future*~~ *[Rationale: This language is unnecessary.]* authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this Charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the constitution or applicable laws of the State of Georgia.

(1996 Ga. Laws, page 3666, § 2; Ord. No. 2-2002, § 1, 2-4-2002)

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Sec. 1.15. Exercise of powers.

All powers, functions, rights, privileges and immunities of the city, its elected or appointed officers, agencies or employees shall be carried into execution as provided by this Charter. *[Rationale: To clarify that the city's officers are elected or appointed.]* If this Charter makes no provision, such powers, functions, rights, privileges and immunities shall be carried into execution as provided by ordinance

of the governing authority or as provided by pertinent laws of the State of Georgia. The full faith and credit of the City of Norcross shall be behind all elected officers, appointed officers, employees, members of boards, commissions and authorities, and the city shall indemnify them, to the extent allowed by law, for all costs and judgments suffered as a result of any and all actions taken pursuant to their official capacity ~~as officials~~ for the City of Norcross. *[Rationale; "as officials" is duplicative]*

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ARTICLE II. GOVERNING BODY

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Sec. 2.10. City council creation; composition; number; election.

The legislative authority of the government of the City of Norcross, Georgia, except as otherwise specifically provided in this Charter, shall be vested in a city council to be composed of a mayor and five (5) councilmembers. The mayor and councilmembers shall be elected in a manner provided by A~~a~~rticle V of this Charter.

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Sec. 2.11. City council terms and qualifications of office.

(a) The three members of the city council who were elected to such offices at the general municipal election in 2020~~18~~ and any person selected to fill a vacancy in any such office shall serve out their ~~initial~~ terms of office of three years which shall expire at the first organizational meeting held in January, 2024~~1~~, and upon the election and qualification of their respective successors. ~~Those successors shall be elected at the general municipal election in 2020, shall take office at the first organizational meeting held in January, 2021, and shall serve for an initial term of office of three years which shall expire at the first organizational meeting of 2024.~~

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~~(b)~~ The mayor and the two members of the city council who were~~are~~ elected to such offices at the general municipal election in 2021~~19~~ and any person selected to fill a vacancy in any such office shall serve out their ~~for an initial~~ terms of office of four ~~two~~ years which shall expire at the first organizational meeting held in January, 2026~~2~~, and upon the election and qualification of their respective successors. ~~Those successors shall be elected at the general municipal election in 2021, shall take office at the first organizational meeting~~

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held in January, 2022 and shall serve for an initial term of office of four years each which shall expire at the first organizational meeting of 2026.

(c) On and after January 1, 20241, the successor to the mayor or any member of the council whose term of office is to expire shall be elected at the general municipal election immediately preceding the expiration of such term, shall take office at the first organizational meeting in January immediately following such election, and shall serve for a term of office of four years each. The mayor and members of the council shall serve for the terms of office specified in this section and until their respective successors are elected and qualified.

(bd)No person shall be eligible to serve as mayor or councilmember unless he shall have been a resident of the city for a period of not less than one year immediately prior to the date of the election of mayor or member of the city council and shall continue to reside therein during such person's period of service, and shall be registered and qualified to vote in municipal elections of the City of Norcross., Georgia, and unless he shall meet the qualification standards required for members of the Georgia House of Representatives, as are now or may in the future be prescribed by the Georgia Constitution. *[Rationale; Such qualification standards are not required for mayor or city councilmember.]*

(1996 Ga. Laws, page 3666, § 3; Res. of 3-4-2019 , § 1)

State law reference(s)—Qualifications of representatives, Ga. Const. art. 3, § 2, ¶ 3.

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Sec. 2.12. Vacancy; filling of vacancies; suspensions.

(a) The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office or removal from office in any manner authorized by this Charter or the general laws of the State of Georgia. A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, as provided for in aArticle V of this Charter.

(b) Upon the suspension from office of mayor or councilmember in any manner authorized by the general laws of the State of Georgia, the mayor and

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remaining city council members ~~or those remaining~~ shall appoint a successor for the duration of the suspension. *[Rationale: The mayor is a member of city council, which means that he will participate in the appointment of a successor unless he is suspended from office.]* If the suspension becomes permanent, then the office shall become vacant and shall be filled for the remainder of the unexpired term, if any, as provided for in A~~a~~rticle V of this Charter.

Sec. 2.13. Compensation and expenses.

The mayor and councilmembers shall receive as compensation for their services an amount prescribed by ordinance passed by the city council in conformity with the laws of the State of Georgia. The mayor and councilmembers shall be entitled to receive their expenses incurred in the performance of their duties of office.

Sec. 2.14. Conflicts of interest; holding other offices.

(a) No elected officer, appointed officer, employee, or member of a board, commission or agency *[Rationale: The word "agency" or "agencies" is used consistently throughout this charter.]* ~~uthority~~ of the ~~c~~City of Norcross (hereafter the "city") or any agency or political entity to which this Charter applies shall knowingly:

(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which would tend to impair the independence of ~~t~~his judgment or action in the performance of his official duties;

(2) Engage in or accept private employment or render service~~s~~ for private interests when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair the independence of his judgment or action in the performance of his official duties;

(3) Disclose confidential information concerning the property, government or affairs of the city ~~governmental body by which he is engaged~~ without proper legal authorization or use such information to advance the

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financial or other private interest of himself or others; *[Rationale; All provisions of this Charter relate to the City of Norcross and its officers, employees, and board, authority, and commission members, and therefore the generic reference to the "governmental body by which he is engaged" should be deleted and replaced with the word "city'.]*

(4) Accept any valuable gift, whether in the form of service, loan, object or promise, from any person, firm or corporation which to his knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the -city~~governmental body by which he is engaged~~; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

(5) Represent other private interests in any action or proceeding against this city or any portion of its government; and

(6) Vote or otherwise participate in the negotiations or in the making of any contract with any business or entity in which he has a financial interest.

(b) Any elected officer, appointed officer, employee, or member of a board, commission or agency~~uthority~~ of the city who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. The mayor or any councilmember who has a private interest in any matter pending before the city council shall disclose such private interest and such disclosure shall be entered on the records of the city council, and he shall disqualify himself from participating in any decision or vote relating thereto. Any elected officer, appointed officer or employee or any agency or political entity to which this Charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

(c) No elected officer, appointed officer, employee, or member of a board, commission or agency~~uthority~~ of the city or any agency or entity to which this Charter applies shall use property owned by such governmental entity for personal benefit, convenience or profit, except in accordance with policies

promulgated by the city council or the governing body of such agency or entity.

(d) Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render the ~~said~~ contract or sale voidable at the option of the city council.

(e) ~~Except as authorized by law, neither the mayor nor any~~ No member of city council~~member~~ shall hold any other elective or ~~compensated~~ appointed office in the city or otherwise be employed by the city ~~said government~~ or any agency thereof during the term for which he was elected. No ~~former mayor and no~~ former member of city council~~member~~ shall hold any employed position in the city until at least one (1) year after the expiration of the term for which he was elected. *[Rationale: No member of city council can hold any other city office during his term of office, irrespective of whether it is a compensated office. Also, the mayor is a member of city council and therefore need not be identified separately in this paragraph.]*

(f) (1) No department director, department head, or employee of the City of Norcross (hereafter the "city") shall continue in such position or employment upon qualifying as a candidate for nomination or election to public office in the ~~C~~city ~~of Norcross,~~ or for the Gwinnett County Board of Commissioners.

(2) Department directors, department heads and employees of the ~~C~~city shall be and are permitted to continue in such position or employment after qualifying as a candidate for nomination or election to any public office other than in the ~~C~~city ~~of Norcross~~ or for the Gwinnett County Board of Commissioners.

(3) (i) An appointed member of a board, commission or agency~~authority~~ *[Rationale: for consistency purposes.]* of the ~~C~~city shall continue in such position as a non-voting member after qualifying as a candidate for nomination or election to public office in the ~~C~~city ~~of Norcross~~ or for the Gwinnett County Board of Commissioners. The limitations of such appointed member's authority after qualifying for nomination or election to public office in the ~~C~~city ~~of Norcross~~ or for the Gwinnett County Board of Commissioners are more particularly described in sections (f)(3)(iii) and (f)(3)(iv) below.

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(ii) An appointed member of any board, commission or agency uthority of the Ccity that is elected to public office in the Ccity of Norcross or the Gwinnett County Board of Commissioners shall resign such appointed position upon being sworn in to such public office.

(iii) Between the time that such After an appointed member of any board, commission or agency uthority of the Ccity qualifies for nomination or election to public office in the Ccity of Norcross or for the Gwinnett County Board of Commissioners and the time that the successful candidate is sworn in to such public office, such appointed memberofficial may continue in histheir appointed position as a non-voting member until such time that he is sworn in to such public office. During this time saidthe member shall be counted for the purpose of determining a quorum, and shall be entitled to all other powers, rights, privileges and immunities of such appointed office, including attending and participating in debate in open meetings and in meetings closed for executive session, but shall not have authority to make a motion, to second a motion, or to cast a vote on any matter coming before such board, commission or agencyauthority. *[Rationale: To clarify the privileges and limitations of a board, commission or agency member after qualifying for nomination or election to public office in Norcross or the Gwinnett Board of Commissioners.]*

(iv) An appointed member of any board, commission or agency uthority of the Ccity that is unsuccessful in his or her candidacy for election to public office in the Ccity of Norcross or for the Gwinnett County Board of Commissioners shall resume hissuch appointed position with all powers, rights, privileges and immunities of such appointed office, including the ability to make a motion, to second a motion and to cast votes on any matter coming before thesaid board, commission or agencyauthority fully restored upon the successful candidate being sworn in to such public office. *[Rationale: To remove the misplaced language.]*

(v) An appointed member of any board, commission or agency uthority of the Ccity shall be and is permitted to continue in such position after qualifying as a candidate for nomination or election to any

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public office other than in the ~~C~~city ~~of Norcross~~ or for the Gwinnett County Board of Commissioners.

(4) An ~~E~~elected official~~s in~~ of the City of Norcross (hereafter the "city") (~~i.e.~~ member of city council~~, the Mayor and Councilmembers~~) shall be permitted to continue the balance of his ~~their~~ term for which he was~~they were~~ elected after qualifying ~~as a candidate~~ for nomination or election to any other elective public office (including but not limited to an ~~different~~ elective office in the ~~C~~city ~~of Norcross~~ other than the present office held by such elected official), so long as the term of the elective office for which such official is qualifying begins at least~~more than~~ 30 days prior to the expiration of such official's present term of office. *[Rationale: To make the reference to elected officials singular instead of plural to be consistent with prior provisions of this section. Also, to simplify the language in this paragraph]*

~~(5) The office of any elected official in the City of Norcross shall be declared vacant upon such elected official qualifying in a general primary or general election for another elective public office if the term of office for which such official is qualifying begins more than 30 days prior to the expiration of such official's present term of office.~~ *[Rationale: This appears to conflict with the provisions of Section 2.14 (f)(4) above.]*

~~(6) The elected officials of the City of Norcross shall be ineligible to hold any other elected office during the term of office for which such Mayor or Councilmember was chosen unless he or she first resigns before entering such other office. The vacancy created in any such office shall be filled as provided by Georgia Law.~~ *[Rationale: This provision appears to conflict with Section 2.14(e) above.]*

(g) (1) Any elected officer, appointed officer, employee, or member of a board, commission or agency ~~authority~~ of the city who ~~knowingly conceals such financial interest or~~ knowingly violates any of the provision~~requirement~~s of this section applicable to his ~~respective~~ office or position shall be guilty of malfeasance ~~in office or position~~ and shall be deemed to have forfeited his office or position. *[Rationale: To simplify the language of this subparagraph.]*

(2) Any elected officer, appointed officer, employee, or member of a board,

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commission or agency~~authority~~ of the city who shall forfeit his office or position ~~as described in paragraph (1) of this subsection~~ shall be ineligible for appointment or election to or employment in a position in the city ~~government~~ for a period of three (3) years thereafter.

(Ord. No. 03-2017 , § II, 10-2-2017; Ord. No. 16-2019 , § II, 1-6-2020)

Sec. 2.15. Inquiries and investigations.

~~The mayor and c~~City council, by majority vote, may make inquiries and investigations into the affairs of the city and the conduct of any department, office, or agency thereof and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the ~~mayor and~~ city council shall be punished as provided by the discipline policies set forth in the city employee handbook ~~ordinance~~.

Sec. 2.16. General power and authority of the city council.

(a) Except as otherwise provided by law or by this Charter, the city council shall be vested with all the powers of government of the City of Norcross, Georgia (hereafter the "city"), as provided by A~~a~~rticle I of this Charter.

(b) In addition to all other powers conferred upon it by law, the city council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules and regulations, not inconsistent with this Charter, the constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, or well-being of the inhabitants of the ~~C~~city ~~of Norcross, Georgia~~, and may enforce such ordinances by imposing penalties for violation thereof.

(c) The city council may by ordinance create, change, alter, abolish or consolidate offices, ~~agencies and~~ departments, and agencies of the city and may assign additional functions to any of the offices, departments, and agencies ~~and departments~~ expressly provided for by this Charter.

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Sec. 2.17. Eminent domain.

The city council is empowered to acquire, construct, build, operate and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewerage treatment, waterworks, electrical systems, and charitable, educational, recreational and sports institutions, agencies and facilities and any other public improvement within ~~inside~~ or outside the city, and to regulate the use thereof, and for such purposes, property may be condemned utilizing procedures enumerated in O.C.G.A. title 22, subject to such amendments as shall be enacted, or any other applicable Georgia law.

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Sec. 2.18. Organizational meeting.

The city council shall hold an organizational meeting on or before the second Monday in January. The meeting shall be called to order by the city clerk and the oath of the office shall be administered to the newly elected members as follows:

> "I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (councilmember) of the City of Norcross, Georgia, and that I will support and defend the Charter thereof as well as the constitution and laws of the State of Georgia and of the United States of America."

Following the induction of members, one (1) councilmember shall be appointed to serve as mayor pro tempore pursuant to the procedures set forth in section 2.27 of this Charter.

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Sec. 2.19. Regular and special meetings.

(a) The city council shall hold regular meetings at such times and places as prescribed by ordinance. The city council may recess any regular meeting and continue such meeting on any weekday or hour it may fix and may transact any business at such continued meeting as may be transacted at any regular meeting. Notice to the public shall be made in the manner required by law.

(b) Special meetings of the city council may be held on call of the mayor or three (3) members of the city council. Notice of such special meetings shall be served on all other members personally, or by telephone ~~personally~~, or shall be left at their residences at least 24 hours in advance of the special meeting.

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Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting. Any matter which requires action by the city council in less than 24 hours will be governed by the emergency provisions set forth in section 2.24 of this Charter.

(c) All meetings of the city council shall be public to the extent required by law. The city council may hold executive sessions privately before or after public meetings, but the ayes and nays of any balloting shall be recorded at the conclusion of such executive sessions. Notice to the public of special meetings shall be made as fully as is reasonably possible at least one day prior to such meeting.

Sec. 2.20. Rules of procedure.

(a) Unless otherwise provided by ordinance, rules of procedure for meetings of the city council shall follow Robert's Rules of Order. The city council shall ~~provide for~~ keep~~ing~~ a journal of its proceedings which shall be a public record.

(b) All committees and committee chairpersons of the city council shall be appointed by the mayor and confirmed by the city council and shall serve at the pleasure of the mayor and city council. Following the procedures described in this Charter, the mayor ~~and city council~~ shall have the power to appoint a new member to any committee at any time, and the new member shall be confirmed by the city council.

(1996 Ga. Laws, page 3666, § 4; 1997 Ga. Laws, page 3517, § 2)

Editor's note(s)—The rules of procedure for ~~C~~city ~~C~~council meetings currently follows Rosenburg's Rules, as provided by Ordinance No. 25-2008, adopted by ~~the Mayor and C~~ city council on November 3, 2008, and Ordinance No. 15-2008, adopted by ~~the Mayor and C~~ city council on May 5, 2008.

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Sec. 2.21. Quorum; voting.

The mayor (or mayor pro tempore when presiding) and three (3) councilmembers shall constitute a quorum and shall be authorized to transact the business of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any councilmember shall have the right to request a roll-call vote and such vote shall be recorded in the journal. Except as otherwise provided in this Charter, when a quorum is present, the affirmative vote of a majority of those present shall be required for the adoption of any ordinance, resolution or motion.

Sec. 2.22. Action requiring an ordinance.

Acts of the city council which have the force and effect of law shall be enacted by ordinance.

Sec. 2.23. Ordinance form; procedure.

(a) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "The Council of the City of Norcross, Georgia, hereby ordains…" and every ordinance shall so begin.

(b) An ordinance may be introduced by the mayor or any member of the city council and read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules ~~which~~ it has~~shall~~ established. Upon introduction of any ordinance, the clerk shall distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

Sec. 2.24. Emergency ordinances.

To meet a public emergency affecting life, health, property or public peace, the city council may convene on call of the mayor or three (3) councilmembers and promptly adopt one ~~(1)~~ or more emergency ordinances, but such ordinances may not levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except

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as provided by law. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three (3) councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. An emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Sec. 2.25. Codes of technical regulations.

~~[~~(a)~~]~~ The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that:

(1) The requirements of subsection (b) of section 2.23 of this Charter for distribution and filing of copies of the adopting ordinance shall be construed to include copies of any code of technical regulations~~, as well as the adopting ordinance~~; *[Rationale: To simplify the language in this subsection.]* and

(2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to section 2.26 of this Charter.

(b) Copies of any adopted code of technical regulations shall be made available by the clerk for distribution or for purchase at a reasonable price.

Sec. 2.26. Signing; authenticating; recording; codification; printing.

(a) The clerk shall authenticate by his or her signature and record in full in a properly indexed book ~~kept for that purpose~~ all ordinances adopted by the city council. Every ordinance adopted by the city council shall be presented ~~promptly~~ by the clerk to the mayor. *[Rationale: To simplify the language in this subsection. Also, instead of requiring "prompt" presentation of*

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ordinances adopted to the mayor, specify a reasonable time period, such as "… shall be presented by the clerk to the mayor within forty-eight (48) hours of adoption.]

(b) The city shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly, together with all amendments thereto, with this Charter, any amendment thereto, and such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as "The Code of the City of Norcross, Georgia." Copies of the code shall be furnished to all elected and appointed officers, departments, and agencies of the city and made available for purchase by the public at a reasonable price as fixed by the city council.

(c) The city council shall cause each ordinance and each amendment to this Charter to be typed or printed promptly following its adoption and the ordinance and Charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first Code of the City of Norcross, Georgia, and at all times thereafter, the ordinances and Charter amendments shall be typed or printed in substantially the same style as the code currently in effect and shall be suitable in form for incorporation therein. The city council shall make such further arrangements as deemed desirable for~~with~~ reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

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Sec. 2.27. Mayor pro tempore.

By a majority vote, the city council shall elect a councilmember to serve as mayor pro tempore. During the absence or disability of the mayor for any cause, the mayor pro tempore or, in such mayor pro tempore's absence or disability for any reason, any one of the councilmembers chosen by a majority vote of the city council shall be clothed with all the rights and privileges of the mayor and shall perform the duties of the office of the mayor so long as such absence or disability shall continue. Any such absence or disability shall be declared by majority vote of all councilmembers. The mayor pro tempore shall serve at the pleasure of the city council, shall continue to vote, and shall otherwise participate as a

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councilmember. *[Rationale: To eliminate duplication of section title and centralize the duties of mayor pro tempore, the provisions of former Sec. 2.29 below have been combined with the provision of this section.]*

(1997 Ga. Laws, page 3517, § 3)

Sec. 2.28. The mayor; powers and duties.

The mayor shall be the chief elected officer of the city and as such shall have the following powers and duties:

(1) To preside at all meetings of the city council and be recognized as the official head and spokesperson of the city for service of process and ceremonial purposes;

(2) To vote on matters before the city council only in the event~~case~~ of a tie;

(3) To sign timely, for and on behalf of the city, all contracts, ordinances, instruments, and other documents authorized by the city council and which are required to be in writing, unless otherwise directed or authorized by the city council;

(4) To administer oaths and to take affidavits; and

(5) To fulfill such other duties as authorized by the city council.

(1997 Ga. Laws, page 3517, § 3; 2007 Ga. Laws (Act No. 213), page 4066, § 1)

~~**Sec. 2.29. Selection of mayor pro tempore.**~~

~~By a majority vote, the city council shall elect a councilmember to serve as mayor pro tempore. The mayor pro tempore shall serve at the pleasure of the city council, shall continue to vote, and shall otherwise participate as a councilmember.~~ *[Rationale: To eliminate duplication of section title and centralize the duties of mayor pro tempore, the provisions of this section have been combined with the provisions of Sec. 2.27 above.]*

(1997 Ga. Laws, page 3517, § 3)

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Sec. 2.29~~30~~. The city manager; general powers.

The city council shall appoint a city manager for an indefinite term and shall set his or her compensation in an employment contract. The city manager shall be appointed solely on the basis of his ~~that person's~~ executive and administrative qualifications and~~, including~~ relevant experience.

(2007 Ga. Laws (Act No. 213), page 4067, § 2)

Sec. 2.30~~1~~. Powers and duties of the city manager.

The city manager shall be the chief executive and administrative officer of the city. The city manager shall be responsible to the city council for the administration of all city affairs placed in his ~~or her~~ charge by or under this Charter. The city manager shall have the following powers and duties:

(1) To appoint and, when he ~~or she~~ deems it necessary for the good of the city, suspend or remove any ~~all~~ city employee~~s~~ or~~and~~ administrative officer~~s~~ he ~~or she~~ appoints, except as otherwise provided by law ~~or personnel ordinances adopted pursuant to this Charter~~. The city manager may authorize any administrative officer who is subject to the city manager's direction and supervision to exercise these powers with respect to subordinates in that administrative officer's department, office, or agency; *[Rationale: Clarify that the city manager has the power to remove one or more city employees or administrative officers. Also, use of the word "law" and "ordinances" is redundant, as an ordinance is a local law.]*

(2) To direct and supervise the administration of all departments, offices, and agencies of the city to ensure that the policies of the city council are carried out, except as otherwise provided by this Charter or by law; *[Rationale: To further explain this duty of the city manager.]*

(3) To attend all city council meetings and participate ~~have the right to take part~~ in discussion as required, but the city manager may not vote;

(4) To ensure that all department heads are made aware of the provisions of this Charter; *[Rationale: This is a suggested addition to the duties of the city manager.]*

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(5) To issue follow through instructions on all matters decided by the city council; *[Rationale: This is a suggested addition to the duties of the city manager.]*

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~~To see that all laws, provisions of this Charter, and acts of the city council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed~~;

(6~~5~~) To prepare and submit the annual operating budget and capital budget to the city council. Once approved for the following fiscal year, any increase in the appropriations for these budgets, whether accomplished through a change in anticipated revenues or through a transfer of appropriations among departments, shall require the approval of the city council. Such amendment shall be adopted by ordinance or resolution;

(7~~6~~) To submit to the city council a quarterly summary of the finances and administrative activities of the city, and to make available to the council and public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;

(8~~7~~) To prescribe, require, publish, and implement standards of administrative management and operating procedures to be followed and adhered to by all offices, departments, boards, commissions, authorities, and other agencies of the city which are subject to the city manager's supervision;

(9~~8~~) To act as the purchasing agent of the city;

(10~~9~~) To make such other studies, reports, and investigations as the city council may require concerning the operations of city departments, offices, and agencies subject to the city manager's direction and supervision;

(11~~10~~) To keep the city council fully advised as to the future needs of the city, and make such recommendations to the city council concerning the affairs of the city as he ~~or she~~ deems desirable; and

(12~~11~~) To perform other such duties as are specified in this Charter or as may be required by the city council.

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(2007 Ga. Laws (Act No. 213), page 4067, § 2)

Sec. 2.31~~2~~. Budget authority and special funds.

The city manager shall have full authority to execute the city's annual operating budget and capital budget. Establishment of all special funds and authorization of expenditures from the special funds shall require approval of the city council. The city council shall also approve any operating or capital budget amendments requiring use of funds from the contingency special fund.

(2007 Ga. Laws (Act No. 213), page 4067, § 2)

Sec. 2.32~~3~~. Council's noninterference with administration.

Except for the purpose of inquiries and investigations, ~~the mayor and~~ city council members shall not give orders or directions to any city employees who are subject to the direction and supervision of the city manager, either publicly or privately, directly or indirectly.

(2007 Ga. Laws (Act No. 213), page 4067, § 2)

Sec. 2.33~~4~~. Removal of city manager.

The city council may remove the city manager from office in accordance with the following procedures:

(1) The city council shall adopt by affirmative vote of two-thirds of its members a preliminary resolution which must state the reasons for removal and may suspend the city manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the city manager;

(2) Within five days after a copy of the resolution is delivered to the city manager, he ~~or she~~ may file with the city council a written request for a public hearing. This hearing shall be held within 30 days after the request is filed. The city manager may file with the city council a written reply not later than five days before the hearing; and

(3) If the city manager has not requested a public hearing within the time specified in paragraph (2) of this section, the city council may adopt a

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final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of all its members. If the city manager has requested a public hearing, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of ~~all~~ its members at any time after the public hearing.

The city manager shall continue to receive his ~~or her~~ salary until the effective date of a final resolution for~~of~~ removal from office.

[Rationale: Cosmetic changes only.]

(2007 Ga. Laws (Act No. 213), page 4067, § 2)

Sec. 2.3~~45~~. Acting city manager.

By letter filed with the city clerk, the city manager shall designate a ~~qualified~~ city administrative officer to exercise the powers and perform the duties of city manager during his ~~or her~~ temporary absence or disability. During such absence or disability, the city council may revoke such designation at any time and appoint another officer of the city to serve until the city manager shall return to office or his ~~or her~~ disability shall cease.

[Rationale: What is the definition of "qualified" in this context? The use of the term seems ambiguous.]

(2007 Ga. Laws (Act No. 213), page 4067, § 2)

ARTICLE III. EXECUTIVE BRANCH

Sec. 3.10. Administrative and service departments.

(a) The ~~mayor and~~ city council by ordinance may establish, abolish, merge, or consolidate offices, ~~positions of employment,~~ departments, and agencies of the city, as necessary for the proper administration of the affairs and government of the city. The city manager ~~mayor shall recommend and the city council~~ shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies created or established by this Charter; may provide that the same person shall fill any

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number of offices and positions of employment; and may transfer or change the function or duties of offices, positions of employment, departments, and agencies of the city.

(b) The operations and responsibilities of each department now or hereafter established in the city shall be distributed among such divisions or bureaus as may be provided by ordinance of the city council. Each department shall consist of such officers, employees, and positions as may be provided by this Charter or by ordinance. There may~~shall~~ be a department head of each department who shall be its principal officer. Each department head shall, subject to the direction and supervision of the city manager~~mayor and city council~~, be responsible for the administration and direction of the affairs and operations of his department.

(c) ~~Except as otherwise provided by this Charter,~~With the exception of the officers appointed by the city council, the department heads and other appointed officers of the city shall serve at the pleasure of the city manager~~mayor and city council~~. *[Rationale: Is there a city accountant and city engineer? If so, are they appointed by city council or the city manager?]* Vacancies occurring in an appointive office shall be filled in the same manner as prescribed by this Charter for an original appointment.

(d) Except as otherwise provided by law, the department heads and other appointed officers of the city shall be appointed solely on the basis of their ~~respective~~ administrative and professional qualifications.

~~(e) All appointed officers and department heads shall receive such compensation as prescribed by ordinance of the city council.~~

[Rationale: To clarify that city manager has the sole authority to appoint, direct, supervise, and remove any department head or appointed officer except the city attorney and city auditor. A reference to compensation of officers and department heads is unnecessary.]

(1996 Ga. Laws, page 3666, § 6; 1997 Ga. Laws, page 3517, § 4)

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Sec. 3.11. Boards, commissions and authorities.

(a) The city council may create by ordinance such boards, commissions and authorities to fulfill any investigative, quasi-judicial or quasi-legislative function the city council deems necessary and shall by ordinance establish the composition, period of existence, duties and powers thereof.

(b) All members of boards, commissions and authorities of the city shall be appointed by ~~the mayor and confirmed by the~~ city council for such terms of office and such manner of appointment as provided by ordinance, except where other appointing authority, terms of office or manner of appointment is prescribed by this Charter or by law.

(c) Except as otherwise provided by Charter or by law, no voting member of any board, commission or authority shall hold any elective office in the city.

(d) Any vacancy in the office of any member of a board, commission or authority of the city shall be filled for the unexpired term in the manner prescribed herein for the original appointment, except as otherwise provided by this Charter or by law.

(e) No member of any board, commission or authority shall assume office until he shall have executed and filed with the clerk of the city an oath obligating himself to perform faithfully and impartially the duties of his office, such oath to be prescribed by ordinance of the city council and administered by the mayor.

(f) Any member of a board, commission or authority may be removed from office by a vote of a majority of the members of the city council.

(g) The city council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of members of boards, commissions and authorities in the performance of their official duties.

(h) The qualifications required of members of boards, commissions and authorities shall be prescribed by ordinance.

(i) Except as otherwise provided by this Charter or by law, each board, commission or authority of the city government shall elect one (1) of its members as chairman and one (1) member as vice chairman for terms of one (1) year, and may elect as its secretary an employee of the city. Each board,

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commission or authority of the city government may establish (after approval by the mayor and councilmembers) such bylaws, rules and regulations, not inconsistent with this Charter, an ordinance of the city, or law, as it deems appropriate and necessary for the conduct of its affairs. Copies of such bylaws, rules and regulations shall be filed with the clerk of the city.

Sec. 3.12. City clerk.

The city manager shall appoint a city clerk who shall not be a council member. The city clerk shall be custodian of the official city seal, maintain city council records required by this Charter, and perform such other duties as may be required by the mayor and city council. The city manager shall also appoint a deputy clerk as the city manager shall deem necessary to assist the city clerk in performing his duties.

[Rationale: This is a suggested addition in the event that the city clerk needs assistance. The language in the first two sentences mirrors the 2007 Ga. Laws (HB 480)]

(2007 Ga. Laws (Act No. 213), page 4069, § 3)

Sec. 3.13. City treasurer.

The city manager shall appoint a city treasurer to collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this Charter and the ordinances of the city, and to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes to the city. The city treasurer shall also be responsible for the general duties of a treasurer and fiscal officer. The city clerk and city treasurer shall not be the same person. [No changes in this section, as the language mirrors the 2007 Ga. Laws (HB 480)]

(2007 Ga. Laws (Act No. 213), page 4069, § 3)

Sec. 3.14. City attorney.

The ~~mayor and~~ city council shall appoint a city attorney, together with such assistant city attorneys, as may be authorized by ordinance. ~~The city council shall~~

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~~provide for the payment of such attorney or attorneys for services rendered to the city.~~ The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party, may be the prosecuting officer in the municipal court, shall attend the meetings of the city council as directed, shall advise the mayor, city council and other officers and employees of the city concerning legal aspects of the city's affairs, and shall perform such other duties as may be required of him by virtue of his position as city attorney.

The mayor is a member of the city council and should not be mentioned separately. Also, the city council shall provide for the payment of such attorney or attorneys for services rendered to the city.

[Rationale: The provision for payment of attorney's fees should follow the duties of the city attorney.]

Sec. 3.15. City accountant.

The mayor may appoint and the city council shall confirm a city accountant to perform the duties of an accountant.

Sec. 3.16. City auditor.

The city manager shall contract with confirmation of the city council an outside firm to perform the duties of a city auditor. [No changes in this section, as the language mirrors the 2007 Ga. Laws (HB 480)]

(2007 Ga. Laws (Act No. 213), page 4070, § 4)

Sec. 3.17. Human resources.

(a) *Human resources manager.* The city manager shall appoint a human resources manager who shall be responsible for policies and practices related to the equitable treatment of city employees.

(b) *The city position classification and pay plan.* The human resources manager shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city manager and then to the city council for approval. Such plan shall apply to all employees of the city and any of its agencies, departments, boards, commissions, or authorities. When a pay plan has been adopted, the city council shall not increase or decrease the salary

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range applicable to any position except by amendment of such pay plan. The city manager shall apply the pay plan to city employees. For purposes of this section, all elected city officials are not city employees.

(c) *Employee rules and regulations.* The city manager shall present to the city council for approval rules and regulations consistent with this Charter concerning:

(1) The method of employee selection and probationary periods of employment;

(2) The administration of a position classification and pay plan, methods of promotion and applications of service ratings thereto, and transfer of employees within the classification plan;

(3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoffs shall be effected;

(4) Such dismissal hearings as due process may require; and

(5) Such other personnel notice as may be necessary to provide for adequate and systematic handling of personnel affairs.

(1997 Ga. Laws, page 3517, § 5; 2007 Ga. Laws (Act No. 213), page 4070, § 4)

Sec. 3.18. Appointment of elected officials.

No person holding an elective office in the City of Norcross shall be eligible for appointment as a city employee during the term of office for which he ~~or she~~ was elected or within one (1) year ~~two years~~ after the expiration of his ~~or her~~ term of office. *[Rationale: To be consistent with the one (1) year period concerning holding other offices set forth in Sec. 2.14(e).]*

(2007 Ga. Laws (Act No. 213), page 4070, § 4)

ARTICLE IV. MUNICIPAL COURT

Sec. 4.10. Creation.

There is established a court to be known as the Municipal Court of the City of Norcross (hereafter the "city"), which shall have jurisdiction and authority to try

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offenses against the laws and ordinances of the~~said~~ city and to punish for a violation of the same. Such court shall have the power and authority to enforce its judgments by the imposition of such penalties as may be provided by law; to punish witnesses for nonattendance, and to punish also any person who may counsel or advise, aid, encourage or persuade another whose testimony is desired or material in any proceeding before said court to go or move beyond the reach of the process of the court; to try all offenses within the territorial limits of the city constituting traffic cases which under the laws of Georgia are placed within the jurisdiction of municipal courts to the extent of and in accordance with the provisions of such laws and all law subsequently enacted amendatory thereof.

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Sec. 4.11. Chief judge; associate judge; solicitor.

(a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or standby judges as shall be provided by ordinance. The method of selection and terms of such judges shall be provided by ordinance.

(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless he shall have attained the age of 21 years and shall be a member of the State Bar of Georgia. All judges shall be appointed by the mayor and confirmed by the city council and shall serve at the pleasure of the mayor and city council.

(c) Compensation of the judges shall be fixed by the city council by ordinance.

(d) Before assuming office, each judge shall take an oath, given by the mayor, that he will honestly and faithfully discharge the duties of his office to the best of his ability and without fear, favor or partiality. The oath shall be entered upon the minutes of the city council journal required in section 2.20 of this Charter.

(e) At the request of the presiding municipal judge, a solicitor and an assistant solicitor may be appointed by the mayor and confirmed by the city council. The method of selection and terms of such solicitors shall be provided by ordinance.

Sec. 4.12. Convening.

The municipal court shall be convened at such times as designated by ordinance or ~~at such times~~ as the court deems necessary to keep current the dockets thereof. *[Rationale: To eliminate duplicative phrase.]*

Sec. 4.13. Jurisdiction; powers.

(a) The municipal court shall try and punish violations of this Charter, all city ordinances, and such other violations as provided by law.

(b) The municipal court shall have the authority to punish those in its presence for contempt, provided that such punishment shall not exceed a fine of $200.00 or ten days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of $1,000.00 or imprisonment for 180 days, or both, or may fix punishment by fine, imprisonment or alternative sentencing as now or hereafter provided by law. The municipal judge may appoint counsel as required by law at the request of any person sentenced to a jail term who is found to be indigent.

(d) The municipal court shall have the authority to establish a schedule of fees to defray the costs of operation and shall be entitled to reimbursement of the actual cost of meals, transportation and caretaking of prisoners bound over to superior courts for violation of state law.

(e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety bond for the appearance of persons charged with violations. Whenever any person shall give bail for his appearance and shall fail to appear at the time fixed for trial, his bond may be forfeited by the judge presiding at such time and an execution shall be issued thereon by serving the defendant and his sureties with a rule nisi at least two (2) days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond or security for the appearance of a defendant at trial and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the City of

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Norcross, or the property so deposited shall have a lien against it for the value forfeited, which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

(f) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that state law has been violated.

(g) The municipal court shall have the same authority as superior courts to administer oaths as are necessary and to perform all other acts necessary and proper to the conduct of said court.

(h) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas and warrants which may be served as executed by any officer as authorized by this Charter or by law.

(i) The municipal court is specifically vested with all the jurisdiction and powers throughout the geographic area of the City of Norcross granted by law to municipal courts and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

Sec. 4.14. Appeal and certiorari.

(a) A review of a decision of the municipal court, in the case of traffic violations, may be by direct appeal to the Superior Court of Gwinnett County, Georgia (hereafter the "superior court"), and any bond as may be required to secure the costs of appeal to the ~~Superior Court of Gwinnett County, Georgia,~~ superior court from the municipal court shall lie as prescribed by law. An appeal to the superior court shall not be a de novo proceeding.

(b) The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of the judge of the ~~S~~superior ~~C~~court ~~of Gwinnett County~~ under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari. *[Rationale: Cosmetic changes only.]*

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Sec. 4.15. Rules of court.

With the approval of the city council, the municipal judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the city council may adopt in part or in full ~~toto~~ the rules and regulations applicable to the superior courts under the laws of the State of Georgia. The rules and regulations made or adopted for said court shall be filed with the city clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

ARTICLE V. ELECTIONS

Sec. 5.10. Applicability of general law.

All elections shall be held and conducted in accordance with chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," O.C.G.A. § 21-2-1 et seq., as now or hereafter amended.

(Ord. No. 17-2018 , § II, 12-3-2018)

Sec. 5.11. Regular elections; time for holding.

The city council shall cause an election to be held at the city hall or such other place in the city as the city council shall direct and designate. All general municipal elections held prior to the election of 2023 shall be held on the Tuesday next following the first Monday in November of each year, except that no such election shall be held in 2022. The general municipal election of 2023 and all subsequent general municipal elections shall be held on the Tuesday next following the first Monday in November of each odd numbered year. The term of each elected officer shall begin on the day and hour of taking the oath of office as provided in Article II, Section 2.18 of this Charter. Notwithstanding any other provision of this Charter, no term of office to which a person has been elected prior to the date this section becomes effective in 2019 shall be shortened or lengthened except pursuant to the procedures established by general law.

(Res. of 3-4-2019 , § 2)

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Sec. 5.12. Qualifying; absentee ballots; other provisions.

~~Except as otherwise provided by this Charter, t~~The city council ~~, by ordinance,~~ may prescribe rules and regulations governing qualifying fees, absentee ballots, write-in votes, challenge of votes, and such other rules and regulations as required by the provisions of ~~it deems necessary to fulfill any options and duties under chapter 2 of Title 21 of the O.C.G.A.,~~ the ~~"~~"Georgia Election Code,~~"~~" codified as O.C.G.A. § 21-2-1 et seq., as now or hereafter amended. *[Rationale: The city council must comply, by ordinance or otherwise, with the state election code, and this section was modified to remove any perceived "discretion" of the city council in establishing any rules or regulations in conflict with the election code.]*

(Ord. No. 17-2018 , § II, 12-3-2018)

Sec. 5.13. Election by majority vote.

The mayor and councilmembers shall be elected by a majority vote of the votes cast for each position. The procedures and requirements for election of all elected officers of the city shall be in conformity with the provisions of chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," O.C.G.A. § 21-2-1 et seq., as now or hereafter amended.

(Ord. No. 17-2018 , § II, 12-3-2018)

Sec. 5.14. Special elections; vacancies.

In the event that the office of the mayor or any councilmember shall become vacant for any cause whatsoever, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official. ~~; provided, however, if such vacancy occurs within nine (9) months of the expiration of the term of office of the mayor or any councilmember, said vacancy in office shall be filled by appointment by the remaining members of the city council. In all other respects, a~~ A special election shall be held and conducted in accordance with ~~chapter 2 of Title 21 of the O.C.G.A.,~~ the "Georgia Election Code," O.C.G.A. § 21-2-1 et seq.~~)~~, as now or hereafter amended. *[Rationale: The provisions of state law governing special elections shall be strictly followed, thereby eliminating the need for additional special election provisions]*

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(Ord. No. 17-2018 , § II, 12-3-2018)

Sec. 5.15. Grounds for removal.

(a) The mayor or~~and~~ any councilmember shall be subject to removal from office for any one or more of the following causes:

(1) Incompetence, misfeasance or malfeasance in office;

(2) Conviction of a crime involving moral turpitude;

(3) Failure at any time to possess any qualifications of office as provided by this Charter or by law;

(4) Willful violation of any ~~express~~ prohibition of this Charter; *[The word "express" is unnecessary,]*

(5) Abandonment of office or neglect to perform the duties thereof; or

(6) Failure for any other cause to perform the duties of office as required by this Charter or by state law.

(b) Removal of an elected officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:

(1) ~~Removal of an elected officer from office may be accompanied b~~By two-thirds (⅔) of the vote of the entire membership of the city council. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the Superior Court of Gwinnett County (hereafter the "superior court"). Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or

(2) By an order of the ~~S~~superior ~~C~~court ~~of Gwinnett County~~ following a hearing on a complaint seeking such removal brought by any resident of the City of Norcross, Georgia.

[Rationale: To simplify the provisions of this section.]

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ARTICLE VI. FINANCE AND FISCAL

Sec. 6.10. Property taxes.

All property subject to taxation for state and county purposes, assessed as of January 1 in each year, shall be subject to any property tax levied by the City of Norcross (hereafter the "city"). The city shall use the county assessment for the year in which the city taxes are to be levied. The county is to furnish appropriate information for such purpose unless otherwise directed by state law. The maximum~~,~~ general operation millage rate will be 15 mills.

Sec. 6.11. Property tax levy.

The city council shall assess and collect an ad valorem tax on all real and personal property within the corporate limits of the city as permitted by state law for the purpose of raising revenues to defray the costs of operating the city government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the city council in its discretion.

Sec. 6.12. Millage rate; due dates and payment methods.

The city council, by ordinance, shall establish a millage rate for the city property tax, a due date and the time period within which these taxes must be paid. The city council by ordinance may provide for the payment of the taxes by installments or in one (1) lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

Sec. 6.13. Occupational and business taxes.

The city council, by ordinance, shall have the power to levy such occupation or business taxes as are not prohibited by law. Such taxes may be levied on both individuals and corporations who transact business in the city or who practice or offer to practice any profession or calling therein to the extent such persons have a constitutionally sufficient nexus to the city to be so taxed. The city council may classify businesses, occupations, professions or callings for the purpose of such

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taxation in any way which may be lawful and may compel the payment of such taxes as provided in section 6.19 of this Charter.

Sec. 6.14. Licenses; permits; fees.

The city council, by ordinance, shall have the power to require any individual~~s~~ or corporation~~s~~ who transacts business in this city or who practices or offers to practice any profession or calling therein to register or obtain a license or permit for such activity from the city and pay a reasonable fee for such license or permit where such activities are not ~~now~~ regulated by general law in such a way as to preclude city regulations, regardless of whether or not the individual or corporation has an office or establishment within the city. The city council shall be authorized to fix the amount, terms and manner of issuing and revoking licenses or permits, subject to the laws of Georgia and the United States. This power is conferred pursuant to the police powers of the city and for the purpose of raising revenue for the operation of city government through the imposition of a fee for the privilege of operating within the city. Such fees may reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in section 6.19 of this Charter. The city council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety and welfare necessitate. *[Rationale: To eliminate duplicate sections of this Charter by combining the provisions of this section with the provisions of Section 7.14.]*

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Sec. 6.15. Sewer service charges.

The city council, by ordinance, shall have the right, power and authority to assess and collect fees, charges and tolls for sewer services rendered both inside and outside the corporate limits of the city, to provide for the total cost and expense of providing for the collection and disposal of sewage through the sewerage facilities of the city. If unpaid, said sewer service shall constitute a lien against any property of persons served, which lien shall be second in priority to liens for county and city property taxes and shall be enforceable in the same manner and under the same remedies as a lien for city property taxes as provided in section 6.19 of this Charter.

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Sec. 6.16. Sanitary and health service charges.

The city council, by ordinance, shall have authority to provide for, to enforce, to levy and to collect the total costs of sanitary and health services provided or made available inside or outside the corporate limits of the city. Such authority shall include the power to assess, levy and collect annual or monthly sanitary taxes or fees in such amount, or amounts, and based upon and in accordance with such classification of property and sanitary service or services provided, as may be fixed by ordinance. Said sanitary taxes and assessment thereof shall be a charge and lien against the real estate for ~~in respect to~~ which said taxes are so assessed and the owner or owners thereof, superior to all other liens except liens for county and city property taxes and shall be enforceable in the same manner and under the same remedies as a lien for city property taxes as provided in section 6.19 of this Charter.

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Sec. 6.17. Special assessments.

The city council, by ordinance, shall have the power and authority to assess and collect impact fees or other special assessment fees to cover all or part of the cost of constructing, reconstructing or improving any public way, street, sidewalk, curbing, gutters, sewers, water systems or other utility mains and appurtenances, against the abutting property owner or the owners of any property having a constitutionally sufficient nexus to the needed public improvement under such reasonable terms and conditions as may be prescribed by ordinance. Such special assessments shall become delinquent 30 days after their due dates, shall thereupon be subject, in addition to fieri facias charges, to a penalty of 10 percent and shall thereafter be subject to interest at the rate of nine percent (9%) per annum from date due until paid. A lien shall exist against the affected property superior to ~~all~~ other liens, except that it shall be of equal dignity with liens for county and city property taxes; and said lien shall be enforceable by the same procedure and under the same remedies as a lien for city property taxes as provided in section 6.19 of this Charter.

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Sec. 6.18. Construction; other taxes.

The~~is~~ city shall be empowered to levy any other tax allowed ~~now or hereafter~~ by law, and the specific mention of any right, power or authority in this article

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shall not be construed as limiting in any way the general powers of the~~is~~ city to govern its local affairs.

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Sec. 6.19. Collection of delinquent taxes and fees.

The city council, by ordinance, may provide for the collection of delinquent taxes, fees, or other revenues due the city under Sections 6.10 through 6.18 of this Charter by fieri facias issued by the General Government Administration department head and executed by any police officer of the city or the city marshal under the same procedures provided by the law governing execution of such process from the superior court or by the use of any other available legal processes and remedies. The city council shall be authorized to impose an interest penalty upon delinquent tax payments to the city in an amount not exceeding the maximum rate of interest allowable under the laws of Georgia. A lien shall exist against all property upon which the city property taxes are levied, as of the assessment date of each year, which lien shall be superior to ~~all~~ other liens, except that it shall have equal dignity with those of federal, state, or county taxes. In case of hardship, the city council shall have discretionary authority to waive any and all penalties imposed by this Charter on delinquent taxes, assessments, or ~~on~~ other amounts due to the city.

(1996 Ga. Laws, page 3666, § 7; 1997 Ga. Laws, page 3517, § 6)

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Sec. 6.20. Transfer of executions.

The ~~g~~General ~~G~~government ~~A~~administration department head shall be authorized to assign or transfer any fieri facias or execution issued for any tax, street, sewer, or other assessment in the same manner and to the same extent as provided by Georgia law regarding sales and transfers of tax fieri facias; provided, however, that upon levy of execution and sale of property pursuant to such tax fieri facias, whether assigned, transferred, or executed by the city, the owner of such property, in fee simple or lesser interest, shall not lose his or her right to redeem the property in accordance with the requirements of redemption of property sold under state or county ad valorem tax fieri facias as said requirements ~~now exist or~~ may be h~~ereinafter~~ provided by law.

(1996 Ga. Laws, page 3666, § 8)

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Sec. 6.21. General obligation bonds.

The city council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized under this Charter or the general laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.

Sec. 6.22. Revenue bonds.

Revenue bonds may be issued by the city council as state law ~~now or hereafter~~ provides. Such bonds are to be paid out of any revenues produced by the project, program or venture for which they were issued.

Sec. 6.23. Short-term loans.

The city may obtain short-term loans between January 1 and December 31 of each year and must repay such loans not later than December 31 of each year.

Sec. 6.24. Fiscal year.

The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting for each and every office, department, ~~institution,~~ agency and activity of the city government, unless otherwise provided by state or federal law.

Sec. 6.25. Preparation of budgets.

The city council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement program, and a capital budget, including requirements as to the scope, content and form of such budgets and programs.

Sec. 6.26. Submission of the operating budget to the city council.

On or before a date fixed by the city council, but not later than 60 days prior to the beginning of each fiscal year, the city manager shall prepare and submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the city manager containing a

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statement of the general fiscal policies of the city, the important features of the budget, an explanation~~s~~ of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as he ~~or she~~ may deem pertinent. The operating budget, the capital improvements budget ~~provided for in this chapter~~, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

(1997 Ga. Laws, page 3517, § 7; 2007 Ga. Laws (Act No. 213), page 4071, § 5)

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Sec. 6.27. Action by city council on operating budget.

(a) The city council may amend the proposed operating budget, except that the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this Charter and for all debt service requirements for the ensuing fiscal year, and the total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.

(b) The city council, by ordinance, shall adopt the final operating budget for the ensuing year not later than the last day of the current fiscal~~old~~ year. If the city council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget document.

(c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such item, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotments thereof to which it is chargeable, unless authorized by the city council.

(d) The city council shall be authorized to establish a tax millage rate each year to ensure that the necessary revenue will be available to meet the appropriations provided for in the~~said~~ budget. The tax millage rate levied by

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the city council shall not exceed 15 mills to cover general operating expenses. An additional millage rate may be levied for the retirement of bonded indebtedness.

(1997 Ga. Laws, page 3517, § 8)

Sec. 6.28. Changes in appropriations.

The city council may make changes in the appropriations in addition to those contained in the current operating budget at any regular meeting or special or emergency meeting called for such purposes.

Sec. 6.29. Capital improvements budget.

(a) On or before a date fixed by the city council, but not later than 60 days prior to the beginning of each fiscal year, the city manager shall prepare and submit to the city council a proposed capital improvements budget with recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The city council shall have the power to accept, with or without amendments, or reject the proposed capital improvements budget~~program~~ and proposed means of financing the proposed improvements. The city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement~~,~~ unless the appropriations for such project are included in the capital improvements budget, except to meet a public emergency as provided in Section 2.24 of this Charter.

(b) The city council shall adopt by ordinance the final capital improvements budget for the ensuing fiscal year not later than December 31 of each year. No appropriations provided for in a prior capital improvements budget shall lapse until the purpose for which the appropriations were made shall have been accomplished or abandoned; provided, however, the mayor or any member of the city council may submit amendments to the capital improvements budget at any time during the fiscal year, accompanied by recommendations for such amendments. Any ~~such~~ amendments to the capital improvements budget shall become effective only upon adoption by ordinance.

(1997 Ga. Laws, page 3517, § 9; 2007 Ga. Laws (Act No. 213), page 4071, § 6)

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Sec. 6.30. Independent audit.

There shall be an annual independent audit of all city accounts, funds and financial transactions by a certified public accountant selected by the mayor and confirmed by the city council. The audit shall be conducted according to generally accepted accounting principles. Any audit of any funds by the state or federal government may be accepted as satisfying the requirements of this Charter. Copies of all audit reports shall be available at printing costs to the public.

Sec. 6.31. Procurement and property management; contracting procedures.

(a) The City of Norcross (hereafter the "city") shall establish financial management policies to ensure that the public has confidence in the integrity of the city's administration of its procurement and contracting procedures.

(b) The city is authorized to make purchases and enter into contracts as follows:

(1) Each department head shall serve as purchasing agent for his department and shall, pursuant to written purchasing policies and procedures established by the city, negotiate the purchase of all capital expenditures, goods and services for his department. The department head or his designee shall approve all purchases and submit them to the General Government Administration Department, which is subject to the supervision and direction of the city manager. ~~All contracts shall be made or authorized by the city council and no contracts shall bind the city unless:~~

(~~1)~~ (2) All contracts ~~It is~~ shall be in writing to be binding upon the city. ~~;~~

(3~~2~~) The city shall establish financial ~~In event a contract for goods or services is in excess of $500.00, it shall be drawn by or submitted and reviewed by the city attorney and, as a matter of course, shall be signed by him to indicate such drafting or review; and~~

~~(3) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings pursuant to section 2.21 of this Charter.~~

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(c) No contract for the sale, lease or purchase of real estate shall be valid without the approval of city council.

(d) The city clerk shall authenticate all contracts and shall maintain a file of original copies of all city contracts.

[Rationale: To make the provisions of this section consistent with Sections 16-73, 16-74 and 16-76 of the City of Norcross Code of Ordinances and to enable the city to make revisions to a financial policy as needed from time to time].

Sec. 6.32. Centralized purchasing.

The city council may by ordinance prescribe procedures for a system of centralized purchasing for the city.

Sec. 6.33. Sale of city property.

(a) The city council may sell and convey any real or personal property owned or held by the city for governmental or other purposes as ~~now or hereafter~~ provided by law.

(b) The city council may quitclaim any rights it may have in property ~~not needed~~ for public purposes upon report by the mayor and adoption of a resolution by the city council, both stating in writing~~finding~~ that the property is not needed for public ~~or other~~ purposes and that the interest of the city has no readily ascertainable monetary value.

(c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the city a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the mayor to execute and deliver in the name of the city a deed conveying said cut off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights of way of said street, avenue, alley, or public place when such exchange is deemed to be in the best interest of the city. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

(1997 Ga. Laws, page 3517, § 10)

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ARTICLE VII. MUNICIPAL SERVICES AND REGULATORY FUNCTIONS

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Sec. 7.10. Municipal services; streets.

The city council shall have the power and authority to lay out, open, widen, change, straighten, alter, improve, vacate, abandon and otherwise to exercise complete control over the streets, alleys, squares and sidewalks of the city. The city council shall provide for the removal of any and all obstacles and nuisances in regard to the streets, alleys, or sidewalks, or other public places within the city and shall adopt appropriate ordinances to accomplish this purpose.

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Sec. 7.11. Municipal utilities.

The city council shall have the power and authority to acquire, own, hold, build, maintain and operate a system of waterworks, electric lights, and sewerage systems; to establish rates and charge fees for services rendered in any of said systems; to finance any of the~~said~~ systems through appropriate bond issues in accordance with the laws of Georgia; to exercise the power of eminent domain in regard to any of the~~said~~ systems, both inside and outside the corporate limits; and to contract to furnish the services of the~~said~~ systems to consumers outside the corporate limits of the city.

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Sec. 7.12. Sewers and drains.

The city council shall have the power and authority to provide for the establishment, extension and maintenance of a system of sewers and drains, together with a sewerage disposal system. This power includes the authority to extend the~~said~~ system beyond the corporate limits. For these purposes the city is granted the power of eminent domain both inside and outside the corporate limits. The city council may provide by ordinance~~s~~ for reasonable connection fees for tapping on to the water and sewer lines of the~~said~~ city and may compel citizens to tap into the same when such services are made available. The city council~~y~~ may cause said connection to be made when the owners refuse and issue executions to be made for the amount so expended, which executions shall

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create a lien on the property connected with said water and sewerage system from the date of the order or connection.

Sec. 7.13. Rights-of-way.

The city shall have the right, easement and franchise of laying the necessary mains, pipes, conduits and drains, for waterworks and sewerage system purposes along the highways in the County of Gwinnett, without cost; it shall have full power and authority to enact and enforce such rules and regulations and ordinances as may be necessary to protect the water basin and watershed from which the water supply is taken from contamination and to protect said waterworks and sewerage system, including the mains, pipes, and conduits whether the same be situated inside or outside the corporate limits of the city.

~~**Sec. 7.14. Power to regulate and license.**~~

~~The city council shall have the power and authority to provide by ordinance for the registration and licensing of any trade, business, occupation, vocation, profession, or any and every other undertaking pursued for the purpose of personal gain or profit of whatever nature, engaged in or carried on within the limits of the city, regardless of whether or not the subject has an office or establishment within the city. The city council shall be authorized to fix the amount, terms and manner of issuing and revoking licenses, provided that this authority is subject to the constitutions and laws of the United States and State of Georgia. This power is conferred for the purpose of regulation under the police powers of the city and for the purpose of raising revenue for the operation of the city government through the imposition of a tax or fee on the privilege of operating within the city. This authority extends over individuals, partnerships, associations, corporations and their agents and any other legal entity capable of transacting business.~~ *[Rationale: The provisions of this section appear to be duplicative of Section 6.14 of this Charter.]*

Sec. 7.15. Franchises.

The city council shall have the authority to exercise control over the streets of the city. The power is conferred upon the city council to grant franchises for the use of t~~h~~is city's streets and alleys, for the purposes of railroads, street railways, telephone companies, electric companies, cable television companies, gas

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companies, transportation companies and other similar organizations. This franchise right extends to, but is not limited to, the erection of poles, stringing wires, and laying of pipes, lines or conduits both above and below the ground surface. The council shall determine the duration, provisions, terms, and whether the same shall be exclusive or nonexclusive and the consideration for such franchises; provided, however, that no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in the registration book kept by the city clerk~~her or him~~. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

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Sec. 7.16. Building, housing, electrical and plumbing regulations.

The city council shall have the power and authority to enact such reasonable rules and regulations as it may deem necessary or expedient regarding the construction and maintenance of buildings, remodeling of buildings, plumbing and electrical wiring and equipping of buildings, in order to promote the safety and welfare of its citizens and to guard against fire or other property damage. This power may, in the discretion of the city council, be exercised by adoption of any such standard building, housing, gas, heating and air conditioning, electrical, and plumbing codes as may be deemed proper. The city council shall be empowered to direct the city manager to engage the necessary city personnel to enforce such rules and regulations as adopted and to charge reasonable fees for inspections and permits. ~~; and~~ The city council may also require the obtaining of a permit as a condition precedent to any construction, building, electrical or plumbing work. The city council may enact all ordinances necessary to enforce such rules and regulations.

ARTICLE VIII. ZONING

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Sec. 8.10. Zoning board.

The mayor shall recommend and the city council shall appoint a planning and zoning board and the city council shall adopt ordinances and regulations for the administration thereof. The zoning board shall be advisory in nature and must

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review all matters before them in full recognition of the criteria set forth in the City of Norcross (hereafter the "city") land use plan.

Sec. 8.11. Zoning board of appeals.

The mayor shall recommend and the city council shall appoint a zoning board of appeals to hear cases involving variances from the city's zoning rules and regulations.

ARTICLE IX. GENERAL PROVISIONS

Sec. 9.10. Bonds for officials.

The officers and employees of the city, both elective and appointive, shall execute such surety or fidelity bonds in the amounts and upon such terms and conditions as the city council shall from time to time require by ordinance or as may be provided by law.

Sec. 9.11. Existing ordinances, resolutions, rules and regulations.

Existing ordinances, resolutions, rules and regulations of the City of Norcross not in conflict with the provisions of this Charter shall continue in force, unless repealed or amended by the city council. To the extent the Code of the City of Norcross conflicts with this Charter, the Charter shall control. Existing rules and regulations of departments or agencies not in conflict with the provisions of this Charter shall continue in force and effect until they have been repealed or amended.

Sec. 9.12. Construction.

(a) Section captions in this Charter are informative only and shall not be considered as a part thereof.

(b) The word "shall" is mandatory and the word "may" is permissive.

(c) The singular shall include the plural, and vice versa, and the masculine shall include the feminine~~, and vice versa~~.

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Sec. 9.13. Penalties.

The violation of any provision of this Charter, for which a penalty is not specifically provided for herein, shall be punishable by a fine of not more than $1,000.00, or by imprisonment not to exceed 30 days, or both such fine and imprisonment.

Sec. 9.14. City ~~Existing~~ mployees~~personnel~~ and officers.

Except as specifically provided otherwise by this Charter, all employees ~~personnel~~ and officers of the city and their rights, privileges, and powers shall continue beyond the time this Charter takes effect for a period of 30 days before or during which the ~~existing~~ city council shall pass a transition ordinance ~~detailing the changes in personnel and appointive officers required or desired and arranging such titles,~~ specifying the rights, privileges and powers of such employees and officers as may be required or desired to allow a reasonable transition.

Sec. 9.15. Pending matters.

Except as specifically provided otherwise by this Charter, all rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue and any such ongoing work or cases shall be completed by such city agencies, personnel or offices as may be provided by the city council.

Sec. 9.16. Severability.

If any article, section, subsection, paragraph, sentence or part of this Charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the other parts of this Charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in enacting this Charter that each article, section, subsection, paragraph, sentence or part thereof be enacted separately and independent of each other.

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Sec. 9.17. Specific repealer.

An Act incorporating the City of Norcross, in the County of Gwinnett, approved February 11, 1977 (1977 Ga. Laws, page 2546), is repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety.

Sec. 9.18. General repealer.

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

Subpart B RELATED LAWS

ARTICLE II. HOMESTEAD EXEMPTION FROM AD VALOREM TAXATION[2]

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[2]Editor's note(s)—Printed herein is 1990 Ga. Laws (Act No. 798) p. 3941, as enacted by the Georgia General Assembly. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Act. Any provisions regarding the notice to introduce legislation, call for special election, form of ballot, and the repealing clause have been omitted. Obvious misspellings and punctuation errors have been corrected without notation. The style used for headings and catchlines has been made uniform and consistent with those appearing in the Code. Additions made for clarity, such as consistent state statute citations and catchline modifications, are indicated by brackets.

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Sec. 1. Statutory authorization.

The following legislation pertaining to homestead exemptions in the City of Norcross is enacted pursuant to ~~a~~Article VII, ~~S~~section II, ~~p~~paragraph II of the Constitution of the State of Georgia, relating to exemptions from taxation of property.

Sec. 2. Exemptions granted.

(a) Each resident of the City of Norcross (hereafter the "city") shall be~~is~~ granted a homestead exemption from all ~~City of Norcross~~ ad valorem taxes levied by the city, except taxes to pay interest on the retired bonded indebtedness, in an ~~the~~ amount to be determined ~~of $9,000.00 of~~ pertaining to the value of the homestead owned and occupied by said resident within the city ~~City of Norcross~~. The value of the homestead in excess of the exempted amount shall remain subject to taxation.

(b) Each resident of the city~~City of Norcross~~ who is 62 years of age or older is granted a homestead exemption from all ~~City of Norcross~~ ad valorem taxes levied by the city in ~~the~~ an amount to be determined~~of $18,000.00 of~~ pertaining to the value of the homestead owned and occupied by said resident within the city~~City of Norcross~~. The value of the homestead in excess of the exempted amount shall remain subject to taxation.

(c) The increased homestead exemptions provided in this Act shall apply to all taxable years beginning after December 31, 1989.

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