

City of Norcross

*65 Lawrenceville Street
Norcross, GA 30071*



Meeting Agenda

Monday, April 1, 2024

6:30 PM

Council Chambers

Mayor and Council

Mayor Craig Newton

Mayor Pro Tem Bruce Gaynor

Councilmember Andrew Hixson

Councilmember Josh Bare

Councilmember Matt Myers

Councilmember Marshall Cheek

- A. Call to Order by Mayor Craig Newton**
PLEASE TURN OFF ALL CELL PHONES AND ELECTRONIC DEVICES
- B. Invocation**
- C. Pledge of Allegiance to the Flag of the United States of America**
- D. Roll Call (recorded)**
- E. Presentation of previous meetings minutes for acceptance**
 - 1. [24-6963](#) **Approval of Previous Meeting Minutes**
 - a. [Mayor and Council Visioning Session - Visioning Session - Jan 12, 2024, 9:00 AM](#)
 - b. [Mayor and Council - Regular Meeting - Mar 4, 2024, 6:30 PM](#)
 - c. [Special Called Meeting - Special Meeting - Mar 18, 2024, 6:00 PM](#)
 - d. [Policy Work Session - Policy Work Session - Mar 18, 2024, 6:30 PM](#)
- F. Set Agenda As Presented for Scheduled Meeting**
 - 1. [24-6964](#) **Acceptance of the Agenda and Approval of the Consent Agenda**
- G. Ceremonial Presentations, Recognitions, and Swearing in Ceremonies**
 - a. [24-6965](#) **Proclamation for National Safe Digging Month April 2024**

A proclamation proclaiming the month of April 2024 Safe Digging Month in the City of Norcross.

[Proclamation- Safe Digging Month](#)
- H. Floor Open to Citizens Desiring to Address the Governing Authority**
 - a. Comments by Citizens
 - b. Comments by Council
 - c. Comments by City Manager
- PH. Public Hearings**
 - 1. [24-6934](#) **Comprehensive Plan Update**

Adopt the City of Norcross 2045 Comprehensive Plan.

[Agenda Report - Comprehensive Plan Update](#)

[Norcross 2045 Comprehensive Plan Update - Report and Technical Addendum](#)

[Norcross CP 2024 Resolution](#)

2. [24-6944](#) **Town Center LCI Plan Update**
Adopt the City of Norcross Town Center Livable Centers Initiative (LCI) Plan update.
[Agenda Report - Town Center LCI Plan Update](#)
[Norcross Town Center LCI Plan - Report & Technical Addendum](#)
[2024 Resolution To Adopt The City of Norcross Town Center LCI](#)
3. [23-6876](#) **Review and Revision of Charter Language**
Review changes and revisions to the Norcross City Charter as suggested by the city attorney's office.
[Agenda Report - Review and Revision of Charter Language](#)
[Current Charter - Norcross, Georgia](#)
[Charter Revisions Version 6 \(REDLINE VERSION\)](#)
[Charter Revisions Version 6 \(CLEAN VERSION\)](#)
[Charter Amendments - Draft Resolution for Adoption](#)
[Notice of Proposed Charter Amendments](#)
4. [24-6919](#) **SUP2023-005 - Towing Service and Impound Lot**
Request for a Special Use Permit to operate a towing service and impound lot.
[Agenda Report - SUP2023-005 - Towing service and Impound Lot](#)
[SUP2023-005 Staff Report](#)

J. Reports of the Mayor and Councilmembers

a. General Announcements

APRIL CALENDAR OF EVENTS

First Friday Concert: Weekend Getaway Band

Friday, April 5 | 7:00 - 9:00 p.m. | Cultural Arts & Community Center

Movie Monday: Champions

Monday, April 8 | 1:30 & 6:30 p.m. | Cultural Arts & Community Center

Coffee With Council

Saturday, April 13 | 8:00 a.m. | 45 South Cafe

Planting For Pollinator Workshop

Saturday, April 13 | 10:30 a.m. - 12:00 p.m. | City Hall, 2nd Floor Community Room

Policy Work Session

Monday, April 15 | 6:30 p.m. | City Hall, 2nd Floor Conference Room

Neighborhood Cleanup & Recycling Day

Saturday, April 20 | 8:00 a.m. - 12:00 p.m. | Norcross Public Works

Historic Cemetery Tour

Sunday, April 21 | 2:00 p.m. | Norcross City Cemetery

Movie Monday: Sun Moon

Monday, April 22 | 1:30 & 6:30 p.m. | Cultural Arts & Community Center

Historic Cemetery Tour

Tuesday, April 23 | 11:00 a.m. | Norcross City Cemetery

Planting For Pollinator Workshop

Saturday, May 4 | 10:30 a.m. - 12:00 p.m. | City Hall, 2nd Floor Community Room

K. Board Appointments**A. [24-6966](#) Board Appointment - Architectural Review Board**

The following candidates satisfied the requirements to be considered for appointment to the Architectural Review Board, which currently has (1) vacancy:

Barbra Grayson

Kathy Cowley

B. [24-6967](#) Board Appointment - Historic Preservation Commission

The following candidate satisfied the requirements to be considered for reappointment to the Historic Preservation Commission, which currently has (2) vacancies:

Gene Ramsay

L. Consent Agenda**1. [24-6945](#) Electric Rate Study**

Adoption of the newly submitted rate schedule completed by ECG.

[Agenda Report - Electric Rate Study](#)

[ECG - Norcross Electric - Cost of Service - 2024 Final](#)

[Norcross Reliability Project](#)

2. [24-6946](#) Surplus Vehicles Request

A recommendation to approve the surplus of six (6) vehicles and four (4) bicycles.

[Agenda Report - Surplus Vehicles March 2024](#)

[Memo - Surplus Vehicles](#)

3. [24-6947](#) **Change Order NO. 2 for County Road Project**
Approve Change Order #2, authorizing expenditures of up to \$339,571.11 of City 2014 SPLOST funds for construction costs associated with the joint-funded Buford Highway/Jimmy Carter intersection improvements managed by Gwinnett County.
[Agenda Report - Change Order NO. 2 for County Road Project](#)
[F-1068 Change Order #2](#)
4. [24-6948](#) **CDBG 2023 Resurfacing and Stormwater Infrastructure**
Approve the contract with Atlanta Paving Company for Street Resurfacing and stormwater infrastructure repair and replacement.
[Agenda Report -CDBG 2023 Resurfacing and Stormwater Infrastructure](#)
[ITB PWUP 23-25 CDBG](#)
[Bids - ITB PWUP 23-25](#)
[Bid Tabulation](#)
[Draft Contractor Agreement_CDBG](#)
5. [24-6949](#) **SPLOST Transportation Resurfacing**
Approve contract with Atlanta Paving and Concrete Construction, Inc. for Street Resurfacing.
[Agenda Report - Street Resurfacing SPLOST 2023](#)
[ITB - PWUP 24-03 - SPLOST](#)
[Bids](#)
[Bid Tabulation](#)
[Contractor Agreement - SPLOST Milling Resurfacing](#)
6. [24-6950](#) **Storm Damage Reduction/ Tree Removal Program and Front Yard Tree Program**
Approve the Storm Damage Reduction/ Tree Removal Program and Front Yard Tree Program.
[Agenda Report - Storm Damage Reduction/ Tree Removal Program and Front Yard Tree Program](#)
[Storm Damage Reduction Contract](#)
[Norcross Edit Agreement between City and Homeowner for planting CT \(2\)](#)

7. [24-6954](#)**City Speed Bump Policy Discussion**

Establish a city-wide policy on the use of speed bumps on city streets. This would not apply to roads in subdivisions.

[Agenda Report - City Speed Bump Policy Discussion](#)

M. **Items for Discussion**N. **Adjourn in memory of**O. **Adjourn to Executive Session for Personnel, Real Estate or Legal**P. **Signed by**_____ **Mayor Craig Newton**Q. **Attest:** _____ **Monique Philip, City Clerk**



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Philip

City of Norcross

Legislation Details (With Details)

File #:	24-6963	Version:	
Type #:	Agenda Item	Status:	Agenda Ready
On Agenda:	4/1/2024 6:30 PM	In Control:	Mayor and Council
Title:	Approval of Previous Meeting Minutes		

Sponsors:

Code Sections:

Title

Approval of Previous Meeting Minutes

Motion

A motion to Approve/Deny the meeting minutes for the January 12th Mayor and Council Visioning Session, March 4th Regular Council Meeting, and the March 18th Special Called Meeting, Policy Work Session and Executive Session.

NORCROSS VISIONING SESSION

SUMMARY REPORT



PREPARED BY THE GEORGIA MUNICIPAL ASSOCIATION
FEBRUARY 2024



Minutes Acceptance: Minutes of Jan 12, 2024 9:00 AM (Presentation of previous meetings minutes for acceptance)

Contents

PARTICIPANTS.....	3
OVERVIEW	3
PURPOSE OF VISIONING SESSIONS	3
CHECK-IN: WHERE ARE YOU NOW	4
TRUST	4
COMMUNICATION	5
ALIGNING EXPECTATIONS & CONTRIBUTIONS	6
BUILDING TRUST FOR TEAM NORCROSS.....	7
VISION, MISSION, VALUES & MARKETING MATERIALS	7
BRINGING IT ALL TOGETHER.....	8
Action Item 1	8
Action Item 2	8
Action Item 3	8
CHECK-OUT: WHERE ARE YOU NOW	8
CLOSING	8

Minutes Acceptance: Minutes of Jan 12, 2024 9:00 AM (Presentation of previous meetings minutes for acceptance)

PARTICIPANTS

Elected Officials: Mayor Craig Newton, Mayor Pro Tem Bruce Gaymor, Councilmember Andrew Hixon, Councilmember Josh Bare, Councilmember Matt Myers, Councilmember Marshall Cheek

City Staff: City Manager Eric Johnson, City Clerk Monique Philip, Deputy City Clerk Shayla Alexis

GMA Staff: GMA Member Services Consultant Terrell Jacobs, and Member Services Consultant Michael McPherson

OVERVIEW

The City of Norcross held a one-day Visioning Session on January 12 at City Hall, which is located at 62 Lawrenceville Street, Norcross, Georgia. Through this process, the participants were able to lay the groundwork for future planning, decision-making, and collective action. For additional information, see **Attachment A – Retreat Presentation**.

PURPOSE OF VISIONING SESSIONS

Public officials face a demanding and fast-paced work environment, which is even more challenging today with changes in the workforce, development patterns, increased costs, technology, and service delivery expectations. As a result, by taking structured time away from the regular work environment, this allows decision-makers and administrators to collectively define and shape a shared vision for the future of the community. Objectives for Visioning Sessions may include:

- **Goal Setting:** Visioning Sessions help set long-term goals and aspirations. Participants discuss and articulate what they hope to achieve, creating a clear direction for the future.
- **Inspiration & Motivation:** These sessions are designed to inspire and motivate participants by creating a compelling and exciting vision. A well-crafted vision can energize individuals and teams, fostering enthusiasm and commitment.
- **Alignment:** Visioning Sessions bring stakeholders together to ensure alignment on the organization's or project's mission and goals. This alignment is crucial for coordinated efforts and effective collaboration.
- **Strategic Planning:** The outcomes of a Visioning Session often serve as the foundation for strategic planning. Once the vision is established, organizations can develop strategies and action plans to work towards its realization.
- **Stakeholder Involvement:** Involving various stakeholders, including employees, community members, and leaders, in the visioning process ensures that diverse perspectives are considered, leading to a more inclusive and comprehensive vision.
- **Decision-Making Guide:** A well-defined vision can serve as a guide for decision-making. When faced with choices, organizations can refer to their vision to ensure that decisions align with their long-term goals.
- **Communication:** The vision created in a Visioning Session becomes a powerful communication tool. It can be shared with internal and external stakeholders to convey the organization's purpose, values, and future aspirations.

- **Cultural Development:** A strong vision contributes to the development of a positive organizational culture. It helps define the values and principles that guide behavior and decision-making within the organization.
- **Evaluation & Progress Tracking:** The established vision provides a basis for evaluating progress. Organizations can measure their success and impact against the vision, adjusting strategies as needed to stay on course.
- **Adaptability:** While a vision sets a long-term direction, it also allows for adaptability. Organizations can evolve and respond to changing circumstances while remaining aligned with their core purpose and values.

CHECK-IN: WHERE ARE YOU NOW

A "Check-In" at the beginning of a meeting is an opportunity for participants to briefly share their feelings, perspectives, or general well-being regarding the city. It serves as a way to gauge the collective emotional and mental state of the group, fostering open communication and a sense of connection. The feedback received from this activity included: **Good Shape, Growth Potential, Potential, Promise, Greater Potential, Right Direction** and **Ready**.

TRUST

Trust is a fundamental element for the success and sustainability of local governments. It creates a positive environment for effective governance, community development, and the overall well-being of the residents. The benefits of building trust include:

- **Public Confidence and Legitimacy:** Trust is the foundation of the relationship between citizens and their government. When people trust their local government, they are more likely to believe in its legitimacy and authority. This confidence is essential for the effective functioning of a democratic system.
- **Effective Governance:** Trust facilitates cooperation and collaboration between citizens and local government officials. When there is a high level of trust, people are more willing to engage with government initiatives, follow regulations, and contribute to community development. This, in turn, leads to more effective governance.
- **Social Cohesion:** Trust fosters a sense of community and social cohesion. When residents trust their local government, they are more likely to participate in community activities, volunteer for public projects, and work together for the common good. This creates a positive and cohesive local environment.
- **Policy Implementation:** Trust is crucial for the successful implementation of policies and programs. If citizens trust their local government, they are more likely to support and comply with new policies. This trust can streamline the implementation process and reduce resistance or opposition.
- **Responsive Governance:** Trust encourages open communication between citizens and local officials. People are more likely to express their concerns, provide feedback, and engage in dialogue when they trust that their voices will be heard. This enables local governments to be more responsive to the needs and preferences of the community.

- **Crisis Management:** In times of crisis or emergency, trust becomes even more critical. When trust exists, citizens are more likely to follow government guidelines, cooperate with emergency response efforts, and remain calm during challenging situations. This can significantly impact the effectiveness of crisis management.
- **Attracting Investment and Talent:** Trustworthy local governments are more likely to attract investment and skilled professionals. Businesses and individuals are more inclined to invest in or relocate to areas where they have confidence in the local government's stability, fairness, and ability to provide essential services.



COMMUNICATION

Communication is one of the most essential services in local government, including internal and external communication forms. As a local government, communication promotes efficiency, transparency, public participation, and trust. It enhances the delivery of public services, strengthens democracy, and contributes to the overall well-being and development of the community. Communication examples include:

- **Information Sharing:** Effective communication ensures the timely and accurate dissemination of information within the local government organization. This includes sharing updates, policies, regulations, and decisions among various departments, officials, and employees. It helps everyone stay informed and aligned, fostering transparency and reducing confusion or misunderstandings.
- **Public Engagement:** Local government serves the community it represents. By communicating effectively, local governments can engage with residents, businesses, and community organizations, informing them about public services, initiatives, and decisions affecting their lives. It allows for public input, feedback, and collaboration, resulting in more inclusive and participatory governance.
- **Policy Implementation:** Local government relies on effective communication to implement policies and programs successfully. Clear and consistent communication ensures that employees and stakeholders understand their roles, responsibilities, and the objectives of the initiatives. It facilitates coordination, cooperation, and efficient execution of plans, leading to effective policy implementation.

- **Crisis Management:** During emergencies, natural disasters, or other crises, local governments are critical in ensuring public safety and providing support. Communication becomes vital in these situations to relay important information, issue alerts, and warnings, provide instructions, and coordinate emergency response efforts. Timely and accurate communication can save lives and minimize damage.
- **Building Trust & Accountability:** Transparent and open communication is essential for building trust between local governments and the community. When local officials and administrators communicate effectively, they demonstrate their commitment to accountability, responsiveness, and good governance. It allows the public to hold their representatives accountable and builds confidence in the government's ability to serve the community's needs.
- **Collaboration & Partnerships:** Local governments often need to work with other stakeholders, such as neighboring municipalities, regional bodies, non-profit organizations, or private sector entities. Effective communication fosters collaboration as well as enables the exchange of ideas, resources, and expertise. It helps build partnerships and coalitions to address common challenges and achieve shared goals.

ALIGNING EXPECTATIONS & CONTRIBUTIONS

Each participant was asked to share their primary expectations of staff and council. By openly discussing, this resulted in a clear path for all parties in order to establish trust, good communications, and process for collaboration.

Mayor & Council Expectations

- Follow the Law, always act in ethical manner, err on the side of caution, if clarification is needed, staff should consult Council.
- Concerned with unintended consequences. See something, say something.
- Intent vs Letter of the Law. Staff should be trained to understand the intent of the law.
- Communication between senior staff and the council needs improvement.
- Council should be made aware of important issues that could impact the city in a quick manner.
- Staff expertise should guide some decision making.
- City Manager should solicit feedback from staff, consider creating a process for effective communication.
- Staff should follow the chain of command with the City Manager at the head.
- City Manager should always be made aware of conversations between Council and staff.
- Department directors should give regular reports to the Council, so the Council is aware of how departments are run.
- Orientation process for new Councilmembers.

Staff Expectations

- "Open Door" policy is there for convenience and should not be taken literally.
- Be aware of the amount of time spent on calls, emails, and visits to the City Manager.
- Do not assume things about staff. Process and review of incidents will take place.

- All personnel issues should be directed to the City Manager for resolution. Council should not be involved with personnel matters.
- Follow policies that are in place. The Employee Handbook should be updated periodically.
- Determine what items the City Manager can take on vs. which items should go to Councilmembers.
- Departments will be reporting metrics monthly.

BUILDING TRUST FOR TEAM NORCROSS

Actively cultivating trust is an ongoing process that requires open communication, consistency, and a commitment to fostering positive relationships among team members. Trust is a valuable asset that contributes to the long-term success and resilience of any team. Key items that were discussed include:

- **City Charter:** There was a consensus that revising the city charter is necessary to remove ambiguity and inconsistencies. In addition, an educational component should be incorporated for employees and the public to explain why the changes are needed.
- **City Manager:** The conversation regarding the city manager's contract and the review process timing indicated the need for incorporating a mid-term review. It is essential to establish clear and measurable expectations. Prioritizing monthly one-on-one meetings between the city manager and council members is crucial for fostering trust through enhanced communication. This approach ensures that both parties have the opportunity to express themselves and be understood.
- **Elected Officials:** in an effort to strengthening the working relationships amongst the elected officials, Mayor and Council emphasized the need for each to communicate and collaborate more together.

VISION, MISSION, VALUES & MARKETING MATERIALS

A review of the 2023 priorities led to agreement that the city's vision statement still currently reflected what the city is striving toward. An exercise was used to create an up-to-date mission statement and a few examples were generated for perfecting later. The group reviewed the "Imagination Proclamation" and agreed to refresh "A Place to Imagine."

Council Priorities for City Manager

- Public safety building schedule, communications plan, including information posted to the website.
- Mentorship program for senior staff.
- Leadership training with focus on succession.
- Norcross Power resiliency strategy / enterprise strategic business manager.
- Comprehensive process improvement plan with Standard Operation Procedures (SOPs).
- Financial strategy—short budget overview each month.
- Consistent signage initiative—Councilmembers Hixon and Myers will share ideas.

City Manager's Focus Points for 2024

- Understand and plan for OPEB liability.
- Drive stormwater and resurfacing of streets.
- Uphold quality of life in general.

****Note: Mayor submitted a document included as Attachment B.***

BRINGING IT ALL TOGETHER

At the City Council retreat, discussions centered around a wide variety of topics including the city's overall structure, communication, roles and responsibilities, land development regulations, city infrastructure improvements and property. Actions Items include:

Action Item 1: Revise the city charter to remove ambiguity and inconsistencies, while also incorporating an educational component to explain the changes.

Assigned To: Mayor, Council, City Manager, City Attorney

Timeframe: 6 months

Action Item 2: Incorporate a mid-term review for the City Manager position.

Assigned To: Mayor, Council

Timeframe: Immediately

Action Item 3: Strengthen the working relationship with the elected body (e.g. one on one meetings, meal meetings, etc.).

Assigned To: Mayor, Council

Timeframe: Continuous

CHECK-OUT: WHERE ARE YOU NOW

A "Check-Out" at the end of a meeting allows participants to reflect on the information shared, the discussions, and next steps. Feedback on this portion included: **Optimism, Potential, Thoughtful, Trending, Right Direction, Ready** and **Overwhelmed**.

CLOSING

During the retreat, the Mayor, Council, and staff actively participated in open dialogues and team-building exercises, cultivating a robust sense of unity and a shared purpose. The members of the Norcross City Council are strong advocates for their city, deeply committed to enhancing its quality of life. The prioritization of a robust communications plan is crucial to continuing to cultivate an increased trust amongst the elected body, City Manager and staff. The Vision Session served as a respectful forum where every voice found expression, leading to a collaborative convergence of perspectives poised to positively influence the future of the City of Norcross. To ensure the ongoing impact of this gathering, it is crucial to sustain the momentum, renewed energy, and strategic insights gained, fortifying our dedication to building a thriving, resilient, and vibrant city for all.

City of Norcross

65 Lawrenceville Street
Norcross, GA 30071



Meeting Minutes

Monday, March 4, 2024

6:30 PM

Council Chambers

Mayor and Council

Mayor Craig Newton

Mayor Pro Tem Bruce Gaynor

Councilmember Andrew Hixson

Councilmember Josh Bare

Councilmember Matt Myers

Councilmember Marshall Cheek

Minutes Acceptance: Minutes of Mar 4, 2024 6:30 PM (Presentation of previous meetings minutes for acceptance)

- A. Call to Order by Mayor Craig Newton
- B. Invocation
- C. Pledge of Allegiance to the Flag of the United States of America
- D. Roll Call (recorded)

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

Regular Meeting was called to order at 6:32 PM by Mayor Craig Newton

- E. Presentation of previous meetings minutes for acceptance

24-6938: Approval of Previous Meeting Minutes

Motion

A motion to Approve the February 5th Regular Council Meeting Minutes, the February 19th Special Called Meeting, Policy Work Session and Executive Session Minutes, and the February 26th Special Called Meeting Minutes.

- a. Mayor and Council - Regular Meeting - Feb 5, 2024 6:30 PM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Andrew Hixson, Councilmember
SECONDER:	Marshall Cheek, Councilmember
AYES:	Gaynor, Hixson, Bare, Myers, Cheek

- b. Special Called Meeting - Special Meeting - Feb 19, 2024 6:00 PM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Andrew Hixson, Councilmember
SECONDER:	Marshall Cheek, Councilmember
AYES:	Gaynor, Hixson, Bare, Myers, Cheek

- c. Policy Work Session - Policy Work Session - Feb 19, 2024 6:30 PM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Andrew Hixson, Councilmember
SECONDER:	Marshall Cheek, Councilmember
AYES:	Gaynor, Hixson, Bare, Myers, Cheek

- d. Special Called Meeting - Special Meeting - Feb 26, 2024 6:30 PM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Andrew Hixson, Councilmember
SECONDER:	Marshall Cheek, Councilmember
AYES:	Gaynor, Hixson, Bare, Myers, Cheek

Minutes Acceptance: Minutes of Mar 4, 2024 6:30 PM (Presentation of previous meetings minutes for acceptance)

F. Set Agenda as Presented for Scheduled Meeting**1. 24-6939: Acceptance of the Agenda & Approval of Consent Agenda****Motion**

A motion to Accept of the Agenda & Approve the Consent Agenda moving the following items to discussion:

24-6932: Norcross Microtransit Discussion

24-6929: Award of Contract for Shade Structures at Thrasher Park and Summerour Park

24-6927: Mid-Year Budget Amendments

Motion

A motion to add the following item from the floor:

24-6943 : Mid-Year Budget Amendment - Assistant City Manager

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Josh Bare, Councilmember
SECONDER:	Marshall Cheek, Councilmember
AYES:	Gaynor, Hixson, Bare, Myers, Cheek

G. Ceremonial Presentations, Recognitions, and Swearing in Ceremonies**1. 24-6941: Proclamation Honoring Richard Kohlhausen**

RESULT:	READ AND PRESENTED BY MAYOR CRAIG NEWTON
----------------	---

H. Floor Open to Citizens Desiring to Address the Governing Authority**a. Comments by Citizens**

- Robert Forro - Comments regarding Community Development Director and item 24-6934: 2045 Comprehensive Plan
- Mitchell Shay - Comments from the development community regarding the future Community Development Director
- Blake Manton - Comments from the development community regarding the future Community Development Director
- Barry Payne - Comments pertaining to stop signs being run at Sheffield Forest, consideration for two-year Council terms, the City Charter, appointment of City Manager, consider dividing the city into districts, and salary increases. Expressed gratitude to the Council for fixing the potholes at east Gloucester and Sheffield.
- Vaughn Tran – Shared concerns pertaining to changes with the turning median near the intersection of Light Circle and Beaver Ruin Road.

b. Comments by Council**c. Comments by City Manager**

Minutes Acceptance: Minutes of Mar 4, 2024 6:30 PM (Presentation of previous meetings minutes for acceptance)

PH. Public Hearings**1. 24-6934: Comprehensive Plan Update**

Motion

A motion to Approve a resolution to adopt the Norcross "Imagine Our Future" 2045 Comprehensive Plan.

RESULT:	TABLED SENT TO [UNANIMOUS]
	Next: 3/18/2024 6:30 PM
TO:	Policy Work Session
MOVER:	Andrew Hixson, Councilmember
SECONDER:	Josh Bare, Councilmember
AYES:	Gaynor, Hixson, Bare, Myers, Cheek

2. 23-6876: Review and Revision of Charter Language

Motion

A motion to amend Part I – CHARTER AND RELATED LAWS of the Norcross, Georgia Code of Ordinances with the following enacting clause:

The Mayor and City Council of the City of Norcross, Georgia, hereby ordains that Part I – CHARTER AND RELATED LAWS of the City Charter for the City of Norcross, shall be amended by ordinance after compliance with the procedure set forth in O.C.G.A. § 36-35-3 (b)(1) as more particularly set forth below.

RESULT:	APPROVED (FIRST READING)
	Next: 4/1/2024 6:30 PM
TO:	Mayor and Council
MOVER:	Andrew Hixson, Councilmember
SECONDER:	Matt Myers, Councilmember

3. 24-6920: SUP2024-001 – Tobacco and Vape Distribution Warehouse

Motion

A motion to Approve a request for a Special Use Permit at 6000 Unity Dr, by Mr. Lance Limbrick, for a tobacco and vape distribution warehouse, with the following conditions:

1. The applicant is reminded that this approval assumes general conformance with the adopted City of Norcross Architectural and Site Design Standards and Unified Development Ordinance. The applicant and/or builder is responsible for conforming with any specific design standard or UDO code section not addressed in the staff report and Architectural Review Board approval.

2. Any changes in use to the space, or interior finishings, may require a building permit, reviewed by the Planning Department.

3. The owner is responsible for application and any required approvals for the distribution of tobacco products required by the State of Georgia.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bruce Gaynor, Mayor Pro Tem
SECONDER:	Marshall Cheek, Councilmember
AYES:	Gaynor, Hixson, Bare, Myers, Cheek

Minutes Acceptance: Minutes of Mar 4, 2024 6:30 PM (Presentation of previous meetings minutes for acceptance)

4. **24-6919: SUP2023-005 - Towing Service and Impound Lot**

Motion

A motion to table item 24-6919 - Special Use Permit at 105 Hill Street, submitted by Mr. Dennis Tulley, for a Towing and Impound Service Lot, with the following conditions:

1. Development is to be confined to the delineations of the submitted concept plan. All development shall meet or exceed the standards indicated in the Uniform Development Ordinance.
2. All driveway entrances must be commercial grade, providing an apron to accommodate all types of traffic.
3. The identified office shall be upgraded to commercial office space, in foundation reinforcement, all ADA criteria, and accessibility, meeting all building code and Fire Marshal Requirements.
4. The metal building on site shall be augmented to current commercial building code, meeting all Fire Marshal Requirements.
5. All trees on site must be preserved, and any trees requested to be removed must have a certified arborist report submitted with the tree removal permit.
6. The site must be fenced with opaque fencing materials (metal and masonry mixed materials), with a minimum of 8-foot-tall fencing materials.
7. All road frontages shall provide a landscaped border, no more than 30% of one species of tree or shrub.
8. The portion of the parcel is required to contain all stormwater management within the delineated site. All stormwater must be designed consistent with current regulations for stormwater management.
9. The site is required to provide an outdoor lighting plan for customer parking, and the impound lot. Each parking lot shall have a minimum of 1 freestanding lighting fixture.
10. The customer parking lot is required to be paved, providing striping, and adequate ADA compliant parking.
11. All retaining walls, and any other structures, must be brought to the current code.
12. A delineation barrier between the customer parking and the impound lot must be placed either with fencing, or landscaping.
13. The impound lot shall note a capacity of parking on the Land Disturbance Permit.
14. An onsite monitoring system shall be installed to manage any incoming traffic, with notification to the Norcross Police Department to monitor any emergency situations.
15. An enclosed dumpster shall be placed interior to the impound lot and shall be composed of appropriate materials subject to design review.
16. All towing service vehicles shall be parked within the fenced area of the impound yard at all times.

17. The site is required to have soil testing conducted prior to the issuance of a Land Disturbance Permit by a Professional Engineer specializing in Geotechnical. Results are to be included in civil drawings which will be held on file in the Community development Office.
18. No dismantling or salvage activities shall be permitted at any time.
19. Any manufacturing, processing, assembly, fabrication, servicing (including washing of vehicles), and repair operations are carried out within an entirely enclosed building.
20. Buildings shall be equipped with approved, and serviced FOG required traps or filters. All fluids shall be collected and contained for offsite disposal.
21. All signs shall be permitted separately. A general signage plan will be required in compliance with the Land Disturbance Permit.
22. There shall be no variance or encroachment of any kind to the stream buffer for the comprehensive site.
23. There shall be no more than 20 cars for impound on the site at any time.
24. The service will declare hours of operation to cease before 10:00 PM, and not begin until 8:00 AM.
25. As the applicant has requested to operate an impound lot, all vehicles will be stored on location for no more than 30 calendar days.

RESULT:	TABLED SENT TO [UNANIMOUS]
TO:	Next: 4/1/2024 6:30 PM
MOVER:	Mayor and Council
SECONDER:	Matt Myers, Councilmember
AYES:	Bruce Gaynor, Mayor Pro Tem
	Gaynor, Hixson, Bare, Myers, Cheek

J. Reports of the Mayor and Councilmembers

a. General Announcements

MARCH CALENDAR OF EVENTS

Irish Fest

Saturday, March 9 | 12:00 - 5:00 p.m. | Downtown Norcross

Movie Monday: Jesus Revolution

Monday, March 11 | 1:30 & 6:30 p.m. | Cultural Arts & Community Center

Coffee With Council

Saturday, March 16 | 8:00 a.m. | 45 South Cafe

Planting For Pollinator Workshop

Saturday, March 16 | 10:30 a.m. - 12:00 p.m. | City Hall, 2nd Floor Community Room

Policy Work Session

Monday, March 18 | 6:30 p.m. | City Hall, 2nd Floor Conference Room

Movie Monday: Love Again

Monday, March 25 | 1:30 & 6:30 p.m. | Cultural Arts & Community Center

Easter Egg Hunt

Saturday, March 30 | 10:00 a.m. | Rossie Brundage Park

Egg-stra Special Needs Egg Hunt

Saturday, March 30 | 1:00 p.m. | Rossie Brundage Park

K. Board Appointments**1. 24-6942: Board Appointment - Planning and Zoning Board**

Motion

A motion to Approve the appointment of the following candidate and unexpired term as presented:

Planning and Zoning Board

David Grayson 06/01/2026

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Matt Myers, Councilmember
SECONDER:	Marshall Cheek, Councilmember
AYES:	Gaynor, Hixson, Bare, Myers, Cheek

L. Consent Agenda

RESULT:	ADOPTED ON CONSENT AGENDA [UNANIMOUS]
MOVER:	Andrew Hixson, Councilmember
SECONDER:	Matt Myers, Councilmember
AYES:	Gaynor, Hixson, Bare, Myers, Cheek

1. 24-6924: Sponsorship Request - DFOWW Incorporated

Motion

A motion to Approve a contribution of up to \$1008 to offset rental space foregone revenue to be used by DFOWW Incorporated for monthly meeting space on Saturdays through the end of FY23-24.

2. 24-6906: Sponsorship Request - Norcross Gallery & Studios

Motion

A motion to Approve a contribution of up to \$2,600 to Norcross Gallery & Studios for the purpose of covering costs associated with the 2023 NORCROSS--LIFE THROUGH THE LENS photo contest and exhibit, to be funded by the Mayor and Council's Professional Services - Other account.

3. 24-6930: Replacement of Pergola Structures - Request for Proposals

Motion

A motion to Approve the issuance of a Request for Proposals (RFP) to solicit proposals from qualified vendors to replace two existing cedar wood pergola structures at Lillian Webb Park with steel structures.

4. **24-6928: NeoGov Contract for Human Resources Information System (HRIS)**

Motion

A motion to Approve a contract between the City of Norcross and NeoGov for Human Resources Information System (HRIS) services.

5. **24-6937: Funding for Environmental Assessment and Survey of Mitchell Road Property**

Motion

A motion to Authorize \$50,000 from the Mayor and Council Contingency account for a Phase II Environmental Assessment, a Geotechnical Exploration, and an ALTA boundary and topographic survey of City-owned property on Mitchell Road.

M. Items for Discussion

1. **24-6932: Norcross Microtransit Discussion**

Motion

A motion to Approve an agreement between Gwinnett County, The Gateway85 Community Improvement District, and the City of Norcross regarding a Gateway85/Norcross Pilot Microtransit Zone, and appropriate \$44,768 from the Mayor and Council FY 24 budgeted contingency account for FY 24 costs associated with this pilot project, subject to negotiation for funding.

RESULT:	APPROVED [3 TO 2]
MOVER:	Bruce Gaynor, Mayor Pro Tem
SECONDER:	Matt Myers, Councilmember
AYES:	Bruce Gaynor, Andrew Hixson, Matt Myers
NAYS:	Josh Bare, Marshall Cheek

2. **24-6929: Award of Contract for Shade Structures at Thrasher Park and Summerour Park**

Motion

A motion to Approve the award of a contract for Shade Structures at Thrasher and Summerour Park to PlayCore Wisconsin, Inc. d/b/a GameTime, and appropriate \$115,208 in 2017 SPLOST Recreation Funds for the cost of this project.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Josh Bare, Councilmember
SECONDER:	Matt Myers, Councilmember
AYES:	Gaynor, Hixson, Bare, Myers, Cheek

3. **24-6927: Mid-Year Budget Amendments**

Motion

A motion to Approve a mid-year budget amendment authorizing additional projects, updating studies, funding adjustment in employee salaries, and allocating funding for pre-construction costs associated with the Public Safety Building as follows:

1. Fencing at the Norcross Post Office - Move \$20,000 to the Capital Project Fund from the Mayor and Council Contingency.

2. Gateway Wall at Langford and W. Peachtree - Appropriate \$19,000 in the 2017 SPLOST Transportation to a new project.
3. Update to 2020 Pavement Condition Analysis - Appropriate \$25,000 in the 2023 SPLOST for Transportation to a new project.
4. Investigation of Stormwater Infrastructure - Appropriate \$30,000 from Net Position in the Stormwater Fund.
5. Update to the 2021 Classification and Compensation Study - Move \$25,500 to Human Resources operating budget from the Mayor and Council Contingency.
6. Sworn Law Enforcement Officer Salaries - Appropriate \$260,000 from the General Fund, Unrestricted Fund Balance to the Police Department operating budget.
7. Public Safety Building - Appropriate \$1,600,000 to the Public Safety Building capital project in the Special Investigations (Redspeed) Fund. (\$1,200,000 was previously appropriated for purchase of land for the project.)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Matt Myers, Councilmember
SECONDER:	Bruce Gaynor, Mayor Pro Tem
AYES:	Gaynor, Hixson, Bare, Myers, Cheek

4. **24-6943: Mid-Year Budget Amendment - Assistant City Manager**

Motion

A motion to Appropriate \$95,000 from the General Fund, Unrestricted Fund Balance to the City Manager Department operating budget.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Josh Bare, Councilmember
SECONDER:	Matt Myers, Councilmember
AYES:	Gaynor, Hixson, Bare, Myers, Cheek

N. **Adjourn in memory of**

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

The meeting adjourned at 9:32 PM with a motion to adjourn by Mayor Pro Tem Gaynor, seconded by Councilmember Bare.

P. **Signed by** _____ **Mayor Craig Newton**

Q. **Attest:** _____ **Monique Philip, City Clerk**

Minutes Acceptance: Minutes of Mar 4, 2024 6:30 PM (Presentation of previous meetings minutes for acceptance)

City of Norcross

65 Lawrenceville Street
Norcross, GA 30071



Meeting Minutes

Monday, March 18, 2024

6:00 PM

2nd Floor Conference Room

Special Called Meeting

Mayor Craig Newton

Mayor Pro Tem Bruce Gaynor

Councilmember Andrew Hixson

Councilmember Josh Bare

Councilmember Matt Myers

Councilmember Marshall Cheek

Minutes Acceptance: Minutes of Mar 18, 2024 5:00 PM (Presentation of previous meetings minutes for acceptance)

A. Call to Order by Mayor Craig Newton

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

Special Called Meeting was called to order at 6:07 PM by Mayor Craig Newton

B. Roll Call (recorded)**C. Comments by Citizens****PH. Public Hearings****E. Items for Discussion**

1. 24-6956: Agreement Between Gwinnett County, the Gateway85 Community Improvement District, and the City of Norcross Regarding Establishing and Funding a Gateway85 /Norcross Pilot Microtransit Zone Pilot Project

Motion

A motion to Approve an agreement between Gwinnett County, The Gateway85 Community Improvement District, and the City of Norcross regarding a Gateway85/Norcross Pilot Microtransit Zone, appropriate \$154,199 from the General Fund unreserved fund balance, and transfer that amount to the Capital Project Fund for costs associated with this pilot project.

RESULT:	APPROVED [3 TO 2]
MOVER:	Bruce Gaynor, Mayor Pro Tem
SECONDER:	Matt Myers, Councilmember
AYES:	Bruce Gaynor, Andrew Hixson, Matt Myers
NAYS:	Josh Bare, Marshall Cheek

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

The meeting was advertised to adjourn at 6:30PM. The Council voted to extend the meeting by thirty minutes.

Motion

A motion to extend the discussion for an additional thirty minutes.

RESULT:	APPROVED [4 TO 1]
MOVER:	Josh Bare, Councilmember
SECONDER:	Matt Myers, Councilmember
AYES:	Bruce Gaynor, Andrew Hixson, Matt Myers, Josh Bare
NAYS:	Marshall Cheek

The meeting adjourned at 6:51 PM with a motion made by Councilmember Bare, seconded by Councilmember Myers.

G. Signed by _____ Mayor Craig Newton**H. Attest _____ Monique Philip, City Clerk**

City of Norcross

65 Lawrenceville Street
Norcross, GA 30071



Meeting Minutes

Monday, March 18, 2024

6:30 PM

2nd Floor Conference Room

Policy Work Session

Mayor Craig Newton

Mayor Pro Tem Bruce Gaynor

Councilmember Andrew Hixson

Councilmember Josh Bare

Councilmember Matt Myers

Councilmember Marshall Cheek

Minutes Acceptance: Minutes of Mar 18, 2024 5:30 PM (Presentation of previous meetings minutes for acceptance)

A. Roll Call (recorded)

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

Policy Work Session was called to order at 6:59 PM by Mayor Craig Newton

B. Citizen Input

- * Gordon Neilson - Comments pertaining to code violations relative to his RV being parked in his driveway.
- * Jim Eyre - Comments pertaining to item 24-6934: Comprehensive Plan Update, item 24-6909: Industrialized Home Guidelines, and item 24-6952: RFQ for Construction Manager at Risk – Public Safety Building.

C. Board Updates

- * Parks, Green Spaces, and Trails Commission - Chair Tixie Fowler
- * Norcross Public Arts Commission - Chair Vince Nicoletti

D. General Updates**E. Council - General Discussion****F. City Manager's Report****G. Board Appointments**

- * Architectural Review Board
- * Historic Preservation Commission

H. Items for Discussion**1. 24-6934: Comprehensive Plan Update**

RESULT: THIS MATTER WAS REFERRED TO

Next: 4/1/2024 6:30 PM

TO: Mayor and Council

2. 24-6944: Town Center LCI Plan Update

RESULT: THIS MATTER WAS REFERRED TO

Next: 4/1/2024 6:30 PM

TO: Mayor and Council

3. 24-6945: Electric Rate Study

RESULT: THIS MATTER WAS REFERRED TO

Next: 4/1/2024 6:30 PM

TO: Mayor and Council

Minutes Acceptance: Minutes of Mar 18, 2024 5:30 PM (Presentation of previous meetings minutes for acceptance)

4. **24-6946: Surplus Vehicles Request**

RESULT: THIS MATTER WAS REFERRED TO

Next: 4/1/2024 6:30 PM

TO: Mayor and Council

5. **24-6952: RFQ for Construction Manager at Risk – Public Safety Building**

RESULT: THIS MATTER WAS REFERRED TO STAFF

6. **24-6951: Welcoming America and Hispanic Heritage Month Event**

RESULT: DISCUSSED

7. **24-6909: Industrialized Home Guidelines**

RESULT: THIS MATTER WAS REFERRED TO

Next: 5/1/2024 6:30 PM

TO: Planning and Zoning

8. **24-6947: Change Order NO. 2 for County Road Project**

RESULT: THIS MATTER WAS REFERRED TO

Next: 4/1/2024 6:30 PM

TO: Mayor and Council

9. **24-6948: CDBG 2023 Resurfacing and Stormwater Infrastructure**

RESULT: THIS MATTER WAS REFERRED TO

Next: 4/1/2024 6:30 PM

TO: Mayor and Council

10. **24-6949: SPLOST Transportation Resurfacing**

RESULT: THIS MATTER WAS REFERRED TO

Next: 4/1/2024 6:30 PM

TO: Mayor and Council

11. **24-6950: Storm Damage Reduction/ Tree Removal Program and Front Yard Tree Program**

RESULT: THIS MATTER WAS REFERRED TO

Next: 4/1/2024 6:30 PM

TO: Mayor and Council

Minutes Acceptance: Minutes of Mar 18, 2024 5:30 PM (Presentation of previous meetings minutes for acceptance)

12. **24-6953: Travel Policy**

RESULT:	THIS MATTER WAS REFERRED TO
	Next: 4/15/2024 6:30 PM
TO:	Policy Work Session

13. **24-6954: City Speed Bump Policy Discussion**

RESULT:	THIS MATTER WAS REFERRED TO
	Next: 4/1/2024 6:30 PM
TO:	Mayor and Council

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

The meeting adjourned at 10:12 PM with a motion by Councilmember Bare, seconded by Councilmember Myers.

J. **Signed by:** _____ **Mayor Craig Newton**K. **Attest:** _____ **Monique Philip, City Clerk**

Minutes Acceptance: Minutes of Mar 18, 2024 5:30 PM (Presentation of previous meetings minutes for acceptance)



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Phillip

City of Norcross

Legislation Details (With Details)

File #:	24-6964	Version:	
Type #:	Agenda Item	Status:	Agenda Ready
On Agenda:	4/1/2024 6:30 PM	In Control:	Mayor and Council
Title:	Acceptance of the Agenda and Approval of the Consent Agenda		

Sponsors:

Code Sections:

Title

Acceptance of the Agenda and Approval of the Consent Agenda

Motion

A motion to Accept the Agenda and Approve the Consent Agenda.



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Philip

City of Norcross

Legislation Details (With Details)

File #:	24-6965	Version:	
Type #:	Agenda Item	Status:	Agenda Ready
On Agenda:	4/1/2024 6:30 PM	In Control:	Mayor and Council
Title:	Proclamation for National Safe Digging Month April 2024		

Sponsors:

Code Sections:

Attachments:

1. [Proclamation- Safe Digging Month](#)

Title

Proclamation for National Safe Digging Month April 2024

Presenter

Mayor Craig Newton

Proclamation

City of Norcross, Georgia Recognition of Safe Digging Month

- WHEREAS: Thousands of times each year, the underground infrastructure in Georgia is damaged by those who do not have underground lines located prior to digging, resulting in service interruption, environmental damage, and threat to public safety, and;
- WHEREAS: In 2005, the Federal Communications Commission designated 811 to provide contractors and homeowners a simple number to contact utility operators to request the location of underground lines at the intended dig site, and;
- WHEREAS: The Gwinnett County Utility Coordinating Committee, a stakeholder-driven organization dedicated to the prevention of damage to underground utilities in Georgia, promotes the National 811 Notification System and Georgia 811 in an effort to reduce these damages, and;
- WHEREAS: Damage prevention is a shared responsibility; by using safe digging practices, the contractors and homeowners of the City of Norcross can save time, money, and help keep our infrastructure safe and connected, and;

Now, Therefore I, Craig Newton, Mayor of Norcross, do hereby proclaim, on behalf of the City of Norcross, the month of April 2024 as;

City of Norcross Safe Digging Month

And encourage contractors and homeowners throughout the City of Norcross, Gwinnett County, to always contact 811 before digging. Safe digging is no accident!!

This 1st day of April 2024.

Mayor Craig Newton

Attest: Monique Philip



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Phillip

City of Norcross

Legislation Details (With Details)

File #:	24-6934	Version:	
Type #:	Agenda Item	Status:	Agenda Ready
On Agenda:	4/1/2024 6:30 PM	In Control:	Mayor and Council
Title:	Comprehensive Plan Update		

Sponsors:

Code Sections:

Attachments:

1. [Agenda Report - Comprehensive Plan Update](#)
2. [Norcross 2045 Comprehensive Plan Update - Report and Technical Addendum](#)
3. [Norcross CP 2024 Resolution](#)

Title
Comprehensive Plan Update

Drafter
William Corbin and Jim Summerbell

Motion
A motion to Approve/Deny a resolution to adopt the Norcross "Imagine Our Future" 2045 Comprehensive Plan.



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Philip

Agenda Report

To: Mayor and Council

From: William Corbin, Interim Community Development & Planning Director and Jim Summerbell, Jacobs

Meeting Date: April 1, 2024 – Mayor and Council

Item No.: 24-6934

Title: Comprehensive Plan Update

CC: Eric Johnson, City Manager

Recommendation

Adopt the City of Norcross 2045 Comprehensive Plan.

Background

The City of Norcross is nearing completion of updating its Comprehensive Plan. Per Georgia Department of Community Affairs (DCA) guidelines, the City conducted a state-required public hearing on January 2.

Additionally, Community Development staff has shared the draft Plan with the Steering Committee as well as Mayor & Council at their February 19 Policy Work Session and March 4 voting meeting, with the goal of allowing the opportunity to provide comments, questions or concerns.

The comments, questions and concerns that were received have been addressed in this final draft version of the Comprehensive Plan, and it has been shared with the Atlanta Regional Commission (ARC) for their final approval. A summary of the notable changes follows:

- Record of Accomplishments in Technical Addendum reformatted to clearly indicate project status (completed, ongoing, postponed, or no longer relevant)
- Additional notes in the Community Work Plan that indicate where ongoing projects can be found
- Notes explaining why a past Community Work Plan project is no longer being considered
- Adjusted cost estimates to reflect city contributions to transportation projects



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Philip

- Larger, more expensive projects, such as the Buford Highway Improved Streetscape, have been split out in phases, and the plan calls for just Preliminary Engineering in the next five years to determine full scope and cost.
- Existing Land Use Map (Figure 3.5) and Housing Map (Figure 3.9) updated to reflect correct location of The Perry multifamily development
- Future Transportation Projects (Figure 3.8) updated to match LCI recommendations
- Quality of Life Map (Figure 3.12) revised to reflect both Local and National Historic Districts
- Deleted reference to “creation of Sheffield Forest historic district” under Implementation Measures section of South Norcross Neighborhoods (Character Area 11)

Financial Impact:

\$75,000 (Existing Allocation)

Consistent with Comprehensive Plan?

(Select the appropriate goal(s).

1. Continues to define Norcross' sense of place
2. Continues to Strengthen Norcross as a Livable, Inclusive, and Safe Environment
3. Increases Opportunities for Travel via Different Modes within and Outside the Community
4. Maintains a Vibrant Economy and Continue to Facilitate Job Growth
5. Ensures that Norcross Residents have a Variety of Attainable, Quality Housing Options
6. Furthers the City's Tradition of Strong Leadership and High Level of Quality Services

Attachments

Norcross 2045 Comprehensive Plan Update - Report and Technical Addendum

Norcross CP 2024 Resolution

Next Steps

Adopt Plan at April 1 Mayor & Council meeting.

Update

RESOLUTION
To Adopt the Norcross “Imagine Our Future” 2045 Comprehensive Plan

WHEREAS, the City of Norcross Mayor and City Council has completed the 2045 Comprehensive Plan document and the 2045 Technical Addendum as part of the 20-year Comprehensive Plan update.

WHEREAS, these documents were prepared according to the Standards and Procedures for Local Comprehensive Planning effective October 1, 2018 and established by the Georgia Planning Act of 1989, and the City held the first required public hearing to brief the community on the process to be used to development Comprehensive Plan on March 6, 2023, and the City held the second required public hearing to transmittal of the draft plan to Atlanta Regional Commission and the State of Georgia Department of Community Affairs for review on January 2, 2024.

WHEREAS, the documents have been reviewed by the Atlanta Regional Commission and the Georgia Department of Community Affairs and determined to meet the Local Planning Requirements.

BE IT THEREFORE RESOLVED, that the City of Norcross Mayor and City Council certified that the minimum public participation and other procedural requirements, as identified in the Standards and Procedures for Local Comprehensive Planning, have been met and exceeded in preparing this draft document of the 20-year Comprehensive Plan Update; and

BE IT FURTHER RESOLVED, that the Council hereby adopts the Norcross “Imagine Our Future” 2045 Comprehensive Plan.

IN WITNESS WHERE OF, I have hereunto set my hand and caused this seal to be affixed on this 1st day of April, 2024.

Craig Newton, Mayor

Attest: Monique Philip, City Clerk

Attachment: Norcross CP 2024 Resolution (24-6934 : Comprehensive Plan Update)



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Phillip

City of Norcross

Legislation Details (With Details)

File #:	24-6944	Version:	
Type #:	Agenda Item	Status:	Agenda Ready
On Agenda:	4/1/2024 6:30 PM	In Control:	Mayor and Council
Title:	Town Center LCI Plan Update		

Sponsors:

Code Sections:

Attachments:

1. [Agenda Report - Town Center LCI Plan Update](#)
2. [Norcross Town Center LCI Plan - Report & Technical Addendum](#)
3. [2024 RESOLUTION TO ADOPT THE CITY OF NORCROSS TOWN CENTER LCI](#)

Title

Town Center LCI Plan Update

Drafter

William Corbin and Jim Summerbell

Motion

A motion to Approve/Deny a resolution to adopt the City of Norcross Town Center 2024 Livable Center Initiative Study.



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Philip

Agenda Report

To: Mayor and Council

From: William Corbin, Interim Community Development & Planning Director and Jim Summerbell, Jacobs

Meeting Date: April 1, 2024 – Mayor and Council

Item No.: 24-6944

Title: Town Center LCI Plan Update (Livable Centers Initiative)

CC: Eric Johnson, City Manager

Recommendation

Adopt the City of Norcross Town Center Livable Centers Initiative Plan update.

Background

The City of Norcross is nearing completion of updating its Town Center LCI Plan update. This update will play an important role in defining and implementing the city's future vision as it relates to its downtown core.

The Town Center LCI Plan update is primarily an implementation plan directed at transportation projects in the downtown area. It supports and plans for access to a range of travel modes.

There are three major goals relating to the LCI Plan:

- Analyze traffic operations within the study area (particularly at the railroad crossings and Buford Highway pedestrian crossings);
- Evaluate how to better support the transition to electric vehicles; and
- Develop implementation strategies for improvement

Financial Impact:

\$40,000* (Existing Allocation - Capital Projects)

*20% match out of \$200,000 total cost



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Phillip

Consistent with Comprehensive Plan?

(Select the appropriate goal(s).

1. Continues to define Norcross' sense of place
2. Continues to Strengthen Norcross as a Livable, Inclusive, and Safe Environment
3. Increases Opportunities for Travel via Different Modes within and Outside the Community
4. Maintains a Vibrant Economy and Continue to Facilitate Job Growth
5. Furthers the City's Tradition of Strong Leadership and High Level of Quality Services

Attachments

Norcross Town Center LCI Plan - Report & Technical Addendum

2024 RESOLUTION TO ADOPT THE CITY OF NORCROSS TOWN CENTER LCI

Next Steps

Adopt Plan at April 1 Mayor & Council meeting.

Update

RESOLUTION TO ADOPT THE CITY OF NORCROSS TOWN CENTER 2024 LIVABLE CENTER INITIATIVE STUDY

WHEREAS, the City seeks to encourage redevelopment opportunities within their city limits and beyond; and

WHEREAS, the Livable Centers Initiative program is designed to allow for regionally focused studies and implementation plans for land use and transportation changes that will enhance cities and the overall Atlanta Metro area; and

WHEREAS, the City has performed a 10 year update to the 2012 City of Norcross Town Center LCI study; and

WHEREAS, the City has conducted an extensive public outreach and participation process to establish a vision for the study area that reflects the desire for high quality redevelopment and enhanced connectivity; and

WHEREAS, the completed study supports the goals and policies of the 2045 Comprehensive Plan;

BE IT THEREFORE RESOLVED, by the Council that the City of Norcross Town Center 2024 LCI study is hereby adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal to be affixed. This April 1, 2024.

Craig Newton, Mayor

Attest: Monique Philip, City Clerk



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Phillip

City of Norcross

Legislation Details (With Details)

File #:	23-6876	Version:	
Type #:	Agenda Item	Status:	Agenda Ready
On Agenda:	4/1/2024 6:30 PM	In Control:	Mayor and Council
Title:	Review and Revision of Charter Language		

Sponsors:

Code Sections:

Attachments:

1. [Agenda Report - Review and Revision of Charter Language](#)
2. [Current Charter - Norcross, Georgia](#)
3. [Charter Revisions Version 6 \(REDLINE VERSION\)](#)
4. [Charter Revisions Version 6 \(CLEAN VERSION\)](#)
5. [Charter Amendments - Draft Resolution for Adoption](#)
6. [Notice of Proposed Charter Amendments](#)

Title

Review and Revision of Charter Language

Drafter

Mayor and Council

Motion (Final Adoption)

A motion to Approve/Deny the attached Resolution, amending Part I - CHARTER AND RELATED LAWS of the Norcross, Georgia Code of Ordinances with the following enacting clause:

The Mayor and City Council of the City of Norcross, Georgia, hereby ordains that Part I - CHARTER AND RELATED LAWS of the City Charter for the City of Norcross, shall be amended by ordinance after compliance with the procedure set forth in O.C.G.A. § 36-35-3 (b)(1) as more particularly set forth below.



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Philip

Agenda Report

From: Mayor and Council
Date: April 1, 2024 – Mayor and Council
Item No.: 23- 6876
Title: Review and Revision of Charter language
CC: Eric Johnson, City Manager

Recommendation

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

Background

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

Financial Impact

No known impact

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

Furtheres the City's Tradition of Strong Leadership and High Level of Quality Services

Next Steps

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

Attachments

Current Charter - Norcross, Georgia

Charter Revisions Version 6 (REDLINE VERSION)

Charter Revisions Version 6 (CLEAN VERSION)

Resolution to Amend Charter

Notice of intent to Amend Article V of the Norcross City Charter by Ordinance

Update

PART I CHARTER AND RELATED LAWS

Subpart A CHARTER¹

ARTICLE I. INCORPORATION AND POWERS

Sec. 1.11. Incorporation.

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

Sec. 1.12. Corporate boundaries.

- (a) The boundaries of the City of Norcross shall be those existing on the effective date of the adoption of this Charter with such alterations as may be made from time to time by local law or in the manner provided by law. The current boundaries of the City of Norcross, at all times, shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the city clerk and to be designated, as the case may be: "Map (or Description) of the Corporate Limits of the City of Norcross, Georgia." Alterations in these boundaries shall be indicated by appropriate entries upon or additions to such map or description. Such entries or additions shall be made by and under the direction of the mayor and city council. Photographic, typed or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.
- (b) The city council may provide for redrawing of any such map to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the earlier map or maps which it is designated to replace.
- (c) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described right-of-way, all of which is located in Gwinnett County, Georgia:

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

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

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

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

To find the point of beginning, begin at the point located at the intersection of southwest right-of-way of Beaver Run Road (S.R. 378) with the West right-of-way of Indian Trail Road; run thence South 04 degrees 41 minutes 00 seconds East along the West right-of-way of Indian Trail Road, a distance of 152.00 feet to a point; run thence South 04 degrees 41 minutes 00 seconds East along the West right-of-way of Indian Trail Road, a distance of 26.69 feet to a point; continue thence along the west right-of-way of Indian Trail Road and following the curvature thereof, a distance of 36.35 feet to a point (said curve having a chord bearing South 05 degrees 52 minutes 09 seconds East and a chord distance of 36.35 feet); thence leaving the West right-of-way of Indian Trail Road, run South 79 degrees 43 minutes 31 seconds West, a distance of 190.76 feet to the point of beginning; from the point of beginning as thus established, run thence South 36 degrees 31 minutes 20 seconds West, a distance of 50.00 feet to a point; run thence North 53 degrees 28 minutes 40 seconds West, a distance of 112.00 feet to a point; run thence North 36 degrees 31 minutes 20 seconds East, a distance of 60.00 feet to a point; run thence South 53 degrees 28 minutes 40 seconds East, a distance of 112.00 feet to a point; run thence South 36 degrees 31 minutes 20 seconds West, a distance of 10.00 feet to the point of beginning; said tract being shown on Survey for Whisker's Tavern and The City of Norcross prepared by Q-B Engineering and Surveying, Inc., dated November 26, 1990.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

continuing along said 80-foot right-of-way along a curve to the right (said curve having a radius of 676.20 feet and being subtended by a chord bearing South 06 degrees 10 minutes 07 seconds West a distance of 472.30 feet) an arc distance of 482.47 feet to a pipe found at the intersection of said right-of-way with the northerly right-of-way of Miller Road, an 80-foot right-of-way, and the Land Lot line common to Land Lots 272 and 273; thence departing said rights-of-way and along said Land Lot line North 31 degrees 41 minutes 45 seconds West a distance of 522.27 feet to a pipe found being the point of beginning.

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

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

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

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

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

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

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

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

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

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

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

Tract 12

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

Beginning at a right-of-way monument located at the intersection of the Westerly right-of-way line of Medlock Bridge Road and the Southerly right-of-way of Peachtree Industrial Boulevard; thence running South 82°31'35" East 112.04 feet to a right-of-way monument located on the Westerly right-of-way line of Medlock Bridge Road; thence running Southerly along the Westerly right-of-way line of Medlock Bridge Road, and following the curvature thereof, 2,435.09 feet, more or less, to a point of intersection of the Westerly right-of-way line of Medlock Bridge Road and the Northerly right-of-way line of Miller Road; thence running Northeasterly along the Northerly right-of-way line of Miller Road, and following the curvature thereof, 3,453.25 feet, more or less, to a concrete monument located at the intersection of the Southerly right-of-way line of Peachtree Industrial Boulevard and the Northerly right-of-way line of Miller Road; thence running Northeasterly along the Southerly right-of-way Line of Peachtree Industrial Boulevard, and following the curvature thereof, 3,463.53 feet, more or less to the point of beginning; plus that portion of the right-of-way of Miller Road running from Peachtree Industrial Boulevard to Medlock Bridge Road; less and except those premises located at 5390 Peachtree Industrial Boulevard, Norcross, Georgia, according to the present system of numbering in Gwinnett County, Georgia.

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

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

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

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

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

Beginning at an iron pin set at the intersection of the southerly right-of-way line of Goshen Springs Road (having an 80-foot wide right-of-way) and the line common to Land Lots 197 and 198; Thence leaving said Land Lot Line and continuing along said southerly right-of-way line of Goshen Springs Road, North 58°27'07" East, 268.34 feet to a ½-inch rebar found; Thence leaving said southerly right-of-way line of Goshen Springs Road and running, South 39°45'08" East, 728.27 feet to a ½-inch rebar found; Thence, South 27°31'28" West, 54.99 feet to a point in the centerline of a creek; Thence along said centerline of a creek, South 46°14'05" West, 40.70 feet to a point; Thence, South 57°41'11" West, 45.83 feet to a point; Thence, South 47°25'46" West, 86.32 feet to a point; Thence, South 43°31'51" West, 74.91 feet to a point; Thence, South 39°42'17" West, 63.24 feet to a point; Thence, South 28°24'33" West, 44.87 feet to a point; Thence leaving said centerline of a creek and running, South 07°12'21" West, 20.22 feet to a ½-inch rebar found on said line common to Land Lots 197 and 198; Thence along said Land Lot Line, North 29°36'00" West, 853.15 feet to an iron pin set and the true POINT OF BEGINNING.

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

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

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

Sec. 1.13. Powers and construction.

- (a) In addition to all other powers herein granted, the city shall be vested with any and all powers which municipal corporations are or may hereafter be authorized or required to exercise under the present or future constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter. This city shall have all the powers of self-government not otherwise prohibited by this Charter or by general law.
- (b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers in this Charter shall not be construed as limiting in any way the general power of the city. It is the intention hereof to grant the city full power and right to exercise all governmental authority necessary for the effective operation and conduct of the city and all of its affairs.
- (c) In construing this Charter, the following definitions shall apply:
 - (1) "Appointed officer" where used in this Charter shall mean all administrative officers, including the city clerk, city treasurer, city attorney, city accountant and city engineer. Such term shall not include members of boards, commissions or authorities.
 - (2) "City council," where used herein, shall mean the elected officers of the City of Norcross which include the mayor and five councilmembers. The mayor shall vote on all matters in the event of a tie.
 - (3) "Department head," where used herein, shall be synonymous with department directors.

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

Sec. 1.14. Powers.

The corporate powers of the government of the City of Norcross, to be exercised by the mayor and city council, shall include, but not be limited to, the following:

- (1) *Air and water pollution.* To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the city;
- (2) *Animal regulations.* To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted hereunder;
- (3) *Appropriations and expenditures.* To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this Charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of this city;
- (4) *Building regulations.* To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate all housing and building trades;
- (5) *Business regulation and taxation.* To levy and to provide for the collection of license fees and taxes on privileges, trades and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for the failure to pay any city taxes or fees;
- (6) *Condemnation.* To condemn property, inside or outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in O.C.G.A. title 22, or such other applicable laws as are or may hereafter be enacted;
- (7) *Contracts.* To enter into contracts and agreements with other governmental entities and with private persons, firms and corporations;
- (8) *Emergencies.* To establish procedures for determining and proclaiming that an emergency situation exists inside or outside the city and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health or well-being of the citizens of the city;
- (9) *Fire regulations.* To fix and establish fire limits and from time to time extend, enlarge or restrict the same; to prescribe fire safety regulations, not inconsistent with general law relating to both fire prevention and detection and to firefighting; and to prescribe penalties and punishment for violations thereof;
- (10) *Garbage fees.* To levy, fix, assess and collect a garbage, refuse and trash collection and disposal and other sanitary service charge, tax or fee for such services as may be necessary for the operation of the city from all individuals, firms and corporations residing in or doing business therein; to enforce the payment of such charges, taxes or fees; and to provide for the manner and method of collecting such service charges;
- (11) *General health, safety and welfare.* To define, regulate and prohibit any act, practice, conduct or use of property which is detrimental to the health, sanitation, cleanliness, welfare and safety of the inhabitants of the city and to provide for the enforcement of such standards;

- (12) *Gifts.* To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city and the general welfare of its citizens on such terms and conditions as the donor or grantor may impose;
- (13) *Health and sanitation.* To prescribe standards of health and sanitation within the city and to provide for the enforcement of such standards;
- (14) *Jail sentences.* To provide that persons given jail sentences in the city's court may work out such sentences in any public works or on the streets, roads, drains and squares in the city; to provide for the commitment of such persons to any jail; or to provide for the commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;
- (15) *Motor vehicles.* To regulate the operation of motor vehicles and exercise control over all traffic, including parking, on or off the streets, roads, alleys and walkways of the city;
- (16) *Municipal agencies and delegation of power.* To create, alter or abolish departments, boards, authorities, offices, commissions and agencies of the city and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;
- (17) *Municipal debts.* To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized by this Charter or the laws of the State of Georgia;
- (18) *Municipal property ownership.* To acquire, dispose of, and hold in trust or otherwise any real, personal or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;
- (19) *Municipal property protection.* To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;
- (20) *Municipal utilities.* To acquire, lease, construct, operate, maintain, sell and dispose of public utilities, including, but not limited to, a system of waterworks, sewers, and drains, sewage disposal, gasworks, electric light plants, transportation facilities and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties; and to provide for the withdrawal of service for refusal to pay the same; and to authorize the extension of water, sewerage and electrical distribution systems, and all necessary appurtenances by which said utilities are distributed, inside and outside the corporate limits of the city; and to provide utility services to persons, firms and corporations inside and outside the corporate limits of the city as provided by ordinance;
- (20.1) *Telecommunications.* The City shall have the power and authority to acquire, own, hold, lease, sell, resell, build, maintain, operate and contract with respect to a telecommunications systems network in order to provide telecommunications services and similar other services, including cable television services (CATV), to establish and charge rates, fees, tolls and charges for the services, facilities or commodities furnished or made available by such undertaking; to interconnect its system or services or both with the systems or services of consumers and other providers, to use telecommunications to respond to community needs, encourage the development of information-based organizations in the City of Norcross, Georgia, to finance from time to time any such telecommunications systems through the issuance of revenue bonds as then permitted by the Constitution and the laws of the State of Georgia; and to make any contract with respect to and furnish the services of any said systems to consumers within or outside the corporate limits of the City;
- (21) *Nuisances.* To define a nuisance and provide for its abatement whether on public or private property;
- (22) *Ordinances, rules and regulations.* To make, establish and adopt such bylaws, ordinances, policies, and rules and regulations as shall appear necessary for the security, welfare, convenience and interest of

- the city and the inhabitants thereof, and for preserving the health, peace, order and good government of the city;
- (23) *Penalties.* To provide penalties for violation of any ordinances adopted pursuant to the authority of this Charter and the laws of the State of Georgia;
 - (24) *Planning and zoning.* To provide comprehensive city planning for development by zoning, including implementation of a land use plan and enforcement of the goals and objectives in the land use plan; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy and aesthetically pleasing community;
 - (25) *Police and fire protection.* To exercise the power of arrest through duly appointed policemen and to establish, operate or contract for a police and a firefighting agency;
 - (26) *Public hazards; removal.* To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;
 - (27) *Public improvements.* To provide for the acquisition, construction, building, operation and maintenance of public ways, parks, playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, hospitals, sewers, drains, sewerage treatment, docks, parking facilities, and charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies and facilities; to provide any other public improvements inside or outside the corporate limits of the city; to regulate the use of public improvements; and, for such other purposes, property may be acquired by condemnation under O.C.G.A. title 22, or such other applicable laws as are or may hereafter be enacted;
 - (28) *Public peace.* To provide for the prevention and punishment of drunkenness, riots and public disturbances;
 - (29) *Public transportation.* To organize and operate such public transportation systems as are deemed beneficial;
 - (30) *Public utilities and services.* To grant franchises or make contracts for public utilities and public services and to prescribe the rates, fares, regulations and the standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission;
 - (31) *Regulation of roadside areas.* To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, inside or abutting the corporate limits of the city and to prescribe penalties and punishment for violation of such ordinances;
 - (32) *Retirement.* To provide and maintain a retirement plan for employees of the city;
 - (33) *Roadways.* To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys and walkways within the corporate limits of the city; and to negotiate and execute leases over, through and under any city property or the right-of-way of any street, road, alley and walkway or portion thereof within the corporate limits of the city for bridges, passageways or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses and underpasses for private use at such location and to charge a rental therefor in such manner as may be provided by ordinance; and to authorize and control the construction of bridges, overpasses and underpasses within the corporate limits of the city; and to grant franchises and rights-of-way throughout the streets and roads and over the bridges and viaducts for the use of public utilities and for private use; and to require real estate owners to repair and

maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

- (34) *Sewer fees.* To levy a fee, charge or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining and extending of a sewage disposal plant and sewerage system; to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose and collect a sewer connection fee or fees to those connected with the system;
- (35) *Solid waste disposal.* To provide for the collection and disposal of garbage, rubbish and refuse and to regulate the collection and disposal of garbage, rubbish and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper and other recyclable materials and provide for the sale of all solid waste;
- (36) *Special areas of public regulation.* To regulate or prohibit junk dealers, pawn shops, the manufacture, sale or transportation of intoxicating liquors, and the use and sale of firearms; to regulate the transportation, storage and use of combustible, explosive and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions and shows of any kind, by taxation or otherwise; and to license, tax, regulate or prohibit professional fortunetelling, palmistry, adult bookstores and massage parlors;
- (37) *Special assessments.* To provide for the collection of special assessments to cover the cost of any public improvements;
- (38) *Taxes, ad valorem.* To levy and provide for the assessment, valuation, revaluation and collection of taxes on all property subject to taxation;
- (39) *Taxes, other.* To levy and collect such other taxes as may be allowed now or in the future by law;
- (40) *Taxicabs.* To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;
- (41) *Urban redevelopment.* To organize and operate an urban redevelopment program; and
- (42) *Other powers.* To exercise and enjoy all other powers, functions, rights, privileges and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience or general welfare of the city and its inhabitants; to exercise all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this Charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the constitution or applicable laws of the State of Georgia.

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

Sec. 1.15. Exercise of powers.

All powers, functions, rights, privileges and immunities of the city, its officers, agencies or employees shall be carried into execution as provided by this Charter. If this Charter makes no provision, such powers, functions, rights, privileges and immunities shall be carried into execution as provided by ordinance of the governing authority or as provided by pertinent laws of the State of Georgia. The full faith and credit of the City of Norcross

shall be behind all elected officers, appointed officers, employees, members of boards, commissions and authorities, and the city shall indemnify them, to the extent allowed by law, for all costs and judgments suffered as a result of any and all actions taken pursuant to their official capacity as officials for the City of Norcross.

ARTICLE II. GOVERNING BODY

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

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

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

- (a) The three members of the city council who were elected to such offices in 2018 and any person selected to fill a vacancy in any such office shall serve out their initial terms of office which shall expire at the first organizational meeting held in January, 2021, and upon the election and qualification of their respective successors. Those successors shall be elected at the general municipal election in 2020, shall take office at the first organizational meeting held in January, 2021, and shall serve for an initial term of office of three years which shall expire at the first organizational meeting of 2024.
- (b) The mayor and the two members of the city council who are elected to such offices in 2019 and any person selected to fill a vacancy in any such office shall serve for an initial term of office of two years which shall expire at the first organizational meeting held in January, 2022, and upon the election and qualification of their respective successors. Those successors shall be elected at the general municipal election in 2021, shall take office at the first organizational meeting held in January, 2022 and shall serve for an initial term of office of four years each which shall expire at the first organizational meeting of 2026.
- (c) On and after January 1, 2021, the successor to the mayor or any member of the council whose term of office is to expire shall be elected at the general municipal election immediately preceding the expiration of such term, shall take office at the first organizational meeting in January immediately following such election, and shall serve for a term of office of four years each. The mayor and members of the council shall serve for the terms of office specified in this section and until their respective successors are elected and qualified.
- (d) No person shall be eligible to serve as mayor or councilmember unless he shall have been a resident of the city for a period of not less than one year immediately prior to the date of the election of mayor or member of the city council and shall continue to reside therein during such person's period of service, and shall be registered and qualified to vote in municipal elections of the City of Norcross, Georgia, and unless he shall meet the qualification standards required for members of the Georgia House of Representatives, as are now or may in the future be prescribed by the Georgia Constitution.

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

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

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

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

- (b) Upon the suspension from office of mayor or councilmember in any manner authorized by the general laws of the State of Georgia, the mayor and city council or those remaining shall appoint a successor for the duration of the suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled for the remainder of the unexpired term, if any, as provided for in article V of this Charter.

Sec. 2.13. Compensation and expenses.

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

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

- (a) No elected officer, appointed officer, employee, or member of a board, commission or authority of the city or any agency or political entity to which this Charter applies shall knowingly:
- (1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which would tend to impair the independence of his judgment or action in the performance of his official duties;
 - (2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair the independence of his judgment or action in the performance of his official duties;
 - (3) Disclose confidential information concerning the property, government or affairs of the governmental body by which he is engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or others;
 - (4) Accept any valuable gift, whether in the form of service, loan, object or promise, from any person, firm or corporation which to his knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body by which he is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
 - (5) Represent other private interests in any action or proceeding against this city or any portion of its government; and
 - (6) Vote or otherwise participate in the negotiations or in the making of any contract with any business or entity in which he has a financial interest.
- (b) Any elected officer, appointed officer, employee, or member of a board, commission or authority of the city who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. The mayor or any councilmember who has a private interest in any matter pending before the city council shall disclose such private interest and such disclosure shall be entered on the records of the city council, and he shall disqualify himself from participating in any decision or vote relating thereto. Any elected officer, appointed officer or employee or any agency or political entity to which this Charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.
- (c) No elected officer, appointed officer, employee, or member of a board, commission or authority of the city or any agency or entity to which this Charter applies shall use property owned by such governmental entity for personal benefit, convenience or profit, except in accordance with policies promulgated by the city council or the governing body of such agency or entity.

- (d) Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the city council.
- (e) Except as authorized by law, neither the mayor nor any councilmember shall hold any other elective or compensated appointed office in the city or otherwise be employed by said government or any agency thereof during the term for which he was elected. No former mayor and no former councilmember shall hold any employed position in the city until one (1) year after the expiration of the term for which he was elected.
- (f) (1) No department director, department head, or employee of the City shall continue in such position or employment upon qualifying as a candidate for nomination or election to public office in the City of Norcross, or for the Gwinnett County Board of Commissioners.
- (2) Department directors, department heads and employees of the City shall be and are permitted to continue in such position or employment after qualifying as a candidate for nomination or election to any public office other than in the City of Norcross or for the Gwinnett County Board of Commissioners.
- (3) (i) An appointed member of a board, commission or authority of the City shall continue in such position as a non-voting member after qualifying as a candidate for nomination or election to public office in the City of Norcross or for the Gwinnett County Board of Commissioners. The limitations of such appointed members authority after qualifying for nomination or election to public office in the City of Norcross or for the Gwinnett County Board of Commissioners are more particularly described in sections (f)(3)(iii) and (f)(3)(iv) below.
- (ii) An appointed member of any board, commission or authority of the City that is elected to public office in the City of Norcross or the Gwinnett County Board of Commissioners shall resign such appointed position upon being sworn in to such public office.
- (iii) Between the time that such appointed member of any board, commission or authority of the City qualifies for nomination or election to public office in the City of Norcross or for the Gwinnett County Board of Commissioners and the time that the successful candidate is sworn in to such public office, such appointed official may continue in their appointed position as a non-voting member. During this time said member shall be counted for the purpose of determining a quorum, and shall be entitled to all other powers, rights, privileges and immunities of such appointed office, including attending and participating in debate in open meetings and in meetings closed for executive session, but shall not have authority to make a motion, to second a motion or to cast a vote on any matter coming before such board, commission or authority.
- (iv) An appointed member of any board, commission or authority of the City that is unsuccessful in his or her candidacy for election to public office in the City of Norcross or for the Gwinnett County Board of Commissioners shall resume such appointed position with all powers, rights, privileges and immunities of such appointed office, including the ability to make a motion, to second a motion and to cast votes on any matter coming before said board, commission or authority fully restored upon the successful candidate being sworn in to such public office.
- (v) An appointed member of any board, commission or authority of the City shall be and is permitted to continue in such position after qualifying as a candidate for nomination or election to any public office other than in the City of Norcross or for the Gwinnett County Board of Commissioners.
- (4) Elected officials in the City of Norcross (i.e., the Mayor and Councilmembers) shall be permitted to continue the balance of their term for which they were elected after qualifying as a candidate for nomination or election to any other elective public office (including but not limited to a different elective office in the City of Norcross other than the present office held by such elected official), so long as the term of the elective office for which such official is qualifying begins more than 30 days prior to the expiration of such official's present term of office.

- (5) The office of any elected official in the City of Norcross shall be declared vacant upon such elected official qualifying in a general primary or general election for another elective public office if the term of office for which such official is qualifying begins more than 30 days prior to the expiration of such official's present term of office.
 - (6) The elected officials of the City of Norcross shall be ineligible to hold any other elected office during the term of office for which such Mayor or Councilmember was chosen unless he or she first resigns before entering such other office. The vacancy created in any such office shall be filled as provided by Georgia Law.
 - (g) (1) Any elected officer, appointed officer, employee, or member of a board, commission or authority of the city who knowingly conceals such financial interest or knowingly violates any of the requirements of this section applicable to his respective office or position shall be guilty of malfeasance in office or position and shall be deemed to have forfeited his office or position.
 - (2) Any elected officer, appointed officer, employee, or member of a board, commission or authority of the city who shall forfeit his office or position as described in paragraph (1) of this subsection shall be ineligible for appointment or election to or employment in a position in the city government for a period of three (3) years thereafter.
- (Ord. No. 03-2017 , § II, 10-2-2017; Ord. No. 16-2019 , § II, 1-6-2020)

Sec. 2.15. Inquiries and investigations.

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

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

- (a) Except as otherwise provided by law or by this Charter, the city council shall be vested with all the powers of government of the City of Norcross, Georgia, as provided by article I of this Charter.
- (b) In addition to all other powers conferred upon it by law, the city council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules and regulations, not inconsistent with this Charter, the constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, or well-being of the inhabitants of the City of Norcross, Georgia, and may enforce such ordinances by imposing penalties for violation thereof.
- (c) The council may by ordinance create, change, alter, abolish or consolidate offices, agencies and departments of the city and may assign additional functions to any of the offices, agencies and departments expressly provided for by this Charter.

Sec. 2.17. Eminent domain.

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

Sec. 2.18. Organizational meeting.

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

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

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

Sec. 2.19. Regular and special meetings.

- (a) The city council shall hold regular meetings at such times and places as prescribed by ordinance. The city council may recess any regular meeting and continue such meeting on any weekday or hour it may fix and may transact any business at such continued meeting as may be transacted at any regular meeting. Notice to the public shall be made in the manner required by law.
- (b) Special meetings of the city council may be held on call of the mayor or three (3) members of the city council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, or shall be left at their residences at least 24 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting. Any matter which requires action by the city council in less than 24 hours will be governed by the emergency provisions set forth in section 2.24 of this Charter.
- (c) All meetings of the city council shall be public to the extent required by law. The city council may hold executive sessions privately before or after public meetings, but the ayes and nays of any balloting shall be recorded at the conclusion of such executive sessions. Notice to the public of special meetings shall be made as fully as is reasonably possible at least one day prior to such meeting.

Sec. 2.20. Rules of procedure.

- (a) Unless otherwise provided by ordinance, rules of procedure for meetings of the city council shall follow Robert's Rules of Order. The city council shall provide for keeping a journal of its proceedings which shall be a public record.
- (b) All committees and committee chairpersons of the city council shall be appointed by the mayor and confirmed by the city council and shall serve at the pleasure of the mayor and city council. Following the procedures described in this Charter, the mayor and city council shall have the power to appoint a new member to any committee at any time.

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

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

Sec. 2.21. Quorum; voting.

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

Sec. 2.22. Action requiring an ordinance.

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

Sec. 2.23. Ordinance form; procedure.

- (a) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "The Council of the City of Norcross, Georgia, hereby ordains..." and every ordinance shall so begin.
- (b) An ordinance may be introduced by the mayor or any member of the city council and read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish. Upon introduction of any ordinance, the clerk shall distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

Sec. 2.24. Emergency ordinances.

To meet a public emergency affecting life, health, property or public peace, the city council may convene on call of the mayor or three (3) councilmembers and promptly adopt one (1) or more emergency ordinances, but such ordinances may not levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except as provided by law. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three (3) councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. An emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Sec. 2.25. Codes of technical regulations.

- [(a)] The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that:
 - (1) The requirements of subsection (b) of section 2.23 of this Charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and
 - (2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to section 2.26 of this Charter.

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

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

- (a) The clerk shall authenticate by his or her signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the city council. Every ordinance adopted by the city council shall be presented promptly by the clerk to the mayor.
- (b) The city shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly, together with all amendments thereto, with this Charter, any amendment thereto, and such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as "The Code of the City of Norcross, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the city and made available for purchase by the public at a reasonable price as fixed by the city council.
- (c) The city council shall cause each ordinance and each amendment to this Charter to be typed or printed promptly following its adoption and the ordinance and Charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first Code of the City of Norcross, Georgia, and at all times thereafter, the ordinances and Charter amendments shall be typed or printed in substantially the same style as the code currently in effect and shall be suitable in form for incorporation therein. The city council shall make such further arrangements as deemed desirable with reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

Sec. 2.27. Mayor pro tempore.

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

(1997 Ga. Laws, page 3517, § 3)

Sec. 2.28. The mayor; powers and duties.

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

- (1) To preside at all meetings of the city council and be recognized as the official head and spokesperson of the city for service of process and ceremonial purposes;
- (2) To vote on matters before the city council only in case of a tie;
- (3) To sign timely, for and on behalf of the city, all contracts, ordinances, instruments, and other documents authorized by the city council and which are required to be in writing, unless otherwise directed or authorized by the city council;
- (4) To administer oaths and to take affidavits; and
- (5) To fulfill such other duties as authorized by the city council.

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

Sec. 2.29. Selection of mayor pro tempore.

By a majority vote, the city council shall elect a councilmember to serve as mayor pro tempore. The mayor pro tempore shall serve at the pleasure of the city council, shall continue to vote, and shall otherwise participate as a councilmember.

(1997 Ga. Laws, page 3517, § 3)

Sec. 2.30. The city manager; general powers.

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

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

Sec. 2.31. Powers and duties of the city manager.

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

- (1) To appoint and, when he or she deems it necessary for the good of the city, suspend or remove all city employees and administrative officers he or she appoints, except as otherwise provided by law or personnel ordinances adopted pursuant to this Charter. The city manager may authorize any administrative officer who is subject to the city manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;
- (2) To direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this Charter or by law;
- (3) To attend all city council meetings and have the right to take part in discussion, but the city manager may not vote;
- (4) To see that all laws, provisions of this Charter, and acts of the city council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed;
- (5) To prepare and submit the annual operating budget and capital budget to the city council. Once approved for the following fiscal year, any increase in the appropriations for these budgets, whether accomplished through a change in anticipated revenues or through a transfer of appropriations among departments, shall require the approval of the city council. Such amendment shall be adopted by ordinance or resolution;
- (6) To submit to the city council a quarterly summary of the finances and administrative activities of the city, and to make available to the council and public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
- (7) To prescribe, require, publish, and implement standards of administrative management and operating procedures to be followed and adhered to by all offices, departments, boards, commissions, authorities, and other agencies of the city which are subject to the city manager's supervision;

Created: 2023-10-18 16:20:46 [EST]

(Supp. No. 38)

- (8) To act as the purchasing agent of the city;
 - (9) To make such other studies, reports, and investigations as the city council may require concerning the operations of city departments, offices, and agencies subject to the city manager's direction and supervision;
 - (10) To keep the city council fully advised as to the future needs of the city, and make such recommendations to the city council concerning the affairs of the city as he or she deems desirable; and
 - (11) To perform other such duties as are specified in this Charter or as may be required by the city council.
- (2007 Ga. Laws (Act No. 213), page 4067, § 2)

Sec. 2.32. Budget authority and special funds.

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

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

Sec. 2.33. Council's noninterference with administration.

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

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

Sec. 2.34. Removal of city manager.

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

- (1) The city council shall adopt by affirmative vote of two-thirds of its members a preliminary resolution which must state the reasons for removal and may suspend the city manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the city manager;
- (2) Within five days after a copy of the resolution is delivered to the city manager, he or she may file with the city council a written request for a public hearing. This hearing shall be held within 30 days after the request is filed. The city manager may file with the city council a written reply not later than five days before the hearing; and
- (3) If the city manager has not requested a public hearing within the time specified in paragraph (2) of this section, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of all its members. If the city manager has requested a public hearing, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of all its members at any time after the public hearing.

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

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

Sec. 2.35. Acting city manager.

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

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

ARTICLE III. EXECUTIVE BRANCH

Sec. 3.10. Administrative and service departments.

- (a) The mayor and city council by ordinance may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the city, as necessary for the proper administration of the affairs and government of the city. The mayor shall recommend and the city council shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies created or established by this Charter; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the function or duties of offices, positions of employment, departments, and agencies of the city.
- (b) The operations and responsibilities of each department now or hereafter established in the city shall be distributed among such divisions or bureaus as may be provided by ordinance of the city council. Each department shall consist of such officers, employees, and positions as may be provided by this Charter or by ordinance. There shall be a department head of each department who shall be its principal officer. Each department head shall, subject to the direction and supervision of the mayor and city council, be responsible for the administration and direction of the affairs and operations of his department.
- (c) Except as otherwise provided by this Charter, the department heads and other appointed officers of the city shall serve at the pleasure of the mayor and city council. Vacancies occurring in an appointive office shall be filled in the same manner as prescribed by this Charter for an original appointment.
- (d) Except as otherwise provided by law, the department heads and other appointed officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.
- (e) All appointed officers and department heads shall receive such compensation as prescribed by ordinance of the city council.

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

Sec. 3.11. Boards, commissions and authorities.

- (a) The city council may create by ordinance such boards, commissions and authorities to fulfill any investigative, quasi-judicial or quasi-legislative function the city council deems necessary and shall by ordinance establish the composition, period of existence, duties and powers thereof.
- (b) All members of boards, commissions and authorities of the city shall be appointed by the mayor and confirmed by the city council for such terms of office and such manner of appointment as provided by

ordinance, except where other appointing authority, terms of office or manner of appointment is prescribed by this Charter or by law.

- (c) Except as otherwise provided by Charter or by law, no voting member of any board, commission or authority shall hold any elective office in the city.
- (d) Any vacancy in the office of any member of a board, commission or authority of the city shall be filled for the unexpired term in the manner prescribed herein for the original appointment, except as otherwise provided by this Charter or by law.
- (e) No member of any board, commission or authority shall assume office until he shall have executed and filed with the clerk of the city an oath obligating himself to perform faithfully and impartially the duties of his office, such oath to be prescribed by ordinance of the city council and administered by the mayor.
- (f) Any member of a board, commission or authority may be removed from office by a vote of a majority of the members of the city council.
- (g) The city council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of members of boards, commissions and authorities in the performance of their official duties.
- (h) The qualifications required of members of boards, commissions and authorities shall be prescribed by ordinance.
- (i) Except as otherwise provided by this Charter or by law, each board, commission or authority of the city government shall elect one (1) of its members as chairman and one (1) member as vice chairman for terms of one (1) year, and may elect as its secretary an employee of the city. Each board, commission or authority of the city government may establish (after approval by the mayor and councilmembers) such bylaws, rules and regulations, not inconsistent with this Charter, an ordinance of the city, or law, as it deems appropriate and necessary for the conduct of its affairs. Copies of such bylaws, rules and regulations shall be filed with the clerk of the city.

Sec. 3.12. City clerk.

The city manager shall appoint a city clerk who shall not be a council member. The city clerk shall be custodian of the official city seal, maintain city council records required by this Charter, and perform such other duties as may be required by the mayor and city council.

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

Sec. 3.13. City treasurer.

The city manager shall appoint a city treasurer to collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this Charter and the ordinances of the city, and to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes to the city. The city treasurer shall also be responsible for the general duties of a treasurer and fiscal officer. The city clerk and city treasurer shall not be the same person.

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

Sec. 3.14. City attorney.

The mayor and city council shall appoint a city attorney, together with such assistant city attorneys, as may be authorized by ordinance. The city council shall provide for the payment of such attorney or attorneys for

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

Sec. 3.15. City accountant.

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

Sec. 3.16. City auditor.

The city manager shall contract with confirmation of the city council an outside firm to perform the duties of a city auditor.

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

Sec. 3.17. Human resources.

- (a) *Human resources manager.* The city manager shall appoint a human resources manager who shall be responsible for policies and practices related to the equitable treatment of city employees.
- (b) *The city position classification and pay plan.* The human resources manager shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city manager and then to the city council for approval. Such plan shall apply to all employees of the city and any of its agencies, departments, boards, commissions, or authorities. When a pay plan has been adopted, the city council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan. The city manager shall apply the pay plan to city employees. For purposes of this section, all elected city officials are not city employees.
- (c) *Employee rules and regulations.* The city manager shall present to the city council for approval rules and regulations consistent with this Charter concerning:
 - (1) The method of employee selection and probationary periods of employment;
 - (2) The administration of a position classification and pay plan, methods of promotion and applications of service ratings thereto, and transfer of employees within the classification plan;
 - (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoffs shall be effected;
 - (4) Such dismissal hearings as due process may require; and
 - (5) Such other personnel notice as may be necessary to provide for adequate and systematic handling of personnel affairs.

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

Sec. 3.18. Appointment of elected officials.

No person holding an elective office in the City of Norcross shall be eligible for appointment as a city employee during the term of office for which he or she was elected or within two years after the expiration of his or her term of office.

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

ARTICLE IV. MUNICIPAL COURT

Sec. 4.10. Creation.

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

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

- (a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or standby judges as shall be provided by ordinance. The method of selection and terms of such judges shall be provided by ordinance.
- (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless he shall have attained the age of 21 years and shall be a member of the State Bar of Georgia. All judges shall be appointed by the mayor and confirmed by the city council and shall serve at the pleasure of the mayor and city council.
- (c) Compensation of the judges shall be fixed by the city council by ordinance.
- (d) Before assuming office, each judge shall take an oath, given by the mayor, that he will honestly and faithfully discharge the duties of his office to the best of his ability and without fear, favor or partiality. The oath shall be entered upon the minutes of the city council journal required in section 2.20 of this Charter.
- (e) At the request of the presiding municipal judge, a solicitor and an assistant solicitor may be appointed by the mayor and confirmed by the city council. The method of selection and terms of such solicitors shall be provided by ordinance.

Sec. 4.12. Convening.

The municipal court shall be convened at such times as designated by ordinance or at such times as the court deems necessary to keep current the dockets thereof.

Sec. 4.13. Jurisdiction; powers.

- (a) The municipal court shall try and punish violations of this Charter, all city ordinances, and such other violations as provided by law.
- (b) The municipal court shall have the authority to punish those in its presence for contempt, provided that such punishment shall not exceed a fine of \$200.00 or ten days in jail.
- (c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for 180 days, or both, or may fix punishment by fine, imprisonment or alternative

Created: 2023-10-18 16:20:47 [EST]

(Supp. No. 38)

sentencing as now or hereafter provided by law. The municipal judge may appoint counsel as required by law at the request of any person sentenced to a jail term who is found to be indigent.

- (d) The municipal court shall have the authority to establish a schedule of fees to defray the costs of operation and shall be entitled to reimbursement of the actual cost of meals, transportation and caretaking of prisoners bound over to superior courts for violation of state law.
- (e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety bond for the appearance of persons charged with violations. Whenever any person shall give bail for his appearance and shall fail to appear at the time fixed for trial, his bond may be forfeited by the judge presiding at such time and an execution shall be issued thereon by serving the defendant and his sureties with a rule nisi at least two (2) days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond or security for the appearance of a defendant at trial and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the City of Norcross, or the property so deposited shall have a lien against it for the value forfeited, which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.
- (f) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that state law has been violated.
- (g) The municipal court shall have the same authority as superior courts to administer oaths as are necessary and to perform all other acts necessary and proper to the conduct of said court.
- (h) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas and warrants which may be served as executed by any officer as authorized by this Charter or by law.
- (i) The municipal court is specifically vested with all the jurisdiction and powers throughout the geographic area of the City of Norcross granted by law to municipal courts and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

Sec. 4.14. Appeal and certiorari.

- (a) A review of a decision of the municipal court, in the case of traffic violations, may be by direct appeal to the superior court, and any bond as may be required to secure the costs of appeal to the Superior Court of Gwinnett County, Georgia, from the municipal court shall lie as prescribed by law. An appeal to the superior court shall not be a de novo proceeding.
- (b) The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of the judge of the Superior Court of Gwinnett County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

Sec. 4.15. Rules of court.

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

PART I - CHARTER AND RELATED LAWS
 Subpart A - CHARTER
 ARTICLE V. ELECTIONS

ARTICLE V. ELECTIONS

Sec. 5.10. Applicability of general law.

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

(Ord. No. 17-2018 , § II, 12-3-2018)

Sec. 5.11. Regular elections; time for holding.

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

(Res. of 3-4-2019 , § 2)

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

Except as otherwise provided by this Charter, the city council, by ordinance, may prescribe rules and regulations governing qualifying fees, absentee ballots, write-in votes, challenge of votes, and such other rules and regulations as it deems necessary to fulfill any options and duties under chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," O.C.G.A. § 21-2-1 et seq., as now or hereafter amended.

(Ord. No. 17-2018 , § II, 12-3-2018)

Sec. 5.13. Election by majority vote.

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

(Ord. No. 17-2018 , § II, 12-3-2018)

Sec. 5.14. Special elections; vacancies.

In the event that the office of the mayor or any councilmember shall become vacant for any cause whatsoever, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within nine (9) months of the expiration of the

term of office of the mayor or any councilmember, said vacancy in office shall be filled by appointment by the remaining members of the city council. In all other respects, a special election shall be held and conducted in accordance with chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," O.C.G.A. § 21-2-1 et seq.), as now or hereafter amended.

(Ord. No. 17-2018 , § II, 12-3-2018)

Sec. 5.15. Grounds for removal.

- (a) The mayor and any councilmember shall be subject to removal from office for any one or more of the following causes:
 - (1) Incompetence, misfeasance or malfeasance in office;
 - (2) Conviction of a crime involving moral turpitude;
 - (3) Failure at any time to possess any qualifications of office as provided by this Charter or by law;
 - (4) Willful violation of any express prohibition of this Charter;
 - (5) Abandonment of office or neglect to perform the duties thereof; or
 - (6) Failure for any other cause to perform the duties of office as required by this Charter or by state law.
- (b) Removal of an elected officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:
 - (1) Removal of an elected officer from office may be accompanied by two-thirds ($\frac{2}{3}$) of the vote of the entire membership of the council. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the Superior Court of Gwinnett County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court;
 - (2) By an order of the Superior Court of Gwinnett County following a hearing on a complaint seeking such removal brought by any resident of the City of Norcross, Georgia.

ARTICLE VI. FINANCE AND FISCAL

Sec. 6.10. Property taxes.

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

Sec. 6.11. Property tax levy.

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

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

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

Sec. 6.13. Occupational and business taxes.

The city council by ordinance shall have the power to levy such occupation or business taxes as are not prohibited by law. Such taxes may be levied on both individuals and corporations who transact business in the city or who practice or offer to practice any profession or calling therein to the extent such persons have a constitutionally sufficient nexus to the city to be so taxed. The city council may classify businesses, occupations, professions or callings for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in section 6.19 of this Charter.

Sec. 6.14. Licenses; permits; fees.

The city council by ordinance shall have the power to require any individuals or corporations who transact business in this city or who practice or offer to practice any profession or calling therein to obtain a license or permit for such activity from the city and pay a reasonable fee for such license or permit where such activities are not now regulated by general law in such a way as to preclude city regulations. Such fees may reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in section 6.19 of this Charter. The city council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety and welfare necessitate.

Sec. 6.15. Sewer service charges.

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

Sec. 6.16. Sanitary and health service charges.

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

Sec. 6.17. Special assessments.

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

Sec. 6.18. Construction; other taxes.

This city shall be empowered to levy any other tax allowed now or hereafter by law, and the specific mention of any right, power or authority in this article shall not be construed as limiting in any way the general powers of this city to govern its local affairs.

Sec. 6.19. Collection of delinquent taxes and fees.

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

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

Sec. 6.20. Transfer of executions.

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

(1996 Ga. Laws, page 3666, § 8)

Sec. 6.21. General obligation bonds.

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

Sec. 6.22. Revenue bonds.

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

Sec. 6.23. Short-term loans.

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

Sec. 6.24. Fiscal year.

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

Sec. 6.25. Preparation of budgets.

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

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

On or before a date fixed by the city council, but not later than 60 days prior to the beginning of each fiscal year, the city manager shall prepare and submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the city manager containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as he or she may deem pertinent. The operating budget, the capital improvements budget provided for in this chapter, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

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

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

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

- (b) The city council, by ordinance, shall adopt the final operating budget for the ensuing year not later than the last day of the old year. If the city council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget document.
- (c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such item, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotments thereof to which it is chargeable, unless authorized by the city council.
- (d) The city council shall be authorized to establish a tax millage rate each year to ensure that the necessary revenue will be available to meet the appropriations provided for in said budget. The tax millage rate levied by the city council shall not exceed 15 mills to cover general operating expenses. An additional millage rate may be levied for the retirement of bonded indebtedness.

(1997 Ga. Laws, page 3517, § 8)

Sec. 6.28. Changes in appropriations.

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

Sec. 6.29. Capital improvements budget.

- (a) On or before a date fixed by the city council, but not later than 60 days prior to the beginning of each fiscal year, the city manager shall prepare and submit to the city council a proposed capital improvements budget with recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The city council shall have the power to accept, with or without amendments, or reject the proposed program and proposed means of financing. The city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement, unless the appropriations for such project are included in the capital improvements budget, except to meet a public emergency as provided in Section 2.24 of this Charter.
- (b) The city council shall adopt by ordinance the final capital improvements budget for the ensuing fiscal year not later than December 31 of each year. No appropriations provided for in a prior capital improvements budget shall lapse until the purpose for which the appropriations were made shall have been accomplished or abandoned; provided, however, the mayor or any member of the city council may submit amendments to the capital improvements budget at any time during the fiscal year, accompanied by recommendations. Any such amendments to the capital improvements budget shall become effective only upon adoption by ordinance.

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

Sec. 6.30. Independent audit.

There shall be an annual independent audit of all city accounts, funds and financial transactions by a certified public accountant selected by the mayor and confirmed by the city council. The audit shall be conducted according to generally accepted accounting principles. Any audit of any funds by the state or federal government may be

accepted as satisfying the requirements of this Charter. Copies of all audit reports shall be available at printing costs to the public.

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

All contracts shall be made or authorized by the city council and no contracts shall bind the city unless:

- (1) It is in writing;
- (2) In event a contract for goods or services is in excess of \$500.00, it shall be drawn by or submitted and reviewed by the city attorney and, as a matter of course, shall be signed by him to indicate such drafting or review; and
- (3) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings pursuant to section 2.21 of this Charter.

Sec. 6.32. Centralized purchasing.

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

Sec. 6.33. Sale of city property.

- (a) The city council may sell and convey any real or personal property owned or held by the city for governmental or other purposes as now or hereafter provided by law.
- (b) The city council may quitclaim any rights it may have in property not needed for public purposes upon report by the mayor and adoption of a resolution by the city council, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.
- (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the city a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the mayor to execute and deliver in the name of the city a deed conveying said cut off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights of way of said street, avenue, alley, or public place when such exchange is deemed to be in the best interest of the city. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

(1997 Ga. Laws, page 3517, § 10)

ARTICLE VII. MUNICIPAL SERVICES AND REGULATORY FUNCTIONS

Sec. 7.10. Municipal services; streets.

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

Sec. 7.11. Municipal utilities.

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

Sec. 7.12. Sewers and drains.

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

Sec. 7.13. Rights-of-way.

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

Sec. 7.14. Power to regulate and license.

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

Sec. 7.15. Franchises.

The city council shall have the authority to exercise control over the streets of the city. The power is conferred upon the city council to grant franchises for the use of this city's streets and alleys, for the purposes of railroads, street railways, telephone companies, electric companies, cable television companies, gas companies, transportation companies and other similar organizations. This franchise right extends to, but is not limited to, the erection of poles, stringing wires, laying of pipes, lines or conduits both above and below the ground surface. The

council shall determine the duration, provisions, terms, whether the same shall be exclusive or nonexclusive and the consideration for such franchises; provided, however, that no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The council shall provide for the registration of all franchises with the city clerk in the registration book kept by her or him. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

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

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

ARTICLE VIII. ZONING

Sec. 8.10. Zoning board.

The mayor shall recommend and the city council shall appoint a planning and zoning board and the city council shall adopt ordinances and regulations for the administration thereof. The zoning board shall be advisory in nature and must view all matters before them in full recognition of the criteria set forth in the City of Norcross land use plan.

Sec. 8.11. Zoning board of appeals.

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

ARTICLE IX. GENERAL PROVISIONS

Sec. 9.10. Bonds for officials.

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

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

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

Sec. 9.12. Construction.

- (a) Section captions in this Charter are informative only and shall not be considered as a part thereof.
- (b) The word "shall" is mandatory and the word "may" is permissive.
- (c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.

Sec. 9.13. Penalties.

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

Sec. 9.14. Existing personnel and officers.

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

Sec. 9.15. Pending matters.

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

Sec. 9.16. Severability.

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

Sec. 9.17. Specific repealer.

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

Sec. 9.18. General repealer.

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

Subpart B RELATED LAWS

PART I - CHARTER AND RELATED LAWS
Subpart B - RELATED LAWS
ARTICLE II. HOMESTEAD EXEMPTION FROM AD VALOREM TAXATION

ARTICLE II. HOMESTEAD EXEMPTION FROM AD VALOREM TAXATION²

Sec. 1. Statutory authorization.

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

Sec. 2. Exemptions granted.

- (a) Each resident of the City of Norcross is granted a homestead exemption from all City of Norcross ad valorem taxes levied by the city, except taxes to pay interest on the retired bonded indebtedness, in the amount of \$9,000.00 of the value of the homestead owned and occupied by said resident within the City of Norcross. The value of the homestead in excess of the exempted amount shall remain subject to taxation.
- (b) Each resident of the City of Norcross who is 62 years of age or older is granted a homestead exemption from all City of Norcross ad valorem taxes levied by the city in the amount of \$18,000.00 of the value of the homestead owned and occupied by said resident within the City of Norcross. The value of the homestead in excess of the exempted amount shall remain subject to taxation.
- (c) The increased homestead exemptions provided in this Act shall apply to all taxable years beginning after December 31, 1989.

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

PART I
CHARTER AND RELATED LAWS

Subpart A CHARTER¹

VERSION 6 TRACKED COMMENTS

Formatted: Font: 22 pt

Formatted: Font: 22 pt

Attachment: Charter Revisions Version 6 (REDLINE VERSION) (23-6876 : Review and Revision of Charter Language)

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

PART I - CHARTER AND RELATED LAWS
 Subpart A - CHARTER
 ARTICLE I. INCORPORATION AND POWERS

ARTICLE I. INCORPORATION AND POWERS

Sec. 1.11. Incorporation.

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

Sec. 1.12. Corporate boundaries.

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

Formatted

Formatted: Font: 14 pt

Formatted: Font: 14 pt

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Tract 12

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

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

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

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

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

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

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

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

Beginning at an iron pin set at the intersection of the southerly right-of-way line of Goshen Springs Road (having an 80-foot wide right-of-way) and the line common to Land Lots 197 and 198; Thence leaving said Land Lot Line and continuing along said southerly right-of-way line of Goshen Springs Road, North 58°27'07" East, 268.34 feet to a ½-inch rebar found; Thence leaving said southerly right-of-way line of Goshen Springs Road and running, South 39°45'08" East, 728.27 feet to a ½-inch rebar found; Thence, South 27°31'28" West, 54.99 feet to a point in the centerline of a creek; Thence along said centerline of a creek, South 46°14'05" West, 40.70 feet to a point; Thence, South 57°41'11" West, 45.83 feet to a point; Thence, South 47°25'46" West, 86.32 feet to a point; Thence, South 43°31'51" West, 74.91 feet to a point;

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

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

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

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

Formatted: Font: 14 pt

Sec. 1.13. Powers and construction.

- (a) In addition to all other powers herein granted, the City of Norcross (~~hereinafter~~ the "city") shall be vested with any and all powers which municipal corporations are or may hereafter be authorized or required to exercise under the present or future constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter. The city shall have all the powers of self-government not otherwise prohibited by this Charter or by general law.
- (b) The powers of the city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers in this Charter shall not be construed as limiting in any way the general power of the city. It is the intention hereof to grant the city full power and right to exercise all governmental authority necessary for the effective operation and conduct of the city and all of its affairs.

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

- (1) "~~Mayor and council~~ Appointed officer" where used in this Charter shall mean all administrative officers, including the ~~city manager, city clerk, city treasurer,~~ city attorney, ~~city auditor, accountant, chief judge, associate judge, and solicitor-city engineer.~~ Such term shall not include members of boards, commissions or authorities.
- (2) "~~Mayor and City~~ council," where used herein, shall mean the elected officers of the City of Norcross which include the mayor and five councilmembers. ~~The mayor shall vote on all matters in the event of a tie.~~
- (3) "~~Mayor~~", where used herein, shall mean the elected head of the City of Norcross.

(4)

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

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

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

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

Sec. 1.14. Powers.

The corporate powers of the government of the City of Norcross (hereafter the "city"), to be exercised by the mayor and city council, shall include, but not be limited to, the following:

- (1) *Air and water pollution.* To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the city;
- (2) *Animal regulations.* To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for the impoundment

Formatted: Font: 14 pt

Formatted: Font: 14 pt, Font color: Red

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Indent: Left: 0.33", First line: 0"

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Indent: Left: 0", First line: 0"

Formatted: Indent: Left: 0", First line: 0"

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt, Italic

Formatted: Font: 14 pt

Formatted: Font: 14 pt

of same if in violation of any [city](#) ordinance or lawful order; to provide for the disposition by sale, gift or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted hereunder;

- (3) *Appropriations and expenditures.* To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this Charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of ~~the~~[this](#) city;
- (4) *Building regulations.* To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate all housing and building trades;
- (5) *Business regulation and taxation.* To levy and to provide for the collection of license fees and taxes on privileges, trades and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for the failure to pay any city taxes or fees;
- (6) *Condemnation.* To condemn property, ~~both within~~[inside](#) ~~and/or~~ outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority [of the city](#), utilizing procedures enumerated in O.C.G.A. title 22, or such other applicable laws as are or may hereafter be enacted;
- (7) *Contracts.* To enter into contracts and agreements with other governmental entities and with private persons, firms and corporations;
- (8) *Emergencies.* To establish procedures for determining and proclaiming that an emergency situation exists inside or outside the city and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health or well-being of the ~~residents~~[citizens](#) of the city;
- (9) *Fire regulations.* To fix and establish fire limits and from time to time extend, enlarge or restrict the same; to prescribe fire safety regulations, not inconsistent with general law relating to both fire prevention and

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

- (10) *Garbage fees.* To levy, fix, assess and collect a garbage, refuse and trash collection and disposal, and other sanitary service charges, taxes or fees for such services as may be necessary for the operation of the city from all individuals, firms and corporations residing in or doing business therein; to enforce the payment of such charges, taxes or fees; and to provide for the manner and method of collecting such service charges, taxes or fees;
- (11) *General health, safety and welfare.* To define, regulate and prohibit any act, practice, conduct or use of property which is detrimental to the health, sanitation, cleanliness, welfare and safety of the inhabitants of the city and to provide for the enforcement of such standards;
- (12) *Gifts.* To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city and the general welfare of its citizens on such terms and conditions as the donor or grantor may impose;
- (13) *Health and sanitation.* To prescribe standards of health and sanitation within the city and to provide for the enforcement of such standards;
- (14) *Jail sentences.* To provide that persons given jail sentences in the city's court may work out such sentences in any public works or on the streets, roads, drains and squares in the city; to provide for the commitment of such persons to any jail; or to provide for the commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;
- (15) *Motor vehicles.* To regulate the operation of motor vehicles and exercise control over all traffic, including parking, on or off the streets, roads, alleys and walkways of the city;
- (16) *Municipal agencies and delegation of power.* To create, alter or abolish departments, boards, authorities, offices, commissions and agencies of the city and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;

- (17) *Municipal debts.* To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized by this Charter or the laws of the State of Georgia;
- (18) *Municipal property ownership.* To acquire, dispose of, and hold in trust or otherwise any real, personal or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;
- (19) *Municipal property protection.* To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;
- (20) *Municipal utilities.* To acquire, lease, construct, operate, maintain, sell and dispose of public utilities, including, but not limited to, a system of waterworks, sewers, and drains, sewage disposal, gasworks, electric light plants, transportation facilities and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties; and to provide for the withdrawal of service for refusal to pay the same; and to authorize the extension of water, sewerage and electrical distribution systems, and all necessary appurtenances by which said utilities are distributed, inside and outside the corporate limits of the city; and to provide utility services to persons, firms and corporations inside and outside the corporate limits of the city as provided by ordinance;
- (20.1) *Telecommunications.* The City shall have the power and authority to acquire, own, hold, lease, sell, resell, build, maintain, operate and contract with respect to a telecommunications systems network in order to provide telecommunications services and similar other services, including cable television services (CATV), to establish and charge rates, fees, tolls and charges for the services, facilities or commodities furnished or made available by such undertaking; to interconnect its system or services or both with the systems or services of consumers and other providers, to use telecommunications to respond to community needs, encourage the development of information-based organizations in the City of Norcross, Georgia, to finance from time to time any such telecommunications systems through the issuance of revenue bonds as then permitted by the Constitution and the laws of the State of Georgia;

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

- (21) *Nuisances*. To define a nuisance and provide for its abatement whether on public or private property;
- (22) *Ordinances, rules and regulations*. To make, establish and adopt such bylaws, ordinances, policies, and rules and regulations as shall appear necessary for the security, welfare, convenience and interest of the city and the inhabitants thereof, and for preserving the health, peace, order and good government of the city;
- (23) *Penalties*. To provide penalties for violation of any ordinances adopted pursuant to the authority of this Charter and the laws of the State of Georgia;
- (24) *Planning and zoning*. To provide comprehensive city planning for development by zoning, including implementation of a land use plan and enforcement of the goals and objectives in the land use plan; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy and aesthetically pleasing community;
- (25) *Police and fire protection*. To exercise the power of arrest through duly appointed policemen and to establish, operate or contract for a police and a firefighting agency;
- (26) *Public hazards; removal*. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;
- (27) *Public improvements*. To provide for the acquisition, construction, building, operation and maintenance of public ways, parks, playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, hospitals, sewers, drains, sewerage treatment, docks, parking facilities, and charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies and facilities; to provide any other public improvements inside or outside the corporate limits of the city; to

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

- (28) *Public peace*. To provide for the prevention and punishment of drunkenness, riots and public disturbances;
- (29) *Public transportation*. To organize and operate such public transportation systems as are deemed beneficial;
- (30) *Public utilities and services*. To grant franchises or make contracts for public utilities and public services and to prescribe the rates, fares, regulations and the standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission;
- (31) *Regulation of roadside areas*. To prohibit or regulate ~~and control~~ *[Rationale: The word "control" is synonymous with the word "regulate".]* the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, inside or abutting the corporate limits of the city and to prescribe penalties and punishment for violation of such ordinances;
- (32) *Retirement*. To provide and maintain a retirement plan for employees of the city;
- (33) *Roadways*. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys and walkways within the corporate limits of the city; and to negotiate and execute leases over, through and under any city property or the right-of-way of any street, road, alley and walkway or portion thereof within the corporate limits of the city for bridges, passageways or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses and underpasses for private use at such location and to charge a rental therefor in such manner as may be provided by ordinance; and to authorize and control the construction of bridges, overpasses and underpasses within the corporate limits of the city; and to grant

Formatted: Font: 14 pt, Italic

Formatted: Font: 14 pt

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

- (34) *Sewer fees.* To levy a fee, charge or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining and extending of a sewage disposal plant and sewerage system; to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose and collect a sewer connection fee or fees to those connected with the system;
- (35) *Solid waste disposal.* To provide for the collection and disposal of garbage, rubbish and refuse and to regulate the collection and disposal of garbage, rubbish and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper and other recyclable materials and provide for the sale of all solid waste;
- (36) *Special areas of public regulation.* To regulate or prohibit junk dealers, pawn shops, the manufacture, sale or transportation of intoxicating liquors, and the use and sale of firearms; to regulate the transportation, storage and use of combustible, explosive and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions and shows of any kind, by taxation or otherwise; and to license, tax, regulate or prohibit professional fortunetelling, palmistry, adult bookstores and massage parlors;
- (37) *Special assessments.* To provide for the collection of special assessments to cover the cost of any city government services~~public improvements~~; *[Rationale: Article IX, § II, Para. VI of the Georgia Constitution authorizes counties and cities to levy and collect fees, assessments, and taxes to pay for the cost of providing local government services.]*

- (38) *Taxes, ad valorem*. To levy and provide for the assessment, valuation, revaluation and collection of taxes on all property subject to taxation;
- (39) *Taxes, other*. To levy and collect such other taxes as may be allowed now or in the future by law;
- (40) *Taxicabs*. To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;
- (41) *Urban redevelopment*. To organize and operate an urban redevelopment program; and
- (42) *Other powers*. To exercise and enjoy all other powers, functions, rights, privileges and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience or general welfare of the city and its inhabitants; to exercise all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully stated herein; and to exercise all powers ~~now or in the future~~ *[Rationale: This language is unnecessary.]* authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this Charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the constitution or applicable laws of the State of Georgia.

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

Sec. 1.15. Exercise of powers.

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

Formatted: Font: 14 pt

Formatted: Font: 14 pt

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

Formatted: Font: 14 pt, Italic

ARTICLE II. GOVERNING BODY

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

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

Formatted: Font: 14 pt

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

Formatted: Font: 14 pt

- (a) ~~The three members of the city council who were elected to such offices in 2018 and any person selected to fill a vacancy in any such office shall serve out their initial terms of office which shall expire at the first organizational meeting held in January, 2021, and upon the election and qualification of their respective successors. Those successors shall be elected at the general municipal election in 2020, shall take office at the first organizational meeting held in January, 2021, and shall serve for an initial term of office of three years which shall expire at the first organizational meeting of 2024.~~
- (b) ~~The mayor and the two members of the city council who are elected to such offices in 2019 and any person selected to fill a vacancy in any such office shall serve for an initial term of office of two years which shall expire at the first organizational meeting held in January, 2022, and upon the election and qualification of their respective successors. Those successors shall be elected at the general municipal election in 2021, shall take office at the first organizational meeting held in January, 2022 and shall serve for an initial term of office of four years each which shall expire at the first organizational meeting of 2026.~~

~~(c)~~ On and after January 1, 2024⁴¹, the successor to the mayor or any member of the council whose term of office is to expire shall be elected at the general municipal election immediately preceding the expiration of such term, shall take office at the first organizational meeting in January immediately following such election, and shall serve for a term of office of four years each. The mayor and members of the council shall serve for the terms of office specified in this section and until their respective successors are elected and qualified.

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

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

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

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

- (a) The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office or removal from office in any manner authorized by this Charter or the general laws of the State of Georgia. A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, as provided for in ~~a~~Article V of this Charter.
- (b) Upon the suspension from office of mayor or councilmember in any manner authorized by the general laws of the State of Georgia, the mayor and or remaining city council members or those remaining shall appoint a successor for the duration of the suspension. ~~If the suspension becomes permanent,~~

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

then the office shall become vacant and shall be filled for the remainder of the unexpired term, if any, as provided for in Article V of this Charter.

Sec. 2.13. Compensation and expenses.

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

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

- (a) No elected officer, appointed officer, employee, or member of a board, commission or authority of the ~~City of Norcross~~ (hereafter the "city") or any ~~authority~~ or political entity to which this Charter applies shall knowingly:
- (1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which would tend to impair the independence of his judgment or action in the performance of his official duties;
 - (2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair the independence of his judgment or action in the performance of his official duties;
 - (3) Disclose confidential information concerning the property, government or affairs of the ~~city governmental body by which he is engaged~~ without proper legal authorization or use such information to advance the financial or other private interest of himself or others; *[Rationale: All provisions of this Charter relate to the City of Norcross and its officers, employees, and board, authority, and commission members, and therefore the generic reference to the "governmental body by which he is engaged" should be deleted and replaced with the word "city".]*

Formatted: Font: 14 pt

Formatted: Font: 14 pt

- (4) Accept any valuable gift, whether in the form of service, loan, object or promise, from any person, firm or corporation which to his knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the city governmental body by which he is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
- (5) Represent other private interests in any action or proceeding against this city or any portion of its government; and
- (6) Vote or otherwise participate in the negotiations or in the making of any contract with any business or entity in which he has a financial interest.
- (b) Any elected officer, appointed officer, employee, or member of a board, commission or authority of the city who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. The mayor or any councilmember who has a private interest in any matter pending before the city council shall disclose such private interest and such disclosure shall be entered on the records of the city council, and he shall disqualify himself from participating in any decision or vote relating thereto. Any elected officer, appointed officer or employee or any agency or political entity to which this Charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such agency or entity shall disclose such private interest to the governing body of such agency or entity.
- (c) No elected officer, appointed officer, employee, or member of a board, commission or authority of the city or any agency or entity to which this Charter applies shall use property owned by the city or such governmental entity for personal benefit, convenience or profit, except in accordance with policies promulgated by the city council or the governing body of such agency or entity.
- (d) Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render the said contract or sale voidable at the option of the city council.

Formatted: Font: 14 pt

Formatted: Font: 14 pt

(e) ~~Except as authorized by law, neither the mayor and nor any councilmembers shall not~~ hold any other elective or compensated appointed office in the city or otherwise be employed by ~~the city said government~~ or any authority thereof during the term for which he was elected. No ~~current or former mayor and no~~ former ~~member of city council~~ member shall hold any ~~full-time or part-time~~ employment position in the city until ~~at least~~ one (1) year after the expiration of the term for which he was elected. *[Rationale: No member of city council can hold a compensated (paid) city office during his term of office.]*

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt, Italic

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Indent: Left: 0", Hanging: 0.33"

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

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

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

Formatted: Font: 14 pt

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

(iii) ~~Between the time that such appointed member of any board, commission or authority of the City qualifies for nomination or election to public office in the City of Norcross or for the Gwinnett County Board of Commissioners and the time that the successful~~

candidate is sworn in to such public office, such appointed official may continue in their appointed position as a non-voting member. During this time said member shall be counted for the purpose of determining a quorum, and shall be entitled to all other powers, rights, privileges and immunities of such appointed office, including attending and participating in debate in open meetings and in meetings closed for executive session, but shall not have authority to make a motion, to second a motion or to cast a vote on any matter coming before such board, commission or authority.

(iv) An appointed member of any board, commission or authority of the City that is unsuccessful in his or her candidacy for election to public office in the City of Norcross or for the Gwinnett County Board of Commissioners shall resume ~~his~~ such appointed position with all powers, rights, privileges and immunities of such appointed office, including the ability to make a motion, to second a motion and to cast votes on any matter coming before said board, commission or authority fully restored upon the successful candidate being sworn in to such public office.

(iv) An appointed member of any board, commission or authority of the City shall be and is permitted to continue in such position after qualifying as a candidate for nomination or election to any public office other than in the City of Norcross or for the Gwinnett County Board of Commissioners.

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

Formatted: Font: 14 pt, Italic

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: List 3

Formatted: Font: 14 pt

provisions of this section. Also, to simplify the language in this paragraph]

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

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

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

(2) Any elected officer, appointed officer, employee, or member of a board, commission or authority of the city who shall forfeit his office or position as described in paragraph (1) of this subsection shall be ineligible for appointment or election to or employment in a position in the city government for a period of three (3) years thereafter.

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

Sec. 2.15. Inquiries and investigations.

~~The mayor and city council, by majority vote,~~ may make inquiries and investigations into the affairs of the city and the conduct of any department, office, or ~~authority agency~~ thereof and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any

Formatted: Font: 14 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt, Font color: Custom Color(RGB(68,114,196))

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Indent: First line: 0.5"

person who fails or refuses to obey a lawful order issued in the exercise of these powers by the mayor and ~~city~~ council shall be punished as provided by the discipline policies set forth in the city employee handbook-ordinance.

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

- (a) Except as otherwise provided by law or by this Charter, the mayor and city council shall be vested with all the powers of government of the City of Norcross, Georgia (hereafter the "city"), as provided by Article I of this Charter.
- (b) In addition to all other powers conferred upon it by law, the city council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules and regulations, not inconsistent with this Charter, the constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, or well-being of the inhabitants of the ~~City of Norcross, Georgia~~, and may enforce such ordinances by imposing penalties for violation thereof.
- (c) The mayor and council may by ordinance create, change, alter, abolish or consolidate offices, ~~agencies~~, and departments of the city and may assign additional functions to any of the offices and, departments ~~agencies and departments~~ expressly provided for by this Charter.

Sec. 2.17. Eminent domain.

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

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Sec. 2.18. Organizational meeting.

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

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

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

Sec. 2.19. Regular and special meetings.

- (a) The mayor and city council shall hold regular meetings at such times and places as prescribed by ordinance. The mayor and city council may recess any regular meeting and continue such meeting on any weekday or hour it may fix and may transact any business at such continued meeting as may be transacted at any regular meeting. Notice to the public shall be made in the manner required by law.
- (b) Special meetings of the mayor and city council may be held on call of the mayor or three (3) members of the city council. Notice of such special meetings shall be served on all other council members personally, or by telephone ~~personally~~, or shall be left at their residences at least 24 hours in advance of the special meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting. Any matter which requires action by the city council in less than 24 hours will be governed by the emergency provisions set forth in section 2.24 of this Charter.

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

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

Sec. 2.20. Rules of procedure.

- (a) Unless otherwise provided by ordinance, rules of procedure for meetings of the ~~mayor and city~~ council shall follow Robert's Rules of Order. The city council shall ~~provide for keeping~~ a journal of its proceedings which shall be a public record.
- (b) All committees and ~~subcommittees chairpersons~~ of the ~~city council~~ shall be appointed by the mayor and ~~confirmed by the city~~ council and shall serve at the pleasure of the mayor and ~~city~~ council. Following the procedures described in this Charter, the mayor and ~~city~~ council shall have the power to appoint a new member to any committee ~~or subcommittee~~ at any time.

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

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

Sec. 2.21. Quorum; voting.

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

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Sec. 2.22. Action requiring an ordinance.

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

Formatted: Font: 14 pt

Sec. 2.23. Ordinance form; procedure.

- (a) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "The Council of the City of Norcross, Georgia, hereby ordains..." and every ordinance shall so begin.
- (b) An ordinance may be introduced by the mayor or any member of the city council and read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it has established. Upon introduction of any ordinance, the clerk shall distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

Formatted: Font: 14 pt

Sec. 2.24. Emergency ordinances.

To meet a public emergency affecting life, health, property or public peace, the city council may convene a meeting on call of the mayor or three (3) councilmembers and promptly adopt one (1) or more emergency ordinances, but such ordinances may not levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except as provided by law. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three (3) councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. An emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Sec. 2.25. Codes of technical regulations.

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

- (1) The requirements of subsection (b) of section 2.23 of this Charter for distribution and filing of copies of the adopting ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; [Rationale: To simplify the language in this subsection.] and
- (2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant to section 2.26 of this Charter.

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

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

- (a) The clerk shall authenticate by his ~~or her~~ signature and record in full in a properly indexed book ~~kept for that purpose~~ all ordinances adopted by the city council. Every ordinance adopted by the city council shall be presented ~~promptly~~ by the city clerk to the mayor within forty-eight (48) hours of adoption. [Rationale: To simplify the language in this subsection. Also, instead of requiring "prompt" presentation of ordinances adopted to the mayor, specify a reasonable time period, such as "... shall be presented by the clerk to the mayor within forty-eight (48) hours of adoption.]
- (b) The city shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the mayor and city council by ordinance and shall be published promptly, together with all amendments thereto, with this Charter, any amendment thereto, and such codes of technical regulations and other rules and regulations as the mayor and city council may specify. This compilation shall be known and cited officially as "The Code of the City of Norcross, Georgia." Copies of the code shall be furnished to all elected and

Formatted: Font: 14 pt

Formatted: Font: 14 pt, Italic

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

appointed officers, departments, and authorities agencies of the city and made available for purchase by the public at a reasonable price as fixed by the mayor and city council.

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

Sec. 2.27. Mayor pro tempore.

By a majority vote, the mayor and council shall elect a councilmember to serve as mayor pro tempore. During the absence or disability of the mayor for any cause, the mayor pro tempore or, in such mayor pro tempore's absence or disability for any reason, any one of the councilmembers chosen by a majority vote of the city council shall be clothed with all the rights and privileges of the mayor and shall perform the duties of the office of the mayor so long as such absence or disability shall continue. Any such absence or disability shall be declared by majority vote of all councilmembers. The mayor pro tempore shall serve at the pleasure of the city council, shall continue to vote, and shall otherwise participate as a councilmember. [Rationale: To eliminate duplication of section title and centralize the duties of mayor pro tempore, the provisions of former Sec. 2.29 below have been combined with the provision of this section.]

(1997 Ga. Laws, page 3517, § 3)

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt, Italic

Formatted: Font: 14 pt

Formatted: Font: 14 pt, Italic

Formatted: Font: 14 pt

Formatted: Font: 14 pt, Italic

Formatted: Font: 14 pt

Formatted: Font: 14 pt, Italic

Formatted: Font: 14 pt

Formatted: Font: 14 pt, Italic

Formatted: Font: 14 pt

Sec. 2.28. The mayor; powers and duties.

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

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

- (2) To vote on matters before the city council only in the event~~case~~ of a tie;
- (3) To sign timely, for and on behalf of the city, all contracts, ordinances, instruments, and other documents authorized by the city council and which are required to be in writing, unless otherwise directed or authorized by the city council;
- (4) To administer oaths and to take affidavits; and
- (5) To fulfill such other duties as authorized by the city council.

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

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

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

(1997 Ga. Laws, page 3517, § 3)

Sec. 2.2930. The city manager; general powers.

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

Formatted: Font: 14 pt

Formatted: Numbered + Level: 1 + Numbering 1, 2, 3, ... + Start at: 1 + Alignment: Left + Align 0.33" + Indent at: 0.65"

Formatted: Font: 14 pt

Formatted: Indent: Left: 0", First line: 0"

Formatted: Font: 14 pt

Formatted: Font: 14 pt, Italic

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

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

Sec. 2.301. Powers and duties of the city manager.

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

- (1) To appoint and, when he ~~or she~~ deems it necessary for the good of the city, suspend or remove any all city employees ~~and~~ administrative officers ~~he or she~~ appoints, except as otherwise provided by law ~~or personnel ordinances adopted pursuant to this Charter~~. The city manager may authorize any administrative officer who is subject to the city manager's direction and supervision to exercise these powers with respect to subordinates in the ~~at~~ administrative officer's department, office, or ~~authority agency~~; *[Rationale: Clarify that the city manager has the power to remove one or more city employees or administrative officers. Also, use of the word "law" and "ordinances" is redundant, as an ordinance is a local law.]*
- (2) To direct and supervise the administration of all departments, offices, and ~~authorities agencies~~ of the city to ensure that the policies of the mayor and council are carried out, except as otherwise provided by this Charter or by law; *[Rationale: To further explain this duties of the city manager.]*
- (3) To attend all city council meetings and participate ~~have the right to take part~~ in discussion as required, but the city manager may not vote;
- (4)

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

- (5) To prepare and submit the annual operating budget and capital budget to the city council. Once approved for the following fiscal year, any increase in the appropriations for these budgets, whether accomplished through a change in anticipated revenues or through a transfer of appropriations

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Indent: Left: 0.33", First line: 0"

among departments, shall require the approval of the city council. Such amendment shall be adopted by ordinance or resolution;

- (6) To submit to the city council at least quarterly a summary of the finances and administrative activities of the city, and to make available to the city council and public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
- (7) To prescribe, require, publish, and implement standards of administrative management and operating procedures to be followed and adhered to by all offices, departments, boards, commissions, authorities, and other agencies of the city which are subject to the city manager's supervision;
- (8) To act as the purchasing agent of the city;
- (9) To make such other studies, reports, and investigations as the city council may require concerning the operations of city departments, offices, and agencies subject to the city manager's direction and supervision;
- (10) To keep the mayor and city council fully advised as to the future needs of the city, and make such recommendations to the mayor and city council concerning the affairs of the city as he or she deems desirable; and
- (11) To perform other such duties as are specified in this Charter or as may be required by the mayor and city council.

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

Sec. 2.3~~12~~. Budget authority and special funds.

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

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

Sec. 2.3~~23~~. City council's noninterference with administration.

Except for the purpose of inquiries and investigations, the mayor and city council members shall not give orders or directions to any city employees who are

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt, Italic

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

subject to the direction and supervision of the city manager, either publicly or privately, directly or indirectly.

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

Sec. 2.3~~34~~. Removal of city manager.

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

- (1) The city council shall adopt by affirmative vote of ~~a majority two-thirds~~ of its members a preliminary resolution which must state the reasons for removal and may suspend the city manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the city manager;
- (2) Within five days after a copy of the resolution is delivered to the city manager, he ~~or she~~ may file with the ~~mayor and city~~ council a written request for a public hearing. This hearing shall be held within 30 days after the request is filed. The city manager may file with the ~~mayor and city~~ council a written reply not later than five days before the hearing; and
- (3) If the city manager has not requested a public hearing within the time specified in paragraph (2) of this section, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of ~~all~~ its members. If the city manager has requested a public hearing, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of ~~all~~ its members at any time after the public hearing.

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

[Rationale: Cosmetic changes only.]

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

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt, Italic

Formatted: Indent: First line: 0"

Formatted: Font: 14 pt

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

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

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

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

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: List 2

ARTICLE III. EXECUTIVE BRANCH

Sec. 3.10. Administrative and service departments.

- (a) ~~The mayor and city council by ordinance may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the city, as necessary for the proper administration of the affairs and government of the city.~~ The city manager ~~mayor shall recommend and the city council~~ shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies created or established by this Charter; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the function or duties of offices, positions of employment, departments, and agencies of the city.
- (b) The operations and responsibilities of each department now or hereafter established in the city shall be distributed among such divisions or bureaus as may be provided by ordinance of the city council. Each department shall consist of such officers, employees, and positions as may be provided by this Charter or by ordinance. There may shall be a department head of each department who shall be its principal officer. Each department head shall, subject to the direction and supervision of the city manager ~~mayor and city council~~, be responsible for the administration and direction of the affairs and operations of his department.

Formatted: Font: 14 pt

(c) ~~Except as otherwise provided by this Charter, the~~ department heads and other appointed officers of the city shall serve at the pleasure of the ~~city manager~~ mayor and city council. Vacancies occurring in an appointive office shall be filled in the same manner as prescribed by this Charter for an original appointment.

Formatted: Font: 14 pt

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

Formatted: Font: 14 pt

Formatted: Font: 14 pt

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

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

Formatted: Font: 14 pt

Formatted: Indent Left: 0", First line: 0"

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt, Italic

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

Formatted: Font: 14 pt

Sec. 3.11. Boards, commissions and authorities.

Formatted: Font: 14 pt

- (a) The ~~mayor and city~~ council may create by ordinance such boards, commissions and authorities to fulfill any investigative, quasi-judicial or quasi-legislative function the city council deems necessary and shall by ordinance establish the composition, period of existence, duties and powers thereof.
- (b) All members of boards, commissions and authorities of the city shall be appointed by the mayor and ~~confirmed by the city~~ council for such terms of office and such manner of appointment as provided by ordinance, except where other appointing authority, terms of office or manner of appointment is prescribed by this Charter or by law.
- (c) Except as otherwise provided by Charter or by law, no voting member of any board, commission or authority shall hold any elective office in the city.
- (d) Any vacancy in the office of any member of a board, commission or authority of the city shall be filled for the unexpired term in the manner prescribed

herein for the original appointment, except as otherwise provided by this Charter or by law.

- (e) No member of any board, commission or authority shall assume office until he shall have executed and filed with the clerk of the city an oath obligating himself to perform faithfully and impartially the duties of his office, such oath to be prescribed by ordinance of the mayor and city council and administered by the mayor.
- (f) Any member of a board, commission or authority may be removed from office by a vote of a majority of the members of the city council.
- (g) The mayor and city council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of members of boards, commissions and authorities in the performance of their official duties.
- (h) The qualifications required of members of boards, commissions and authorities shall be prescribed by ordinance.
- (i) Except as otherwise provided by this Charter or by law, each board, commission or authority of the city government shall elect one (1) of its members as chairman and one (1) member as vice chairman for terms of one (1) year, and may elect as its secretary an employee of the city. Each board, commission or authority of the city government may establish (after approval by the mayor and council members) such bylaws, rules and regulations, not inconsistent with this Charter, an ordinance of the city, or law, as it deems appropriate and necessary for the conduct of its affairs. Copies of such bylaws, rules and regulations shall be filed with the clerk of the city clerk.

Sec. 3.12. City clerk.

The city manager shall appoint a city clerk who shall not be a council member. The city clerk shall be custodian of the official city seal, maintain city council records required by this Charter, and perform such other duties as may be required by the mayor and city council.

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

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Paragraph 1

Formatted: Indent: First line: 0"

Sec. 3.13. City treasurer.

~~The city manager shall appoint a city treasurer to collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this Charter and the ordinances of the city, and to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes to the city. The city treasurer shall also be responsible for the general duties of a treasurer and fiscal officer. The city clerk and city treasurer shall not be the same person.~~

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

Formatted: Font: 14 pt

Formatted: Section

Sec. 3.14. City attorney.

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

Formatted: Font: 14 pt

Formatted: Font: 14 pt, Italic

Formatted: Font: 14 pt

Sec. 3.145. City accountant.

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

Formatted: Section

Sec. 3.16. City auditor.

~~The city auditor shall be appointed by the mayor and council. The city manager shall contract with confirmation of the city council an outside firm to perform the duties of a city auditor.~~

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

Formatted: Font: 14 pt

Sec. 3.1~~57~~. Human resources.

- (a) *Human resources ~~department~~manager.* The ~~city manager shall appoint a~~ human resources ~~department manager who~~ shall be responsible for policies and practices related to the equitable treatment of city employees.
- (b) *The city position classification and pay plan.* The human resources ~~department manager~~ shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city manager and then to the ~~mayor and~~city council for approval. Such plan shall apply to all employees of the city and any of its ~~agencies,~~ departments, boards, commissions, or authorities. When a pay plan has been adopted, the ~~mayor and~~city council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan. The city manager shall apply the pay plan to city employees. For purposes of this section, all elected city officials are not city employees.
- (c) *Employee rules and regulations.* The city manager shall present to the ~~mayor and~~city council for approval rules and regulations consistent with this Charter concerning:
- (1) The method of employee selection and probationary periods of employment;
 - (2) The administration of a position classification and pay plan, methods of promotion and applications of service ratings thereto, and transfer of employees within the classification plan;
 - (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoffs shall be effected;
 - (4) Such dismissal hearings as due process may require; and
 - (5) Such other personnel notices~~s~~ as may be necessary to provide for adequate and systematic handling of personnel affairs.

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

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Sec. 3.168. Appointment of elected officials.

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

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

Formatted: Font: 14 pt

Formatted: Font: 14 pt, Italic

Formatted: Font: 14 pt

ARTICLE IV. MUNICIPAL COURT

Sec. 4.10. Creation.

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

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

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

- (a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or standby judges as shall be provided by ordinance. The method of selection and terms of such judges shall be provided by ordinance.
- (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless he shall have attained the age of 21 years and shall be a member of the State Bar of Georgia. All judges shall be appointed by the mayor and ~~confirmed by the city~~ council and shall serve at the pleasure of the mayor and ~~city~~ council.

- (c) Compensation of the judges shall be fixed by the ~~mayor and city~~ council by ordinance.
- (d) Before assuming office, each judge shall take an oath, given by the mayor, that he will honestly and faithfully discharge the duties of his office to the best of his ability and without fear, favor or partiality. The oath shall be entered upon the minutes of the city council journal required in section 2.20 of this Charter.
- (e) At the request of the presiding municipal judge, a solicitor and an assistant solicitor may be appointed by the mayor and ~~confirmed by the city~~ council. The method of selection and terms of such solicitors shall be provided by ordinance.

Sec. 4.12. Convening.

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

Sec. 4.13. Jurisdiction; powers.

- (a) The municipal court shall try and punish violations of this Charter, all city ordinances, and such other violations as provided by law.
- (b) The municipal court shall have the authority to punish those in its presence for contempt, provided that such punishment shall not exceed a fine of \$200.00 or ten days in jail.
- (c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for 180 days, or both, or may fix punishment by fine, imprisonment or alternative sentencing as now or hereafter provided by law. The municipal judge may appoint counsel as required by law at the request of any person sentenced to a jail term who is found to be indigent.
- (d) The municipal court shall have the authority to establish a schedule of fees to defray the costs of operation and shall be entitled to reimbursement of the actual cost of meals, transportation and caretaking of prisoners bound over to superior courts for violation of state law.

Formatted: Font: 14 pt

Formatted: Font: 14 pt, Italic

Formatted: Font: 14 pt

- (e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before ~~thesaid~~ court and shall have discretionary authority to accept cash or personal or real property as surety bond for the appearance of persons charged with violations. Whenever any person shall give bail for his appearance and shall fail to appear at the time fixed for trial, his bond may be forfeited by the judge presiding at such time and an execution shall be issued thereon by serving the defendant and his sureties with a rule nisi at least two (2) days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond or security for the appearance of a defendant at trial and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the ~~city~~ City of Norcross, or the property so deposited shall have a lien against it for the value forfeited, which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.
- (f) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that state law has been violated.
- (g) The municipal court shall have the same authority as superior courts to administer oaths as are necessary and to perform all other acts necessary and proper to the conduct of ~~thesaid~~ court.
- (h) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas and warrants which may be served as executed by any officer as authorized by this Charter or by law.
- (i) The municipal court is specifically vested with all the jurisdiction and powers throughout the geographic area of the ~~city~~ City of Norcross granted by law to municipal courts and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

Sec. 4.14. Appeal and certiorari.

- (a) A review of a decision of the municipal court, in the case of traffic violations, may be by direct appeal to the Superior Court of Gwinnett County (hereafter the "superior court"), and any bond as may be required to secure the costs of

Formatted: Font: 14 pt

appeal to the ~~Superior Court of Gwinnett County, Georgia, superior court~~ from the municipal court shall lie as prescribed by law. An appeal to the superior court shall not be a de novo proceeding.

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

Formatted: Font: 14 pt, Italic

Formatted: Font: 14 pt

Sec. 4.15. Rules of court.

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

ARTICLE V. ELECTIONS

Sec. 5.10. Applicability of general law.

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

(Ord. No. 17-2018 , § II, 12-3-2018)

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Sec. 5.11. Regular elections; time for holding.

The ~~mayor and city~~ council shall cause an election to be held at the city hall or such other place in the city as the city council shall direct and designate. ~~All general municipal elections held prior to the election of 2023 shall be held on the Tuesday next following the first Monday in November of each year, except that~~

Formatted: Font: 14 pt

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

(Res. of 3-4-2019 , § 2)

Formatted: Font: 14 pt

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

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

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt, Italic

(Ord. No. 17-2018 , § II, 12-3-2018)

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Sec. 5.13. Election by majority vote.

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

(Ord. No. 17-2018 , § II, 12-3-2018)

Formatted: Font: 14 pt

Sec. 5.14. Special elections; vacancies.

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

[Rationale: The provisions of state law governing special elections shall be strictly followed, thereby eliminating the need for additional special election provisions]

(Ord. No. 17-2018 , § II, 12-3-2018)

Sec. 5.15. Grounds for removal.

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

~~(1) if he has conducted himself in a manner which relates to and adversely affects the administration of his office and adversely affects the rights and interests of the public; and~~

~~Incompetence, misfeasance or malfeasance while in~~ (1) He has committed malfeasance while in office;

(2) ~~He has been convicted of a~~ He has been convicted of a felony, in accordance with the "Public Officers and Employees Code", codified as O.C.G.A. § 45-5-6.1©;

(3) ~~He has violated his oath of office~~ crime involving moral turpitude;

~~(4) He is guilty of a failure to perform his duties as prescribed by law;~~

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

(5) ~~He has willfully misused, converted, or misappropriated, without authority, public property or public funds entrusted to or associated with~~

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: List 1

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

his elective office; Willful violation of any express prohibition of this Charter; or

Formatted: Font: 14 pt, Italic

(65) He has committed A abandonment of office, or neglect to perform the duties thereof; or

Formatted: Font: 14 pt

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

Formatted: Font: 14 pt

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

(1) Removal of an elected officer from office may be accompanied by the affirmative vote of a majority of the two-thirds (2/3) of the vote of the entire membership of the city council members. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the Superior Court of Gwinnett County (hereafter the "superior court"). Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or

Formatted: Font: 14 pt

Formatted: Font: 14 pt

(2) By an order of the Superior Ccourt of Gwinnett County following a hearing on a complaint seeking such removal brought by any resident of the City of Norcross, Georgia.

Formatted: Font: 14 pt, Italic

ARTICLE VI. FINANCE AND FISCAL

Sec. 6.10. Property taxes.

Formatted: Font: 14 pt

All property subject to taxation for state and county purposes, assessed as of January 1 in each year, shall be subject to any property tax levied by the City of Norcross (hereafter the "city"). The city shall use the county assessment for the year in which the city taxes are to be levied. The county is to furnish appropriate

information for such purpose unless otherwise directed by state law. The maximum⁷ general operation millage rate will be 15 mills.

Sec. 6.11. Property tax levy.

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

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

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

Sec. 6.13. Occupational and business taxes.

The mayor and city council, by ordinance, shall have the power to levy such occupation or business taxes as are not prohibited by law. Such taxes may be levied on both individuals and corporations who transact business in the city or who practice or offer to practice any profession or calling therein to the extent such persons have a constitutionally sufficient nexus to the city to be so taxed. The mayor and city council may classify businesses, occupations, professions or callings for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in section 6.1⁸⁹ of this Charter.

Sec. 6.14. Licenses; permits; fees.

The mayor and city council, by ordinance, shall have the power to require any individuals or corporations who transact^s business in this city or who practice^s or offer^s to practice any profession or calling therein to register or obtain a license or permit for such activity from the city and pay a reasonable fee for such license or permit where such activities are not ~~now~~ regulated by general law in such a

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

way as to preclude city regulations, regardless of whether or not the individual or corporation has an office or establishment within the city. The mayor and council shall be authorized to fix the amount, terms and manner of issuing and revoking licenses or permits, subject to the laws of Georgia and the United States. This power is conferred pursuant to the police powers of the city and for the purpose of raising revenue for the operation of city government through the imposition of a fee for the privilege of operating within the city. Such fees may reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in section 6.19 of this Charter. The mayor and city council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety and welfare necessitate. [Rationale: To eliminate duplicate sections of this Charter by combining the provisions of this section with the provisions of Section 7.14.]

Formatted: Font: 14 pt

Sec. 6.15. ~~Sewer service charges.~~

Formatted: Font: 14 pt

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

Formatted: Section

Sec. 6.16. Sanitation~~ry~~ and health service charges.

Formatted: Font: 14 pt

The mayor and city council, by ordinance, shall have authority to provide for, to enforce, to levy and to collect the total costs of sanitation~~ry~~ and health services provided or made available inside or outside the corporate limits of the city. Such authority shall include the power to assess, levy and collect annual or monthly sanitation~~ry~~ taxes or fees in such amount, or amounts, and based upon and in accordance with such classification of property and sanitation~~ry~~ service or services provided, as may be fixed by ordinance. Said sanitation~~ry~~ taxes and

assessment thereof shall be a charge and lien against the real estate ~~for in respect to~~ which said taxes are so assessed and the owner or owners thereof, superior to all other liens except liens for county and city property taxes and shall be enforceable in the same manner and under the same remedies as a lien for city property taxes, as provided in section 6.1~~89~~ of this Charter.

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Sec. 6.1~~67~~7. Special assessments.

The ~~mayor and~~city council, by ordinance, shall have the power and authority to assess and collect impact fees or other special assessment fees to cover all or part of the cost of constructing, reconstructing or improving any public way, street, sidewalk, curbing, gutters, sewers, water systems or other utility mains and appurtenances, against the abutting property owner or the owners of any property having a constitutionally sufficient nexus to the needed public improvement under such reasonable terms and conditions as may be prescribed by ordinance. Such special assessments shall become delinquent 30 days after their due dates, shall thereupon be subject, in addition to fieri facias charges, to a ~~maximum annual percentage~~ penalty ~~allowed by Georgia law of 10 percent~~ and shall thereafter be subject to interest at the ~~maximum annual percentage~~ rate ~~allowed by Georgia law of nine percent (9%) per annum~~ from date due until paid. A lien shall exist against the affected property superior to ~~all~~ other liens, except that it shall be of equal dignity with liens for county and city property taxes; and said lien shall be enforceable by the same procedures, and under the same remedies as a lien for city property taxes as provided in section 6.1~~89~~ of this Charter.

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Sec. 6.1~~78~~8. Construction; other taxes.

The~~is~~ city shall be empowered to levy any other tax allowed ~~now or hereafter~~ by law, and the specific mention of any right, power or authority in this article shall not be construed as limiting in any way the general powers of the~~is~~ city to govern its local affairs.

Formatted: Font: 14 pt

Sec. 6.1~~89~~9. Collection of delinquent taxes and fees.

The ~~mayor and~~city council, by ordinance, may provide for the collection of delinquent taxes, fees, or other revenues due the city under Sections 6.10 through 6.1~~78~~ of this Charter by fieri facias issued by the ~~General Government~~

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

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

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Sec. 6.~~1920~~. Transfer of executions.

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

(1996 Ga. Laws, page 3666, § 8)

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Sec. 6.~~201~~. General obligation bonds.

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

Formatted: Font: 14 pt

Sec. 6.212. Revenue bonds.

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

Formatted: Font: 14 pt

Sec. 6.223. Short-term loans.

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

Formatted: Font: 14 pt

Sec. 6.234. Fiscal year.

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

Formatted: Font: 14 pt

Sec. 6.245. Preparation of budgets.

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

Formatted: Font: 14 pt

Sec. 6.256. Submission of the operating budget to the city council.

On or before a date fixed by the mayor and city council, but not later than 60 days prior to the beginning of each fiscal year, the city manager shall prepare and submit to the mayor and city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the city manager containing a statement of the general fiscal policies of the city, the important features of the budget, an explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as he ~~or she~~ may deem pertinent. The operating budget, the capital improvements budget ~~provided for in this chapter~~, the budget message, and all

Formatted: Font: 14 pt

supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

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

Sec. 6.267. Action by city council on operating budget.

- (a) The mayor and city council may amend the proposed operating budget, except that the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this Charter and for all debt service requirements for the ensuing fiscal year, and the total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.
- (b) The mayor and city council, by ordinance, shall adopt the final operating budget for the ensuing year not later than the last day of the current fiscal year. If the mayor and city council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the mayor and city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget document.
- (c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such item, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotments thereof to which it is chargeable, unless authorized by the mayor and city council.
- (d) The mayor and city council shall be authorized to establish a tax millage rate each year to ensure that the necessary revenue will be available to meet the appropriations provided for in the said budget. The tax millage rate levied by the mayor and city council shall not exceed 15 mills to cover general operating expenses. An additional millage rate may be levied for the retirement of bonded indebtedness.

(1997 Ga. Laws, page 3517, § 8)

Formatted: Font: 14 pt

Sec. 6.278. Changes in appropriations.

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

Formatted: Font: 14 pt

Sec. 6.289. Capital improvements budget.

- (a) On or before a date fixed by the mayor and city council, but not later than 60 days prior to the beginning of each fiscal year, the city manager shall prepare and submit to the mayor and city council a proposed capital improvements budget with recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The mayor and city council shall have the power to accept, with or without amendments, or reject the proposed capital improvements budget program and proposed means of financing the proposed improvements. The mayor and city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement, unless the appropriations for such project are included in the capital improvements budget, except to meet a public emergency as provided in Section 2.24 of this Charter.
- (b) The mayor and city council shall adopt by ordinance the final capital improvements budget for the ensuing fiscal year not later than December 31 of each year. No appropriations provided for in a prior capital improvements budget shall lapse until the purpose for which the appropriations were made shall have been accomplished or abandoned; provided, however, the mayor or any member of the city council may submit amendments to the capital improvements budget at any time during the fiscal year, accompanied by recommendations for such amendments. Any such amendments to the capital improvements budget shall become effective only upon adoption by ordinance.

Formatted: Font: 14 pt

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

Sec. 6.2930. Independent audit.

There shall be an annual independent audit of all city accounts, funds and financial transactions by a certified public accountant selected by the mayor and

Formatted: Font: 14 pt

~~confirmed by the~~ city council. The audit shall be conducted according to generally accepted accounting principles. Any audit of any funds by the state or federal government may be accepted as satisfying the requirements of this Charter. Copies of all audit reports shall be available at printing costs to the public.

Formatted: Font: 14 pt

Sec. 6.301. Procurement and property management; contracting procedures.

Formatted: Font: 14 pt

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

Formatted: Font: 14 pt

Formatted: Indent: First line: 0.33"

~~All contracts shall be made or authorized by the city council and no contracts shall bind the city unless:~~

Formatted: Font: 14 pt

Formatted: Indent: First line: 0.5"

(1) ~~It is in writing;~~

Formatted: Indent: Left: 0", First line: 0"

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

Formatted: Indent: Left: 0.5", Hanging: 0.5"

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

Formatted: Font: 14 pt

Formatted: Indent: Left: 0", First line: 0"

Sec. 6.312. Centralized purchasing.

Formatted: Font: 14 pt

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

Formatted: Font: 14 pt

Sec. 6.323. Sale of city property.

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

Formatted: Font: 14 pt

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

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

(1997 Ga. Laws, page 3517, § 10)

ARTICLE VII. MUNICIPAL SERVICES AND REGULATORY FUNCTIONS

Sec. 7.10. Municipal services; streets.

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

Formatted: Font: 14 pt

Sec. 7.11. Municipal utilities.

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

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Sec. 7.12. Sewers and drains.

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

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Sec. 7.13. Rights-of-way.

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

Formatted: Font: 14 pt

Sec. 7.14. Power to regulate and license.

~~The city council shall have the power and authority to provide by ordinance for the registration and licensing of any trade, business, occupation, vocation, profession, or any and every other undertaking pursued for the purpose of personal gain or profit of whatever nature, engaged in or carried on within the limits of the city, regardless of whether or not the subject has an office or establishment within the city. The city council shall be authorized to fix the amount, terms and manner of issuing and revoking licenses, provided that this authority is subject to the constitutions and laws of the United States and State of Georgia. This power is conferred for the purpose of regulation under the police~~

Formatted: Font: 14 pt

~~powers of the city and for the purpose of raising revenue for the operation of the city government through the imposition of a tax or fee on the privilege of operating within the city. This authority extends over individuals, partnerships, associations, corporations and their agents and any other legal entity capable of transacting business. [Rationale: The provisions of this section appear to be duplicative of Section 6.14 of this Charter.]~~

Sec. 7.145. Franchises.

The ~~mayor and city~~ council shall have the authority to exercise control over the streets of the city. The power is conferred upon the ~~mayor and city~~ council to grant franchises for the use of ~~the~~ city's streets and alleys, for the purposes of railroads, street railways, telephone companies, electric companies, cable television companies ~~and other communications companies~~, gas companies, transportation companies and other similar organizations. This franchise right extends to, but is not limited to, the erection of poles, stringing wires, ~~and~~ laying of pipes, lines or conduits both above and below the ground surface. The ~~mayor and~~ council shall determine the duration, provisions, terms, ~~and~~ whether the same shall be exclusive or nonexclusive and the consideration for such franchises; provided, however, that no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The ~~mayor and~~ council shall provide for the registration of all franchises with the city clerk in the registration book kept by ~~the city clerk or him~~. The ~~mayor and city~~ council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

Sec. 7.156. Building, housing, electrical and plumbing regulations.

The ~~mayor and city~~ council shall have the power and authority to enact such reasonable rules and regulations as it may deem necessary or expedient regarding the construction and maintenance of buildings, remodeling of buildings, plumbing and electrical wiring and equipping of buildings, in order to promote the safety and welfare of its citizens and to guard against fire or other property damage. This power may, in the discretion of the ~~mayor and~~ council, be exercised by adoption of any such standard building, housing, gas, heating and air conditioning, electrical, and plumbing codes ~~and all other codes as required by the Department of Community Affairs, and any amendments thereto may be deemed proper~~. The

Formatted: Font: 14 pt, Italic

Formatted: Font: 14 pt

Formatted: Font: 14 pt, Italic

Formatted: Font: 14 pt

Formatted: Font: 14 pt, Italic

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

~~mayor and city~~ council shall be empowered to ~~direct the city manager to~~ engage the necessary ~~city~~ personnel to enforce such rules and regulations as adopted and to charge reasonable fees for inspections and permits. ~~and The mayor and council~~ may ~~also~~ require the obtaining of a permit as a condition precedent to any construction, building, electrical or plumbing work. The ~~mayor and city~~ council may enact all ordinances necessary to enforce such rules and regulations.

Formatted: Font: 14 pt

ARTICLE VIII. ZONING

Sec. 8.10. Zoning board.

The mayor ~~and shall recommend and the city~~ council shall appoint a planning and zoning board and the ~~mayor and city~~ council shall adopt ordinances and regulations for the administration thereof. The zoning board shall be advisory in nature and must ~~review~~ all matters before them in full recognition of the criteria set forth in the City of Norcross ~~(hereafter the "city")~~ -land use plan.

Formatted: Font: 14 pt

Sec. 8.11. Zoning board of appeals.

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

Formatted: Font: 14 pt

Formatted: Font: 14 pt

ARTICLE IX. GENERAL PROVISIONS

Sec. 9.10. Bonds for officials.

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

Formatted: Font: 14 pt

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

Existing ordinances, resolutions, rules and regulations of the City of Norcross not in conflict with the provisions of this Charter shall continue in force, unless repealed or amended by the ~~mayor and city~~ council. To the extent the Code of the City of Norcross conflicts with this Charter, the Charter shall control. Existing rules

Formatted: Font: 14 pt

and regulations of departments, offices or authorities agencies not in conflict with the provisions of this Charter shall continue in force and effect until they have been repealed or amended.

Formatted: Font: 14 pt

Sec. 9.12. Construction.

- (a) Section captions in this Charter are informative only and shall not be considered as a part thereof.
- (b) The word "shall" is mandatory and the word "may" is permissive.
- (c) The singular shall include the plural, and vice versa, and the masculine shall include the feminine, and vice versa.

Formatted: Font: 14 pt

Sec. 9.13. Penalties.

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

Formatted: Font: 14 pt

Sec. 9.14. Existing personnel and officers.

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

Formatted: Font: 14 pt

Sec. 9.15. Pending matters.

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

Formatted: Font: 14 pt

Sec. 9.1~~46~~. Severability.

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

Formatted: Font: 14 pt

Sec. 9.1~~57~~. Specific repealer.

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

Formatted: Font: 14 pt

Sec. 9.1~~68~~. General repealer.

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

Formatted: Font: 14 pt

PART I - CHARTER AND RELATED LAWS
Subpart B RELATED LAWS

Subpart B RELATED LAWS

ARTICLE II. HOMESTEAD EXEMPTION FROM AD VALOREM TAXATION²

²Editor's note(s)—Printed herein is 1990 Ga. Laws (Act No. 798) p. 3941, as enacted by the Georgia General

Assembly. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Act. Any provisions regarding the notice to introduce legislation, call for special election, form of ballot, and the repealing clause have been omitted. Obvious misspellings and punctuation errors have been corrected without notation. The style used for headings and catchlines has been made uniform and consistent with those appearing in the Code. Additions made for clarity, such as consistent state statute citations and catchline modifications, are indicated by brackets.

Sec. 1. Statutory authorization.

The following legislation pertaining to homestead exemptions in the City of Norcross (hereafter the "city") is enacted pursuant to aArticle VII, Section II, Paragraph II of the Constitution of the State of Georgia, relating to exemptions from taxation of property.

Sec. 2. Exemptions granted.

- (a) Each resident of the City of Norcross is granted a homestead exemption from all City of Norcross ad valorem taxes levied by the city, except taxes to pay interest on the retired bonded indebtedness, in the amount of \$9,000.00 of the value of the homestead owned and occupied by said resident within the City of Norcross. The value of the homestead in excess of the exempted amount shall remain subject to taxation.
- (b) Each resident of the city City of Norcross who is 62 years of age or older is granted a homestead exemption from all City of Norcross ad valorem taxes levied by the city in the -amount of \$18,000.00 of the value of the homestead owned and occupied by said resident within the -city City of Norcross. The value of the homestead in excess of the exempted amount shall remain subject to taxation.
- (c) The increased homestead exemptions provided in this Act shall apply to all taxable years beginning after December 31, 1989.

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

Formatted: Font: 14 pt

PART I CHARTER AND RELATED LAWS

Subpart A CHARTER¹

ARTICLE I. INCORPORATION AND POWERS

Sec. 1.11. Incorporation.

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

Sec. 1.12. Corporate boundaries.

- (a) The boundaries of the City of Norcross shall be those existing on the effective date of the adoption of this Charter with such alterations as may be made from time to time by local law or in the manner provided by law. The current boundaries of the City of Norcross, at all times, shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the city clerk and to be designated, as the case may be: "Map

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

(or Description) of the Corporate Limits of the City of Norcross, Georgia."

Alterations in these boundaries shall be indicated by appropriate entries upon or additions to such map or description. Such entries or additions shall be made by and under the direction of the mayor and city council. Photographic, typed or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as the original map or description.

- (b) The city council may provide for redrawing of any such map to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes any previously drawn map.
- (c) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described right-of-way, all of which is located in Gwinnett County, Georgia:

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

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

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

To find the point of beginning, begin at the point located at the intersection of southwest right-of-way of Beaver Ruin Road (S.R. 378) with the West right-of-way of Indian Trail Road; run thence South 04 degrees 41 minutes 00 seconds East along the West right-of-way of Indian Trail Road, a distance of 152.00 feet to a point; run thence South 04 degrees 41 minutes 00 seconds East along the West right-of-way of Indian Trail Road, a distance of 26.69 feet to a point; continue thence along the west right-of-way of Indian Trail Road and following the curvature thereof, a distance of 36.35 feet to a point (said curve having a chord bearing South 05 degrees 52 minutes 09 seconds East and a chord distance of 36.35 feet); thence leaving the West right-of-way of Indian Trail Road, run South 79 degrees 43 minutes 31 seconds West, a

distance of 190.76 feet to the point of beginning; from the point of beginning as thus established, run thence South 36 degrees 31 minutes 20 seconds West, a distance of 50.00 feet to a point; run thence North 53 degrees 28 minutes 40 seconds West, a distance of 112.00 feet to a point; run thence North 36 degrees 31 minutes 20 seconds East, a distance of 60.00 feet to a point; run thence South 53 degrees 28 minutes 40 seconds East, a distance of 112.00 feet to a point; run thence South 36 degrees 31 minutes 20 seconds West, a distance of 10.00 feet to the point of beginning; said tract being shown on Survey for Whisker's Tavern and The City of Norcross prepared by Q-B Engineering and Surveying, Inc., dated November 26, 1990.

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

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

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

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

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

Beginning at the northwest corner of the intersection of Peachtree Industrial Boulevard and Medlock Bridge Road, said point being located in the City of Norcross, Georgia, and continuing along the westerly right-of-way of Medlock Bridge Road to the southwest corner of the intersection of Medlock Bridge Road and Spalding Drive, then continuing along the westerly right-of-way of Spalding Drive to the land lot line dividing Land Lots 285 and 286 of the 6th District, Gwinnett County, Georgia, and continuing southerly along the land

lot line through the point at which the land lot line divides Land Lots 271 and 272 of the 6th District of Gwinnett County, Georgia, and continuing along the land lot line dividing Land Lots 271 and 272 to the right-of-way of Peachtree Industrial Boulevard then continuing northeasterly along the right-of-way of Peachtree Industrial Boulevard to the point of beginning at the intersection of Peachtree Industrial Boulevard and Medlock Bridge Road, less and excepting and excluding specifically Parcel 52 of Land Lot 285 of the 6th District and Parcel 95 of Land Lot 286 of the 6th District.

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

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

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

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

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

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

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

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

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

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

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

degrees 12 minutes 34 seconds East a distance of 82.75 feet) an arc distance of 87.65 feet to an iron pin set on the westerly right-of-way of said 80-foot right-of-way of Guthridge Court; thence continuing along said 80-foot right-of-way along a curve to the right (said curve having a radius of 676.20 feet and being subtended by a chord bearing South 06 degrees 10 minutes 07 seconds West a distance of 472.30 feet) an arc distance of 482.47 feet to a pipe found at the intersection of said right-of-way with the northerly right-of-way of Miller Road, an 80-foot right-of-way, and the Land Lot line common to Land Lots 272 and 273; thence departing said rights-of-way and along said Land Lot line North 31 degrees 41 minutes 45 seconds West a distance of 522.27 feet to a pipe found being the point of beginning.

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

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

Beginning at an iron pin on the southeast right-of-way of Medlock Bridge Road, also known as Georgia Highway No. 141, located a distance of 50 feet in a northeast direction along the southeast right-of-way of Medlock Bridge Road from the iron pin where the Land Lot Line common to Land Lots 286 and 271 of said District intersect the southeast right-of-way of Medlock Bridge Road; thence run in a northeasterly direction along the southeast right-of-way of Medlock Bridge Road a distance of 510.0 feet to an iron pin; thence run along the property of Evans North 79°43' east 864.7 feet to an iron pin; thence run along the property of Evans and along the center of a Branch south 19°18' east 130 feet to an iron pin located on the Land Lot Line common to Land Lots 271 and 286 of said District; thence run along said Land Lot Line south 59°47' west 459 feet to an iron pin; thence run along the property of Thomas Helton south 63°03' west 668.7 feet to the point of beginning on the southeast right-of-way of Medlock Bridge Road.

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

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

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

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

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

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

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

Tract 12

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

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

way line of Miller Road; thence running Northeasterly along the Southerly right-of-way Line of Peachtree Industrial Boulevard, and following the curvature thereof, 3,463.53 feet, more or less to the point of beginning; plus that portion of the right-of-way of Miller Road running from Peachtree Industrial Boulevard to Medlock Bridge Road; less and except those premises located at 5390 Peachtree Industrial Boulevard, Norcross, Georgia, according to the present system of numbering in Gwinnett County, Georgia.

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

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

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

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

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

Beginning at an iron pin set at the intersection of the southerly right-of-way line of Goshen Springs Road (having an 80-foot wide right-of-way) and the line common to Land Lots 197 and 198; Thence leaving said Land Lot Line and continuing along said southerly right-of-way line of Goshen Springs Road, North 58°27'07" East, 268.34 feet to a ½-inch rebar found; Thence leaving said southerly right-of-way line of Goshen Springs Road and running, South 39°45'08" East, 728.27 feet to a ½-inch rebar found; Thence, South 27°31'28" West, 54.99 feet to a point in the centerline of a creek; Thence along said

centerline of a creek, South 46°14'05" West, 40.70 feet to a point; Thence, South 57°41'11" West, 45.83 feet to a point; Thence, South 47°25'46" West, 86.32 feet to a point; Thence, South 43°31'51" West, 74.91 feet to a point; Thence, South 39°42'17" West, 63.24 feet to a point; Thence, South 28°24'33" West, 44.87 feet to a point; Thence leaving said centerline of a creek and running, South 07°12'21" West, 20.22 feet to a ½-inch rebar found on said line common to Land Lots 197 and 198; Thence along said Land Lot Line, North 29°36'00" West, 853.15 feet to an iron pin set and the true POINT OF BEGINNING.

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

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

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

Sec. 1.13. Powers and construction.

- (a) In addition to all other powers herein granted, the City of Norcross (hereafter the “city”) shall be vested with any and all powers which municipal corporations are or may hereafter be authorized or required to exercise under the present or future constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter. The city shall have all the powers of self-government not otherwise prohibited by this Charter or by general law.
- (b) The powers of the city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers in this Charter shall not be construed as limiting in any way the general power of the city. It is the

intention hereof to grant the city full power and right to exercise all governmental authority necessary for the effective operation and conduct of the city and all of its affairs.

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

- (1) "Mayor and council appointed officer" where used in this Charter shall mean all administrative officers, including the city manager, city attorney, city auditor, chief judge, associate judge, and solicitor. Such term shall not include members of boards, commissions or authorities.
- (2) "Mayor and council," where used herein, shall mean the elected officers of the City of Norcross which include the mayor and five councilmembers.
- (3) "Mayor", where used herein, shall mean the elected head of the City of Norcross.
- (4) "City manager," where used herein, shall mean the officer appointed by city council to direct the administration and operations of the city.

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

Sec. 1.14. Powers.

The corporate powers of the government of the City of Norcross (hereafter the "city"), to be exercised by the mayor and city council, shall include, but not be limited to, the following:

- (1) *Air and water pollution.* To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the city;
- (2) *Animal regulations.* To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same if in violation of any city ordinance or lawful order; to provide for the disposition by sale, gift or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted hereunder;
- (3) *Appropriations and expenditures.* To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this Charter and for any purpose for which a

-
- municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the city;
- (4) *Building regulations.* To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate all housing and building trades;
 - (5) *Business regulation and taxation.* To levy and to provide for the collection of license fees and taxes on privileges, trades and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for the failure to pay any city taxes or fees;
 - (6) *Condemnation.* To condemn property, both within and outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority of the city, utilizing procedures enumerated in O.C.G.A. title 22, or such other applicable laws as are or may hereafter be enacted;
 - (7) *Contracts.* To enter into contracts and agreements with other governmental entities and with private persons, firms and corporations;
 - (8) *Emergencies.* To establish procedures for determining and proclaiming that an emergency situation exists inside or outside the city and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health or well-being of the residents of the city;
 - (9) *Fire regulations.* To fix and establish fire limits and from time to time extend, enlarge or restrict the same; to prescribe fire safety regulations, not inconsistent with general law relating to both fire prevention and detection and to firefighting; and to prescribe penalties and punishment for violations thereof;
 - (10) *Garbage fees.* To levy, fix, assess and collect a garbage, refuse and trash collection and disposal, and other sanitary service charges, taxes or fees for such services as may be necessary for the operation of the city from all individuals, firms and corporations residing in or doing business therein; to enforce the payment of such charges, taxes or fees; and to
-

-
- provide for the manner and method of collecting such service charges, taxes or fees;
- (11) *General health, safety and welfare.* To define, regulate and prohibit any act, practice, conduct or use of property which is detrimental to the health, sanitation, welfare or safety of the inhabitants of the city and to provide for the enforcement of such standards;
- (12) *Gifts.* To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city and the general welfare of its citizens on such terms and conditions as the donor or grantor may impose;
- (13) *Health and sanitation.* To prescribe standards of health and sanitation within the city and to provide for the enforcement of such standards;
- (14) *Jail sentences.* To provide that persons given jail sentences in the city's court may work out such sentences in any public works or on the streets, roads, drains and squares in the city; to provide for the commitment of such persons to any jail; or to provide for the commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;
- (15) *Motor vehicles.* To regulate the operation of motor vehicles and exercise control over all traffic, including parking, on or off the streets, roads, alleys and walkways of the city;
- (16) *Municipal agencies and delegation of power.* To create, alter or abolish departments, boards, authorities, offices, commissions and agencies of the city and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;
- (17) *Municipal debts.* To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized by this Charter or the laws of the State of Georgia;
- (18) *Municipal property ownership.* To acquire, dispose of, and hold in trust or otherwise any real, personal or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;
-

- (19) *Municipal property protection.* To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;
- (20) *Municipal utilities.* To acquire, lease, construct, operate, maintain, sell and dispose of public utilities, including, but not limited to, a system of waterworks, sewers, and drains, sewage disposal, gasworks, electric light plants, transportation facilities and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties; and to provide for the withdrawal of service for refusal to pay the same; and to authorize the extension of water, sewerage and electrical distribution systems, and all necessary appurtenances by which said utilities are distributed, inside and outside the corporate limits of the city; and to provide utility services to persons, firms and corporations inside and outside the corporate limits of the city as provided by ordinance;
- (20.1) *Telecommunications.* The City shall have the power and authority to acquire, own, hold, lease, sell, resell, build, maintain, operate and contract with respect to a telecommunications systems network in order to provide telecommunications services and similar other services, including cable television services (CATV), to establish and charge rates, fees, tolls and charges for the services, facilities or commodities furnished or made available by such undertaking; to interconnect its system or services or both with the systems or services of consumers and other providers, to use telecommunications to respond to community needs, encourage the development of information-based organizations in the City of Norcross, Georgia, to finance from time to time any such telecommunications systems through the issuance of revenue bonds as then permitted by the Constitution and the laws of the State of Georgia; and to make any contract with respect to and furnish the services of any said systems to consumers within or outside the corporate limits of the City;
- (21) *Nuisances.* To define a nuisance and provide for its abatement whether on public or private property;
- (22) *Ordinances, rules and regulations.* To make, establish and adopt such bylaws, ordinances, policies, and rules and regulations as shall appear

-
- necessary for the security, welfare, convenience and interest of the city and the inhabitants thereof, and for preserving the health, peace, order and good government of the city;
- (23) *Penalties.* To provide penalties for violation of any ordinances adopted pursuant to the authority of this Charter and the laws of the State of Georgia;
- (24) *Planning and zoning.* To provide comprehensive city planning for development by zoning, including implementation of a land use plan and enforcement of the goals and objectives in the land use plan; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy and aesthetically pleasing community;
- (25) *Police and fire protection.* To exercise the power of arrest through duly appointed policemen and to establish, operate or contract for a police and a firefighting agency;
- (26) *Public hazards; removal.* To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;
- (27) *Public improvements.* To provide for the acquisition, construction, building, operation and maintenance of public ways, parks, playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, hospitals, sewers, drains, sewerage treatment, docks, parking facilities, and charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detention, penal, and medical institutions, agencies and facilities; to provide any other public improvements inside or outside the corporate limits of the city; to regulate the use of public improvements; and, for such other purposes, property may be acquired by condemnation under O.C.G.A. title 22, or such other applicable laws as are or may hereafter be enacted;
- (28) *Public peace.* To provide for the prevention and punishment of drunkenness, riots and public disturbances;
- (29) *Public transportation.* To organize and operate such public transportation systems as are deemed beneficial;
-

-
- (30) *Public utilities and services.* To grant franchises or make contracts for public utilities and public services and to prescribe the rates, fares, regulations and the standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission;
- (31) *Regulation of roadside areas.* To prohibit or regulate [*Rationale: The word “control” is synonymous with the word “regulate”.*] the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, inside or abutting the corporate limits of the city and to prescribe penalties and punishment for violation of such ordinances;
- (32) *Retirement.* To provide and maintain a retirement plan for employees of the city;
- (33) *Roadways.* To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys and walkways within the corporate limits of the city; and to negotiate and execute leases over, through and under any city property or the right-of-way of any street, road, alley and walkway or portion thereof within the corporate limits of the city for bridges, passageways or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses and underpasses for private use at such location and to charge a rental therefor in such manner as may be provided by ordinance; and to authorize and control the construction of bridges, overpasses and underpasses within the corporate limits of the city; and to grant franchises and rights-of-way throughout the streets and roads and over the bridges and viaducts for the use of public utilities and for private use; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;
- (34) *Sewer fees.* To levy a fee, charge or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining and extending of a sewage disposal plant and sewerage system; to levy on those to
-

whom sewers and sewerage systems are made available a sewer service fee, charge or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose and collect a sewer connection fee or fees to those connected with the system;

- (35) *Solid waste disposal.* To provide for the collection and disposal of garbage, rubbish and refuse and to regulate the collection and disposal of garbage, rubbish and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper and other recyclable materials and provide for the sale of all solid waste;
- (36) *Special areas of public regulation.* To regulate or prohibit junk dealers, pawn shops, the manufacture, sale or transportation of intoxicating liquors, and the use and sale of firearms; to regulate the transportation, storage and use of combustible, explosive and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions and shows of any kind, by taxation or otherwise; and to license, tax, regulate or prohibit professional fortunetelling, palmistry, adult bookstores and massage parlors;
- (37) *Special assessments.* To provide for the collection of special assessments to cover the cost of any city government services;
- (38) *Taxes, ad valorem.* To levy and provide for the assessment, valuation, revaluation and collection of taxes on all property subject to taxation;
- (39) *Taxes, other.* To levy and collect such other taxes as may be allowed now or in the future by law;
- (40) *Taxicabs.* To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;
- (41) *Urban redevelopment.* To organize and operate an urban redevelopment program; and

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

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

Sec. 1.15. Exercise of powers.

All powers, functions, rights, privileges and immunities of the City of Norcross, its elected or appointed officers, authorities or employees shall be carried into execution as provided by this Charter. If this Charter makes no provision, such powers, functions, rights, privileges and immunities shall be carried into execution as provided by ordinance of the governing authority or as provided by pertinent laws of the State of Georgia. The full faith and credit of the City of Norcross shall be behind all elected officers, appointed officers, employees, members of boards, commissions and authorities, and the city shall indemnify them, to the extent allowed by law, for all costs and judgments suffered as a result of any and all actions taken pursuant to their official capacity for the City of Norcross.

ARTICLE II. GOVERNING BODY

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

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

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

- (a) On and after January 1, 2024, the successor to the mayor or any member of the council whose term of office is to expire shall be elected at the general municipal election immediately preceding the expiration of such term, shall take office at the first organizational meeting in January immediately following such election, and shall serve for a term of office of four years each. The mayor and members of the council shall serve for the terms of office specified in this section and until their respective successors are elected and qualified.

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

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

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

- (a) The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office or removal from office in any manner authorized by this Charter or the general laws of the State of Georgia. A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, as provided for in Article V of this Charter.
- (b) Upon the suspension from office of mayor or councilmember in any manner authorized by the general laws of the State of Georgia, the mayor and/or remaining city council members shall appoint a successor for the duration of the suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled for the remainder of the unexpired term, if any, as provided for in Article V of this Charter.

Sec. 2.13. Compensation and expenses.

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

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

- (a) No elected officer, appointed officer, employee, or member of a board, commission, or authority of the City of Norcross (hereafter the “city”) or any authority or political entity to which this Charter applies shall knowingly:
 - (1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which would tend to impair the independence of his judgment or action in the performance of his official duties;
 - (2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair the independence of his judgment or action in the performance of his official duties;
 - (3) Disclose confidential information concerning the property, government or affairs of the city without proper legal authorization or use such information to advance the financial or other private interest of himself or others;
 - (4) Accept any valuable gift, whether in the form of service, loan, object or promise, from any person, firm or corporation which to his knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the city; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
 - (5) Represent other private interests in any action or proceeding against this city or any portion of its government; and
 - (6) Vote or otherwise participate in the negotiations or in the making of any contract with any business or entity in which he has a financial interest.
 - (b) Any elected officer, appointed officer, employee, or member of a board, commission or authority of the city who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. The mayor or any councilmember who has a private interest in
-

any matter pending before the city council shall disclose such private interest and such disclosure shall be entered on the records of the city council, and he shall disqualify himself from participating in any decision or vote relating thereto. Any elected officer, appointed officer or employee or any agency or political entity to which this Charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such agency or entity shall disclose such private interest to the governing body of such agency or entity.

- (c) No elected officer, appointed officer, employee, or member of a board, commission or authority of the city or any agency or entity to which this Charter applies shall use property owned by the city or such governmental entity for personal benefit, convenience or profit, except in accordance with policies promulgated by the city council or the governing body of such agency or entity.
- (d) Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render the contract or sale voidable at the option of the city council.
- (e) The mayor and councilmembers shall not hold any other elected or compensated appointed office in the city or otherwise be employed by the city or any authority thereof during the term for which he was elected. No current or former member of city council shall hold any full-time or part-time employment position in the city until at least one (1) year after the expiration of the term for which he was elected.
- (f) (1) No department director, department head, or employee of the city shall continue in such position or employment upon qualifying as a candidate for nomination or election to public office in the city or for the Gwinnett County Board of Commissioners.
- (2) Department directors, department heads and employees of the city shall be and are permitted to continue in such position or employment after qualifying as a candidate for nomination or election to any public office other than in the city or for the Gwinnett County Board of Commissioners.
- (3) (i) An appointed member of a board, commission or authority of the city shall continue in such position as a non-voting member after

qualifying as a candidate for nomination or election to public office in the city or for the Gwinnett County Board of Commissioners. The limitations of such appointed member's authority after qualifying for nomination or election to public office in the city or for the Gwinnett County Board of Commissioners are more particularly described in sections (f)(3)(iii) below.

- (ii) An appointed member of any board, commission or authority of the city that is elected to public office in the city or the Gwinnett County Board of Commissioners shall resign such appointed position upon being sworn in to such public office.
 - (iii) An appointed member of any board, commission or authority of the city that is unsuccessful in his or her candidacy for election to public office in the city or for the Gwinnett County Board of Commissioners shall resume his appointed position with all powers, rights, privileges and immunities of such appointed office, including the ability to make a motion, to second a motion and to cast votes on any matter coming before said board, commission or authority fully restored upon the successful candidate being sworn in to such public office.
 - (iv) An appointed member of any board, commission or authority of the city shall be and is permitted to continue in such position after qualifying as a candidate for nomination or election to any public office other than in the City of Norcross or for the Gwinnett County Board of Commissioners.
- (4) An elected official of the City of Norcross (hereafter the "city") shall be permitted to continue the balance of his term for which he was elected after qualifying for nomination or election to any other elected public office (including but not limited to an elected office in the city other than the present office held by such elected official), so long as the term of the elected office for which such official is qualifying begins at least 30 days prior to the expiration of such official's present term of office.
- (g) (1) Any elected officer, appointed officer, employee, or member of a board, commission or authority of the city who knowingly violates any of the provisions of this section applicable to his office or position shall be

guilty of malfeasance and shall be deemed to have forfeited his office or position.

- (2) Any elected officer, appointed officer, employee, or member of a board, commission or authority of the city who shall forfeit his office or position shall be ineligible for appointment or election to or employment in a position in city government for a period of three (3) years thereafter.

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

Sec. 2.15. Inquiries and investigations.

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

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

- (a) Except as otherwise provided by law or by this Charter, the mayor and council shall be vested with all the powers of government of the City of Norcross, Georgia (hereafter the “city”), as provided by Article I of this Charter.
- (b) In addition to all other powers conferred upon it by law, the city council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules and regulations, not inconsistent with this Charter, the constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, or well-being of the inhabitants of the city, and may enforce such ordinances by imposing penalties for violation thereof.
- (c) The mayor and council may by ordinance create, change, alter, abolish or consolidate offices and departments of the city and may assign additional

functions to any of the offices and departments expressly provided for by this Charter.

Sec. 2.17. Eminent domain.

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

Sec. 2.18. Organizational meeting.

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

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

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

Sec. 2.19. Regular and special meetings.

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

- (b) Special meetings of the mayor and council may be held on call of the mayor or three (3) members of the council. Notice of such special meetings shall be served on all other councilmembers personally, or by telephone, or shall be left at their residences at least 24 hours in advance of the special meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting. Any matter which requires action by the city council in less than 24 hours will be governed by the emergency provisions set forth in section 2.24 of this Charter.
- (c) All meetings of the mayor and council shall be public to the extent required by law. The mayor and council may hold executive sessions privately before or after public meetings, but the ayes and nays of any balloting shall be recorded at the conclusion of such executive sessions. Notice to the public of special meetings shall be made as fully as is reasonably possible at least one day prior to such meeting.

Sec. 2.20. Rules of procedure.

- (a) Unless otherwise provided by ordinance, rules of procedure for meetings of the mayor and council shall follow Rosenberg's Rules. The city council shall keep a journal of its proceedings which shall be a public record.
- (b) All committees and subcommittees of the city shall be appointed by the mayor and council and shall serve at the pleasure of the mayor and council. Following the procedures described in this Charter, the mayor and council shall have the power to appoint a new member to any committee or subcommittee at any time.

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

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

Sec. 2.21. Quorum; voting.

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

Sec. 2.22. Action requiring an ordinance.

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

Sec. 2.23. Ordinance form; procedure.

- (a) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "The Council of the City of Norcross, Georgia, hereby ordains..." and every ordinance shall so begin.
- (b) An ordinance may be introduced by the mayor or any member of the council and read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules it has established. Upon introduction of any ordinance, the clerk shall distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

Sec. 2.24. Emergency ordinances.

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

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

Sec. 2.25. Codes of technical regulations.

- (a) The mayor and council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that:
 - (1) The requirements of subsection (b) of section 2.23 of this Charter for distribution and filing of copies of the adopting ordinance shall be construed to include copies of any code of technical regulations; and
 - (2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant to section 2.26 of this Charter.
- (b) Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price.

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

- (a) The clerk shall authenticate by his signature and record in full in a properly indexed book all ordinances adopted by the city council. Every ordinance adopted by the city council shall be presented by the city clerk to the mayor within forty-eight (48) hours of adoption.
- (b) The city shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the mayor and council by ordinance and shall be published promptly, together with all amendments thereto, with this

Charter, any amendment thereto, and such codes of technical regulations and other rules and regulations as the mayor and council may specify. This compilation shall be known and cited officially as "The Code of the City of Norcross, Georgia." Copies of the code shall be furnished to all elected and appointed officers, departments, and authorities of the city and made available for purchase by the public at a reasonable price as fixed by the mayor and council.

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

Sec. 2.27. Mayor pro tempore.

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

(1997 Ga. Laws, page 3517, § 3)

Sec. 2.28. The mayor; powers and duties.

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

-
- (1) To preside at all meetings of the city council and be recognized as the official head and spokesperson of the city for service of process and ceremonial purposes;
 - (2) To vote on matters before the city council only in the event of a tie;
 - (3) To sign timely, for and on behalf of the city, all contracts, ordinances, instruments, and other documents authorized by the city council and which are required to be in writing, unless otherwise directed or authorized by the city council;
 - (4) To administer oaths and to take affidavits; and
 - (5) To fulfill such other duties as authorized by the city council.
- (1997 Ga. Laws, page 3517, § 3; 2007 Ga. Laws (Act No. 213), page 4066, § 1)

Sec. 2.29. The city manager; general powers.

The mayor and council shall appoint a city manager for an indefinite term and shall set his compensation in an employment contract. The city manager shall be appointed solely on the basis of his executive and administrative qualifications and relevant experience.

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

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

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

- (1) To appoint and, when he deems it necessary for the good of the city, suspend or remove any city employee or administrative officer he appoints, except as otherwise provided by law. The city manager may authorize any administrative officer who is subject to the city manager's direction and supervision to exercise these powers with respect to subordinates in the administrative officer's department, office, or authority;
 - (2) To direct and supervise the administration of all departments, offices, and authorities of the city to ensure that the policies of the mayor and
-

council are carried out, except as otherwise provided by this Charter or by law;

- (3) To attend all city council meetings and participate in discussion as required, but the city manager may not vote;
 - (4) To see that all laws, provisions of this Charter, and acts of the city council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed;
 - (5) To prepare and submit the annual operating budget and capital budget to the city council. Once approved for the following fiscal year, any increase in the appropriations for these budgets, whether accomplished through a change in anticipated revenues or through a transfer of appropriations among departments, shall require the approval of the city council. Such amendment shall be adopted by ordinance or resolution;
 - (6) To submit to the city council at least quarterly a summary of the finances and administrative activities of the city, and to make available to the city council and public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
 - (7) To prescribe, require, publish, and implement standards of administrative management and operating procedures to be followed and adhered to by all offices, departments, boards, commissions, authorities, and other agencies of the city which are subject to the city manager's supervision;
 - (8) To act as the purchasing agent of the city;
 - (9) To make such other studies, reports, and investigations as the city council may require concerning the operations of city departments, offices, and agencies subject to the city manager's direction and supervision;
 - (10) To keep the mayor and council fully advised as to the future needs of the city, and make such recommendations to the mayor and council concerning the affairs of the city as he deems desirable; and
 - (11) To perform other such duties as are specified in this Charter or as may be required by the mayor and council.
- (2007 Ga. Laws (Act No. 213), page 4067, § 2)

Sec. 2.31. Budget authority and special funds.

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

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

Sec. 2.32. City council's noninterference with administration.

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

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

Sec. 2.33. Removal of city manager.

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

- (1) The city council shall adopt by affirmative vote of a majority of its members a preliminary resolution which must state the reasons for removal and may suspend the city manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the city manager;
- (2) Within five days after a copy of the resolution is delivered to the city manager, he may file with the mayor and council a written request for a public hearing. This hearing shall be held within 30 days after the request is filed. The city manager may file with the mayor and council a written reply not later than five days before the hearing; and
- (3) If the city manager has not requested a public hearing within the time specified in paragraph (2) of this section, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of its members. If the city manager has requested a public hearing, the city council may adopt a final

resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of its members at any time after the public hearing.

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

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

Sec. 2.34. Acting city manager.

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

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

ARTICLE III. EXECUTIVE BRANCH

Sec. 3.10. Administrative and service departments.

- (a) The city manager shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies created or established by this Charter; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the function or duties of offices, positions of employment, departments, and agencies of the city.
- (b) The operations and responsibilities of each department now or hereafter established in the city shall be distributed among such divisions or bureaus as may be provided by ordinance of the city council. Each department shall consist of such officers, employees, and positions as may be provided by this Charter or by ordinance. There may be a department head of each department who shall be its principal officer. Each department head shall, subject to the direction and supervision of the city manager, be responsible

for the administration and direction of the affairs and operations of his department.

- (c) The department heads and other appointed officers of the city shall serve at the pleasure of the city manager. Vacancies occurring in an appointive office shall be filled in the same manner as prescribed by this Charter for an original appointment.
- (d) The department heads of the city shall be appointed solely on the basis of their administrative and professional qualifications.

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

Sec. 3.11. Boards, commissions and authorities.

- (a) The mayor and council may create by ordinance such boards, commissions and authorities to fulfill any investigative, quasi-judicial or quasi-legislative function the city council deems necessary and shall by ordinance establish the composition, period of existence, duties and powers thereof.
- (b) All members of boards, commissions and authorities of the city shall be appointed by the mayor and council for such terms of office and such manner of appointment as provided by ordinance, except where other appointing authority, terms of office or manner of appointment is prescribed by this Charter or by law.
- (c) Except as otherwise provided by Charter or by law, no voting member of any board, commission or authority shall hold any elective office in the city.
- (d) Any vacancy in the office of any member of a board, commission or authority of the city shall be filled for the unexpired term in the manner prescribed herein for the original appointment, except as otherwise provided by this Charter or by law.
- (e) No member of any board, commission or authority shall assume office until he shall have executed and filed with the clerk of the city an oath obligating himself to perform faithfully and impartially the duties of his office, such oath to be prescribed by ordinance of the mayor and council and administered by the mayor.
- (f) Any member of a board, commission or authority may be removed from office by a vote of a majority of the members of city council.

-
- (g) The mayor and council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of members of boards, commissions, and authorities in the performance of their official duties.
 - (h) The qualifications required of members of boards, commissions, and authorities shall be prescribed by ordinance.
 - (i) Except as otherwise provided by this Charter or by law, each board, commission or authority of the city government shall elect one (1) of its members as chairman and one (1) member as vice chairman for terms of one (1) year, and may elect as its secretary an employee of the city. Each board, commission or authority of the city government may establish (after approval by the mayor and council) such bylaws, rules and regulations, not inconsistent with this Charter, an ordinance of the city, or law, as it deems appropriate and necessary for the conduct of its affairs. Copies of such bylaws, rules and regulations shall be filed with the city clerk.

Sec. 3.12. City clerk.

The city manager shall appoint a city clerk who shall not be a council member. The city clerk shall be custodian of the official city seal, maintain city council records required by this Charter, and perform such other duties as may be required by the mayor and council.

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

Sec. 3.13. City attorney.

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

Sec. 3.14. City auditor.

The city auditor shall be appointed by the mayor and council.

Sec. 3.15. Human resources.

- (a) *Human resources department.* The human resources department shall be responsible for policies and practices related to the equitable treatment of city employees.
- (b) *The city position classification and pay plan.* The human resources department shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city manager and then to the mayor and council for approval. Such plan shall apply to all employees of the city and any of its departments, boards, commissions, or authorities. When a pay plan has been adopted, the mayor and council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan. The city manager shall apply the pay plan to city employees. For purposes of this section, all elected city officials are not city employees.
- (c) *Employee rules and regulations.* The city manager shall present to the mayor and council for approval rules and regulations consistent with this Charter concerning:
 - (1) The method of employee selection and probationary periods of employment;
 - (2) The administration of a position classification and pay plan, methods of promotion and applications of service ratings thereto, and transfer of employees within the classification plan;
 - (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoffs shall be effected;
 - (4) Such dismissal hearings as due process may require; and
 - (5) Such other personnel notices as may be necessary to provide for adequate and systematic handling of personnel affairs.

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

Sec. 3.16. Appointment of elected officials.

No person holding an elected office in the City of Norcross shall be eligible for appointment as a city employee during the term of office for which he was elected or within one (1) year after the expiration of his term of office.

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

ARTICLE IV. MUNICIPAL COURT

Sec. 4.10. Creation.

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

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

- (a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or standby judges as shall be provided by ordinance. The method of selection and terms of such judges shall be provided by ordinance.
- (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless he shall have attained the age of 21 years and shall be a member of the State Bar of Georgia. All judges shall be appointed by the mayor and council and shall serve at the pleasure of the mayor and council.
- (c) Compensation of the judges shall be fixed by the mayor and council by ordinance.

-
- (d) Before assuming office, each judge shall take an oath, given by the mayor, that he will honestly and faithfully discharge the duties of his office to the best of his ability and without fear, favor or partiality. The oath shall be entered upon the minutes of the city council journal required in section 2.20 of this Charter.
 - (e) At the request of the presiding municipal judge, a solicitor and an assistant solicitor may be appointed by the mayor and council. The method of selection and terms of such solicitors shall be provided by ordinance.

Sec. 4.12. Convening.

The municipal court shall be convened at such times as designated by ordinance or as the court deems necessary to keep current the dockets thereof.

Sec. 4.13. Jurisdiction; powers.

- (a) The municipal court shall try and punish violations of this Charter, all city ordinances, and such other violations as provided by law.
- (b) The municipal court shall have the authority to punish those in its presence for contempt, provided that such punishment shall not exceed a fine of \$200.00 or ten days in jail.
- (c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for 180 days, or both, or may fix punishment by fine, imprisonment or alternative sentencing as now or hereafter provided by law. The municipal judge may appoint counsel as required by law at the request of any person sentenced to a jail term who is found to be indigent.
- (d) The municipal court shall have the authority to establish a schedule of fees to defray the costs of operation and shall be entitled to reimbursement of the actual cost of meals, transportation and caretaking of prisoners bound over to superior courts for violation of state law.
- (e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before the court and shall have discretionary authority to accept cash or personal or real property as surety bond for the appearance of persons charged with violations. Whenever any person shall give bail for his appearance and shall fail to

appear at the time fixed for trial, his bond may be forfeited by the judge presiding at such time and an execution shall be issued thereon by serving the defendant and his sureties with a rule nisi at least two (2) days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond or security for the appearance of a defendant at trial and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the property so deposited shall have a lien against it for the value forfeited, which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

- (f) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that state law has been violated.
- (g) The municipal court shall have the same authority as superior courts to administer oaths as are necessary and to perform all other acts necessary and proper to the conduct of the court.
- (h) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas and warrants which may be served as executed by any officer as authorized by this Charter or by law.
- (i) The municipal court is specifically vested with all the jurisdiction and powers throughout the geographic area of the city granted by law to municipal courts and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

Sec. 4.14. Appeal and certiorari.

- (a) A review of a decision of the municipal court, in the case of traffic violations, may be by direct appeal to the Superior Court of Gwinnett County (hereafter the "superior court"), and any bond as may be required to secure the costs of appeal to the superior court from the municipal court shall lie as prescribed by law. An appeal to the superior court shall not be a de novo proceeding.
- (b) The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of the judge of the superior

court under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

Sec. 4.15. Rules of court.

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

ARTICLE V. ELECTIONS

Sec. 5.10. Applicability of general law.

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

(Ord. No. 17-2018 , § II, 12-3-2018)

Sec. 5.11. Regular elections; time for holding.

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

(Res. of 3-4-2019 , § 2)

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

The mayor and council shall prescribe rules and regulations governing qualifying fees, absentee ballots, write-in votes, challenge of votes, and such other rules and regulations as required by the provisions of the "Georgia Election Code," codified as O.C.G.A. § 21-2-1 et seq., as now or hereafter amended.

(Ord. No. 17-2018 , § II, 12-3-2018)

Sec. 5.13. Election by majority vote.

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

(Ord. No. 17-2018 , § II, 12-3-2018)

Sec. 5.14. Special elections; vacancies.

In the event that the office of the mayor or any councilmember shall become vacant for any cause whatsoever, the mayor and council or those remaining shall order a special election to fill the balance of the unexpired term of such official. A special election shall be held and conducted in accordance with the "Georgia Election Code," codified as O.C.G.A. § 21-2-1 et seq., as now or hereafter amended.

(Ord. No. 17-2018 , § II, 12-3-2018)

Sec. 5.15. Grounds for removal.

- (a) The mayor or any councilmember shall be subject to removal from office if he has conducted himself in a manner which relates to and adversely affects the administration of his office and adversely affects the rights and interests of the public; and
- (1) He has committed malfeasance while in office;
 - (2) He has been convicted of a felony, in accordance with the "Public Officers and Employees Code", codified as O.C.G.A. § 45-5-6.1(c);

-
- (3) He has violated his oath of office;
 - (4) He is guilty of a failure to perform his duties as prescribed by law;
 - (5) He has willfully misused, converted, or misappropriated, without authority, public property or public funds entrusted to or associated with his elective office; or
 - (6) He has committed abandonment of office.
- (b) Removal of an elected officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:
- (1) By the affirmative vote of a majority of the city council members. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the Superior Court of Gwinnett County (hereafter the “superior court”). Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or
 - (2) By an order of the superior court following a hearing on a complaint seeking such removal brought by any resident of the City of Norcross, Georgia.

ARTICLE VI. FINANCE AND FISCAL

Sec. 6.10. Property taxes.

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

Sec. 6.11. Property tax levy.

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

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

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

Sec. 6.13. Occupational and business taxes.

The mayor and council, by ordinance, shall have the power to levy such occupation or business taxes as are not prohibited by law. Such taxes may be levied on both individuals and corporations who transact business in the city or who practice or offer to practice any profession or calling therein to the extent such persons have a constitutionally sufficient nexus to the city to be so taxed. The mayor and council may classify businesses, occupations, professions or callings for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in section 6.18 of this Charter.

Sec. 6.14. Licenses; permits; fees.

The mayor and council, by ordinance, shall have the power to require any individual or corporation who transacts business in this city or who practices or offers to practice any profession or calling therein to register or obtain a license or permit for such activity from the city and pay a reasonable fee for such license or permit where such activities are not regulated by general law in such a way as to preclude city regulations, regardless of whether or not the individual or corporation has an office or establishment within the city. The mayor and council shall be authorized to fix the amount, terms and manner of issuing and revoking

licenses or permits, subject to the laws of Georgia and the United States. This power is conferred pursuant to the police powers of the city and for the purpose of raising revenue for the operation of city government through the imposition of a fee for the privilege of operating within the city. Such fees may reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in section 6.19 of this Charter. The mayor and council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety and welfare necessitate

Sec. 6.15. Sanitation service charges.

The mayor and council, by ordinance, shall have authority to provide for, to enforce, to levy and to collect the total costs of sanitation and health services provided or made available inside or outside the corporate limits of the city. Such authority shall include the power to assess, levy and collect annual or monthly sanitation taxes or fees in such amount, or amounts, and based upon and in accordance with such classification of property and sanitation service or services provided, as may be fixed by ordinance. Said sanitation taxes and assessment thereof shall be a charge and lien against the real estate for which said taxes are so assessed and the owner or owners thereof, superior to all other liens except liens for county and city property taxes and shall be enforceable in the same manner and under the same remedies as a lien for city property taxes, as provided in section 6.18 of this Charter.

Sec. 6.16. Special assessments.

The mayor and council, by ordinance, shall have the power and authority to assess and collect impact fees or other special assessment fees to cover all or part of the cost of constructing, reconstructing or improving any public way, street, sidewalk, curbing, gutters, sewers, water systems or other utility mains and appurtenances, against the abutting property owner or the owners of any property having a constitutionally sufficient nexus to the needed public improvement under such reasonable terms and conditions as may be prescribed by ordinance. Such special assessments shall become delinquent 30 days after their due dates, shall thereupon be subject, in addition to fieri facias charges, to a maximum annual percentage penalty allowed by Georgia law and shall thereafter be subject to interest at the maximum annual percentage rate allowed by Georgia

law from date due until paid. A lien shall exist against the affected property superior to other liens, except that it shall be of equal dignity with liens for county and city property taxes; and said lien shall be enforceable by the same procedures and under the same remedies as a lien for city property taxes as provided in section 6.18 of this Charter.

Sec. 6.17. Construction; other taxes.

The city shall be empowered to levy any other tax allowed by law, and the specific mention of any right, power or authority in this article shall not be construed as limiting in any way the general powers of the city to govern its local affairs.

Sec. 6.18. Collection of delinquent taxes and fees.

The mayor and council, by ordinance, may provide for the collection of delinquent taxes, fees, or other revenues due the city under Sections 6.10 through 6.17 of this Charter by fieri facias issued by the Finance Department and executed by any police officer of the city under the same procedures provided by the law governing execution of such process from the superior court or by the use of any other available legal processes and remedies. The mayor and council shall be authorized to impose an interest penalty upon delinquent tax payments to the city in an amount not exceeding the maximum rate of interest allowable under the laws of Georgia. A lien shall exist against all property upon which the city property taxes are levied, as of the assessment date of each year, which lien shall be superior to other liens, except that it shall have equal dignity with those of federal, state, or county taxes. In case of hardship, the mayor and council shall have discretionary authority to waive any and all penalties imposed by this Charter on delinquent taxes, assessments, or other amounts due to the city.

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

Sec. 6.19. Transfer of executions.

The Finance Department shall be authorized to assign or transfer any fieri facias or execution issued for any tax, street, sewer, or other assessment in the same manner and to the same extent as provided by Georgia law regarding sales and transfers of tax fieri facias; provided, however, that upon levy of execution and sale of property pursuant to such tax fieri facias, whether assigned,

transferred, or executed by the city, the owner of such property, in fee simple or lesser interest, shall not lose his or her right to redeem the property in accordance with the requirements of redemption of property sold under state or county ad valorem tax fieri facias as said requirements may be provided by law.

(1996 Ga. Laws, page 3666, § 8)

Sec. 6.20. General obligation bonds.

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

Sec. 6.21. Revenue bonds.

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

Sec. 6.22. Short-term loans.

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

Sec. 6.23. Fiscal year.

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

Sec. 6.24. Preparation of budgets.

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

Sec. 6.25. Submission of the operating budget to the city council.

On or before a date fixed by the mayor and council, but not later than 60 days prior to the beginning of each fiscal year, the city manager shall prepare and submit to the mayor and council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the city manager containing a statement of the general fiscal policies of the city, the important features of the budget, an explanation of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as he may deem pertinent. The operating budget, the capital improvements budget, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

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

Sec. 6.26. Action by city council on operating budget.

- (a) The mayor and council may amend the proposed operating budget, except that the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this Charter and for all debt service requirements for the ensuing fiscal year, and the total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.
- (b) The mayor and council, by ordinance, shall adopt the final operating budget for the ensuing year not later than the last day of the current fiscal year. If the mayor and council fail to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the mayor and council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget document.
- (c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such item, and no expenditure shall be made or encumbrance created in excess of the

otherwise unencumbered balance of the appropriations or allotments thereof to which it is chargeable, unless authorized by the mayor and council.

- (d) The mayor and council shall be authorized to establish a tax millage rate each year to ensure that the necessary revenue will be available to meet the appropriations provided for in the budget. The tax millage rate levied by the mayor and council shall not exceed 15 mills to cover general operating expenses. An additional millage rate may be levied for the retirement of bonded indebtedness.

(1997 Ga. Laws, page 3517, § 8)

Sec. 6.27. Changes in appropriations.

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

Sec. 6.28. Capital improvements budget.

- (a) On or before a date fixed by the mayor and council, but not later than 60 days prior to the beginning of each fiscal year, the city manager shall prepare and submit to the mayor and council a proposed capital improvements budget with recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The mayor and council shall have the power to accept, with or without amendments, or reject the proposed capital improvements budget and proposed means of financing the proposed improvements. The mayor and council shall not authorize an expenditure for the construction of any building, structure, work, or improvement unless the appropriations for such project are included in the capital improvements budget, except to meet a public emergency as provided in Section 2.24 of this Charter.
- (b) The mayor and council shall adopt by ordinance the final capital improvements budget for the ensuing fiscal year not later than December 31 of each year. No appropriations provided for in a prior capital improvements budget shall lapse until the purpose for which the appropriations were made shall have been accomplished or abandoned; provided, however, the mayor or any member of the council may submit amendments to the capital

improvements budget at any time during the fiscal year, accompanied by recommendations for such amendments. Any amendments to the capital improvements budget shall become effective only upon adoption by ordinance.

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

Sec. 6.29. Independent audit.

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

Sec. 6.30. Procurement and property management; contracting procedures.

The City of Norcross (hereafter the “city”) shall establish Financial Management Policies to ensure that the public has confidence in the integrity of the city’s administration of its procurement and contracting procedures.

Sec. 6.31. Centralized purchasing.

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

Sec. 6.32. Sale of city property.

- (a) The mayor and council may sell and convey any real or personal property owned or held by the city for governmental or other purposes as provided by law.
- (b) The mayor and council may quitclaim any rights it may have in real property upon adoption of a resolution by the mayor and council, both stating in writing that the property is not needed for public purposes and that the interest of the city has no readily ascertainable monetary value.
- (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the city a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the

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

(1997 Ga. Laws, page 3517, § 10)

ARTICLE VII. MUNICIPAL SERVICES AND REGULATORY FUNCTIONS

Sec. 7.10. Municipal services; streets.

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

Sec. 7.11. Municipal utilities.

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

Sec. 7.12. Sewers and drains.

The mayor and council shall have the power and authority to provide for the establishment, extension and maintenance of a system of sewers and drains, together with a sewer disposal system. This power includes the authority to

extend the system beyond the corporate limits. For these purposes the city is granted the power of eminent domain both within and outside the corporate limits. The mayor and council may provide by ordinance for reasonable connection fees for tapping on to the water and sewer lines of the city and may compel citizens to tap into the same when such services are made available. The mayor and council may cause said connection to be made when the owners refuse and issue executions to be made for the amount so expended, which executions shall create a lien on the property connected with said water and sewer system from the date of the order or connection.

Sec. 7.13. Rights-of-way.

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

Sec. 7.14. Franchises.

The mayor and council shall have the authority to exercise control over the streets of the city. The power is conferred upon the mayor and council to grant franchises for the use of the city's streets and alleys, for the purposes of railroads, street railways, telephone companies, electric companies, cable television companies and other communications companies, gas companies, transportation companies and other similar organizations. This franchise right extends to, but is not limited to, the erection of poles, stringing wires, and laying of pipes, lines or conduits both above and below the ground surface. The mayor and council shall determine the duration, provisions, terms, and whether the same shall be exclusive or nonexclusive and the consideration for such franchises; provided, however, that no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The mayor and council shall provide for the registration of all franchises with the city clerk in the registration book kept by the city clerk.

The mayor and council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

Sec. 7.15. Building, housing, electrical and plumbing regulations.

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

ARTICLE VIII. ZONING

Sec. 8.10. Zoning board.

The mayor and council shall appoint a planning and zoning board and the mayor and council shall adopt ordinances and regulations for the administration thereof. The zoning board shall be advisory in nature and must review all matters before them in full recognition of the criteria set forth in the City of Norcross (hereafter the “city”) land use plan.

Sec. 8.11. Zoning board of appeals.

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

PART I - CHARTER AND RELATED LAWS
Subpart A - CHARTER
ARTICLE IX. GENERAL PROVISIONS

ARTICLE IX. GENERAL PROVISIONS

Sec. 9.10. Bonds for officials.

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

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

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

Sec. 9.12. Construction.

- (a) Section captions in this Charter are informative only and shall not be considered as a part thereof.
- (b) The word "shall" is mandatory and the word "may" is permissive.
- (c) The singular shall include the plural, and vice versa, and the masculine shall include the feminine.

Sec. 9.13. Penalties.

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

Sec. 9.14. Severability.

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

Sec. 9.15. Specific repealer.

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

Sec. 9.16. General repealer.

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

Subpart B RELATED LAWS

ARTICLE II. HOMESTEAD EXEMPTION FROM AD VALOREM TAXATION²

Sec. 1. Statutory authorization.

The following legislation pertaining to homestead exemptions in the City of Norcross (hereafter the “city”) is enacted pursuant to Article VII, Section II, Paragraph II of the Constitution of the State of Georgia, relating to exemptions from taxation of property.

Sec. 2. Exemptions granted.

- (a) Each resident of the City of Norcross is granted a homestead exemption from all city ad valorem taxes levied by the city, except taxes to pay interest on the retired bonded indebtedness, in the amount of \$9,000.00 of the value of the homestead owned and occupied by said resident within the City of Norcross. The value of the homestead in excess of the exempted amount shall remain subject to taxation.
- (b) Each resident of the city who is 62 years of age or older is granted a homestead exemption from all ad valorem taxes levied by the city in the amount of \$18,000.00 of the value of the homestead owned and occupied by said resident within the city. The value of the homestead in excess of the exempted amount shall remain subject to taxation.
- (c) The increased homestead exemptions provided in this Act shall apply to all taxable years beginning after December 31, 1989.

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

RESOLUTION OF THE CITY OF NORCROSS, GEORGIA

The Council of the City of Norcross, Georgia, has considered and hereby adopts the following as a Resolution of said Council:

WHEREAS, the City Council has legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the United States and Georgia Constitutions; and

WHEREAS, the Charter of the City of Norcross was last amended as House Bill 480 and signed into law in 2007 so as to change the form of city government from a mayor-council form of government to a city manager-council form of government; and

WHEREAS, amendments to the City Charter are now required that do not constitute a change in the form and composition of the government of the City of Norcross; and

WHEREAS, updates to the City Charter are required to comply with Georgia law, to ensure that its provisions are consistent with the provisions of the City of Norcross, Georgia Code of Ordinances, and to correct minor grammatical errors; and

WHEREAS, amending the City Charter will also benefit the City of Norcross by clarifying certain definitions and the powers, functions and duties of city government and its elected and appointed officials and providing further guidance to the Mayor and Council on voting procedures and other policy matters; and

WHEREAS, pursuant to its home rule power, the City Council may amend the City Charter by resolutions duly adopted at two of its regular consecutive meetings.

IT IS HEREBY RESOLVED that it is the intent of the Council of the City of Norcross to amend its Charter in accordance with Georgia law, codified as O.C.G.A. § 36-35-3(b)(1).

BE IT FURTHER RESOLVED that the Mayor of the City of Norcross is hereby instructed to cause notice of its intention to amend the Charter to be published as required by law.

This ____ day of _____, 2024.

Eric Johnson, City Manager
City of Norcross, Georgia

Authenticated By:

Monique Phillip

Approved as to Form:

J. PATRICK O'BRIEN
Georgia Bar No. 548612
THOMPSON, O'BRIEN, KEMP & NASUTI, P.C.
2 Sun Court, Suite 400
Peachtree Corners, Georgia 30092
(770) 925-0111
City Attorney for the City of Norcross

NOTICE

The City of Norcross hereby gives notice that the Mayor and Council of the City of Norcross intend to amend **Part I – CHARTER AND RELATED LAWS** of the Norcross, Georgia Code of Ordinances as provided in O.C.G.A. § 36-35-3 (b)(1).

A copy of the proposed amendment is on file in the office of the City Clerk of the City of Norcross and in the office of the clerk of the Superior Court of Gwinnett County for the purpose of examination and inspection by the public.



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Phillip

City of Norcross

Legislation Details (With Details)

File #:	24-6919	Version:	
Type #:	Agenda Item	Status:	Agenda Ready
On Agenda:	4/1/2024 6:30 PM	In Control:	Mayor and Council
Title:	SUP2023-005 - Towing Service and Impound Lot		

Sponsors:

Code Sections:

Attachments:

1. [Agenda Report - SUP2023-005 – Towing service and Impound Lot](#)
2. [SUP2023-005 Staff Report](#)

Title

SUP2023-005 - Towing Service and Impound Lot

Drafter

Kellie Littlefield

Motion

A motion to Approve/Deny a Special Use Permit at 105 Hill Street, submitted by Mr. Dennis Tulley, for a Towing and Impound Service Lot, with the following conditions:

1. **Development is to be confined to the delineations of the submitted concept plan. All development shall meet or exceed the standards indicated in the Uniform Development Ordinance.**
2. **All driveway entrances must be commercial grade, providing an apron to accommodate all types of traffic.**
3. **The identified office shall be upgraded to commercial office space, in foundation reinforcement, all ADA criteria, and accessibility, meeting all building code and Fire Marshal Requirements.**

4. The metal building on site shall be augmented to current commercial building code, meeting all Fire Marshal Requirements.
5. All trees on site must be preserved, and any trees requested to be removed must have a certified arborist report submitted with the tree removal permit.
6. The site must be fenced with opaque fencing materials (metal and masonry mixed materials), with a minimum of 8-foot-tall fencing materials.
7. All road frontages shall provide a landscaped border, no more than 30% of one species of tree or shrub.
8. The portion of the parcel is required to contain all stormwater management within the delineated site. All stormwater must be designed consistent with current regulations for stormwater management.
9. The site is required to provide an outdoor lighting plan for customer parking, and the impound lot. Each parking lot shall have a minimum of 1 freestanding lighting fixture.
10. The customer parking lot is required to be paved, providing striping, and adequate ADA compliant parking.
11. All retaining walls, and any other structures, must be brought to the current code.
12. A delineation barrier between the customer parking and the impound lot must be placed either with fencing, or landscaping.
13. The impound lot shall note a capacity of parking on the Land Disturbance Permit.
14. An onsite monitoring system shall be installed to manage any incoming traffic, with notification to the Norcross Police Department to monitor any emergency situations.
15. An enclosed dumpster shall be placed interior to the impound lot and shall be composed of appropriate materials subject to design review.
16. All towing service vehicles shall be parked within the fenced area of the impound yard at all times.
17. The site is required to have soil testing conducted prior to the issuance of a Land Disturbance Permit by a Professional Engineer specializing in Geotechnical. Results are to be included in civil drawings which will be held on file in the Community development Office.
18. No dismantling or salvage activities shall be permitted at any time.
19. Any manufacturing, processing, assembly, fabrication, servicing (including washing of vehicles), and repair operations are carried out within an entirely enclosed building.
20. Buildings shall be equipped with approved, and serviced FOG required traps or filters. All fluids shall be collected and contained for offsite disposal.
21. All signs shall be permitted separately. A general signage plan will be required in compliance with the Land Disturbance Permit.
22. There shall be no variance or encroachment of any kind to the stream buffer for the comprehensive site.

23. There shall be no more than 20 cars for impound on the site at any time.
24. The service will declare hours of operation to cease before 10:00 PM, and not begin until 8:00 AM.
25. As the applicant has requested to operate an impound lot, all vehicles will be stored on location for no more than 30 calendar days.



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Philip

Agenda Report

To: Mayor and Council

From: Kellie Littlefield, Senior Planner

Meeting Date: April 1, 2024 – Mayor and Council

Item No.: 24-6919

Title: SUP2023-005 – Towing service and Impound Lot

CC: Eric Johnson, City Manager

Recommendation:

Approval with conditions of a request for a Special use permit at 105 Hill St, by Mr. Dennis Tulley, for a Towing and Impound Service Lot.

Background:

The applicant requests to receive a special use permit to operate a towing service and impound lot situated on a portion of the proposed parcel at 105 Hill Street. The proposed location is at the southern part of the property adjacent to South Cemetery Street.

Financial Impact:

None

Consistent with Comprehensive Plan:

Policy 1-2: Redevelop and enhance existing commercial and industrial areas.

Policy 1-7: Protect natural resources, mature tree canopy, environmentally sensitive areas, and valuable historic, archaeological or cultural resources from human encroachment through land development regulations and or incentives.

Next Steps:

I.d.a

Consider the proposal to include the following conditions recommended by Staff and approved by the Planning & Zoning Board :

1. Development is to be confined to the delineations of the submitted concept plan. All development shall meet or exceed the standards indicated in the Uniform Development Ordinance.
2. All driveway entrances must be commercial grade, providing an apron to accommodate all types of traffic.
3. The identified office shall be upgraded to commercial office space, in foundation reinforcement, all ADA criteria, and accessibility, meeting all building code and Fire Marshal Requirements.
4. The metal building on site shall be augmented to current commercial building code, meeting all Fire Marshal Requirements.
5. All trees on site must be preserved, and any trees requested to be removed must have a certified arborist report submitted with the tree removal permit.
6. The site must be fenced with opaque fencing materials (metal and masonry mixed materials), with a minimum of 8-foot-tall fencing materials.
7. All road frontages shall provide a landscaped border, no more than 30% of one species of tree or shrub.
8. The portion of the parcel is required to contain all stormwater management within the delineated site. All stormwater must be designed consistent with current regulations for stormwater management.
9. The site is required to provide an outdoor lighting plan for customer parking, and the impound lot. Each parking lot shall have a minimum of 1 freestanding lighting fixture.
10. The customer parking lot is required to be paved, providing striping, and adequate ADA compliant parking.
11. All retaining walls, and any other structures, must be brought to the current code.
12. A delineation barrier between the customer parking and the impound lot must be placed either with fencing, or landscaping.
13. The impound lot shall note a capacity of parking on the Land Disturbance Permit.
14. An onsite monitoring system shall be installed to manage any incoming traffic, with notification to the Norcross Police Department to monitor any emergency situations.
15. An enclosed dumpster shall be placed interior to the impound lot and shall be composed of appropriate materials subject to design review.
16. All towing service vehicles shall be parked within the fenced area of the impound yard at all times.
17. The site is required to have soil testing conducted prior to the issuance of a Land Disturbance Permit by a Professional Engineer specializing in Geotechnical. Results are to be included in civil drawings which will be held on file in the Community Development Office.
18. No dismantling or salvage activities shall be permitted at any time.
19. Any manufacturing, processing, assembly, fabrication, servicing (including washing of vehicles), and repair operations are carried out within an entirely enclosed building.
20. Buildings shall be equipped with approved, and serviced FOG required traps or filters. All fluids shall be collected and contained for offsite disposal.
21. All signs shall be permitted separately. A general signage plan will be required in compliance with the Land Disturbance Permit.
22. There shall be no variance or encroachment of any kind to the stream buffer for the comprehensive site.

Attachments

Staff Report

Update

The following additional conditions were proposed by Mayor and Council at the February 19th Policy Work Session:

23. There shall be no more than 20 cars for impound on the site at any time.
24. The service will declare hours of operation to cease before 10:00 PM, and not begin until 8:00 AM.
25. As the applicant has requested to operate an impound lot, all vehicles will be stored on location for no more than 30 calendar days.



Meeting Date: 02/07/2024 at 6:30 PM

Petition Number: SUP2023-005

Project Type: Towing and Impound Lot

Property Location: 105 Hill St

Tax Parcel ID: R6243 139

Petitioner: Dennis Tuley

Petitioner's Request: Special Use Permit for an Towing service and Impound Lot M-1 zoning district

Recommendation: **Approval, with conditions**

Summary

The applicant requests to receive a special use permit to operate a towing service and impound lot situated on a portion of the proposed parcel at 105 Hill Street. The proposed location is at the southern part of the property adjacent to South Cemetery Street (see below).

Timeline

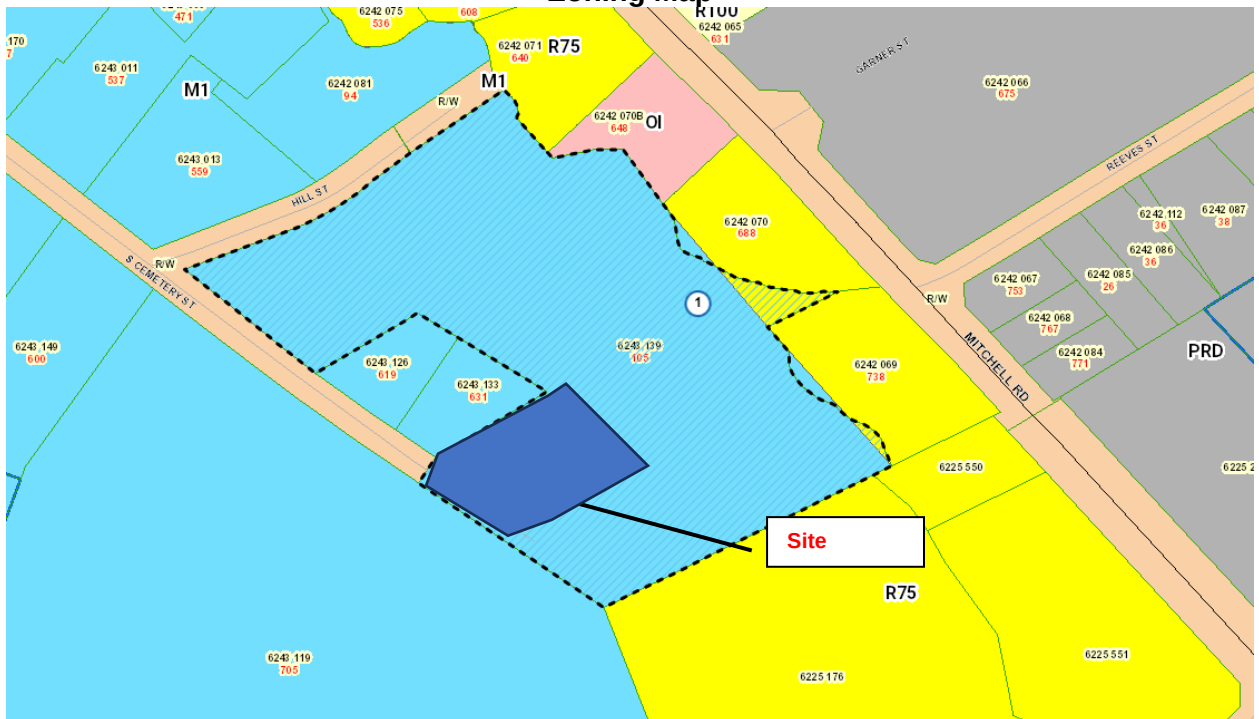
Under Section 104-3.B of the UDO, special use permit applications require and initial review to be by the Planning and Zoning Board (P&Z), followed by Policy Work Session discussion (PWS) and the Mayor and Council's voting meeting for final action. Here is the proposed schedule.

Board	Meeting Type	Meeting	Meeting Time	Room
P&Z	Hearing	Wednesday, February 7, 2024	6:30 PM	Community Room 2 nd Floor
M&C Policy Work Session	Hearing	Monday, February 19, 2024	6:30 PM	Conference Room 2 nd Floor
M&C Voting	Voting	Monday, March 4, 2024	6:30 PM	Council Chambers 1 st Floor

Aerial View

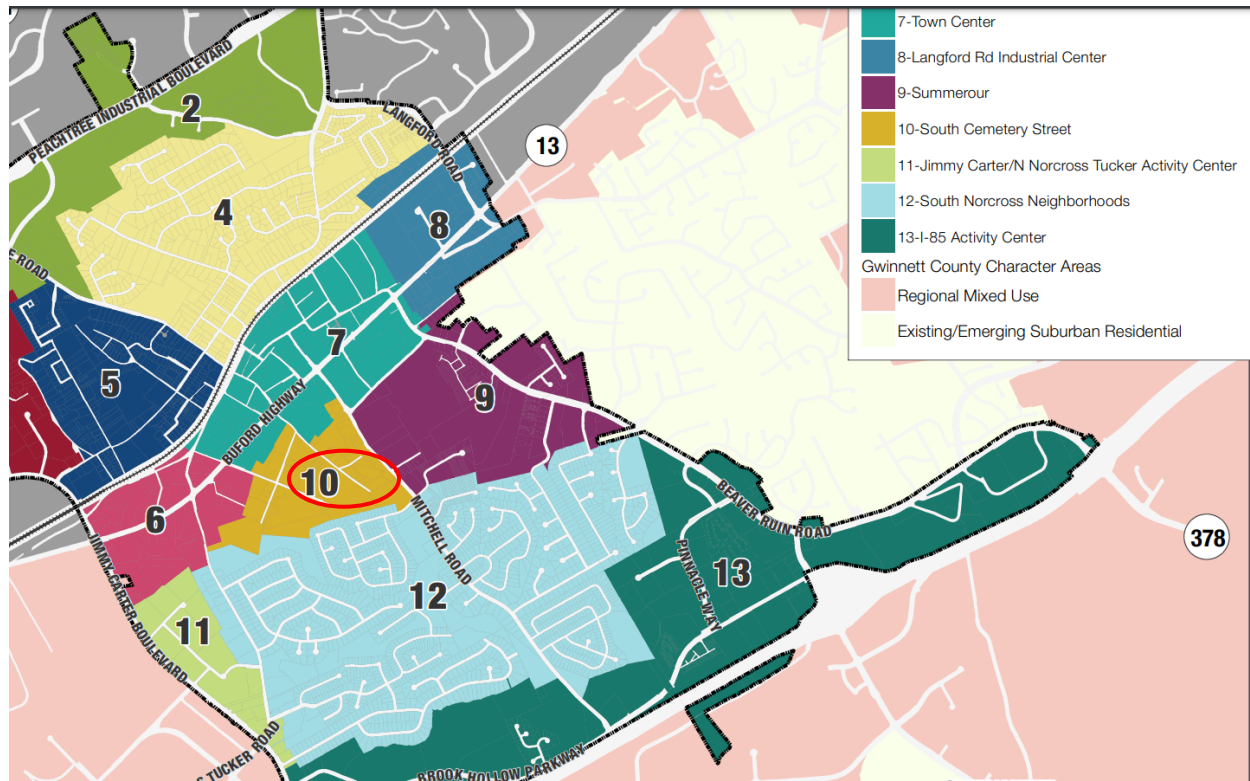


Zoning Map



Attachment: SUP2023-005 Staff Report (24-6919 : SUP2023-005 - Towing Service and Impound Lot)

Future Development Map



PROPERTY INFORMATION	
Property Location	105 Hill Street
Acreage:	Total site is 6.18 acres, proposed location site is less than 1 acre.
Existing Zoning / Land Use	M-1/ Light Industrial
Proposed Zoning / Land Use	M-1 Light Industrial
Character Area	10 – South Cemetery Street
Existing Lot Dimensions:	Frontage: Approximately 151' on Cemetery Street Depth: Approximately 187' NOTE: These measurement are based on the identified portion of the parcel, and identified on scaled drawings submitted with the application
Existing Building Dimensions:	There are two buildings on the identified portion of the parcel. A 1500 square foot single family home will be converted to an office; and a 2700 square foot metal building, that is currently non-compliant for industrial use.
Topography:	High Point: West side Low Point: East side

Elevation:	High Point: 964feet Low Point: 652 feet
Encumbrances:	There is a stream buffer on the rear of the parent parcel, as well as significant drainage issues throughout the property.

EXISTING ZONING AND LAND USE OF PROPERTIES WITHIN 500 FEET			
Location relative to subject property	Zoning/Land use	Address(es)	Land Area (acres) (approximate)
North	R-75 Single Family Housing	688 Mitchell Road	.5 acres
East	R-75 Single Family Housing	Undeveloped, Parcel Number: 6225 176	4.19 acres
South	M-1 Limited Industrial	705 Lively Ave	12.7 acres
West	M-1 Limited Industrial	631 S Cemetery St	0.5 acres

Applicant's Request

The applicant, Dennis Tuley, seeks to utilize a portion of the parcel at the location, 105 Hill Street (an industrial park) for a towing service with an impound lot. The portion of the parcel contains a 1500 square foot house, which is planned to be converted into an office, which is approximately 1500 square feet. Additionally the parcel contains a 2700 square foot building, which is approximately 2,700 square feet, which will contain a concrete pad to contain vehicles in various states of disrepair.

Existing Conditions

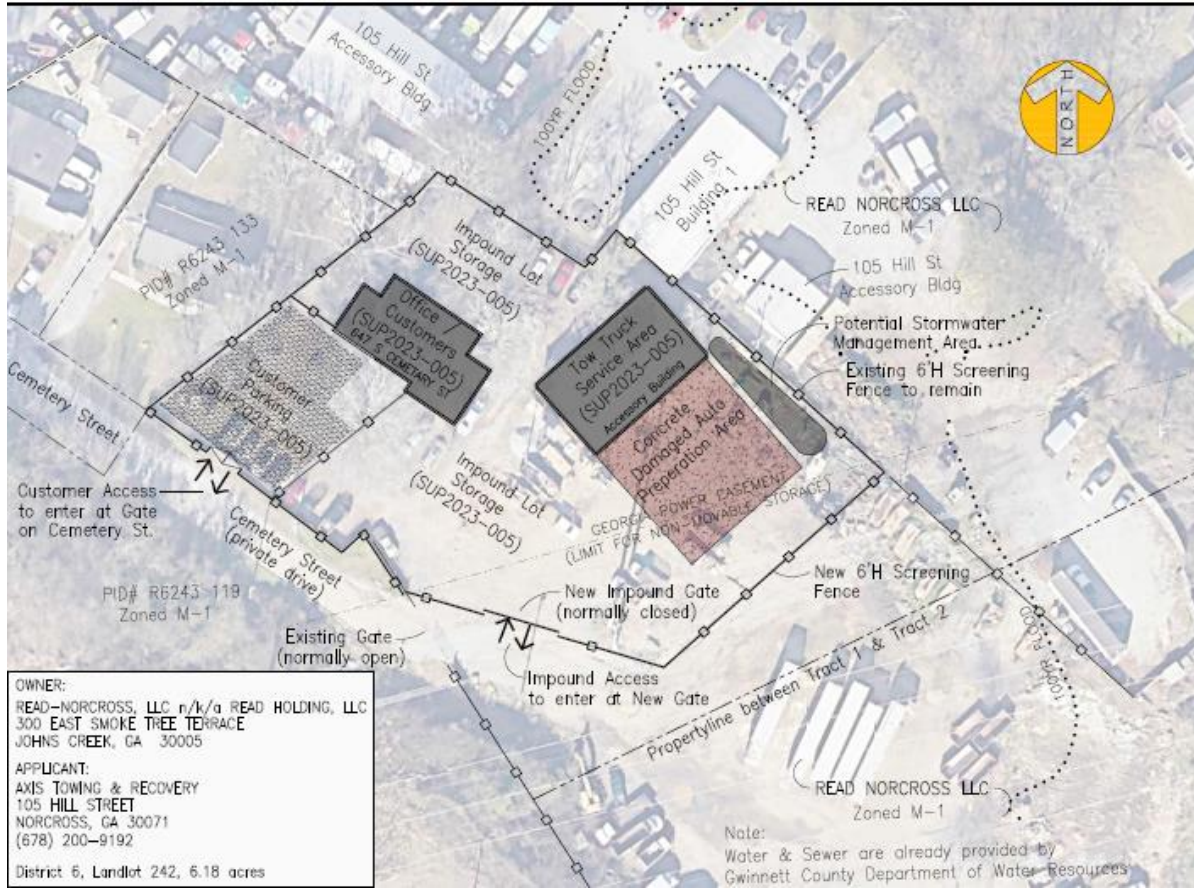
The subject property is zoned M-1 (Light Industrial) and it is currently developed as and industrial park with five buildings, in various uses, on 6.18 acres. The majority of businesses at the park are open Monday – Friday from 8 AM to 5 PM.

The portion of the parcel, specific to the SUP, is located adjacent to a landscaping business, as well as a transportation company. The parcel does not currently have any stormwater control measures. The proposed concept plan shows a retention pond, and the site will require engineered drawings to determine what BMPs are most appropriate for the request impervious.

The proposed portion of the parent parcel has two entrances off S Cemetery Street. The first entrance is primarily for customers, and will access customer parking. A separate entrance to the rear of the property, will provide access for commercial vehicles, tow vehicles and impounded vehicles.

Project Description

The applicant seeks a special use permit for a towing service with an impound lot, in the M-1 Light Industrial zoning district. A survey of the subject parcel, and with a street view of the subject building are depicted below for reference.



ZONING ANALYSIS

Current Zoning

The subject property is zoned M-1, Limited Industrial. Adjacent uses include a various uses permitted in the M-1 zoning district, including commercial truck repair.

Zoning Request

The M-1 Light Industrial district is established to provide adequate space in appropriate locations along streets, and at intersections for various types of business and service uses. These uses should include the retailing of major goods and services, warehousing, and automotive services, to include repair and auto-body repairs. Development of uses in the district characteristically occupies a larger area than in the C2, General Business District because it is intended to serve a more intense use.

2040 Comprehensive Plan Analysis

There is no proposed change to the Comprehensive Plan. The property is located in Character Area 10, South Cemetery Street. The following considerations should be made in order for the use to be compatible with the surrounding area.

- Industrial and heavy commercial uses should not be visible from Buford Highway, and screened appropriately
- Auto related commercial, heavy commercial uses, and light industrial uses are allowed
- Consider first floor minimum heights in M1 to accommodate future industrial uses

A. Land Uses by Character Area

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

Generalized Use	10-S Cemetery St
Heavy commercial (auto related, outdoor storage)	Allowed

B. Policy Goals

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

- *Policy 1-2: Redevelop and enhance existing commercial and industrial areas.*
- *Policy 1-3: Support opportunities for infill development that reflects the neighborhood character.*
- *Policy 4-6: Support local entrepreneurs in building future ready businesses.*

C. Character Area Vision

The S Cemetery Road Character Area contains several points that support the vision of area of which the following applies:

A concentration of light industrial and heavier commercial

D. Land Use Definition

Motor vehicle related use refers to any use primarily involving motor vehicle related retail (see definition), vehicle repair, vehicle service, vehicle maintenance, or vehicle sales.

Motor vehicle repair means any building, structure, improvements, or land used for the repair, service, and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles, not including body work or vehicle painting.

Junkyard means property used for indoor or outdoor storage, keeping or abandonment, whether or not for sale or resale, of junk including, but not limited to: scrap metal, rags, paper or other scrap materials, used lumber, salvaged house-wrecking demolition and structured steel materials and equipment or property used for the dismantling, or abandonment of automobiles or other vehicles or machinery or parts thereof.

***STAFF NOTE: The ordinance does not distinguish between a “junkyard” and an “Impound Lot”.**

Standards Governing the Exercise of Zoning Power

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

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

Staff is of the opinion that the request to approve a special use permit for a towing service and impound lot is consistent and suitable in view of the use and development of the adjacent and nearby properties. The area in general is developed as an industrial park, specifically for automotive repair and refurbishment.

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

The proposed project for a towing service and impound lot, is not anticipated to have any adverse effects on existing uses or usability of nearby properties. The site would have to meet parking, landscaping, lighting, stormwater management, building standards and all required licensing standards in addition to occupancy limits as determined by the Gwinnett County Fire Marshal.

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

The subject property has reasonable economic use as zoned and occupied currently.

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

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

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

The subject site is located within the S Cemetery Street Character Area, which is intended as a growing industrial area that has appropriate screening, and maintains access for commercial traffic. Therefore, it meets the intent of the Comprehensive Plan.

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

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

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

The policies and objectives of the comprehensive plan, in relationship to the proposed site and surrounding area, aligns with and supports the applicant's request. The site is located within an established industrial park.

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

The proposed use has one existing commercial grade driveway that serves the subject site to facilitate traffic into and out of the site, and a residential style driveway that will need to conform to current building standards to be addressed in the Land Disturbance phase. Additionally the storm drainage will need to be addressed as the site has been developed. There are no staff concerns about land values or compatibility of land use activities relative to the proposed use of the site.

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

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

Conclusion

The submitted application meets the comprehensive plan expectations as noted by the previously mentioned appropriate land uses, policy goals, and vision in Section C; the proposed development appears to meet the presented policy goals in Section B. The impound lot use is defined as a "Junkyard" in the definition section of the UDO.

Recommendation

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

Conditions

1. Development is to be confined to the delineations of the submitted concept plan. All development shall meet or exceed the standards indicated in the Uniform Development Ordinance.
2. All driveway entrances must be commercial grade, providing an apron to accommodate all types of traffic.
3. The identified office shall be upgraded to commercial office space, in foundation reinforcement, all ADA criteria, and accessibility, meeting all building code and Fire Marshal Requirements.
4. The metal building on site shall be augmented to current commercial building code, meeting all Fire Marshal Requirements.
5. All trees on site must be preserved, and any trees requested to be removed must have a certified arborist report submitted with the tree removal permit.
6. The site must be fenced with opaque fencing materials (metal and masonry mixed materials), with a minimum of 8-foot-tall fencing materials.
7. All road frontages shall provide a landscaped border, no more than 30% of one species of tree or shrub.
8. The portion of the parcel is required to contain all stormwater management within the delineated site. All stormwater must be designed consistent with current regulations for stormwater management.
9. The site is required to provide an outdoor lighting plan for customer parking, and the impound lot. Each parking lot shall have a minimum of 1 freestanding lighting fixture.
10. The customer parking lot is required to be paved, providing striping, and adequate ADA compliant parking.
11. All retaining walls, and any other structures, must be brought to the current code.
12. A delineation barrier between the customer parking and the impound lot must be placed either with fencing, or landscaping.
13. The impound lot shall note a capacity of parking on the Land Disturbance Permit.
14. An onsite monitoring system shall be installed to manage any incoming traffic, with notification to the Norcross Police Department to monitor any emergency situations.
15. An enclosed dumpster shall be placed interior to the impound lot and shall be composed of appropriate materials subject to design review.
16. All towing service vehicles shall be parked within the fenced area of the impound yard at all times.
17. The site is required to have soil testing conducted prior to the issuance of a Land Disturbance Permit by a Professional Engineer specializing in Geotechnical. Results are

to be included in civil drawings which will be held on file in the Community development Office.

18. No dismantling or salvage activities shall be permitted at any time.
19. Any manufacturing, processing, assembly, fabrication, servicing (including washing of vehicles), and repair operations are carried out within an entirely enclosed building.
20. Buildings shall be equipped with approved, and serviced FOG required traps or filters. All fluids shall be collected and contained for off site disposal.
21. All signs shall be permitted separately. A general signage plan will be required in compliance with the Land Disturbance Permit.
22. There shall be no variance or encroachment of any kind to the stream buffer for the comprehensive site.



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Philip

City of Norcross

Legislation Details (With Details)

File #:	24-6966	Version:	
Type #:	Agenda Item	Status:	Agenda Ready
On Agenda:	4/1/2024 6:30 PM	In Control:	Mayor and Council
Title:	Board Appointment - Architectural Review Board		

Sponsors:

Code Sections:

Title
Board Appointment - Architectural Review Board

Motion

A motion to Approve/Deny the appointment of the following candidate to the Architectural Review Board with terms as presented:

Architectural Review Board

_____ **06/6/2027**



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Phillip

City of Norcross

Legislation Details (With Details)

File #:	24-6967	Version:	
Type #:	Agenda Item	Status:	Agenda Ready
On Agenda:	4/1/2024 6:30 PM	In Control:	Mayor and Council
Title:	Board Appointment - Historic Preservation Commission		

Sponsors:

Code Sections:

Title
 Board Appointment - Historic Preservation Commission

Motion

A motion to Approve/Deny the reappointment of the following candidate to the Historic Preservation Commission with terms as presented:

Historic Preservation Commission

12/01/2027



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Phillip

City of Norcross

Legislation Details (With Details)

File #:	24-6945	Version:	
Type #:	Agenda Item	Status:	Agenda Ready
On Agenda:	4/1/2024 6:30 PM	In Control:	Mayor and Council
Title:	Electric Rate Study		

Sponsors:

Code Sections:

Attachments:

1. [Agenda Report - Electric Rate Study](#)
2. [ECG - Norcross Electric - Cost of Service - 2024 Final](#)
3. [Norcross Reliability Project](#)

Title
Electric Rate Study

Drafter
Steve Gaines

Motion
A motion to Approve/Deny the Adoption of the attached electric rate schedule completed by ECG.



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Phillip

Agenda Report

To: Mayor and Council

From: Steve Gaines, Superintendent Norcross Power

Meeting Date: April 1, 2024 – Mayor and Council

Item No.: 24-6945

Title: Electric Rate Study

CC: Eric Johnson, City Manager

Recommendation

Adopt the newly submitted rate schedule completed by ECG.

Background

Electric Rates are typically re-evaluated every two to three years. In recent years ECG has widened their data requests to include generation, specifically Plant Vogtle Units 3 & 4 and the monetary challenges that could arise when they are both fully functional. Beyond that, the continuation of moving towards more of a fixed charge vs. variable.

Financial Impact

Financially, whether there is a rate reduction or an increase. This rate study is an important way to keep costs consistent for our rate payers (combined with the ECCR and PCA charges).

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

Further the City's Tradition of Strong Leadership and High Level of Quality Services

Next Steps

After Mayor and Council approval, rates should be sent to the billing department for implementation and ECG should be advised of when that takes place so there is no confusion when they are assisting us with further calculations other billing inquiries.

Attachments

ECG - Norcross Electric - Cost of Service - 2024 Final

Update: NA

Attachment: Agenda Report - Electric Rate Study (24-6945 : Electric Rate Study)



SUPPORTING GREATNESS. DEVELOPING OPPORTUNITIES.

City of Norcross: Electric Cost of Service (COS)

March 18, 2024



Electric COS: Overview

- Allocates all costs and transfers to individual rate classes to determine margin
 - § Incorporates billing information, unaudited financials and MEAG power bills from FY2023
 - § Excludes \$0.800M in sales tax from revenue and expense
 - § Excludes \$0.300M of interest income
 - § Power Cost includes \$0.471M MEAG YES applied to the April invoice

Revenues

• Electric Sales:	\$13.158M
• Other:	\$0.620M

Total Revenues: \$13.778M

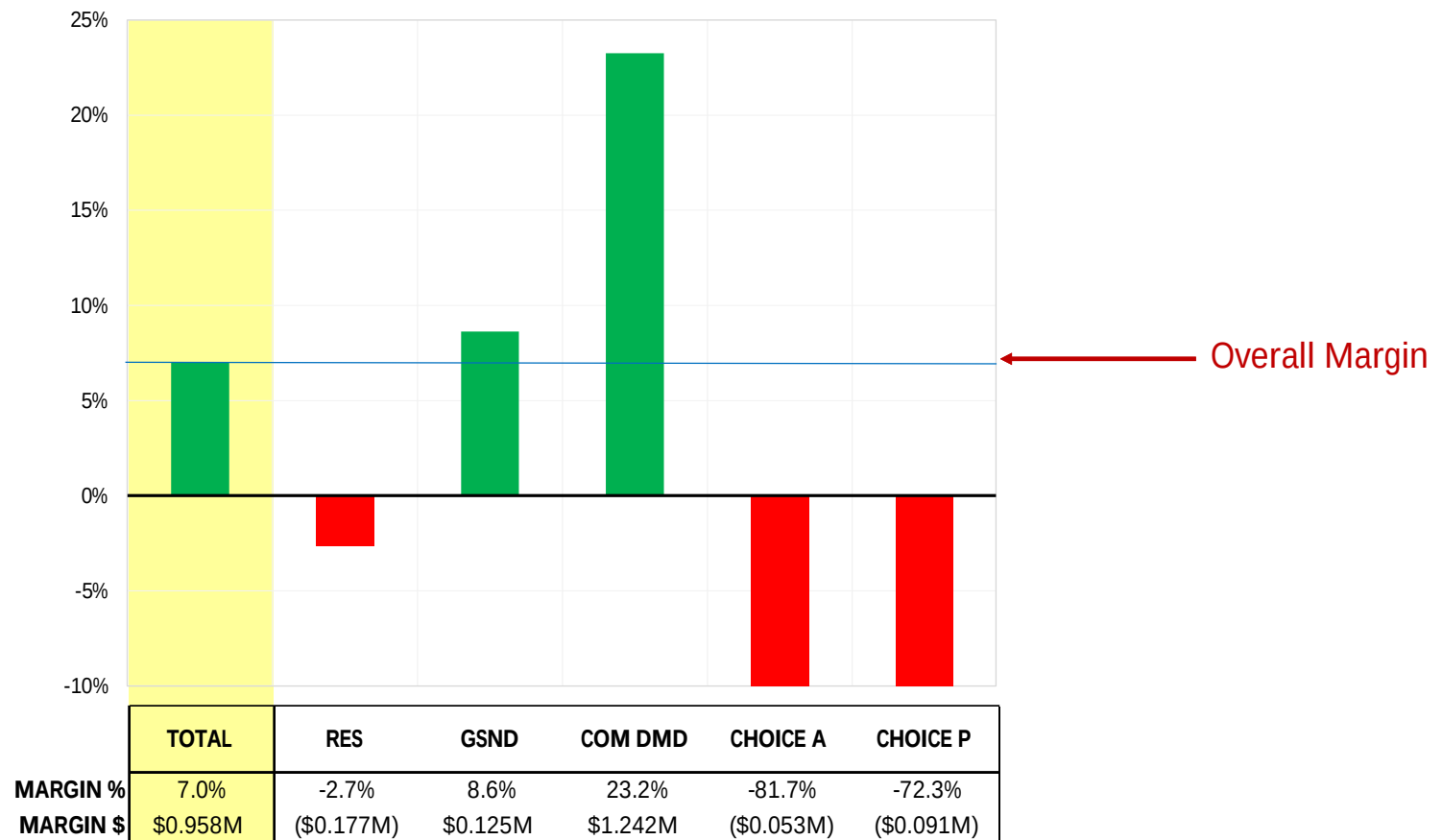
Expenses

• Purchased Power:	\$9.118M
• Operations & Maintenance :	\$1.891M
• Administrative & General:	\$0.321M
• Capital:	\$0.064M
• Depreciation:	\$0.271M
• Administration Allocation:	\$0.100M
• General Fund Transfer:	\$1.054M

Total Expenses: \$12.820M

Margin: \$.958M

Electric COS: Margin %



Electric 10-year Projection

NORCROSS PROJECTION	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
REVENUES										
1 Sales Revenues	\$13.552M	\$14.187M	\$14.293M	\$14.293M	\$14.505M	\$14.505M	\$14.505M	\$14.505M	\$14.505M	\$14.505M
2 Other Revenues	\$0.251M	\$0.251M	\$0.251M	\$0.251M	\$0.251M	\$0.251M	\$0.251M	\$0.251M	\$0.251M	\$0.251M
3 TOTAL OPERATING REVENUES	\$13.803M	\$14.438M	\$14.544M	\$14.544M	\$14.756M	\$14.756M	\$14.756M	\$14.756M	\$14.756M	\$14.756M
EXPENSES										
4 Personnel	\$1.326M	\$1.366M	\$1.407M	\$1.449M	\$1.493M	\$1.538M	\$1.584M	\$1.631M	\$1.680M	\$1.731M
5 Contractual Services	\$1.015M	\$1.045M	\$1.077M	\$1.109M	\$1.142M	\$1.176M	\$1.212M	\$1.248M	\$1.286M	\$1.324M
6 Repair & Maintenance	\$0.054M	\$0.056M	\$0.057M	\$0.059M	\$0.061M	\$0.062M	\$0.064M	\$0.066M	\$0.068M	\$0.070M
7 Supplies & Materials	\$0.657M	\$0.676M	\$0.697M	\$0.717M	\$0.739M	\$0.761M	\$0.784M	\$0.808M	\$0.832M	\$0.857M
8 Other Expense	\$0.025M	\$0.026M	\$0.027M	\$0.027M	\$0.028M	\$0.029M	\$0.030M	\$0.031M	\$0.032M	\$0.033M
9 TOTAL OPERATING EXPENSES	\$3.077M	\$3.169M	\$3.264M	\$3.362M	\$3.463M	\$3.567M	\$3.674M	\$3.784M	\$3.897M	\$4.014M
10 Purchased Power	\$9.885M	\$10.034M	\$9.987M	\$10.345M	\$10.093M	\$10.059M	\$9.839M	\$9.950M	\$10.531M	\$10.805M
11 ECG Bill	\$0.262M	\$0.270M	\$0.278M	\$0.287M	\$0.295M	\$0.304M	\$0.313M	\$0.323M	\$0.332M	\$0.342M
12 MEAG YES	\$(0.426M)	\$(0.426M)	\$(0.426M)	\$(0.426M)	\$(0.426M)	\$(0.426M)	\$(0.426M)	\$(0.426M)	\$(0.426M)	\$(0.426M)
13 Depreciation	\$0.271M	\$0.271M	\$0.271M	\$0.271M	\$0.271M	\$0.271M	\$0.271M	\$0.271M	\$0.271M	\$0.271M
14 Admin Allocation	\$0.100M	\$0.103M	\$0.106M	\$0.110M	\$0.113M	\$0.116M	\$0.120M	\$0.123M	\$0.127M	\$0.131M
15 TOTAL OTHER EXPENSES	\$10.092M	\$10.253M	\$10.216M	\$10.586M	\$10.346M	\$10.325M	\$10.117M	\$10.241M	\$10.835M	\$11.123M
16 TRANSFER TO GEN FUND 6%	\$0.828M	\$0.866M	\$0.873M	\$0.873M	\$0.885M	\$0.885M	\$0.885M	\$0.885M	\$0.885M	\$0.885M
17 TOTAL REV REQUIREMENT	\$13.997M	\$14.288M	\$14.353M	\$14.820M	\$14.694M	\$14.777M	\$14.676M	\$14.910M	\$15.618M	\$16.022M
18 NET MARGIN	\$(0.194M)	\$0.150M	\$0.191M	\$(0.276M)	\$0.062M	\$(0.021M)	\$0.080M	\$(0.154M)	\$(0.862M)	\$(1.267M)
2024-2028 Net Margin \$(0.066M)						2029-2033 Net Margin \$(2.224M)				

- **Sales Revenues:** based on current rates; Choice accounts incentive rate expires 12/2028, moved to standard rates 2028-2033; Apartment complex partial 2025, full 2026-2033
- **Amazon EV:** partial load 2024, full load 2025-2033
- **Power Costs:** based on 2024 MEAG budget; MEAG 10-year projection (1/2024) for 2025-2033; Adjustments made for Amazon EV
- **Expenses/Other:** based on FY2024 budget; 3% escalation of expenses and transfer; MEAG YES based on 10-year average

Fixed Rate Examples – Increase Residential Base Fee

		2024		PROPOSAL-\$30 BASE	
RESIDENTIAL					
Base	48,260	\$22.00	\$1,061,720	\$30.00	\$1,447,800
Senior	4,834	\$6.50	\$31,421	\$14.50	\$70,093
Energy					
First 500 kWh (S)	12.00M	0.110361	1,324,348	0.100368	1,204,430
Next 500 kWh (S)	7.12M	0.132961	946,294	0.122968	875,173
Over 1000 kWh (S)	4.84M	0.153911	744,515	0.143918	696,176
First 500 kWh (W)	11.27M	0.110361	1,243,283	0.100368	1,130,706
Next 500 kWh (W)	4.66M	0.109861	512,178	0.099868	465,590
Over 1000 kWh (W)	2.62M	0.108911	285,455	0.098918	259,263
ECCR	42.50M	0.004000	170,013	0.004000	170,013
PCA	42.50M				
TOTAL RES	42.50M	\$0.1487	\$6,319,227	\$0.1487	\$6,319,245

RESIDENTIAL BILL IMPACTS			
	KWH/MO	CURRENT	\$30 BASE
SUMMER	500	\$79.18	\$82.18
\$•			\$3.00
%•			3.8%
SUMMER	1000	\$147.66	\$145.67
\$•			(\$1.99)
%•			-1.3%
SUMMER	1500	\$226.62	\$219.63
\$•			(\$6.99)
%•			-3.1%
SUMMER	2000	\$305.57	\$293.59
\$•			(\$11.99)
%•			-3.9%
WINTER	500	\$79.18	\$82.18
\$•			\$3.00
%•			3.8%
WINTER	1000	\$136.11	\$134.12
\$•			(\$1.99)
%•			-1.5%
WINTER	1500	\$192.57	\$185.58
\$•			(\$6.99)
%•			-3.6%
WINTER	2000	\$249.02	\$237.04
\$•			(\$11.99)
%•			-4.8%

Fixed Rate Examples – Increase Commercial Non-Demand Base Fee

		2024		PROPOSAL-\$45 BASE	
COMMERCIAL NON-DEMAND					
Base	6,800	\$24.00	\$163,200	\$45.00	\$306,000
Energy					
All kWh (S)	3.99M	0.164837	657,878	0.145839	582,056
All kWh (W)	3.53M	0.149887	528,407	0.130889	461,432
ECCR	7.52M	0.004000	30,066	0.004000	30,066
PCA	7.52M				
TOTAL COMMERCIAL NON-DEMAND	7.52M	\$0.1835	\$1,379,551	\$0.1835	\$1,379,554

COMMERCIAL NON-DEMAND BILL IMPACTS			
	KWH/MO	CURRENT	\$45 BASE
SUMMER	800	\$159.07	\$164.87
		\$ =	\$5.80
		% =	3.6%
SUMMER	2000	\$361.67	\$344.68
		\$ =	(\$17.00)
		% =	-4.7%
WINTER	800	\$147.11	\$152.91
		\$ =	\$5.80
		% =	3.9%
WINTER	2000	\$331.77	\$314.78
		\$ =	(\$17.00)
		% =	-5.1%

Fixed Rate Examples – Increase Base Fee and Demand for Large Commercial

		2024		PROPOSAL-\$150 BASE	
LARGE COMMERCIAL DEMAND					
Base	72	\$60.00	\$5,040	\$150.00	\$12,600
Demand	41,926	8.00	335,408	\$10.00	419,260
Energy					
First 200 HUD					
First 3,000 kWh	0.22M	0.099662	21,527	0.095018	20,524
Next 7,000 kWh	0.50M	0.096662	48,718	0.092018	46,377
Next 90,000 kWh	5.69M	0.094362	536,923	0.089718	510,498
Over 100,000 kWh	1.98M	0.084162	166,233	0.079518	157,060
200-400 HUD	7.80M	0.074882	583,803	0.070238	547,597
400-600 HUD	3.23M	0.070382	226,985	0.065738	212,008
> 600 HUD	0.28M	0.066382	18,368	0.061738	17,083
ECCR	19.68M	0.004000	78,733	0.004000	78,733
PCA	19.68M				
TOTAL LARGE COMMERCIAL DEMAND	19.68M	\$0.1027	\$2,021,737	\$0.1027	\$2,021,740

COMMERCIAL DEMAND BILL IMPACTS			
	250 KW	KWH/MO	CURRENT
LF 30%		54750	\$7,501.39
	\$•		\$335.74
	%•		4.5%
LF 50%		91250	\$10,234.58
	\$•		\$166.24
	%•		1.6%
LF 70%		127750	\$12,842.90
	\$•		(\$3.27)
	%•		0.0%

Customer usage > 250 KW

Based on current data: 6 Accounts

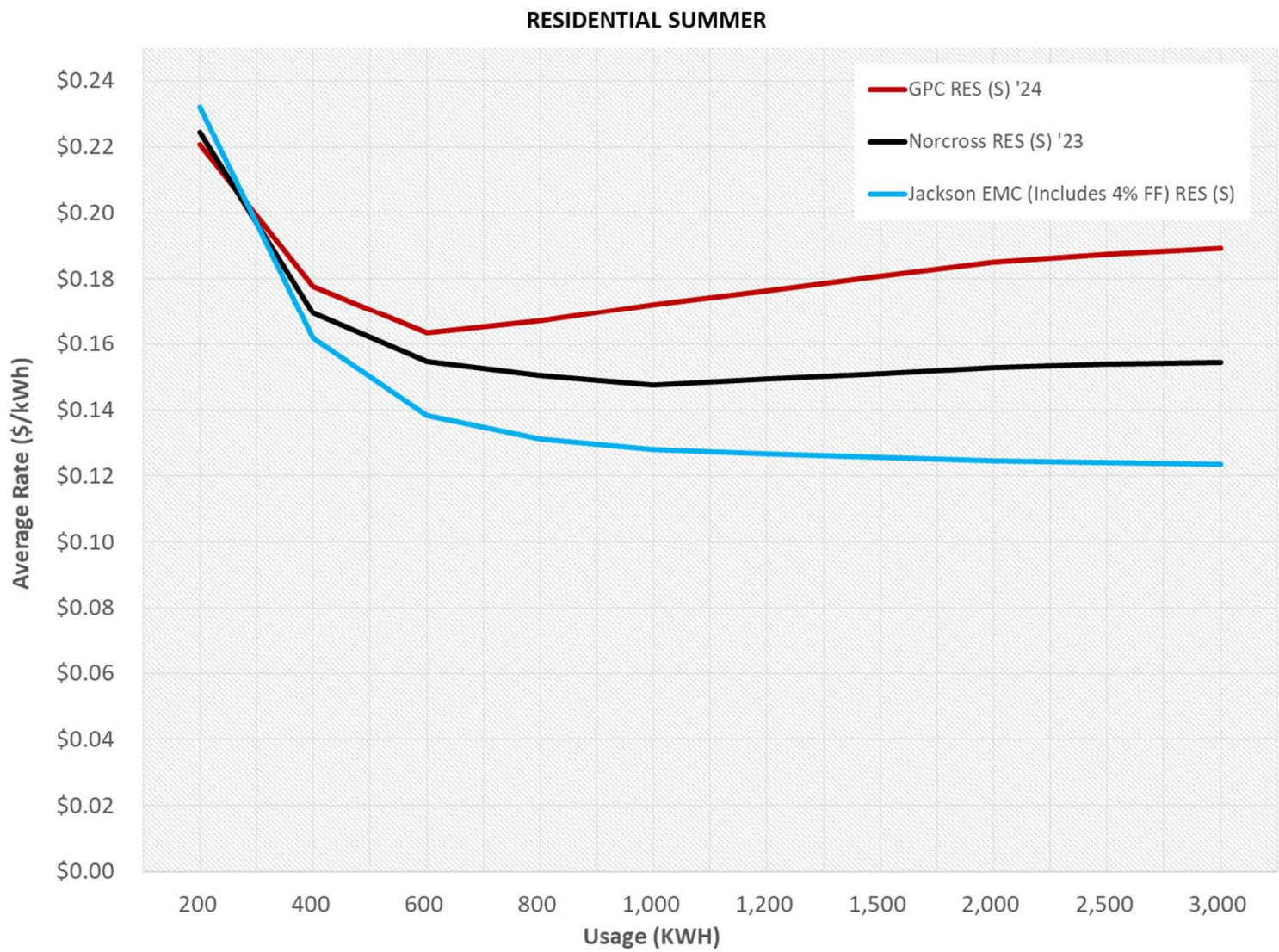
Fixed Rate Examples – Residential Demand Rate

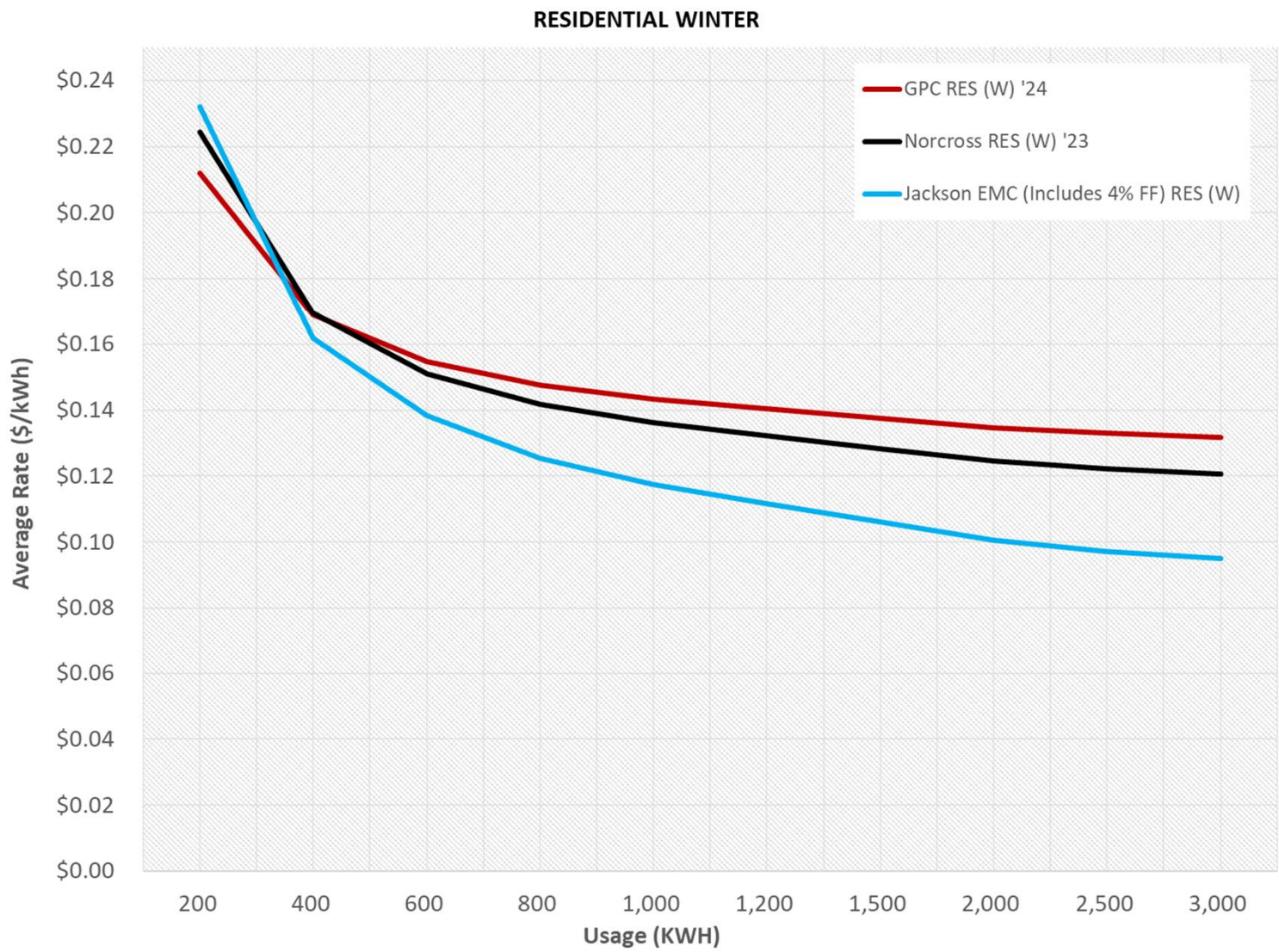
		2024		PROPOSAL-RES DMD	
RESIDENTIAL DMD					
Base	48,260	\$22.00	\$1,061,720	\$30.00	\$1,447,800
Senior	4,834	\$6.50	\$31,421	\$14.50	\$70,093
Demand	306,440			\$5.00	\$1,532,200
Energy					
First 500 kWh (S)	12.00M	0.110361	1,324,348		
Next 500 kWh (S)	7.12M	0.132961	946,294		
Over 1000 kWh (S)	4.84M	0.153911	744,515		
First 500 kWh (W)	11.27M	0.110361	1,243,283		
Next 500 kWh (W)	4.66M	0.109861	512,178		
Over 1000 kWh (W)	2.62M	0.108911	285,455		
Energy					
All kWh (S)	23.95M			0.081643	1,955,720
All kWh (W)	18.55M			0.061643	1,143,395
ECCR	42.50M	0.004000	170,013	0.00400	170,013
PCA	42.50M				
TOTAL RES	42.50M	\$0.1487	\$6,319,227	\$0.1487	\$6,319,220

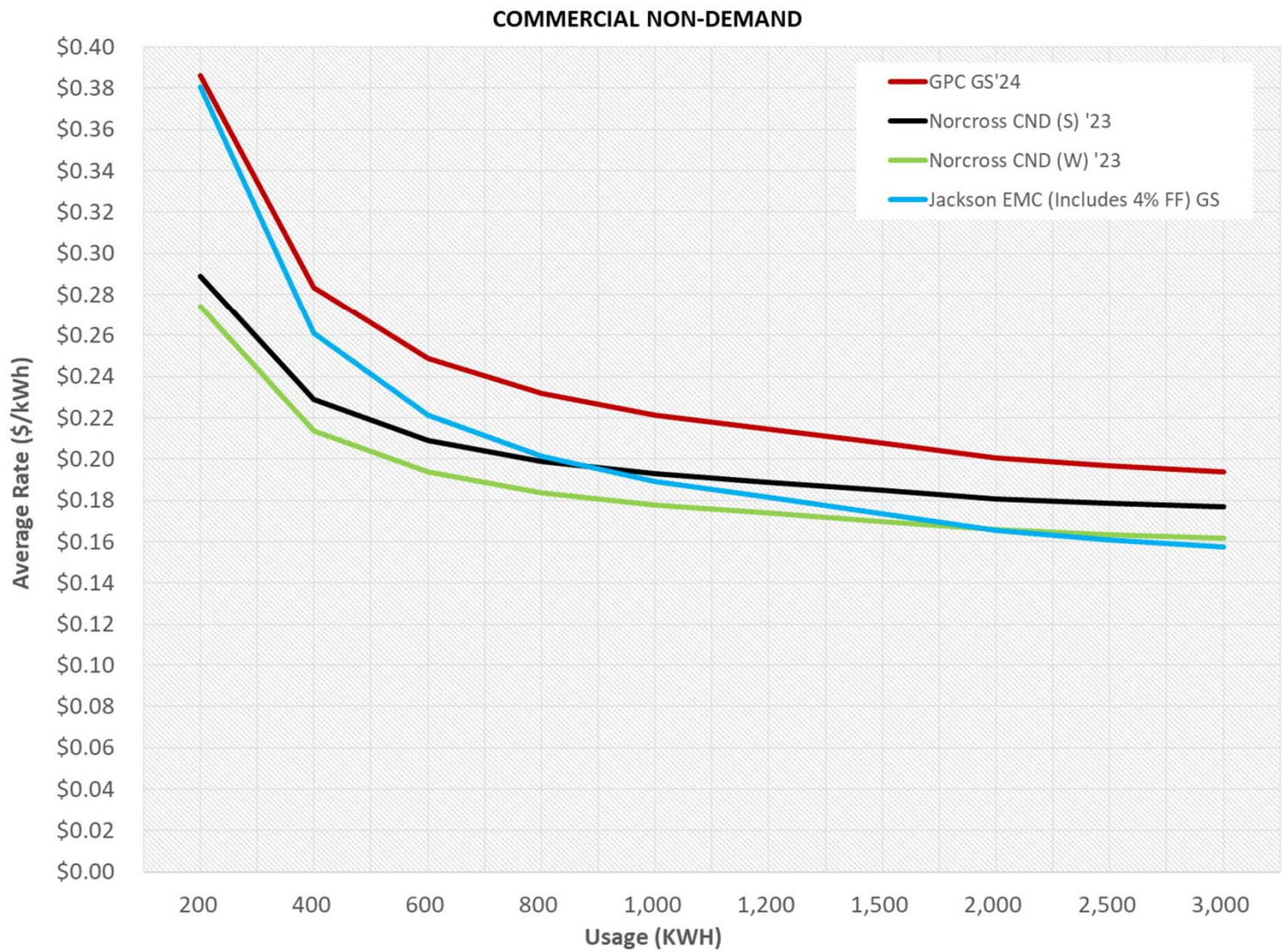
RESIDENTIAL DEMAND BILL IMPACTS			
7 KW	KWH/MO	CURRENT	DMD
SUMMER	818	\$122.73	\$135.02
LF 16%			
\$•			\$12.29
%•			10.0%
WINTER	818	\$115.39	\$118.67
LF 16%			
\$•			\$3.28
%•			2.8%

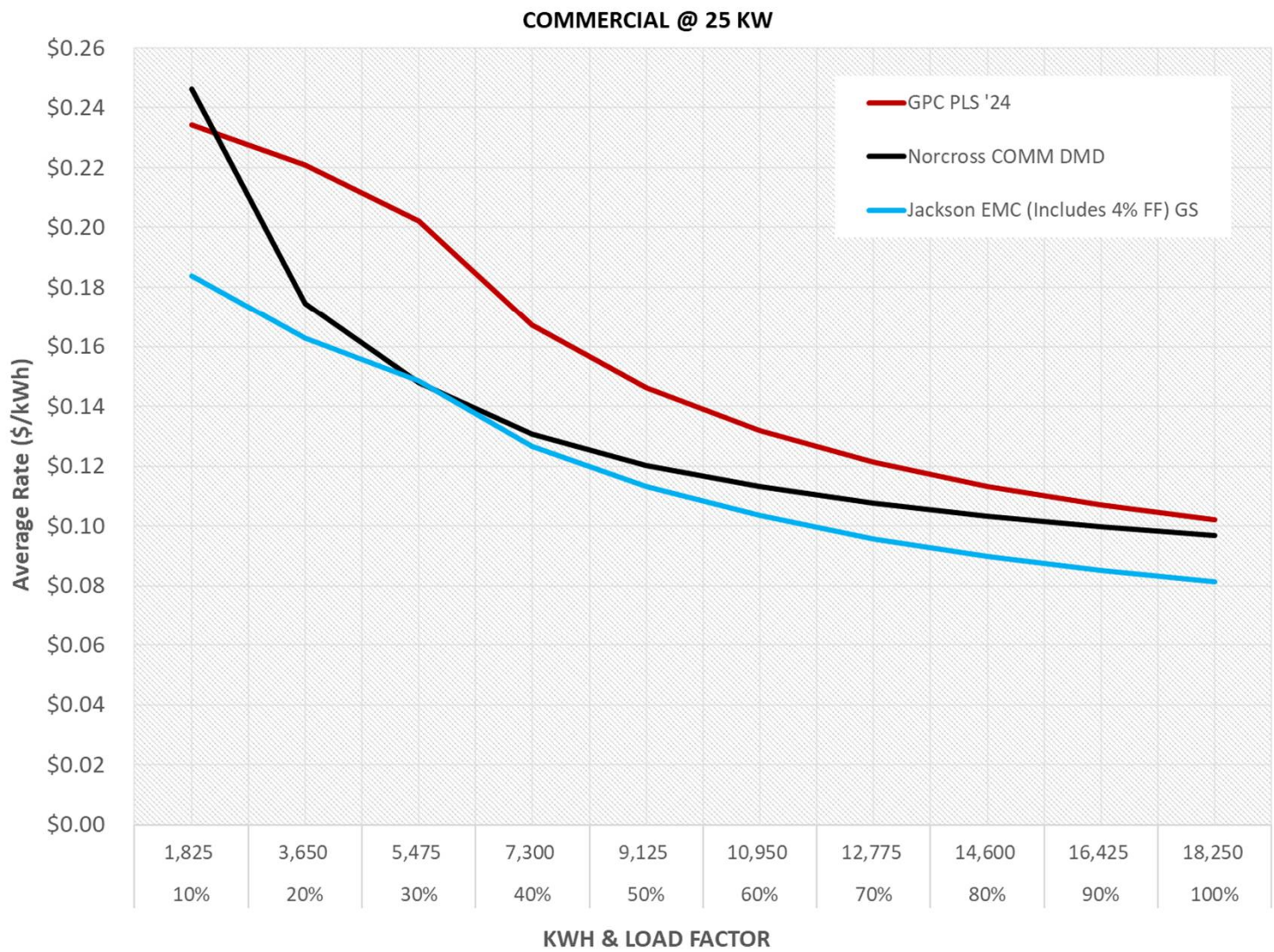
RESIDENTIAL DEMAND BILL IMPACTS			
	KWH/MO	CURRENT	DMD
SUMMER	1200	\$179.24	\$172.77
8KW LF 21%			
\$•			(\$6.47)
%•			-3.6%
WINTER	750	\$107.65	\$114.23
7KW LF 15%			
\$•			\$6.59
%•			6.1%

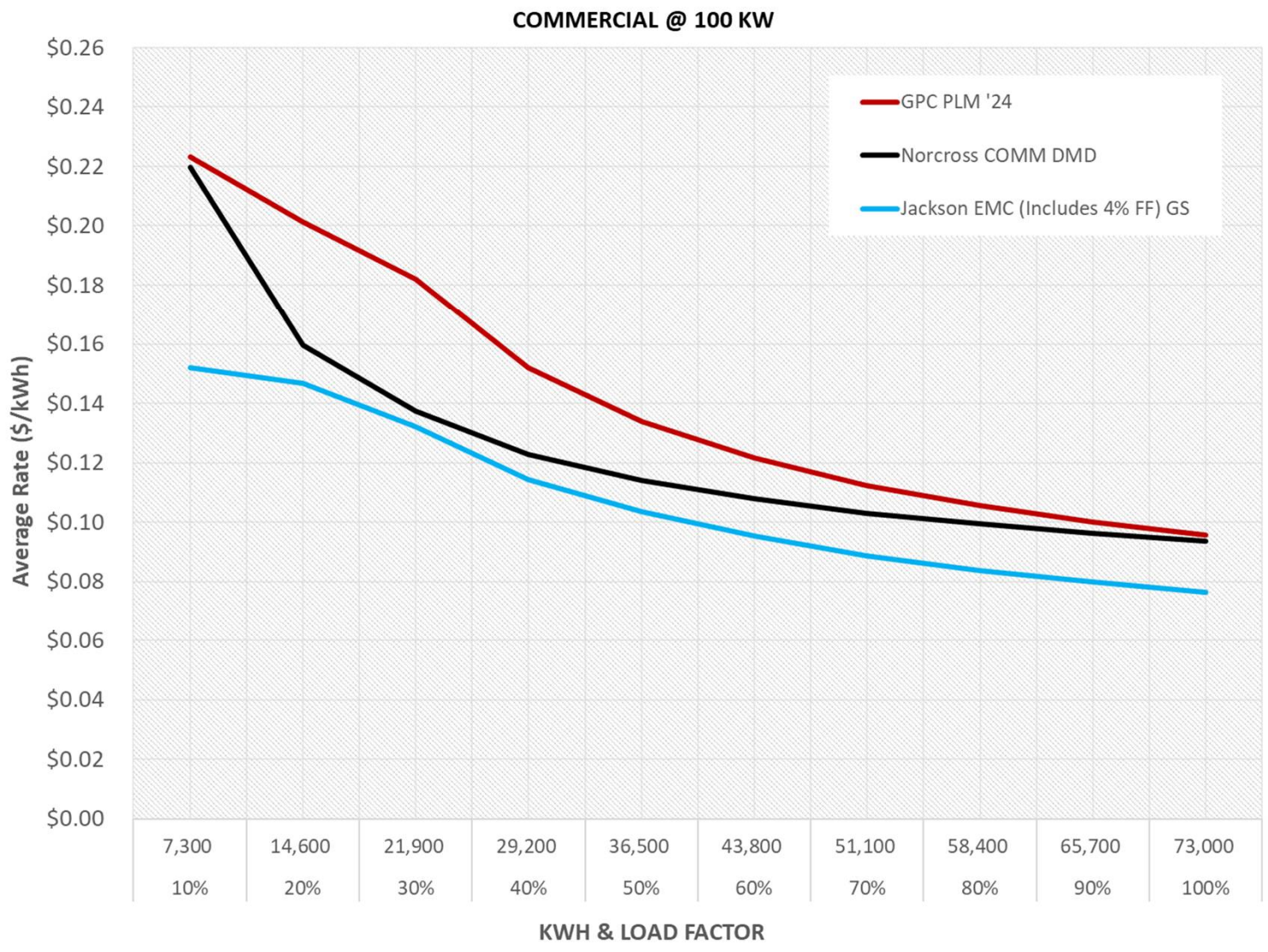
- A Residential Demand Rate structure assists in recovering fixed cost.
- Educating residential customers would be important for understanding the difference between kW and kWh.
- Administration of demand readings and billing for 4,000 accounts would be complex.

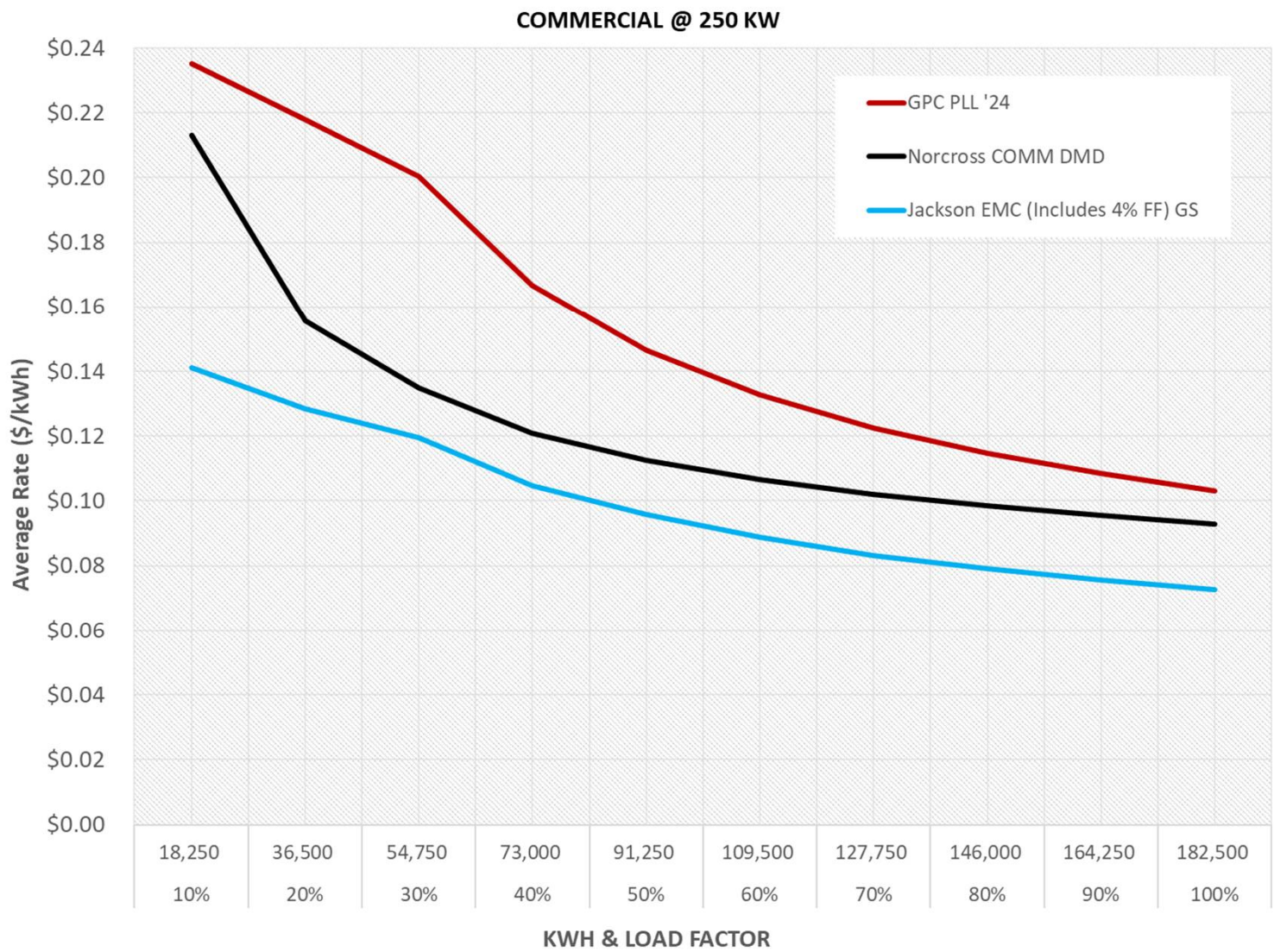












Contact

Sarah Leonard

principal analyst, analytical services

- o 770.563.0304
- c 678.521.0296
- f 770.956.1909
- e sleonard@ecoga.org

Electric Cities of Georgia, Inc.
1470 Riveredge Parkway NW | Atlanta, GA 30328
www.ecoga.org



SUPPORTING GREATNESS. DEVELOPING OPPORTUNITIES.

City of Norcross – Reliability Improve Project

March 1, 2024



Norcross Reliability Improvement

Norcross Electric is undertaking a reliability improvement project to enhance its power system.

The project is aimed to improve the reliability and performance of the power system.

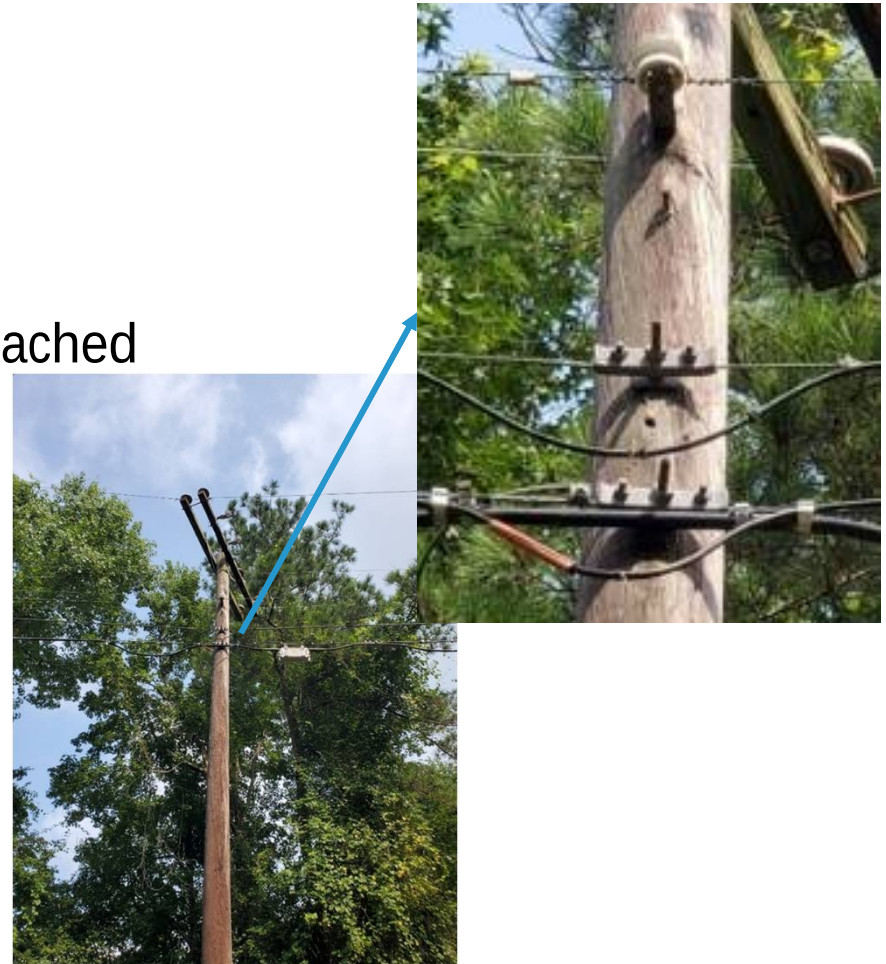
The project will benefit the consumers with improved power quality and reduce outages.

Actions Taken to Enhance Reliability

- Complete Electric Distribution System Inventory
 - Includes an Inventory of Phone and Cable Attachments
 - Best Reflects the Pole Space Rental Revenue
 - Partly Funded by Phone and Cable Lessees
 - Includes All Assets Owned by City of Norcross
 - A Tool to Identify Possible Problem Areas
- Evaluated Areas of Concern for Improvements
- Actions Being Planned and Taken
 - Tree Trimming Crews
 - “Smart” Devices
 - Fiberglass where applicable

Joint Use Inventory

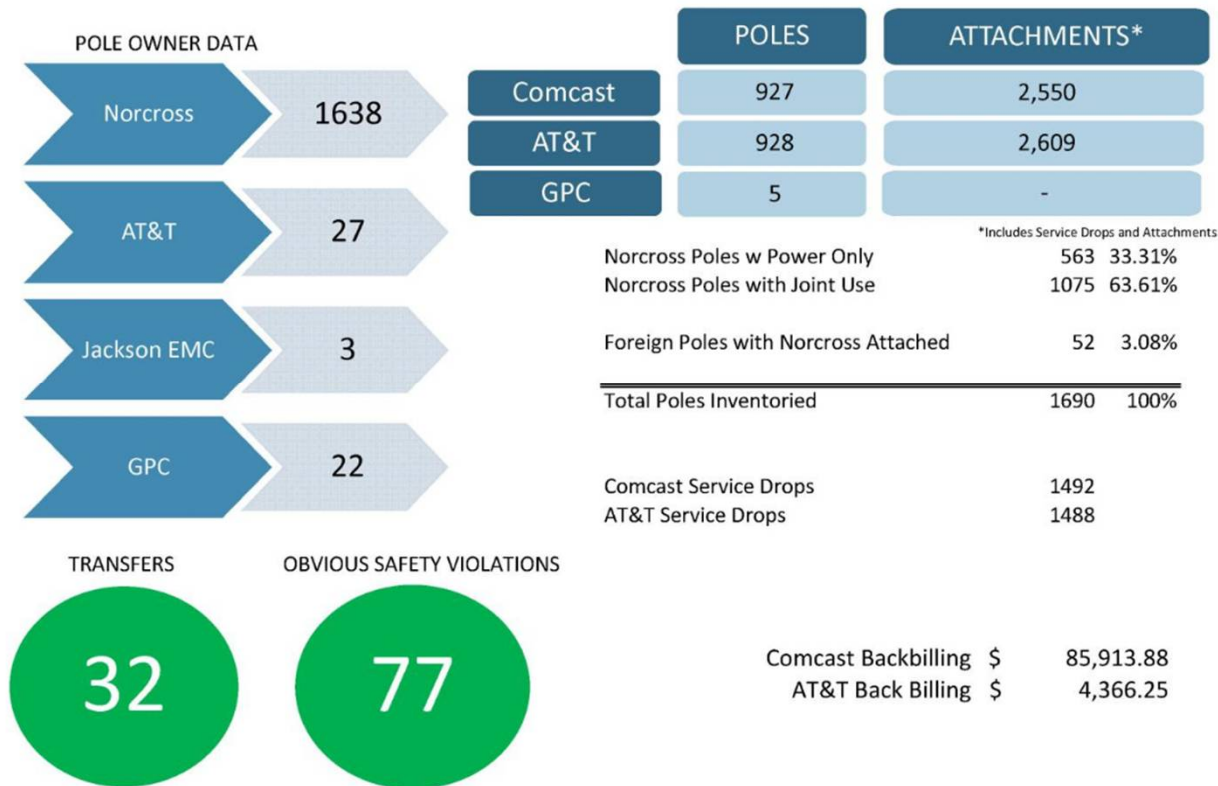
- The Inventory Paid for Itself
- Captures All Poles and Companies Attached
- Increased Revenues
 - Year 1 Benefit: \$98,235
 - Year 2 and beyond: ~\$32,000
- Approximate Inventory Cost: \$60,000
 - Trued-up to Actual Cost
 - Estimated Cost is less



Attachment: Norcross Reliability Project (24-6945 : Electric Rate Study)

Inventory Attacher Data

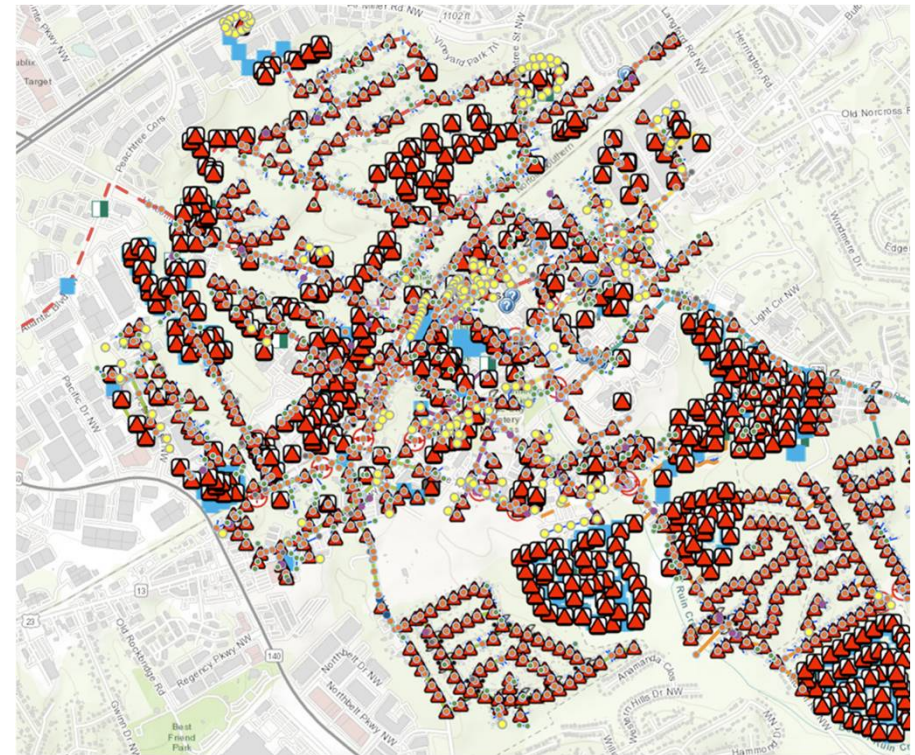
NORCROSS POLE ATTACHMENT DATA



Distribution System Data

All Distribution System Data is Collected

- Poles
- Conductors
- Transformers
- Coordination Devices
- Etc.



Distribution System Data - Sample



Improved Coordination Devices

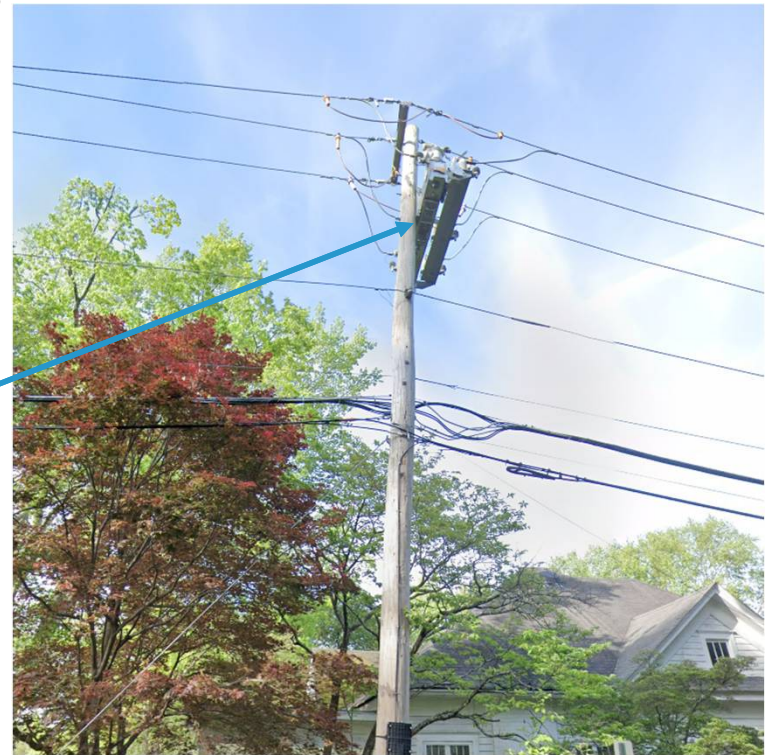
Updating Electric Distribution Devices for a
“Smarter” Distribution System

Adding Trip Savers

Replacing Intellirupters with Viper Reclosers

Updating Devices

- Replacing IntelliRupters with Viper Reclosures
- Allows for Problem Isolation Improving System uptime





Timeline

Tripsavers & Viper Reclosers

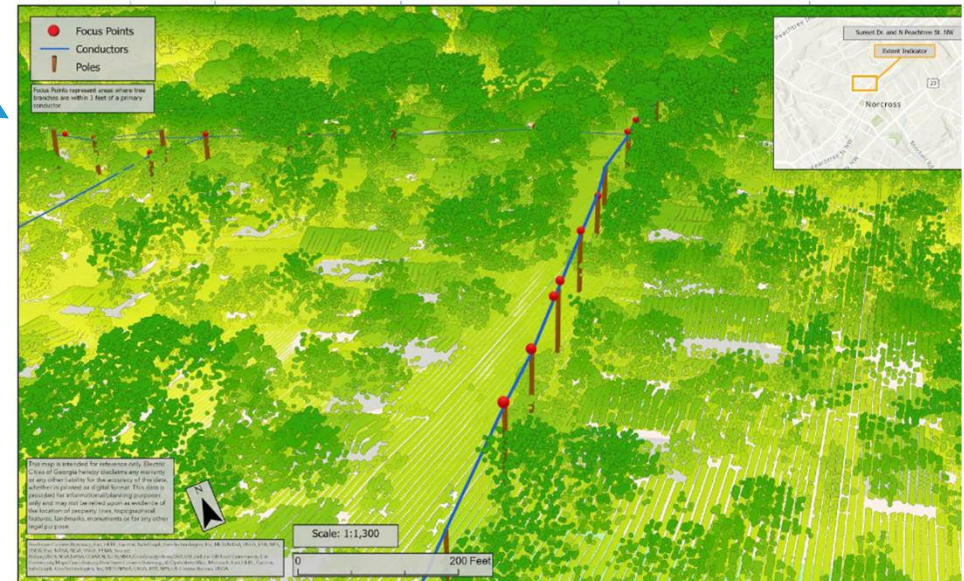
- Late February 2024 - Tripsavers Arrived
- March 2024 – Programming
- April/May 2024 – Installation

Fiberglass Hardware & Brackets

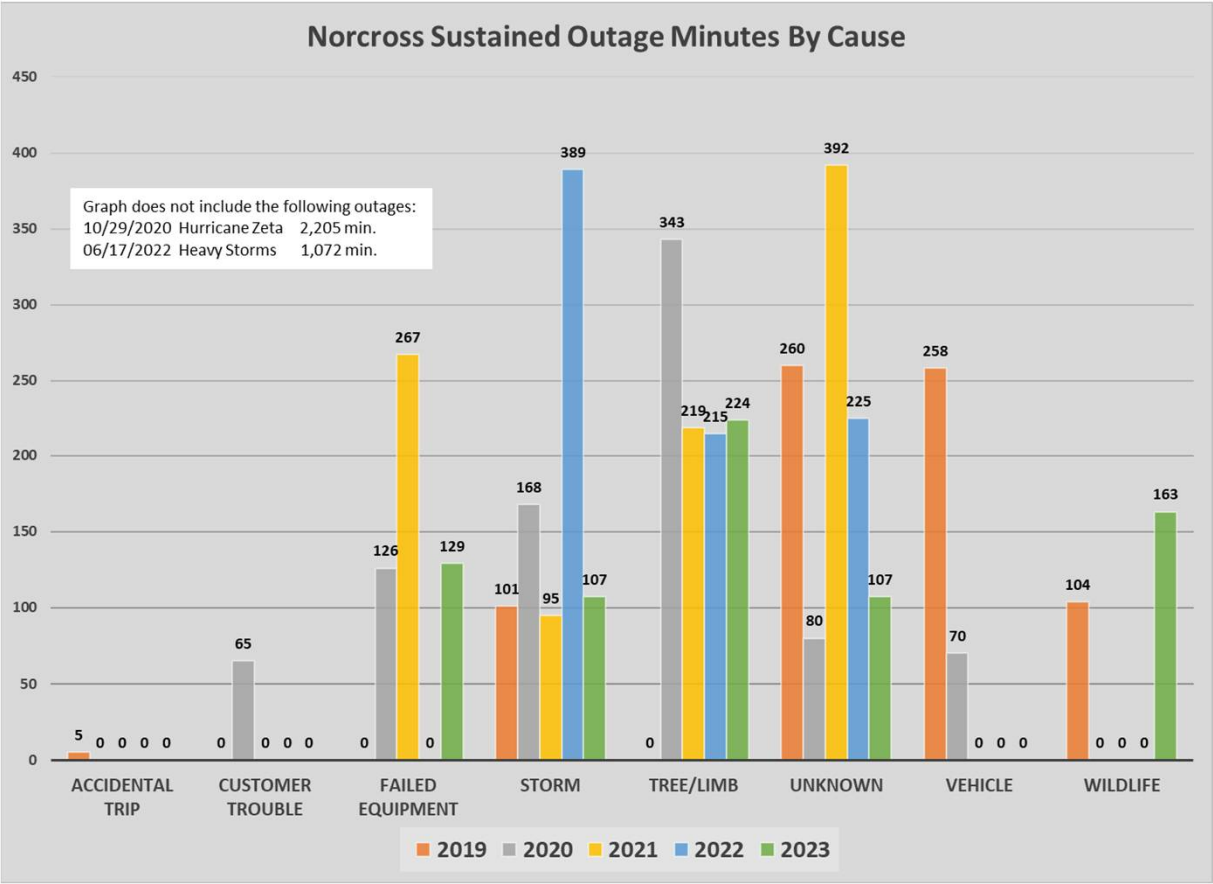
January 2024 & Ongoing

Tree Trimming

- Visual Inspection
- LIDAR was Utilized to Enhance Tree Trimming Locations
- Increased Tree Trimming Crews to Year-Round



Interruption Data – Historical Outage Minutes



Questions



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Phillip

City of Norcross

Legislation Details (With Details)

File #:	24-6946	Version:	
Type #:	Agenda Item	Status:	Agenda Ready
On Agenda:	4/1/2024 6:30 PM	In Control:	Mayor and Council
Title:	Surplus Vehicles Request		

Sponsors:

Code Sections:

Attachments:

1. [Agenda Report - Surplus Vehicles March 2024](#)
2. [Memo-Surplus Vehicles](#)

Title
Surplus Vehicles Request

Drafter
Bill Grogan

Motion
A motion to Approve/Deny the surplus of six (6) vehicles and four (4) bicycles.



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Philip

Agenda Report

To: Mayor and Council
From: Bill Grogan, Chief of Police
Meeting Date: April 1, 2024 – Mayor and Council
Item No.: 24-6946
Title: Surplus Vehicles/Bicycles
CC: Eric Johnson, City Manager

Recommendation

Approve the surplus of six (6) vehicles and four (4) bicycles.

Background

The Norcross Police Department has six (6) police patrol vehicles that are no longer in service having reached end of life in our replacement schedule tracking system. In addition, four (4) police bicycles are no longer used. The bikes were purchased in the year 2000.

Financial Impact:

None

Consistent with Comprehensive Plan?

Yes, goals 2 and 6 are specific to providing a safe environment and a high level of quality services for the city.

Attachments

Surplus vehicles memo from NPD Fleet Manager

Next Steps

Council approval / Vote

Update

N/A



NORCROSS POLICE DEPARTMENT

BILL GROGAN, CHIEF OF POLICE

TO: Captain Robert Braud

FROM: Amanda Klopfer, Fleet Manager

DATE: March 1, 2024

SUBJECT: Request to Surplus Vehicles / Bicycles

The following six (6) vehicles are the property of the City of Norcross Police Department and have reached the end of fleet life. I would like to request to surplus them due to high mileage and/or vehicle condition.

1. **2015 Dodge Charger** Unit 930 VIN: 2C3CDXAG9FH805834 Mileage: 117,000?
Maintenance: Starts and runs when jumped; battery may need to be replaced.
Purchased: Federal Seized Funds
2. **2016 Dodge Charger** Unit 937 VIN: 2C3CDXAG9GH132481 Mileage: 111,932
Maintenance: Starts and runs.
Purchased: General Fund
3. **2016 Dodge Charger** Unit 940 VIN: 2C3CDXAG7GH132477 Mileage: 134,622
Maintenance: Starts and runs; leaking oil.
Purchased: General Fund
4. **2014 Dodge Charger** Unit 948 VIN: 2C3CDXAG9EH256344 Mileage: 95,000?
Maintenance: Starts and runs when jumped; however, will not stay running once jump box is removed.
Purchased: General Fund
5. **2014 Dodge Charger** Unit 956 VIN: 2C3CDXAG5EH256342 Mileage: 109,006
Maintenance: Starts and runs when jumped; possible alternator issues.
Purchased: General Fund
6. **2016 Dodge Charger** Unit 963 VIN: 2CD3CDXAG0GH132479 Mileage: 107,731
Maintenance: Starts and runs when jumped. Battery may need to be replaced. AC does not blow cold air.
Purchased: General Fund

In addition, the following four (4) bikes are property of the Norcross Police Department and are no longer used or needed. The bikes were purchased in 2000.

Two (2) Black Trek Mountain bikes, serial numbers 1260496 & 1260745
Two (2) Blue Porsche Mountain bikes, serial numbers 220951 & 220794



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Phillip

City of Norcross

Legislation Details (With Details)

File #:	24-6947	Version:	
Type #:	Agenda Item	Status:	Agenda Ready
On Agenda:	4/1/2024 6:30 PM	In Control:	Mayor and Council
Title:	Change Order NO. 2 for County Road Project		

Sponsors:

Code Sections:

Attachments:

1. [Agenda Report - Change Order for County Road Project](#)
2. [F-1068 Change Order #2](#)

Title

Change Order NO. 2 for County Road Project

Drafter

Eric Johnson

Motion

A motion to Approve/Deny Change Order #2, authorizing expenditures of up to \$339,571.11 of City 2014 SPLOST funds for construction costs associated with the joint-funded Buford Highway/Jimmy Carter intersection improvements managed by Gwinnett County.



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Philip

Agenda Report

To: Mayor and Council

From: Eric Johnson, City Manager

Meeting Date: April 1, 2024 – Mayor and Council

Item No.: 24-6947

Title: Change Order #2 for County-managed Joint Funded Buford Highway/Jimmy Carter Road Improvement

Recommendation Approve Change Order #2, authorizing expenditure of up to \$339,571.11 of City 2014 SPLOST funds for construction costs associated with the joint-funded Buford Highway/Jimmy Carter intersection improvements managed by Gwinnett County.

Background The 2014 SPLOST included a separate allocation of funding for joint-funded transportation projects where funding was shared by a city and Gwinnett County. The City entered into an agreement in 2015 to jointly fund right-of-way acquisition for an intersection improvement project with a contribution of \$1 million from the City's 2014 SPLOST and an equal amount from the County. Right-of-way acquisition has been completed and \$339,571.11 of the City's commitment to the project is unspent. Construction costs have risen substantially since the original funding plan in 2018 for this GDOT road. The City and the County will, with this change order, apply the balance of unspent funds for the project to construction costs.

Financial Impact Broadens the eligible uses for the \$339,571.11 remainder of a \$1 million City commitment in 2015 to an intersection improvement of two GDOT roads, with an equal commitment by Gwinnett County.

Consistent with Comprehensive Plan? Continues to Strengthen Norcross as a Livable, Inclusive, and Safe Environment, and Increases Opportunities for Travel via Different Modes within and Outside the Community



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Philip

Attachments F-1068 Change Order #2

Update

CHANGE ORDER NO. 2 BETWEEN GWINNETT COUNTY
AND THE CITY OF NORCROSS REGARDING
JOINTLY FUNDED 2014 SPLOST PROJECT(S)
(COUNTY-MANAGED PROJECT #F-1068)

CHANGE ORDER NO. 2

This Change Order (hereinafter referred to as "Change Order No. 2") made by and between the City of Norcross, a municipal corporation chartered by the State of Georgia and headquartered at 65 Lawrenceville Street, Norcross, Georgia 30071 (hereinafter referred to as "CITY") and Gwinnett County, Georgia, a political subdivision of the State of Georgia headquartered at 75 Langley Drive, Lawrenceville, Georgia 30046, (hereinafter referred to as "COUNTY") each of whom has been duly authorized to enter into this Change Order No. 2.

WITNESSETH

WHEREAS, the COUNTY and the CITY entered into an agreement on January 8th, 2015, (hereinafter referred to as "ORIGINAL AGREEMENT") to jointly fund a transportation project to be managed by the County-(County-managed project) ; and

WHEREAS, the COUNTY and the CITY agreed to add the jointly funded project known as the Holcomb Bridge at Thrasher Street Sub-project in Change Order No. 1 on December 13th, 2018; and

WHEREAS the COUNTY and the CITY wish to reallocate any remaining funds by executing this Change Order No. 2;

NOW, THEREFORE, the COUNTY and the CITY, in consideration of the mutual promises and agreements set forth herein, do agree as follows:

1. Any savings realized upon completion of the right-of-way phase of County-managed SR 13/US 23/Buford Highway at SR 140/Jimmy Carter Boulevard project may be applied to the construction phase.
2. The maximum County Contribution and the minimum City Contribution as shown in Exhibit A of the ORIGINAL AGREEMENT (Exhibit A as attached hereto) shall remain in effect.
3. Except as explicitly stated in Section 1 of this Change Order No. 2, the existing projects shall not be updated, amended, or altered in any way.
4. All notices pursuant to this agreement shall be served as follows: As to the COUNTY, Chairwoman, Gwinnett County Board of Commissioners, 75 Langley Drive, Lawrenceville, Georgia 30046. As to the CITY, Mayor, City of Norcross, 65 Lawrenceville Street, Norcross, Georgia 30078.

Except as supplemented, modified and amended, the ORIGINAL AGREEMENT dated January 8th, 2015, and Change Order No. 1, dated December 13th, 2018 will remain in full force and effect and shall in all respects govern and control.

It is expressly agreed by the parties that this Change Order No. 2 is supplemental to the Original Agreement and all previous Agreements which are by reference made a part hereof. All terms, conditions, and provisions thereof unless specifically modified herein are to apply to this Change Order No. 2 and are made a part hereof as though they were expressly rewritten, incorporated, and included herein.

IN WITNESS WHEREOF, the Parties hereto acting through their duly authorized agents have caused this Agreement to be signed and delivered on the date set forth below.

This _____ day of _____, 2024.

WINNETT COUNTY, GEORGIA

CITY OF NORCROSS, GEORGIA

By: _____
NICOLE L. HENDRICKSON

By: _____

Title: CHAIRWOMAN

Title: _____

ATTEST:

ATTEST:

By: _____

By: _____

Title: County Clerk/Deputy County Clerk (SEAL)

Title: _____ (SEAL)

APPROVED AS TO FORM:

Gwinnett County Staff Attorney

Attachment: F-1068 Change Order #2 (24-6947 : Change Order NO. 2 for County Road Project)

Exhibit A - Gwinnett County and City of Norcross Jointly Funded 2014 SPLOST Projects

Change Order No. 2

Project Name	Improvement Type	Description	Maximum County Contribution	Minimum City Contribution
SR 13/US 23/Buford Highway at SR 140/Jimmy Carter Boulevard	ROW and Construction	A portion of the cost to acquire right of way and construct intersection improvement project	\$1,000,000.00	\$1,000,000.00



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Phillip

City of Norcross

Legislation Details (With Details)

File #:	24-6948	Version:	
Type #:	Agenda Item	Status:	Agenda Ready
On Agenda:	4/1/2024 6:30 PM	In Control:	Mayor and Council
Title:	CDBG 2023 Resurfacing and Stormwater Infrastructure		

Sponsors:

Code Sections:

Attachments:

1. [Agenda Report - CDBG 2023 Resurfacing and Stormwater Infrastructure](#)
2. [ITB PWUP 23-25 CDBG](#)
3. [Bids - ITB PWUP 23-25](#)
4. [Bid Tabulation](#)
5. [Draft Contractor Agreement CDBG](#)

Title
CDBG 2023 Resurfacing and Stormwater Infrastructure

Drafter
John Davis

Motion
A motion to Approve/Deny the contract with Atlanta Paving Company for Street Resurfacing and stormwater infrastructure repair and replacement at a cost of \$1,098,360.66, to be funded by the CDBG 2023 grant funds and City SPLOST Transportation funding.



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Philip

Agenda Report

To: Mayor and Council

From: John Davis, Public Works Superintendent

Meeting Date: April 1, 2024 – Mayor and Council

Item No.: 24-6948

Title: CDBG 2023 Street Resurfacing & Stormwater Repair

CC: Eric Johnson, City Manager

Recommendation: Approve the contract with Atlanta Paving Company for Street Resurfacing and stormwater infrastructure repair and replacement.

Background: This project consists of street resurfacing for the City of Norcross (Station Circle, to begin at Mitchell Road and end at Rails Way; Marshes Glenn Drive (to begin at Everglades Trail and end at Marshes Glenn Drive) and stormwater point repair, stormwater pipe relining and replacement

Financial Impact: This project will be funded by the CDBG 2023 grant funds and City SPLOST Transportation funding.

Consistent with Comprehensive Plan?

Yes, this aligns with the goal to continue to strengthen Norcross as a Livable, Inclusive, and Safe Environment by providing resurfacing and repair of streets, curbs, sidewalk replacement and stormwater infrastructure improvement.

Next Steps: Staff will move forward awarding a contract with Atlanta Paving Company.

Attachments:

ITB PWUP 23-25 CDBG
 Qualified Bids - ITB PWUP 23-25
 Bid Tabulation
 Contract with Atlanta Paving Company

Updates: NA



City of Norcross
Department of Public Works, Utilities & Parks

INVITATION TO BID
CDBG 2023 – RESURFACING & STORMWATER PROJECTS
ITB PWUP 23-25

Attachment: ITB PWUP 23-25 CDBG (24-6948 : CDBG 2023 Resurfacing and Stormwater Infrastructure)

City of Norcross

Department of Public Works, Utilities & Parks

INVITATION TO BID CDBG 2023 – RESURFACING & STORMWATER PROJECTS ITB PWUP 23-25

OVERVIEW:

The City of Norcross is soliciting sealed competitive bids from qualified contractors for resurfacing projects and stormwater point repairs and relining for the locations listed below:

- 1) Station Circle (Milling and Resurfacing to begin at Mitchell Road and end at Rails Way) – 3,971 LF (10,590 SY)
- 2) Marshes Glenn Drive (Milling and Resurfacing to begin at Everglades Trail and end at Marshes Glenn Drive) – 5,040 LF (13,440 SY)
- 3) Stormwater point repair and relining on Station Circle (See Stormwater Exhibit 1)
- 4) Stormwater point repair and relining on Marshes Glenn Drive (See Stormwater Exhibit 2)

Streets scheduled for milling and resurfacing will consist of the furnishing of all materials, labor, and equipment for the complete construction including but not limited to repairing the existing pavement base where needed, resurfacing of adjacent driveways to meet street pavement grades maintaining traffic control measures milling existing pavement, installing tack coat installing asphaltic concrete surface course applying high density mineral bond, adjustments of water valves & manholes, and the installation of pavement striping, and markings as directed. performing cleanup and related work.

All work must be completed in accordance with industry specifications and standards.

The BID package should be clearly marked “**ITB 23-25 – CDBG 2023**” on its face and submitted by **11:00 a.m. on January 19, 2023**, to the address below. Please submit two printed copies and one electronic copy (USB) of your package to:

Christabel Ghansah
Capital Projects Manager
ITB PWUP 23-25 – 2023 CDBG
City of Norcross – PWUP
345 Lively Avenue
Norcross, GA 30071

Both printed and electronic copies must contain the same information.

A pre-bid meeting will be held at the address above on **January 5, 2024, at 11:00 a.m.** Please submit questions/requests via **e-mail only** to the Capital Projects Manager at christabel.ghansah@norcrossga.net by **5:00 p.m. on January 5, 2024**.

We appreciate your interest in the City of Norcross!

Attachment: ITB PWUP 23-25 CDBG (24-6948 : CDBG 2023 Resurfacing and Stormwater Infrastructure)

BID CHECKLIST

The 10 Most Critical Things to Keep in Mind When Responding to a BID for the City of Norcross

1. _____ **Read the entire document.** Note critical items such as: mandatory requirements; supplies/services required; submittal dates; number of copies required for submittal; funding amount and source; contract requirements (i.e., contract performance security, insurance requirements, performance and/or reporting requirements, etc.).
2. _____ **Note the City of Norcross' staff member's name, address, phone numbers and e-mail address.** This is the **only** person you are allowed to communicate with regarding the ITB and is an excellent source of information for any questions you may have.
3. _____ **Attend the Pre-bid meeting** if one is offered. These meetings provide an opportunity to ask clarifying questions, obtain a better understanding of the project, or to notify the City of any ambiguities, inconsistencies, or errors in the ITB.
4. _____ **Take advantage of the "question and answer" period.** Submit your questions to the Capital Projects Manager by the due date listed in the Schedule of Events and view the answers given in the formal "addenda" issued for the ITB. All addenda issued for this ITB will be posted on the City's website and will include all questions asked and answered concerning the ITB.
5. _____ **Follow the format required in the ITB** when preparing your response. Provide point-by-point responses to all sections in a clear and concise manner.
6. _____ **Provide complete answers/descriptions.** Read and answer all questions and requirements. Do not assume the City or Evaluation Committee will know what your capabilities are or what items/services you can provide, even if you have previously contracted with the City. Evaluations are based solely on the information and materials provided in your response.
7. _____ **Use the forms provided**, i.e., sample budget form, certification forms, etc.
8. _____ **Check the City website for ITB addenda.** Before submitting your response, check the City website at <https://www.norcrossga.net/bids.aspx> to see whether any addenda were issued for the ITB.
9. _____ **Review and read the ITB document again** to make sure that you have addressed all requirements.
10. _____ **Submit your response on time.** Note all the dates and times listed and be sure to submit all required items on time. Late and incomplete responses are never accepted.

This checklist is provided for assistance only and should not be submitted with Company's Response.

1.0 INTRODUCTION

The City of Norcross is soliciting sealed competitive bids from qualified contractors for 2023 CDBG projects within the City of Norcross as illustrated in the attached map.

1.1 PROJECT SCOPE

The project will consist of milling and resurfacing to include repairing the existing pavement base where needed; resurfacing of adjacent driveways to meet St. pavement grades; adjustments of water valves and manholes and the insulation of pavement striping, and markings as directed. This project also includes stormwater pipe repairs and replacements and relining at the locations shown on the stormwater exhibits attached.

1.2 SPECIFICATIONS

All bids should be in duplicate with the same information submitted electronically (USB). Bids are legal and binding upon the bidder when submitted. The written bid documents are final and supersede any verbal or written prior communications between the parties.

No bid will be received or accepted after the above specified date and time. Submissions received after the designated date and time will be deemed invalid and returned unopened to the firm.

No bid may be withdrawn within thirty (30) days after the BID opening and all bids shall remain firm during this period. Requests for withdrawals must be submitted in writing.

Award will be made to the most **responsive and responsible** lowest bidder. Awards will not be automatically awarded to the lowest bidder. The City will review all bids for responsiveness and responsibility. Bidders must comply with specification guidelines, show evidence of experience and qualifications, and prove that they are qualified to carry out the scope of work.

The City of Norcross reserves the right to reject any or all bids, to waive technicalities, and to make an award deemed in its best interest. The City reserves the option to negotiate terms, conditions, and pricing with the lowest responsive, responsible bidder at its discretion.

1.3 REQUIREMENTS

Bids must include labor and all materials as specified; no substitutions for materials are allowed unless approved by the City of Norcross – PWUP Staff.

1.4 BID SUBMISSION GUIDELINES

All questions must be answered. Information given must be clear and comprehensive. The written request should provide background information about the company, its employees, and its experience with related projects and related clients (especially government).

- a. Name of Bidder
- b. Permanent main office address, email address, pertinent contact numbers.
- c. How long (years) has your firm been in the construction business under your present name; also, state names and dates of previous firm names, if any; where organized?
- d. General character of work performed by your company. Include a portfolio of 3-5 current or previous projects completed of the same/similar caliber in the last 5 years.
 - a. Include references
- e. Attach a list of your employees with job titles, responsibilities, and years of experience as they relate the requirements of this bid document.
- f. How long do you warrant a project?
- g. Does your professional liability insurance coverage extend past the completion date and warrant of any project? If yes, for how long?
- h. Contracts on hand (schedule – showing gross amount of each contract and the approximate anticipated dates of completion).
- i. Have you ever failed to complete any work awarded to you, if so, where, and why?
- j. Have you ever defaulted on a Contract, if so, where, and why?
- k. Have you ever failed to complete a project in the time allotment according to the Contract documents, if so, where, and why?
- l. List the most important contracts recently executed by your company, stating approximate cost for each, and the month and year completed.

- m. List your major equipment available for this contract.
- n. List any subcontractors whom you would expect to use for the contract.
- o. With what bank do you do business? Do you grant the City permission to contract this/these situations? Latest Financial Statements, certified audit, if available, prepared by an independent certified public accountant, may be requested by City.
 - a. If requested, such statements must be provided within five (5) business days, or the bid proposal will be rejected. Certified audited statement is preferred. Internal statements may be attached only if independent statements are not prepared.

1.5 SCHEDULE OF EVENTS

See **Appendix A** for the detailed Schedule of Events.

1.6 COMMUNICATIONS WITH STAFF

All questions about this ITB should include the company name and the referenced RFP section in the following format:

Company Name
 1. Question
 Citation of relevant section of the RFP
 2. Question
 Citation of relevant section of the RFP

2.0 GENERAL CONDITIONS

BIDDERS ARE ADVISED TO THOROUGHLY UNDERSTAND THE GENERAL CONDITIONS AND SPECIAL PROVISIONS, PRIOR TO SUBMITTING THEIR BIDS.

2.1 QUALIFICATIONS

- 2.1.1** Bids will be considered only from experienced and well-equipped Vendor(s) engaged in work of this type and magnitude.
- 2.1.2** Bidders may be required to submit evidence setting forth qualifications which entitle their company for consideration as a responsible Vendor. A list of work of similar character successfully completed within the last five years may be required, which lists the location, size, and scope for use on this work. Before accepting any bid, the City may require evidence of the Vendor's financial ability to successfully perform the work to be accomplished under the contract.
- 2.1.3** Proposers must provide their own materials and tools for this contract. Proof of samples and examples of current inventory will be provided to the City in the bid for the City staff to take into consideration.

2.2 GUARANTEE TO ACCOMPANY BID

- 2.2.1** If the cost proposal is greater than \$30,000.00, then bids must be accompanied by a certified check or cashier's check or acceptable performance bond in an amount not less than five percent (5%) of the amount proposal per section, and failure to submit a performance bond will be cause for rejection.

2.3 AUTHORITY TO SIGN

- 2.3.1** Bidder must ensure that the legal proper name of their firm and/or corporation is printed OR typed as appropriate on all documents.

2.4 RIGHTS RESERVED

- 2.4.1** The City of Norcross reserves the right to reject any or all bids, to waive informalities or to re-advertise. It is understood that all bids are made subject to this agreement, and that City of Norcross reserves the right to decide which bids it deems the most qualified and lowest cost. In arriving at this decision, full consideration will be given to the experience and qualifications of the Bidder, cost, work of this type successfully completed and past performance with the City of Norcross.

- 2.4.2** Bidders are advised to examine the site(s) of the proposed work, as are necessary, to familiarize themselves with location conditions, which may affect the proposed work. Bidders are also advised to inform themselves fully regarding conditions under which the work will be performed. The City will not be responsible for the Bidder's errors or misjudgment, nor for any information on location conditions or general laws and regulations.
- 2.4.3** Any unauthorized additions, conditions, limitations, or provisions attached to the Bid shall render it informal and may be cause for rejection.

2.5 AWARD OF CONTRACT

- 2.5.1** The contract will be awarded to the most qualified firm whose bid will cost the least and prove to be the most advantageous to the City, experience, technical considerations, cost, and other factors considered. The City is to make the determination.

2.5.1.1 The bid evaluation will be based on the following criteria:

- Bid price
- Compliance with submission guidelines and specifications (including all required forms and documents)
- Ability to perform scope of work
- Start date
- References

Please provide accurate information and inform your references that the City of Norcross will follow up to perform reference checks. It will affect your scores if we are not able to contact your references, or they do not respond in time.

The City of Norcross will not serve as a reference, in the event that your Company worked with the City of Norcross previously.

Alternatively, Bidders are welcome to provide three (3) reference letters where they provided the same or similar services. Reference letters must be on official letterhead and signed by the point of contact of the agency where the service was performed.

- 2.5.2** Prior to award of the Contract, the successful Bidder will be required to submit a schedule to the City, demonstrating the Bidder's ability to commence and proceed in a timely manner. A Bidder's failure to demonstrate the ability to proceed as required may result in contract cancellation.

- 2.5.3** Failure to demonstrate the ability for contract execution and progression will result in, at the City's discretion, contract cancellation or re-advertising of any and/or all these contracts.
- 2.5.4** Prior to execution of a Contract, if the contract amount is greater than \$30,000.00, a Contract Performance Bond and a Payment Bond, each equal to 100% of the Contract amount per section, must be provided by the successful Bidder by a surety company qualified to do business in the State of Georgia with an AM Best rating of B+ or higher and satisfactory to the City of Norcross. Bonds given shall meet the requirements as listed in this ITB.
- 2.5.5** Prior to execution of a Contract, a Utility Coordination Meeting may be between Vendor(s), utility agencies and City of Norcross Public Works, Utilities and Parks Department to ensure clarity and commitments concerning inter-related work schedules.

2.6 PRODUCTION REQUIREMENTS

- 2.6.1** Time is of the utmost importance of this project. The successful Bidder will be required to commence work within ten (10) calendar days from the receipt of the Notice to Proceed and must carry on with utmost diligence to complete the work according to specifications in the ITB.

2.7 PRICES AND INVOICING PROGRESS PAYMENTS AND RETAINAGE

- 2.7.1** Payment shall be provided based on the cost schedule provided in Vendor's response. Vendor shall submit an invoice with NET 30-day payment terms for services performed for the City of Norcross under the terms of the executed contract. The invoice shall be directed to **John Davis, Public Works Superintendent at 345 Lively Ave, Norcross, GA 30071**. The invoice shall contain a complete itemization of services. The total amount due, invoice number, invoice date, the designated project number, if applicable, and the City of Norcross' Purchase Order Number. After work has commenced, progress payments shall be made monthly, based on the value of work completed as provided in the contract documents.
- 2.7.2** The City shall retain a maximum of 10% of each progress payment; provided, however, when 50% of the contract value including change orders and other additions to the contract value provided for by the contract documents is due and the manner of completion of the contract work and its progress are reasonably satisfactory to the City, the City shall withhold no more retainage. At the discretion of the City and with the approval of the Contractor, the retainage of each subcontractor may be released separately as the subcontractor completes their work.

2.8 LOCATION AND SITE(S)

- 2.8.1** The site(s) of the proposed work is as provided in Appendix B. All work is within City limits of the City of Norcross, Georgia.
- 2.8.2** The Vendor shall accept the site(s) in its present condition and carry out all work in accordance with the requirements of the specifications as indicated in the appendices or as directed by the Department of Public Works, Utilities and Parks.
- 2.8.3** The Vendor, before submitting a bid is required to visit the site(s) and acquaint themselves with the actual conditions and the location of any and/or all obstructions that may exist on the site(s).

2.9 COMPLIANCE WITH OSHA STANDARDS AND REGULATIONS

- 2.9.1** The work connected with this Contract shall be performed in accordance with all applicable OSHA regulations and standards including any additions or revisions thereto, until the job is completed and accepted by the City of Norcross.

2.10 NON-COLLUSION

- 2.10.1** Vendor(s), by submitting a bid, certify that the accompanying bid is not the result of, or affected, by any unlawful act of collusion with any other person or company engaged in the same line of business or commerce, or any other fraudulent act punishable under Georgia or United States law.

2.11 MATERIALS

- 2.11.1** Unless otherwise specified in the Contract, Vendor shall provide and assume full responsibility for all services, materials, equipment, labor, and all other facilities and incidentals necessary for the completion of the Work.
- 2.11.2** All materials and equipment incorporated into the work shall be of good quality, except as otherwise provided in the Contract. All special warranties and guarantees required by the Specifications shall expressly run to the benefit of the City.

2.12 CONTRACT REQUIREMENTS

2.12.1 The successful Vendor is required to do the following within ten (10) days of Notice:

2.12.1.1.1 Return to the Department of Public Works, Utilities & Parks contract documents executed by the authorized representative attested by the corporate secretary treasurer.

2.12.1.1.2 Provide Insurance Certificates as specified in the ITB Checklist.

2.12.1.1.3 Provide bonding as required by the ITB documents.

2.12.2 Failure to execute the Contract, Contract Performance Bond, or furnish satisfactory proof of carriage of the insurance required within ten days after the date of Notice of Award of the Contract may be just cause for the annulment of the award and for the forfeiture of the Bid guaranty of City of Norcross, not as a penalty, but as liquidation of damages sustained. At the discretion of the City, the award may then be made to the next most qualified Vendor, or the work may be re-advertised. The Contract and Contract Bonds shall be executed in duplicate.

2.13 GENERAL CONSTRUCTION GUIDELINES

2.13.1 The General Contractor shall be required to perform 100% of the actual resurfacing, paving work, and will not be allowed to sublet this item. Subletting of the additional items: milling, structure, adjustment, cracks filing, etc. shall be in accordance with Section 108.01 of the Standard Specifications of the Georgia Department of Transportation.

2.13.2 The Contractor shall be required to give 24 hours' notice to City of Norcross or its Representatives before proceeding with paving on any road in writing, submitted via fax, email or hand delivery.

2.13.3 Prior to beginning the patching work (or paving work if there is no patching), the Contractor shall install the appropriate post-mounted road construction signs on each non-residential road they are resurfacing. These signs will remain in place until approved for removal by the Department of Public Works, Utilities and Parks.

2.13.4 The Contractor shall furnish, install, maintain, and remove all necessary traffic signs, barricades, lights, signals, cones and other traffic control devices, and all flagging and other means of traffic protection and guidance as required by Standard Specifications of the Georgia Department of Transportation. Such work shall be considered incidental to the overall contract, and no additional compensation will be made.

2.14 MISCELLANEOUS PROVISIONS

(May not be applicable to this ITB)

2.14.1 Permits

No permits are anticipated for this project.

2.14.2 Construction Schedule

If applicable, the Contractor shall provide the Public Works Superintendent with a schedule indicating the order in which the streets will be resurfaced and an approximate schedule of when the work will be completed on each street. The schedule must be presented at least seven (7) days prior to work commencing in order to notify residents. Contractors are required to notify Homeowners and business merchants via flyers.

2.14.3 Work Hours

The daily hours are 8:00 a.m. – 10:00 p.m. on weekdays and 8:00 a.m. – 10:00 p.m. on weekends

2.14.4 Detour/Closures

All road closures and detours shall be approved by the Norcross Department of Public Works, Utilities and Parks.

2.14.5 Residential Refuse

The Contractor is required to contact Norcross Public Works, Utilities & Parks Department at 678-421-2069, to obtain sanitation schedules in an attempt to reduce inconveniences to the citizens of Norcross.

2.14.6 Project Briefing

All bidders are required to schedule an appointment with the Public Works Superintendent for the street resurfacing project and with the stormwater Superintendent for the Stormwater pipes repairs, replacement, and relining project to inspect each work site. Superintendents' contact information will be provided to the awarded contractor.

2.14.7 Disposal of Refuse

The Contractor shall be solely responsible for disposing of materials and shall consider, before bidding, the compliance with the above stated ordinances and regulations. Disposal of debris must be done in a lawful manner, in accordance with all applicable federal, state and/or local laws, statutes, rules, ordinances, and/or regulations. All trash and debris shall be collected and removed from the site(s) on a daily basis. The Contractor will not be permitted to burn any of the materials on site or within the boundary limits of Norcross, Georgia.

APPENDIX A
ITB PWUP 23-25
SCHEDULE OF EVENTS

Event:**Date:**

Release of ITB

Dec. 22, 2023, at 11:00 a.m.

Pre-Bid Conference

January 5, 2024, at 11:00 a.m.

Deadline for Written Questions

January 5, 2024, at 5:00 p.m.

Bids Due

January 19, 2024, at 11:00 a.m.

Evaluation

On/About February 2024

Contract Award (On/about)

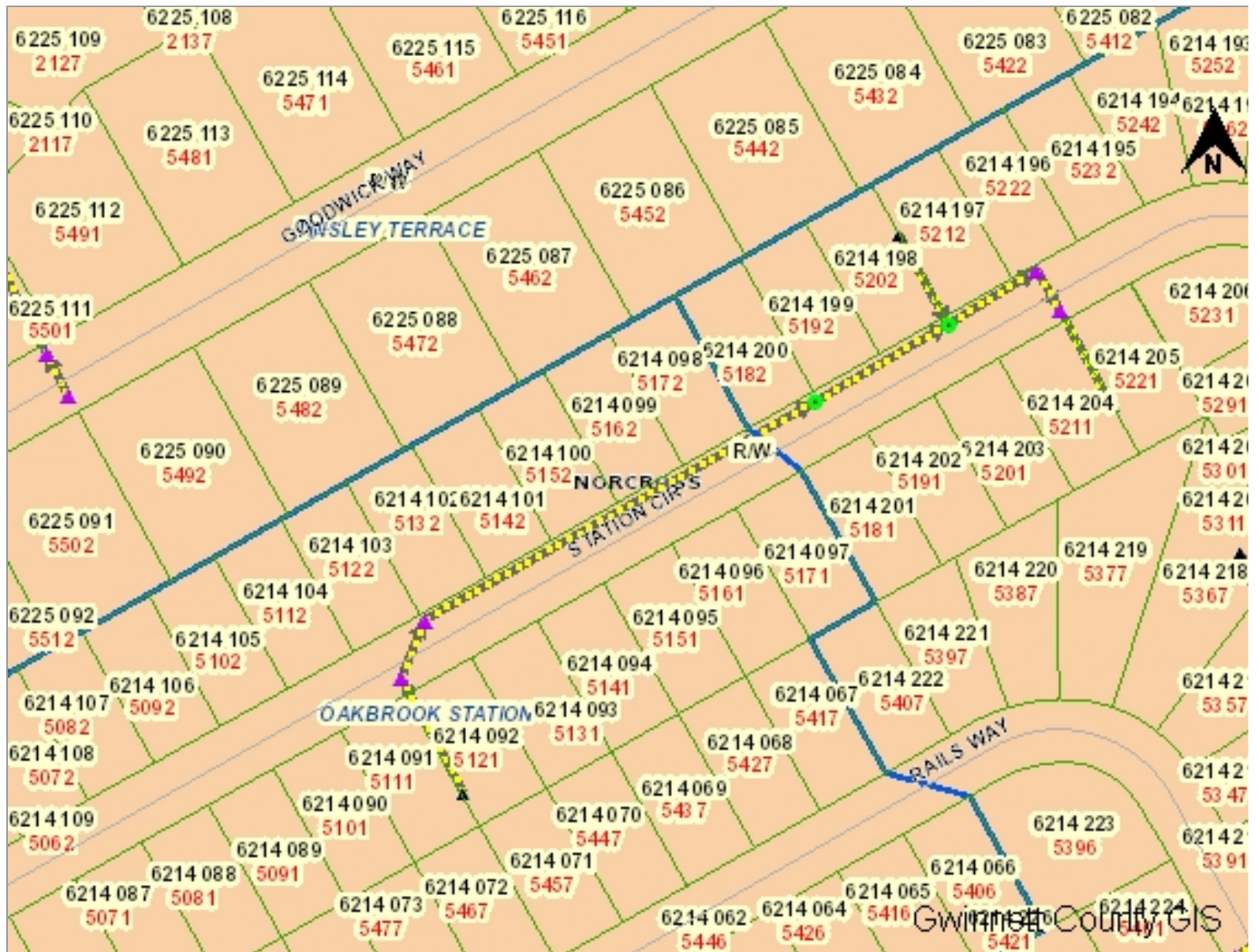
On/About March 2024

APPENDIX B
ITB PWUP 23-25
MAPS

Attachment: ITB PWUP 23-25 CDBG (24-6948 : CDBG 2023 Resurfacing and Stormwater Infrastructure)

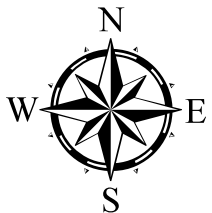
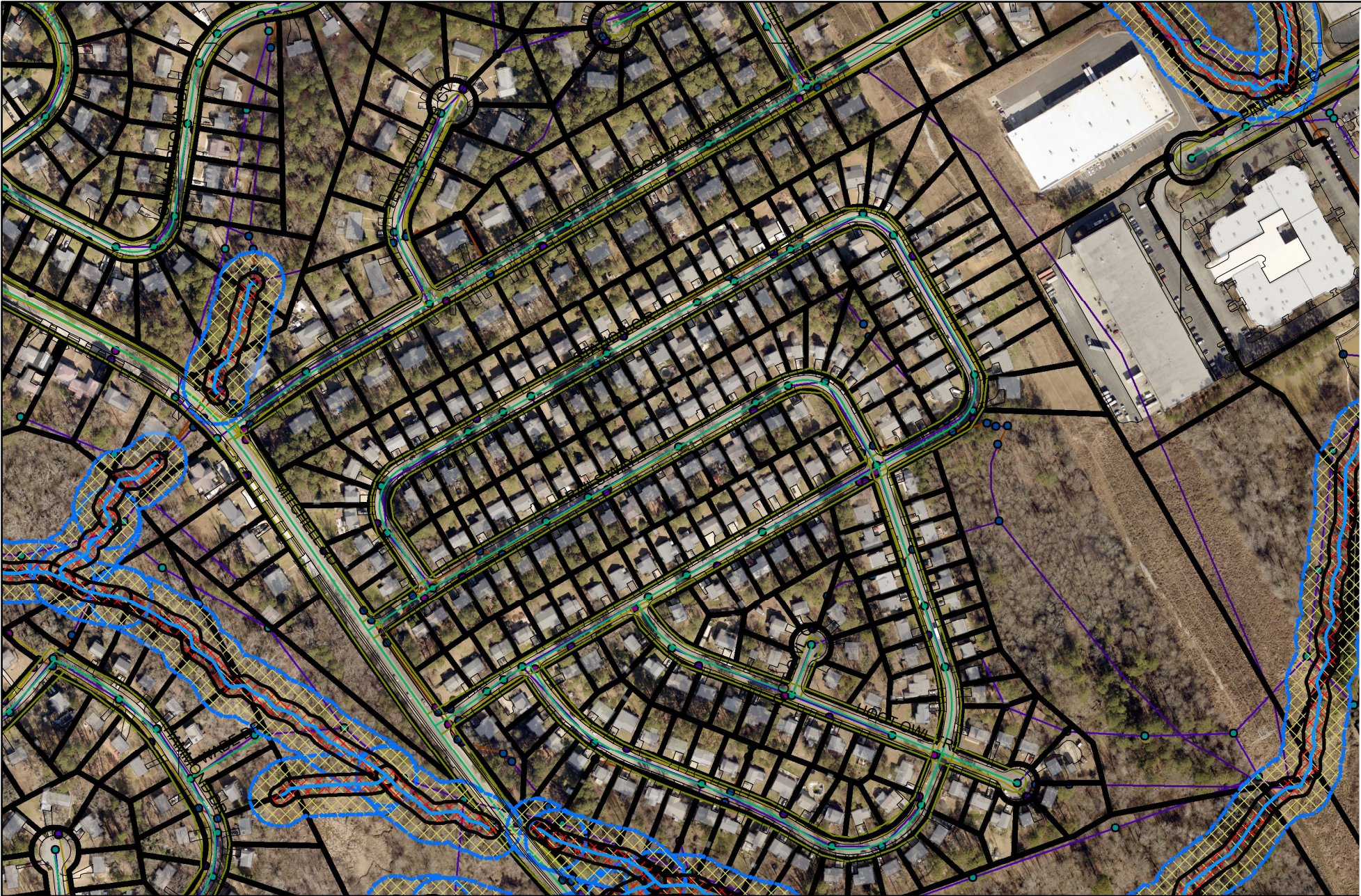
STATION CIRCLE

EXHIBIT 1



Station Circle - Begin at Mitchell Road and end at Rails Way - 3,971 LF

L.4.b



Attachment: ITB PWUP 23-25 CDBG (24-6948 : CDBG 2023 Resurfacing and Stormwater Infrastructure)

MARSHES GLENN DRIVE

EXHIBIT 2



L.4.b



APPENDIX C
ITB PWUP 23-25
REFERENCES

References for _____

Please provide a list of contact numbers, addresses and a contact person from three (3) jobs completed (or in progress) having a similar specification and scope of work.

City of Norcross requests a minimum of three (3) references where work of a similar size and scope has been completed.

1. Company Name: _____
 Description of Project: _____
 Completion Date: _____
 Contact Person: _____
 Telephone: _____ Fax: _____
 Email address: _____

2. Company Name: _____
 Description of Project: _____
 Completion Date: _____
 Contact Person: _____
 Telephone: _____ Fax: _____
 Email address: _____

3. Company Name: _____
 Description of Project: _____
 Completion Date: _____
 Contact Person: _____
 Telephone: _____ Fax: _____
 Email address: _____

APPENDIX D
ITB PWUP 23-25
STREET RESURFACING & STORMWATER REPAIRS AND RELINING

- 1) Station Circle (Milling and Resurfacing to begin at Mitchell Road and end at Rails Way)**
 - a. Full width Milling, ensure milling 1.5" below existing gutter
 - b. Patching (19mm Superpave, 4" deep)
 - c. Overlay (9.5MM Superpave, 1.5" deep)
- 2) Marshes Glenn Drive (Begin at Everglades Trail and end at Marshes Glenn Drive) – 5,040 LF (13,440 SY)**
 - a. Full width Milling, ensure milling 1.5" below existing gutter
 - b. Patching (19mm Superpave, 4" deep)
 - c. Overlay (9.5MM Superpave, 1.5" deep)
- 3) Stormwater point repair and relining on Station Circle**
 - a. Pipe ID 1615
 - i. Point repairs at 2 locations, approximately 10 feet each, 1st point Repair at 329 ft. downstream and point repair at 11.5 ft. to 16.5 ft upstream
 - ii. Reline entire pipe length (approximately 354 feet)
 - b. Pipe ID 1616
 - i. Full pipe replacement of 53 feet CMP to 53 feet RCP
- 4) Stormwater point repair and relining on Marshes Glen Drive**
 - a. Pipe ID 1549
 - i. Reline 35 feet of 30-inch CMP
 - b. Pipe ID 1550
 - i. Replace 40 feet 30-inch CMP and reset Headwall
 - ii. Reline 97 feet of 30-inch CMP
 - c. Pipe ID 1542
 - i. Reline 47 feet of 18-inch CMP
 - d. Pipe ID 1543
 - i. Reline 35 feet of 24-inch CMP
 - e. Pipe ID 1894
 - i. Reline 32 feet of 24-inch CMP
 - f. Pipe ID 1895
 - i. Reline 65 feet of 24-inch CMP

SPECIFICATIONS

1. Streets scheduled for milling and resurfacing will consist of the furnishing of all materials, labor, and equipment for the complete construction including but not limited to repairing the existing pavement base where needed, resurfacing of adjacent driveways to meet street pavement grades maintaining traffic control measures milling existing pavement, installing tack coat installing asphaltic concrete surface course applying high density mineral bond, adjustments of water valves & manholes, and the installation of pavement striping, and markings as directed. performing cleanup and related work.
2. At locations where the asphalt is higher than the gutter, The milling depth will be greater than the inlay depth. The milled surface at those locations shall be 1.5" below the gutter and the completed asphalt surface shall be flush with the gutter.
3. The pavement to be placed after milling the existing wearing course is a one and one half (1-1/2) inch 9.5MM super-pave asphalt.
4. Patching shall include 8" GAB over compacted subgrade, 2" of 19MM superpave, and 1.5" of 12.5 MM superpave surface course.
5. Load tickets that meet Georgia Department of Transportation specifications must accompany all delivered materials. The Contractor must supply copies of all asphalt tickets to the city.
6. AC-20 or AC-30 bituminous tack shall be used on these projects. All surfaces shall be cleaned completely and thoroughly dry before any tack is applied. Tack shall not be applied when the pavement is wet. Bituminous tack shall be applied between .04 and .06 gallons per square yard. All materials and equipment used to perform the bituminous tack coat shall be considered incidental to the work and included in the bid price for other pay items.
7. Roll curb shall be per Gwinnett County Detail 607.
8. Contractor shall be responsible for implementing and maintaining all necessary traffic control measures. Contractor shall submit a traffic control plan to the City for approval prior to commencing any operations at a given location. Traffic control plan shall at minimum conform to the requirements set forth in the MU TCD.
9. Manhole Adjustment and Water Valve Box Adjustment
 - a. It shall be the Contractor's responsibility to note and mark the location of each water valve box and manhole covers on the streets to be resurfaced, prior to the resurfacing work then locate and adjust each of these after resurfacing.
 - b. Structures shall be adjusted within 10 days after the road is resurfaced.
 - c. The existing pavement will be removed a minimum of 9" outside of the most exterior points of the structures.
 - d. Concrete collars are to be installed on all valves and manholes per Gwinnett County Standard 502.
 - e. Structures will be adjusted to pavement grade using bricks, shims, or other non-organic material.
 - f. Concrete having a minimum compressive strength of 3000 psi at 28 days shall be placed around the adjusted structure, consolidated to fill the voids, and finished to pavement grade. Care should be taken to prevent concrete from falling into manholes, with any such material being removed by the Contractor as soon as possible.
 - g. Concrete shall be protected from traffic for a minimum of 3 days with steel plates, or other measures as approved by the Engineer or Department of Public Works, Utilities and Parks.

- h. The unit prices bid for Manhole adjustment and Walter Valve Box Adjustment will be for all work performed, including excavation and disposal of existing material, adjustment of structure, traffic control, and protection of the concrete.
- i. The Contractor will give the City at least 24 hours' notice as to the locations to be adjusted to allow for inspection scheduling.
- j. The City reserves the right to adjust any structures using in-house labor as deemed practicable.
- k. In the event an existing casting or structure is found to be structurally deficient, it shall be reported to the Public Works, Utilities and Parks Department for evaluation.

APPENDIX E

ITB PWUP 23-25

BID QUANTITIES

Bid Quantities. Reference the following table for the project limits and asphalt quantities the City used in preparing the bid form.

Road Name	Begin @	End @	Length (ft)	Width (ft)	Area (SF)	Area (SY)	Overlay 1.5" 9.5mm (Ton)	Patching * (Ton)
Station Circle	Mitchell Road	Rails Way	3,791	22	83,392	9,266	760	399
Marshes Glenn Drive	Everglades Trail	Marshes Glenn Drive	5,040	22	110,880	12,320	1010	1,061

*Once roadways are fully milled, the contractor must reach out to the Public Works Superintendent to better assess the condition of the base and subbase and estimate the amount of patching required for each roadway.

APPENDIX F
ITB PWUP 23-25
BID SCHEDULE

This form is mandatory, and must be included in your bid, addressed to:

City of Norcross
345 Lively Avenue
Norcross, GA 30071

Attachment: ITB PWUP 23-25 CDBG (24-6948 : CDBG 2023 Resurfacing and Stormwater Infrastructure)

BID SCHEDULE**2023- CDBG Pavement resurfacing and Stormwater relining**

PAY ITEM	DESCRIPTION	UNITS	QTY	UNIT COST	TOTAL COST
STATION CIRCLE					
1	FULL WIDTH MILLING (L = 3,791 FT. and W= 22 FT.)	SY	9266	\$	\$
2	INLAY ASPHALT (1.5"- 9.5MM)	TON	760	\$	\$
3	PATCHING (19MM Superpave, 4" Depth)	TON	399	\$	\$
4	THERMOPLASTIC SOLID TRAF STRIPE, 24 IN, WHITE (Stop bars)	EA	5	\$	\$
5	THERMOPLASTIC SOLID TRAF STRIPE, 8 IN, WHITE (Crosswalk @ Mitchell Road)	EA	1	\$	\$
6	PIPE ID 1615 POINT REPAIRS (18" CMP)	LF	20	\$	\$
7	PIPE ID 1615 CIPP RELINE 18" CMP	LF	354	\$	\$
8	PIPE ID 1616 PIPE REPLACEMENT (18" CMP WITH 18" RCP)	LF	53	\$	\$
9	CONCRETE COLLARS - WATER VALVES	EA	5	\$	\$
10	CONCRETE COLLARS - MANHOLES	EA	21	\$	\$
MARSHES GLENN DRIVE					
11	FULL WIDTH MILLING (L = 5,040 FT. and W= 22 FT.)	SY	12,320	\$	\$
12	INLAY ASPHALT (1.5"- 9.5MM)	TON	1,010	\$	\$
13	PATCHING (19MM Superpave, 4" Depth)	TON	1,061	\$	\$
14	THERMOPLASTIC SOLID TRAF STRIPE, 24 IN, WHITE (Stop bars)	EA	6	\$	\$
15	PIPE ID 1549 CIPP RELINE 30"	LF	35	\$	\$
16	PIPE ID 1550 PIPE REPLACEMENT (30" CMP WITH 30" CMP & RESET HEADWALL)	LF	40	\$	\$
17	PIPE ID 1550 CIPP RELINE 30"	LF	97	\$	\$
18	PIPE ID 1542 CIPP RELINE 18"	LF	47	\$	\$
19	PIPE ID 1543 CIPP RELINE 24"	LF	35	\$	\$
20	PIPE ID 1894 CIPP RELINE 24"	LF	32	\$	\$
21	PIPE ID 1895 CIPP RELINE 24"	LF	65	\$	\$
22	CONCRETE COLLARS - WATER VALVES	EA	7	\$	\$
23	CONCRETE COLLARS - MANHOLES	EA	24	\$	\$
24	24" CURB & GUTTER	LF	20	\$	\$
25	18" PINE TREE REMOVAL	EA	1	\$	\$
OTHER CATEGORIES					
26	TRAFFIC CONTROL	LUMP		\$	\$
27	MOBILIZATION, OH&P	LUMP		\$	\$
	TOTAL		\$		
	TOTAL WRITTEN AMOUNT				

Attachment: ITB PWUP 23-25 CDBG (24-6948 : CDBG 2023 Resurfacing and Stormwater Infrastructure)

APPENDIX G

ITB PWUP 23-25

PACKET CHECKLIST

PROJECT: _____

DATE: _____

Please use this checklist to ensure you have properly completed all forms and requirements.

You must complete and attach this checklist to your proposal packet. Failure to do so may you render ineligible for consideration.

- _____ Packet Checklist (attached to proposal package)

- _____ Two Hard Copies & One Electronic Copy of Proposal Package (*including completed appendices and all required forms*)

- _____ Bid Bond or Certified Check if cost proposal over \$30,000

- _____ Certificate of Liability Insurance

- _____ [E-Verify Contractor & SAVE Affidavits](#)

- _____ Mail or deliver to:

 PWUP Department
 Attn: Christabel Ghansah, Capital Projects Manager
 City of Norcross
 345 Lively Avenue
 Norcross, GA 30071



Department of Public Works, Utilities & Parks
 345 Lively Avenue, Norcross GA 30071
 Office: 678-421-2069 Fax: 770-255-2335
www.norcrossga.net

Bid Tabulation
2023 CDBG Projects, ITB PWUP 23-25
Monday, January 22nd @ 11:00 AM
Location: 345 Lively Avenue, Norcross, GA 30071

Company Name	Bid Amount	All Requested Documents Submitted
Atlanta Paving & Concrete	\$1,098,360.66	
InLiner Solutions	\$1,281,504.00	
DAF Concrete, Inc.	\$1,378,660.00	

Attachment: Bid Tabulation (24-6948 : CDBG 2023 Resurfacing and Stormwater Infrastructure)

AGREEMENT BETWEEN
Atlanta Paving and Concrete Construction Inc.
AND
THE CITY OF NORCROSS
PROJECT: ITB PWUP 23-25
CDBG 2023 – RESURFACING & STORMWATER PROJECTS

Attachment: Draft Contractor Agreement_CDBG (24-6948 : CDBG 2023 Resurfacing and Stormwater Infrastructure)

Project Description

CDBG 2023 – RESURFACING & STORMWATER PROJECTS: The Contractor shall furnish all materials, equipment, and labor to complete the required construction as described in its entirety to the specifications as directed and the terms of this contract including all incidentals as directed by the City of Norcross Director of Public Works, Utilities & Parks, or their representative. Unless otherwise specified, all work shall be completed in accordance with Federal, State and City standards and specifications. The project includes the following work:

1. Station Circle (Milling and Resurfacing to begin at Mitchell Road and end at Rails Way) – 3,971 LF (10,590 SY)
2. Marshes Glenn Drive (Milling and Resurfacing to begin at Everglades Trail and end at Marshes Glenn Drive) – 5,040 LF (13,440 SY)
3. Stormwater point repair and relining on Station Circle (See Stormwater Exhibit 1)
4. Stormwater point repair and relining on Marshes Glenn Drive (See Stormwater Exhibit 2)

Streets scheduled for milling and resurfacing will consist of the furnishing of all materials, labor, and equipment for the complete construction including but not limited to repairing the existing pavement base where needed, resurfacing of adjacent driveways to meet street pavement grades maintaining traffic control measures milling existing pavement, installing tack coat installing asphaltic concrete surface course applying high density mineral bond, adjustments of water valves & manholes, and the installation of pavement striping, and markings as directed.

This AGREEMENT is made this _____ day of _____ in the year two thousand twenty-four (2024) between **The City of Norcross**, hereinafter the "Owner", and **Atlanta Paving and Concrete Inc.**, (hereinafter the "Contractor") for the following Project.

The Contractor and Owner for the consideration named herein agree as follows:

A. SCOPE OF WORK:

Atlanta Paving and Concrete Inc. shall be expected to meet with Public Works, Utilities and Parks staff prior to the start of construction. This meeting shall serve as an opportunity for both parties to review the specifications and visit the project site.

Project is to be completed in accordance with ITB PWUP 23-24; the project should begin within ten (10) working days after notification of contract award.

Other Provisions

All work shall be completed in a workmanship-like manner and in compliance with all building codes and other applicable laws.

To the extent required by law, all work shall be performed by individuals duly licensed and authorized by law to perform said work.

Contractor may at its discretion, engage subcontractors to perform work hereunder, provided Contractor shall fully pay said subcontractor and in all instances remain responsible for the proper completion of this contract.

All change orders shall be in writing and must be signed by the Owner and Contractor.

Contractor warrants it is adequately insured for injury to its employees, and other incurring loss or injury as a result of the acts of the Contractor or its employees and subcontractors. Contractor shall supply current declaration pages for such insurances at the execution of this agreement.

Contractor shall at its own expense obtain all permits necessary for the work to be performed. Contractor agrees to remove all debris and leave the premises in broom clean condition. The City is contracted with Waste Management; thus, the Contractor must use their services for waste removal.

In the event Owner shall fail to pay any periodic or installment payment due hereunder, Contractor may cease work without breach pending payment or resolution of any dispute.

Contractor shall not be liable for any delay due to circumstances beyond its control including strikes, casualty, or general unavailability of materials. Notwithstanding anything set forth herein to the contrary, Contractor shall be liable to and pay to Owner liquidated damages in the amount

of \$500.00 per day for every day after the completion date the project is not completed. Owner shall have the non-exclusive option of deducting the liquidated damages from the contract price through reduction in the installments and or retainage.

The Contractor shall provide to the Public Works Superintendent **jdavis@norcrossga.net** the schedule of construction activities. The schedule must be presented at least seven (7) days prior to work commencing to notify residents and/or businesses.

Contractor warrants all work for a period of twelve (12) months following completion.

The Contractor further represents and warrants as follows:

1. Contractor at all times shall inspect and keep the workplace safe for Contractor's agents, employees and subcontractors and any licensee or invitee and any other third party who might otherwise come into the workplace. The workplace shall be defined as that portion of the project which is, from time to time, under the control of Contractor for the purpose of performance of Contractor's work according to the agreement.
2. Contractor agrees to indemnify and hold Owner harmless from any and all claims, actions, damages, or litigation arising out of contractor's failure to perform under the terms and conditions within the agreement, including the payment of owner's attorney's fees. This indemnification further provides that contractor will be responsible for any cost associated with the completion of the project should such costs of completions (which includes all labor and materials) exceed the initial fee proposal and contract price.

A. ATTACHMENTS:

1. Attachment "A" City of Norcross Invitation to Bid and Bid Specifications
2. Attachment "B" Contractor's Bid

B. FEE PROPOSAL:

1. The Owner shall pay the Contractor for the material and labor to be performed under the contract, the sum of **\$1,098,360.66**, subject to change-order additions and deductions.
2. Payment applications will be submitted by the 10th of each month. Payment will be made by the tenth of the following month.
3. Retainage will be held by the owner equal to 10 percent of each pay application, up to 50% of the contract amount. Retainage shall be paid in full upon completion of the work.

C. SCHEDULE:

1. Atlanta Paving and Concrete Construction Inc. should be prepared to begin work upon receipt of a signed contract.

D. PROJECT INSPECTIONS:

1. The project listed under the project description shall be inspected by the Norcross Department of Public Works, Utilities and Parks or its engineering staff. These inspections shall be in addition to required inspection by the Department of Community Development.

E. TERMS AND CONDITIONS:

1. This Agreement shall be administered in accordance with the Terms and Conditions listed in Attachments. This Contract together with the exhibit identified herein, shall constitute the entire agreement between the City of Norcross and Atlanta Paving and Concrete Construction Inc. in respect to the project and may only be modified in writing signed by both parties. Receipt of the signed agreement will serve as a notice to proceed.
2. This Agreement entered into as of the day and year first written above.

F. INSURANCE REQUIREMENTS:

The Contractor shall maintain the following insurance:

- (a) comprehensive general liability, including blanket contractual, covering bodily injuries with limits of no less than \$1,000,000.00 per occurrence, and property damage with limits of no less than \$500,000.00 per occurrence;
- (b) statutory worker's compensation insurance, including employer's liability insurance; and
- (c) employee dishonesty and/or crimes coverage with respect to personnel of the contractor having access to City buildings, with limits of no less than \$50,000.00 per occurrence.

All insurance shall be provided by an insurer(s) acceptable to the City and shall provide for thirty (30) days prior notice of cancellation to the City. Upon request, the Contractor shall deliver to the City a certificate or policy of insurance evidencing the contractor's compliance with this policy. The Contractor shall abide by all terms and conditions of the insurance and shall do nothing to impair or invalidate the coverage; employee dishonesty and/or crimes coverage with respect to personnel of the contractor having access to City buildings, with limits of no less than \$50,000.00 per occurrence.

Certificate Holder should read:

City of Norcross, its Elected Officials and
Employees, 65 Lawrenceville Street
Norcross, GA 30071

CITY OF NORCROSS

(Signature)

Craig Newton, Mayor
(Signature)

(Printed name and title)

Craig Newton, Mayor
(Printed name and title)

Attest:

Monique Philip, City Clerk

(DATE)

(DATE)

(SEAL)

(SEAL)



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Phillip

City of Norcross

Legislation Details (With Details)

File #:	24-6949	Version:	
Type #:	Agenda Item	Status:	Agenda Ready
On Agenda:	4/1/2024 6:30 PM	In Control:	Mayor and Council
Title:	SPLOST Transportation Resurfacing		

Sponsors:

Code Sections:

Attachments:

1. [Agenda Report - Street Resurfacing SPLOST 2023](#)
2. [ITB PWUP 24-03 - SPLOST](#)
3. [Bids](#)
4. [Bid Tabulation](#)
5. [Contractor Agreement SPLOST Milling Resurfacing](#)

Title

SPLOST Transportation Resurfacing

Drafter

John Davis

Motion

A motion to Approve/Deny a contract with Atlanta Paving and Concrete Construction, Inc. for Street Resurfacing, to be funded by SPLOST 2023 grant fund in the amount of \$1,567,697.20.



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Phillip

Agenda Report

To: Mayor and Council
From: John Davis, Superintendent
Meeting Date: April 1, 2024 – Mayor and Council
Item No.: 24-6949
Title: Street Resurfacing SPLOST 2023
CC: Eric Johnson, City Manager

Recommendation: Approve contract with Atlanta Paving and Concrete Construction, Inc. for Street Resurfacing.

Background: This project consists of street resurfacing for the City of Norcross (Northbelt Parkway, Beaver Ridge Circle, Woodland Road, Peterson Place, Lanier Terrace, Stanstead Circle, Chastain Manor Drive, Baldwin Court, Oak Terrace, and Pacific Drive).

Financial Impact: This project will be funded by the SPLOST 2023 grant fund.

Consistent with Comprehensive Plan?

Aligns with the goal to continue to strengthen Norcross as a Livable, Inclusive, and Safe Environment by providing resurfacing and repair of streets, curbs, sidewalk replacement where disturbed.

Next Steps: Award a contract with Atlanta Paving and Concrete Construction, Inc.

Attachments: ITB, Bids, Bid Tab

Updates:

Attachment: Agenda Report - Street Resurfacing SPLOST 2023 (24-6949 : SPLOST Transportation Resurfacing)



City of Norcross
Department of Public Works, Utilities & Parks

INVITATION TO BID
SPLOST- 2023
ITB PWUP 24-03

Attachment: ITB PWUP 24-03 - SPLOST (24-6949 : SPLOST Transportation Resurfacing)

City of Norcross

Department of Public Works, Utilities & Parks

INVITATION TO BID SPLOST – 2023 ITB PWUP 24-03

OVERVIEW:

The City of Norcross is soliciting sealed competitive bids from qualified contractors for resurfacing projects for the roadways listed below:

- 1) Northbelt Parkway NW (Begin at Mitchell Road & End at Northbelt Drive) – length of 2,344 LF & 28 LF wide.
- 2) Beaver Ridge Circle (Begin and End at Beaver Ruin Road) – length of 2,621 LF & 28 LF wide.
- 3) Woodland Road NW (Begin at Buford Highway & End at Road End) – length of 692 & 20 LF wide.
- 4) Peterson Place NW (Begin at Jimmy Carter Blvd & End at Road End) – Length of 1,307 LF & 28 LF Wide
- 5) Lanier Terrace NW (Begin at Hammond Drive & End at Road End) – Length of 234 LF & 22 LF wide
- 6) Stanstead Circle (Begin at Langford Road and End at Stanstead Circle) – Length of 2,762 LF & 22 LF wide.
- 7) Chastain Manor Drive (Begin at N. Peachtree St. and End at Cul-de-Sac) – Length of 1,593 LF & 22 LF wide
- 8) Baldwin Court (Begin at Mitchell Road and End at Cul-de-Sac) – Length of 312 LF & 22 LF wide
- 9) Oak Terrace (Begin at N. Peachtree St. and End at Cul-de-Sac) – Length of 1,051 LF & 22 LF wide
- 10) Pacific Drive (Begin and End @ Jimmy Carter Blvd) – Length of 3,396 LF & 28 LF wide

Streets scheduled for milling and resurfacing will consist of the furnishing of all materials, labor, and equipment for the complete construction including but not limited to repairing the existing pavement base where needed, resurfacing of adjacent driveways to meet street pavement grades maintaining traffic control measures milling existing pavement, installing tack coat installing asphaltic concrete surface course applying high density mineral bond, adjustments of water valves & manholes, and the installation of pavement striping, and markings as directed. performing cleanup and related work.

All work must be completed in accordance with industry specifications and standards.

The BID package should be clearly marked “**ITB PWUP 24-03 – SPLOST – 2023**” on its face and submitted by **11:00 a.m. on March 8, 2024**. to the address below. Please submit two printed copies and one electronic copy (USB) of your package to:

Christabel Ghansah
Capital Projects Manager
ITB PWUP 24-03 – SPLOST 2023
City of Norcross – PWUP
345 Lively Avenue
Norcross, GA 30071

Both printed and electronic copies must contain the same information. Please submit questions/requests via **e-mail only** to the Capital Projects Manager at procurement@norcrossga.net by **5:00 p.m. on February 16, 2024**.

Attachment: ITB PWUP 24-03 - SPLOST (24-6949 : SPLOST Transportation Resurfacing)

No BID will be received or accepted after the above specified date and time. Submissions received after the designated date and time will be deemed invalid and returned unopened to the firm.

No proposal may be withdrawn within thirty (30) days after the BID opening and all BIDS shall remain firm during this period. Requests for withdrawals must be submitted in writing.

We appreciate your interest in the City of Norcross!

BID CHECKLIST

The 10 Most Critical Things to Keep in Mind When Responding to a BID for the City of Norcross

1. _____ **Read the entire document.** Note critical items such as: mandatory requirements; supplies/services required; submittal dates; number of copies required for submittal; funding amount and source; contract requirements (i.e., contract performance security, insurance requirements, performance and/or reporting requirements, etc.).
2. _____ **Note the City of Norcross' staff member's name, address, phone numbers and e-mail address.** This is the **only** person you are allowed to communicate with regarding the ITB and is an excellent source of information for any questions you may have.
3. _____ **Attend the Pre-bid meeting** if one is offered. These meetings provide an opportunity to ask clarifying questions, obtain a better understanding of the project, or to notify the City of any ambiguities, inconsistencies, or errors in the ITB.
4. _____ **Take advantage of the "question and answer" period.** Submit your questions to the Capital Projects Manager by the due date listed in the Schedule of Events and view the answers given in the formal "addenda" issued for the ITB. All addenda issued for this ITB will be posted on the City's website and will include all questions asked and answered concerning the ITB.
5. _____ **Follow the format required in the ITB** when preparing your response. Provide point- by-point responses to all sections in a clear and concise manner.
6. _____ **Provide complete answers/descriptions.** Read and answer all questions and requirements. Do not assume the City or Evaluation Committee will know what your capabilities are or what items/services you can provide, even if you have previously contracted with the City. Evaluations are based solely on the information and materials provided in your response.
7. _____ **Use the forms provided,** i.e., sample budget form, certification forms, etc.
8. _____ **Check the City website for ITB addenda.** Before submitting your response, check the City website at <https://www.norcrossga.net/bids.aspx> to see whether any addenda were issued for the ITB.
9. _____ **Review and read the ITB document again** to make sure that you have addressed all requirements.
10. _____ **Submit your response on time.** Note all the dates and times listed and be sure to submit all required items on time. Late and incomplete responses are never accepted.

This checklist is provided for assistance only and should not be submitted with Company's Response.

1.0 **INTRODUCTION**

The City of Norcross is soliciting sealed competitive bids from qualified contractors for 2023 SPLOST within the City of Norcross as illustrated in the attached map.

1.1 **PROJECT SCOPE**

The project will consist of milling and resurfacing to include repairing the existing pavement base where needed resurfacing of adjacent driveways to meet St. pavement grades adjustments of water valves and manholes and the insulation of pavement striping and markings as directed. Please refer to exhibits attached.

- a. Streets scheduled for milling and resurfacing will consist of the furnishing of all materials, labor, and equipment for the complete construction including but not limited to repairing the existing pavement base where needed, resurfacing of adjacent driveways to meet street pavement grades, maintaining traffic control measures, milling existing pavement, installing tack coat, installing asphaltic concrete surface, course applying high density mineral bond, adjustments of water valves & manholes, and the installation of pavement striping, and markings as directed, performing cleanup and related work.
- b. At locations where the asphalt is higher than the gutter, the milling depth will be greater than the inlay depth. The milled surface at those locations shall be 1.5" below the gutter and the completed asphalt surface shall be flush with the gutter.
- c. The pavement to be placed after milling the existing wearing course is a one and one half (1-1/2) inch 9.5MM super-pave asphalt.
- d. Patching shall include 8" GAB over compacted subgrade, 2" of 19MM super-pave, and 1.5" of 12.5 MM super-pave surface course.
- e. Load tickets that meet Georgia Department of Transportation specifications must accompany all delivered materials. The contractor must supply copies of all asphalt tickets to the city.
- f. AC-20 or AC-30 bituminous tack shall be used on these projects. All surfaces shall be cleaned completely and thoroughly dried before any tack is applied. Tack shall not be applied when the pavement is wet. Bituminous tack shall be applied between .04 and .06 gallons per square yard. All materials and equipment used to perform the bituminous tack coat shall be considered incidental to the work and included in the bid price for other pay items.
- g. Roll curb shall be per Gwinnett County Detail 607.
- h. Contractor shall be responsible for implementing and maintaining all necessary traffic control measures. Contractor shall submit a traffic control plan to the City for approval prior to commencing. Any operations at a given location traffic control plan shall at minimum conform to the requirements set forth in the MU TCD.

- i. Manhole Adjustment and Water Valve Box Adjustment: It shall be the Contractor's responsibility to note and mark the location of each water valve box and manhole covers on the streets to be resurfaced prior to the resurfacing work then locate and adjust each of these after resurfacing.
- j. Structures shall be adjusted within 10 days after the road is resurfaced.
- k. The existing pavement will be removed a minimum of 9" outside of the most exterior points of the structures.
- l. Concrete Collars are to be installed on all valves and manholes per Gwinnett County Standard 502.
- m. Structures will be adjusted to pavement grade using bricks, shims, or other non-organic material.
- n. Concrete having a minimum compressive strength of 3000 psi at 28 days shall be placed around the adjusted structure, consolidated to fill the voids, and finished to pavement grade. Care should be taken to prevent concrete from falling into manholes, with any such material being removed by the contractor as soon as possible.
- o. Concrete shall be protected from traffic for a minimum of 3 days with steel plates, or other measures as approved by the City Engineer or Department of Public Works, Utilities and Parks.
- p. The unit prices bid for Manhole adjustment and Water Valve Box Adjustment will be for all work performed, including excavation and disposal of existing material, adjustment of structure, traffic control, and protection of the concrete.
- q. The contractor will give the City at least 24 hours' notice as to the locations to be adjusted to allow for inspection scheduling.
- r. The City reserves the right to adjust any structures using in-house labor as deemed practicable.
- s. In the event an existing casting or structure is found to be structurally deficient, it shall be reported to the Public Works, Utilities and Parks Department for evaluation.

1.2 SPECIFICATIONS

All bids should be in duplicate with the same information submitted electronically (USB). Bids are legal and binding upon the bidder when submitted. The written bid documents are final and supersede any verbal or written prior communications between the parties.

No bid will be received or accepted after the above specified date and time. Submissions received after the designated date and time will be deemed invalid and returned unopened to the firm.

No bid may be withdrawn within thirty (30) days after the BID opening and all bids shall remain firm during this period. Requests for withdrawals must be submitted in writing.

Award will be made to the most **responsive and responsible** lowest bidder. Awards will not be automatically awarded to the lowest bidder. The City will review all bids for responsiveness and responsibility. Bidders must comply with specification guidelines, show evidence of experience and qualifications, and provide proof that they are qualified to carry out the scope of work.

The City of Norcross reserves the right to reject any or all bids, to waive technicalities, and to make an award deemed in its best interest.

The City reserves the option to negotiate terms, conditions, and pricing with the lowest responsive, responsible bidder at its discretion.

1.3 REQUIREMENTS

Bids must include labor and all materials as specified; no substitutions for materials are allowed unless approved by City of Norcross Public Works, Utilities and Parks staff.

1.4 BID SUBMISSION GUIDELINES

All questions must be answered. Information given must be clear and comprehensive. The written request should provide background information about the company, its employees, and its experience with related projects and related clients (especially government).

- a. Name of Bidder
- b. Permanent main office address, email address, pertinent contact numbers.
- c. Attach a list of 3-5 similar projects completed in the last 5 five years.
- d. How long (years) has your firm been in the construction business under your present name; also, state names and dates of previous firm names, if any; where organized?
- e. Attach a list of your employees with job titles, responsibilities, and years of experience as they relate the requirements of this bid document.
- f. How long do you warrant a project?
- g. Does your professional liability insurance coverage extend past the completion date and warrant of any project? If yes, for how long?
- h. Contracts on hand (schedule – showing gross amount of each contract and the approximate anticipated dates of completion).
- i. General character of work performed by your company.
- j. Have you ever failed to complete any work awarded to you, if so, where, and why?
- k. Have you ever defaulted on a Contract, if so, where, and why?
- l. Have you ever failed to complete a project in the time allotment according to the Contract documents, if so, where, and why?
- m. List the most important contracts recently executed by your company, stating approximate cost for each, and the month and year completed.
- n. List your major equipment available for this contract.
- o. List any subcontractors whom you would expect to use for the contract.

- p. With what bank do you do business? Do you grant the City permission to contract this/these situations? Latest Financial Statements, certified audit, if available, prepared by an independent certified public accountant, may be requested by City.
- a) If requested, such statements must be provided within five (5) business days, or the bid proposal will be rejected. Certified audited statement is preferred. Internal statements may be attached only if independent statements are not prepared.

1.5 SCHEDULE OF EVENTS

See **Appendix A** for the detailed Schedule of Events.

1.6 COMMUNICATIONS WITH STAFF

All questions about this ITB should include the company name and the referenced ITB section in the following format:

Company Name
 1. Question
 Citation of relevant section of the ITB
 2. Question
 Citation of relevant section of the ITB

2.0 GENERAL CONDITIONS

BIDDERS ARE ADVISED TO THOROUGHLY UNDERSTAND THE GENERAL CONDITIONS AND SPECIAL PROVISIONS, PRIOR TO SUBMITTING THEIR BIDS.

2.1 QUALIFICATIONS

- 2.1.1** Bids will be considered only from experienced and well-equipped Vendor(s) engaged in work of this type and magnitude.
- 2.1.2** Bidders may be required to submit evidence setting forth qualifications which entitle their company for consideration as a responsible Vendor. A list of work of similar character successfully completed within the last five years may be required, which lists the location, size, and scope for use on this work. Before accepting any bid, the City may require evidence of the Vendor's financial ability to successfully perform the work to be accomplished under the contract.
- 2.1.3** Proposers must provide their own materials and tools for this contract. Proof of samples and examples of current inventory will be provided to the City in the bid for the City staff to take into consideration.

2.2 GUARANTEE TO ACCOMPANY BID

- 2.2.1** If the cost proposal is greater than \$30,000.00, then bids must be accompanied by a certified check or cashier's check or acceptable performance bond in an amount not less than five percent (5%) of the amount proposal per section, and failure to submit a performance bond will be cause for rejection.

2.3 AUTHORITY TO SIGN

- 2.3.1** Bidder must ensure that the legal proper name of their firm and/or corporation is printed OR typed as appropriate on all documents.

2.4 RIGHTS RESERVED

- 2.4.1** The City of Norcross reserves the right to reject any or all bids, to waive informalities or to re-advertise. It is understood that all bids are made subject to this agreement, and that City of Norcross reserves the right to decide which bids it deems the most qualified and lowest cost. In arriving at this decision, full consideration will be given to the experience and qualifications of the Bidder, cost, work of this type successfully completed and past performance with the City of Norcross.

- 2.4.2** Bidders are advised to examine the site(s) of the proposed work, as are necessary, to familiarize themselves with location conditions, which may affect the proposed work. Bidders are also advised to inform themselves fully regarding conditions under which the work will be performed. The City will not be responsible for the Bidder's errors or misjudgment, nor for any information on location conditions or general laws and regulations.
- 2.4.3** Any unauthorized additions, conditions, limitations, or provisions attached to the Bid shall render it informal and may be cause for rejection.

2.5 AWARD OF CONTRACT

- 2.5.1** The contract will be awarded to the most qualified firm whose bid will cost the least and prove to be the most advantageous to the City, experience, technical considerations, cost, and other factors considered. The City is to make the determination.

2.5.1.1 The bid evaluation will be based on the following criteria:

- Bid price
- Compliance with submission guidelines and specifications (including any required forms and documents)
- Ability to perform scope of work
- Start date
- References

Please provide accurate information and inform your references that the City of Norcross will follow up to perform reference checks. It will affect your scores if we are not able to contact your references, or they do not respond in time.

The City of Norcross will not serve as a reference, in the event that your Company worked with the City of Norcross previously.

Alternatively, Bidders are welcome to provide three (3) reference letters where they provided the same or similar services. Reference letters must be on official letterhead and signed by the point of contact of the agency where the service was performed.

- 2.5.2** Prior to award of the Contract, the successful Bidder will be required to submit a schedule to the City, demonstrating the Bidder's ability to commence and proceed in a timely manner. A Bidder's failure to demonstrate the ability to proceed as required may result in contract cancellation.

2.5.3 Failure to demonstrate the ability for contract execution and progression will result in, at the City's discretion, contract cancellation or re-advertising of any and/or all these contracts.

2.5.4 Prior to execution of a Contract, if the contract amount is greater than \$30,000.00, a Contract Performance Bond and a Payment Bond, each equal to 100% of the Contract amount per section, must be provided by the successful Bidder by a surety company qualified to do business in the State of Georgia with an AM Best rating of B+ or higher and satisfactory to the City of Norcross. Bonds given shall meet the requirements as listed in this ITB.

2.6 PRODUCTION REQUIREMENTS

2.6.1 Time is of the utmost importance of this project. The successful Bidder will be required to commence work within ten (10) calendar days from the receipt of the Notice to Proceed and must carry on with utmost diligence to complete the work according to specifications in the ITB.

2.7 PRICES AND INVOICING PROGRESS PAYMENTS AND RETAINAGE

2.7.1 Payment shall be provided based on the cost schedule provided in Vendor's response. Vendor shall submit an invoice with NET 30-day payment terms for services performed for the City of Norcross under the terms of the executed contract. The invoice shall be directed to **John Davis, Public Works Superintendent at 345 Lively Ave, Norcross, GA 30071**. The invoice shall contain a complete itemization of services. The total amount due, invoice number, invoice date, the designated project number, if applicable, and the City of Norcross' Purchase Order Number. After work has commenced, progress payments shall be made monthly, based on the value of work completed as provided in the contract documents.

2.7.2 The City shall retain a maximum of 10% of each progress payment; provided, however, when 50% of the contract value including change orders and other additions to the contract value provided for by the contract documents is due and the manner of completion of the contract work and its progress are reasonably satisfactory to the City, the City shall withhold no more retainage.

2.8 LOCATION AND SITE(S)

2.8.1 The site(s) of the proposed work is as provided in Appendix B. All work is within City limits of the City of Norcross, Georgia.

2.8.2 The Vendor shall accept the site(s) in its present condition and carry out all work in accordance with the requirements of the specifications as indicated in the appendices or as directed by the Department of Public Works, Utilities and Parks.

2.8.3 The Vendor, before submitting a bid is required to visit the site(s) and acquaint themselves with the actual conditions and the location of any and/or all obstructions that may exist on the site(s).

2.9 COMPLIANCE WITH OSHA STANDARDS AND REGULATIONS

2.9.1 The work connected with this Contract shall be performed in accordance with all applicable OSHA regulations and standards including any additions or revisions thereto, until the job is completed and accepted by the City of Norcross.

2.10 NON-COLLUSION

2.10.1 Vendor(s), by submitting a bid, certify that the accompanying bid is not the result of, or affected, by any unlawful act of collusion with any other person or company engaged in the same line of business or commerce, or any other fraudulent act punishable under Georgia or United States law.

2.11 MATERIALS

2.11.1 Unless otherwise specified in the Contract, Vendor shall provide and assume full responsibility for all services, materials, equipment, labor, and all other facilities and incidentals necessary for the completion of the Work.

2.11.2 All materials and equipment incorporated into the work shall be of good quality, except as otherwise provided in the Contract. All special warranties and guarantees required by the Specifications shall expressly run to the benefit of the City.

2.12 CONTRACT REQUIREMENTS

2.12.1 The successful Vendor is required to do the following within ten (10) days of Notice:

2.12.1.1.1 Return to the Department of Public Works, Utilities & Parks contract documents executed by the authorized representative attested by the corporate secretary treasurer.

2.12.1.1.2 Provide Insurance Certificates as specified in the ITB Checklist.

2.12.1.1.3 Provide bonding as required by the ITB documents.

2.12.2 Failure to execute the Contract, Contract Performance Bond, or furnish satisfactory proof of carriage of the insurance required within ten days after the date of Notice of Award of the Contract may be just cause for the annulment of the award and for the forfeiture of the Bid guaranty of City of Norcross, not as a penalty, but as liquidation of damages sustained. At the discretion of the City, the award may then be made to the next most qualified Vendor, or the work may be re-advertised. The Contract and Contract Bonds shall be executed in duplicate.

2.13 GENERAL CONSTRUCTION GUIDELINES

2.13.1 The General Contractor shall be required to perform 100% of the actual resurfacing, paving work, and will not be allowed to sublet this item. Subletting of the additional items: milling, structure, adjustment, cracks filing, etc. shall be in accordance with Section 108.01 of the Standard Specifications of the Georgia Department of Transportation.

2.13.2 The Contractor shall be required to give 24 hours' notice to City of Norcross or its Representatives before proceeding with paving on any road in writing, submitted via fax, email or hand delivery.

2.13.3 Prior to beginning the patching work (or paving work if there is no patching), the Contractor shall install the appropriate post-mounted road construction signs on each non-residential road they are resurfacing. These signs will remain in place until approved for removal by the Department of Public Works, Utilities and Parks.

2.13.4 The Contractor shall furnish, install, maintain, and remove all necessary traffic signs, barricades, lights, signals, cones and other traffic control devices, and all flagging and other means of traffic protection and guidance as required by Standard Specifications of the Georgia Department of Transportation. Such work shall be considered incidental to the overall contract, and no additional compensation will be made.

2.14 MISCELLANEOUS PROVISIONS

(May not be applicable to this ITB)

2.14.1 Permits

No permits are anticipated for this project.

2.14.2 Construction Schedule

If applicable, the Contractor shall provide the Public Works Superintendent with a schedule indicating the order in which the streets will be resurfaced and an approximate schedule of when the work will be completed on each street. The schedule must be presented at least seven (7) days prior to work commencing in order to notify residents. Contractors are required to notify Homeowners and business merchants via flyers.

2.14.3 Work Hours

The daily hours are 8:00 a.m. – 10:00 p.m. on weekdays and 8:00 a.m. – 10:00 p.m. on weekends

2.14.4 Detour/Closures

All road closures and detours shall be approved by the Norcross Department of Public Works, Utilities and Parks.

2.14.5 Residential Refuse

The Contractor is required to contact Norcross Public Works, Utilities & Parks Department at 678-421-2069, to obtain sanitation schedules in an attempt to reduce inconveniences to the citizens of Norcross.

2.14.6 Project Briefing

All bidders are required to schedule an appointment with the Public Works Superintendent for the street resurfacing project and with the stormwater Superintendent for the Stormwater pipes repairs, replacement, and relining project to inspect each work site. Superintendents' contact information will be provided to the awarded contractor.

2.14.7 Disposal of Refuse

The Contractor shall be solely responsible for disposing of materials and shall consider, before bidding, the compliance with the above stated ordinances and regulations. Disposal of debris must be done in a lawful manner, in accordance with all applicable federal, state and/or local laws, statutes, rules, ordinances, and/or regulations. All trash and debris shall be collected and removed from the site(s) on a daily basis. The Contractor will not be permitted to burn any of the materials on site or within the boundary limits of Norcross, Georgia.

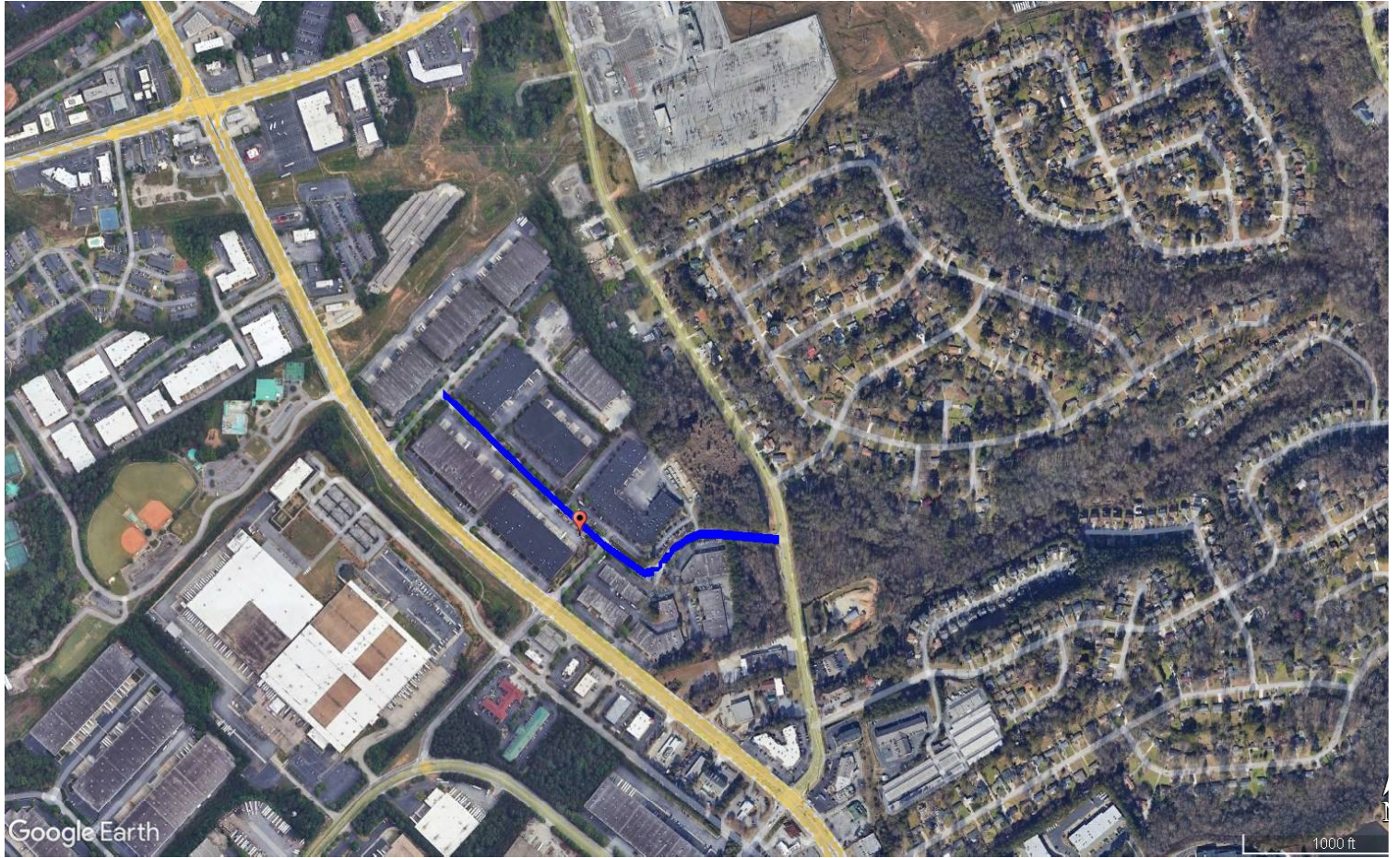
APPENDIX A
ITB PWUP 24-03
SCHEDULE OF EVENTS

Event:	Date:
Release of ITB	February 7, 2024, 11:00 a.m.
Deadline for Written Questions	February 16, 2024, 5:00 p.m.
Bids Due	March 8, 2024, 11:00 a.m.
Bid Review/Evaluation	On/About March 2024
Contract Award (On/about)	On/About April 2024

Attachment: ITB PWUP 24-03 - SPLOST (24-6949 : SPLOST Transportation Resurfacing)

APPENDIX B
ITB PWUP 24-03
MAPS

Attachment: ITB PWUP 24-03 - SPLOST (24-6949 : SPLOST Transportation Resurfacing)



Attachment: ITB PWUP 24-03 - SPLOST (24-6949 : SPLOST Transportation Resurfacing)



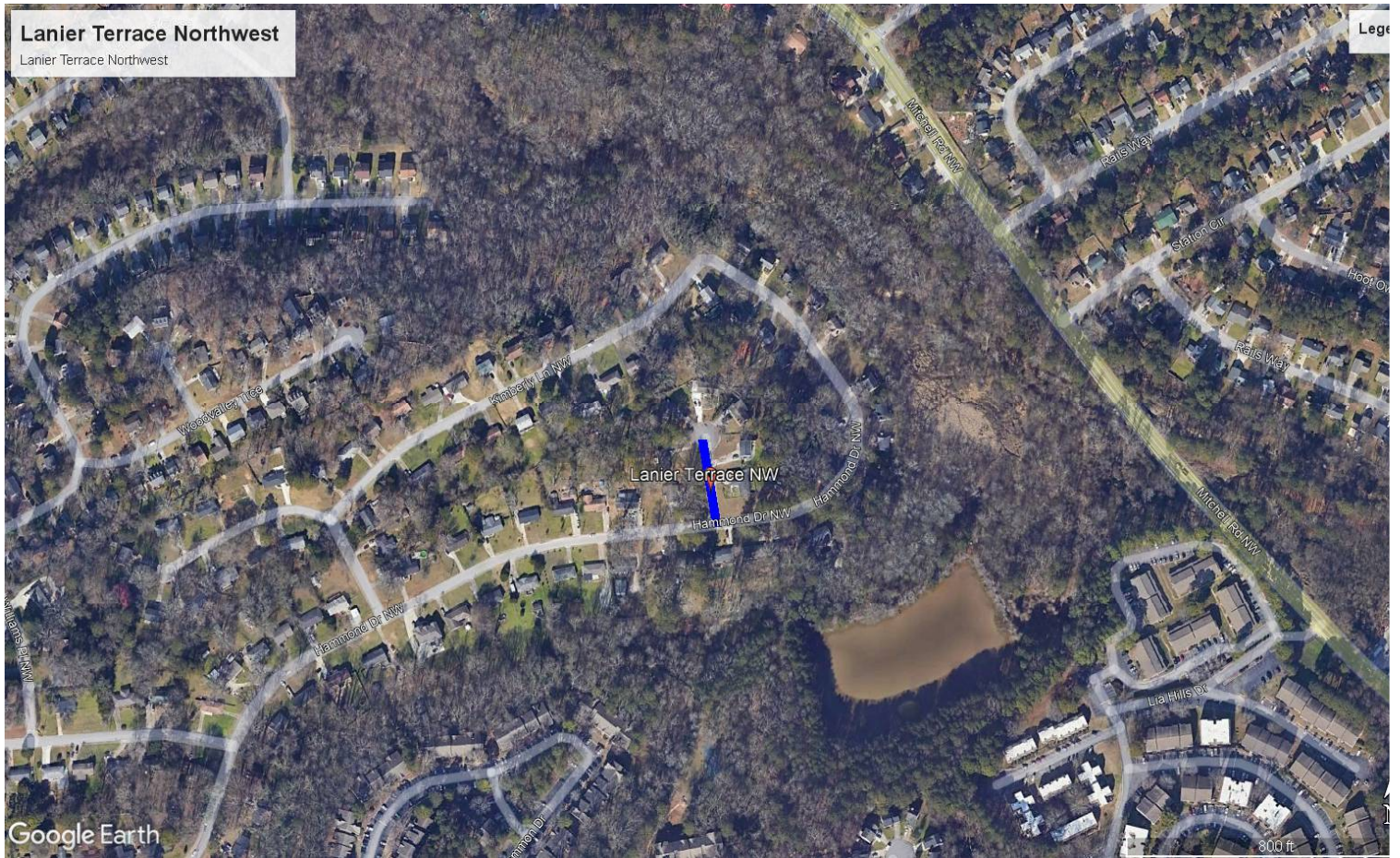
Attachment: ITB PWUP 24-03 - SPLOST (24-6949 : SPLOST Transportation Resurfacing)



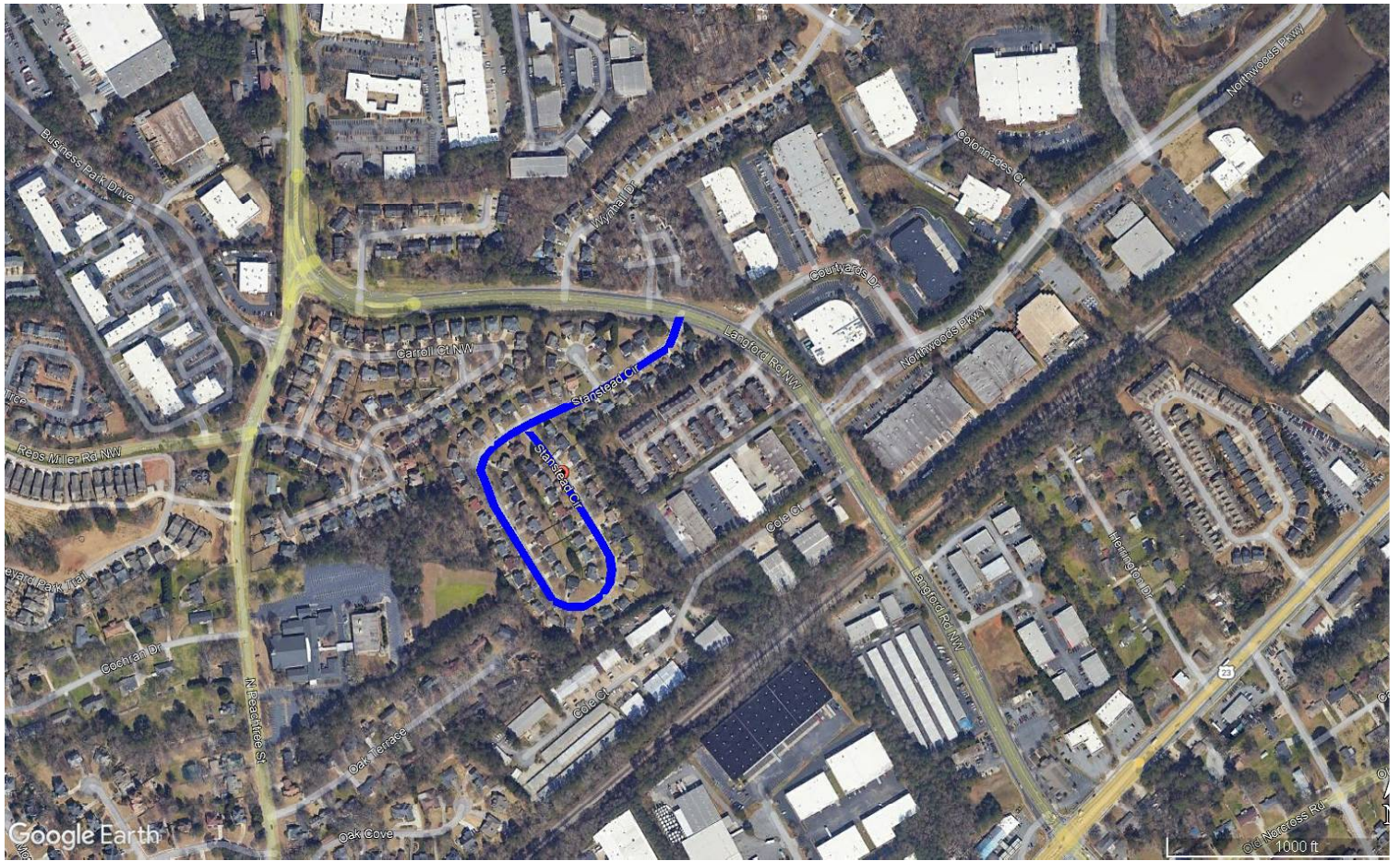
Attachment: ITB PWUP 24-03 - SPLOST (24-6949 : SPLOST Transportation Resurfacing)



Attachment: ITB PWUP 24-03 - SPLOST (24-6949 : SPLOST Transportation Resurfacing)

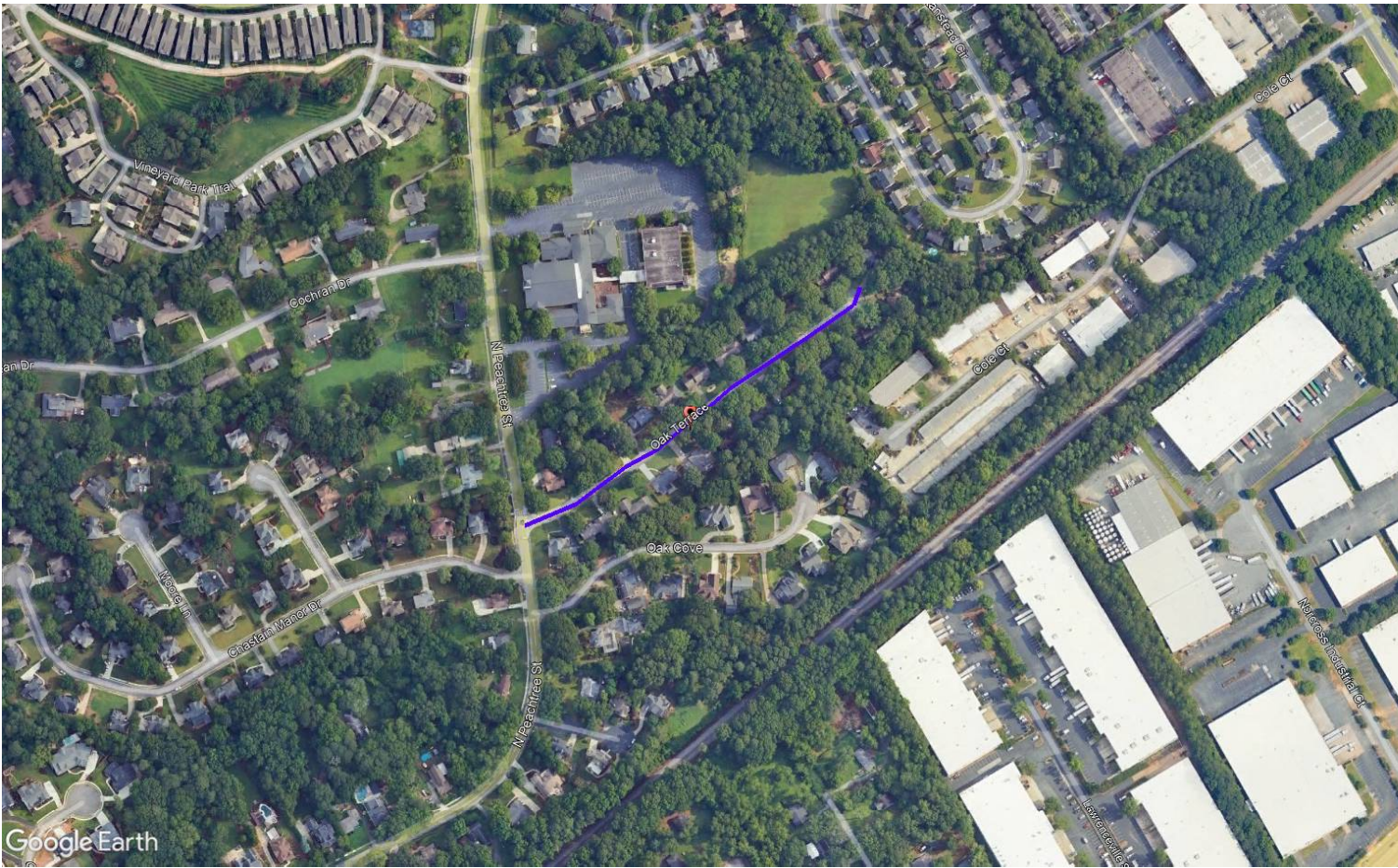


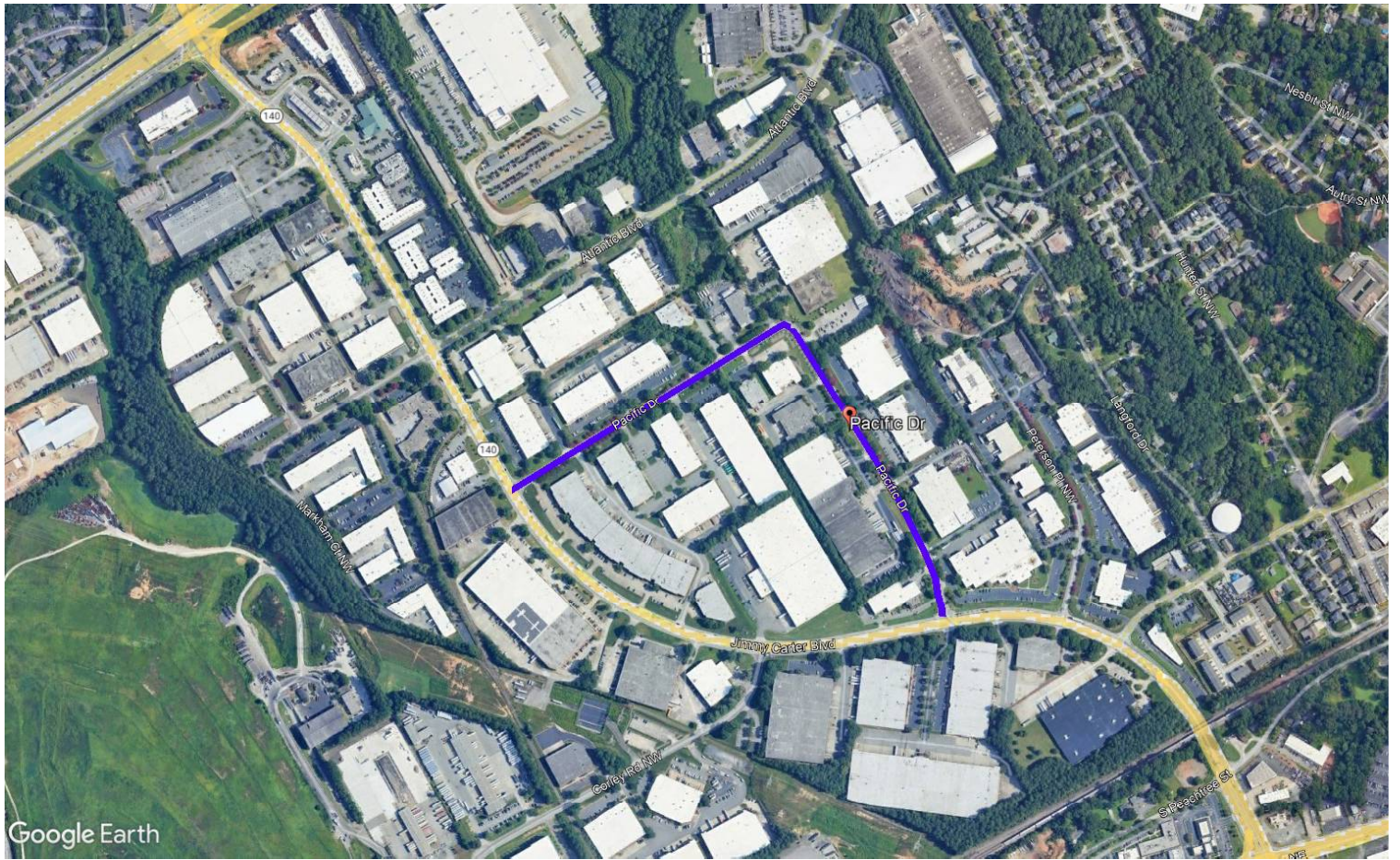
Attachment: ITB PWUP 24-03 - SPLOST (24-6949 : SPLOST Transportation Resurfacing)











Attachment: ITB PWUP 24-03 - SPLOST (24-6949 : SPLOST Transportation Resurfacing)

APPENDIX C
ITB PWUP 24-03
BID SCHEDULE

Bid Quantities. For your information, reference the following table below for the project limits and asphalt quantities the City used in preparing the bid form. This form is mandatory and must be included in your bid packet.

**Once roadways are fully milled, the contractor must reach out to the Public Works Superintendent to better assess the condition of the base and subbase and estimate the amount of patching required for each roadway.*

Project #	Street Name	Rating	Length (LF)	Width (LF)	% Satisfactory Base Course (%)	Patching (SF)	Crack Sealing (CL Mile)	Edge Milling (LF)	Overlay (SF)	Patching Tonnage (Ton)	Overlay Tonnage (9.5mm) (Ton)	Overlay Tonnage (12.5 mm) (Ton)	Edge Milling
3	Northbelt Parkway Northwest	3.71	2344	28	40	39,400	0.44	4,689	65,600	950		590	3130
9	Beaver Ridge Circle	3.44	2621	28	50	36,700	0.50	5,243	73,400	890		670	3500
10	Woodland Road Northwest	3.43	692	20	40	8,300	0.13	1,384	13,800	200		130	920
11	Peterson Place Northwest	3.43	1307	28	60	14,600	0.25	2,614	36,600	350		330	1740
13	Lanier Terrace Northwest	3.38	234	22	40	3,100	0.04	467	5,100	70	50		310
14	Stanstead Circle	3.34	2762	22	50	30,400	0.52	5,524	60,800	730	550		3680
15	Chastain Manor Drive	3.34	1586	22	60	14,000	0.30	3,172	34,900	340	320		2110
16	Baldwin Court	3.33	312	22	60	2,700	0.06	623	6,900	70	60		420
17	Oak Terrace	3.27	1051	22	60	9,300	0.20	2,103	23,100	220	210		1400
18	Pacific Drive	3.25	3396	28	60	38,000	0.64	6,793	95,100	920		860	4530
			3.10	miles		196,500	3.08	32,612	415,300	4,740	1,190	2,580	21,740
Item				Units	Quantity	Unit Cost	Cost						
Patching (19mm SuperPave, 4" depth)				TON	4740								
Crack Sealing				CLMILE	3.8								
Edge Milling				SY	21,740								
Overlay (9.5 mm SuperPave for local streets, 1-1/2" depth)				TON	1,190								
Overlay (12.5mm SuperPave for collector roads, 1-1/2" depth)				TON	2,580								
Other costs (mobilization, traffic control, striping, utility adjustment, etc.)				LUMP	1								
					Total								

APPENDIX D

ITB PWUP 24-03

REFERENCES

Please provide accurate information and inform your references that the City of Norcross will follow up to perform reference checks. It will affect your scores if we are not able to contact your references, or they do not respond in time.

The City of Norcross will not serve as a reference, in the event that your Company worked with the City of Norcross previously.

Alternatively, Bidders are welcome to provide three (3) reference letters where they provided the same or similar services. Reference letters must be on official letterhead and signed by the point of contact of the agency where the service was performed.

References for _____

Please provide a list of contact numbers, addresses and a contact person from three (3) jobs completed (or in progress) having a similar specification and scope of work.

City of Norcross requests a minimum of three (3) references where work of a similar size and scope has been completed.

1. Company Name: _____
Description of Project: _____
Completion Date: _____
Contact Person: _____
Telephone: _____ Fax: _____
Email address: _____

2. Company Name: _____
Description of Project: _____
Completion Date: _____
Contact Person: _____
Telephone: _____ Fax: _____
Email address: _____

3. Company Name: _____
Description of Project: _____
Completion Date: _____
Contact Person: _____
Telephone: _____ Fax: _____
Email address: _____

APPENDIX E
ITB PWUP 24-03
PACKET CHECKLIST

FIRM NAME: _____

PROJECT: _____

DATE: _____

Please use this checklist to ensure you have properly completed all forms and requirements.
You must complete and attach this checklist to your bid packet. Failure to do so may you render ineligible for consideration.

_____ Packet Checklist (attached to proposal package)

_____ Two Hard Copies & One Electronic Copy of Proposal Package (*including completed appendices and all required forms*)

_____ Bid Bond if cost proposal over \$30,000

_____ Certificate of Liability Insurance

_____ [E-Verify Contractor & SAVE Affidavits](#)

_____ Mail or deliver to:

Christabel Ghansah
 Capital Projects Manager
 ITB PWUP 24-03 – 2023 SPLOST
 City of Norcross
 345 Lively Avenue
 Norcross, GA 30071

Attachment: ITB PWUP 24-03 - SPLOST (24-6949 : SPLOST Transportation Resurfacing)



Department of Public Works, Utilities & Parks
345 Lively Avenue, Norcross GA 30071
Office: 678-421-2069 Fax: 770-255-2335
www.norcrossga.net

Bid Tabulation
SPLOST – 2023
ITB PWUP 24-03
March 8, 2024, at 11:00 AM
345 Lively Avenue, Norcross, GA 30071

Company Name	Bid Amount	Submitted all documents?
Georgia Paving	\$1,457,714.00	No - missing items Section 1.4 – BID SUBMISSION GUIDELINES
Atlanta Paving and Concrete Construction, Inc.	\$1,567,697.20	Yes
Magnum Paving	\$1,783,078.20	
Stewart Brothers	\$1,979,701.00	

Attachment: Bid Tabulation (24-6949 : SPLOST Transportation Resurfacing)



**AGREEMENT BETWEEN ATLANTA PAVING & CONCRETE
CONSTRUCTION, INC.**

AND THE CITY OF NORCROSS, GEORGIA

PROJECT: 2023 SPLOST

ITB PWUP 24-03

Project Description

2023 SPLOST: The Contractor shall furnish all materials, equipment, and labor to complete the required construction as described in its entirety to the specifications as directed and the terms of this Agreement including all incidentals as directed by the City of Norcross Director of Public Works, Utilities & Parks, or his representative. Unless otherwise specified, all work shall be completed in accordance with federal, state and city standards and specifications. The project includes the following work:

1. Northbelt Parkway NW (Begin at Mitchell Road & End at Northbelt Drive) – length of 2,344 LF & 28 LF wide.
2. Beaver Ridge Circle (Begin and End at Beaver Run Road) – length of 2,621 LF & 28 LF wide.
3. Woodland Road NW (Begin at Buford Highway & End at Road End) – length of 692 & 20 LF wide.
4. Peterson Place NW (Begin at Jimmy Carter Blvd & End at Road End) – Length of 1,307 LF & 28 LF Wide
5. Lanier Terrace NW (Begin at Hammond Drive & End at Road End) – Length of 234 LF & 22 LF wide
6. Stanstead Circle (Begin at Langford Road and End at Stanstead Circle) – Length of 2,762 LF & 22 LF wide.
7. Chastain Manor Drive (Begin at N. Peachtree St. and End at Cul-de-Sac) – Length of 1,593 LF & 22 LF wide
8. Baldwin Court (Begin at Mitchell Road and End at Cul-de-Sac) – Length of 312 LF & 22 LF wide
9. Oak Terrace (Begin at N. Peachtree St. and End at Cul-de-Sac) – Length of 1,051 LF & 22 LF wide
10. Pacific Drive (Begin and End @ Jimmy Carter Blvd) – Length of 3,396 LF & 28 LF wide

Streets scheduled for milling and resurfacing will consist of the furnishing of all materials, labor, and equipment for the complete construction, including but not limited to repairing the existing pavement base where needed, resurfacing of adjacent driveways to meet street pavement grades, maintaining traffic control measures, milling existing pavement, installing tack coat, installing asphaltic concrete surface course, applying high density mineral bond, making adjustments of water valves and manholes, installing pavement striping and markings as directed, and performing cleanup and related work.

This AGREEMENT is made this _____ day of _____ in the year two thousand twenty-four (2024) between **The City of Norcross**, hereinafter the "Owner", and **Atlanta Paving & Concrete Construction, Inc.**, (hereinafter the "Contractor") for the following Project.

The Owner and Contractor for the consideration named herein agree as follows:

A. SCOPE OF WORK:

The Contractor shall be expected to meet with Public Works, Utilities and Parks staff prior to the start of construction. This meeting shall serve as an opportunity for both parties to review the specifications and visit the Project site.

The Project is to be completed in accordance with ITB PWUP 24-03; the project should begin within ten (10) working days after notification of contract award.

Other Provisions

All work shall be completed in a workmanship-like manner and in compliance with all building codes and other applicable laws.

To the extent required by law, all work shall be performed by individuals duly licensed and authorized by law to perform said work.

Contractor may at its discretion engage subcontractors to perform work hereunder, provided Contractor shall fully pay said subcontractor and in all instances remain responsible for compliance with this Agreement and for the proper completion of the Project.

All change orders shall be in writing and must be signed by the Owner and Contractor.

Contractor warrants it is adequately insured for injury to its employees, and others incurring loss or injury as a result of the acts of the Contractor or its employees and subcontractors. Contractor shall supply Owner with current declaration pages for such insurances at the execution of this Agreement.

Contractor shall at its own expense obtain all permits necessary for the work to be performed. Contractor agrees to remove all debris and leave the premises in broom clean condition. The Owner is contracted with Waste Management; thus, Contractor must use their services for waste removal.

In the event Owner shall fail to pay any periodic or installment payment due hereunder, Contractor may cease work without breach pending payment or resolution of any dispute.

Contractor shall not be liable for any delay due to circumstances beyond its control including strikes, casualty, or general unavailability of materials. Notwithstanding anything set forth herein to the contrary, Contractor shall be liable to and pay to Owner liquidated damages in the amount of \$500.00 per day for every day after the completion due date the Project is not completed. Owner shall have the non-exclusive option of deducting the liquidated damages from the contract price through reduction in the installments and or retainage.

The Contractor shall provide to Public Works Superintendent **jdavis@norcrossga.net** the schedule of construction activities. The schedule must be presented at least seven (7) days prior to work commencing to notify residents and/or businesses.

Contractor warrants all work for a period of twelve (12) months following completion.

The Contractor further represents and warrants as follows:

1. Contractor at all times shall inspect and keep the workplace safe for Contractor's agents, employees and subcontractors and any licensee or invitee and any other third party who might otherwise come onto the workplace. The workplace shall be defined as that portion of the Project which is, from time to time, under the control of Contractor for the purpose of performance of Contractor's work according to this Agreement.
2. Contractor agrees to indemnify and hold Owner harmless from any and all claims, actions, damages, or litigation arising out of Contractor's failure to perform under the terms and conditions within this Agreement, including the payment of Owner's attorney's fees. This indemnification further provides that Contractor will be responsible for any costs associated with the completion of the Project should such costs of completions (which includes all labor and materials) exceed the initial fee proposal and contract price.

A. ATTACHMENTS:

1. Attachment "A" City of Norcross Invitation to Bid and Bid Specifications
2. Attachment "B" Contractor's Bid
3. Attachment "C" E-Verify Contractor Affidavit
4. Attachment "D" SAVE Affidavit
5. Attachment "E" Performance & Payment Bonds

B. FEE PROPOSAL:

1. The Owner shall pay the Contractor for the material and labor to be performed under this Agreement the sum of **\$1,567,697.20**, subject to change order additions and deductions.
2. Payment applications will be submitted by the 10th of each month. Payment will be made by the tenth of the following month.

3. Retainage will be held by the Owner equal to 10 percent of each pay application, up to 50% of the contract amount. Retainage shall be paid in full upon completion of the work.

C. SCHEDULE:

1. Contractor must be prepared to begin work upon receipt of a signed Agreement.

D. PROJECT INSPECTIONS:

1. The Project listed under the project description shall be inspected by the Norcross Department of Public Works, Utilities and Parks or its engineering staff. These inspections shall be in addition to any required inspection by the Georgia Department of Community Development.

E. TERMS AND CONDITIONS:

1. This Agreement shall be administered in accordance with the Terms and Conditions listed in the Attachments. This Agreement together with the exhibit identified herein shall constitute the entire agreement between the Owner and Contractor in respect to the Project and may only be modified in writing signed by both parties. Receipt of the signed Agreement will serve as a notice to proceed.
2. This Agreement is entered into as of the day and year first written above.

F. INSURANCE REQUIREMENTS:

The Contractor shall maintain the following insurance:

- (a) comprehensive general liability insurance, including blanket coverage for bodily injuries with limits of no less than \$1,000,000.00 per occurrence, and property damage with limits of no less than \$500,000.00 per occurrence;
- (b) statutory worker's compensation insurance, including employer's liability insurance; and
- (c) employee dishonesty and/or crimes coverage with respect to personnel of the Contractor having access to the Owner's buildings, with limits of no less than \$50,000.00 per occurrence.

All insurance shall be provided by an insurer(s) acceptable to the Owner and shall provide for thirty (30) days prior notice of cancellation to the Owner. Upon request, the Contractor shall deliver to the Owner a certificate or policy of insurance evidencing the Contractor's compliance with this policy. The Contractor shall abide by all terms and conditions of the insurance and shall do nothing to impair or invalidate the coverage.

Certificate Holder should read:

City of Norcross, its Elected Officials and
Employees
65 Lawrenceville Street
Norcross, GA 30071

(CONTRACTOR)

CITY OF NORCROSS

(Printed name and title
(Signature)

Craig Newton, Mayor
(Signature)

Attest:

Monique Philip, City Clerk

(DATE)

(DATE)

(SEAL)

(SEAL)

Attachment: Contractor Agreement_SPLOST Milling _ Resurfacing (24-6949 : SPLOST Transportation Resurfacing)



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Phillip

City of Norcross

Legislation Details (With Details)

File #:	24-6950	Version:	
Type #:	Agenda Item	Status:	Agenda Ready
On Agenda:	4/1/2024 6:30 PM	In Control:	Mayor and Council
Title:	Storm Damage Reduction/ Tree Removal Program and Front Yard Tree Program		

Sponsors:

Code Sections:

Attachments:

1. [Agenda Report - Storm Damage Reduction Tree Removal Program and Front Yard Tree Program](#)
2. [Storm Damage Reduction Contract](#)
3. [Norcross Edit Agreement between City and Homeowner for planting CT \(2\)](#)

Title

Storm Damage Reduction/ Tree Removal Program and Front Yard Tree Program

Drafter

Shahin Khalili

Motion

A motion to Approve/Deny the Storm Damage Reduction/Tree Removal Program and Front Yard Tree Program.



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Philip

Agenda Report

To: Mayor and Council

From: Shahin Khalili, City Arborist

Meeting Date: April 1, 2024 – Mayor and Council

Item No.: 24-6950

Title: Storm Damage Reduction/ Tree Removal Program and Front Yard Tree Program

CC: Eric Johnson, City Manager

Recommendation

Approve the Storm Damage Reduction/ Tree Removal Program and Front Yard Tree Program.

Background

The Storm Damage Reduction/Tree Removal program is being requested for maintaining power infrastructure and reducing power loss during storms due to structurally compromised and/or unhealthy trees (inspired by Charlie Riehm's tree). This program is seen to incentivize homeowners to have the city help them remove trees that would otherwise appear to take down power lines or other Norcross Power infrastructure due to their health.

The Front Yard Tree Program is a supplemental program, but can also be utilized as a standalone, to help maintain or even increase the City's canopy coverage. Many people do not want to remove a tree, even if it is unhealthy, due to aesthetic or sentimental attachment. These replacement trees or even new trees provided by the city can help the property owner concerned with the loss of their tree.

Financial Impact: The idea with the Storm Damage Reduction/Tree Removal program is to reduce spending from Norcross Power budget repairing infrastructure and maintaining electricity flow. The removal of the tree(s), if deemed high risk, would need to be cheaper than the cost of repair.

The Front Yard Tree program would be funded from funds in Tree Bank, paid into by developer's not being able to meet their tree density unit requirements and tree removal permit fees.

Consistent with Comprehensive Plan?

(Select the appropriate goal(s).

1. Continues to Strengthen Norcross as a Livable, Inclusive, and Safe Environment
2. Furthers the City's Tradition of Strong Leadership and High Level of Quality Services

Attachments

Front Yard Tree Planting Easement Contract
DRAFT Tree Removal Easement Contract

Next Steps

Update - NA

TREE REMOVAL EASEMENT CONTRACT

This Easement Contract ("Contract") is entered into on _____[Date], by and between the City of Norcross, hereinafter referred to as the "City", and _____[Property Owner's Name], hereinafter referred to as the "Property Owner".

BACKGROUND

The City is concerned about a tree located on the property owned by the Property Owner at _____[Property Address], which poses a danger to public safety due to its condition.

TERMS

Grant of Easement: The Property Owner hereby grants to the City a perpetual and non-exclusive easement over, under, and across the Property Owner's property located at _____[Property Address] for the purpose of accessing, inspecting, and removing the tree identified as _____[Tree Description] deemed dangerous by the City.

Access Rights: The City shall have the right to enter the Property Owner's property during reasonable hours and upon reasonable notice to the Property Owner to carry out the inspection and removal of the dangerous tree. The City shall make reasonable efforts to minimize any disturbance to the Property Owner's use and enjoyment of the property during such activities.

Indemnification: The Property Owner agrees to indemnify, defend, and hold harmless the City, its officers, employees, and agents from and against any and all claims, damages, losses, liabilities, and expenses arising out of or related to the inspection and removal of the dangerous tree, except to the extent caused by the City's negligence or willful misconduct.

Compensation: The City shall not be obligated to pay any compensation to the Property Owner for the grant of easement or for the inspection and removal of the dangerous tree pursuant to this Contract.

Termination: This Contract shall terminate upon the completion of the inspection and removal of the dangerous tree by the City. Upon termination, the easement granted herein shall cease and the Property Owner's property shall be fully restored to its original condition, to the extent practicable.

Governing Law: This Contract shall be governed by and construed in accordance with the laws of the State of Georgia, without regard to its conflicts of law principles.

IN WITNESS WHEREOF, the parties hereto have executed this Contract as of the date first above written.

[Signature of City Representative]

[Printed Name of City Representative]

[Title of City Representative]

[Signature of Property Owner]

[Printed Name of Property Owner]

[Date]

Agreement between City and Homeowner for the City to Plant Commemorative Trees on Private Property

On _____ (date) _____, the City of Norcross (City) and Homeowner/s

Name and address here:

agree that:

1. The City will acquire a temporary easement to plant one or more trees on Homeowner's property.
2. The easement is limited to the time it takes to plan for and plant the tree/s.
3. The easement is limited to the distance from the right-of-way needed by the City to plant the tree/s, and is limited to a 15-foot setback from the right-of-way into the private property.
4. The Homeowner will gain ownership of the trees planted at the City's expense.
5. Homeowner agrees to maintain the trees planted, including sufficient watering for 2 years, yearly pruning, and twice yearly mulching, using the services of a Certified Arborist when needed. Tree maintenance must be in accordance with ANSI standards for tree care. Specific information is available from the Norcross Tree Preservation Board or City arborist.
6. If the tree needs staking when installed, the City will properly stake the tree. Homeowner agrees to remove all staking materials at the end of the first year.
7. Homeowner agrees to hold the city harmless for any liability attributable to the planting or presence of the trees on the private property.
8. The City arborist or designee will approve the planting location and species before final approval. (Homeowner understands that the location must have sufficient open soil surface area for the species of tree desired. The City will not remove landscaping and will not plant in gravel or rock gardens.)
9. The planted tree/s are Commemorative Trees, and as such must be visible in their planted location/s from a public roadway right-of way or public space.
10. The City arborist and Norcross Tree Preservation Board members are available at no cost to Homeowner if there are concerns by either party about the health of the tree/s.
11. The planted tree/s may not be removed or transplanted by the Homeowner. If the tree/s are hazardous, diseased, or dying, the City arborist or designee must approve its removal. If parties disagree, they may jointly or separately obtain the opinion of a Certified Arborist.
12. Homeowner grants permission to City to photograph the tree/s for archival or publicity purposes.

Homeowner/s
Print name below

For the City
Print name and title below



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Phillip

City of Norcross

Legislation Details (With Details)

File #:	24-6954	Version:	
Type #:	Agenda Item	Status:	Agenda Ready
On Agenda:	4/1/2024 6:30 PM	In Control:	Mayor and Council
Title:	City Speed Bump Policy Discussion		

Sponsors:

Code Sections:

Attachments:

1. [Agenda Report - City Speed Bump Policy Discussion](#)

Title

City Speed Bump Policy Discussion

Drafter

Councilmembers Josh Bare and Matt Myers

Motion

A motion to Approve/Deny the suspension of speed humps on city streets excluding subdivisions until a city wide speed hump policy is adopted.



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Philip

Agenda Report

To: Mayor and Council

From: Councilmembers Josh Bare and Matt Myers

Meeting Date: April 1, 2024 – Mayor and Council

Item No.: 24-6954

Title: City Speed Bump Policy Discussion

CC: Eric Johnson, City Manager

Recommendation :

Establish a city-wide policy on the use of speed bumps on city streets. This would not apply to roads in subdivisions.

Background: To be discussed.

Financial Impact: \$0

Consistent with Comprehensive Plan?

1. Continues to define Norcross' sense of place
2. Continues to Strengthen Norcross as a Livable, Inclusive, and Safe Environment
3. Increases Opportunities for Travel via Different Modes within and Outside the Community
4. Maintains a Vibrant Economy and Continue to Facilitate Job Growth
5. Ensures that Norcross Residents have a Variety of Attainable, Quality Housing Options
6. Furthers the City's Tradition of Strong Leadership and High Level of Quality Services

Attachments

Next Steps

Update

