

AGENDA
CITY COUNCIL REGULAR MEETING
G.L. Gilleland Council Chambers on 2nd Floor
Monday, September 10, 2018
7:00 P.M.

- 7:00 PM 1. Call to Order
- 2. Roll Call
- 3. Invocation and Pledge
- 4. Announcements
- 7:04 PM 5. Approval of the Agenda
- 6. Public Input
- 7:05 PM 7. Approval of the Minutes

BUSINESS

- 7:06 PM 8. Amendment to Public Input Process
- 7:07 PM 9. Bid – Three HVAC Units for City Hall
- 7:09 PM 10. Special Event Permit with Alcohol – GRHOF October 26 – 28, 2018
- 7:12 PM 11. GMEBS Defined Benefit Retirement Plan Restatement
 - a. An Ordinance to amend and restate the Retirement Plan for the Employees of the City of Dawsonville, Georgia in accordance with and subject to the terms and conditions set forth in the attached Adoption Agreement, any Addendum to the Adoption Agreement, the Georgia Municipal Employees Benefit System (GMEBS) Master Plan Document, and the GMEBS Trust Agreement. (First Reading – September 10, 2018; Second Reading – September 24, 2018)
 - b. Pension Committee Appointments
- 7:16 PM 12. 2019 Insurance Benefits
- 7:35 PM 13. Proposal for Part-time Custodian
- 7:39 PM 14. Review City Council Meeting Dates for the Remainder of the Year
- 7:42 PM 15. Soil Erosion, Sedimentation and Pollution Control Ordinance

An Ordinance For The Purpose of Providing Minimum Requirements For Soil Erosion, Sedimentation and Pollution Control Using Best Management Practices Updated in Accordance With The Model Ordinance From The State of Georgia; To Define Key Terms Herein; To Provide For Exemptions For The Requirements Set Forth Herein; To Provide For The Application And Permit Process To Conduct Land Disturbing Activities In Compliance Herewith; To Provide Enforcement Provisions For The Requirements Set Forth Herein; To Provide Penalties For Violations Of This Ordinance; To Provide Education And Certification Requirements; To Provide For Repealer; To Provide An Effective Date; And For Other Purposes (First Reading – August 20, 2018; Second Reading – September 10, 2018)
- 7:45 PM 16. An Ordinance To Provide Updates To Existing Ordinances On Water Sewer And Garbage Services: Related To Reconnection Fees, Fines, Interest And Procedure; Related To Meter Readings, Billings And Collection; Related To Suspension Of Service; Related To Penalties For Violation; And Related To Disconnection Of Service. The Ordinance Also Provides For A Repealer And Restatement, For An Effective Date And For Other Purposes (First Reading - August 20, 2018; Second Reading - September 10, 2018)
- 17. An Ordinance To Update And Revise The Application Fee And Annual Fee For Occupation Taxes And Business Licenses Related To Tattoo Studios And Tattoo Artists; To Provide An Effective Date; And For Other Purposes (First Reading - September 10, 2018; Second Reading – September 24, 2018)

7:50 PM **EXECUTIVE SESSION:** Pending or Potential Litigation and Land Acquisition

8:15 PM **ADJOURNMENT**



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 7

SUBJECT: APPROVAL OF THE MINUTES

CITY COUNCIL MEETING DATE: 09/10/2018

BUDGET INFORMATION: GL ACCOUNT # NA

Funds Available from: Annual Budget Capital Budget Other

Budget Amendment Request from Reserve: Enterprise Fund General Fund

PURPOSE FOR REQUEST:

TO APPROVE THE MINUTES FROM:

- **WORK SESSION AND REGULAR MEETING HELD ON AUGUST 20, 2018**
-

HISTORY/ FACTS / ISSUES:

OPTIONS:

AMEND OR APPROVE AS PRESENTED

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Beverly Banister, City Clerk

**MINUTES
CITY COUNCIL WORK SESSION AND REGULAR MEETING
AUGUST 20, 2018
7:00 P.M.**

1. **CALL TO ORDER:** Mayor Mike Eason called the meeting to order at 7:00 p.m.
2. **ROLL CALL:** Present were Councilmember Jason Power, Councilmember Mark French, Councilmember Stephen Tolson, Councilmember Caleb Phillips, City Attorney Dana Miles, City Attorney Jonah Howell, City Manager Bob Bolz, City Clerk Beverly Banister, Deputy City Clerk Tracy Smith, Utilities Director Gary Barr, Public Works Operations Manager Trampas Hansard, Planning Director Robbie Irvin, Finance Administrator Hayden Wiggins and Human Resource Manager Donna Blanton.
3. **INVOCATION AND PLEDGE:** Invocation and pledge was led by Councilmember Power.
4. **ANNOUCEMENTS:** Mayor Eason announced the next Food Truck night is scheduled for September 14th and Coffee with the Mayor is scheduled for Saturday, August 25th at City Hall from 8:30 am to 11:00 am. Two new businesses in town have opened; Cozy Little Country Store and A Divine Beauty Boutique & Spa.
5. **APPROVAL OF THE AGENDA:** Motion to amend the agenda to delete item #10 Save Clifford 5K Event with Road Closure made by C. Phillips/S. Tolson. Vote carried unanimously in favor.

Motion to approve the agenda as amended made by J. Power/S. Tolson. Vote carried unanimously in favor.
6. **PUBLIC INPUT:** No comments from the public.

Councilmember Phillips commented on speaking with Sheriff Johnson about providing a uniformed officer at the Council Meetings relating to the Public Input Procedure. Mayor Eason stated the procedure will be modified to include a uniformed officer next City Council meeting in September.
7. **APPROVAL OF THE MINUTES:** Motion to approve the minutes from the regular City Council meeting and the Executive Session held on August 6, 2018 made by S. Tolson/J. Power. Vote carried unanimously in favor.

BUSINESS

8. **CERTIFICATE OF APPRECIATION:** Mayor Eason recognized Nalita Copeland for taking on the responsibilities of the entire Planning Department when the department was without a Planning Director and presented her with a certificate of appreciation.
9. **DAWSONVILLE UMC REQUEST:** City Manager Bob Bolz reported Kare for Kids would be interested in leasing the City's property located at 572 Academy Avenue for the use of it during the Moonshine Festival; they also expressed an interest in purchasing the property. Motion to approve a lease to Kare for Kids for \$200 to utilize the City's property for the 2018 Moonshine Festival made by S. Tolson/J. Power. Vote carried unanimously in favor.
10. **SAVE CLIFFORD 5K EVENT WITH ROAD CLOSURE:** Deleted from agenda.

**MINUTES
CITY COUNCIL WORK SESSION AND REGULAR MEETING
AUGUST 20, 2018
7:00 P.M.**

- 11. EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE:** Planning Director Robbie Irvin presented the ordinance; this is the first reading of the ordinance. Second reading and vote will be at the next City Council meeting on September 10, 2018.
- 12. CONTRACT AMENDMENT ON MAIN STREET PARK:** Councilmember Phillips recused himself from any discussion and/or vote on the matter. City Manager Bolz reported on the request for the change order. Motion to approve the contract amendment for Phase I of Main Street Park in the amount of \$81,496 to be paid out of SPLOST VI for the sewer line made by J. Power/S. Tolson. Vote carried 3 in favor (Power, Tolson, French) with 1 recused (Phillips).

WORK SESSION

- 13. MEETING TIMES FOR 2019:** Mayor Eason spoke about the current meeting times for 2018 and the possibility of changing the times for next year; he stated it's a good time to start considering the direction the Council wants to take since the schedule will be set in December. Councilmember Phillips proposed earlier meeting times since our meetings are livestreamed and recorded for later viewing; Councilmember Power expressed the same. Councilmember French suggested considering scheduling the work sessions during the day.
- 14. ORDINANCE REVIEW:** Mayor Eason spoke about some of the City's ordinances which have not been updated for quite some time. He would like to have staff review the ordinances relative to their departments and report back on what needs to be updated and how long it will take to update; he would also like the fee schedule (Section 2.110) reviewed and updated.

Council will hear a first reading on an ordinance revision relating to tattoo studios and artists on September 10, 2018; second reading is scheduled for September 24, 2018.

Mayor Eason discussed issues staff has been having regarding reconnection for water and sewer which has been shut off due to non-payment; Attorney Miles worked with staff to develop an ordinance revision for the procedure and the fees associated with them. This is the first reading; second reading and vote will be September 24, 2018.

AN ORDINANCE TO PROVIDE UPDATES FOR FINES ASSOCIATED WITH WATER AND SEWER RECONNECTION FOLLOWING DISCONNECTION DUE TO NONPAYMENT OR LATE PAYMENT OF BILL; TO PROVIDE FINE AMOUNTS FOR MULTIPLE VIOLATIONS WITHIN A TWENTY-FOUR MONTH PERIOD; TO PROVIDE FOR A DEFINITE TIME WITHIN WHICH THE CITY SHALL RECONNECT WATER AND SEWER SERVICES WHICH WERE DISCONNECTED DUE TO NONPAYMENT OF BILL; TO PROVIDE FOR REPEALER; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

- 15. CONSENT AGENDA:** Mayor Eason proposed a consent agenda format to add to future agendas in order to move through the agenda more quickly and efficiently allowing routine items to be approved all at once.
- 16. SPLOST PROJECTS – USES/NEEDS/SCHEDULE:** City Manager Bolz gave a presentation updating Council on the progress and anticipated timeline for the implementation and completion of both Main Street Park and the Farmer's Market. Mayor Eason encouraged Council to be thinking about any changes to the current scope of plans they'd like to see incorporated.

MINUTES
CITY COUNCIL WORK SESSION AND REGULAR MEETING
AUGUST 20, 2018
7:00 P.M.

- 17. IMPACT FEES:** Mayor Eason reported Dawson County has passed impact fees and the County has requested the City consider impact fees as well. Attorney Miles gave a summary of impact fees and the types of projects which could be considered with the funding. Mayor Eason stated Council will need to consider over the next few weeks whether or not they will implement impact fees for the City.

ADJOURNMENT

With there being no further business to attend to, a motion was made to adjourn the meeting at 8:12 p.m. by J. Power/C. Phillips. Vote carried unanimously in favor.

By: CITY OF DAWSONVILLE

Michael Eason, Mayor

Caleb Phillips, Councilmember

Jason Power, Councilmember

Stephen Tolson, Councilmember

Mark French, Councilmember

Attested: _____
Beverly Banister, City Clerk



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 8

SUBJECT: AMENDMENT TO PUBLIC INPUT PROCESS

CITY COUNCIL MEETING DATE: 09/10/2018

BUDGET INFORMATION: GL ACCOUNT # NA

Funds Available from: Annual Budget Capital Budget Other

Budget Amendment Request from Reserve: Enterprise Fund General Fund

PURPOSE FOR REQUEST:

TO AMEND PUBLIC INPUT PROCESS BY ADDING THE WORD "UNIFORMED" AS BELOW.

The Mayor may rule out of order any speaker who uses abusive or indecorous language, speaks on a subject matter that does not pertain to the City of Dawsonville or attempts to engage the Council in a discussion or dialogue on issues. If the speaker behaves disrespectfully or inappropriately, he or she may be asked to leave the building, if he or she refuses to cooperate with such a decision, they may be escorted out of the meeting by **uniformed** law enforcement.

HISTORY/ FACTS / ISSUES:

PUBLIC INPUT PROCESS APPROVED AT THE AUGUST 6, 2018 MEETING; REQUEST BY COUNCILMEMBER FRENCH TO CONTACT DC SHERIFF'S DEPARTMENT TO PROVIDE A UNIFORMED OFFICER FOR THE MEETINGS.

OPTIONS:

APPROVE, AMEND, DENY OR TABLE

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Mike Eason, Mayor



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 9

SUBJECT: BID – THREE HVAC UNITS FOR CITY HALL

CITY COUNCIL MEETING DATE: 09/10/2018

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: Annual Budget _____ Capital Budget _____ Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

TO RATIFY BID APPROVAL FOR THREE HVAC UNITS AT CITY HALL; ONE FOR CITY HALL AND TWO FOR GRHOF.

BID OBTAINED VIA STATE CONTRACT

MINGLEDORFF'S - \$35,323.00

HISTORY/ FACTS / ISSUES:

- TWO UNITS HAVE FAILED; ONE IS ABOUT TO FAIL
- PRICE WOULD HAVE INCREASED BY 3% IF NOT ORDERED BY 09/10/2018
- AMOUNT EXCEEDS CITY MANAGER'S SIGNING ALLOWANCE

OPTIONS:

APPROVE, AMEND, DENY OR TABLE

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Bob Bolz, City Manager



Mingledorff's Inc.
 6675 Jones Mill Ct
 Norcross, GA. 30092
 (P) 770-239-2139
 (F) 770-239-2128

PROPOSAL

Attention: All Bidders
 Customer:
 Job Name: CITY OF DAWSON
 Job Location: , GA

Date: 08/21/2018
 Quote Number: TB180947
 Engineer: (No Contact)

We propose to furnish the equipment listed below at prices stated and in accordance with Mingledorff's Inc. standard terms of sale.

| Mark For | Qty | Model Number | Description |
|-----------------|-----|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| RTU-4 25 TON | 2 | 48TCDD28A2A6-0A0G0 | Std Eff Low Gas Heat Single Pkg Rooftop 25 Tons Cooling 460-3-60 ♦ Low Heat ♦ Round Tube Plate Fin Coils ♦ Two Stage Compressor Models ♦ Medium Static Option - Vertical Models ♦ Al/Cu - Al/Cu ♦ Base Electromechanical Controls ♦ 2 Speed Fan Controller (VFD) |
| | 2 | CRMANDPR010A00 | 25% Open Manual Outdoor Air Damper Package |
| | 2 | CRDISKIT001A00 | 2 Speed VFD display kit |
| | 2 | ADAPTER CURB | FROM YORK D2CG300N24046ECA |
| | | SUBTOTAL | \$26,526.00 |
| RTU-2 15 TON | 1 | 48TCDD16A2A6-0A0G0 | Std Eff Low Gas Heat Single Pkg Rooftop 15 Tons Cooling 460-3-60 ♦ Low Heat ♦ Two Stage Compressor Models ♦ Medium Static Option (Belt Drive) ♦ Al/Cu - Al/Cu ♦ Base Electromechanical Controls ♦ 2 Speed Fan Controller (VFD) |
| | 1 | CRMANDPR011A00 | 50% Open Manual Outdoor Air Damper Package |
| | 1 | ADAPTER CURB | FROM YORK D2CG180 |
| | | SUBTOTAL | \$8,797.00 |

QUOTATION NOTES:

Any item listed separately in the proposal will ship separately and require installation in the field by the contractor. Drawings and specifications used for pricing were dated:

ITEMS NOT INCLUDED UNLESS SPECIFIED OTHERWISE:

- Start-up or Commissioning
- Controls
- Starters or Disconnects
- Labor Warranty
- Valves
- Extra Filters
- Refrigerant Specialties
- Dampers
- Damper Actuators

SPECIAL NOTES:

- Above price is firm and will remain in effect for 30 days.
- Freight is FOB factory, allowed to first destination in the continental USA.

- All accessories are field installed unless otherwise noted.
- No taxes, permits, start-up, and or service are included in above proposal unless otherwise noted.
- Payment terms for all orders are subject to credit review and acceptance by Mingledorff's Inc. management. Mingledorff's Inc. reserves the right to require payment in advance of ordering.
- Mingledorff's/Seller shall have the right to deliver any portion of the materials included in this order and to bill Buyer for such materials. Buyer agrees to pay for the same in accordance with the terms of payment of this order upon notification that the shipment is ready for delivery notwithstanding the fact that Buyer may be unable to receive or provide suitable storage space for any such partial delivery. In such event that portion of materials may be stored at Buyer's risk and expense.
- Compliance with local codes neither guaranteed nor implied.
- Mingledorff's Inc. does not accept and will not be held liable for any flow down requirements from the owner or any higher tier contractor unless specifically agreed to in writing.
- Mingledorff's Inc. specifically excludes the acceptance of any liquidated damages.
- Any work or material furnished at Mingledorff's expense, must have written authorization and approval from Mingledorff's Inc. prior to furnishing such service or materials. Immediately upon completion of such work, the approved price shall be invoiced for immediate processing of a credit memo and applied to your account. Deductions from our invoices or back charges for unauthorized work or materials will not be accepted.
- This proposal does not include base isolators, ductwork, insulation, economizers, curbs, valves, starters, controls, disconnects, electrical wiring, conduit, rigging, storage or any other accessories **not specifically** listed above. **Start-up services:** Start-up service can be provided by adding \$960.00 per day to the base price. When purchased, start-up service will be provided during normal working hours and does not include installation, refrigerant specialties (unless otherwise noted in this proposal), refrigerant or system charging.
- Warranty: The Company makes absolutely no guarantee beyond that of the manufacturer of the product supplied. The material quoted carries only the manufacturer's limited warranty. Copies of the warranty are available upon request. Labor for service or for replacement of parts in warranty is not included. **THIS WARRANTY IS GIVEN IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, ARISING UNDER THIS CONTRACT OR BY LAW, INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.**
If a printed product warranty certificate is supplied with the equipment and such certificate specifies a warranty period of a longer duration, such warranty certificate shall control the length of the warranty period. If such warranty certificate contains other terms and conditions which either conflict with or are additional to the provisions of this contract, terms which are additional shall be incorporated by reference in this contract and terms which are in conflict with any provision contained herein shall have no force or effect.
- Voltage must be verified by the contractor or purchaser prior to processing an order.

Thank you for the opportunity to provide you with this pricing. If you have any questions, please contact us at 770-239-2139.

Sincerely,

Thomas Bruner

- Phone
tbruner@mingledorffs.com

Accepted By: Robert D. Bell
 Title: City Manager
 Date: 8/23/18

Quote Date: 08/21/2018
 Quote Number: TB180947
 PO Number:
 Job Name: CITY OF DAWSON

Per Council & Mayor Approval



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 10

SUBJECT: GRHOF EVENT WITH ALCOHOL

DATE(s): _____ WORK SESSION 9/10/18 CITY COUNCIL MEETING

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

CC APPROVAL FOR GRHOF TO SELL AND SERVE ALCOHOL AT THEIR INSIDE EVENT DURING MOONSHINE FESTIVAL. CC APPROVAL NEEDED IN ORDER FOR GRHOF TO OBTAIN STATE SPECIAL EVENT LICENSE.

HISTORY/ FACTS / ISSUES

GRHOF HAS DONE THIS FOR THE PAST FEW YEARS WITH NO ISSUES FOR ACTIVITIES INSIDE THE GRHOF

ALL ALCOHOL SOLD/SERVED/CONSUMED INSIDE THE GRHOF-NOTHING WILL BE TAKEN OUTSIDE

TIMES REQUESTED: Friday, Oct 26th 10am-5pm; Saturday, Oct 27th 10am-5pm; Sunday, Oct 28th 1-5pm.

ONCE CC APPROVES, STAFF WILL PREPARE A LETTER FOR GRHOF TO SUBMIT WITH THEIR STATE APPLICATION

OPTIONS:

APPROVE OR DENY

RECOMMENDED SAMPLE MOTION:

DEPARTMENT: PLANNING AND ZONING

REQUESTED BY: ROBBIE IRVIN, PLANNING DIRECTOR



City of Dawsonville
 P.O. Box 6, 415 Highway 53 East Suite 100
 Dawsonville, Georgia 30534
 Phone: (706)265-3256
 Email: clerk@dawsonville-ga.gov
 Website: www.dawsonville-ga.gov

**Event Permit with Alcohol
 Application
 One per Event**

Application **MUST** be received **BEFORE NEXT City Council Meeting** for approval to apply for State approval.
 Permit **MUST** be displayed at the event. Sheriff's Office will be notified.

| Type of License: | Fee | |
|-----------------------------------------------|------|-----------|
| Catered Event Permit – Domiciled Caterer | \$25 | |
| Catered Event Permit – Non-Domiciled Caterer | \$50 | |
| Total Payable to "City of Dawsonville" | | \$ |

CURRENT ALCOHOL LICENSEE INFORMATION: Contact Person: Gordon PICKLE
Faye Abercrombie
 Business Name: Georgia Racing Hall of Fame
 Address: 415 Hwy 53E Phone# 706-216-7223
 City: Dawsonville State: Ga Zip: 30534 Fax# _____
 Email Address: _____ Web Address: georgiaracinghof.com

LOCATION OF EVENT: Contact Person at Location: Gordon Pickle, Faye Abercrombie
 Location Name: Georgia Racing Hall of Fame
 Address: 415 Hwy 53E Phone# 706-216-7223
 City: Dawsonville State: Ga Zip: 30534 Fax# _____

EVENT TIME: Date: Oct 26 Fri Time: Start: 10:00 End: 5:00
Oct 27 SAT Time: Start: 10:00 (a.m./p.m.) End: 5:00 a.m./p.m.)
Oct 28 SUN Time: Start: 1:00 End: 5:00

LICENSE: Current Alcohol License State Alcohol License Current Business License Servers Current Pouring Permit

Is this a Non-Profit Charitable event? yes Attach a copy of the 501(c)3

OATH:
 I, Faye Abercrombie, do solemnly swear, subject to the penalties of false swearing, that the information contained in this application are true and correct; and that I am authorized to use the alcohol license referenced with this application; and, the business to which the alcohol license is issued is catering the event outlined above. In addition, I agree to abide by the rules and regulations of the City of Dawsonville's Alcohol Ordinance.

I, Faye Abercrombie do solemnly swear, subject to the penalties of false swearing, that a caterer's license is not necessary because the alcoholic beverages are being purchased from a licensed establishment located in the City.

Faye Abercrombie
 Applicant's Signature Date

DISTANCE REQUIREMENT: Sections 3-37 of the alcohol ordinance require that all licenses be issued for areas with the Commercial zoning classification. It also provides for a distance requirement of 100 yards from any church or alcohol treatment facility, or 200 yards from any school building or daycare facility.

FOR OFFICIAL USE ONLY: **RECEIVED**
 Completed Application Date: AUG 10 2018 Amount Paid \$ _____ Check # _____ / Cash

Alcohol License State Alcohol License Business License Pourers Permit Non-Profit Charitable Entity: Waived... Yes / No



City of Dawsonville
 415 Hwy 53 E, Suite 100
 Dawsonville, GA 30534
 Phone (706)265-3256
 Fax # (706)265-4214

**Permit Application for:
 Parades, Public Assemblies,
 Demonstrations, and Rallies
 in Public Places**

APPLICANT TO COMPLETE PAGES 1-5

PERMIT FEE: \$50.00 Date Received: _____

For Info only

TRASH CLEANUP DEPOSIT: \$ _____ Date Received: _____

A completed application must be received a minimum of 14 days prior to event.

* Events with alcohol MUST apply 60 days in advance for City Council Approval (addition form required)

Inside GRHOF

- Name of Event: Bootleggers Shed - Moonshine Festival PARADE OTHER
- Location of Event: GRHOF - 415 Hwy 53E, Dawsonville Ga PUBLIC DEMONSTRATION
- Date(s) of Event: Oct 26, 27 & 28th PUBLIC ASSEMBLY RALLY
 (Time of Event: Start: FRI - 10:5 am/pm, SAT 10:5 am/pm, SUN 1:00-5:00 am/pm) ROAD CLOSING: # HRS. _____
- Provide information listed below for the main contact person responsible for the organization of this event:

| | |
|----------------------------------------------------------------------------------------------|----------------------------------|
| Name: <u>Gordon Pirkle</u> | Title: <u>CEO, GRHOF</u> |
| Organization: <u>GRHOF</u> | Telephone #: <u>706-216-7223</u> |
| Email Address: | Cell Phone #: |
| Address: <u>415 Hwy 53E</u> City: <u>Dawsonville</u> State: <u>Ga</u> Zip Code: <u>30534</u> | |

- Provide information listed below for any key personnel involved in coordinating this event. Also, provide information listed below on each officer of the club, organization, corporation or partnership requesting this event. Attach a separate sheet if necessary.

| | |
|----------------------------------------------------------------------------------------------|----------------------------------|
| Name: <u>Faye Abercrombie</u> | Title: <u>Sec, GRHOF</u> |
| Organization: <u>GRHOF</u> | Telephone #: <u>770-893-8230</u> |
| Address: <u>415 Hwy 53E</u> City: <u>Dawsonville</u> State: <u>Ga</u> Zip Code: <u>30534</u> | |

| | |
|----------------------------------------------------------------------------------------------|-------------------------------------------------|
| Name: <u>John Benefield</u> | Title: <u>Board Member, GRHOF</u> |
| Organization: <u>GRHOF</u> | Telephone #: <u>770-823-0470 / 706-864-4026</u> |
| Address: <u>415 Hwy 53E</u> City: <u>Dawsonville</u> State: <u>Ga</u> Zip Code: <u>30534</u> | |

| | |
|---------------|------------------------|
| Name: | Title: |
| Organization: | Telephone #: |
| Address: | City: State: Zip Code: |

| | |
|---------------|------------------------|
| Name: | Title: |
| Organization: | Telephone #: |
| Address: | City: State: Zip Code: |

6. Expected number of participants: 125
7. Physical description of materials to be distributed: NONE
8. How do participants expect to interact with public? Banquet + Program
9. Route of event: (attach a detailed map of the route) N/A

9.a. Number and type of units in parade: N/A
9.b. Size of the parade: _____

10. Will this event require road closure(s)? No If YES, specify road name(s) and times of closure(s) below: _____

11. Will any part of this Event take place outside the City Limits of Dawsonville? No
If YES, do you have a permit for the event from Dawson County? _____ Date Issued: _____ * Attach Copy

12. Do you anticipate any unusual problems concerning either police protection or traffic congestion as a consequence of the event? No If YES, please explain in detail _____

13. List all Prior parades or public assemblies, demonstrations or rallies in a public place within the city limits of Dawsonville for which you obtained a permit in the last 12 months: (Include dates (month/year) – attach separate sheet, if necessary). Car Show, May 2018, Car show, Sept 2018

DETAILS:

Please outline what your event will involve: (number of people – life safety issues – vendors – cooking – tents – rides – handicap parking – egress) Attach separate sheet if necessary.

None - ALL will be inside Museum

Route or Layout: (attach a detailed site plan) If route includes road closure(s), provide a Google map layout.

Inside GRHOF
N/A

What participation, if any, do you expect from the City of Dawsonville? None

What participation, if any, have you arranged from Dawson County Emergency Services? None

What participation, if any, have you arranged from the Dawson County Sheriff Department? None

Insurance Requirements:

In compliance with the Parade, Public Assembly, and Public Demonstration Ordinance Section 10-25(c), an applicant for a permit under this article shall be required to obtain liability insurance for the parade, demonstration, rally, road closing, or other such activity whenever any one or more of the following threshold criteria are met:

1. Primary attendance is reasonably expected to meet or exceed 5,000 persons;
2. The use, participation, exhibition, or showing of live animals;
3. The use, participation, exhibition, or showing of automobiles of any size or description, motorcycles, tractors, bicycles or similar conveyances;
4. The use of a stage, platforms, bleachers, or grandstands which will be erected for the event;
5. The use of inflatable apparatus used for jumping, bouncing, or similar activities;
6. The use of roller coasters, bungee jumping, or similar activities; or
7. Vendors or concessions.

Does your parade, non-spontaneous private assembly, demonstration, or rally in a public place meet any of the criteria above? Yes No If yes, which one(s)? _____

Any applicant required to provide insurance shall provide the City of Dawsonville with a copy of the declarations page of the applicant's liability insurance / Certificate of Insurance from an insurer authorized and licensed by the State of Georgia. For such events the City of Dawsonville shall be added as an additional named insured on the Certificate of Insurance by the insurance carrier. The minimum policy limits shall be \$1,000,000.00 per person per incident and \$2,000,000.00 aggregate for the entire event. All costs for the insurance and adding the City of Dawsonville as an additional named insured shall be borne solely by the applicant. The insurance shall be such as to protect the City of Dawsonville from any and all claims for damages to property and/or bodily injury or death.

Is the Certificate of Liability Insurance attached? Yes No Not applicable to this event

Additional information/comments about liability insurance: _____

Additional information/comments about this application: _____



City of Dawsonville
 415 Hwy 53 E, Suite 100
 Dawsonville, GA 30534
 Phone (706)265-3256
 Fax # (706)265-4214

Permit Application for:
Parades, Public Assemblies,
Demonstrations, and Rallies in Public Places
(Dawson County Emergency Services)

Emergency Services: Please complete this sheet and return it to the City of Dawsonville.

(Inside GRHOF)
 Name of Event: Bootleggers Shed-Moonshine Festival Date(s) of Event: Oct 26, 27 & 28+1

Any anticipated problems with proposed route? _____

Any anticipated problems with the designated location for participants to assemble? _____

How many personnel will be required for this event? _____

Estimated cost for personnel: _____

Number and type of vehicles required: _____

Type of procedures or equipment needed for the health and safety needs of the participants and the viewing public: _____

Estimated cost for equipment: _____

Additional comments/concerns: _____

EMERGENCY SERVICES

APPROVED: YES NO

By: _____ Date: _____



City of Dawsonville
 415 Hwy 53 E, Suite 100
 Dawsonville, GA 30534
 Phone (706)265-3256
 Fax # (706)265-4214

Permit Application for:
 Parades, Public Assemblies,
 Demonstrations, and Rallies in Public Places
 (Dawson County Sheriff Department)

Sheriff Department: Please complete this sheet and return it to the City of Dawsonville.

(Inside GRAOF)

Name of Event: Root Leggers Shed Moonshine Festival Date(s) of Event: Oct 26, 27, & 28

Any anticipated problems with proposed route? _____

Any anticipated problems with the designated location for participants to assemble? _____

How many officers will be required for this event? 0

Estimated cost for officers: _____

Number of vehicles required: 0

Type of procedures or equipment needed for the health and safety needs of the participants and the viewing public: _____

Estimated cost for equipment: _____

Additional comments/concerns/recommendations: _____

SHERIFF DEPARTMENT:

APPROVED: YES NO

By: [Signature] Date: 10-28-2018

APPLICANT'S SIGNATURE FOR CERTIFICATION AND ACKNOWLEDGEMENT OF ROAD CLOSURE(S), TRASH CLEANUP, PARKING PROVISIONS AND PROVIDING TOILET FACILITIES. PRIOR TO SIGNING, PLEASE READ THE FOLLOWING OR HAVE IT READ TO YOU:

ROAD CLOSURE(S):

Applicant certifies and acknowledges that any road closures scheduled as part of an event will only take place during the time designated for the road closure and that the applicant will not arrive early, fail to clean up or fail to leave promptly after the event so as to interfere with the normal flow of traffic.

Sworn to and subscribed before me this 10 day of August 2018. N/A
Gordon Pirkle
Applicant's Printed Name
Nelita Y. Copeland
Notary Public, State of Georgia
Applicant's Signature
My Commission Expires: May 15, 2019

TRASH CLEANUP, PARKING PROVISION AND TOILET FACILITIES:

Applicant certifies and acknowledges the City may require the Applicant to be responsible for trash cleanup of affected areas littered during the activity for which a permit is sought.

Each applicant granted a permit for an event with anticipated attendance of less than 100 participants shall be required to pay a cleanup deposit of \$500 for each day of the event. Each applicant granted a permit for an event with anticipated attendance of over 100 participants shall be required to pay a cleanup deposit of \$1000 for each day of the event. The City shall apply the cleanup deposit towards the cost of the cleanup following the event. Any portion of the cleanup deposit not used by the City shall be returned to the applicant within ten (10) days of completion of event cleanup. In the event the applicant cannot afford the daily cleanup deposit, a pauper's affidavit may be filed by the applicant, seeking to be excused from the deposit. The decision on whether the daily cleanup deposits are to be waived shall be made concurrently with the decision on the application itself, and shall be contemporaneously communicated to the applicant.

Applicant certifies and acknowledges the City may require the Applicant be responsible for the provision of sufficient parking and storage areas for a large influx of motor vehicles occasioned by the permitted activity and the provision of temporary toilet facilities and other similar special and extraordinary items determined to be necessary for the permitted activity based on the contents of the application.

Sworn to and subscribed before me this 10 day of August 2018.
Gordon Pirkle
Applicant's Printed Name
Nelita Y. Copeland
Notary Public, State of Georgia
Applicant's Signature
My Commission Expires: May 15, 2019



APPLICANT'S SIGNATURE FOR THE PERMIT APPLICATION; RELEASE & WAIVER OF LIABILITY; AND AGREEMENT FOR FINANCIAL RESPONSIBILITY. PRIOR TO SIGNING, PLEASE READ THE FOLLOWING OR HAVE IT READ TO YOU:

APPLICATION:

OATH: I hereby swear and affirm that the information provided within this application for parade, public assembly, demonstration, or rally is true and correct to the best of my knowledge. In addition, I agree to abide by all regulations of the ordinance and to advise all participants of the conditions of the permit.

RELEASE & WAIVER OF LIABILITY:

The permit holder shall indemnify and hold the City of Dawsonville, Georgia harmless from any claim, demand, or cause of action that may arise from activities associated with the event, including attorney's fees. I acknowledge that I understand this Release, and I hereby agree for myself and on behalf of the Applicant to indemnify and hold harmless the City of Dawsonville, Georgia and its agents, officers, and employees, individually and jointly, from and against any claim for injury (including, but not limited to, personal injury and property damage), loss, inconvenience, or damage suffered or sustained by any individual, including, but not limited to, business owners, patrons, participants of the parade, public assembly, demonstration, or rally, and spectators participating in and/or occurring during the event, unless the claim for injury is caused by intentional misconduct of an individual, agent, officer, or employee of the City of Dawsonville.

AGREEMENT FOR FINANCIAL RESPONSIBILITY:

The undersigned agrees to be solely responsible for cleaning affected areas littered during the activity, provide sufficient parking and storage areas for motor vehicles, provide temporary toilet facilities, and provide other similar special and extraordinary items deemed necessary for the permitted activity by the City of Dawsonville to keep the area of the event safe and sanitary. In no event shall the City of Dawsonville, Georgia require individuals, organizations or groups of persons to provide personnel for normal governmental functions, such as traffic control, police protection, or other expenses associated with the maintenance of public order. If additional requirements are placed on applicants in accordance with this subsection, and those requirements are not met despite assurances by the applicant, then failure to comply with the aforementioned requirements shall be grounds for revocation of the issued permit and/or denial of any subsequent permit requested by the applicant. The City of Dawsonville, Georgia shall be entitled to recover from the applicant the sums expended by the City of Dawsonville, Georgia for extraordinary expenses agreed to but not provided by the applicant.

I further understand that false statements or omission within the application may result in the denial or disqualification of application.



Sworn to and subscribed before me
this 10 day of August 2018.

Gordon Pirkle
Applicant's Printed Name

Marilyn Y. Copeland
Notary Public, State of Georgia

Gordon Pirkle
Applicant's Signature

My Commission Expires: May 15, 2019

Note to Applicant: Once your permit is processed, Planning & Development will notify you if you are required to attend a City Council meeting.



City of Dawsonville
415 Hwy 53 E, Suite 100
Dawsonville, GA 30534
Phone (706)265-3256
Fax # (706)265-4214

**Permit Application for:
Parades, Public Assemblies,
Demonstrations, and Rallies in Public Places
(Public Works – Environmental Health)**

If applicable to the event, please review this application and return it to the City of Dawsonville.

PUBLIC WORKS:

Additional comments/concerns/recommendations: _____

APPROVED: YES NO

By: _____ Date: _____

ENVIRONMENTAL HEALTH:

Additional comments/concerns/recommendations: _____

APPROVED: YES NO

By: _____ Date: _____



City of Dawsonville
 415 Hwy 53 E, Suite 100
 Dawsonville, GA 30534
 Phone (706)265-3256
 Fax # (706)265-4214


**Permit Application for:
 Parades, Public Assemblies,
 Demonstrations, and Rallies in Public Places
 (APPROVALS)**

Office Use for Dawsonville City Hall Only:

Applicable to the event, the following departments have reviewed and approved this event:

| Department | Notified Date | Name | Approved | Date |
|-------------------------------------------------------------|---------------|--------------|----------|---------|
| Sheriff Department | 8/28/18 | Rolzan, Greg | ✓ | 8/28/18 |
| Emergency Services | 8/28/18 | Chris Archer | | |
| Dawsonville Roads Dept. (3 Hrs.+ Alternate Traffic Plan) | 8/28/18 | | | |
| Environmental Health | 8/28/18 | | | |
| GA Dept of Transportation | N/A | | | |
| Dawson County (for events outside City limits) | N/A | | | |

Final City Approval by:



 Mayor

8-28-18

 Approval Date

Notify of Approval _____ Applicant _____ Sheriff Department
 (as applicable) _____ Emergency Services _____ Environmental Health
 _____ Dawsonville Roads Dept _____ GA DOT

_____ Permit Fee Received _____ Event Entered on Calendar
 _____ Insurance Certificate Received _____ Dawson County Event Approval (outside City limit)
 _____ Permit Printed _____ Permit Issued to Applicant
 _____ Road Closure of more than 3 hours Requires an Alternate Traffic Plan & Notification to the Public
 _____ Trash Cleanup Deposit Received Amount \$ _____ Check # _____
 _____ Trash Cleanup Deposit Returned Amount \$ _____ Date _____



City of Dawsonville
 415 Hwy 53 E, Suite 100
 Dawsonville, GA 30534

(706)265-3256

Payment Due Upon Receipt

| |
|------------------|
| INVOICE # |
| 19-00047 |

INVOICE DATE: 08/15/18
 DUE DATE: 09/16/18

| |
|-----------------------------------------------------------------------------------------------------------------------------------------|
| ACCOUNT ID: GEOR0015 PIN: 3994 GEORGIA RACING HALL OF FAME GORDON PIRKLE 415 HWY 53 EAST, STE 110 DAWSONVILLE, GA 30534 |
|-----------------------------------------------------------------------------------------------------------------------------------------|

LICENSE INFORMATION
 LICENSE ID: 19-00012
 NAME: DAWSONVILLE HISTORY MUSEUM dba
 LOCATION: 415 HWY 53 EAST STE 110

| QUANTITY/UNIT | SERVICE ID | DESCRIPTION | UNIT PRICE | AMOUNT |
|---------------|------------|----------------------------|------------|----------|
| | | CATERING EVENT PERMIT-DOMI | | |
| 1.0000 | B-031 | OLD CODE DELETE | 25.00000 | 25.00 |
| | | | TOTAL DUE: | \$ 25.00 |
| | | Prn Payment: 08/15/18 CS | | -25.00 |
| | | | BALANCE: | \$ 0.00 |

PAYMENT COUPON - PLEASE DETACH AND RETURN THIS PORTION ALONG WITH YOUR PAYMENT

City of Dawsonville
 415 Hwy 53 E, Suite 100
 Dawsonville, GA 30534

INVOICE #: 19-00047
 DESCRIPTION: CATERING EVENT PERMIT-DOMI
 ACCOUNT ID: GEOR0015 PIN: 3994
 DUE DATE: 09/16/18
 TOTAL DUE: \$ 0.00

GEORGIA RACING HALL OF FAME
 GORDON PIRKLE
 415 HWY 53 EAST, STE 110
 DAWSONVILLE, GA 30534



INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **MAR 10 2016**

DAWSONVILLE HISTORY MUSEUM INC
C/O BRENDA BRANSON, EA CPA
169 MOORES DRIVE
DAHLONEGA, GA 30533-1693

Employer Identification Number:
15-3316930
DLN:
17053324304035
Contact Person:
SHAWNTEL R SANDERS ID# 31456
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
509(a)(2)
Form 990/990-EZ/990-N Required:
Yes
Effective Date of Exemption:
May 15, 2015
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

Based on the information you submitted with your application, we approved your request for reinstatement under Revenue Procedure 2014-11. Your effective date of exemption, as listed at the top of this letter, is retroactive to your date of revocation.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar

Letter 947



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 11

SUBJECT: GMEBS DEFINED BENEFIT RETIREMENT PLAN RESTATEMENT

CITY COUNCIL MEETING DATE: 09/10/2018

BUDGET INFORMATION: GL ACCOUNT # NA

Funds Available from: Annual Budget Capital Budget Other

Budget Amendment Request from Reserve: Enterprise Fund General Fund

PURPOSE FOR REQUEST:

(A) First Reading for Ordinance Amendment (B) Pension Committee Appointments

A. An Ordinance to amend and restate the Retirement Plan for the Employees of the City of Dawsonville, Georgia in accordance with and subject to the terms and conditions set forth in the attached Adoption Agreement, any Addendum to the Adoption Agreement, the Georgia Municipal Employees Benefit System (GMEBS) Master Plan Document, and the GMEBS Trust Agreement. (First Reading – September 10, 2018; Second Reading – September 24, 2018)

B. Pension Committee Appointments

- Appointed members should be designated by position
- Human Resource/Grant Technician Position **cannot** be appointed; this position serves as the Pension Committee Secretary

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Donna Blanton, Human Resource Manager

GEORGIA MUNICIPAL EMPLOYEES
BENEFIT SYSTEM

DEFINED BENEFIT RETIREMENT PLAN

AN ORDINANCE
and
ADOPTION AGREEMENT
for

City of Dawsonville

Form Volume Submitter Adoption Agreement
Amended and Restated as of January 1, 2013
(With Amendments Taking Effect on or Before January 1, 2017)

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I. AN ORDINANCE

An Ordinance to amend and restate the Retirement Plan for the Employees of the City of Dawsonville, Georgia in accordance with and subject to the terms and conditions set forth in the attached Adoption Agreement, any Addendum to the Adoption Agreement, the Georgia Municipal Employees Benefit System (GMEBS) Master Plan Document, and the GMEBS Trust Agreement. When accepted by the authorized officers of the City and GMEBS, the foregoing shall constitute a Contract between the City and GMEBS, all as authorized and provided by O.C.G.A. § 47-5-1 et seq.

BE IT ORDAINED by the Mayor and Council of the City of Dawsonville, Georgia, and it is hereby ordained by the authority thereof:

Section 1. The Retirement Plan for the Employees of the City of Dawsonville, Georgia is hereby amended and restated as set forth in and subject to the terms and conditions stated in the following Adoption Agreement, any Addendum to the Adoption Agreement, the Georgia Municipal Employees Benefit System (GMEBS) Master Plan Document, and the GMEBS Trust Agreement.

Ordinance continued on page 37

II. GMEBS DEFINED BENEFIT RETIREMENT PLAN
ADOPTION AGREEMENT

1. ADMINISTRATOR

Georgia Municipal Employees Benefit System
201 Pryor Street, SW
Atlanta, Georgia 30303
Telephone: 404-688-0472
Facsimile: 404-577-6663

2. ADOPTING EMPLOYER

Name: **City of Dawsonville, Georgia**

3. GOVERNING AUTHORITY

Name: **Mayor and Council**
Address: **415 Hwy 53 East, Dawsonville, GA 30534**
Phone: **(706) 265-3256**
Facsimile: **(706) 265-4214**

4. PLAN REPRESENTATIVE

[To represent Governing Authority in all communications with GMEBS and Employees]
(See Section 2.49 of Master Plan)

Name: **City Clerk**
Address: **415 Hwy 53 East, Dawsonville, GA 30534**
Phone: **(706) 265-3256**
Facsimile: **(706) 265-4214**

5. PENSION COMMITTEE

[Please designate members by position. If not, members of Pension Committee shall be determined in accordance with Article XIV of Master Plan]

Position:
Position:
Position:
Position:
Position:
Position:
Position:

Pension Committee Secretary: **Human Resources/Grant Technician**
Address: **415 Hwy 53 East, Dawsonville, GA 30534**
Phone: **(706) 265-3256**
Facsimile: **(706) 265-4214**

6. TYPE OF ADOPTION

This Adoption Agreement is for the following purpose (**check one**):

- This is a new defined benefit plan adopted by the Adopting Employer for its Employees. This plan does not replace or restate an existing defined benefit plan.
- This is an amendment and restatement of the Adopting Employer's preexisting non-GMEBS defined benefit plan.
- This is an amendment and restatement of the Adoption Agreement previously adopted by the Employer, as follows (**check one or more as applicable**):
 - To update the Plan to comply with PPA, HEART, WRERA, and other applicable federal laws and guidance.
 - To make the following amendments to the Adoption Agreement (**must specify below revisions made in this Adoption Agreement; all provisions must be completed in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____

7. EFFECTIVE DATE

NOTE: This Adoption Agreement and any Addendum, with the accompanying Master Plan Document, is designed to comply with Internal Revenue Code Section 401(a), as applicable to a governmental qualified defined benefit plan, and is part of the GMEBS Defined Benefit Retirement Plan. Plan provisions designed to comply with certain provisions of the Pension Protection Act of 2006 ("PPA"); the Heroes Earnings Assistance and Relief Tax Act of 2008

("HEART"); and the Worker, Retiree, and Employer Recovery Act of 2008 ("WRERA"); and Plan provisions designed to comply with certain provisions of additional changes in federal law and guidance from the Internal Revenue Service under Internal Revenue Service Notice 2012-76 (the 2012 Cumulative List) are effective as of the applicable effective dates set forth in the Adoption Agreement and Master Plan Document. By adopting this Adoption Agreement, with its accompanying Master Plan Document, the Adopting Employer is adopting a plan document intended to comply with Internal Revenue Code Section 401(a), as updated by PPA, HEART, WRERA, and the 2012 Cumulative List with the applicable effective dates.

- (1) **Complete this item (1) only if this is a new defined benefit plan which does not replace or restate an existing defined benefit plan.**

The effective date of this Plan is _____.

(insert effective date of this Adoption Agreement not earlier than January 1, 2013).

- (2) **Complete this item (2) only if this Plan is being adopted to replace a non-GMEBS defined benefit plan.**

Except as otherwise specifically provided in the Master Document or in this Adoption Agreement, the effective date of this restatement shall be the _____ **(insert effective date of this Adoption Agreement not earlier than January 1, 2013)**. This Plan is intended to replace and serve as an amendment and restatement of the Employer's preexisting plan, which became effective on _____ **(insert original effective date of preexisting plan)**.

- (3) **Complete this item (3) only if this is an amendment and complete restatement of the Adopting Employer's existing GMEBS defined benefit plan.**

Except as otherwise specifically provided in the Master Document or in this Adoption Agreement, the effective date of this restatement shall be **the date of approval by the Governing Authority** **(insert effective date of this Adoption Agreement not earlier than January 1, 2013)**.

This Plan is adopted as an amendment and restatement of the Employer's preexisting GMEBS Adoption Agreement, which became effective on **January 1, 2012** **(insert effective date of most recent Adoption Agreement preceding this Adoption Agreement)**.

The Employer's first Adoption Agreement became effective **March 1, 2003** **(insert effective date of Employer's first GMEBS Adoption Agreement)**. The Employer's GMEBS Plan was originally effective **March 1, 2003** **(insert effective date of Employer's original GMEBS Plan)**. (If the Employer's Plan was originally a non-GMEBS Plan, then the Employer's non-GMEBS Plan was originally effective _____ **(if applicable, insert effective date of Employer's original non-GMEBS Plan)**.)

8. PLAN YEAR

Plan Year means (check one):

- Calendar Year
- Employer Fiscal Year commencing _____.
- Other (must specify month and day commencing): March 1.

9. CLASSES OF ELIGIBLE EMPLOYEES

Only Employees of the Adopting Employer who meet the Master Plan's definition of "Employee" may be covered under the Adoption Agreement. Eligible Employees shall not include non-governmental employees, independent contractors, leased employees, nonresident aliens, or any other ineligible individuals, and this Section 9 must not be completed in a manner that violates the "exclusive benefit rule" of Internal Revenue Code Section 401(a)(2).

A. Eligible Regular Employees

Regular Employees include Employees, other than elected or appointed members of the Governing Authority or Municipal Legal Officers, who are regularly employed in the services of the Adopting Employer. Subject to the other conditions of the Master Plan and the Adoption Agreement, the following Regular Employees are eligible to participate in the Plan (check one):

- ALL** - All Regular Employees, provided they satisfy the minimum hour and other requirements specified under "Eligibility Conditions" below.
- ALL REGULAR EMPLOYEES EXCEPT** for the following employees (must specify; specific positions are permissible; specific individuals may not be named):

B. Elected or Appointed Members of the Governing Authority

An Adopting Employer may elect to permit participation in the Plan by elected or appointed members of the Governing Authority and/or Municipal Legal Officers, provided they otherwise meet the Master Plan's definition of "Employee" and provided they satisfy any other requirements specified by the Adopting Employer. Municipal Legal Officers to be covered must be specifically identified by position. Subject to the above conditions, the Employer hereby elects the following treatment for elected and appointed officials:

(1) Elected or Appointed Members of the Governing Authority (check one):

- ARE NOT** eligible to participate in the Plan.
- ARE** eligible to participate in the Plan.

Please specify any limitations on eligibility to participate here (e.g., service on or after certain date, or special waiting period provision): Each elected or appointed member of the Governing Authority who holds an office on March 1, 2003 shall be qualified to participate in the Plan

on such date. Each other elected or appointed member of the Governing Authority who holds an office subsequent on March 1, 2003 shall be qualified to participate in the Plan on the first day of the month immediately following or coinciding with the first date after March 1, 2003 that he occupies any elective office of the Governing Authority. (Participation became mandatory effective March 1, 2003. See Section 12 of this Adoption Agreement concerning mandatory participation in the Plan). In accordance with Section 4.03(b) of the Master Plan, an elected or appointed member of the Governing Authority who initially takes office or returns to office on or after January 1, 2015, shall be qualified to participate in the Plan on the date he or she initially takes such office or returns to office.

(2) Municipal Legal Officers (check one):

- ARE NOT eligible to participate in the Plan.
- ARE eligible to participate in the Plan. The term "Municipal Legal Officer" shall include only the following positions (must specify - specific positions are permissible; specific individuals may not be named): _____.

Please specify any limitations on eligibility to participate here (e.g., service on or after certain date) (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)) : _____.

10. ELIGIBILITY CONDITIONS

A. Hours Per Week (Regular Employees)

The Adopting Employer may specify a minimum number of work hours per week which are required to be scheduled by Regular Employees in order for them to become and remain "Eligible Regular Employees" under the Plan. **It is the responsibility of the Adopting Employer to determine whether these requirements are and continue to be satisfied.** The Employer hereby elects the following minimum hour requirement for Regular Employees:

- No minimum
- 20 hours/week (regularly scheduled)
- 30 hours/week (regularly scheduled)
- Other: _____ (must not exceed 40 hours/week regularly scheduled)

Exceptions: If a different minimum hour requirement applies to a particular class or classes of Regular Employees, please specify below the classes to whom the different requirement applies and indicate the minimum hour requirement applicable to them.

Class(es) of Regular Employees to whom exception applies (must specify - specific positions are permissible; specific individuals may not be named): _____.

Minimum hour requirement applicable to excepted Regular Employees:

- No minimum

- 20 hours/week (regularly scheduled)
- 30 hours/week (regularly scheduled)
- Other: _____ (must not exceed 40 hours/week regularly scheduled)

B. Months Per Year (Regular Employees)

The Adopting Employer may specify a minimum number of work months per year which are required to be scheduled by Regular Employees in order for them to become and remain "Eligible Employees" under the Plan. **It is the responsibility of the Adopting Employer to determine whether these requirements are and continue to be satisfied.** The Employer hereby elects the following minimum requirement for Regular Employees:

- No minimum
- At least 5 months per year (regularly scheduled)

Exceptions: If different months per year requirements apply to a particular class or classes of Regular Employees, the Employer must specify below the classes to whom the different requirements apply and indicate below the requirements applicable to them.

Regular Employees to whom exception applies (must specify - specific positions are permissible; specific individuals may not be named): _____.

The months to year requirement for excepted class(es) are:

- No minimum
- At least _____ months per year (regularly scheduled)

11. WAITING PERIOD

Except as otherwise provided in Section 4.02(b) of the Master Plan, Eligible Regular Employees shall not have a waiting period before participating in the Plan. Likewise, elected or appointed members of the Governing Authority and Municipal Legal Officers, if eligible to participate in the Plan, shall not have a waiting period before participating in the Plan.

12. ESTABLISHING PARTICIPATION IN THE PLAN

Participation in the Plan is considered mandatory for all Eligible Employees who satisfy the eligibility conditions specified in the Adoption Agreement, except as provided in Section 4.03(e) of the Master Plan. However, the Employer may specify below that participation is optional for certain classes of Eligible Employees, including Regular Employees, elected or appointed members of the Governing Authority, Municipal Legal Officers, City Managers, and/or Department Heads. If participation is optional for an Eligible Employee, then in order to become a Participant, he must make a written election to participate within 120 days after employment, election or appointment to office, or if later, the date he first becomes eligible to participate in the Plan. The election is irrevocable, and the failure to make the election within the 120 day time limit shall be deemed an irrevocable election not to participate in the Plan.

Classes for whom participation is optional (check one):

- None (Participation is mandatory for all Eligible Employees except as provided in Section 4.03(e) of the Master Plan).
- Participation is optional for the following Eligible Employees (**must specify - specific positions are permissible; specific individuals may not be named; all positions or classes specified must be Eligible Employees**): _____

13. CREDITED SERVICE

In addition to Current Credited Service the Adopting Employer may include as Credited Service the following types of service:

A. Credited Past Service with Adopting Employer

Credited Past Service means the number of years and complete months of Service with the Adopting Employer prior to the date an Eligible Employee becomes a Participant which are treated as credited service under the Plan.

(1) Eligible Employees Employed on Original Effective Date of GMEBS Plan.

With respect to Eligible Employees who are employed by the Adopting Employer on the original Effective Date of the Employer's GMEBS Plan, Service with the Adopting Employer prior to the date the Eligible Employee becomes a Participant (including any Service prior to the Effective Date of the Plan) shall be treated as follows (**check one**):

- All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service).
- All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), except for Service rendered prior to _____ (**insert date**).
- All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), except as follows (**must specify other limitation in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____
- No Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service).

(2) Previously Employed, Returning to Service after Original Effective Date.

If an Eligible Employee is not employed on the original Effective Date of the Employer's GMEBS Plan, but he returns to Service with the Adopting Employer sometime after the Effective Date, his Service prior to the date he becomes a Participant (including any Service prior the Effective Date) shall be treated as follows (**check one**):

- All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), subject to any limitations imposed above with respect to Eligible Employees employed on the Effective Date.
- All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), provided that after his return to employment, the Eligible Employee performs Service equal to the period of the break in Service or one (1) year, whichever is less. Any limitations imposed above with respect to Eligible Employees employed on the Effective Date shall also apply.
- No Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service).

Other limitation(s) on Recognition of Credited Past Service (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i): In addition to the above limitations, Credited Past Service shall not include any tenure of office as an elected or appointed member of the Governing Authority prior to March 1, 2003, unless the Participant was serving as an elected or appointed member of the Governing Authority or Eligible Regular Employee on said date.

(3) **Eligible Employees Initially Employed After Effective Date.** If an Eligible Employee's initial employment date is after the original Effective Date of the Employer's GMEBS Plan, his Credited Past Service shall include only the number of years and complete months of Service from his initial employment date to the date he becomes a Participant in the Plan.

(4) **Newly Eligible Classes of Employees.** If a previously ineligible class of Employees becomes eligible to participate in the Plan, the Employer must specify in an addendum to this Adoption Agreement whether and to what extent said Employees' prior service with the Employer shall be treated as Credited Past Service under the Plan.

B. Prior Military Service

Note: This Section does not concern military service required to be credited under USERRA – See Section 3.02 of the Master Plan for rules on the crediting of USERRA Military Service.

(1) Credit for Prior Military Service.

The Adopting Employer may elect to treat military service rendered prior to a Participant's initial employment date or reemployment date as Credited Service under the Plan. Unless otherwise specified by the Employer under "Other Conditions" below, the term "Military Service" shall be as defined in the Master Plan. Except as otherwise required by federal or state law or under "Other Conditions" below, Military Service shall not include service which is credited under any other local, state, or federal retirement or pension plan.

Military Service credited under this Section shall not include any service which is otherwise required to be credited under the Plan by federal or state law. Prior Military Service shall be treated as follows (**check one**):

- Prior Military Service is **not** creditable under the Plan (if checked, skip to Section 13.C. – Prior Governmental Service).
- Prior Military Service shall be counted as Credited Service for the following purposes (check one or more as applicable):
 - Computing amount of benefits payable.
 - Meeting minimum service requirements for vesting.
 - Meeting minimum service requirements for benefit eligibility.

(2) Maximum Credit for Prior Military Service.

Credit for Prior Military Service shall be limited to a maximum of _____ years (insert number).

(3) Rate of Accrual for Prior Military Service.

Credit for Prior Military Service shall accrue at the following rate (check one):

- One month of military service credit for every _____ month(s) (insert number) of Credited Service with the Adopting Employer.
- One year of military service credit for every _____ year(s) (insert number) of Credited Service with the Adopting Employer.
- All military service shall be creditable (subject to any caps imposed above) after the Participant has completed _____ years (insert number) of Credited Service with the Employer.
- Other requirement (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____

(4) Payment for Prior Military Service Credit(check one):

- Participants shall **not** be required to pay for military service credit.
- Participants shall be required to pay for military service credit as follows:
 - The Participant must pay _____% of the actuarial cost of the service credit (as defined below).
 - The Participant must pay an amount equal to (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____

Other Conditions for Award of Prior Military Service Credit (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and

the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i): _____

(5) **Limitations on Service Credit Purchases.** Unless otherwise specified in an Addendum to the Adoption Agreement, for purposes of this Section and Section 13.C. concerning prior governmental service credit, the term "actuarial cost of service credit" is defined as set forth in the Service Credit Purchase Addendum. In the case of a service credit purchase, the Participant shall be required to comply with any rules and regulations established by the GMEBS Board of Trustees concerning said purchases.

C. Prior Governmental Service

Note: A Participant's prior service with other GMEBS employers shall be credited for purposes of satisfying the minimum service requirements for Vesting and eligibility for Retirement and pre-retirement death benefits as provided under Section 9.05 of the Master Plan, relating to portability service. This Section 13(C) does not need to be completed in order for Participants to receive this portability service credit pursuant to Section 9.05 of the Master Plan.

(1) Credit for Prior Governmental Service.

The Adopting Employer may elect to treat governmental service rendered prior to a Participant's initial employment date or reemployment date as creditable service under the Plan. Subject to any limitations imposed by law, the term "prior governmental service" shall be as defined by the Adopting Employer below. The Employer elects to treat prior governmental service as follows (check one):

- Prior governmental service is **not** creditable under the Plan (if checked, skip to Section 13.D. – Unused Sick/Vacation Leave).
- Prior governmental service shall be counted as Credited Service for the following purposes under the Plan (check one or more as applicable):
 - Computing amount of benefits payable.
 - Meeting minimum service requirements for vesting.
 - Meeting minimum service requirements for benefit eligibility.

(2) Definition of Prior Governmental Service.

Prior governmental service shall be defined as follows: (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i):

Unless otherwise specified above, prior governmental service shall include only full-time service (minimum hour requirement same as that applicable to Eligible Regular Employees).

(3) Maximum Credit for Prior Governmental Service.

Credit for prior governmental service shall be limited to a maximum of _____ years (**insert number**).

(4) Rate of Accrual for Prior Governmental Service Credit.

Credit for prior governmental service shall accrue at the following rate (**check one**):

- One month of prior governmental service credit for every _____ month(s) (**insert number**) of Credited Service with the Adopting Employer.
- One year of prior governmental service credit for every _____ year(s) (**insert number**) of Credited Service with the Adopting Employer.
- All prior governmental service shall be creditable (subject to any caps imposed above) after the Participant has completed _____ years (**insert number**) of Credited Service with the Adopting Employer.
- Other requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**):

(5) Payment for Prior Governmental Service Credit.

- Participants shall **not** be required to pay for governmental service credit.
- Participants shall be required to pay for governmental service credit as follows:
 - The Participant must pay _____% of the actuarial cost of the service credit.
 - The Participant must pay an amount equal to (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**):
of Treasury Regulation 1.401-1(b)(1)(i): _____

Other Conditions for Award of Prior Governmental Service Credit (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____

D. Leave Conversion for Unused Paid Time Off (e.g., Sick, Vacation, or Personal Leave)

(1) Credit for Unused Paid Time Off.

Subject to the limitations in Section 3.01 of the Master Plan, an Adopting Employer may elect to treat accumulated days of unused paid time off for a terminated Participant, for which the Participant is not paid, as Credited Service. The only type of leave permitted to be credited under

this provision is leave from a paid time off plan which qualifies as a bona fide sick and vacation leave plan (which may include sick, vacation or personal leave) and which the Participant may take as paid leave without regard to whether the leave is due to illness or incapacity. The Credited Service resulting from the conversion of unused paid time off must not be the only Credited Service applied toward the accrual of a normal retirement benefit under the Plan. The Pension Committee shall be responsible to certify to GMEBS the total amount of unused paid time off that is creditable hereunder.

Important Note: Leave cannot be converted to Credited Service in lieu of receiving a cash payment. If the Employer elects treating unused paid time off as Credited Service, the conversion to Credited Service will be automatic, and the Participant cannot request a cash payment for the unused paid time off.

The Employer elects the following treatment of unused paid time off:

- Unused paid time off shall **not** be treated as Credited Service (if checked, skip to **Section 14 – Retirement Eligibility**).
- The following types of unused paid time off for which the Participant is not paid shall be treated as Credited Service under the Plan (**check one or more as applicable**):
 - Unused sick leave
 - Unused vacation leave
 - Unused personal leave
 - Other paid time off (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

(2) Minimum Service Requirement.

In order to receive credit for unused paid time off, a Participant must meet the following requirement at termination (**check one**):

- The Participant must be 100% vested in a normal retirement benefit.
- The Participant must have at least _____ years (**insert number**) of Total Credited Service (not including leave otherwise creditable under this Section).
- Other (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

(3) Use of Unused Paid Time Off Credit. Unused paid time off for which the Participant is not paid shall count as Credited Service for the following purposes under the Plan (**check one or more as applicable**):

- Computing amount of benefits payable.
- Meeting minimum service requirements for vesting.

- Meeting minimum service requirements for benefit eligibility.

(4) Maximum Credit for Unused Paid Time Off.

Credit for unused paid time off for which the Participant is not paid shall be limited to a maximum of ____ months (insert number).

(5) Computation of Unused Paid Time Off.

Unless otherwise specified by the Adopting Employer under "Other Conditions" below, each twenty (20) days of creditable unused paid time off shall constitute one (1) complete month of Credited Service under the Plan. Partial months shall not be credited.

(6) Other Conditions (please specify, subject to limitations in Section 3.01 of Master Plan; must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i): _____

14. RETIREMENT ELIGIBILITY

A. Early Retirement Qualifications

Early retirement qualifications are (check one or more as applicable):

- Attainment of age 55 (insert number)
- Completion of 10 years (insert number) of Total Credited Service

Exceptions: If different early retirement eligibility requirements apply to a particular class or classes of Eligible Employees, the Employer must specify below the classes to whom the different requirements apply and indicate below the requirements applicable to them.

Eligible Employees to whom exception applies (must specify - specific positions are permissible; specific individuals may not be named): _____

Early retirement qualifications for excepted class(es) are (check one or more as applicable):

- Attainment of age _____ (insert number)
- Completion of _____ years (insert number) of Total Credited Service

B. Normal Retirement Qualifications

Note: Please complete this Section and also list "Alternative" Normal Retirement Qualifications, if any, in Section 14.C.

(1) Regular Employees

Normal retirement qualifications for Regular Employees are (check one or more as applicable):

- Attainment of age 65 (insert number)
- Completion of 5 years (insert number) of Total Credited Service
- In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and is at least age 62 (unless a lower safe-harbor age is permitted under applicable federal law), subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (check one): all Participants only the following class(es) of Participants (must specify - specific positions are permissible; specific individuals may not be named):
_____.

Exceptions: If different normal retirement qualifications apply to a particular class or classes of Regular Employees, the Employer must specify below the classes to whom the different requirements apply and indicate below the requirements applicable to them.

Class(es) of Regular Employees to whom exception applies (must specify - specific positions are permissible; specific individuals may not be named): _____.

Normal retirement qualifications for excepted class(es) are (check one or more as applicable):

- Attainment of age _____ (insert number)
- Completion of _____ years (insert number) of Total Credited Service
- In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and is at least age 62 (unless a lower safe-harbor age is permitted under applicable federal law), subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (check one): all Participants only the following class(es) of Participants (must specify - specific positions are permissible; specific individuals may not be named):
_____.

(2) Elected or Appointed Members of Governing Authority

Complete this Section only if elected or appointed members of the Governing Authority or Municipal Legal Officers are permitted to participate in the Plan. Normal retirement qualifications for this class are (check one or more as applicable):

- Attainment of age 65 (insert number)
- Completion of _____ years (insert number) of Total Credited Service
- In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and is at least age 62 (unless a lower safe-harbor age is permitted under applicable federal law), subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (check one): all Participants only the following class(es) of Participants (must specify - specific positions are permissible; specific individuals may not be named):
_____.

Exceptions: If different normal retirement qualifications apply to particular elected or appointed members of the Governing Authority or Municipal Legal Officers, the Employer must specify below to whom the different requirements apply and indicate below the requirements applicable to them.

Particular elected or appointed members of the Governing Authority or Municipal Legal Officers to whom exception applies (must specify - specific positions are permissible; specific individuals may not be named): _____.

Normal retirement qualifications for excepted elected or appointed members of the Governing Authority or Municipal Legal Officers are (check one or more as applicable):

- Attainment of age _____ (insert number)
- Completion of _____ years (insert number) of Total Credited Service
- In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and is at least age 62 (unless a lower safe-harbor age is permitted under applicable federal law), subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (check one): all Participants only the following class(es) of Participants (must specify - specific positions are permissible; specific individuals may not be named):
_____.

individuals may not be named):

C. Alternative Normal Retirement Qualifications

The Employer may elect to permit Participants to retire with unreduced benefits after they satisfy service and/or age requirements other than the regular normal retirement qualifications specified above. The Employer hereby adopts the following alternative normal retirement qualifications:

Alternative Normal Retirement Qualifications (check one or more, as applicable):

(1) Not applicable (the Adopting Employer does not offer alternative normal retirement benefits under the Plan).

(2) **Alternative Minimum Age & Service Qualifications (if checked, please complete one or more items below, as applicable):**

Attainment of age _____ (insert number)

Completion of _____ years (insert number) of Total Credited Service

In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and is at least age 62 (unless a lower safe-harbor age is permitted under applicable federal law), subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (check one): all Participants only the following class(es) of Participants (must specify - specific positions are permissible; specific individuals may not be named): _____

This alternative normal retirement benefit is available to:

All Participants who qualify.

Only the following Participants (must specify - specific positions are permissible; specific individuals may not be named): _____

A Participant (check one): is required is not required to be in the service of the Employer at the time he satisfies the above qualifications in order to qualify for this alternative normal retirement benefit.

Other eligibility requirement (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i):

- (3) **Rule of _____ (insert number).** The Participant's combined Total Credited Service and age must equal or exceed this number. Please complete additional items below:

To qualify for this alternative normal retirement benefit, the Participant (**check one or more items below, as applicable**):

- Must have attained at least age _____ (**insert number**)
- Must not satisfy any minimum age requirement
- In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets the minimum age and service requirements specified immediately above and is at least age 62 (unless a lower safe-harbor age is permitted under applicable federal law), subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (**check one**): all Participants only the following class(es) of Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

This alternative normal retirement benefit is available to:

- All Participants who qualify.
- Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

A Participant (**check one**): is required is not required to be in the service of the Employer at the time he satisfies the Rule in order to qualify for this alternative normal retirement benefit.

Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

- (4) **Alternative Minimum Service.** A Participant is eligible for an alternative normal retirement benefit if he has at least _____ years (**insert number**) of Total Credited Service, regardless of the Participant's age.
- In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the

Participant meets the minimum service requirement specified immediately above and is at least age 62 (unless a lower safe-harbor age is permitted under applicable federal law), subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: all Participants only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

This alternative normal retirement benefit is available to:

- All Participants who qualify.
- Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

A Participant **(check one)**: is required is not required to be in the service of the Employer at the time he satisfies the qualifications for this alternative normal retirement benefit.

Other eligibility requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

- (5) **Other Alternative Normal Retirement Benefit.**

Must specify qualifications (in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____.

- In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets minimum age and service requirements specified immediately above and is at least age 62 (unless a lower safe-harbor age is permitted under applicable federal law), subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: all Participants only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

This alternative normal retirement benefit is available to:

- All Participants who qualify.
- Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____

A Participant (**check one**): is required is not required to be in the service of the Employer at the time he satisfies the qualifications for this alternative normal retirement benefit.

Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____

(6) **Other Alternative Normal Retirement Benefit for Public Safety Employees Only.**

Must specify qualifications (in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____

- In-Service Distribution to Eligible Employees who are Public Safety Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets minimum age and service requirements specified immediately above and is at least age 50 (unless a lower safe-harbor age is permitted under applicable federal law), subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (**check one**): all Participants only the following class(es) of Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____

This alternative normal retirement benefit is available to:

- All public safety employee Participants who qualify.
- Only the following public safety employee Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____

A public safety employee Participant (**check one**): is required is not required to be in the service of the Employer at the time he satisfies the qualifications for this alternative normal retirement benefit.

Other eligibility requirement (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i): _____

Note: "Public safety employees" are defined under the Internal Revenue Code for this purpose as employees of a State or political subdivision of a State who provide police protection, firefighting services, or emergency medical services for any area within the jurisdiction of such State or political subdivision.

D. Disability Benefit Qualifications

Subject to the other terms and conditions of the Master Plan and except as otherwise provided in an Addendum to this Adoption Agreement, disability retirement qualifications are based upon Social Security Administration award criteria or as otherwise provided under Section 2.23 of the Master Plan. The Disability Retirement benefit shall commence as of the Participant's Disability Retirement Date under Section 2.24 of the Master Plan.

To qualify for a disability benefit, a Participant must have the following minimum number of years of Total Credited Service (**check one**):

- Not applicable (the Adopting Employer does not offer disability retirement benefits under the Plan).
- No minimum.
- _____ years (**insert number**) of Total Credited Service.

Other eligibility requirement (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i): _____

15. RETIREMENT BENEFIT COMPUTATION

A. Maximum Total Credited Service

The number of years of Total Credited Service which may be used to calculate a benefit is (**check one or all that apply**):

- not limited.
- limited to _____ years for all Participants.
- limited to _____ years for the following classes of Eligible Regular Employees:
 - All Eligible Regular Employees.
 - Only the following Eligible Regular Employees: _____

- limited to 25 years as an elected or appointed member of the Governing Authority.
 - limited to _____ years as a Municipal Legal Officer.
 - Other (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____
-

B. Monthly Normal Retirement Benefit Amount

(1) Regular Employee Formula

The monthly normal retirement benefit for Eligible Regular Employees shall be 1/12 of **(check and complete one or more as applicable)**:

- (a) **Flat Percentage Formula. 1.5% (insert percentage) of Final Average Earnings multiplied by years of Total Credited Service as an Eligible Regular Employee.**

This formula applies to:

- All Participants who are Regular Employees.
- Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____

- (b) **Alternative Flat Percentage Formula. _____% (insert percentage) of Final Average Earnings multiplied by years of Total Credited Service as an Eligible Regular Employee. This formula applies to the following Participants (must specify - specific positions are permissible; specific individuals may not be named): _____.**

- (c) **Split Final Average Earnings Formula. _____% (insert percentage) of Final Average Earnings up to the amount of Covered Compensation (see subsection (2) below for definition of Covered Compensation), plus _____% (insert percentage) of Final Average Earnings in excess of said Covered Compensation, multiplied by years of Total Credited Service as an Eligible Regular Employee.**

This formula applies to:

- All Participants who are Regular Employees.
- Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____

- (d) **Alternative Split Final Average Earnings Formula. _____% (insert percentage) of Final Average Earnings up to the amount of Covered**

Compensation (see subsection (2) below for definition of Covered Compensation), plus _____% (insert percentage) of Final Average Earnings in excess of said Covered Compensation, multiplied by years of Total Credited Service as an Eligible Regular Employee.

This formula applies to:

- All Participants.
- Only the following Participants (must specify - specific positions are permissible; specific individuals may not be named): _____

[Repeat above subsections as necessary for each applicable benefit formula and Participant class covered under the Plan.]

(2) Covered Compensation (complete only if Split Formula(s) is checked above):

Covered Compensation is defined as (check one or more as applicable):

- (a) **A.I.M.E. Covered Compensation** as defined in Section 2.18 of the Master Plan. This definition of Covered Compensation shall apply to (check one):
 - All Participants who are Regular Employees.
 - Only the following Participants (must specify - specific positions are permissible; specific individuals may not be named): _____
- (b) **Dynamic Break Point** Covered Compensation as defined in Section 2.19 of the Master Plan. This definition of Covered Compensation shall apply to (check one):
 - All Participants who are Regular Employees.
 - Only the following Participants (must specify - specific positions are permissible; specific individuals may not be named): _____
- (c) **Table Break Point** Covered Compensation as defined in Section 2.20 of the Master Plan. This definition of Covered Compensation shall apply to (check one):
 - All Participants who are Regular Employees.
 - Only the following class(es) of Participants (must specify - specific positions are permissible; specific individuals may not be named): _____
- (d) **Covered Compensation** shall mean a Participant's annual Earnings that do not exceed \$_____ (specify amount). This definition shall apply to (check one):

- All Participants who are Regular Employees.
- Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____

(3) Final Average Earnings

Unless otherwise specified in an Addendum to the Adoption Agreement, Final Average Earnings is defined as the monthly average of Earnings paid to a Participant by the Adopting Employer for the **60 (insert number not to exceed 60)** consecutive months of Credited Service preceding the Participant's most recent Termination in which the Participant's Earnings were the highest, multiplied by 12. Note: GMEBS has prescribed forms for calculation of Final Average Earnings that must be used for this purpose.

This definition of Final Average Earnings applies to:

- All Participants who are Regular Employees.
- Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____

[Repeat above subsection as necessary for each applicable definition and Participant class covered under the Plan.]

(4) Formula for Elected or Appointed Members of the Governing Authority

The monthly normal retirement benefit for members of this class shall be as follows (**check one**):

- Not applicable (elected or appointed members of the Governing Authority or Municipal Legal Officers are not permitted to participate in the Plan).
- \$25.00 (insert dollar amount)** per month for each year of Total Credited Service as an elected or appointed member of the Governing Authority or Municipal Legal Officer or major fraction thereof (6 months and 1 day).

This formula applies to:

- All elected or appointed members of the Governing Authority or Municipal Legal Officers eligible to participate.
- Only the following elected or appointed members of the Governing Authority or Municipal Legal Officers eligible to participate (**must specify - specific positions are permissible; specific individuals may not be named**): _____

[Repeat above subsection as necessary for each applicable formula for classes of elected or appointed members covered under the Plan.]

C. Monthly Early Retirement Benefit Amount

Check and complete one or more as applicable:

- (1) **Standard Early Retirement Reduction Table.** The monthly Early Retirement benefit shall be computed in the same manner as the monthly Normal Retirement benefit, but the benefit shall be reduced on an Actuarially Equivalent basis in accordance with Section 12.01 of the Master Plan to account for early commencement of benefits. This provision shall apply to:
 - All Participants.
 - Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____

- (2) **Alternative Early Retirement Reduction Table.** The monthly Early Retirement benefit shall be computed in the same manner as the monthly Normal Retirement benefit, but the benefit shall be reduced to account for early commencement of benefits based on the following table. This table shall apply to:
 - All Participants.
 - Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____

Alternative Early Retirement Reduction Table

| <u>Number of Years Before [Age (Insert Normal Retirement Age)] (check as applicable)</u> | <u>Percentage of Normal Retirement Benefit* (complete as applicable)</u> |
|-------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| <input type="checkbox"/> 0 | 1.000 |
| <input type="checkbox"/> 1 | 0.____ |
| <input type="checkbox"/> 2 | 0.____ |
| <input type="checkbox"/> 3 | 0.____ |
| <input type="checkbox"/> 4 | 0.____ |
| <input type="checkbox"/> 5 | 0.____ |
| <input type="checkbox"/> 6 | 0.____ |
| <input type="checkbox"/> 7 | 0.____ |
| <input type="checkbox"/> 8 | 0.____ |
| <input type="checkbox"/> 9 | 0.____ |
| <input type="checkbox"/> 10 | 0.____ |
| <input type="checkbox"/> 11 | 0.____ |
| <input type="checkbox"/> 12 | 0.____ |
| <input type="checkbox"/> 13 | 0.____ |
| <input type="checkbox"/> 14 | 0.____ |
| <input type="checkbox"/> 15 | 0.____ |

*Interpolate for whole months

D. Monthly Late Retirement Benefit Amount (check one):

- (1) The monthly Late Retirement benefit shall be computed in the same manner as the Normal Retirement Benefit, based upon the Participant's Accrued Benefit as of his Late Retirement Date.
- (2) The monthly Late Retirement benefit shall be the greater of: (1) the monthly retirement benefit accrued as of the Participant's Normal Retirement Date, actuarially increased in accordance with the actuarial table contained in Section 12.05 of the Master Plan; or (2) the monthly retirement benefit accrued as of the Participant's Late Retirement Date, without further actuarial adjustment under Section 12.06 of the Master Plan.

E. Monthly Disability Benefit Amount

The amount of the monthly Disability Benefit shall be computed in the same manner as the Normal Retirement benefit, based upon the Participant's Accrued Benefit as of his Disability Retirement Date.

Minimum Disability Benefit. The Adopting Employer may set a minimum Disability Benefit. The Employer elects the following minimum Disability benefit (**check one**):

- Not applicable (the Adopting Employer does not offer disability retirement benefits under the Plan).
- No minimum is established.
- No less than (**check one**): 20% 10% ____% (**if other than 20% or 10% insert percentage amount**) of the Participant's average monthly Earnings for the 12 calendar month period (excluding any period of unpaid leave of absence) immediately preceding his Termination of Employment as a result of a Disability. (Unless otherwise specified in an Addendum to the Adoption Agreement, no minimum will apply to elected or appointed members of the Governing Authority or Municipal Legal Officers.)
- No less than (**check one**): 66 2/3 % ____% (**if other than 66 2/3%, insert percentage amount**) of the Participant's average monthly Earnings for the 12 calendar month period (excluding any period of unpaid leave of absence) immediately preceding his Termination of Employment as a result of a Disability, less any monthly benefits paid from federal Social Security benefits as a result of disability as reported by the Employer. (Unless otherwise specified in an Addendum to the Adoption Agreement, no minimum will apply to elected or appointed members of the Governing Authority or Municipal Legal Officers.)

Note: The Adopting Employer is responsible for reporting to GMEBS any amounts to be used in an offset.

F. Minimum/Maximum Benefit For Elected Officials

In addition to any other limitations imposed by federal or state law, the Employer may impose a cap on the monthly benefit amount that may be received by elected or appointed members of the Governing Authority. The Employer elects (**check one**):

- Not applicable (elected or appointed members of the Governing Authority do not participate in the Plan).
- No minimum or maximum applies.
- Monthly benefit for Service as an elected or appointed member of the Governing Authority may not exceed 100% of the Participant's final salary as an elected or appointed member of the Governing Authority.
- Other minimum or maximum (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**):

16. SUSPENSION OF BENEFITS FOLLOWING BONA FIDE SEPARATION OF SERVICE; COLA

A. Re-Employment as Eligible Employee After Normal, Alternative Normal, or Early Retirement and Following Bona Fide Separation of Service (see Master Plan Section 6.06(c) Regarding Re-Employment as an Ineligible Employee and Master Plan Section 6.06(e) and (f) Regarding Re-Employment After Disability Retirement)

(1) **Reemployment After Normal or Alternative Normal Retirement.** In the event that a Retired Participant 1) is reemployed with the Employer as an Eligible Employee (as defined in the Plan) after his Normal or Alternative Normal Retirement Date and after a Bona Fide Separation from Service, or 2) is reemployed with the Employer in an Ineligible Employee class, and subsequently again becomes an Eligible Employee (as defined in the Plan) due to the addition of such class to the Plan after his Normal or Alternative Normal Retirement Date, the following rule shall apply (**check one**):

- (a) The Participant's benefit shall be suspended in accordance with Section 6.06(a)(1) of the Master Plan for as long as the Participant remains employed.
- (b) The Participant may continue to receive his retirement benefit in accordance with Section 6.06(b) of the Master Plan. This rule shall apply to (**check one**): all Retired Participants only the following classes of Retired Participants (**must specify (specific positions are permissible; specific individuals may not be named) - benefits of those Retired Participants not listed shall be suspended in accordance with Section 6.06(a) of the Master Plan if they return to work with the Employer**):

(2) **Reemployment After Early Retirement.** In the event a Participant Retires with an Early Retirement benefit after a Bona Fide Separation from Service 1) is reemployed with the Employer as an Eligible Employee before his Normal Retirement Date; or 2) is reemployed with the Employer in an Ineligible Employee class, and subsequently again becomes an Eligible Employee (as defined in the Plan) before his Normal Retirement Date due to the addition of such class to the Plan, the following rule shall apply **(check one or more as applicable)**:

- (a) The Participant's Early Retirement benefit shall be suspended in accordance with Section 6.06(a)(1) of the Master Plan for as long as the Participant remains employed.

This rule shall apply to **(check one)**: all Retired Participants; only the following classes of Retired Participants **(must specify - specific positions are permissible; specific individuals may not be named)**:

- (b) The Participant's Early Retirement benefit shall be suspended in accordance with Section 6.06(a)(1) of the Master Plan. However, the Participant may begin receiving benefits after he satisfies the qualifications for Normal Retirement or Alternative Normal Retirement, as applicable, and after satisfying the minimum age parameters of Section 6.06(a)(3) of the Master Plan, in accordance with Section 6.06(b)(2)(B)(i) of the Master Plan.

This rule shall apply to **(check one)**: all Retired Participants; only the following classes of Retired Participants **(must specify - specific positions are permissible; specific individuals may not be named)**:

- (c) The Participant's Early Retirement benefit shall continue in accordance with Section 6.06(b)(2)(B)(ii) of the Master Plan.

This rule shall apply to **(check one)**: all Retired Participants; only the following classes of Retired Participants **(must specify - specific positions are permissible; specific individuals may not be named)**:

B. Cost Of Living Adjustment

The Employer may elect to provide for an annual cost-of-living adjustment (COLA) in the amount of benefits being received by Retired Participants and Beneficiaries, which shall be calculated and paid in accordance with the terms of the Master Plan. The Employer hereby elects the following **(check one)**:

- (1) No cost-of-living adjustment.

- (2) Variable Annual cost-of-living adjustment not to exceed _____% (insert percentage).
- (3) Fixed annual cost-of-living adjustment equal to _____% (insert percentage).

The above cost-of-living adjustment shall apply with respect to the following Participants (and their Beneficiaries) (check one):

- All Participants (and their Beneficiaries).
- Participants (and their Beneficiaries) who terminate employment on or after _____ (insert date).
- Other (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)); specific positions are permissible; specific individuals may not be named): _____

The Adjustment Date for the above cost-of-living adjustment shall be (if not specified, the Adjustment Date shall be January 1): _____.

17. TERMINATION OF EMPLOYMENT BEFORE RETIREMENT; VESTING

A. Eligible Regular Employees

Subject to the terms and conditions of the Master Plan, a Participant who is an Eligible Regular Employee and whose employment is terminated for any reason other than death or retirement shall earn a vested right in his accrued retirement benefit in accordance with the following schedule (check one):

- No vesting schedule (immediate vesting).
- Cliff Vesting Schedule.** Benefits shall be 100% vested after the Participant has a minimum of 5 years (insert number not to exceed 10) of Total Credited Service. Benefits remain 0% vested until the Participant satisfies this minimum.
- Graduated Vesting Schedule.** Benefits shall become vested in accordance with the following schedule (insert percentages):

| <u>COMPLETED YEARS OF TOTAL CREDITED SERVICE</u> | <u>VESTED PERCENTAGE</u> |
|------------------------------------------------------|--------------------------|
| 1 | % |
| 2 | % |
| 3 | % |
| 4 | % |
| 5 | % |

| | |
|----|---|
| 6 | % |
| 7 | % |
| 8 | % |
| 9 | % |
| 10 | % |

Exceptions: If a vesting schedule other than that specified above applies to a special class(es) of Regular Employees, the Employer must specify the different vesting schedule below and the class(es) to whom the different vesting schedule applies.

Regular Employees to whom exception applies (must specify - specific positions are permissible; specific individuals may not be named): _____

Vesting Schedule for excepted class (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____

B. Elected or Appointed Members of the Governing Authority

Subject to the terms and conditions of the Master Plan, a Participant who is an elected or appointed member of the Governing Authority or a Municipal Legal Officer shall earn a vested right in his accrued retirement benefit for Credited Service in such capacity in accordance with the following schedule (check one):

- Not applicable (elected or appointed members of the Governing Authority are not permitted to participate in the Plan).
- No vesting schedule (immediate vesting).
- Other vesting schedule (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i):

18. PRE-RETIREMENT DEATH BENEFITS

A. In-Service Death Benefit

Subject to the terms and conditions of the Master Plan, the Employer hereby elects the following in-service death benefit, to be payable in the event that an eligible Participant's employment with the Employer is terminated by reason of the Participant's death prior to Retirement (check and complete one):

- (1) **Auto A Death Benefit.** A monthly benefit payable to the Participant's Pre-Retirement Beneficiary, equal to the decreased monthly retirement benefit that would have otherwise been payable to the Participant, had he elected a 100% joint

and survivor benefit under Section 7.03 of the Master Plan. In order to be eligible for this benefit, a Participant must meet the following requirements (**check one**):

- The Participant must be vested in a normal retirement benefit.
- The Participant must have _____ years (**insert number**) of Total Credited Service.
- The Participant must be eligible for Early or Normal Retirement.
- Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____

(2) **Actuarial Reserve Death Benefit.** A monthly benefit payable to the Participant's Pre-Retirement Beneficiary, actuarially equivalent to the reserve required for the Participant's anticipated Normal Retirement benefit, provided the Participant meets the following eligibility conditions (**check one**):

- The Participant shall be eligible upon satisfying the eligibility requirements of Section 8.02(c) of the Master Plan.
- The Participant must have _____ years (**insert number**) of Total Credited Service.
- Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____

Imputed Service. For purposes of computing the actuarial reserve death benefit, the Participant's Total Credited Service shall include (**check one**):

- Total Credited Service accrued prior to the date of the Participant's death.
- Total Credited Service accrued prior to the date of the Participant's death, plus (**check one**): one-half (1/2) _____ (**insert other fraction**) of the Service between such date of death and what would otherwise have been the Participant's Normal Retirement Date. (**See Master Plan Section 8.02(b) regarding 10-year cap on additional Credited Service.**)

Minimum In-Service Death Benefit for Vested Employees Equal to Terminated Vested Death Benefit. Unless otherwise specified under "Exceptions" below, if a Participant's employment is terminated by reason of the Participant's death prior to Retirement, and if as of the date of death the Participant is vested but he does not qualify for the in-service death benefit, then the Auto A

Death Benefit will be payable, provided the Auto A Death Benefit is made available to terminated vested employees under the Adoption Agreement (see "Terminated Vested Death Benefit" below).

(3) **Exceptions:** If an in-service death benefit other than that specified above applies to one or more classes of Participants, the Employer must specify below the death benefit payable, the class(es) to whom the different death benefit applies, and the eligibility conditions for said death benefit.

Alternative Death Benefit (must specify formula that satisfies the definite written program and definitely determinable requirements of Treasury Regulations Sections 1.401-1(a)(2) and 1.401-1(b)(1)(i) and does not violate limits applicable to governmental plans under Code Sections 401(a)(17) and 415): _____

Participants to whom alternative death benefit applies (must specify - specific positions are permissible; specific individuals may not be named): _____

Eligibility conditions for alternative death benefit (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____

B. Terminated Vested Death Benefit

(1) **Complete this Section only if the Employer offers a terminated vested death benefit.** The Employer may elect to provide a terminated vested death benefit, to be payable in the event that a Participant who is vested dies after termination of employment but before Retirement benefits commence. Subject to the terms and conditions of the Master Plan, the Employer hereby elects the following terminated vested death benefit (**check one**):

- Auto A Death Benefit.** A monthly benefit payable to the Participant's Pre-Retirement Beneficiary, equal to the decreased monthly retirement benefit that would have otherwise been payable to the Participant had he elected a 100% joint and survivor benefit under Section 7.03 of the Master Plan.
- Accrued Retirement Benefit.** A monthly benefit payable to the Participant's Pre-Retirement Beneficiary which shall be actuarially equivalent to the Participant's Accrued Normal Retirement Benefit determined as of the date of death.

(2) **Exceptions:** If a terminated vested death benefit other than that specified above applies to one or more classes of Participants, the Employer must specify below the death benefit payable, the class(es) to whom the different death benefit applies, and the eligibility conditions for said death benefit.

Alternative Death Benefit (must specify formula that satisfies the definite written program and definitely determinable requirements of Treasury Regulations Sections 1.401-1(a)(2) and 1.401-1(b)(1)(i) and does not violate limits applicable to governmental plans under Code

Sections 401(a)(17) and 415): _____
_____.

Participants to whom alternative death benefit applies (must specify - specific positions are permissible; specific individuals may not be named): _____
_____.

Eligibility conditions for alternative death benefit (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____
_____.

19. EMPLOYEE CONTRIBUTIONS

(1) Employee contributions (check one):

- Are not required.
- Are required in the amount of _____ % (insert percentage) of Earnings for all Participants.
- Are required in the amount of _____ % (insert percentage) of Earnings for Participants in the following classes (must specify - specific positions are permissible; specific individuals may not be named): _____
_____.

[Repeat above subsection as necessary if more than one contribution rate applies.]

(2) **Pre-Tax Treatment of Employee Contributions.** If Employee Contributions are required in Subsection (1) above, an Adopting Employer may elect to "pick up" Employee Contributions to the Plan in accordance with IRC Section 414(h). In such case, Employee Contributions shall be made on a pre-tax rather than a post-tax basis, provided the requirements of IRC Section 414(h) are met. If the Employer elects to pick up Employee Contributions, it is the Employer's responsibility to ensure that Employee Contributions are paid and reported in accordance with IRC Section 414(h). The Adopting Employer must not report picked up contributions as wages subject to federal income tax withholding.

The Employer hereby elects (check one):

- To pick up Employee Contributions. By electing to pick up Employee Contributions, the Adopting Employer specifies that the contributions, although designated as Employee Contributions, are being paid by the Employer in lieu of Employee Contributions. The Adopting Employer confirms that the executor of this Adoption Agreement is duly authorized to take this action as required to pick up contributions. This pick-up of contributions applies prospectively, and it is evidenced by this contemporaneous written document. On and after the date of the pick-up of contributions, a Participant does not have a cash or deferred election right (within the meaning of Treasury Regulation Section 1.401(k)-1(a)(3)) with

respect to the designated Employee Contributions, which includes not having the option of receiving the amounts directly instead of having them paid to the Plan.

- Not to pick up Employee Contributions.

(3) Interest on Employee Contributions. The Adopting Employer may elect to pay interest on any refund of Employee Contributions.

- Interest shall not be paid.
- Interest shall be paid on a refund of Employee Contributions at a rate established by GMEBS from time to time.
- Other rate of interest (**must specify rate in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**):
_____.

20. MODIFICATION OF THE TERMS OF THE ADOPTION AGREEMENT

If an Adopting Employer desires to amend any of its elections contained in this Adoption Agreement (or any Addendum), the Governing Authority by official action must adopt an amendment of the Adoption Agreement (or any Addendum) or a new Adoption Agreement (or Addendum) must be adopted and forwarded to the Board for approval. The amendment of the new Adoption Agreement (or Addendum) is not effective until approved by the Board and other procedures required by the Plan have been implemented.

The Administrator will timely inform the Adopting Employer of any amendments made by the Board to the Plan.

21. TERMINATION OF THE ADOPTION AGREEMENT

This Adoption Agreement (and any Addendum) may be terminated only in accordance with the Plan. The Administrator will inform the Adopting Employer in the event the Board should decide to discontinue this volume submitter program.

22. EMPLOYER ADOPTION AND AUTHORIZATION FOR AMENDMENTS

Adoption. The Adopting Employer hereby adopts the terms of the Adoption Agreement and any Addendum, which is attached hereto and made a part of this ordinance. The Adoption Agreement (and, if applicable, the Addendum) sets forth the Employees to be covered by the Plan, the benefits to be provided by the Adopting Employer under the Plan, and any conditions imposed by the Adopting Employer with respect to, but not inconsistent with, the Plan. The Adopting Employer reserves the right to amend its elections under the Adoption Agreement and any Addendum, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Board of Trustees of GMEBS. The Adopting Employer

acknowledges that it may not be able to rely on the volume submitter advisory letter if it makes certain elections under the Adoption Agreement or the Addendum.

The Adopting Employer hereby agrees to abide by the Master Plan, Trust Agreement, and rules and regulations adopted by the Board of Trustees of GMEBS, as each may be amended from time to time, in all matters pertaining to the operation and administration of the Plan. It is intended that the Act creating the Board of Trustees of GMEBS, this Plan, and the rules and regulations of the Board are to be construed in harmony with each other. In the event of a conflict between the provisions of any of the foregoing, they shall govern in the following order:

- (1) The Act creating the Board of Trustees of The Georgia Municipal Employees' Benefit System, O.C.G.A. Section 47-5-1 *et seq.* (a copy of which is included in the Appendix to the Master Defined Benefit Plan Document) and any other applicable provisions of O.C.G.A. Title 47;
- (2) The Master Defined Benefit Plan Document and Trust Agreement;
- (3) This Ordinance and Adoption Agreement (and any Addendum); and
- (4) The rules and regulations of the Board.

In the event that any section, subsection, sentence, clause or phrase of this Plan shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions or the other section or sections, subsections, sentences, clauses or phrases of this Plan, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part hereof. The Governing Authority hereby declares that it would have passed the remaining parts of this Plan or retained the previously existing provisions if it had known that such part or parts hereof would be declared or adjudicated invalid or unconstitutional.

This Adoption Agreement (and any Addendum) may only be used in conjunction with Georgia Municipal Employees Benefit System Master Defined Benefit Retirement Plan Document approved by the Internal Revenue Service under advisory letter J501718a dated March 30, 2018. The Adopting Employer understands that failure to properly complete this Adoption Agreement (or any Addendum), or to operate and maintain the Plan and Trust in accordance with the terms of the completed Adoption Agreement (and any Addendum), Master Plan Document and Trust, may result in disqualification of the Adopting Employer's Plan under the Internal Revenue Code. Inquiries regarding the adoption of the Plan, the meaning of Plan provisions, or the effect of the IRS advisory letter should be directed to the Administrator. The Administrator is Georgia Municipal Employees Benefit System, with its primary business offices located at: 201 Pryor Street, SW, Atlanta, Georgia, 30303. The business telephone number is: (404) 688-0472. The primary person to contact is: GMEBS Legal Counsel.

Authorization for Amendments. Effective on and after February 17, 2005, the Adopting Employer hereby authorizes the volume submitter practitioner who sponsors the Plan on behalf of GMEBS to prepare amendments to the Plan, for approval by the Board, on its behalf as provided under Revenue Procedure 2005-16, as superseded by Revenue Procedure 2015-36, Revenue Procedure 2011-49, and Announcement 2005-37. Effective January 1, 2013, Georgia Municipal Association, Inc., serves as the volume submitter practitioner for the Plan. Employer notice and

signature requirements were met for the Adopting Employer before the effective date of February 17, 2005. The Adopting Employer understands that the implementing amendment reads as follows:

On and after February 17, 2005, the Board delegates to the Practitioner the authority to advise and prepare amendments to the Plan, for approval by the Board, on behalf of all Adopting Employers, including those Adopting Employers who have adopted the Plan prior to the January 1, 2013, restatement of the Plan, for changes in the Code, the regulations thereunder, revenue rulings, other statements published by Internal Revenue Service, including model, sample, or other required good faith amendments (but only if their adoption will not cause such Plan to be individually designed), and for corrections of prior approved plans. These amendments shall be applied to all Adopting Employers. Employer notice and signature requirements have been met for all Adopting Employers before the effective date of February 17, 2005. In any event, any amendment prepared by the Practitioner and approved by the Board will be provided by the Administrator to Adopting Employers.

Notwithstanding the foregoing paragraph, no amendment to the Plan shall be prepared on behalf of any Adopting Employer as of either:

- the date the Internal Revenue Service requires the Adopting Employer to file Form 5300 as an individually designed plan as a result of an amendment by the Adopting Employer to incorporate a type of Plan not allowable in a volume submitter plan as described in Revenue Procedure 2015-36; or
- as of the date the Plan is otherwise considered an individually designed plan due to the nature and extent of the amendments.

If the Adopting Employer is required to obtain a determination letter for any reason in order to maintain reliance on the advisory letter, the Practitioner's authority to amend the Plan on behalf of the Adopting Employer is conditioned on the Plan receiving a favorable determination letter.

The Adopting Employer further understands that, if it does not give its authorization hereunder or, in the alternative, adopt another pre-approved plan, its Plan will become an individually designed plan and will not be able to rely on the volume submitter advisory letter.

AN ORDINANCE (continued from page 1)

Section 2. Except as otherwise specifically required by law or by the terms of the Master Plan or Adoption Agreement (or any Addendum), the rights and obligations under the Plan with respect to persons whose employment with the City was terminated or who vacated his office with the City for any reason whatsoever prior to the effective date of this Ordinance are fixed and shall be governed by such Plan, if any, as it existed and was in effect at the time of such termination.

Section 3. The effective date of this Ordinance shall be the date of approval by the Governing Authority.

Section 4. All Ordinances and parts of ordinances in conflict herewith are expressly repealed.

Approved by the Mayor and Council of the City of Dawsonville, Georgia this _____ day of _____, 20____.

Attest:

CITY OF DAWSONVILLE, GEORGIA

City Clerk

Mayor

(SEAL)

Approved:

City Attorney

The terms of the foregoing Adoption Agreement are approved by the Board of Trustees of Georgia Municipal Employees Benefit System.

IN WITNESS WHEREOF, the Board of Trustees of Georgia Municipal Employees Benefit System has caused its Seal and the signatures of its duly authorized officers to be affixed this _____ day of _____, 20____.

Board of Trustees
Georgia Municipal Employees
Benefit System

(SEAL)

Secretary

**11b. PENSION COMMITTEE APPOINTMENTS
SUPPORTING DOCUMENTS**

5. PENSION COMMITTEE

[Please designate members by position. If not, members of Pension Committee shall be determined in accordance with Article XIV of Master Plan]

Position:
Position:
Position:
Position:
Position:
Position:
Position:

Pension Committee Secretary: **Human Resources/Grant Technician**
Address: **415 Hwy 53 East, Dawsonville, GA 30534**
Phone: **(706) 265-3256**
Facsimile: **(706) 265-4214**

6. TYPE OF ADOPTION

This Adoption Agreement is for the following purpose (**check one**):

- This is a new defined benefit plan adopted by the Adopting Employer for its Employees. This plan does not replace or restate an existing defined benefit plan.
- This is an amendment and restatement of the Adopting Employer's preexisting non-GMEBS defined benefit plan.
- This is an amendment and restatement of the Adoption Agreement previously adopted by the Employer, as follows (**check one or more as applicable**):
 - To update the Plan to comply with PPA, HEART, WRERA, and other applicable federal laws and guidance.
 - To make the following amendments to the Adoption Agreement (**must specify below revisions made in this Adoption Agreement; all provisions must be completed in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____

7. EFFECTIVE DATE

NOTE: This Adoption Agreement and any Addendum, with the accompanying Master Plan Document, is designed to comply with Internal Revenue Code Section 401(a), as applicable to a governmental qualified defined benefit plan, and is part of the GMEBS Defined Benefit Retirement Plan. Plan provisions designed to comply with certain provisions of the Pension Protection Act of 2006 ("PPA"); the Heroes Earnings Assistance and Relief Tax Act of 2008

(d) For purposes of this Section, the amount of "interest posted" shall be determined as of the date that the lump sum payment payable under this Section is distributed, and the amount of interest posted shall comply with any applicable provisions of Section 4(i)(10)(B)(i) of the Age Discrimination in Employment Act ("ADEA").

ARTICLE XIV.

PENSION COMMITTEE

Section 14.01. Creation and Composition. There shall be a Pension Committee for each Adopting Employer. Unless otherwise specified in the Adoption Agreement, the Pension Committee shall be composed of the following:

For Municipal Corporations:

- (a) City Clerk and City Manager.
- (b) Two (2) Employee representatives appointed by the Governing Authority.
- (c) Three (3) appointed members of the Governing Authority.

For Other Adopting Employers:

- (a) Executive Director.
- (b) Two (2) Employee representatives appointed by the Governing Authority.
- (c) Four (4) appointed members of the Governing Authority.

Section 14.02. Responsibilities. The Pension Committee shall have the following responsibilities:

(a) In its dealings with GMEBS or its duly appointed representatives, the Pension Committee shall:

- (1) Assure that accurate and complete information is furnished to GMEBS with respect to eligibility for participation, Total Credited Service, Earnings, and Final Average Earnings of Eligible Employees, including elected or appointed members of the

Governing Authority and Municipal Legal Officers if they are designated as Eligible Employees in the Adoption Agreement.

(2) Assure the collection and remittance to GMEBS of all required Contributions (including Employee Contributions, if applicable).

(3) Collect, and furnish to GMEBS, in accordance with its rules and regulations, all reports, forms, and other records required or necessary to administer the Plan, including but not limited to completed applications for participation (if applicable), employee elections to participate (if participation is optional for a particular class), employee census reports reflecting information necessary to complete the annual plan valuation, completed pre-retirement beneficiary designation forms, completed leave of absence reports, and completed retirement applications (including disability retirement applications, if the Adopting Employer has elected in its Adoption Agreement to provide disability retirement benefits).

(4) Provide reasonable prior notice to GMEBS of any amendments that the Adopting Employer intends to make to the Adoption Agreement.

(5) Notify GMEBS of the termination of Participating Employees, and, if they are permitted in the Adoption Agreement to participate in the Plan, the vacation of office by elected or appointed members of the Governing Authority and Municipal Legal Officers. Said notification should indicate whether the Employee has been involuntarily terminated without cause (see Section 9.04 concerning 5-year vesting for Employees involuntarily terminated without cause).

(6) Notify GMEBS when the Adopting Employer learns that an Eligible Employee, Participant, Terminated Vested Participant, Retired Participant or Beneficiary

has been convicted of a public employment-related crime or other crime which could result in a reduction or forfeiture of benefits (see Section 9.06).

(7) If the Adopting Employer has elected in the Adoption Agreement to provide disability retirement benefits, notify GMEBS of determinations made by the Pension Committee with respect to disability (see Section 2.23(b)) or continuation of disability (see Section 6.06(e)).

(8) Notify GMEBS when the Adopting Employer learns of the death of an Eligible Employee, Participant, Terminated Vested Participant, Retired Participant, or Beneficiary.

(b) In dealing with those persons participating or eligible to participate in the Plan, the Pension Committee shall:

(1) Be responsible for the enrollment of Eligible Employees, including elected or appointed members of the Governing Authority and Municipal Legal Officers if they are included as Eligible Employees in the Adoption Agreement.

(2) Handle distribution of all reports, forms, or other plan-related materials to Participants, including but not limited to plan summary booklets and annual participant statements.

(3) Handle disputes between the Adopting Employer and Participants in all matters regarding the Plan and notify GMEBS of same.

(4) Handle and distribute as necessary any notices of eligibility, benefits, available options, and any other notices required by this Plan, Contract, or rules and regulations of GMEBS.

(5) Address Employee inquiries concerning eligibility for participation in the Plan, enrollment, eligibility for retirement, disability, and/or death benefits, benefit payment options, and other terms, conditions, and features of the Plan.

(c) The Pension Committee is not authorized to interpret the Master Plan document, or matters of State and federal law as they relate to interpretation of the Master Plan document. These matters are reserved for the sole discretion of the Board.

Section 14.03. Secretary. The Adopting Employer shall designate in the Adoption Agreement a Pension Committee Secretary who shall have full authority to represent the Pension Committee in all communications with GMEBS and the Adopting Employer's Employees, including elected or appointed members of the Governing Authority and Municipal Legal Officers.

Section 14.04. Legal Assistance. The City Attorney or other attorney appointed by the Governing Authority shall furnish legal advice to the Pension Committee with respect to the Plan and the Committee's assigned responsibilities hereunder.

Section 14.05. Plan Representative. The Adopting Employer shall designate in the Adoption Agreement an individual to serve as Plan Representative. The Plan Representative shall have full authority to represent the Governing Authority in all communications with GMEBS and the Adopting Employer's Employees. The Pension Committee Secretary may serve as the Plan Representative.

ARTICLE XV.

BOARD OF TRUSTEES

Section 15.01. Definitions. As used in this Article, "Act" refers to the Act of the General Assembly creating the Board of Trustees of the Georgia Municipal Employees Benefit



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 12

SUBJECT: 2019 INSURANCE BENEFITS

DATE(s): _____ WORK SESSION 09/10/2018 CITY COUNCIL MEETING

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: ___ Annual Budget ___ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

TO PROVIDE AN UPDATE ON THE 2019 INSURANCE BENEFITS

HISTORY/ FACTS / ISSUES:

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Donna Blanton, Human Resource Manager



**DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 13**

SUBJECT: PROPOSAL FOR PART-TIME CUSTODIAN

CITY COUNCIL MEETING DATE: 09/10/2018

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

CONSIDERATION OF PART-TIME CUSTODIAN POSITION FOR CITY HALL

HISTORY/ FACTS / ISSUES:

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Bob Bolz, City Manager



**DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 14**

SUBJECT: REVIEW 2018 CITY COUNCIL MEETING DATES

CITY COUNCIL MEETING DATE: 09/10/2018

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

REVIEW CITY COUNCIL MEETING DATES FOR THE REMAINDER OF THE YEAR

HISTORY/ FACTS / ISSUES:

**OCTOBER 8TH REGULAR MEETING – DAWSON COUNTY SCHOOL FALL BREAK
NOVEMBER 26TH WORK SESSION & DECEMBER 3RD – BACK TO BACK MEETINGS
DECEMBER 17TH WORK SESSION**

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Mike Eason, Mayor



PUBLIC NOTICE

2018 Meetings of the City of Dawsonville

The City of Dawsonville City Council, DDA, Planning Commission and HPC shall conduct regular meetings on the dates and time below:

2018 City Council Regular Meetings at 7:00 pm

JAN 8 FEB 5 MAR 5 APR 9 MAY 7 JUN 4
JUL 9 AUG 6 SEP 10 **OCT 8** **NOV 5** **DEC 3**

2018 City Council Work Sessions and Regular Meetings at 7:00 pm

JAN 22 FEB 19 MAR 19 APR 23 MAY 21 JUN 18
JUL 23 AUG 20 **SEP 24** **OCT 22** **NOV 26** **DEC 17**

2018 Planning Commission Meetings at 5:30 pm

JAN 8 FEB 5 MAR 5 APR 9 MAY 7 JUN 4
JUL 9 AUG 6 SEP 10 OCT 8 NOV 5 DEC 3

2018 Historic Preservation Commission Meetings at 5:30 pm

FEB 19 APR 23 JUN 18 AUG 20 OCT 22 DEC 17

2018 Downtown Development Authority Meetings at 5:30 pm

JAN 22 MAR 19 MAY 21 JUL 23 SEP 24 NOV 26

All meetings according to the dates set forth above will be upstairs in the G.L. "Pete" Gilleland Council Chambers at City Hall located at 415 HWY 53 E, Dawsonville, GA. The public is invited to attend all of these meetings.



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 15

SUBJECT: EROSION, SEDIMENTATION & POLLUTION CONTROL ORDINANCE

CITY COUNCIL MEETING DATE(S): 09/10/2018

BUDGET INFORMATION: GL ACCOUNT # NA

Funds Available from: Annual Budget Capital Budget Other

Budget Amendment Request from Reserve: Enterprise Fund General Fund

PURPOSE FOR REQUEST: **SECOND READING & VOTE**

An Ordinance For The Purpose of Providing Minimum Requirements For Soil Erosion, Sedimentation and Pollution Control Using Best Management Practices Updated in Accordance With The Model Ordinance From The State of Georgia; To Define Key Terms Herein; To Provide For Exemptions For The Requirements Set Forth Herein; To Provide For The Application And Permit Process To Conduct Land Disturbing Activities In Compliance Herewith; To Provide Enforcement Provisions For The Requirements Set Forth Herein; To Provide Penalties For Violations Of This Ordinance; To Provide Education And Certification Requirements; To Provide For Repealer; To Provide An Effective Date; And For Other Purposes

HISTORY/ FACTS / ISSUES:

FIRST READING – AUGUST 20, 2018

OPTIONS:

APPROVE, AMEND, DENY, TABLE

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Robbie Irvin, Planning Director

The City of Dawsonville Soil Erosion, Sedimentation and Pollution Control Ordinance

AN ORDINANCE FOR THE PURPOSE OF PROVIDING MINIMUM REQUIREMENTS FOR SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL USING BEST MANAGEMENT PRACTICES UPDATED IN ACCORDANCE WITH THE MODEL ORDINANCE FROM THE STATE OF GEORGIA; TO DEFINE KEY TERMS HEREIN; TO PROVIDE FOR EXEMPTIONS FOR THE REQUIREMENTS SET FORTH HEREIN; TO PROVIDE FOR THE APPLICATION AND PERMIT PROCESS TO CONDUCT LAND DISTURBING ACTIVITIES IN COMPLIANCE HERewith; TO PROVIDE ENFORCEMENT PROVISIONS FOR THE REQUIREMENTS SET FORTH HEREIN; TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; TO PROVIDE EDUCATION AND CERTIFICATION REQUIREMENTS; TO PROVIDE FOR REPEALER; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the existing Soil Erosion and Sedimentation Control ordinance of the City of Dawsonville is set forth in the City of Dawsonville Code of Ordinances Subpart B Land Development Regulations Chapter 106;

WHEREAS, the State of Georgia Department of Natural Resources Environmental Protection Division has adopted a new recommended model ordinance for local government consideration and adoption in order to maintain their status as a certified Local Issuing Authority in accordance with O.C.G.A. §12-7-8; and

WHEREAS, the City of Dawsonville desires to adopt the new recommended model ordinance with such necessary limited modifications required to adapt it to Dawsonville;

NOW, THEREFORE, the Council for the City of Dawsonville hereby ordains as follows:

The City of Dawsonville Code of Ordinances Subpart B Land Development Regulations Chapter 106 Soil and Sedimentation Control Ordinance is deleted, repealed in its entirety and replaced with the following new Chapter 106 Soil Erosion, Sedimentation and Pollution Control Ordinance as follows:

Chapter 106- Soil Erosion, Sedimentation and Pollution Control Ordinance

Sec. 106-1. Title.

This ordinance will be known as “The City of Dawsonville Soil Erosion, Sedimentation and Pollution Control Ordinance.”

Sec. 106-2 Definitions.

The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated:

1. **Best Management Practices (BMPs):**
These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the ‘Manual for Erosion and Sediment Control in Georgia’ published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.
2. **Board:** The Board of Natural Resources.
3. **Buffer:** The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

4. **Certified Personnel:** A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.
5. **Coastal Marshlands:** Shall have the same meaning as in O.C.G.A. 12-5-282.
6. **Commission:** The Georgia Soil and Water Conservation Commission (GSWCC).
7. **CPESC:** Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.
8. **Cut:** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.
9. **Department:** The Georgia Department of Natural Resources (DNR).
10. **Design Professional:** A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.
11. **Director:** The Director of the Environmental Protection Division or an authorized representative.
12. **District:** The Upper Chattahoochee Soil and Water Conservation District.
13. **Division:** The Environmental Protection Division (EPD) of the Department of Natural Resources.
14. **Drainage Structure:** A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.
15. **Erosion:** The process by which land surface is worn away by the action of wind, water, ice or gravity.
16. **Erosion, Sedimentation and Pollution Control Plan:** A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections at least as stringent as the State General Permit, best management practices, and requirements in Section 106-4 of this ordinance.
17. **Fill:** A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.
18. **Final Stabilization:** All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.
19. **Finished Grade:** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
20. **Grading:** Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.
21. **Ground Elevation:** The original elevation of the ground surface prior to cutting or filling.
22. **Land-Disturbing Activity:** Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section III, Paragraph 5.
23. **Larger Common Plan of Development or Sale:** A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

24. **Local Issuing Authority:** The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8. As used hereinafter in this ordinance the Local Issuing Authority (“LIA”) shall be the City of Dawsonville.
25. **Metropolitan River Protection Act (MRPA):** A state law referenced as O.C.G.A. 12-5-440 et. seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.
26. **Natural Ground Surface:** The ground surface in its original state before any grading, excavation or filling.
27. **Nephelometric Turbidity Units (NTU):** Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.
28. **NOI:** A Notice of Intent form provided by EPD for coverage under the State General Permit.
29. **NOT:** A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.
30. **Operator:** The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.
31. **Outfall:** The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.
32. **Permit:** The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.
33. **Person:** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.
34. **Phase or Phased:** Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.
35. **Project:** The entire proposed development project regardless of the size of the area of land to be disturbed.
36. **Properly Designed:** Designed in accordance with the design requirements and specifications contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.
37. **Roadway Drainage Structure:** A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.
38. **Sediment:** Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.
39. **Sedimentation:** The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.
40. **Soil and Water Conservation District Approved Plan:** An erosion, sedimentation and pollution control plan approved in writing by the Upper Chattahoochee Soil and Water Conservation District.
41. **Stabilization:** The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.
42. **State General Permit:** The National Pollution Discharge Elimination System (NPDES) general permit or permits for storm water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state’s authority to implement the same through federal delegation

under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of Code Section 12-5-30.

43. **State Waters:** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.
44. **Structural Erosion, Sedimentation and Pollution Control Practices:** Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.
45. **Trout Streams:** All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.epd.georgia.gov. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.
46. **Vegetative Erosion and Sedimentation Control Measures:** Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:
 - a. Permanent seeding, sprigging or planting, producing long-term vegetative cover, or
 - b. Temporary seeding, producing short-term vegetative cover; or
 - c. Sodding, covering areas with a turf of perennial sod-forming grass.Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.
47. **Watercourse:** Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.
48. **Wetlands:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Sec. 106-3. Exemptions.

This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following

1. Surface mining, as the same is defined in O.C.G.A. 12-4-72, "The Georgia Surface Mining Act of 1968".
2. Granite quarrying and land clearing for such quarrying;
3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
4. The construction of single-family residences, when such construction disturbs less than one (1) acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. 12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be

constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.C.G.A. 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the Local Issuing Authority;

5. Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of Section IV C. of this ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three (3) years after completion of such forestry practices;
7. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;
8. Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one (1) acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;
9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the Local Issuing Authority, the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;
10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television

system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and

11. Any public water system reservoir.

Sec. 106-4. Minimum Requirements for Erosion, Sedimentation and Pollution Control Using Best Management Practices.

A. GENERAL PROVISIONS

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of Section IV B. & C. of this ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit.

B. MINIMUM REQUIREMENTS/ BMPs

1. Best management practices as set forth in Section IV B. & C. of this ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. 12-7-6 subsection (b).
2. A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.
3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.
4. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.

5. The LIA may set more stringent buffer requirements than stated in C.15,16 and 17, in light of O.C.G.A. § 12-7-6 (c).
- C. The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. 12-7-1 et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:
 1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
 2. Cut-fill operations must be kept to a minimum;
 3. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
 4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
 5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
 6. Disturbed soil shall be stabilized as quickly as practicable;
 7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
 8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
 9. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et. seq.;
 10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
 11. Cuts and fills may not endanger adjoining property;
 12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
 13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
 14. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section IV B. 2. of this ordinance;
 15. Except as provided in paragraph (16) and (17) of this subsection, there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or where bulkheads and sea walls are installed to prevent shoreline erosion on Lake Oconee and Lake Sinclair; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:

- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and
16. There is established a 50 foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed ; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:
- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and
17. There is established a 25 foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with Chapter 5 of Title 12 of this title, the "Coastal Marshlands Protection Act of 1970." And the rules and regulations promulgated thereunder, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to Code Section 12-2-8, where an alteration within the buffer area has been authorized pursuant to Code Section 12-5-286, for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully

implemented, where a drainage structure or roadway drainage structure is constructed or maintained; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented. For the purposes of this paragraph maintenance shall be defined as actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design and serviceable shall be defined as usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.

- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat; and
 - b. The buffer shall not apply to crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer, provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.
 - c. The buffer shall not apply to any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented or any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25 foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.
 - d. Activities where the area within the buffer is not more than 500 square feet or that have a “Minor Buffer Impact” as defined in 391-3-7-.01(r), provided that the total area of buffer impacts is less than 5,000 square feet are deemed to have an approved buffer variance by rule. Bank stabilization structures are not eligible for coverage under the variance by rule and notification shall be made to the Division at least 14 days prior to the commencement of land disturbing activities.
- D. Nothing contained in O.C.G.A. 12-7-1 et. seq. shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section 106-4 of this ordinance.

Sec. 106-5. Application and Permit Process.

A. GENERAL

The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The Local Issuing Authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the owner and/or operator are the only parties who may obtain a permit.

B. APPLICATION REQUIREMENTS

1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of The City of Dawsonville without first obtaining a permit from the Planning and Zoning Department to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable.
2. The application for a permit shall be submitted to the City of Dawsonville Planning and Zoning Department and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section 106-5 C of this ordinance. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of Section 106-4 B & C of this ordinance will be met. Applications for a permit will not be accepted unless accompanied by a minimum of 3 copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.
3. Fees shall be charged in accordance with the City of Dawsonville Fee Schedule set forth in Section 2-110.
4. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the Division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the Division, regardless of the existence of a Local Issuing Authority in the jurisdiction.
5. Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Section 106-4 C 15, 16 and 17 have been obtained, all fees have been paid, and bonding, if required as per Section 106- B 7, have been obtained. Such review will not be required if the Local Issuing Authority and the District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District. The Local Issuing Authority with plan review authority shall approve or disapprove a revised Plan submittal within 35 days of receipt. Failure of the Local Issuing Authority with plan review authority to act within 35 days shall be considered an approval of the Plan submittal.
6. If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the Local Issuing Authority may deny the permit application.
7. The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the Local

Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

C. PLAN REQUIREMENTS

1. Plans must be prepared to meet the minimum requirements as contained in Section 106-4 of this ordinance, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The *Manual for Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the Commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. 12-7-20.
2. Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

D. PERMITS

1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.
2. No permit shall be issued by the Local Issuing Authority unless the erosion, sedimentation and pollution control plan has been approved by the District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by Section 106-4 C. 15, 16 and 17 are obtained, bonding requirements, if necessary, as per Section 106-5 B. 7 are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
3. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
5. The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
6. The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. 12-7-7 (f) (1).

Sec. 106-6. Inspection and Enforcement.

- A. The City of Dawsonville Planning and Zoning Department will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation.

Also, the Local Issuing Authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.

- B. The Local Issuing Authority must amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.
- C. The City of Dawsonville Planning and Zoning Department or designee shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- D. No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
- E. The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.
- F. The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code Section 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a Local Issuing Authority.

Sec. 106-7. Penalties and Incentives

A. FAILURE TO OBTAIN A PERMIT FOR LAND-DISTURBING ACTIVITY

If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.

B. STOP-WORK ORDERS

1. For the first and second violations of the provisions of this ordinance, the Director or the Local Issuing Authority shall issue a written warning to the violator. The violator shall have five days to correct the

violation. If the violation is not corrected within five days, the Director or the Local Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;

2. For a third and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate stop-work order; and;
3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Local Issuing Authority or by the Director or his or her Designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the Local Issuing Authority or by the Director or his or her Designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

C. BOND FORFEITURE

If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section 106-5 B 7. The Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

D. MONETARY PENALTIES

1. Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Sec. 106-8. Education and Certification.

- A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.
- B. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and

meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

- C. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.
- D. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A. 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

Sec. 106-9. Administrative Appeal and Judicial Review.

A. ADMINISTRATIVE REMEDIES

The suspension, revocation, modification or grant with condition of a permit by the Local Issuing Authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Mayor and City Council within 30 days after receipt by the Local Issuing Authority of written notice of appeal. The Mayor and Council shall issue a written decision on the appeal within ten (10) business days of the hearing.

B. JUDICIAL REVIEW

Any person, aggrieved by the appeal decision of the Mayor and Council shall have the right to appeal the decision of the Mayor and Council by writ of certiorari to the Superior Court of Dawson County in accordance with the provisions of O.C.G.A. §5-4-1 et seq.

Sec. 106-10. Effectivity, Validity and Liability.

A. EFFECTIVITY

This ordinance shall become effective upon adoption by the Mayor and Council on the 10th day of September, 2018.

B. VALIDITY

If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this ordinance.

C. LIABILITY

1. Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority or the District for damage to any person or property.
2. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.
3. No provision of this ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, as amended, the Georgia Water Quality Control Act, as amended or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

SO ORDAINED THIS 10TH DAY OF SEPTEMBER, 2018.

Mike Eason, Mayor

Caleb Phillips, Councilmember

Jason Power, Councilmember

Stephen Tolson, Councilmember

Mark French, Councilmember

ATTEST:

Beverly Banister, Clerk



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 16

SUBJECT: WATER AND SEWER RECONNECTION ORDINANCE AMENDMENT

CITY COUNCIL MEETING DATE(S): 09/10/2018

BUDGET INFORMATION: GL ACCOUNT # NA

Funds Available from: Annual Budget Capital Budget Other

Budget Amendment Request from Reserve: Enterprise Fund General Fund

PURPOSE FOR REQUEST: **SECOND READING & VOTE**

An Ordinance To Provide Updates To Existing Ordinances On Water Sewer And Garbage Services: Related To Reconnection Fees, Fines, Interest And Procedure; Related To Meter Readings, Billings And Collection; Related To Suspension Of Service; Related To Penalties For Violation; And Related To Disconnection Of Service. The Ordinance Also Provides For A Repealer And Restatement, For An Effective Date And For Other Purposes.

HISTORY/ FACTS / ISSUES:

FIRST READING – AUGUST 20, 2018

OPTIONS:

APPROVE, AMEND, DENY, TABLE

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Administration

AN ORDINANCE TO PROVIDE UPDATES TO EXISTING ORDINANCES ON WATER SEWER AND GARBAGE SERVICES: RELATED TO RECONNECTION FEES, FINES, INTEREST AND PROCEDURE; RELATED TO METER READINGS, BILLINGS AND COLLECTION; RELATED TO SUSPENSION OF SERVICE; RELATED TO PENALTIES FOR VIOLATION; AND RELATED TO DISCONNECTION OF SERVICE. THE ORDINANCE ALSO PROVIDES FOR A REPEALER AND RESTATEMENT, FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the City of Dawsonville is the provider for water and sewer services for businesses and residences within its territorial boundaries;

WHEREAS, the City of Dawsonville is the provider of garbage services to residences within its territorial boundaries which services are billed out on the monthly water and sewer bills;

WHEREAS, the City charges each customer of its water and sewer services based upon usage and garbage on a flat fee basis each month;

WHEREAS, a customer's nonpayment of a bill for water, sewer and/or garbage services rendered thereto results in the City disconnecting and discontinuing said service until satisfaction of the bill along with any applicable fees, interest and penalties; and

WHEREAS, the City intends through this Ordinance to exercise the authority bestowed upon it by the City Charter by implementing updated fines for reconnections, clarifying and revising procedures related to reconnection, meter readings, billings, collection, suspension of service and penalties;

NOW THEREFORE, the Council for the City of Dawsonville hereby ordains as follows:

Section 1.

Chapter 14 of the Code of Ordinances for the City of Dawsonville is amended by repealing the existing Section 14-23 in its entirety and adding a new Section 14-23 to read as follows:

Sec. 14-23. Connection Fees for Water and Sewer Service

- (a) *Water service.* Effective December 1, 2005, each consumer subscribing to use the water service of the City of Dawsonville shall pay a connection fee associated therewith. This connection fee is not a deposit, but is the connection fee to reimburse the city for its cost and expense in providing a service line, meter and labor. The meter shall remain the property of the city. By way of clarification, in the event an owner or user has a single water line serving multiple renters, family members, businesses, etc., each distinct line shall constitute a tap-on fee for purposes of this section in accordance with the applicable provisions of sections 14-37 and 14-38. The connection fee shall be according as set forth in section 2-110 of this Code.
- (b) *Sewer service.* Effective December 1, 2005, in addition to the water service fees above, each party shall also pay the amount set out in section 2-110 of this Code for connection to sewer service. This connection

fee is not a deposit, but is the connection fee to reimburse the city for its cost and expense in providing a service line up to the user's property line as well as the costs associated with any labor. The portion of the sewer line up to the user's property line shall remain the property of the city. By way of clarification, in the event an owner or user has a single sewer line serving multiple renters, family members, businesses, etc., each distinct line shall constitute a tap-on fee for purposes of this section in accordance with the applicable provisions of sections 14-37 and 14-38. The connection fee for sewer service shall be as set out in section 2-110 of this Code.

- (c) *Reconnect fees.* Effective upon the passage of this section, with respect to both water and sewer service provided by the City of Dawsonville, in the event that after service has been disconnected a consumer requests service to be reconnected, the consumer shall pay all outstanding bills in full including the reconnection fees set forth in Chapter 2, Section 2-110, late fees prescribed in Chapter 14, Section 14-25(a)(1), and applicable interest charges pursuant to Chapter 14, Section 14-25(a)(3) in order to be eligible for the reconnection of water and/or sewer services.
- (d) *Multiple violations.* For the purpose of calculating the appropriate reconnection fee, violations whether by non-payment or otherwise within a Twenty-Four (24) month period of the request for reconnection are considered.

Section 2.

Chapter 14 of the Code of Ordinances for the City of Dawsonville is amended by repealing the existing Section 14-25 in its entirety and adding a new Section 14-25 to read as follows:

Sec. 14-25. Meter readings, billings and collection.

- a) *Mailing, payment, penalties and interest.* The City shall read water meters on a monthly basis. Following the monthly meter reading, bills to customers for water, sewer and/or garbage services shall be generated with a billing date and mailed or transmitted electronically if so elected by the customer on a monthly basis. The outstanding balance of each bill is due 10 days from the date of the bill. Bills shall be deemed paid upon receipt of payment at City Hall. Failure to receive bills or notices shall not prevent the bills from becoming delinquent nor relieve the customer from payment of the same. The failure of water, sewer and/or garbage customers to timely pay charges duly imposed shall result in the automatic imposition of the following penalties and interest:
 - (1) Nonpayment within twenty (20) days of the date of the bill will result in a penalty of Ten Dollars (\$10.00) being applied to the delinquent account.
 - (2) Nonpayment within thirty (30) days of the date on the bill will result in water and/or sewer service being disconnected and/or garbage service being discontinued. Disconnection of water for any customer on a payment plan is governed by subsection (b)(2). Reactivation of a disconnected account is governed by subsection (c).
 - (3) All accounts more than 30 days past due from the date on the bill shall bear interest until paid at the rate of one percent per month (12 percent APR) or such other rate as may be set in the future by resolution of the Council.
 - (4) Nonpayment for sixty (60) days after the due date will allow the city, in addition to all other rights and remedies, to terminate the account and apply the security deposit towards the outstanding balance.

- (5) In the event that a customer makes application for water, sewer, or garbage service and it is determined that said customer has or had an outstanding balance due to the city, the city is not obligated to supply any such services until all outstanding bills are paid in full including the reconnection fees set forth in Chapter 2, Section 2-110, late fees prescribed in Chapter 14, Section 14-25(a)(1), and applicable interest charges pursuant to Chapter 14, Section 14-25(a)(3).
- (b) *Payment plan.* A payment plan may be initiated to allow customers making application for new water, sewer, or garbage service to satisfy a balance due provided the amount due is greater than \$75.00 or to allow existing customers to avoid disconnection and pay down a balance due greater than \$75.00.
- (1) *New applicants.* A payment plan may be initiated to allow customers making application for new water, sewer, or garbage service to satisfy a past due balance greater than \$75.00.
- a. Any balance due less than \$75.00 will require full payment with the application.
 - b. Ten percent of the balance due is required with the application to activate new service and a monthly or weekly payment plan will be established for the remainder due.
 - c. If any payment due under the payment plan is more than five days late, the water will be disconnected and all services terminated.
 - d. Nothing herein exempts applicant from paying the requisite security deposit or tolls the accruing of interest on the unpaid balance.
- (2) *Existing customers.* A payment plan may be initiated to allow an existing customer with a past due balance greater than \$75.00 to satisfy the balance due and avoid disconnection.
- a. Ten percent of the balance due is required for the customer to initiate the payment plan and a monthly or weekly payment plan will be established for the remainder due.
 - b. If a payment due under the payment plan is more than five days late, the water will be disconnected and all services terminated.
 - c. Nothing herein tolls the accruing of interest on the unpaid balance or exempts the customer from paying their regular monthly bill on time as the payment plan set forth in this subsection is only for a prior outstanding balance.
- (c) *Conditions for reconnection.* Service disconnected for nonpayment of bills will be restored only after all outstanding bills are paid in full including the reconnection fees set forth in Chapter 2, Section 2-110, late fees prescribed in Chapter 14, Section 14-25(a)(1), and applicable interest charges pursuant to Chapter 14, Section 14-25(a)(3).
- (d) *Return check fee.* A service charge in the amount charged to the city by the city's bank plus the sum of \$10.00 will be charged on all checks returned to the city for insufficient funds, account closed, or any other reason.

Section 3.

Chapter 14 of the Code of Ordinances for the City of Dawsonville is amended by repealing the existing Section 14-26 in its entirety and adding a new Section 14-26 to read as follows:

Sec. 14-26 – Suspension of Service

- (a) *Refund of security deposit.* When water, sewer and garbage service are discontinued and all bills paid, the security deposit shall be refunded to the consumer by the city.
- (b) *Application of security deposit towards account; collection of balance.* Upon discontinuance of service for nonpayment of bills, the security deposit will be applied by the city toward settlement of the account. Any balance will be refunded to the consumer; however, if the security deposit is insufficient to cover the bill, the city may proceed to collect the balance in the usual way provided by law for collection of debts.
- (c) *Authority to enforce provisions.* The city, the city manager, or any duly authorized representative shall have the authority to enforce the provisions of this section by the discontinuance of water service, sewer service and garbage service in the event any person shall continue to violate the provisions of this section whether through non-payment or otherwise after receiving oral or written notice of the violation from the city.
- (d) *Authority to terminate service.* Whenever the city, the city manager, or any duly authorized representative determines that a person is violating or has violated any provision of this section and determines that the violation of this section will cause immediate damage or harm to the water system, sewers, sewage treatment process, equipment, or treatment facilities of the city, or that the violation endangers the public health, safety, or general welfare of the community, the city, the city manager, or any duly authorized representative shall have the power and authority to immediately revoke, orally or in writing, any water or sewerage permit of the person violating any provision of this section or terminate that person's water service and sewer service, or both.
- (e) *Reinstatement of service.* The City, the City Manager, or any duly authorized representative shall have the power and authority to reinstate and reconnect any water and/or sewerage permit or allow the use of the City's water, sewer and garbage service if the person who had been violating the provisions of this article shall discontinue and cease such violations and pay all outstanding bills in full including the reconnection fees set forth in Chapter 2, Section 2-110, late fees prescribed in Chapter 14, Section 14-25(a)(1), and applicable interest charges pursuant to Chapter 14, Section 14-25(a)(3). Upon request for reinstatement of service by the customer, cessation and discontinuance of the violations and payment of all outstanding bills, reconnection fees, late fees, and applicable interest charges in full, the City shall cause the reconnection of services by 4:00 p.m. of the business day following said request and payment.
- (f) *Appeal procedure.* Any person aggrieved by having any sewerage permit, water and sewer service, garbage service or any combination thereof terminated or revoked by the city, the city manager, or any duly authorized representative shall have the right to appeal the revocation to the city council. Such appeal shall be filed within five business days from the date of the termination by notifying the city clerk in writing and specifying the grounds of appeal. The city council shall, within ten days after the receipt of the notice of appeal, fix a date and time for the hearing of the appeal, and after due notice to the parties at interest shall have a hearing on the appeal within twenty days of the date the notice of appeal was received by the city. The council shall issue a written ruling on the issues presented within ten business days of the hearing. Any person dissatisfied with the ruling of the council shall have the right to appeal that ruling by writ of certiorari pursuant to O.C.G.A. § 5-4-1 et seq. to Dawson County Superior Court.

Chapter 14, Section 14-30 of the Code of Ordinances for the City of Dawsonville is amended by repealing the existing Section 14-30 in its entirety and adding a new Section 14-30 to read as follows:

Sec. 14-30. Penalties for Violation.

- (a) Any person or user found to be violating any provision of this article related to non-payment of bills shall as a penalty prior to any further provision of water, sewer and/or garbage services pay all outstanding bills in full including the reconnection fees set forth in Chapter 2, Section 2-110, late fees prescribed in Chapter 14, Section 14-25(a)(1), and applicable interest charges pursuant to Chapter 14, Section 14-25(a)(3).
- (b) Any person or user found to be violating any provision of this article, other than for non-payment of bills or wrongful discharge as set forth in subsection (c) below, shall be issued a citation returnable to the City Court for the City of Dawsonville and upon conviction be punished as provided for under city ordinances and state law. Each day in which any such violation continues shall be deemed a separate offense.
- (c) Any industry, commercial concern, person, or user who discharges any waste material from any source into manholes on the city's sewer system or who discharges or causes to be discharged toxic substances without paying for the increased cost, or those incompatible substances as described under [section 14-34](#), shall be in violation of this article and subject to the maximum penalties allowed by state law. Each pound or gallon of the incompatible substances discharged or caused to be discharged into the city sewer system shall be deemed a separate offense with each offense subject to the maximum penalty allowed by state law. Jurisdiction for prosecution of a violation under this sub-section shall lie in the City Court of Dawsonville or in the Superior Court of Dawson County at the choice of the City. Further, the City, in its discretion, may decline to accept the discharge of any industry, commercial concern, person, or user who discharges or causes to be discharges any incompatible substance as outlined in [section 14-34](#) and may quit providing sewage treatment to the violator until such time as the violator has demonstrated the ability to prohibit the discharge of incompatible substances into the sewer system. In order to facilitate the prevention of the discharge of the incompatible substances into the sewer system and the utility to decline to accept such discharges, the City shall have the right to enter upon the private property of such violator and cut off access to the sewer system of the city.
- (d) Any person violating any of the provisions of this article shall become liable to the City for any expense, loss, damage, fine, penalty, or fee occasioned the City by reason of such violation or violations, including, but not limited to, any fee, penalty, or fine assessed against the City by any state or federal agency as a result of such violation or violations. *See* sections 14-23(c); 2-110; 14-25(a)(1); and 14-25(a)(3).

Section 5.

Chapter 14, Section 14-49 of the Code of Ordinances for the City of Dawsonville is amended by repealing the existing Section 14-49 in its entirety and adding a new Section 14-49 to read as follows:

Sec. 14-49. Authority to Disconnect Service.

- (a) Whenever the city, the city manager, or any duly authorized representative determines that a person is violating or has violated the cross connection provisions of this article and determines that the violation of such provision will cause immediate damage or harm to the treatment process, equipment, or treatment and distribution facilities of the city, or that the violation endangers the public health, safety, or general welfare of the community, the city, the city manager, or any duly authorized representative shall have the

power and authority to immediately terminate that person's water service and/or sewer service until that person has ceased the violation.

(b) Charges for any discontinuance or resumption of water service and/or sewer service shall be in the amounts fixed in this article. *See* sections 14-23(c); 2-110; 14-25(a)(1); and 14-25(a)(3).

Section 6.

Chapter 2, Section 2-110 of the Code of Ordinances for the City of Dawsonville is amended by repealing the existing sub-section 14-23(c) of Section 2-110 in its entirety and replacing it with a new sub-section 14-23 (c) as follows:

Section 2-110. Fee Schedule.

Sec. 14-23(c). Reconnection fees with respect to both water and/or sewer service:

In addition to payment of any outstanding bills, any late fees prescribed in Chapter 14, Section 14-25(a)(1), and applicable interest charges pursuant to Chapter 14, Section 14-25(a)(3) in order to be eligible for the reconnection of water and/or sewer services, the customer must pay the following reconnection fee as applicable:

First time reconnect within a 24 month period: \$50.00;

Second time reconnect within a 24 month period: \$100.00;

Third time reconnect within a 24 month period: \$200.00;

Each subsequent violation beyond the third reconnect within a 24 month period results in a reconnection fee increase of \$100.00 from the previous violation.

Section 7. Repealer and Restatement.

All ordinances and resolutions and parts thereof in conflict herewith are repealed. However, to the extent not in conflict, all remaining ordinances, resolutions, or parts thereof shall not be amended or repealed and shall remain in full force and effect, except as expressly stated in this ordinance.

Section 8. Effective Date.

This ordinance shall take effect and be in force from and after its adoption.

SO ADOPTED this ____ day of _____, 2018.

Mike Eason, Mayor

Caleb Phillips, Councilmember

Jason Power, Councilmember

Stephen Tolson, Councilmember

Mark French, Councilmember

Attested: _____
Beverly Banister, City Clerk



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 17

SUBJECT: TATTOO STUDIO AND ARTIST FEES ORDINANCE AMENDMENT

CITY COUNCIL MEETING DATE(S): 09/10/2018

BUDGET INFORMATION: GL ACCOUNT # NA

Funds Available from: Annual Budget Capital Budget Other

Budget Amendment Request from Reserve: Enterprise Fund General Fund

PURPOSE FOR REQUEST: **FIRST READING**

An Ordinance To Update And Revise The Application Fee And Annual Fee For Occupation Taxes And Business Licenses Related To Tattoo Studios And Tattoo Artists; To Provide An Effective Date; And For Other Purposes (First Reading - September 10, 2018; Second Reading – September 24, 2018)

HISTORY/ FACTS / ISSUES:

SECOND READING AND VOTE – SEPTEMBER 24, 2018

OPTIONS:

APPROVE, AMEND, DENY, TABLE

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Administration

FIRST READING _____

SECOND READING _____

AN ORDINANCE TO UPDATE AND REVISE THE APPLICATION FEE AND ANNUAL FEE FOR OCCUPATION TAXES AND BUSINESS LICENSES RELATED TO TATTOO STUDIOS AND TATTOO ARTISTS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, Article IX, Section IV, Paragraph I of the Georgia Constitution authorizes municipal governments to levy and collect taxes and fees within their municipal limits;

WHEREAS, the General Assembly of Georgia authorized local governments to impose business and occupation taxes and regulatory fees in O.C.G.A. § 48-13-5, et seq; and

WHEREAS, the City of Dawsonville desires to amend the application and annual business license fees contained in City Ordinances Chapter 2, Section 2-110, subsection 8-216 (c) and (d) related to tattoo studios and tattoo artists as governed by City Ordinances Chapter 8 Article IV Tattoo Studios and specifically set forth in Section 8-216 in order to update them and make them consistent with appropriate fees for other businesses and in other jurisdictions.

NOW, THEREFORE, the Council of the City of Dawsonville hereby ordains as follows:

Section 1.

Chapter 2, Section 2-110 of the Code of Ordinances for the City of Dawsonville is amended by deleting the existing sub-sections 8-216 (c) and 8-216 (d) of Section 2-110 in their entirety and replacing them with new sub-sections 8-216 (c) and 8-216 (d) as follows:

8-216 (c) License Application Fee for Tattoo Studio and for each Tattoo Artist: \$50.00

8-216 (d) Annual Fee for Tattoo Studio and for each Tattoo Artist: \$100.00

Section 2. Repealer and Restatement.

All ordinances and resolutions and parts thereof in conflict herewith are repealed. However, to the extent not in conflict, all remaining ordinances, resolutions, or parts thereof shall not be amended or repealed and shall remain in full force and effect, except as expressly stated in this ordinance.

Section 3. Effective Date.

This ordinance shall take effect and be in force from and after its adoption.

SO ADOPTED this ____ day of _____, 2018.

Mike Eason, Mayor

Caleb Phillips, Council Member

Stephen Tolson, Council Member

Jason Power, Council Member

Mark French, Council Member

Attested: _____

Beverly Banister, City Clerk

(seal)