

City of Norcross

*65 Lawrenceville Street
Norcross, GA 30071*



Meeting Agenda

Tuesday, June 1, 2021

6:30 PM

Teleconference

<https://zoom.us/j/93721112127>

Special Called Meeting

*Mayor Craig Newton
Mayor Pro Tem Josh Bare
Councilmember Andrew Hixson
Councilmember Matt Myers
Councilmember Bruce Gaynor
Councilmember Arlene Beckles*

A. Call to Order by Craig Newton
PLEASE TURN OFF ALL CELL PHONES AND ELECTRONIC DEVICES

B. Roll Call (recorded)

C. Comments by Citizens

PH. Public Hearings

E. Items for Discussion

1. [21-6177](#) Resolution to Accept CDBG FFY2021 Award

The Gwinnett CDGB office has awarded the City of Norcross \$70,000 toward trip hazard removal on existing sidewalks. This resolution is required to execute the Subrecipient Agreement. Funding is reimbursable, and does not require a match.

[Resolution to accept CDBG Award](#)

2. [21-6178](#) Cooperation Agreement for Continual Participation in Gwinnett's CDBG Program

Gwinnett County, as the lead entity for the Gwinnett Urban County Community Development Block Grant (CDBG) Program, is required to re-qualify as an Urban County along with each of its municipal partners. Gwinnett County is asking each participating city to authorize the chief elected official to execute an agreement that allows for continual participation in the program.

[CDBG - Cooperation Agreement](#)

3. [21-6179](#) Resolution to Issue A Temporary Special Alcohol Permit

Request to approve a resolution authorizing a special event permit for the Cooking with Council event.

[Norcross Cookout with Council Event Alcohol Resolution](#)

4. [21-6180](#) 2021 Alcohol Resolutions for Special Events

A request to approve the 2021 Alcohol Resolutions for the presence and sale of alcoholic beverages at the 2021 City-sponsored Events.

[Resolution - Alcohol Permits 2021](#)

F. Adjourn to Executive Session Legal Personnel, and Real Estate

G. Signed by _____ Mayor Craig Newton

H. Attest _____ Monique Lang, City Clerk



City of Norcross

Legislation Details (With Details)

65 Lawrenceville Street
Norcross, GA 30071

770-448-2122

770-242-0824

File#:	21-6177	Version:	
Type:	Agenda Item	Status:	Agenda Ready
File Created:	5/28/2021	In Control:	Special Called Meeting
On Agenda:	6/1/2021 6:30 PM	Status:	Submitted
Title:	Resolution to Accept CDBG FFY2021 Award		

Sponsors:

Code Sections:

Attachments:

1. [Resolution to accept CDBG Award](#)

Title
Resolution to Accept CDBG FFY2021 Award

Drafter
Eric Johnson

Motion
A motion to Accept the FFY 2021 Community Development Block Grant [CDBG] Program award of \$70,000.00 from the Gwinnett County Board of Commissioners, for Infrastructure Improvements: Safe Sidewalks Trip Hazard Mitigation, and authorize the Mayor to execute the Community Development Block Grant [CDBG] Program Subrecipient Agreement.

**RESOLUTION OF THE GOVERNING BOARD
City of Norcross**

WHEREAS, **City of Norcross** requested Community Development Block Grant [CDBG] Program funding from the Gwinnett County Board of Commissioners; and

WHEREAS, the Gwinnett County Board of Commissioners has awarded **70000** from FFY 2021 CDBG Program funds to **City of Norcross** for **Infrastructure Improvements: Sidewalk Trip Removal, Phase 3**

NOW, THEREFORE, the Governing Board of [INSERT ORGANIZATION] does hereby resolve and authorize the following, as a result of an affirmative majority vote of the Governing Board at a meeting of said Governing Board which was held on _____

Date of Governing Board Action

1. Acceptance of an FFY **2021** Community Development Block Grant [CDBG] Program award of **70000** from the Gwinnett County Board of Commissioners, to **City of Norcross**
2. Authorize the **Board Chair** and **Secretary** of the Subrecipient's Governing Board to execute the Community Development Block Grant [CDBG] Program Subrecipient Agreement used by Gwinnett County to award the CDBG Program funds to **City of Norcross**

Certified as accurate and true:

Signature – Name / Title

Signature Date

[IMPRESS CORPORATE SEAL HERE]

Attachment: Resolution to accept CDBG Award (21-6177 : Resolution to Accept CDBG FFY2021 Award)



City of Norcross

Legislation Details (With Details)

65 Lawrenceville Street
Norcross, GA 30071

770-448-2122

770-242-0824

File#:	21-6178	Version:	
Type:	Agenda Item	Status:	Agenda Ready
File Created:	5/28/2021	In Control:	Special Called Meeting
On Agenda:	6/1/2021 6:30 PM	Status:	Submitted
Title:	Cooperation Agreement for Continual Participation in Gwinnett's CDBG Program		

Sponsors:

Code Sections:

Attachments:

1. [CDBG - Cooperation Agreement](#)

Title
Cooperation Agreement for Continual Participation in Gwinnett's CDBG Program

Drafter
Eric Johnson

Motion
A motion to Authorize the Mayor to execute and City Clerk to certify, all Cooperation Agreements and any other necessary documents permitting the City to remain a member of the Gwinnett Urban County CDBG Program.



GWINNETT COUNTY
BOARD OF COMMISSIONERS

E.2.a

75 Langley Drive | Lawrenceville, GA 30046-6935
O: 770.822.7000 | F: 770.822.7097
GwinnettCounty.com

Nicole L. Hendrickson, Chairwoman
Kirkland Dion Carden, District 1
Ben Ku, District 2
Jasper Watkins III, District 3
Marlene M. Fosque, District 4

May 19, 2021

The Honorable Mayor Craig Newton
City of Norcross
65 Lawrenceville Street
Norcross, Georgia 30071

Dear Mayor Craig Newton:

As the lead entity for the Gwinnett Community Development Block Grant (CDBG) Program, Gwinnett County Board of Commissioners are required to requalify as an Urban County along with each of its municipal partners every three years. As such, the Community Development Program office is requesting for each participating city/town to pass a resolution to authorize the chief elected official to execute a cooperation agreement that allows for continual participation in Gwinnett's CDBG Program. If City of Norcross decides not to participate in the Urban County Qualification for Gwinnett County's CDBG Program, a formal declaration that excludes participation must be submitted to the Gwinnett County Community Development Program Office on or before June 25, 2021.

As a participant under the Gwinnett Urban County, City of Norcross is not eligible to apply for Community Development Block Grant (CDBG) funds under the Georgia Department of Community Affairs (DCA) CDBG program while it is a part of the Gwinnett Urban County. Also, as a participant under the Gwinnett Urban County, City of Norcross is automatically eligible to participate in the HOME Investment Partnerships Program (HOME) and Emergency Solutions Grant (ESG) program if the urban county receives HOME and ESG funding, respectively.

If a jurisdiction decides to exclude itself from Gwinnett's Urban County, it may compete statewide through the Georgia Department of Community Affairs (DCA) application process for future CDBG, HOME, or ESG funding.

We have enjoyed working with your municipality over the years and we know that the CDBG funds invested in the City of Norcross has financed numerous public improvement projects, supported non-profit agencies, and aided low- and moderate-income families. Should you have any questions regarding the Gwinnett Urban County qualification, please contact Ms. Eryca Fambro, Director of Community Development Program via phone (678) 518-6008 or email at eryca.fambro@gwinnettcountry.com.

Sincerely,

A handwritten signature in blue ink that reads "Nicole L. Hendrickson".

Nicole L. Hendrickson
Chairwoman

Enclosure

cc: Glenn Stephens, County Administrator, Gwinnett County
Buffy Alexzulian, Director, Gwinnett County Department of Financial Services
Russell Royal, Deputy Director, Gwinnett County Department of Financial Services
Shannon Candler, Grants Director, Gwinnett County Department of Financial Services
Marcie DeGiovine, Grants Manager, Gwinnett County Department of Financial Services
Eryca Fambro, Director, Community Development Program Office

Attachment: CDBG - Cooperation Agreement (21-6178 : Cooperation Agreement for Continual Participation in Gwinnett's CDBG Program)



FFY 2022-2024 Gwinnett Urban County Renewal

Qualification Instructions

PLEASE READ CAREFULLY

INSTRUCTIONS

City Council Action Required

1. Obtain a formal majority vote from the City Council at a regularly scheduled, or special, meeting prior to June 25, 2021 to rejoin the Gwinnett Urban County CDBG Program; and
2. Authorize the Mayor to execute, and the City Clerk to certify, Cooperation Agreements permitting the City to join or remain a member of the Gwinnett Urban County CDBG Program.

Mayor/Clerk Action Required

1. Execute (2) Federal Fiscal Year (FFY) 2022-2024 Cooperation Agreements with original signatures (*attachment enclosed*).
2. Return (2) executed copies of FFY 2022-2024 Cooperation Agreements and (2) copies of the Council's authorization (agenda and minutes) to the Gwinnett Community Development Program Office, address listed below, by June 25, 2021.

Gwinnett Community Development Program
446 West Crogan Street, Suite 420
Lawrenceville, GA 30046-2439

If your City chooses to exclude itself from the Gwinnett Urban County CDBG Program, please notify the Gwinnett Community Development Program in writing that the City wishes to be excluded from participation by June 25, 2021.

QUESTIONS AND TECHNICAL ASSISTANCE

For questions regarding the execution of the FFY 2022-2024 Cooperation Agreements or the Urban County Qualification process, please contact Ms. Eryca Fambro, Director, at (678) 518-6008 or via email at eryca.fambro@gwinnettcounty.com.

U.S. Department of Housing and Urban Development
CDBG Program Urban County Qualification



COOPERATION AGREEMENT
for
Gwinnett County, Georgia
and
City of Norcross

Federal Fiscal Years 2022 - 2024

AUTHORITY: HUD - CPD NOTICE 21-06

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GWINNETT COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS
COOPERATION AGREEMENT [AUTHORITY: CPD NOTICE 21-06; April 2021]
 Program Year 2022-2024
STATE OF GEORGIA – COUNTY OF GWINNETT

This Cooperation Agreement made this [REDACTED] day of [REDACTED], 2021, by Gwinnett County, a political subdivision of the State of Georgia (hereinafter referred to as the "County") and the City of Norcross, a political subdivision of the State of Georgia (hereinafter referred to as the "City").

Section 1: Urban County Qualification Requirements

The United States Department of Housing and Urban Development (hereinafter referred to as "HUD") has determined that the County is eligible, as an "Urban County", to receive Entitlement Community Development Block Grant (CDBG) funds under Title I of the Housing and Community Development Act of 1974, as amended, to address certain needs of predominantly low and moderate income persons with CDBG funds [and any program income derived from the expenditure of CDBG funds] to be made available during the period beginning with Federal Fiscal Year [hereinafter referred to as "FFY"] 2022 and continuing in place and in full effect until such time in the future as the City shall elect to exclude itself, in accordance with HUD instructions and schedules. The County agrees to provide written notice to the City of Norcross its rights of future exclusion from the County CDBG Program for each successive three-year qualification period, in compliance with HUD-required notification dates.

HUD permits Urban Counties and their participating municipalities to execute Cooperation Agreements which are to be automatically renewing at the end of each three-year qualification period, unless changes in the Agreement are required by HUD that would necessitate the execution of a new Agreement and/or unless the participating municipality elects to be excluded from the Agreement at the beginning of each three-year cycle. The County and the City agree, herein, to execute this automatically renewing Cooperation Agreement, with these special stipulations [and as further described in this Agreement], beginning with FFY 2022.

Section 2: CDBG Program

The funds received under this Agreement will be used to improve the quality of housing, public facilities, certain public service capital needs, and to create and/or retain jobs, predominantly for low- and moderate-income persons. These funds will benefit low- and moderate-income citizens of the County's incorporated municipalities if the needs of such persons in these municipalities are included in the Gwinnett County CDBG Program.

This agreement covers the CDBG Entitlement program and, where applicable, the HOME Investment Partnership (HOME) and Emergency Solutions Grants (ESG) Programs (i.e., where the urban county receives funding under the ESG program or receives funding under the HOME program as an urban county or as a member of a HOME consortium).

By executing the CDBG cooperation agreement, the city understands that it:

1. May not apply for grants from appropriations under the State CDBG Program for fiscal years during the period in which it participates in the urban county's CDBG program; and
2. May receive a formula allocation under the HOME Program only through the urban county. Thus, even if the urban county does not receive a HOME formula allocation, the participating unit of local government cannot form a HOME consortium with other local governments. (Note: This does not preclude the urban county or a unit of government participating with the urban county from applying to the State for HOME funds; and
3. May receive a formula allocation under the ESG Program only through the urban county. (Note: This does not preclude the urban county or a unit of government participating with the urban county from applying to the State for ESG funds.

Participation in this Agreement covers participation in the Community Development Block Grant [CDBG] program per HUD requirements. The County invites the participation of the incorporated municipalities located in Gwinnett County in the Community Development Block Grant Program, upon the respective municipalities dedicating their population counts in support of the County formula allocation of funds and the County agrees to carry out the objectives of the Housing and Community Development Act, as amended, throughout the unincorporated areas of the County and in the City.

The County agrees to allocate to the City each program year a CDBG "fair share" dollar amount based on the City's percentage of the County's total population, according to the 2020 or later Census, or any other Bureau of Census population statistics, if approved by HUD. The City may also receive additional CDBG funds, if awarded by the Gwinnett County Board of Commissioners.

During each Program Year, the City agrees to make priority decisions and to submit a list of eligible CDBG activities to the County. The CDBG activities shall be submitted to the County in accordance with the County's schedule for the preparation of the Consolidated Plan(s), which must be approved by HUD. The list of CDBG activities will be accepted by the County, as recommended by the City, except for activities, which are ineligible under the federal program regulations. The County and the City acknowledge that neither party shall obstruct the implementation of the HUD approved Consolidated Plan(s) during the period covered by this Agreement. The County and City jointly agree to work cooperatively each program year to establish a schedule of implementation, which is responsive to the City's needs, while complying with all federal requirements. The County agrees to submit to the City, for review and comment, any plans, which would affect the City, which will involve the use of CDBG funds for implementation.

Section 3: Duration of Agreement

This Agreement remains in effect until CDBG (and, where applicable, HOME and ESG) funds have been received from HUD and program income received (with respect to activities carried out during the three-year qualification period) have been expended by the City and the County, and the funded activities completed. Neither the County nor the City can terminate or withdraw from the Cooperation Agreement while it remains in effect.

The City pledges its willingness to undertake or assist in the undertaking of eligible CDBG activities funded by the Gwinnett County CDBG Program. The City understands that it remains a part of the County CDBG Program beginning with FFY 2022 and shall remain a member until such time, at the end of any HUD-designated three-year period, as the County provides to the City written notice, in accordance with the HUD-established instructions and schedule, and the City elects not to participate in a new qualification period. The failure of either party to adopt an amendment to the Agreement incorporating all changes necessary to meet the requirements for Cooperation Agreements set forth by HUD for a subsequent three-year Urban County qualification period and to submit the amendment(s) to HUD, as required by HUD, will void the automatic renewal of such qualification period. The County will notify the City, by HUD prescribed dates, for the next and all subsequent three-year qualification periods, of the City's rights to remain a party to the Agreement or elect to choose exclusion from the County CDBG Program.

It is hereby agreed to by the parties signed hereto that neither party shall terminate this Cooperation Agreement after the date first written prior to the end of any three-year qualifying period. The City may choose to exclude itself from the County CDBG Program only at the beginning of each three-year qualifying period, unless the City has exercised its option to exclude itself from the County CDBG Program established under the terms of the Housing and Community Development Act of 1974, as amended. The only other options for termination of this Agreement are the cancellation by HUD of its obligation to the County under the aforementioned Act, or if the County fails to qualify as an Urban County, or if the County does not receive a CDBG grant in any year of the three-year period previously identified. It is also agreed by the parties signed hereto that this Agreement shall remain valid until such time as: (1) HUD requires changes in the Agreement; or (2) the City shall choose to exclude itself from the County CDBG Program; or (3) the County shall no longer qualify to receive CDBG funds.

Section 4: Federal Grant Restrictions

The City understands that it may not apply for grants under the Small Cities or Department of Community Affairs [DCA] State CDBG Program from appropriations for fiscal years during the period in which it is participating in the County's CDBG Program. The City understands that it may not participate in a Consortium except through the County, regardless of whether the County receives a formula allocation.

The County agrees to actively request the City's involvement in the Community Development Block Grant Program and the County agrees to accept the City's interest in

undertaking eligible CDBG activities. The City and the County agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities, specifically urban county renewal, and publicly assisted housing within the municipal limits of said City.

Section 5: Compliance

The county and the city agree to "cooperate to undertake, or assist in undertaking, community renewal and lower-income housing assistance activities."

The City acknowledges that it has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations. The City acknowledges that it has adopted and is enforcing a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location, which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

The County and the City will take all actions necessary to ensure compliance with the County's certification under Section 104 (b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing. The City and the County also have an obligation to comply with section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975, and all other applicable laws.

The County acknowledges that it is prohibited from funding activities in or in support of any cooperating city that does not affirmatively further fair housing within its own jurisdiction or that impede the County's actions to comply with its fair housing certification. If the City undertakes any activities with Community Development Block Grant funds, the City will take all required actions to comply with the provisions of Section 104 (b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 109 of Title I of the Housing and Community Development Act of 1974, as amended, and other applicable laws.

The City agrees to affirmatively further fair housing within its jurisdiction and to assist the County in the implementation of its HUD approved Consolidated Plan covering the County and the City throughout the effective term of this Agreement.

The City has affirmed that it has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and;
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-

violent civil rights demonstrations within jurisdictions."

The city understands that it may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits, or non-Federal considerations, but must use such funds for activities eligible under title I of the Act.

Section 6: CDBG Eligible Project Approval

The County will have the responsibility for approving projects as eligible for funding, after their selection by the Mayor and Council of the City. The County will also have the responsibility for preparing the Consolidated Plan and for other documents and reports to be submitted to HUD. The City will provide the necessary documentation, with technical assistance from the County, for projects funded with CDBG funds. Pursuant to the requirements of 24 CFR 570.501(b), the City agrees that it will enter a CDBG Subrecipient Agreement [as do all Subrecipients, as set forth in 24 CFR 570.503] for each of the years during which the City remains as a participating municipality in the County CDBG Program for the use of such funds as are approved by the County for the City for each of the respective years.

Section 7: Program Income

If the City generates any program income as a result of the expenditure of CDBG funds, the provisions of 24 CFR 570.504(c), as well as the following specific stipulations, shall apply:

- a. The City acknowledges that it must notify the County of any program income generated through the expenditure of CDBG funds during the calendar month that such program income is generated.
- b. The City acknowledges that any such program income must be expended by the City or paid to the County at the end of the month in which the program income is generated.
- c. The City further acknowledges that the County has the responsibility for monitoring and reporting to the U.S. Department of Housing and Urban Development (HUD) on the generation of any such program income. The responsibility for appropriate recordkeeping by the City and reporting to the County by the City on the generation of such program income is hereby acknowledged by the City. The County agrees, herein, to provide technical assistance to the City in establishing an appropriate and proper recordkeeping and reporting system, as required by HUD.
- d. In the event of close-out or change in status of the City, any program income that is on hand or received subsequent to the close-out or change in status shall be paid to the County within 30 calendar days following the official date of the close-out or change in status. The County agrees to notify the City, in writing, should close-out or change in status of the City occur as a result of changes in CDBG Program statutes, regulations and/or instructions.

The following standards shall apply to real property (within the control of the City) acquired or improved, in whole or in part, using CDBG funds. The standards are:

- a. The City shall inform the County in writing at least thirty (30) calendar days prior to any modification or change in the use of the real property from that planned at the time of acquisition or improvements, including disposition.
- b. The City shall reimburse the County in an amount equal to the current fair market value (less any portion thereof attributable to expenditures of non-CDBG funds) of property acquired or improved with CDBG funds that is sold or transferred for a use which does not qualify under the CDBG regulations. Said reimbursement shall be provided to the County at the time of sale or transfer of the property referenced, herein.
- c. Any program income generated from the disposition or transfer of property prior to or subsequent to the close-out, change of status or termination of the Cooperation Agreement between the County and the City shall be repaid to the County at the time of disposition or transfer of the property.

Section 8: Authorizations

The Mayor of the City is hereby authorized to execute any and all documents necessary as a condition for the City's participation under the terms of the aforementioned Housing and Community Development Act of 1974, as amended.

Section 9: Agreement Execution

IN WITNESS WHEREOF, the parties hereunto have affixed their signatures on the dates specified below:

For: City of Norcross

Signature of Authorized Official

Mayor Craig Newton

Typed/Printed Name & Title of
Authorized Official

Date of Signature

Attestor: _____
Signature

Print Name & Title of Attestor

Date of Signature

Date Approved: Norcross Governing Body:

[IMPRINT CITY SEAL HERE]

For: Gwinnett County, Georgia

Nicole L. Hendrickson, Chairwoman
Gwinnett County Board of Commissioners

Date of Signature

Attestor: _____
Diane Kemp, County Clerk

Date of Signature

[IMPRINT COUNTY SEAL HERE]

Eryca Fambro, Director
Gwinnett County Community Development
Program Office

Date of Signature

Gwinnett County Board Action Date

Approved As To Form:

Michael P. Ludwiczak, County Attorney's
Office

Date of Signature

Section 10: City Clerk Certification

Name of City: City of Norcross

This is to certify that the authority to execute the attached Cooperation Agreement with the Gwinnett County Board of Commissioners for participation in the Gwinnett County Community Development Block Grant Program, for Urban County Qualification beginning with FFY 2022, and continuing until such time for future Urban County qualification periods as the City might choose to exclude itself from the Gwinnett County Community Development Block Grant Program, was approved and adopted in the regular meeting of the City Council held on:

_____, 2021
Date

This is to further certify that the attached is a true and correct copy of said "Cooperation Agreement," as approved at the City Council meeting held on the date written above.

Signature of City Clerk

Typed Name of City Clerk

Date of Signature

Attestor: _____
Signature

Print Name/Title of Attestor

Date of Signature



FFY 2022-2024 Gwinnett Urban County Renewal

Qualification Instructions

PLEASE READ CAREFULLY

INSTRUCTIONS

City Council Action Required

1. Obtain a formal majority vote from the City Council at a regularly scheduled, or special, meeting prior to June 25, 2021 to rejoin the Gwinnett Urban County CDBG Program; and
2. Authorize the Mayor to execute, and the City Clerk to certify, Cooperation Agreements permitting the City to join or remain a member of the Gwinnett Urban County CDBG Program.

Mayor/Clerk Action Required

1. Execute (2) Federal Fiscal Year (FFY) 2022-2024 Cooperation Agreements with original signatures (*attachment enclosed*).
2. Return (2) executed copies of FFY 2022-2024 Cooperation Agreements and (2) copies of the Council's authorization (agenda and minutes) to the Gwinnett Community Development Program Office, address listed below, by June 25, 2021.

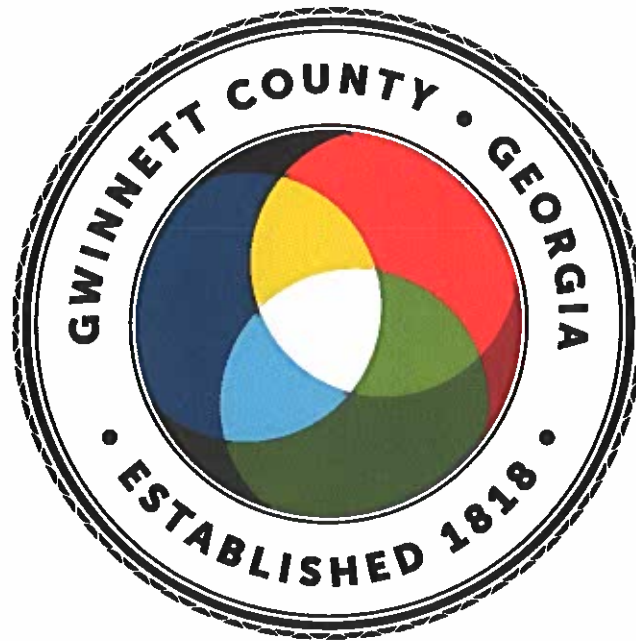
Gwinnett Community Development Program
446 West Crogan Street, Suite 420
Lawrenceville, GA 30046-2439

If your City chooses to exclude itself from the Gwinnett Urban County CDBG Program, please notify the Gwinnett Community Development Program in writing that the City wishes to be excluded from participation by June 25, 2021.

QUESTIONS AND TECHNICAL ASSISTANCE

For questions regarding the execution of the FFY 2022-2024 Cooperation Agreements or the Urban County Qualification process, please contact Ms. Eryca Fambro, Director, at (678) 518-6008 or via email at eryca.fambro@gwinnettcounty.com.

U.S. Department of Housing and Urban Development
CDBG Program Urban County Qualification



COOPERATION AGREEMENT
for
Gwinnett County, Georgia
and
City of Norcross

Federal Fiscal Years 2022 - 2024

AUTHORITY: HUD - CPD NOTICE 21-06

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**GWINNETT COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS
COOPERATION AGREEMENT [AUTHORITY: CPD NOTICE 21-06; April 2021]
Program Year 2022-2024
STATE OF GEORGIA – COUNTY OF GWINNETT**

This Cooperation Agreement made this _____ day of _____, 2021, by Gwinnett County, a political subdivision of the State of Georgia (hereinafter referred to as the "County") and the City of Norcross, a political subdivision of the State of Georgia (hereinafter referred to as the "City").

Section 1: Urban County Qualification Requirements

The United States Department of Housing and Urban Development (hereinafter referred to as "HUD") has determined that the County is eligible, as an "Urban County", to receive Entitlement Community Development Block Grant (CDBG) funds under Title I of the Housing and Community Development Act of 1974, as amended, to address certain needs of predominantly low and moderate income persons with CDBG funds [and any program income derived from the expenditure of CDBG funds] to be made available during the period beginning with Federal Fiscal Year [hereinafter referred to as "FFY"] 2022 and continuing in place and in full effect until such time in the future as the City shall elect to exclude itself, in accordance with HUD instructions and schedules. The County agrees to provide written notice to the City of Norcross its rights of future exclusion from the County CDBG Program for each successive three-year qualification period, in compliance with HUD-required notification dates.

HUD permits Urban Counties and their participating municipalities to execute Cooperation Agreements which are to be automatically renewing at the end of each three-year qualification period, unless changes in the Agreement are required by HUD that would necessitate the execution of a new Agreement and/or unless the participating municipality elects to be excluded from the Agreement at the beginning of each three-year cycle. The County and the City agree, herein, to execute this automatically renewing Cooperation Agreement, with these special stipulations [and as further described in this Agreement], beginning with FFY 2022.

Section 2: CDBG Program

The funds received under this Agreement will be used to improve the quality of housing, public facilities, certain public service capital needs, and to create and/or retain jobs, predominantly for low- and moderate-income persons. These funds will benefit low- and moderate-income citizens of the County's incorporated municipalities if the needs of such persons in these municipalities are included in the Gwinnett County CDBG Program.

This agreement covers the CDBG Entitlement program and, where applicable, the HOME Investment Partnership (HOME) and Emergency Solutions Grants (ESG) Programs (i.e., where the urban county receives funding under the ESG program or receives funding under the HOME program as an urban county or as a member of a HOME consortium).

By executing the CDBG cooperation agreement, the city understands that it:

1. May not apply for grants from appropriations under the State CDBG Program for fiscal years during the period in which it participates in the urban county's CDBG program; and
2. May receive a formula allocation under the HOME Program only through the urban county. Thus, even if the urban county does not receive a HOME formula allocation, the participating unit of local government cannot form a HOME consortium with other local governments. (Note: This does not preclude the urban county or a unit of government participating with the urban county from applying to the State for HOME funds; and
3. May receive a formula allocation under the ESG Program only through the urban county. (Note: This does not preclude the urban county or a unit of government participating with the urban county from applying to the State for ESG funds.

Participation in this Agreement covers participation in the Community Development Block Grant [CDBG] program per HUD requirements. The County invites the participation of the incorporated municipalities located in Gwinnett County in the Community Development Block Grant Program, upon the respective municipalities dedicating their population counts in support of the County formula allocation of funds and the County agrees to carry out the objectives of the Housing and Community Development Act, as amended, throughout the unincorporated areas of the County and in the City.

The County agrees to allocate to the City each program year a CDBG "fair share" dollar amount based on the City's percentage of the County's total population, according to the 2020 or later Census, or any other Bureau of Census population statistics, if approved by HUD. The City may also receive additional CDBG funds, if awarded by the Gwinnett County Board of Commissioners.

During each Program Year, the City agrees to make priority decisions and to submit a list of eligible CDBG activities to the County. The CDBG activities shall be submitted to the County in accordance with the County's schedule for the preparation of the Consolidated Plan(s), which must be approved by HUD. The list of CDBG activities will be accepted by the County, as recommended by the City, except for activities, which are ineligible under the federal program regulations. The County and the City acknowledge that neither party shall obstruct the implementation of the HUD approved Consolidated Plan(s) during the period covered by this Agreement. The County and City jointly agree to work cooperatively each program year to establish a schedule of implementation, which is responsive to the City's needs, while complying with all federal requirements. The County agrees to submit to the City, for review and comment, any plans, which would affect the City, which will involve the use of CDBG funds for implementation.

Section 3: Duration of Agreement

This Agreement remains in effect until CDBG (and, where applicable, HOME and ESG) funds have been received from HUD and program income received (with respect to activities carried out during the three-year qualification period) have been expended by the City and the County, and the funded activities completed. Neither the County nor the City can terminate or withdraw from the Cooperation Agreement while it remains in effect.

The City pledges its willingness to undertake or assist in the undertaking of eligible CDBG activities funded by the Gwinnett County CDBG Program. The City understands that it remains a part of the County CDBG Program beginning with FFY 2022 and shall remain a member until such time, at the end of any HUD-designated three-year period, as the County provides to the City written notice, in accordance with the HUD-established instructions and schedule, and the City elects not to participate in a new qualification period. The failure of either party to adopt an amendment to the Agreement incorporating all changes necessary to meet the requirements for Cooperation Agreements set forth by HUD for a subsequent three-year Urban County qualification period and to submit the amendment(s) to HUD, as required by HUD, will void the automatic renewal of such qualification period. The County will notify the City, by HUD prescribed dates, for the next and all subsequent three-year qualification periods, of the City's rights to remain a party to the Agreement or elect to choose exclusion from the County CDBG Program.

It is hereby agreed to by the parties signed hereto that neither party shall terminate this Cooperation Agreement after the date first written prior to the end of any three-year qualifying period. The City may choose to exclude itself from the County CDBG Program only at the beginning of each three-year qualifying period, unless the City has exercised its option to exclude itself from the County CDBG Program established under the terms of the Housing and Community Development Act of 1974, as amended. The only other options for termination of this Agreement are the cancellation by HUD of its obligation to the County under the aforementioned Act, or if the County fails to qualify as an Urban County, or if the County does not receive a CDBG grant in any year of the three-year period previously identified. It is also agreed by the parties signed hereto that this Agreement shall remain valid until such time as: (1) HUD requires changes in the Agreement; or (2) the City shall choose to exclude itself from the County CDBG Program; or (3) the County shall no longer qualify to receive CDBG funds.

Section 4: Federal Grant Restrictions

The City understands that it may not apply for grants under the Small Cities or Department of Community Affairs [DCA] State CDBG Program from appropriations for fiscal years during the period in which it is participating in the County's CDBG Program. The City understands that it may not participate in a Consortium except through the County, regardless of whether the County receives a formula allocation.

The County agrees to actively request the City's involvement in the Community Development Block Grant Program and the County agrees to accept the City's interest in

undertaking eligible CDBG activities. The City and the County agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities, specifically urban county renewal, and publicly assisted housing within the municipal limits of said City.

Section 5: Compliance

The county and the city agree to "cooperate to undertake, or assist in undertaking, community renewal and lower-income housing assistance activities."

The City acknowledges that it has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations. The City acknowledges that it has adopted and is enforcing a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location, which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

The County and the City will take all actions necessary to ensure compliance with the County's certification under Section 104 (b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing. The City and the County also have an obligation to comply with section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975, and all other applicable laws.

The County acknowledges that it is prohibited from funding activities in or in support of any cooperating city that does not affirmatively further fair housing within its own jurisdiction or that impede the County's actions to comply with its fair housing certification. If the City undertakes any activities with Community Development Block Grant funds, the City will take all required actions to comply with the provisions of Section 104 (b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 109 of Title I of the Housing and Community Development Act of 1974, as amended, and other applicable laws.

The City agrees to affirmatively further fair housing within its jurisdiction and to assist the County in the implementation of its HUD approved Consolidated Plan covering the County and the City throughout the effective term of this Agreement.

The City has affirmed that it has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and;
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-

violent civil rights demonstrations within jurisdictions."

The city understands that it may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits, or non-Federal considerations, but must use such funds for activities eligible under title I of the Act.

Section 6: CDBG Eligible Project Approval

The County will have the responsibility for approving projects as eligible for funding, after their selection by the Mayor and Council of the City. The County will also have the responsibility for preparing the Consolidated Plan and for other documents and reports to be submitted to HUD. The City will provide the necessary documentation, with technical assistance from the County, for projects funded with CDBG funds. Pursuant to the requirements of 24 CFR 570.501(b), the City agrees that it will enter a CDBG Subrecipient Agreement [as do all Subrecipients, as set forth in 24 CFR 570.503] for each of the years during which the City remains as a participating municipality in the County CDBG Program for the use of such funds as are approved by the County for the City for each of the respective years.

Section 7: Program Income

If the City generates any program income as a result of the expenditure of CDBG funds, the provisions of 24 CFR 570.504(c), as well as the following specific stipulations, shall apply:

- a. The City acknowledges that it must notify the County of any program income generated through the expenditure of CDBG funds during the calendar month that such program income is generated.
- b. The City acknowledges that any such program income must be expended by the City or paid to the County at the end of the month in which the program income is generated.
- c. The City further acknowledges that the County has the responsibility for monitoring and reporting to the U.S. Department of Housing and Urban Development (HUD) on the generation of any such program income. The responsibility for appropriate recordkeeping by the City and reporting to the County by the City on the generation of such program income is hereby acknowledged by the City. The County agrees, herein, to provide technical assistance to the City in establishing an appropriate and proper recordkeeping and reporting system, as required by HUD.
- d. In the event of close-out or change in status of the City, any program income that is on hand or received subsequent to the close-out or change in status shall be paid to the County within 30 calendar days following the official date of the close-out or change in status. The County agrees to notify the City, in writing, should close-out or change in status of the City occur as a result of changes in CDBG Program statutes, regulations and/or instructions.

The following standards shall apply to real property (within the control of the City) acquired or improved, in whole or in part, using CDBG funds. The standards are:

- a. The City shall inform the County in writing at least thirty (30) calendar days prior to any modification or change in the use of the real property from that planned at the time of acquisition or improvements, including disposition.
- b. The City shall reimburse the County in an amount equal to the current fair market value (less any portion thereof attributable to expenditures of non-CDBG funds) of property acquired or improved with CDBG funds that is sold or transferred for a use which does not qualify under the CDBG regulations. Said reimbursement shall be provided to the County at the time of sale or transfer of the property referenced, herein.
- c. Any program income generated from the disposition or transfer of property prior to or subsequent to the close-out, change of status or termination of the Cooperation Agreement between the County and the City shall be repaid to the County at the time of disposition or transfer of the property.

Section 8: Authorizations

The Mayor of the City is hereby authorized to execute any and all documents necessary as a condition for the City's participation under the terms of the aforementioned Housing and Community Development Act of 1974, as amended.

Section 9: Agreement Execution

IN WITNESS WHEREOF, the parties hereunto have affixed their signatures on the dates specified below:

For: City of Norcross

Signature of Authorized Official

Mayor Craig Newton

Typed/Printed Name & Title of
Authorized Official

Date of Signature

Attestor: _____
Signature

Print Name & Title of Attestor

Date of Signature

Date Approved: Norcross Governing Body:

[IMPRINT CITY SEAL HERE]

For: Gwinnett County, Georgia

Nicole L. Hendrickson, Chairwoman
Gwinnett County Board of Commissioners

Date of Signature

Attestor: _____
Diane Kemp, County Clerk

Date of Signature

[IMPRINT COUNTY SEAL HERE]

Eryca Fambro, Director
Gwinnett County Community Development
Program Office

Date of Signature

Gwinnett County Board Action Date

Approved As To Form:

Michael P. Ludwiczak, County Attorney's
Office

Date of Signature

Section 10: City Clerk Certification

Name of City: City of Norcross

This is to certify that the authority to execute the attached Cooperation Agreement with the Gwinnett County Board of Commissioners for participation in the Gwinnett County Community Development Block Grant Program, for Urban County Qualification beginning with FFY 2022, and continuing until such time for future Urban County qualification periods as the City might choose to exclude itself from the Gwinnett County Community Development Block Grant Program, was approved and adopted in the regular meeting of the City Council held on:

_____, 2021
Date

This is to further certify that the attached is a true and correct copy of said "Cooperation Agreement," as approved at the City Council meeting held on the date written above.

Signature of City Clerk

Typed Name of City Clerk

Date of Signature

Attestor: _____
Signature

Print Name/Title of Attestor

Date of Signature



City of Norcross

Legislation Details (With Details)

65 Lawrenceville Street
Norcross, GA 30071

770-448-2122

770-242-0824

File#:	21-6179	Version:	
Type:	Agenda Item	Status:	Agenda Ready
File Created:	5/28/2021	In Control:	Special Called Meeting
On Agenda:	6/1/2021 6:30 PM	Status:	Submitted
Title:	Resolution to Issue A Temporary Special Alcohol Permit		

Sponsors:

Code Sections:

Attachments:

1. [Norcross Cookout with Council Event Alcohol Resolution](#)

Title
Resolution to Issue A Temporary Special Alcohol Permit

Drafter
Eric Johnson

Motion
A motion to Approve the attached resolution as presented.

**RESOLUTION TO ISSUE A
TEMPORARY SPECIAL ALCOHOL PERMIT
TO PERMIT THE SALE AND CONSUMPTION OF ALCOHOL IN
TO-GO CUPS, AND TO PERMIT OPEN CONTAINERS
DURING THE COOKOUT WITH COUNCIL EVENT**

WHEREAS, the Parks and Recreation Division of the City of Norcross Department of Public Works, Utilities and Parks has scheduled the COOKOUT WITH COUNCIL EVENT; and

WHEREAS, the Mayor and Council of the City of Norcross, Georgia have determined that COOKOUT WITH COUNCIL EVENT is a City Sponsored Event for which a temporary special event license to pour alcohol may be issued, subject to the requirements of Norcross Code of Ordinances, Chapter 4, Sections 4-5 and 4-7; and

WHEREAS, the 2021 COOKOUT WITH COUNCIL EVENT is scheduled to be set up at a single location within Thrasher Park on June 5, 2021 (the “2021 COOKOUT WITH COUNCIL EVENT”); and

WHEREAS, 400 North Brewing, LLC, D/B/A Social Fox Brewing and Cultivation Brewing Co. (hereinafter “Vendors”), have requested that the City of Norcross, Georgia (hereinafter, the “City”) issue a special alcohol permit to allow the sale of alcoholic malt beverages during the 2021 COOKOUT WITH COUNCIL EVENT between the hours of 3:00 p.m. and 6:00 p.m. on June 5, 2021; and

WHEREAS, the Mayor and Council of the City of Norcross, Georgia have determined that the public interest will be served by issuing a Special Alcohol Permit for the 2021 COOKOUT WITH COUNCIL EVENT permitting Vendors to sell alcoholic malt beverages at Thrasher Park between the hours of 3:00 p.m. and 6:00 p.m. (hereinafter, the “designated hours”) on June 5, 2021 pursuant to Norcross Code of Ordinances, Chapter 4, Section 4-5 and 4-7; and

WHEREAS, the Mayor and Council have determined that the fees for issuing Vendors the temporary special event license should be waived for the 2021 COOKOUT WITH COUNCIL EVENT; and

WHEREAS, the City has determined that the public interest will be served by granting an exception for the 2021 COOKOUT WITH COUNCIL EVENT permitting the open consumption and possession of alcoholic beverages by the public at Thrasher Park during the designated hours, subject to the requirements of the Norcross Code of Ordinances, Chapter 4, Section 4-5.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Norcross, Georgia as follows:

- I. **Special Alcohol Permit for Licensed Vendors to Sell Malt Beverages:** Vendors, upon satisfying the following conditions, shall be issued a Special Alcohol Permit and a temporary special event license to allow them to sell alcoholic malt beverages between the hours of 3:00 p.m. and 6:00 p.m. at the COOKOUT WITH COUNCIL EVENT at Thrasher Park pursuant to Norcross Code of Ordinances, Chapter 4, Section 4-5 and 4-7, and the following conditions, as follows:
- (1) Prior to the issuance of said Special Alcohol Permit, the Vendors must complete all applications required by the City. Norcross Code of Ordinances, Chapter 4, Section 4-7 (a) (4); the fees required for said temporary special event license shall be waived for this event;
 - (2) The Vendors shall be required to comply with all the general ordinances and licensing regulations for a “consumption on the premises” establishment with the exception of the full-service kitchen requirement. Norcross Code of Ordinances, Chapter 4, Section 4-7 (a) (5).
 - (3) During the 2021 COOKOUT WITH COUNCIL EVENT the Vendors selling, dispensing, serving, taking orders, or pouring alcoholic beverages shall not be required to obtain a pouring permit for the COOKOUT WITH COUNCIL EVENT, Code of Ordinances, Chapter 4, Section 4-7 (b).
 - (4) Prior to the issuance of said Special Alcohol Permit, the Vendors shall provide the City with satisfactory proof that Vendors agrees to indemnify and hold the City, its elected officials and employees harmless from any and all claims, demands or other causes of action arising from any of the activities associated with the COOKOUT WITH COUNCIL EVENT. Norcross Code of Ordinances, Chapter 4, Section 4-7 (d).
 - (5) Prior to the issuance of said Special Alcohol Permit, a single location within Thrasher Park where the Vendors will set up its alcohol vending operations locations must be approved by the City Manager or his designee and each location must be approved by the Community Development Director. Norcross Code of Ordinances, Chapter 4, Section 4-7 (e) (2).
- II. **Exception Granted for Personal Consumption of Alcoholic Beverages by the Public:** An exception for the 2021 COOKOUT WITH COUNCIL EVENT, a city sponsored event, is hereby granted to permit open consumption and possession of alcoholic beverages in paper or plastic cups only in Thrasher Park and the streets and sidewalks and other public places within or immediately adjacent to Thrasher Park (as may be more specifically described in the crowd control, road closure and traffic control plan approved by the Chief of Police) during the designated hours, subject to the requirements of the Norcross Code of Ordinances, Chapter 4, Section 4-5.

- III. **Area Covered by Special Alcohol Permit and Exceptions:** The Special Alcohol Permit and the Exceptions shall apply only to the area of Thrasher Park for the 2021 COOKOUT WITH COUNCIL EVENT and the streets and sidewalks and other public places within or immediately adjacent to Thrasher Park, as may be more specifically described in the crowd control, road closure and traffic control plan approved by the Chief of Police (hereinafter the “designated areas”).
- IV. **Open Consumption, Open Container and Possession of Alcoholic Beverages on City Property are permitted during the Event.** The provisions of Norcross Code of Ordinances, Chapter 4, Sections 4-1, 4-3 and 4-4 shall not apply during the designated hours or in the designated area for the 2021 COOKOUT WITH COUNCIL EVENT.
- V. **Restrictions on Open Consumption, Open Container and Possession of Alcoholic Beverages during the Event.** The provisions of Chapter 4, Sections 4-5 (b) (1) through (3) shall control the sale and distribution of malt alcohol beverages by the Vendors and the personal consumption of alcoholic beverages by members of the public during the designated hours and in the designated areas for the 2021 COOKOUT WITH COUNCIL EVENT, namely:
1. *One drink limit.* The Vendors are authorized to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle, or glass; provided, however, that the Vendors shall not dispense to any person more than one such alcoholic beverage at a time, and no person shall remove at one time more than one such alcoholic beverage from the Vendors.
 2. *Size limited to 16 fluid ounces.* No container in which an alcoholic beverage is dispensed and removed from the Vendors shall exceed 16 fluid ounces in size. No person shall hold in his possession in Thrasher Park or on the streets and sidewalks, or in other public places within or immediately adjacent thereto any open alcoholic beverage container which exceeds 16 fluid ounces in size; and
 3. *Drinking from can, bottle, or glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets and sidewalks, rights of way, and parking lots, whether public or private including, but not limited to in Thrasher Park and the streets and sidewalks, or in other public places within or immediately adjacent thereto.
- VII. **Approval by Chief of Police:** Prior to the issuance of said Special Alcohol Permit, a crowd control, road closure and traffic control plan proving for the orderly movement of motor vehicle and pedestrian traffic during the 2021

COOKOUT WITH COUNCIL EVENT must be approved by the Chief of Police for crowd control, traffic control measures and security measures. Norcross Code of Ordinances, Chapter 4, Section 4-7 (e) (2).

- VIII. **Revocation of Special Alcohol Permit.** The City Manager or his designee shall immediately revoke the Special Alcohol Permit for the 2021 COOKOUT WITH COUNCIL EVENT, without notice, if he or the Chief of Police determines that continued alcohol pouring may endanger the health, welfare, or safety of the public. Upon such revocation, the Vendors shall immediately cease the pouring of alcoholic beverages, and the Vendors shall take such steps as are deemed reasonable and prudent by the City Manager to secure and/or remove all alcoholic beverages from the 2021 COOKOUT WITH COUNCIL EVENT premises. Norcross Code of Ordinances, Chapter 4, Section 4-7 (c).
- IX. **Cancellation of Event.** In the event that the 2021 COOKOUT WITH COUNCIL EVENT is cancelled, this Special Alcohol Permit and these Exceptions shall also be revoked.
- X. **Compliance with Laws.** The Vendors and all establishments licensed to dispense alcoholic beverages by the drink shall at all times comply with all federal, state, and local laws and regulations.

ADOPTED this ____ day of _____, 2021.

Craig Newton, Mayor

ATTEST:

Monique Lang, City Clerk



City of Norcross

Legislation Details (With Details)

65 Lawrenceville Street
Norcross, GA 30071

770-448-2122

770-242-0824

File#:	21-6180	Version:	
Type:	Agenda Item	Status:	Agenda Ready
File Created:	5/28/2021	In Control:	Special Called Meeting
On Agenda:	6/1/2021 6:30 PM	Status:	Submitted
Title:	2021 Alcohol Resolutions for Special Events		

Sponsors:

Code Sections:

Attachments:

1. [Alcohol Permits 2021 \(rev. 1\)](#)

Title
2021 Alcohol Resolutions for Special Events

Drafter
Eric Johnson

Motion
A motion to approve the 2021 Alcohol Resolutions for the presence and sale of alcoholic beverages at the 2021 City-sponsored events.

**RESOLUTION TO ISSUE A SPECIAL ALCOHOL PERMIT, TO PERMIT
THE SALE AND CONSUMPTION OF ALCOHOL IN TO-GO CUPS, TO
PERMIT SIDEWALK SALES BY LICENSED LOCAL ESTABLISHMENTS
IN HISTORIC DOWNTOWN NORCROSS, AND TO PERMIT OPEN
CONTAINERS DURING THE JULY 3, 2021 SUMMER CONCERT**

WHEREAS, the Parks and Recreation Division of the City of Norcross Department of Public Works, Utilities and Parks has scheduled the July 3, 2021 Summer Concert to be held at Lillian Webb Park and Historic Downtown Norcross; and

WHEREAS, the Mayor and Council of the City of Norcross, Georgia have determined that the July 3, 2021 Summer Concert is a special event associated with and benefits the cause of a charitable or civic organization for which a temporary license to sell alcohol may be issued, subject to the requirements of Norcross Code of Ordinances, Chapter 4, Section 4-5 and 4-7; and

WHEREAS, the City of Norcross, Georgia (hereinafter, the "City") issue a special alcohol permit to allow the sale of alcoholic beverages between the hours of 5:00 p.m. and 10:00 p.m. on July 3, 2021 at two locations in Lillian Webb Park to vendor (TBD); and

WHEREAS the City of Norcross has requested that the City issue a resolution excepting the July 3, 2021 Summer Concert to authorize any establishment in Historic Downtown Norcross that is licensed to dispense alcoholic beverages by the drink for consumption on the premises to dispense an alcoholic beverage in a paper or plastic cup subject to the requirements of Norcross Code of Ordinances Chapter 4, Section 4-5; and

WHEREAS, the Mayor and Council of the City of Norcross, Georgia have determined that the public interest will be served by issuing a Special Alcohol Permit for the July 3, 2021 Summer Concert permitting the sale of malt alcoholic beverages at two locations in Lillian Webb Park by vendor (TBD) between the hours of 5:00 p.m. and 10:00 p.m. (hereinafter, the "designated hours") on July 3, 2021 pursuant to Norcross Code of Ordinances, Chapter 4, Section 4-5 and 4-7; and

WHEREAS, the City has determined that one or more public streets of Historic Downtown Norcross will be closed for the duration of the July 3, 2021 Summer Concert and that it is in the public interest to permit any establishment located in Historic Downtown Norcross that is licensed to dispense alcoholic beverages by the drink for consumption on the premises to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle, or glass, for removal from the premises during the designated hours for the July 3, 2021 Summer Concert pursuant to Norcross Code of Ordinances, Chapter 4, Section

4-5; and

WHEREAS, the City has determined that the public interest will be served by permitting any establishment located in Historic Downtown Norcross that is licensed to dispense alcoholic beverages by the drink for consumption on the premises to apply for a Temporary Outdoor Sales Permit to set up a temporary booth, stand, kiosk or tent for the sale of alcoholic beverages (a "temporary bar") immediately adjacent to said establishment during the designated hours for the July 3, 2021 Summer Concert pursuant to Norcross Code of Ordinances Chapter 4, Section 4-6; and

WHEREAS, the City has determined that the public interest will be served by granting an exception for the July 3, 2021 Summer Concert permitting the open consumption and possession of alcoholic beverages by the public in Historic Downtown Norcross during the designated hours for the July 3, 2021 Summer Concert, subject to the requirements of the Norcross Code of Ordinances, Chapter 4, Section 4-5.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Norcross, Georgia as follows:

I. Special Alcohol Permit for Licensed Vendor to Sell Malt Beverages:

A licensed vendor (TBD) upon satisfying the following conditions, shall be issued a Special Alcohol Permit and a temporary license to allow the sale of malt alcohol beverages by said Vendor between the hours of 5:00 p.m. and 10:00

p.m. on July 3, 2021 at two locations in Lillian Webb Park pursuant to Norcross Code of Ordinances, Chapter 4, Section 4-5 and 4-7, and the following conditions, as follows:

- (2) (1) Prior to the issuance of said Special Alcohol Permit, the Vendor must complete all applications and pay the required fees required by the City. Norcross Code of Ordinances, Chapter 4, Section 4-7 (a)(4).
- (3) Prior to the issuance of said Special Alcohol Permit, said Vendor shall provide the City with a certificate of insurance in an amount not less than \$1,000,000.00 and shall name the City, its elected officials and employees as additional insureds under the terms of the policy.
- (4) The Vendor shall be required to comply with all the general ordinances and licensing regulations for a "consumption on the premises" establishment with the exception of the full-service kitchen requirement. Norcross Code of Ordinances, Chapter 4, Section 4-7 (a)(5).

- (5) Any employee of the Vendor working with the July 3, 2021 Summer Concert in any position dispensing, selling, serving, taking orders or pouring alcoholic beverages shall not be required to obtain a pouring permit for the July 3, 2021 Summer Concert. Norcross Code of Ordinances, Chapter 4, Section 4-7 (b).
- (6) Prior to the issuance of said Special Alcohol Permit, said Vendor shall provide the City with satisfactory proof that each of them agrees to indemnify and hold the City, its elected officials and employees harmless from any and all claims, demands or other causes of action arising from any of the activities associated with the July 3, 2021 Summer Concert. Norcross Code of Ordinances, Chapter 4, Section 4-7 (d).
- (7) Prior to the issuance of said Special Alcohol Permit, the two locations within Lillian Webb Park where it will set up its alcohol vending operations locations must be approved by the City Manager or his designee and each location must be properly zoned and approved by the Community Development Director. Norcross Code of Ordinances, Chapter 4, Section 4-7 (e) (2).

II. Exception Granted for Sale of Alcoholic Beverages For Removal from the Premises: An exception for the July 3, 2021 Summer Concert, a city sponsored event, is hereby granted to permit any establishment located in Historic Downtown Norcross that is licensed to dispense alcoholic beverages by the drink for consumption on the premises to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle, or glass, for removal from the premises between the hours of 5:00 p.m. and 10:00 p.m. on July 3, 2021 (hereinafter, the "designated hours") pursuant to Norcross Code of Ordinances, Chapter 4, Section 4-5;

III. Temporary Outdoor Sales Permits for Sidewalk Sales of Alcoholic Beverages during the July 3, 2021 Summer Concert. Any establishment located in Historic Downtown Norcross that is licensed to dispense alcoholic beverages by the drink for consumption on the premises to dispense an alcoholic beverage may apply for a Temporary Outdoor Sales Permit to set up a temporary booth, stand, kiosk or tent for the sale of alcoholic beverages (a "temporary bar") immediately adjacent to said establishment during the July 3, 2021 Summer Concert during the designated hours pursuant to Norcross Code of Ordinances, Chapter 4, Section 4-6 and the following conditions, as follows:

- (1) Said temporary bar must be located on the sidewalk immediately

adjacent to or in front of said establishment; or

- (2) Said temporary bar must be located on a public or private parking lot immediately adjacent to said establishment; provided however;
- (3) No temporary bar may be permitted on any public street or in any designated parking area on any public street;
- (4) The location, size and configuration of said temporary bar must be approved by the City Manager or his designee and must be properly zoned and approved by the Community Development Director.
- (5) The establishment applying for the temporary outdoor sales permit shall pay the fees as adopted by city council in the schedule of fees and kept on file in the City Clerk's office.
- (6) Any establishment that is granted a temporary outdoor sales permit shall be required to comply with all general ordinances and the licensing and regulations for a consumption on the premise's establishment.
- (7) All employees of the temporary outdoor sales permittee working the establishment's temporary bar dispensing, selling, serving, taking orders or mixing alcoholic beverages shall be required to have a pouring permit.
- (8) As a condition on the issuance of the temporary outdoor sales permit, the permittee shall indemnify and hold the city harmless from claims, demand or cause of action which may arise from activities associated with the event and/or the operation of the temporary bar.
- (9) The City Manager or his designee may immediately revoke any or all temporary outdoor sales permits issued for an event if it is determined that continued alcohol sales may endanger the health, welfare or safety of the public.
- (10) Nothing contained herein shall be construed to create a vested right for any establishment to be issued a temporary outdoor permit.
- (11) Prior to the issuance of each Temporary Outdoor Sales Permit for the July 3, 2021 Summer Concert, the location and configuration of each such temporary bar must be approved by the Chief of Police for crowd control, traffic control measures and security measures.

- IV. **Exception Granted for Personal Consumption of Alcoholic Beverages by the Public:** An exception for the July 3, 2021 Summer Concert, a city sponsored event, is hereby granted to permit open consumption and possession of alcoholic beverages in paper or plastic cups only in Lillian Webb Park, Historic Downtown Norcross and the streets and sidewalks and other public places within or immediately adjacent to Historic Downtown Norcross (as may be more specifically described in the crowd control, road closure and traffic control plan approved by the Chief of Police) during the designated hours, subject to the requirements of the Norcross Code of Ordinances, Chapter 4, Section 4-5.
- V. **Area Covered by Special Alcohol Permit and Exceptions:** The Special Alcohol Permit and the Exceptions shall apply only to the area of Lillian Webb Park, Historic Downtown Norcross and the streets and sidewalks and other public places within or immediately adjacent to Historic Downtown Norcross, as may be more specifically described in the crowd control, road closure and traffic control plan approved by the Chief of Police (hereinafter the "designated areas").
- VI. **Open Consumption, Open Container and Possession of Alcoholic Beverages on City Property are permitted during the Event.** The provisions of Norcross Code of Ordinances, Chapter 4, Sections 4-1, 4-3 and 4-4 shall not apply during the designated hours or in the designated areas for the July 3, 2021 Summer Concert.
- VII. **Restrictions on Open Consumption, Open Container and Possession of Alcoholic Beverages during the Event.** The provisions of Chapter 4, Sections 4- 5 (b) (1) through (b) (3) shall control the distribution and sale of malt alcohol beverages by the Vendor and the sale of alcoholic beverages for removal from the premises by any establishment licensed to dispense alcoholic beverages by the drink, and the personal consumption of alcoholic beverages by members of the public during the designated hours and in the designated areas for the July 3, 2021 Summer Concert, namely:
1. *One drink limit.* The Vendor and any establishment licensed to dispense alcoholic beverages by the drink is authorized to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle, or glass; provided, however, that neither the Vendor nor any establishment licensed to dispense alcoholic beverages by the drink shall dispense to any person more than one such alcoholic beverage at a time, and no person shall remove at one time more than one such alcoholic beverage from the Vendor or from the premises of any establishment licensed to dispense alcoholic beverages by the drink.

2. *Size limited to 16 fluid ounces.* No container in which an alcoholic beverage is dispensed and removed from the Vendor or from any establishment licensed to dispense alcoholic beverages by the drink shall exceed 16 fluid ounces in size. No person shall hold in his possession on the streets and sidewalks, or in other public places within or immediately adjacent to Historic Downtown Norcross or Lillian Webb Park any open alcoholic beverage container which exceeds 16 fluid ounces in size; and
 3. *Drinking from can, bottle, or glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets and sidewalks, rights of way, and parking lots, whether public or private including, but not limited to the designated area for the July 3, 2021 Summer Concert.
- VII. **Approval by Chief of Police:** Prior to the issuance of said Special Alcohol Permit or any Temporary Outdoor Sales Permit, a crowd control, road closure and traffic control plan proving for the orderly movement of motor vehicle and pedestrian traffic during the July 3, 2021 Summer Concert must be approved by the Chief of Police for crowd control, traffic control measures and security measures. Norcross Code of Ordinances, Chapter 4, Section 4-6 (f) and 4-7 (e) (1).
- VIII. **Revocation of Special Alcohol Permit.** The City Manager or his designee shall immediately revoke the Special Alcohol Permit for the July 3, 2021 Summer Concert, without notice, if he or the Chief of Police determines that continued alcohol sales may endanger the health, welfare or safety of the public. Upon such revocation, the Vendor shall immediately cease the sale of alcoholic beverages, and the Vendor shall take such steps as are deemed reasonable and prudent by the City Manager to secure and/or remove all alcoholic beverages from the July 3, 2021 Summer Concert premises. Norcross Code of Ordinances, Chapter 4, Section 4-7 (c).
- IX. **Revocation of Exception for Sale of Alcoholic Beverages For Removal from the Premises.** The City Manager or his designee shall immediately revoke the Exception for the sale of Alcoholic Beverages for Removal from the Premises, without notice, if he or the Chief of Police determines that continued alcohol sales may endanger the health, welfare or safety of the public. Upon such revocation, all establishments licensed to dispense alcoholic beverages by the drink shall immediately cease the sale of alcoholic beverages for removal from the premises. Norcross Code of Ordinances, Chapter 4, Section 4-7 (c).

- X. **Revocation of Temporary Outdoor Sales Permits.** The City Manager or his designee shall immediately revoke any or all Temporary Outdoor Sales Permits, without notice, if he or the Chief of Police determines that continued alcohol sales may endanger the health, welfare or safety of the public. Upon such revocation, all such establishments shall immediately cease the sale of alcoholic beverages from such temporary outdoor bars and close and dismantle such temporary outdoor bars. Norcross Code of Ordinances, Chapter 4, Section 4-6 (g).
- XI. **Cancellation of Event.** In the event that the July 3, 2021 Summer Concert is cancelled, this Special Alcohol Permit and these Exceptions shall also be revoked.
- XII. **Compliance with Laws.** The Vendor and all establishments licensed to dispense alcoholic beverages by the drink shall at all times comply with all federal, state and local laws and regulations.

ADOPTED this ___ day of ____, 2021.

Craig Newton, Mayor

ATTEST:

Monique Lang, City Clerk

**RESOLUTION TO PERMIT THE SALE AND CONSUMPTION OF
ALCOHOL IN TO-GO CUPS, TO PERMIT SIDEWALK SALES BY
LICENSED LOCAL ESTABLISHMENTS IN HISTORIC DOWNTOWN
NORCROSS AND TO PERMIT OPEN CONTAINERS DURING THE
ANNUAL NORCROSS ART SPLASH 2021**

WHEREAS, the citizens of the City of Norcross and the surrounding communities attended the Annual Norcross Art Splash in 2019 held in Thrasher Park and Historic Downtown Norcross; and

WHEREAS, Splash Festivals, Inc. has scheduled the Annual Norcross Art Splash (the "2021 Art Splash") for October 2, 2021 and 3, 2021 in Lillian Webb Park; and

WHEREAS, Top Job Beverage and Events or a licensed vendor has requested that the City of Norcross, Georgia (hereinafter, the "City") issue a special alcohol permit to allow the sale of alcoholic beverages during the 2021 Art Splash between the hours of 10:00 a.m. and 6:00 p.m. on Saturday, October 2, 2021 and 11:00 a.m. and 5:00 p.m. on Sunday, October 3, 2021; and

WHEREAS, the Mayor and Council of the City of Norcross, Georgia have determined that the public interest will be served by granting an exception for the 2021 Art Splash permitting the public consumption of alcoholic beverages for the 2021 Art Splash in Lillian Webb Park and between the hours of 10:00 a.m. and 6:00 p.m. on Saturday, October 2, 2021 and 11:00 a.m. and 5:00 p.m. on Sunday, October 3, 2021 (the "designated hours"), subject to the requirements of the Norcross Code of Ordinances, Chapter 4, Section 4-5; and

WHEREAS, the Mayor and Council of the City of Norcross, Georgia have determined that one or more public streets of Historic Downtown Norcross will be closed during the 2021 Art Splash and that it is in the public interest to permit any establishment located in Historic Downtown Norcross that is licensed to dispense alcoholic beverages by the drink for consumption on the premises to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle, or glass, for removal from the premises during the designated hours during the 2021 Art Splash pursuant to Norcross Code of Ordinances, Chapter 4, Section 4-5.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Norcross, Georgia as follows:

- I. **Exception Granted for Sale of Alcoholic Beverages For Removal from the Premises:** An exception for the Annual Norcross Art Splash (the "2021 Art Splash") for October 2, 2021 and 3, 2021, a city sponsored event, is hereby granted to Permit any establishment located in Historic Downtown Norcross that

is licensed to dispense alcoholic beverages by the drink for consumption on the premises to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle, or glass, for removal from the premises during the 2021 Art Splash in Lillian Webb Park and between the hours of 10:00 a.m. and 6:00 p.m. on Saturday, October 2, 2021 and 11:00 a.m. and 5:00 p.m. on Sunday, October 3, 2021 (the "designated hours"), subject to the requirements of the Norcross Code of Ordinances, Chapter 4, Section 4-5.

- II. **Exception Granted for Personal Consumption of Alcoholic Beverages by the Public:** An exception for the 2021 Art Splash, a city sponsored event, is hereby granted to permit open consumption and possession of alcoholic beverages in paper or plastic cups only in Lillian Webb Park and Historic Downtown Norcross and the streets and sidewalks and other public places within or immediately adjacent to Historic Downtown Norcross (as may be more specifically described in the crowd control, road closure and traffic control plan approved by the Chief of Police) during the designated hours, subject to the requirements of the Norcross Code of Ordinances, Chapter 4, Section 4-5.
- III. **Area Covered by Exceptions:** The Exceptions shall apply only in Lillian Webb Park and Historic Downtown Norcross and the streets and sidewalks and other public places within or immediately adjacent to Historic Downtown Norcross as may be more specifically described in the crowd control, road closure and traffic control plan approved by the Chief of Police (hereinafter the "designated areas").
- IV. **Open Consumption, Open Container and Possession of Alcoholic Beverages on City Property are permitted during the Event.** The provisions of Norcross Code of Ordinances, Chapter 4, Sections 4-1, 4-3 and 4-4 shall not apply during the designated hours or in the designated areas for the 2021 Art Splash.
- V. **Restrictions on Open Consumption, Open Container and Possession of Alcoholic Beverages during the Event.** The provisions of Chapter 4, Sections 4-5 (b) (1) through (b)(3) shall control the sale of alcoholic beverages for removal from the premises by any establishment licensed to dispense alcoholic beverages by the drink, and the personal consumption of alcoholic beverages by members of the public during the designated hours and in the designated areas for the 2021 Art Splash, namely:
 1. *One drink limit.* Any establishment licensed to dispense alcoholic beverages by the drink is authorized to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle, or glass; provided, however, that any establishment licensed to dispense alcoholic beverages by the drink shall not dispense to any person more than one such alcoholic beverage at a time, and no person shall remove at one time more than one such alcoholic beverage from the premises of any establishment licensed to dispense alcoholic beverages by the drink.

2. *Size limited to 16 fluid ounces.* No container in which an alcoholic beverage is dispensed and removed from any establishment licensed to dispense alcoholic beverages by the drink shall exceed 16 fluid ounces in size. No person shall hold in his possession on the streets and sidewalks, or in other public places within or immediately adjacent to Lillian Webb Park or Historic Downtown Norcross any open alcoholic beverage container which exceeds 16 fluid ounces in size; and
 3. *Drinking from can, bottle, or glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets and sidewalks, rights of way, and parking lots, whether public or private including, but not limited to the designated area for the 2021 Art Splash.
- VI. **Approval by Chief of Police:** Prior to the 2021 Art Splash, a crowd control, road closure and traffic control plan proving for the orderly movement of motor vehicle and pedestrian traffic during the 2021 Art Splash must be approved by the Chief of Police for crowd control, traffic control measures and security measures. Norcross Code of Ordinances, Chapter 4, Section 4-6 (f) and 4-7 (e) (1).
- VII. **Revocation of Exception for Sale of Alcoholic Beverages For Removal from the Premises.** The City Manager or his designee shall immediately revoke the Exception for the sale of Alcoholic Beverages for Removal from the Premises, without notice, if he or the Chief of Police determines that continued alcohol sales may endanger the health, welfare or safety of the public. Upon such revocation, all establishments licensed to dispense alcoholic beverages by the drink shall immediately cease the sale of alcoholic beverages for removal from the premises. Norcross Code of Ordinances, Chapter 4, Section 4-7 (c).
- VIII. **Cancellation of Event.** In the event that the 2021 Art Splash is cancelled, these Exceptions shall also be revoked.
- IX. **Compliance with Laws.** All establishments licensed to dispense alcoholic beverages by the drink shall at all times comply with all federal, state and local laws and regulations.

ADOPTED this ____ day of _____, 2021.

Craig Newton, Mayor

ATTEST:

Monique Lang, City Clerk

**RESOLUTION TO PERMIT THE SALE AND CONSUMPTION
OF ALCOHOL IN TO-GO CUPS, TO PERMIT SIDEWALK SALES BY
LICENSED LOCAL ESTABLISHMENTS IN HISTORIC DOWNTOWN
NORCROSS, AND TO PERMIT OPEN CONTAINERS DURING
THE AUGUST 21, 2021 BLUESBERRY MUSIC FEST**

WHEREAS, the City of Norcross has scheduled the Blues Berry Music Fest on August 21, 2021 (the "BluesBerry Music Fest"); and

WHEREAS, the Mayor and Council of the City of Norcross, Georgia have determined that the public interest will be served by granting an exception for the BluesBerry Music Fest permitting the public consumption of alcoholic beverages for the BluesBerry Music Fest at Betty Mauldin Park and Historic Downtown Norcross and during the hours of 3:00 p.m. and 10:00 p.m. on August 21, 2021 (the "designated hours"), subject to the requirements of the Norcross Code of Ordinances, Chapter 4, Section 4-5; and

WHEREAS, the Iron Horse Tavern (Dunwoody Restaurant Group, Inc.) has requested that the City of Norcross, Georgia (hereinafter, the "City") issue a temporary outdoor sales permit to allow the sale of alcoholic beverages during the designated hours in the private parking lot of Iron Horse Tavern; and

WHEREAS, the Mayor and Council of the City of Norcross, Georgia have determined that one or more public streets of Historic Downtown Norcross will be closed during the BluesBerry Music Fest and that it is in the public interest to permit any establishment located in Historic Downtown Norcross that is licensed to dispense alcoholic beverages by the drink for consumption on the premises to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle, or glass, for removal from the premises during the designated hours during the BluesBerry Music Fest pursuant to Norcross Code of Ordinances, Chapter 4, Section 4-5; and

WHEREAS, the Mayor and Council of the City of Norcross, Georgia have determined that the public interest will be served by permitting any establishment located in Historic Downtown Norcross that is licensed to dispense alcoholic beverages by the drink for consumption on the premises to apply for a Temporary Outdoor Sales Permit to set up a temporary booth, stand, kiosk or tent for the sale of alcoholic beverages (a "temporary bar") immediately adjacent to said establishment during the designated hours during the BluesBerry Music Fest pursuant to Norcross Code of Ordinances Chapter 4, Section 4-6; and

WHEREAS, the Mayor and Council of the City of Norcross, Georgia have determined that the public interest will be served granting an exception for the BluesBerry Music Fest permitting the open consumption and possession of alcoholic

beverages by the public in Historic Downtown Norcross during the designated hours during the BluesBerry Music Fest, subject to the requirements of the Norcross Code of Ordinances, Chapter 4, Section 4-5.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Norcross, Georgia as follows:

- I. **Exception Granted for Sale of Alcoholic Beverages For Removal from the Premises:** An exception for the BluesBerry Music Fest on August 21, 2021 (the "BluesBerry Music Fest"), a city sponsored event, is hereby granted to permit any establishment located in Historic Downtown Norcross that is licensed to dispense alcoholic beverages by the drink for consumption on the premises to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle, or glass, for removal from the premises during the BluesBerry Music Fest at Betty Mauldin Park and Historic Downtown Norcross and during the hours of 3:00 p.m. and 10:00 p.m. on August 21, 2021 (the "designated hours"), subject to the requirements of the Norcross Code of Ordinances, Chapter 4, Section 4-5.

- II. **Temporary Outdoor Sales Permits for Sidewalk Sales of Alcoholic Beverages during the BluesBerry Music Fest.** Any establishment located in Historic Downtown Norcross that is licensed to dispense alcoholic beverages by the drink for consumption on the premises to dispense an alcoholic beverage may apply for a Temporary Outdoor Sales Permit to set up a temporary booth, stand, kiosk or tent for the sale of alcoholic beverages (a "temporary bar") immediately adjacent to said establishment during the BluesBerry Music Fest during the designated hours pursuant to Norcross Code of Ordinances, Chapter 4, Section 4-6 and the following conditions, as follows:
 - (1) Said temporary bar must be located on the sidewalk immediately adjacent to or in front of said establishment; or
 - (2) Said temporary bar must be located on a public or private parking lot immediately adjacent to said establishment; provided however;
 - (3) No temporary bar may be permitted on any public street or in any designated parking area on any public street;
 - (4) The location, size and configuration of said temporary bar must be approved by the City Manager or his designee and must be properly zoned and approved by the Community Development Director.
 - (5) The establishment applying for the temporary outdoor sales permit shall pay the fees as adopted by city council in the schedule of fees and kept on

file in the City Clerk's office.

- (6) Any establishment that is granted a temporary outdoor sales permit shall be required to comply with all general ordinances and the licensing and regulations for a consumption on the premises establishment.
- (7) All employees of the temporary outdoor sales permittee working the establishment's temporary bar dispensing, selling, serving, taking orders or mixing alcoholic beverages shall be required to have a pouring permit.
- (8) As a condition on the issuance of the temporary outdoor sales permit, the permittee shall indemnify and hold the city harmless from claims, demand or cause of action which may arise from activities associated with the event and/or the operation of the temporary bar.
- (9) The City Manager or his designee may immediately revoke any or all temporary outdoor sales permits issued for an event if it is determined that continued alcohol sales may endanger the health, welfare or safety of the public.
- (10) Nothing contained herein shall be construed to create a vested right for any establishment to be issued a temporary outdoor permit.
- (11) Prior to the issuance of each Temporary Outdoor Sales Permit for the BluesBerry Music Fest, the location and configuration of each such temporary bar must be approved by the Chief of Police for crowd control, traffic control measures and security measures.

III. Exception Granted for Personal Consumption of Alcoholic Beverages by the Public: An exception for the BluesBerry Music Fest, a city sponsored event, is hereby granted to permit open consumption and possession of alcoholic beverages in paper or plastic cups only in Betty Mauldin Park , Historic Downtown Norcross and the streets and sidewalks and other public places within or immediately adjacent to Historic Downtown Norcross (as may be more specifically described in the crowd control, road closure and traffic control plan approved by the Chief of Police) during the designated hours, subject to the requirements of the Norcross Code of Ordinances, Chapter 4, Section 4-5.

IV. Area Covered by Exceptions: The Exceptions shall apply only in Betty Mauldin Park, Historic Downtown Norcross and the streets and sidewalks and other public places within or immediately adjacent to Historic Downtown Norcross, as may be more specifically described in the crowd control, road closure and traffic control

plan approved by the Chief of Police (hereinafter the "designated areas").

- V. **Open Consumption, Open Container and Possession of Alcoholic Beverages on City Property are permitted during the Event.** The provisions of Norcross Code of Ordinances, Chapter 4, Sections 4-1, 4-3 and 4-4 shall not apply during the designated hours or in the designated areas for the BluesBerry Music Fest.

- VI. **Restrictions on Open Consumption, Open Container and Possession of Alcoholic Beverages during the Event.** The provisions of Chapter 4, Sections 4-5 (b) (1) through (3) shall control the sale of alcoholic beverages for removal from the premises by any establishment licensed to dispense alcoholic beverages by the drink, and the personal consumption of alcoholic beverages by members of the public during the designated hours and in the designated areas for the BluesBerry Music Fest, namely:

1. *One drink limit.* Any establishment licensed to dispense alcoholic beverages by the drink is authorized to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle, or glass; provided, however, that any establishment licensed to dispense alcoholic beverages by the drink shall not dispense to any person more than one such alcoholic beverage at a time, and no person shall remove at one time more than one such alcoholic beverage from the premises of any establishment licensed to dispense alcoholic beverages by the drink.
2. *Size limited to 16 fluid ounces.* No container in which an alcoholic beverage is dispensed and removed from any establishment licensed to dispense alcoholic beverages by the drink shall exceed 16 fluid ounces in size. No person shall hold in his possession on the streets and sidewalks, or in other public places within or immediately adjacent to Historic Downtown Norcross, or in the designated areas for the BluesBerry Music Fest any open alcoholic beverage container which exceeds 16 fluid ounces in size; and
3. *Drinking from can, bottle, or glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets and sidewalks, rights of way, and parking lots, whether public or private including, but not limited to the designated area for the BluesBerry Music Fest.

- VII. **Approval by Chief of Police:** Prior to the issuance of any Temporary Outdoor Sales Permit, a crowd control, road closure and traffic control plan proving for the orderly movement of motor vehicle and pedestrian traffic during the BluesBerry Music Fest must be approved by the Chief of Police

for crowd control, traffic control measures and security measures. Norcross Code of Ordinances, Chapter 4, Section 4-6 (f) and 4-7 (e) (1).

- XIII. **Revocation of Exception for Sale of Alcoholic Beverages For Removal from the Premises.** The City Manager or his designee shall immediately revoke the Exception for the sale of Alcoholic Beverages for Removal from the Premises, without notice, if he or the Chief of Police determines that continued alcohol sales may endanger the health, welfare or safety of the public. Upon such revocation, all establishments licensed to dispense alcoholic beverages by the drink shall immediately cease the sale of alcoholic beverages for removal from the premises. Norcross Code of Ordinances, Chapter 4, Section 4-6 (f) and 4-7 (e) (1).

VIII.

- IX. **Revocation of Temporary Outdoor Sales Permits.** The City Manager or his designee shall immediately revoke any or all Temporary Outdoor Sales Permits, without notice, if he or the Chief of Police determines that continued alcohol sales may endanger the health, welfare or safety of the public. Upon such revocation, all such establishments shall immediately cease the sale of alcoholic beverages from such temporary outdoor bars and close and dismantle such temporary outdoor bars. Norcross Code of Ordinances, Chapter 4, Section 4-6 (g).
- X. **Cancellation of Event.** In the event that the BluesBerry Music Fest is cancelled, all Temporary Outdoor Sales Permit and these Exceptions shall also be revoked.
- XI. **Compliance with Laws.** All establishments licensed to dispense alcoholic beverages by the drink shall at all times comply with all federal, state and local laws and regulations.

ADOPTED this ___ day of ____, 2021.

Craig Newton, Mayor

ATTEST:

Monique Lang, City Clerk

**RESOLUTION TO PERMIT THE SALE AND CONSUMPTION OF
ALCOHOL IN TO-GO CUPS, TO PERMIT SIDEWALK SALES
BY LICENSED LOCAL ESTABLISHMENTS IN DOWNTOWN HISTORIC
NORCROSS, AND TO PERMIT OPEN CONTAINERS DURING THE 2021
CONCERT SERIES AND MUSIC EVENTS**

WHEREAS, the citizens of the City of Norcross and the surrounding communities attended the Concert Series and Music Events of 2019 held at Thrasher Park & Betty Mauldin Park/Skin Alley; and

WHEREAS, the Parks and Recreation Division of the City of Norcross Department of Public Works, Utilities and Parks has scheduled the Concert Series and Music Events of 2021 (hereinafter the "2021 Summer Concert Series & Jazz in the Alley Series"), beginning May, 2021 and continuing through September, 2021; and

WHEREAS, the Mayor and Council of the City of Norcross, Georgia have determined that the public interest will be served by granting an exception for the Summer Concert Series & Jazz in the Alley Series permitting the public consumption of alcoholic beverages during the 2021 Summer Concert Series & Jazz in the Alley Series at the designated location of each of said events and during the hours of 7:30 p.m. and 9:30 p.m., subject to the requirements of the Norcross Code of Ordinances, Chapter 4, Section 4-5; and

WHEREAS, the Mayor and Council of the City of Norcross, Georgia have determined that one or more public streets of Historic Downtown Norcross will be closed for each of the 2021 Summer Concert Series & Jazz in the Alley Series events and that it is in the public interest to permit any establishment located in Historic Downtown Norcross that is licensed to dispense alcoholic beverages by the drink for consumption on the premises to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle, or glass, for removal from the premises during the designated hours for each of the 2021 Summer Concert Series & Jazz in the Alley Series events pursuant to Norcross Code of Ordinances, Chapter 4, Section 4-5; and

WHEREAS, the Mayor and Council of the City of Norcross, Georgia have determined that the public interest will be served by permitting any establishment located in Historic Downtown Norcross that is licensed to dispense alcoholic beverages by the drink for consumption on the premises to apply for a Temporary Outdoor Sales Permit to set up a temporary booth, stand, kiosk or tent for the sale of alcoholic beverages (a "temporary bar") immediately adjacent to said establishment during the designated hours for each of the 2021 Summer Concert Series & Jazz in the Alley Series events pursuant to Norcross Code of Ordinances Chapter 4, Section 4-6; and

WHEREAS, the Mayor and Council of the City of Norcross, Georgia have determined that the public interest will be served granting an exception for the 2021 Summer Concert Series & Jazz in the Alley Series permitting the open consumption and possession of alcoholic beverages by the public in Historic Downtown Norcross during the designated hours for each of the 2021 Summer Concert Series & Jazz in the Alley Series events, subject to the requirements of the Norcross Code of Ordinances, Chapter 4, Section 4-5.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Norcross, Georgia as follows:

I. Exception Granted for Sale of Alcoholic Beverages For Removal from the

Premises: An exception for the 2021 Summer Concert Series & Jazz in the Alley Series events, a city sponsored event, is hereby granted to permit any establishment located in Historic Downtown Norcross that is licensed to dispense alcoholic beverages by the drink for consumption on the premises to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle, or glass, for removal from the premises between the hours of 7:30 p.m. and 9:30 p.m. (the "designated hours") during the Concert Series and Music Events of 2021 (hereinafter the "2021 Summer Concert Series & Jazz in the Alley Series") at each of the following locations as is specifically set forth below;

Summer Concerts:

May 28 -Thrasher Park

June 11 - Thrasher Park

June 25 - Thrasher Park

July 9 - Thrasher Park

July 23 - Thrasher Park

August 6 - Thrasher Park

August 20- Thrasher Park

September 3 - Thrasher Park

Jazz In the Alley:

June 26 – Betty Mauldin Parking Lot

July 27 – Betty Mauldin Parking Lot

August 14 – Betty Mauldin Parking Lot

September 25 – Betty Mauldin Parking Lot

II. Temporary Outdoor Sales Permits for Sidewalk Sales of Alcoholic Beverages during the 2021 Summer Concert Series & Jazz in the Alley Series. Any establishment located in Historic Downtown Norcross that is licensed to dispense alcoholic beverages by the drink for consumption on the

premises to dispense an alcoholic beverage may apply for a Temporary Outdoor Sales Permit to set up a temporary booth, stand, kiosk or tent for the sale of alcoholic beverages (a "temporary bar") immediately adjacent to said establishment during the 2021 Summer Concert Series & Jazz in the Alley Series events during the designated hours on the days designated for each such event pursuant to Norcross Code of Ordinances, Chapter 4, Section 4-6 and the following conditions, as follows:

- (1) Said temporary bar must be located on the sidewalk immediately adjacent to or in front of said establishment; or
- (2) Said temporary bar must be located on a public or private parking lot immediately adjacent to said establishment; provided however;
- (3) No temporary bar may be permitted on any public street or in any designated parking area on any public street;
- (4) The location, size and configuration of said temporary bar must be approved by the City Manager or his designee and must be properly zoned and approved by the Community Development Director.
- (5) The establishment applying for the temporary outdoor sales permit shall pay the fees as adopted by city council in the schedule of fees and kept on file in the City Clerk's office.
- (6) Any establishment that is granted a temporary outdoor sales permit shall be required to comply with all general ordinances and the licensing and regulations for a consumption on the premises establishment.
- (7) All employees of the temporary outdoor sales permittee working the establishment's temporary bar dispensing, selling, serving, taking orders or mixing alcoholic beverages shall be required to have a pouring permit.
- (8) As a condition on the issuance of the temporary outdoor sales permit, the permittee shall indemnify and hold the city harmless from claims, demand or cause of action which may arise from activities associated with the event and/or the operation of the temporary bar.
- (9) The City Manager or his designee may immediately revoke any or all temporary outdoor sales permits issued for an event if it is determined that continued alcohol sales may endanger the health, welfare or safety of the public.

- (10) Nothing contained herein shall be construed to create a vested right for any establishment to be issued a temporary outdoor permit.
- (11) Prior to the issuance of each Temporary Outdoor Sales Permit for the 2021 Summer Concert Series & Jazz in the Alley Series events, the location and configuration of each such temporary bar must be approved by the Chief of Police for crowd control, traffic control measures and security measures.

III. Exception Granted for Personal Consumption of Alcoholic Beverages

by the Public: An exception for the 2021 Summer Concert Series & Jazz in the Alley Series, a city sponsored series of events, is hereby granted to permit open consumption and possession of alcoholic beverages in paper or plastic cups only in the designated locations for each such event, Historic Downtown Norcross and the streets and sidewalks and other public places within or immediately adjacent to Historic Downtown Norcross (as may be more specifically described in the crowd control, road closure and traffic control plan approved by the Chief of Police) during the designated hours, subject to the requirements of the Norcross Code of Ordinances, Chapter 4, Section 4-5.

IV. Area Covered by Exceptions: The Exceptions shall apply only in the designated locations for each such event, Historic Downtown Norcross and the streets and sidewalks and other public places within or immediately adjacent to Historic Downtown Norcross, as may be more specifically described in the crowd control, road closure and traffic control plan approved by the Chief of Police (hereinafter the "designated areas").

V. Open Consumption, Open Container and Possession of Alcoholic Beverages on City Property are permitted during the Event. The provisions of Norcross Code of Ordinances, Chapter 4, Sections 4-1, 4-3 and 4-4 shall not apply during the designated hours or in the designated areas for each event in the 2021 Summer Concert Series & Jazz in the Alley Series events.

VI. Restrictions on Open Consumption, Open Container and Possession of Alcoholic Beverages during the Event. The provisions of Chapter 4, Sections 4-5 (b) (1) through (3) shall control the sale of alcoholic beverages for removal from the premises by any establishment licensed to dispense alcoholic beverages by the drink, and the personal consumption of alcoholic beverages by members of the public during the designated hours and in the designated areas for each event in the 2021 Summer Concert Series & Jazz in the Alley Series events, namely:

1. *One drink limit.* Any establishment licensed to dispense alcoholic

beverages by the drink is authorized to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle, or glass; provided, however, any establishment licensed to dispense alcoholic beverages by the drink shall not dispense to any person more than one such alcoholic beverage at a time, and no person shall remove at one time more than one such alcoholic beverage from the premises of any establishment licensed to dispense alcoholic beverages by the drink.

2. *Size limited to 16 fluid ounces.* No container in which an alcoholic beverage is dispensed and removed from any establishment licensed to dispense alcoholic beverages by the drink shall exceed 16 fluid ounces in size. No person shall hold in his possession on the streets and sidewalks, or in other public places within or immediately adjacent to Historic Downtown Norcross, or in the designated areas for each event in the 2021 Summer Concert Series & Jazz in the Alley Series any open alcoholic beverage container which exceeds 16 fluid ounces in size; and
3. *Drinking from can, bottle, or glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets and sidewalks, rights of way, and parking lots, whether public or private including, but not limited to the designated area for the 2021 Summer Concert Series & Jazz in the Alley Series events.

XIV. **Approval by Chief of Police:** Prior to the issuance of any Temporary Outdoor Sales Permit, a crowd control, road closure and traffic control plan proving for the orderly movement of motor vehicle and pedestrian traffic during the 2021 Summer Concert Series & Jazz in the Alley Series must be approved by the Chief of Police for crowd control, traffic control measures and security measures. Norcross Code of Ordinances, Chapter 4, Section 4-6 (f) and 4-7 (e) (1).

VII. **Revocation of Exception for Sale of Alcoholic Beverages For Removal from the Premises.** The City Manager or his designee shall immediately revoke the Exception for the sale of Alcoholic Beverages for Removal from the Premises, without notice, if he or the Chief of Police determines that continued alcohol sales may endanger the health, welfare or safety of the public. Upon such revocation, all establishments licensed to dispense alcoholic beverages by the drink shall immediately cease the sale of alcoholic beverages for removal from the premises. Norcross Code of Ordinances, Chapter 4, Section 4-7 (c).

- VIII. Revocation of Temporary Outdoor Sales Permits.** The City Manager or his designee shall immediately revoke any or all Temporary Outdoor Sales Permits, without notice, if he or the Chief of Police determines that continued alcohol sales may endanger the health, welfare or safety of the public. Upon such revocation, all such establishments shall immediately cease the sale of alcoholic beverages from such temporary outdoor bars and close and dismantle such temporary outdoor bars. Norcross Code of Ordinances, Chapter 4, Section 4-6 (g).
- X. Cancellation of Event.** In the event that the 2021 Summer Concert Series & Jazz in the Alley Series is cancelled, the Temporary Outdoor Sales Permits and these Exceptions shall also be revoked.
- XI. Compliance with Laws.** All establishments licensed to dispense alcoholic beverages by the drink shall at all times comply with all federal, state and local laws and regulations.

ADOPTED this ___ day of _____, 2021.

Craig Newton, Mayor

ATTEST:

Monique Lang, City Clerk

**RESOLUTION TO ISSUE A SPECIAL ALCOHOL PERMIT, TO PERMIT
THE SALE AND CONSUMPTION OF ALCOHOL IN TO-GO CUPS, AND
TO PERMIT OPEN CONTAINERS DURING THE GWINNETT PRIDE
FESTIVAL**

WHEREAS, the Parks and Recreation Division of the City of Norcross Department of Public Works, Utilities and Parks has scheduled the Gwinnett Pride Festival; and

WHEREAS, the Mayor and Council of the City of Norcross, Georgia have determined that Gwinnett Pride Festival is a special event for which a temporary license to sell alcohol may be issued, subject to the requirements of Norcross Code of Ordinances, Chapter 4, Section 4-5 and 4-7; and

WHEREAS, the 2021 Gwinnett Pride Festival is scheduled to be set up at a single location within Thrasher Park on September 4, 2021; and

WHEREAS, A licensed vendor has requested that the City of Norcross, Georgia (hereinafter, the "City") issue a special alcohol permit to allow the sale of alcoholic beverages during the 2021 Gwinnett Pride Festival between the hours of 11:00 a.m. – 7:00 p.m. on September 4, 2021; and

WHEREAS, the Mayor and Council of the City of Norcross, Georgia have determined that the public interest will be served by issuing a Special Alcohol Permit for the 2021 Gwinnett Pride Festival permitting the sale of malt alcoholic beverages (beer, wine and hard cider) at Thrasher Park by a licensed vendor between the hours of 11:00 a.m. -7:00 p.m. (hereinafter, the "designated hours") on September 4, 2021 pursuant to Norcross Code of Ordinances, Chapter 4, Section 4-7; and

WHEREAS, the City has determined that the public interest will be served by granting an exception for the 2021 Gwinnett Pride Festival permitting the open consumption and possession of alcoholic beverages by the public at Thrasher Park during the designated hours, subject to the requirements of the Norcross Code of Ordinances, Chapter 4, Section 4-5.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Norcross, Georgia as follows:

- I. Special Alcohol Permit for Licensed Vendor to Sell Malt Beverages:** A growler company or licensed vendor (to be determined) a state and county licensed beer vendor, whose principal business address is to be determined, (hereinafter, the "Vendor") upon satisfying the following conditions, shall be issued a Special Alcohol Permit and a temporary license to allow the sale of malt alcohol beverages by said Vendor between the hours of 11:00 a.m. and

7:00 p.m. at the Gwinnett Pride Festival at Thrasher Park pursuant to Norcross Code of Ordinances, Chapter 4, Section 4-7, and the following conditions, as follows:

- (1) Prior to the issuance of said Special Alcohol Permit, the Vendor must complete all applications and pay the required fees required by the City Norcross Code of Ordinances, Chapter 4, Section 4-7 (a)(4).
- (2) Prior to the issuance of said Special Alcohol Permit, said Vendor shall provide the City with a certificate of insurance in an amount not less than \$1,000,000.00 and shall name the City, its elected officials and employees as additional insureds under the terms of the policy.
- (3) The Vendor shall be required to comply with all the general ordinances and licensing regulations for a "consumption on the premises" establishment with the exception of the full-service kitchen requirement. Norcross Code of Ordinances, Chapter 4, Section 4-7 (a)(5).
- (4) Any employee of the Vendor working during the 2021 Gwinnett Pride Festival in any position dispensing, selling, serving, taking orders or pouring alcoholic beverages shall not be required to obtain a pouring permit for the Gwinnett Pride Festival, Code of Ordinances, Chapter 4, Section 4-7 (b).
- (5) Prior to the issuance of said Special Alcohol Permit, said Vendor shall provide the City with satisfactory proof that Vendor agrees to indemnify and hold the City, its elected officials and employees harmless from any and all claims, demands or other causes of action arising from any of the activities associated with the Gwinnett Pride Festival. Norcross Code of Ordinances, Chapter 4, Section 4-7 (d).
- (6) Prior to the issuance of said Special Alcohol Permit, a single location within Thrasher Park where Vendor will set up its alcohol vending operations locations must be approved by the City Manager or his designee and each location must be approved by the Community Development Director. Norcross Code of Ordinances, Chapter 4, Section 4-7 (e) (2).

II. Exception Granted for Personal Consumption of Alcoholic Beverages by the Public: An exception for the 2021 Gwinnett Pride Festival is hereby

granted to permit open consumption and possession of alcoholic beverages in paper or plastic cups only in Thrasher Park and the streets and sidewalks and other public places within or immediately adjacent to the Thrasher Park (as may be more specifically described in the crowd control, road closure and traffic control plan approved by the Chief of Police) during the designated hours, subject to the requirements of the Norcross Code of Ordinances, Chapter 4, Section 4-5.

- III. **Area Covered by Special Alcohol Permit and Exceptions:** The Special Alcohol Permit and the Exceptions shall apply only to the area of Thrasher Park for the 2021 Gwinnett Pride Festival and the streets and sidewalks and other public places within or immediately adjacent to the Thrasher Park, as may be more specifically described in the crowd control, road closure and traffic control plan approved by the Chief of Police (hereinafter the "designated areas").
- IV. **Open Consumption, Open Container and Possession of Alcoholic Beverages on City Property are permitted during the Event.** The provisions of Norcross Code of Ordinances, Chapter 4, Sections 4-1, 4-3 and 4-4 shall not apply during the designated hours or in the designated area for the 2021 Gwinnett Pride Festival.
- V. **Restrictions on Open Consumption, Open Container and Possession of Alcoholic Beverages during the Event.** The provisions of Chapter 4, Sections 4-5 (b) (1) through (3) shall control the distribution and sale of malt alcohol beverages by the Vendor and the personal consumption of alcoholic beverages by members of the public during the designated hours and in the designated areas for the 2021 Gwinnett Pride Festival, namely:
 - 1. *One drink limit.* The Vendor and any establishment licensed to dispense alcoholic beverages by the drink is authorized to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle, or glass; provided, however, that the Vendor shall not dispense to any person more than one such alcoholic beverage at a time, and no person shall remove at one time more than one such alcoholic beverage from the Vendor.
 - 2. *Size limited to 16 fluid ounces.* No container in which an alcoholic beverage is dispensed and removed from the Vendor shall exceed 16 fluid ounces in size. No person shall hold in his possession in Thrasher Park or on the streets and sidewalks, or in other public places within or immediately adjacent thereto any open alcoholic

beverage container which exceeds 16 fluid ounces in size; and

3. *Drinking from can, bottle, or glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets and sidewalks, rights of way, and parking lots, whether public or private including, but not limited to in Thrasher Park and the streets and sidewalks, or in other public places within or immediately adjacent thereto.

- VI. **Approval by Chief of Police:** Prior to the issuance of said Special Alcohol Permit, a crowd control, road closure and traffic control plan proving for the orderly movement of motor vehicle and pedestrian traffic during the 2021 Gwinnett Pride Festival must be approved by the Chief of Police for crowd control, traffic control measures and security measures. Norcross Code of Ordinances, Chapter 4, Section 4-7 (e)(1).
- VII. **Revocation of Special Alcohol Permit.** The City Manager or his designee shall immediately revoke the Special Alcohol Permit for the 2021 Gwinnett Pride Festival, without notice, if he or the Chief of Police determines that continued alcohol sales may endanger the health, welfare or safety of the public. Upon such revocation, the Vendor shall immediately cease the sale of alcoholic beverages, and the Vendor shall take such steps as are deemed reasonable and prudent by the City Manager to secure and/or remove all alcoholic beverages from the 2021 Gwinnett Pride Festival premises. Norcross Code of Ordinances, Chapter 4, Section 4-7 (c).
- VIII. **Cancellation of Event.** In the event that the 2021 Gwinnett Pride Festival is cancelled, this Special Alcohol Permit and these Exceptions shall also be revoked.
- IX. **Compliance with Laws.** The Vendor and all establishments licensed to dispense alcoholic beverages by the drink shall at all times comply with all federal, state and local laws and regulations.

ADOPTED this ___ day of ____, 2021.

Craig Newton, Mayor

ATTEST:

Monique Lang, City Clerk

**RESOLUTION TO ISSUE A SPECIAL ALCOHOL PERMIT, TO PERMIT
THE SALE AND CONSUMPTION OF ALCOHOL IN TO-GO CUPS, AND
TO PERMIT OPEN CONTAINERS DURING THE DIA DE LOS MUERTOS
FESTIVAL**

WHEREAS, the Parks and Recreation Division of the City of Norcross Department of Public Works, Utilities and Parks has scheduled the Dia De Los Muertos Festival; and

WHEREAS, the Mayor and Council of the City of Norcross, Georgia have determined that the Dia De Los Muertos Festival is a City-sponsored special event for which a temporary license to sell alcohol may be issued, subject to the requirements of Norcross Code of Ordinances, Chapter 4, Sections 4-5 and 4-7; and

WHEREAS, the 2021 Dia De Los Muertos Festival is scheduled to be set up at a single location within Lillian Webb Park on November 6, 2021; and

WHEREAS, A licensed vendor has requested that the City of Norcross, Georgia (hereinafter, the "City") issue a special alcohol permit to allow the sale of alcoholic beverages during the 2021 Dia De Los Muertos Festival between the hours of 12:00 p.m. – 10:00 p.m. on November 6, 2021; and

WHEREAS, the Mayor and Council of the City of Norcross, Georgia have determined that the public interest will be served by issuing a Special Alcohol Permit for the 2021 Dia De Los Muertos Festival permitting the sale of malt alcoholic beverages (beer, wine and hard cider) at Lillian Webb Park by a licensed vendor between the hours of 12:00 p.m. -10:00 p.m. (hereinafter, the "designated hours") on November 6, 2021 pursuant to Norcross Code of Ordinances, Chapter 4, Section 4-7; and

WHEREAS, the City has determined that the public interest will be served by granting an exception for the 2021 Dia De Los Muertos Festival permitting the open consumption and possession of alcoholic beverages by the public at Lillian Webb Park during the designated hours, subject to the requirements of the Norcross Code of Ordinances, Chapter 4, Section 4-5.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Norcross, Georgia as follows:

- II. Special Alcohol Permit for Licensed Vendor to Sell Malt Beverages:** A licensed vendor (to be determined) a state and county licensed beer vendor, whose principal business address is to be determined, (hereinafter, the "Vendor") upon satisfying the following conditions, shall be issued a Special Alcohol Permit and a temporary license to allow the sale of malt alcohol

beverages by said Vendor between the hours of 12:00 p.m. and 10:00 p.m. at the Dia De Los Muertos Festival at Lillian Webb Park pursuant to Norcross Code of Ordinances, Chapter 4, Section 4-7, and the following conditions, as follows:

- (1) Prior to the issuance of said Special Alcohol Permit, the Vendor must complete all applications and pay the required fees required by the City Norcross Code of Ordinances, Chapter 4, Section 4-7 (a)(4).
- (2) Prior to the issuance of said Special Alcohol Permit, said Vendor shall provide the City with a certificate of insurance in an amount not less than \$1,000,000.00 and shall name the City, its elected officials and employees as additional insureds under the terms of the policy.
- (3) The Vendor shall be required to comply with all the general ordinances and licensing regulations for a "consumption on the premises" establishment with the exception of the full-service kitchen requirement. Norcross Code of Ordinances, Chapter 4, Section 4-7 (a)(5).
- (4) Any employee of the Vendor working during the 2021 Dia De Los Muertos Festival in any position dispensing, selling, serving, taking orders or pouring alcoholic beverages shall not be required to obtain a pouring permit for the Gateway International Festival, Code of Ordinances, Chapter 4, Section 4-7 (b).
- (5) Prior to the issuance of said Special Alcohol Permit, said Vendor shall provide the City with satisfactory proof that Vendor agrees to indemnify and hold the City, its elected officials and employees harmless from any and all claims, demands or other causes of action arising from any of the activities associated with the Dia De Los Muertos Festival. Norcross Code of Ordinances, Chapter 4, Section 4-7 (d).
- (6) Prior to the issuance of said Special Alcohol Permit, a single location within Lillian Webb Park where Vendor will set up its alcohol vending operations locations must be approved by the City Manager or his designee and each location must be approved by the Community Development Director. Norcross Code of Ordinances, Chapter 4, Section 4-7 (e) (2).

- X. **Exception Granted for Personal Consumption of Alcoholic Beverages by the Public:** An exception for the 2021 Dia De Los Muertos Festival, a city sponsored event, is hereby granted to permit open consumption and possession of alcoholic beverages in paper or plastic cups only in Lillian

Webb Park and the streets and sidewalks and other public places within or immediately adjacent to the Lillian Webb Park (as may be more specifically described in the crowd control, road closure and traffic control plan approved by the Chief of Police) during the designated hours, subject to the requirements of the Norcross Code of Ordinances, Chapter 4, Section 4-5.

- XI. **Area Covered by Special Alcohol Permit and Exceptions:** The Special Alcohol Permit and the Exceptions shall apply only to the area of Lillian Webb Park for the 2021 Dia De Los Muertos Festival and the streets and sidewalks and other public places within or immediately adjacent to the Lillian Webb Park, as may be more specifically described in the crowd control, road closure and traffic control plan approved by the Chief of Police (hereinafter the "designated areas").
- XII. **Open Consumption, Open Container and Possession of Alcoholic Beverages on City Property are permitted during the Event.** The provisions of Norcross Code of Ordinances, Chapter 4, Sections 4-1, 4-3 and 4-4 shall not apply during the designated hours or in the designated area for the 2021 Dia De Los Muertos Festival.
- XIII. **Restrictions on Open Consumption, Open Container and Possession of Alcoholic Beverages during the Event.** The provisions of Chapter 4, Sections 4-5 (b) (1) through (3) shall control the distribution and sale of malt alcohol beverages by the Vendor and the personal consumption of alcoholic beverages by members of the public during the designated hours and in the designated areas for the 2021 Dia De Los Muertos Festival, namely:
 4. *One drink limit.* The Vendor and any establishment licensed to dispense alcoholic beverages by the drink is authorized to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle, or glass; provided, however, that the Vendor shall not dispense to any person more than one such alcoholic beverage at a time, and no person shall remove at one time more than one such alcoholic beverage from the Vendor.
 5. *Size limited to 16 fluid ounces.* No container in which an alcoholic beverage is dispensed and removed from the Vendor shall exceed 16 fluid ounces in size. No person shall hold in his possession in Lillian Webb Park or on the streets and sidewalks, or in other public places within or immediately adjacent thereto any open alcoholic beverage container which exceeds 16 fluid ounces in size; and
 6. *Drinking from can, bottle, or glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or

glass any alcoholic beverage on the streets and sidewalks, rights of way, and parking lots, whether public or private including, but not limited to in Lillian Webb Park and the streets and sidewalks, or in other public places within or immediately adjacent thereto.

- XIV. Approval by Chief of Police:** Prior to the issuance of said Special Alcohol Permit, a crowd control, road closure and traffic control plan proving for the orderly movement of motor vehicle and pedestrian traffic during the 2021 Dia De Los Muertos Festival must be approved by the Chief of Police for crowd control, traffic control measures and security measures. Norcross Code of Ordinances, Chapter 4, Section 4-7 (e)(1).
- XV. Revocation of Special Alcohol Permit.** The City Manager or his designee shall immediately revoke the Special Alcohol Permit for the 2021 Dia De Los Muertos Festival, without notice, if he or the Chief of Police determines that continued alcohol sales may endanger the health, welfare or safety of the public. Upon such revocation, the Vendor shall immediately cease the sale of alcoholic beverages, and the Vendor shall take such steps as are deemed reasonable and prudent by the City Manager to secure and/or remove all alcoholic beverages from the 2021 Gateway International Festival premises. Norcross Code of Ordinances, Chapter 4, Section 4-7 (c).
- XVI. Cancellation of Event.** In the event that the 2021 Dia De Los Muertos Festival is cancelled, this Special Alcohol Permit and these Exceptions shall also be revoked.
- XVII. Compliance with Laws.** The Vendor and all establishments licensed to dispense alcoholic beverages by the drink shall at all times comply with all federal, state and local laws and regulations.

ADOPTED this ___ day of _____, 2021.

Craig Newton, Mayor

ATTEST:

Monique Lang, City Clerk