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AGENDA
REGULAR MEETING OF THE PERRY CITY COUNCIL
December 17, 2019
6:00 P.M.

1. Call to Order: Mayor Randall Walker, Presiding Officer.
2. Roll.
3. Invocation and Pledge of Allegiance to the Flag: Mayor Randall Walker
4. Recognition(s)/Presentation(s):
 - 4a. Recognition of 2019 Volunteer Coaches – Mr. S. Swan.
 - 4b. Introduction of Firefighter Recruit Jordan Chambers – Chief L. Parker.
5. Community Partner(s) Update(s):
6. Citizens with Input.
7. Public Hearing: Mayor Randall Walker

The purpose of this Public Hearing is to provide any interested parties with an opportunity to express their views and concerns in accordance with O.C.G.A. 36-66-4.

- 7a. SUSE-96-2019. Applicant, William A. Stanford II, for the HALO Group, request a Special Exception to allow 11 Multi-Family units. The property is located at 800 Main Street; Tax Map No.0P0040 014000 – Mr. B. Wood.
 - 7b. SUSE-97-2019. Applicant, Dexter Davis, request a Special Exception to allow Automobile Service (Window Tinting) and Automobile Wash and Detailing. The property is located at 626 General Courtney Hodges Boulevard; Tax Map No. 0P0120 033000 – Mr. B. Wood.
 - 7c. Petition for RZNE-0095-2019. Applicant, Genesis KC Development LLC requests the rezoning of property from R-1, Single-family Residential District, to IN, Institutional District. The property is located on Keith Drive, Tax Map No. 0P0440 03D000 - Mr. B. Wood.
8. Review of Minutes: Mayor Randall Walker

- 8a. Council's Consideration – Minutes of the December 2, 2019 work session, December 3, 2019 pre council meeting, and December 3, 2019 council meeting.
9. Old Business:
- 9a. Ordinance(s) for Second Reading(s) and Adoption:
1. **Second Reading** of an ordinance adopting the GMEBS Restated Defined Benefit Plan – Ms. B. Newby.
 2. **Second Reading** of an ordinance amending FY 2019 Operating Budget – Mr. L. Gilmour.
 3. **Second Reading** of an ordinance amending the Transient Occupancy Tax – Mr. L. Gilmour.
10. Any Other Old Business:
- 10a. Mayor Randall Walker
 - 10b. Council Members
 - 10c. City Attorney Brooke Newby
 - 10d. City Manager Lee Gilmour
 - 10e. Assistant City Manager Robert Smith
11. New Business: Mayor Randall Walker
- 11a. Matters referred from December 16, 2019 work session and December 17, 2019 pre council meeting.
- 11b. Special Exception Application – 096-2019 - Mr. B. Wood.
- 11c. Special Exception Application – 097-2019 – Mr. B. Wood.
- 11d. Ordinances for First Reading(s) and Introduction:
1. **First Reading** of an ordinance for the rezoning of property from from R-1, Single-family Residential District, to IN, Institutional District. The property is located on Keith Drive, Tax Map No. 0P0440 03D000 - Mr. B. Wood. *(No action required by Council)*
- 11e. Resolution(s) for Introduction and Adoption:
1. Resolution appointing Mr. Mitchell Worthington Finance Director – Mr. L. Gilmour.
- 11f. Consider accepting donation of property for greenspace purposes – Mr. L. Gilmour.
12. Council Members Items:

13. Department Heads/Staff Items.
14. General Public Items:
15. Mayor Items:
16. Adjourn.

In accordance with the Americans with Disabilities Act, accommodations are available for those who are hearing impaired and/or in need of a wheelchair. The Perry City Council Agenda and supporting material for each item is available on-line through the City's website at www.perry-ga.gov.



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STAFF REPORT

From the Department of Community Development
November 7, 2019

CASE NUMBER: SUSE-96-2019
APPLICANT: William A. Stanford II, for HALO Group
REQUEST: A Special Exception to allow 11 Multi-Family units
LOCATION: 800 Main Street; Tax Map No. 0P0040 014000
ADJACENT ZONING/LAND USES:

Subject Parcel: C-3, Central Business District (former New Perry Hotel)
North: C-3 (old County Courthouse, retail, office, parking)
South: C-3 (office) and M-2 (tractor sales and service)
East: C-3 (outdoor sales and office)
West: C-3 (motel and office)

REQUEST ANALYSIS: The applicant proposes to convert the 14-room motor court building of the former New Perry Hotel to apartments. The proposed conversion will include six 1-bedroom apartments and five studio apartments. No changes to the site are proposed. No changes to the exterior of the building are proposed other than shifting doors and windows to align with the revised interior layout. A copy of the floor plan and elevations is attached.

STANDARDS FOR SPECIAL EXCEPTIONS:

1. *Does the Special Exception follow the existing land use pattern?* The subject property is on the edge of the Central Business District which is comprised of a mix of uses including retail establishments, restaurants, offices, civic and religious uses, and some residential uses. The property is about two blocks from an established historic residential neighborhood. The proposed use is consistent with the existing mix of uses in the surrounding area.
2. *Will the Special Exception have an adverse effect on the Comprehensive Plan?* The property is identified as part of "Town Center" character area in the 2017 Joint Comprehensive Plan. Suggested development patterns include "Residential development with a healthy mix of uses within easy walking distance." Suggested land use designations include "Mixed-use" and "Residential". Suggested implementation measures include "Adaptive reuse of structures."

The City's 2014 Strategic Plan and Implementation Program further defines the goals and strategies for improving downtown. Under Community Development Goal 4.2 "Perry to develop as a community of choice for business, residents and tourism" is Strategy 4.2.10 "Enhance Downtown Development District to include increased options for loft housing and dining options."

3. *Will adequate fire and police protection be available?* The Perry fire and police departments can provide adequate protection to the proposed use.
4. *Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties?* There are no plans to alter the exterior of the existing building, except for modification of doors and windows. The building will be reduced from a 14-room transient use to an 11-unit residential use.

5. *Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood?* The site layout will not change. There is on-site parking with a curb-cut on the two side streets (Ball and Jernigan Streets). Because of its location in the Central Business District, many trips which would otherwise occur by vehicle can be expected to become pedestrian or bicycle trips.
6. *Will the use result in an increase in population density overtaxing public facilities?* The use should not result in an increase in population density, since there will be a reduction in the number of units. Such density will be permanent or more consistent than the transitory nature of the prior use.
7. *Will the use create a health hazard or public nuisance?* There is no evidence that the proposed development will create a health hazard or public nuisance.
8. *Will property values in adjacent areas be adversely affected?* The City has no evidence that multi-family developments negatively impact the value of adjacent properties. Re-using this currently vacant building should improve or stabilize surrounding property values.
9. *Are there substantial reasons a permitted use cannot be used at this property?* The building which is the subject of this application was designed and constructed as a motel in the mid-20th century. While other motel buildings in Perry have been converted to retail and other uses, this particular building is located behind the three-story New Perry Hotel. Because of limited visibility, it is unlikely the subject building would be suitable for most uses permitted in the C-3 district.

STAFF RECOMMENDATION: The proposed use of the New Perry Hotel motor court as eleven apartment units appears to be consistent with, and not detrimental to, surrounding land uses. It is consistent with goals of increasing housing opportunities in or near downtown. Staff recommends approval of the special exception.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the application based on the Staff's report and recommendation.


Eric Z. Edwards, Chairman, Planning Commission

12/2/19
Date



MAIN ST

BALL ST

JERICO ST

JERICO ST

BALL ST

1018



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Application for Special Exception

Contact Community Development (478) 988-2720

Application # SUSE-0096-
2019

Applicant/Owner Information

*Indicates Required Field

	Applicant	Property Owner
*Name	William A. Stanford II, AIA	The HALO Group
*Title	Architect	Gary Martin
*Address	BTBB inc. / 609 Cherry St., Suite A / Macon, GA 31201	900 Ball St. / Perry, GA 31069
*Phone	478-742-1208	478-822-0162
*Email	wstanford@btbbinc.com or psteinberg@btbbinc.com	idml@cox.net

Property Information

*Street Address	800 Main Street		
*Tax Map #(s)	0P0040 014000	*Zoning Designation	C3

Request

*Please describe the proposed use:

Independent apartments for high functioning developmentally disabled adults

Instructions

1. The application and \$90.00 fee (made payable to the City of Perry) must be received by the Community Development Office no later than 4:30 pm on the date reflected on the attached schedule.
2. The applicant/owner must respond to the 'standards' on page 2 of this application (you must answer 'why' you believe the application meets the tests for granting the special exception). See Sections 2-2 and 2-3.5 of the Land Management Ordinance for more information. You may include additional pages when describing the use and addressing the standards.
3. For applications in which a new building, building addition and/or site modifications are required, you must submit a scaled drawing of the proposed site development plan.
4. The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
5. Special Exception applications require an informational hearing before the planning commission and a public hearing before City Council. The property must be posted at least 15 days prior to the scheduled hearing dates.
6. Please verify all required information is reflected on the plan(s). Submit one (1) paper copy and one (1) electronic version of the plan(s).
7. An application for special exception affecting the same parcel shall not be submitted more often than once every six months.
8. The applicant must be present at the hearings to present the application and answer questions that may arise.
9. Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years, have you, the applicant, made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? Yes ___ No X
if yes, please complete and submit the attached Disclosure Form.

10. The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

11. Signatures:

Applicant 	Date 10/23/19
Property Owner/Authorized Agent 	Date 11/22/19

Standards for Granting a Special Exception

1. Are there covenants and restrictions pertaining to the property which would preclude the proposed use of the property?
2. Describe the existing land use pattern surrounding the subject property.
3. Describe how the proposed use will not have an adverse effect on the Comprehensive Plan.
4. Describe how any proposed structures, equipment or materials will be readily accessible for fire and police protection.
5. Describe how the proposed use will be of such size, location, and character that it will generally be in harmony with appropriate and orderly development of the surrounding area and adjacent properties, and will not be a detriment to uses permitted on adjacent properties. (Consider the location and height of buildings and other structures, and the extent of landscaping, screening and buffering.)
6. For uses to be located in or adjacent to a residential district, describe how the nature and intensity of the operations of the proposed use will not negatively impact pedestrian and vehicular traffic in the district.
7. Describe how the proposed use will not place an undue burden upon public facilities and services.
8. Describe how the proposed use will not create health and safety problems, and will not create a nuisance with regard to traffic congestion, drainage, noise, smoke, odor, electrical interference, or pollution.
9. Describe how the proposed use will not adversely impact the value of surrounding properties.
10. State the reasons why the subject property cannot be used for a use permitted in the zoning district in which it is located.

Revised 7/18/19

For Office Use (receipt code 204 2)

Date received 10/21/19	Fee paid pd.	Date deemed complete 10/21	Public Notice Sign by 11/1	Legal Ad Run 11/27	
Notice to Applicant 11/14 email	Routed to PC by 11/15/19	Date of PC 11/18/19	Date of Public Hearing 12/17/19	Date of Council action 1/9/20	Notice of action



**CITY OF PERRY
COMMUNITY DEVELOPMENT - APPLICATION FOR SPECIAL EXCEPTION
PROJECT: NEW PERRY HOTEL RENOVATION
(BTBB #19-008)**

October 21, 2019

Attachment to Application – Standards for Granting a Special Exception

1. No.
2. The New Perry Hotel is situated at the perimeter of the Central Business District of Perry, surrounded by several boutique shops, cafes, entertainment venues, and community assets to the north and moving more toward in-town residential as you move south. We believe this location will provide our residents with essential amenities within walking distance from their apartments.
3. The motor court portion of the existing property is decidedly secondary to the main structure and will maintain its low-profile stature, as it has for years.
4. Existing driveways from Ball Street and Jernigan Street will be maintained throughout renovation of this structure and beyond into all future uses.
5. The property has been neglected in recent years but these plans will revitalize this building to a presentable condition to turn it into an asset in this part of the community.
6. Minimum impact will occur regarding traffic by pedestrians and vehicles. Many of the residents will not have personal vehicles, and many will work and attend classes on-site at the main building.
7. The existing infrastructure will not be changed.
8. The property layout will remain the same and residents will not be allowed to smoke or cook full meals in their units.
9. It will improve/increase their value far above the current status.
10. The new use will be a far more viable long-term plan for this building, rather than a transient motor court motel. Additionally, the use is permitted but the number of proposed apartments (11) exceeds the maximum (6) per the City of Perry zoning ordinances.

Robert W. Brown AIA/ASLA

609 Cherry Street • Macon, GA 31201-7398 • T 478.742.1208 • F 478.746.1721 • www.btbbinc.com



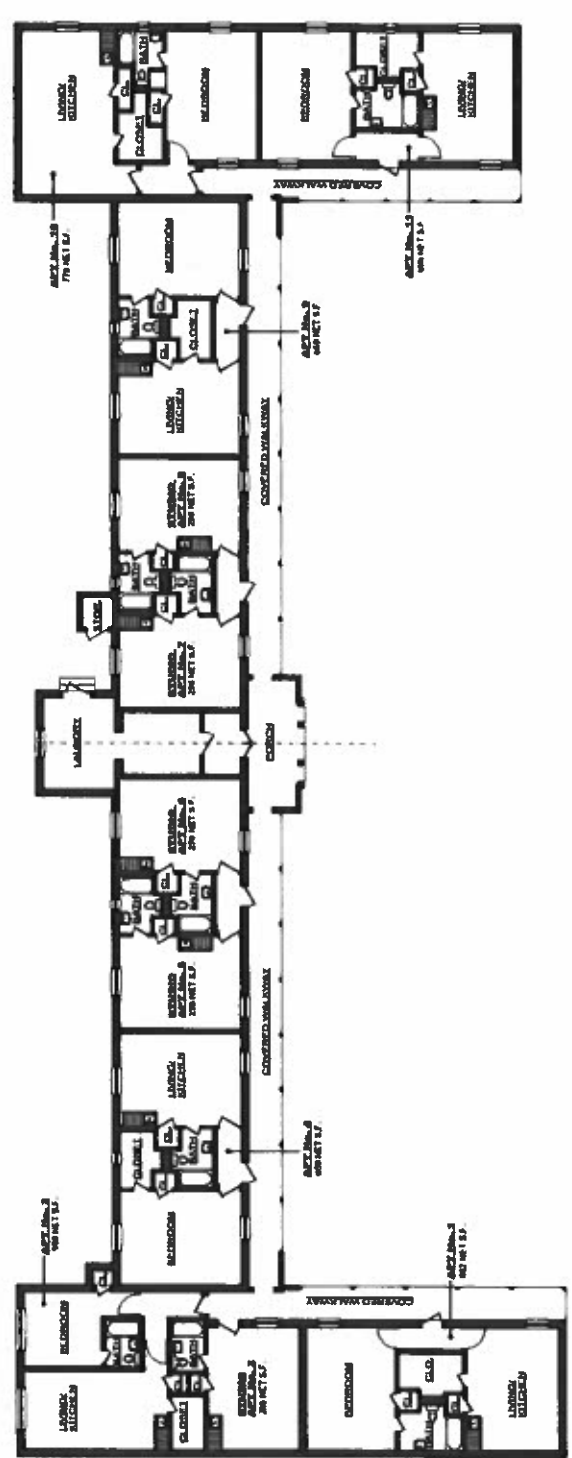
BB
11.1.1.1

800 MAIN STREET
PERRY, GEORGIA
THE NEW PERRY HOTEL
RENOVATIONS TO:

1100	BASE CONTRACT
1200	PERMITS
1300	FOUNDATION
1400	CONCRETE
1500	MECHANICAL
1600	ELECTRICAL
1700	PLUMBING
1800	PAINT
1900	FINISH
2000	FURNITURE

19-008
1100-1900
AUTOCAD: HOTEL

SD1.3



NOTE
DIMENSIONS TO BE ADDED TO JTTIC FOR
COST ESTIMATION PURPOSES TO STRUCTURE 4500'
DATED 02.10.10 NOT BE REUSED

FLOOR PLAN
TOTAL FLOOR AREA = 1,700 S.F.
TOTAL ROOMS = 10
TOTAL BATHS = 10
TOTAL KITCHENS = 1
TOTAL DINING = 1
TOTAL LOUNGE = 1
TOTAL CORRIDORS = 1
TOTAL SERVICE AREAS = 1



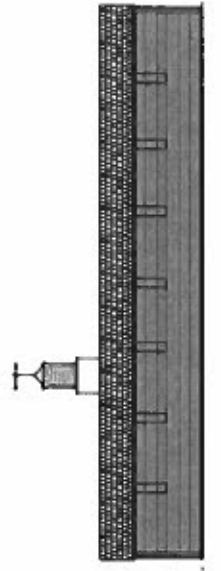
RENOVATIONS TO!
NEW PERRY HOTEL
 THE HALO GROUP OF MIDDLE GEORGIA
 800 MAIN STREET
 PERRY, GEORGIA

19-008
 19-008
 19-008

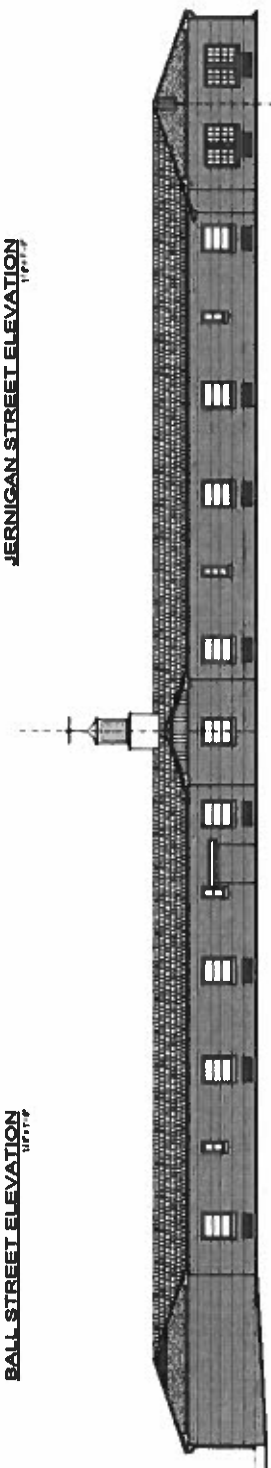
SD3.2



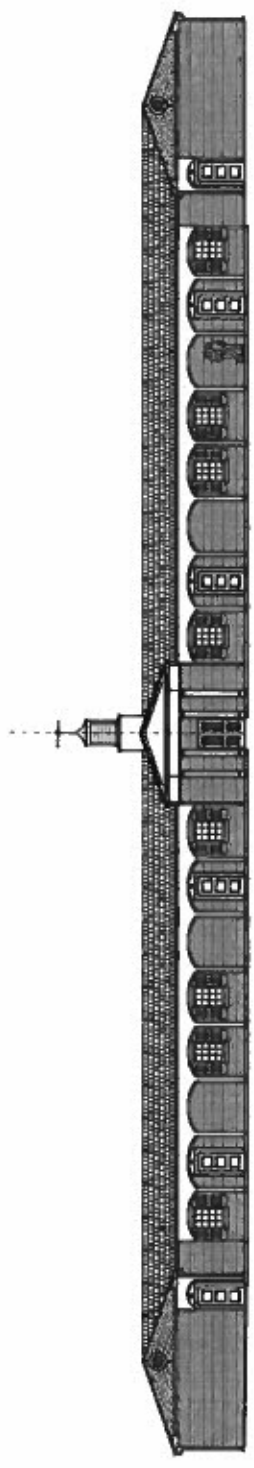
BALL STREET ELEVATION
 19.01.2



JERNIGAN STREET ELEVATION
 19.01.2



REAR ELEVATION
 19.01.2



FRONT ELEVATION
 19.01.2



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STAFF REPORT

From the Department of Community Development
November 7, 2019

CASE NUMBER: SUSE-97-2019
APPLICANT: Dexter Davis
REQUEST: A Special Exception to allow Automobile Service (Window Tinting) and Automobile Wash and Detailing
LOCATION: 626 General Courtney Hodges Blvd; Tax Map No. 0P0120 033000
ADJACENT ZONING/LAND USES:

Subject Parcel: NMU, Neighborhood Mixed Use District (former cash advance/title loan office)
North: NMU (veterinarian, printing and retail)
South: FBR, Form Based Residential (single family residential)
East: OS, Open Space (Rotary Centennial Park)
West: NMU (undeveloped)

REQUEST ANALYSIS: The applicant proposes to relocate his automobile window tinting and automobile wash and detailing business to the subject property. The business was previously located at the corner of Ball and Commerce Streets.

The property is located in the Gen. Courtney Hodges corridor form-based code.

STANDARDS FOR SPECIAL EXCEPTIONS:

1. *Does the Special Exception follow the existing land use pattern?* The General Courtney Hodges corridor is characterized by office, retail, automobile service, visitor accommodation, and contractor uses. Residential uses exist to the east and west of the corridor. Park and open space uses exist to the north of the subject property.
2. *Will the Special Exception have an adverse effect on the Comprehensive Plan?* The property is identified as an "In-Town Corridor" character area in the 2017 Joint Comprehensive Plan. The Plan characterizes these corridors as existing "swaths of strip development" which result in "major traffic congestion". The plan recognizes the "difficulty in widespread conversion of land uses along the corridors". In furtherance of the Plan, the City adopted the Form-Based Code on the Courtney Hodges corridor to reinforce the human scale of development. The Plan suggests that development patterns include mixed-use centers, redevelopment of strip commercial centers, landscaped buffers between streets and sidewalks, landscaping to break up parking lots.

The City's 2014 Strategic Plan and Implementation Program supports "redevelopment of Courtney Hodges Boulevard" (3.2.5), and "Implement Gateway improvements along major corridors" including Courtney Hodges Boulevard (4.4.1).

3. *Will adequate fire and police protection be available?* The site is currently developed. Fire and police protection will continue for the proposed use.

4. *Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties?* While the corridor is currently characterized as a mix of retail, office, hotel, and automobile-oriented uses, the intent of the Comprehensive Plan, Strategic Plan, and the Form-based zoning districts is to transform the Courtney Hodges corridor to more human scale, pedestrian-oriented developments which integrate into and provide services to surrounding residential areas. The character of the proposed use does not further the intent of these plans.
5. *Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood?* The nearby residential communities consists generally of lower income families, and older individuals who rely more heavily on walking and bicycling as a primary means of transportation than other residential neighborhoods in the City. The property is situated at the corner of Martin Luther King Jr. Drive and Courtney Hodges Blvd. which is a major vehicle and pedestrian entrance into the residential community. The increase in the number of vehicles entering and exiting the site for this proposed use could increase the amount of vehicle/pedestrian/cyclist conflicts.
6. *Will the use result in an increase in population density overtaxing public facilities?* The use should not result in an increase in population density.
7. *Will the use create a health hazard or public nuisance?* The applicant has not provided details of the business operation. The site was developed prior to the requirement for on-site stormwater storage. With the proposed addition of automobile wash and detailing, additional water run-off, along with phosphates and other chemicals will run into on-street storm drains which drain directly to Big Indian Creek.
8. *Will property values in adjacent areas be adversely affected?* Allowing the existing development pattern to continue will hamper other property owners who may want to invest in redevelopment based on the adopted plans and ordinances. This will perpetuate property values that cannot attain their potential
9. *Are there substantial reasons a permitted use cannot be used at this property?* The property is suitable for retail, office, and restaurant uses which would be more consistent with goals for the corridor until full redevelopment can be achieved.

STAFF RECOMMENDATION: The form-based code is intended as a tool to help guide the redevelopment of the corridor into a more urban, mixed-use environment with strong pedestrian connections to surrounding neighborhoods. The code is intended to accommodate automobiles while respecting the pedestrian. However, automobile-oriented uses are generally not complementary of these goals.

Staff believes the applicant has not addressed the standards for granting the special exception in a manner that supports approval of the application. Therefore, staff recommends denial of the application.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the application, based on the Commission's findings regarding the standards for granting an special exception:

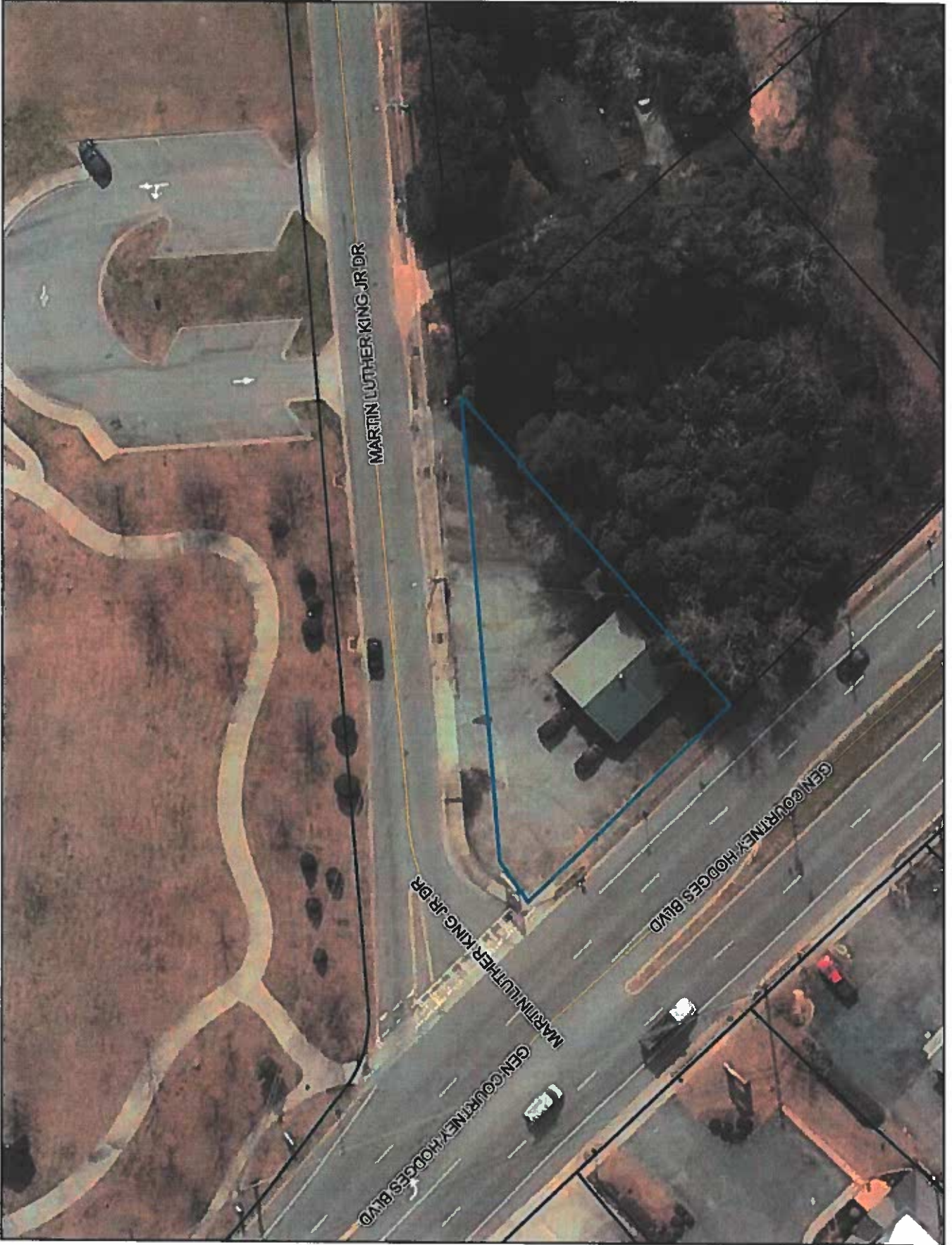
1. *Does the Special Exception follow the existing land use pattern?* The General Courtney Hodges corridor is characterized by office, retail, automobile service, visitor accommodation, and contractor uses. Residential uses exist to the east and west of the corridor. Park and open space uses exist to the north of the subject property. The proposed use is consistent with the existing land use pattern along Gen. Courtney Hodges Blvd.
2. *Will the Special Exception have an adverse effect on the Comprehensive Plan?* The proposed use will not adversely effect on the Comprehensive Plan because it is not a strip commercial center, in the classic sense, but a single use.
3. *Will adequate fire and police protection be available?* The site is currently developed. Fire and police protection will continue for the proposed use.

4. *Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties?* There will be no detrimental factors to the surrounding properties because the site has contained commercial uses previously. The size and intensity of the proposed use is such that it will not overshadow nearby residential uses. The existing building fronts the Rotary Centennial Park, not residential uses.
5. *Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood?* Based on the applicant's expectation of servicing no more than five to ten vehicles per day, the proposed use not interfere the with normal traffic flow in the area. Access to the site is via a driveway on Martin Luther King, Jr. Drive, not Courtney Hodges Boulevard.
6. *Will the use result in an increase in population density overtaxing public facilities?* The proposed use should not result in an increase in population density.
7. *Will the use create a health hazard or public nuisance?* The proposed use will not create a public health hazard or public nuisance since the amount of water used to wash/detail vehicles will not be sufficient enough to flow off site and into Big Indian Creek.
8. *Will property values in adjacent areas be adversely affected?* Property values in the adjacent area should not be adversely affected by the proposed use because of the existing uses/character along Courtney Hodges Boulevard.
9. *Are there substantial reasons a permitted use cannot be used at this property?* Based on past history and for whatever reasons, uses permitted in the NMU district have not succeeded in this particular location.



Eric Z. Edwards, Chairman, Planning Commission

12/2/19
Date



MARTIN LUTHER KING JR DR

GEN COURTNEY HODGES BLVD

MARTIN LUTHER KING JR DR

GEN COURTNEY HODGES BLVD



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Application # SUSE-97-2019

Application for Special Exception

Contact Community Development (478) 988-2720

Applicant/Owner Information

*Indicates Required Field

	Applicant	Property Owner
*Name	Dexter	Dexter Davis
*Title	Dexter Davis	Dexter Davis
*Address	La26 Len County Hwy Hodges Blvd	
*Phone	478 987-1619	
*Email	htowndetailshop@gmail.com	

Property Information

*Street Address	La26 Len County Hwy Hodges Blvd Perry Ga 31069
*Tax Map #(s)	*Zoning Designation

Request

*Please describe the proposed use:

A Window Tint Shop

Instructions

1. The application and \$90.00 fee (made payable to the City of Perry) must be received by the Community Development Office no later than 4:30 pm on the date reflected on the attached schedule.
2. The applicant/owner must respond to the 'standards' on page 2 of this application (you must answer 'why' you believe the application meets the tests for granting the special exception). See Sections 2-2 and 2-3.5 of the Land Management Ordinance for more information. You may include additional pages when describing the use and addressing the standards.
3. For applications in which a new building, building addition and/or site modifications are required, you must submit a scaled drawing of the proposed site development plan.
4. The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
5. Special Exception applications require an informational hearing before the planning commission and a public hearing before City Council. The property must be posted at least 15 days prior to the scheduled hearing dates.
6. Please verify all required information is reflected on the plan(s). Submit one (1) paper copy and one (1) electronic version of the plan(s).
7. An application for special exception affecting the same parcel shall not be submitted more often than once every six months.
8. The applicant must be present at the hearings to present the application and answer questions that may arise.
9. Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years, have you, the applicant, made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? Yes ___ No ___
If yes, please complete and submit the attached Disclosure Form.

10. The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

11. Signatures:

*Applicant <i>Dexter D. [Signature]</i>	*Date 9-26-19
*Property Owner/Authorized Agent <i>Dexter D. [Signature]</i>	*Date

Standards for Granting a Special Exception

- Are there covenants and restrictions pertaining to the property which would preclude the proposed use of the property? *NO*
- Describe the existing land use pattern surrounding the subject property. *Perry, Animal Hospital, Arrow Head Tools, FTL Print, Wholesale Tires*
- Describe how the proposed use will not have an adverse effect on the Comprehensive Plan. *WE HAVE OUR OWN PARKING SPACES AND WE DON'T HAVE THE SAME BUSINESS*
- Describe how any proposed structures, equipment or materials will be readily accessible for fire and police protection. *at The fire extinguisher is locate near the door. one else. WE HAVE MULTIPLE ENTRIES TO THE PROPERTY. There is a near by fire hydrant*
- Describe how the proposed use will be of such size, location, and character that it will generally be in harmony with appropriate and orderly development of the surrounding area and adjacent properties, and will not be a detriment to uses permitted on adjacent properties. (Consider the location and height of buildings and other structures, and the extent of landscaping, screening and buffering.) *Window tinting and washing*
- For uses to be located in or adjacent to a residential district, describe how the nature and intensity of the operations of the proposed use will not negatively impact pedestrian and vehicular traffic in the district. *5 to 10 vehicles*
- Describe how the proposed use will not place an undue burden upon public facilities and services. *NO additionally water use + sewage if not*
- Describe how the proposed use will not create health and safety problems, and will not create a nuisance with regard to traffic congestion, drainage, noise, smoke, odor, electrical interference, or pollution. *5 to 10 vehicles Com.*
- Describe how the proposed use will not adversely impact the value of surrounding properties. *There aren't other window tinting facilities within 10 miles.*
- State the reasons why the subject property cannot be used for a use permitted in the zoning district in which it is located.

There shouldn't be a reason this business is not permitted.

Revised 7/18/19

For Office Use (receipt code 204.2)

Date received 10/21/19	Fee paid [Signature]	Date deemed complete 10/21/19	Public Notice Sign by [Signature]	Legal Ad to Run 11/27	
Notice to Applicant 11/14	Routed to PC by 11/15	Date of PC 11/18/19	Date of Public Hearing 12/17/19	Date of Council action 1/6/20	Notice of action


place 11/20



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Department of Community Development

TO: Lee Gilmour, City Manager

FROM: Chad McMurrian, Engineering Services Manager 

DATE: December 13, 2019

SUBJECT: 626 General Courtney Hodges Blvd. (H-Town – Car Detailing, and Window Tinting)

Property at 626 General Courtney Hodges Blvd. is under new ownership. Mr. Dexter Davis has relocated H-Town to this location. Staff has reviewed this site and do not have concerns for using the parcel as described by Mr. Davis. Mr. Davis described his business as, window tinting and car detailing.

This memo is to address any additional car washing activities at this location. City of Perry is a MS4 community (Municipal Separate Storm Sewer System). Georgia EPD mandates we enforce our MS4 and NPDES permits (National Pollution Discharge Elimination System). According to our permit detergents, grease, oil, trash, and dirt are all pollutants to a stream. I have provided the snip below to show the parcel location and reference to Big Indian Creek 500' away.





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Department of Community Development

This above parcel does not have any water quality or water detention before directly flowing into the creek. An illicit discharge of any pollutants at this location would be considered a stormwater violation. Our MS4 permit requires the City to enforce this type of illicit discharge.

I have listed options below, if Mr. Davis needs to expand his business to washing, rinsing, or any matter that could run water and pollutants into the city's storm system.

Options for use of outdoor washing / rinsing:

1. Any washing may be completed under an approved covered area. Covered area shall require a drain connected to the sanitary sewer system and likely require a sedimentation trap.
2. A water quality unit may be installed in the stormwater system prior to entry in the stream. Similar or equal to an underground ADS bay saver. A stormwater hydraulic study will be required to properly size a water quality unit. Water quality units require regularly scheduled maintenance and reporting for proper operation.
3. A water quality pond or rain garden maybe installed to meet water quality requirements. Again, a stormwater hydraulic study will be required to properly size any detention area.
4. Washing can be completed offsite on an approved grassed area. Washing is not allowed on paved area associated with stormwater catch basins. All washing performed inside the City of Perry is required to be eco-friendly bio detergents and degreasers. Cars maybe wiped down at the property.

Let me know if you have any question or concerns.



Where Georgia comes together.

STAFF REPORT

November 12, 2019

CASE NUMBER: RZNE-0095-2019
APPLICANT: Genesis KC Development LLC
REQUEST: Rezone from R-1, Single-family Residential District, to IN, Institutional District
LOCATION: Keith Drive; Tax Map No. 0P0440 03D000 (portion)

ADJACENT ZONING/LANDUSES:

Subject Parcel: R-1, Single-family Residential District (pecan orchard)
North: IN, Institutional District (medical offices)
South: R-1; (pecan orchard)
East: R-1; (pecan orchard)
West: R-3, Multi-family Residential District (undeveloped)

BACKGROUND INFORMATION: The applicant proposes to rezone a one-acre portion of the subject property for use as a medical facility other than hospital (dialysis clinic).

STANDARDS GOVERNING ZONE CHANGES:

1. *The suitability of the subject property for the zoned purposes.* The one-acre portion of property which is subject of this application could be used for residential uses as currently zoned. It is, however, located at the end of a row of medical offices. Therefore, residential use is not likely.
2. *The extent to which the property values of the subject property are diminished by the particular zoning restrictions.* The property is currently used as a portion of a pecan orchard, which is likely more valuable than as a residential use.
3. *The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public.* Because of the proximity to the Perry Hospital and existing medical offices, residential use does not appear to overwhelmingly promote the health, safety, morals, or general welfare of the public.
4. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.* The public does not appear to gain by maintaining the property for residential purposes.
5. *Whether the subject property has a reasonable economic use as currently zoned.* Because of its location along a corridor of medical offices, the property is not likely to be used for single-family residential purposes.
6. *The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property.* The property has never been developed and is currently used for agricultural purposes.

7. *Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.* The section of Keith Drive along which this property is located consists of various medical offices. The undeveloped property across the street is owned by the Hospital Authority of Houston County and other health-related concerns.
8. *Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.* The proposed IN classification permits all residential uses, offices, medical facilities, day care, educational uses, certain institutional uses, parks, parking, mortuaries, and health spas. These uses, given the one-acre size of the property are similar in intensity as those existing along the street.
9. *Whether the zoning proposal is in conformity with the policies and intent of the land use plan.* The 2017 Joint Comprehensive Plan Update identifies the subject property as 'Suburban Residential'. Suggested land use designations include Public/Institutional, in addition to Residential and Parks/Recreation.
10. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.* The resulting development of the subject property under the IN zoning classification should not cause negative impacts upon the existing streets, transportation facilities, utilities, or schools.
11. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.* The existing medical facilities in the area support approval of this zoning proposal.

STAFF RECOMMENDATION: Based on evaluation of the standards, the City Staff concludes that the IN zoning district is appropriate for the subject property. Therefore, Staff recommends approval of the application to rezone to IN, Institutional District.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the application, based on Staff's report and recommendation.


 Eric Z. Edwards, Chairman, Planning Commission

12/2/19
 Date





Where Georgia comes together.

Application for Rezoning
 Contact Community Development (478) 988-2720

Application # R2NE
 #0095-2019

Applicant/Owner Information

*Indicates Required Field		Applicant	Property Owner
*Name		Genesis KC Development LLC	Parkway Farms, LLC
*Title		Heath Kennedy, Manager, Real Estate Development	Charles Ayer, Managing Member
*Address		2000 16th St, Denver, CO 80202	1444 Sam Nunn Boulevard
*Phone		303-981-5742	Perry, GA 31069
*Email		heath.kennedy@davita.com	CharlesAyer@thesportscenter.co

Property Information

*Street Address or Location	Immediately south and adjacent to 1016 Keith Dr
*Tax Map #(s)	OP0440 03D000
*Legal Description	A. Provide a copy of the deed as recorded in the County Courthouse, or a metes and bounds description of the land if a deed is not available; Pt Tract C 7.16 Ac 112/10th B. Provide a survey plat of the property and/or a proposed site plan. C. For Annexation, a survey must be tied to the Georgia Planes Coordinate System.

R1 - Single Family **Request**

*Current Zoning District	Residential	*Proposed Zoning District	IN - Institutional
*Please describe the existing and proposed use of the property			
Existing use - agricultural (pecan farm)			
Proposed use - dialysis medical clinic			

Instructions

- The application and fee (made payable to the City of Perry) must be received by the Community Development Office no later than 4:30 pm on the date reflected on the attached schedule.
- Fees:
 - Residential - \$135.00 plus \$15.00/acre (maximum \$1,600.00)
 - Planned Development - \$155.00 plus \$15.00/acre (maximum \$2,800.00)
 - Commercial/Industrial - \$235.00 plus \$22.00/acre (maximum \$3,000.00)
- The applicant/owner must respond to the 'standards' on page 2 of this application (you must answer 'why' you believe the application meets the tests for granting the rezoning). See Sections 2-2 and 2-3.1 of the Land Management Ordinance for more information. You may include additional pages when addressing the standards.
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Rezoning applications require an informational hearing before the planning commission and a public hearing before City Council. The property must be posted at least 15 days prior to the scheduled hearing dates.
- An application for rezoning affecting the same parcel shall not be submitted more often than once every six months.
- The applicant must be present at the hearings to present the application and answer questions that may arise.
- Campaign Notice required by O.C.G.A. Section 36-87A-3: Within the past two years, have you, the applicant, made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? Yes ___ No X
 If yes, please complete and submit the attached Disclosure Form.

9. The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

10. Signatures:

*Applicant		*Date	10-19-19
*Property Owner/Authorized Agent		*Date	10-21-19

Standards for Granting a Rezoning

1. Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?
2. Describe the existing land uses and zoning classifications of surrounding properties.
3. Describe the suitability of the subject property for use as currently zoned.
4. Describe the extent to which the value of the subject property is diminished by the current zoning designation.
5. Describe the extent to which the diminished property value promotes health, safety, morals, and general welfare of the public.
6. Describe the relative gain to the public compared to any hardship imposed on the property owner.
7. Describe how the subject property has no reasonable economic use as currently zoned.
8. How long has the subject property been vacant as currently zoned, considering development in the vicinity?
9. Describe how uses permitted in the proposed zoning district are compatible with the uses and development of surrounding properties.
10. Describe why the proposed zoning district will not adversely impact the use of surrounding properties.
11. Describe how the proposed zoning district is consistent with the Comprehensive Plan.
12. Describe how the proposed zoning district will not cause an excessive burden upon existing public facilities and services.
13. Describe any other existing or changing conditions affecting the use and development of the subject property which support approval of the requested zoning district.

Revised 7/18/19

For Office Use (receipt code 204.1)

Date received	Fee paid	Date deemed complete	Public Notice Sign	Legal Ad	County Notification
10/21/19	pd. 10/21	10/21/19	by 11/1/19	to run 11/1/19	n/a
Notice to Applicant	Routed to PC	Date of PC	Date of Public Hearing	Date of Council action	Notice of action
11/14/2019	by 11/15	11/18/19	12/17/19	11/9/20	



October 19, 2019

City of Perry, GA
Attn: Mr. Bryan Wood, Community Development Director
1211 Washington Street
Perry, GA 31069 USA

RE: -1 acre parcel on Keith Drive north of Main St (the "Property")

Dear City of Perry Department of Community Development:

Purpose: The Applicant, Genesis KC Development, LLC, is seeking approval by the City of Perry for the rezoning of a proposed -1 acre parcel on the east side of Keith Drive, north of Main Street (directly south and adjacent to the Perry Family Practice at 1016 Keith Drive) to IN - Institutional. The Property is currently zoned R1 - Single Family Residential.

Background: The Applicant intends to develop the Property into an outpatient DaVita Dialysis Medical Clinic. The Property is currently undeveloped and is part of a larger parcel used for agriculture as a pecan grove. The attached conceptual site plan anticipates a ~6,000 square foot building. The proposed use, "Medical facility other than hospital", as listed in:

Table 6-3.1: Table of Uses
Public and Institutional Uses
Health Care, Medical facility other than hospital

is a "Permitted Use" within the IN - Institutional zoning district.

Additionally, the proposed IN zoning district is most appropriate for the intended use of the Property:

3-2.2. Establishment of zoning districts and specific purposes.

(K) IN, Institutional District. The Institutional District (IN) is intended to recognize and permit the creation of defined areas for the unified and *orderly development of medical institutions* in order to and enhance their benefit to the community. The district allows flexibility in planning and development and provides a process for evaluating and accommodating growth and change, thereby assuring compatibility with adjacent, non-institutional districts.

4-2.3. Public and institutional use categories.

(E) Health care facilities.

(1) Characteristics. Health care facilities include uses providing medical or surgical care to patients. Hospitals offer overnight care, while *other medical facilities provide outpatient care only*.

(2) Examples. Examples include hospitals; medical centers; emergency medical care establishments, *medical and dental clinics*; and medical and dental labs.

Response to "Standards for Granting a Rezoning" from the Application:

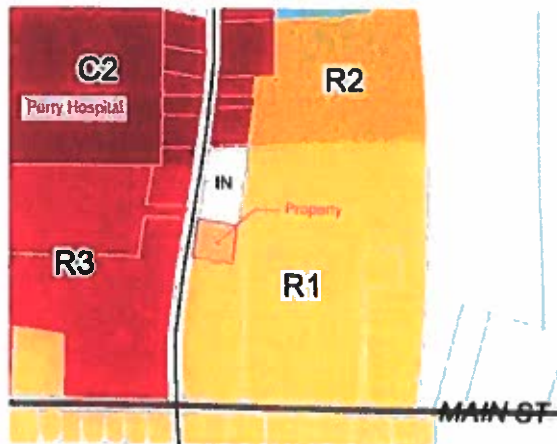
1. *Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?*

No.

2. *Describe the existing land uses and zoning classifications of surrounding properties.*

North - Perry Family Practice, medical use / IN zoning

East – Pecan Grove, agricultural use / R1 zoning
South – Pecan Grove, agricultural use / R1 zoning
West – Vacant, agricultural use / R3 zoning



3. Describe the suitability of the subject property for use as currently zoned.

While the subject property is currently zoned and suitable for residential uses, the Keith Drive corridor is predominately medical and the property immediately adjacent to the north is a family practice clinic. There are no residential uses adjacent to the subject property.

4. Describe the extent to which the value of the subject property is diminished by the current zoning designation

The Keith Drive corridor currently provides a central locale for medical facilities for the City of Perry and its residents. The current R1 zoning designation prohibits the continued centralization of medical uses and facilities; thereby diminishing the value of the property and property taxes.

5. Describe the extent to which the diminished property value promotes health, safety, morals, and general welfare of the public.

The diminished property value does not promote the general welfare of the public as the property is unlikely to develop as a residential development due to the adjacent commercial uses.

6. Describe the relative gain to the public compared to any hardship imposed on the property owner.

Rezoning to IN will allow for the continued centralization and ease of access to medical facilities to the residents of Perry.

7. Describe how the subject property has no reasonable economic use as currently zoned.

Due to the adjacent commercial uses and medically oriented corridor along Keith Drive, the property is unlikely to develop into a residential project, rendering an unreasonable economic viability.

8. How long has the subject property been vacant as currently zoned, considering development in the vicinity?

The subject property has been vacant forever. Numerous commercial and institutional rezonings have occurred in the vicinity providing for medical uses.

9. Describe how uses permitted in the proposed zoning district are compatible with the uses and development of surrounding properties.

Health care uses in the proposed IN zoning district are compatible with the use and IN zoning district immediately adjacent to the north. Additional health care related uses in the vicinity are located in the C2 zoning district. The remaining surrounding properties are undeveloped agricultural land.

10. Describe why the proposed zoning district will not adversely impact the use of surrounding properties.

Per Section 3-2.2. Establishment of zoning districts and specific purposes.

"The Institutional District (IN) is intended to recognize and permit the creation of defined areas for the unified and orderly development of medical institutions in order to and enhance their benefit to the community. The district allows flexibility in planning and development and provides a process for evaluating and accommodating growth and change, thereby assuring compatibility with adjacent, non-institutional districts.

The proposed IN zoning district was specifically created to "permit" "defined areas for the unified and orderly development of medical institutions" as witnessed by the existing medical uses north of the property and assure "compatibility with adjacent, non-institutional districts" such as the agricultural properties to the west, south, and east. The IN zoning district only allows uses that do not adversely impact like zoning, nor agricultural operations.

11. Describe how the proposed zoning district is consistent with the Comprehensive Plan

The Joint Comprehensive Plan for Houston County, which includes the City of Perry, designates most of Keith Drive from Hwy. 341S to Kings Chapel Road as a Neighborhood Commercial Corridor; developed or undeveloped land paralleling the route of a street or highways that link emerging town centers and commercial nodes and transportation crossroads. These areas are likely to experience commercial development and provide an excellent opportunity for mixed use and office park development. The proposed rezoning and use is consistent with this designation.

12. Describe how the proposed zoning district will not cause an excessive burden upon existing public facilities and services.

Medical uses within the proposed IN zoning district will utilize existing and adequately sized utility services within Keith Drive. The use will actually provide a benefit to the "services" available to residents. Locating within an already established medical "campus" diminishes the chances for incompatible land uses. The proposed development will provide employment for Perry residents and increased property tax revenue. Being within close proximity to Perry Hospital reduces the burden on transportation. Medical uses do not demand significant resources from fire or police related services.

13. Describe any other existing or changing conditions affecting the use and development of the subject property which support approval of the requested zoning district.

The City of Perry has strategically allowed for the centralization of like medical uses through rezoning and development approvals along Keith Drive. Over time, properties along Keith Drive have been zoned C2 and IN (specifically adjacent to the subject property) setting a precedent for approval of this application and proposed use.

Request:

The proposed IN – Institutional zoning and the proposed use, "Medical facility other than hospital", is a compatible and appropriate use. The Property is adjacent to an existing medical facility and IN zoned parcel and use. Additionally, the Property is within close proximity of the Perry Hospital and several other medical facilities along Keith Drive. The Applicant requests the City of Perry Planning Commission and City Council to consider and approve the proposed rezoning.

Please do not hesitate to contact Heath Kennedy at (303) 981-5742 or heath.kennedy@davita.com should you have any questions or require any additional information.

Sincerely,

GENESIS KC DEVELOPMENT, LLC

By: 

Heath Kennedy

Manager, Real Estate Development

DATE	10/15/2014
PROJECT	DAVITA PERRY DIALYSIS
CLIENT	GENESIS KC DEVELOPMENT LLC
CONCEPT	CONCEPT
SCALE	AS SHOWN
DATE	10/15/2014
PROJECT	DAVITA PERRY DIALYSIS
CLIENT	GENESIS KC DEVELOPMENT LLC
CONCEPT	CONCEPT
SCALE	AS SHOWN
DATE	10/15/2014

DEVELOPMENT SUMMARY

USE
 COMMERCIAL
 RETAIL
 OFFICE

AREA
 114,114 SQ. FT.

PROPOSED USES AND ACTIVITIES
 PROPOSED DIALYSIS CLINIC
 PROPOSED DETENTION POND

CONCRETE SLAB
 114,114 SQ. FT.

PROPOSED DETENTION POND
 114,114 SQ. FT.

PROPOSED DIALYSIS CLINIC
 114,114 SQ. FT.

PROPOSED DETENTION POND
 114,114 SQ. FT.

SITE NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES (F'-INCHES). DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

2. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

3. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

4. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

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7. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

8. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

9. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

10. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

SITE PLAN LEGEND

--- PROPOSED PROPERTY LINE

--- PROPOSED DETENTION POND

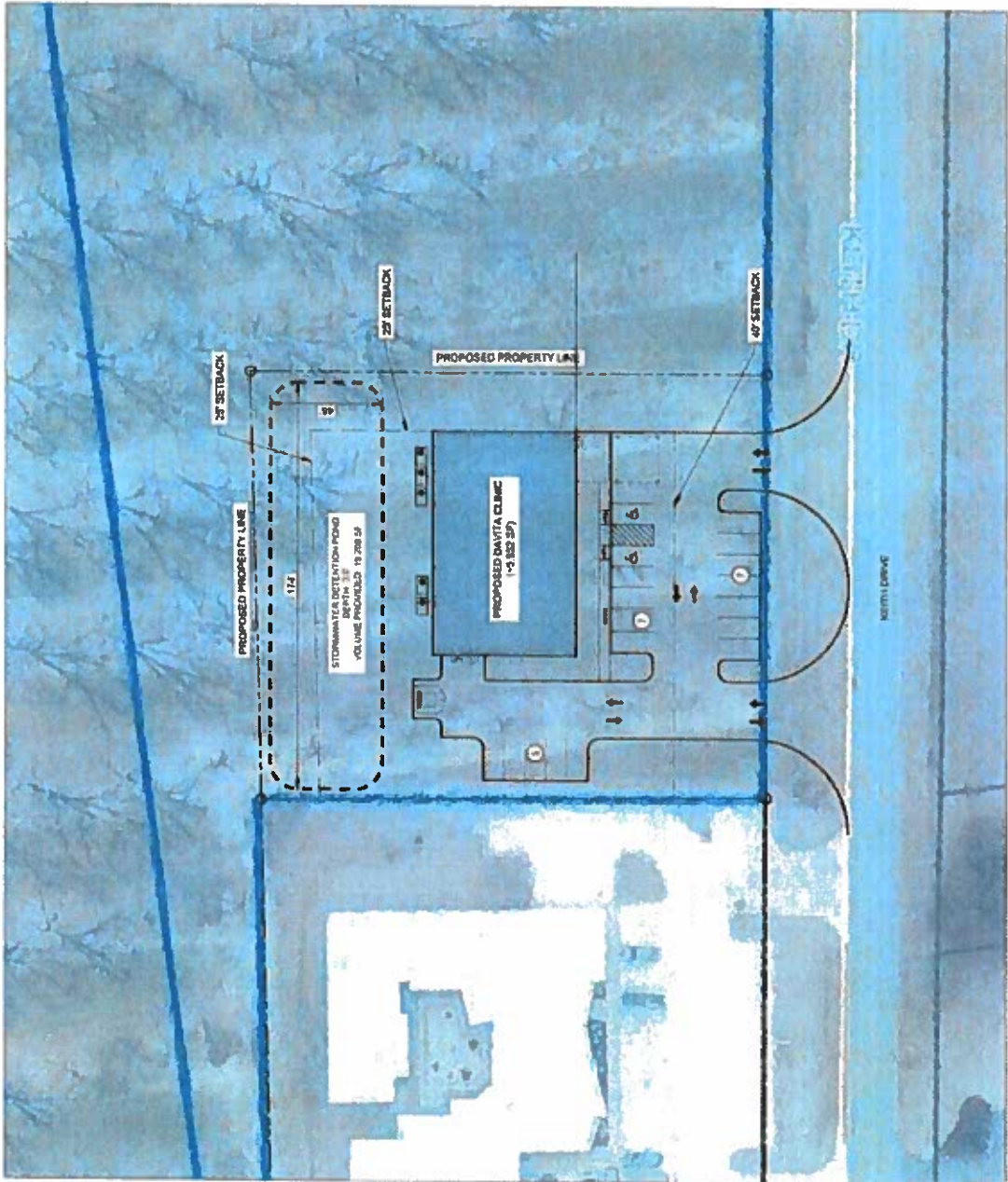
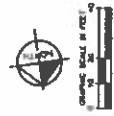
--- PROPOSED DIALYSIS CLINIC

--- PROPOSED DETENTION POND

--- PROPOSED DIALYSIS CLINIC

--- PROPOSED DETENTION POND

--- PROPOSED DIALYSIS CLINIC



MINUTES
WORK SESSION
OF THE PERRY CITY COUNCIL
December 2, 2019
5:00 P.M.

1. Call to Order: Mayor Randall Walker, Presiding Officer, called to order the work session meeting held December 2, 2019 at 5:00 p.m.

2. Roll:

Elected Officials Present: Mayor Randall Walker, Mayor Pro-Tempore Willie King and Council Members Phyllis Bynum-Grace, Robert Jones, William Jackson, Darryl Albritton and Riley Hunt.

Staff: City Manager Lee Gilmour, Assistant City Manager Robert Smith, City Attorney Brooke Newby, and Recording Clerk Joni Ary.

City Departmental Staffing: Chief Steve Lynn– Police Department, Chief Lee Parker – Fire and Emergency Services Department, Mitchell Worthington – Assistant Finance Director, Ashley Hardin – Department of Economic Development Director, Bryan Wood – Director of Community Development, Brenda King – Director of Administration, Chad McMurrian – Engineering Services Manager, Haley Bryant – Main Street Coordinator, Sedrick Swan – Director of Leisure Services, and Tabitha Clark – Communications Manager.

Guest(s)/Speaker(s): Meredith Lockerman, Scott Cox, Georgia Power and Dawn Jerles, DDA.

Press: Jada Dukes – Houston Home Journal

3. Items of Review/Discussion: Mayor Randall Walker

- 3a. Department of Leisure Services.

1. Presentation: Generational Values in the Workplace.

Mr. Swan shared with Council the presentation relative to Generational Values in the workplace that he presented at the Georgia Recreation and Parks Association annual meeting. Mr. Swan was asked to present on the National level.

- 3b. Department of Economic Development:

1. Downtown Development Authority's pole relocation project.

Ms. Meredith Lockerman the new owner of 902/904 Commerce Street

stated that the property will be turned into a restaurant with an Airbnb upstairs.

Mr. Scott Cox of Georgia Power presented to Council the recommendation to remove the current power pole on the property at 902/904 Commerce Street and move it the City parking lot and bore to another power pole that will be installed in the alley way.

Ms. Dawn Jerles of DDA presented the pole relocation cost estimate of \$63,000.00. Ms. Jerles asked that Council concur to release \$50,000.00 of DDA restricted account and the remainder of the funds would come from the sale of the parking lot.

The recommendation of the Administration authorize the use up to \$50,000.00 from Downtown Improvements Restricted Account for DDA's pole relocation project, authorize the necessary easements through Georgia Power for City property and authorize rebate from Georgia Power for any additional new load as a result of DDA pole relocation to be paid or allocated to DDA. Council concurred to proceed.

3c. Office of the City Manager:

1. Consider possible refund proposal for hotel development.

Mr. Gilmour reviewed request to consider possible refund proposal for hotel development at the fairgrounds. It is the recommendation of the Administration to proceed subject to review by the City Attorney. Council concurred to proceed.

4. Other Business/Supplemental Agenda:

4a. Houston Springs/Pebble Beach Drive stormwater repairs:

Mr. McMurrian shared with Council the repair options for Houston Springs/Pebble Beach Drive stormwater repairs. The Administration recommendation to authorize UAM to clean out stormwater pipe on Pebble Beach Drive, based on cleaning results, authorize UAM to complete spincast or half spincast on stormwater pipe pending engineering recommendation. Council concurred to proceed.

5. Council Member items: None.

6. Department Heads/Staff items:

No reports from Ms. Newby, Mr. Worthington, Ms. King, Chief Lynn, Chief Parker, Mr. Smith, Ms. Hardin, Mr. Swan, Mr. McMurrian and Mr. Wood.

Mr. Gilmour reviewed with Council Christmas outdoor lighting. It is the recommendation of the Administration to have the Christmas outdoor lighting turned

on the week of Thanksgiving. Council concurred with Administration's recommendation.

Ms. Bryant stated that the downtown merchants had a record-breaking weekend for Black Friday and Shop Small Saturday events.

Ms. Clark stated that the Your City participants will be graduating tomorrow night at City Council meeting and Ms. Turpin had the military tree up at the Welcome Center.

Mayor Walker entertained a motion to enter into executive session for the purpose of personnel.

7. Executive Session entered at 6:25 p.m. Mayor Pro-Tempore King moved to adjourn the work session and enter into executive session for the purpose of personnel. Council Member Jones seconded the motion and it carried unanimously.
8. Executive Session adjourned at 6:35 p.m. Council adjourned the executive session held December 2, 2019 and reconvened into the work session.
9. Adopted Resolution No. 2019-58 stating the purpose of executive session held December 2, 2019 was to discuss personnel. Council Member Hunt moved to adopt a resolution stating the purpose of the Executive Session held on December 2, 2019 was to discuss personnel. Council Member Albritton seconded the motion and it carried unanimously. No. action was taken. (*Resolution 2019-58 has been entered into the City's official book of record*).
10. Adjournment: There being no further business to come before Council in the reconvened work session held December 2, 2019 Council Member Jackson motioned to adjourn the meeting at 6:36 p.m. Council Member Bynum-Grace seconded the motion and it carried unanimously.

MINUTES
PRE COUNCIL MEETING
OF THE PERRY CITY COUNCIL
December 3, 2019
5:00 P.M.

1. Call to Order: Mayor Randall Walker, Presiding Officer, called to order the pre-council meeting held December 3, 2019 at 5:00 p.m.

2. Roll:

Elected Officials Present: Mayor Randall Walker, Mayor Pro Tempore Willie King and Council Members Phyllis Bynum-Grace, William Jackson, Robert Jones, Riley Hunt and Darryl Albritton.

Elected Official(s) Absent: None

City Staff: City Manager Lee Gilmour, City Attorney Brooke Newby, and Recording Clerk Annie Warren.

Departmental Staffing: Chief Steve Lynn – Perry Police Department, Chief Lee Parker - Fire and Emergency Services Department, Brenda King – Director of Administration, Bryan Wood – Director of Community Development, Ashley Hardin, - Economic Development Director, Sedrick Swan – Director of Leisure Services, Anya Turpin – Special Events Coordinator, Mitchell Worthington – Assistant Director of Finance, Chad McMurrian – Engineering Services Manager, Haley Bryant – Main Street Coordinator, and Tabitha Clark – Communications Manager.

Media: None

Guests: None

3. Items of Review/Discussion: Mayor Randall Walker

3a. Discussion of December 3, 2019 council meeting agenda.

4a. Recognition of Eli Sebastian, a participant of the 3rd grade Fire Safety Poster Contest. Chief Parker reported Eli Sebastian will be recognized this evening by Mayor Walker relative to his participation in the 3rd grade Fire Safety Poster Contest.

4b. Recognition of and Presentation of Certificates for the 2019 *Your City* Program participants. Mayor Walker and Ms. Clark will recognize and present certificates to the program participants.

5a. Ms. Becky Wilson, Perry Area Convention and Visitors Bureau. Ms. Wilson has a video relative to tourism she will be presenting to Mayor and Council at this evening's meeting.

9a (1). DDA's pole relocation project. Administration reviewed DDA's pole relocation project request and recommended the following to Council:

- (a) Authorize the use of up to \$62,366.00 from Downtown Improvements Restricted Account for DDA's pole relocation project.
- (b) Authorize the necessary easements through Georgia Power for City property.
- (c) Authorize rebate from Georgia Power for any additional new load as a result of DDA pole relocation to be paid or allocated to DDA.

9a (2). Houston Springs / Pebble Beach Drive stormwater repairs. Administration recommended Council authorize Utility Asset Management, Inc. to:

- (a) Clean out stormwater pipe on Pebble Beach Drive.
- (b) Based on cleaning results, authorize UAM to complete spincast or half spincast said stormwater pipe pending engineering recommendation.

9b (1). First reading of an ordinance adopting the GMEBS Restated Defined Benefit Plan. Ms. Newby stated the Plan was approved by Council at its November 5 meeting but under Georgia law, the Plan must be approved or adopted as an ordinance.

9b (3). First reading of an ordinance amending the Transient Occupancy Tax. Administration reported the City will continue to levying tax at seven percent (7%) until February 29, 2020 and then begin the tax rate at eight percent (8%) effective March 1, 2020.

9c (1). Resolution amending the City of Perry Fee Schedule. Administration advised Council of Advanced Disposal collection/disposal rate increase of 1.70% effective January 1, 2020 and proposed a resolution to amend the City of Perry's Fee Schedule to incorporate the increase.

4. Council Member Items:

Council had no reports.

5. Department Head/Staff Items:

Mr. Gilmour, Ms. Newby, Mr. McMurrian, Mr. Wood, Mr. Worthington, Chief Parker, Chief Lynn, Ms. King, Mr. Swan, Mr. Turpin, Ms. Bryant and Ms. Clark had no reports.

Ms. Hardin reported the City of Perry will be featured on Fox24 this evening relative to the tourism grant for Oliver Hazard's Restaurant.

Mayor Walker entertained a motion to enter into executive session for the purpose of personnel.

6. Executive Session entered at 5:18 p.m. Mayor Pro-Tempore King moved to adjourn the pre council meeting and enter into executive session for the purpose of personnel. Council Member Jones seconded the motion and it carried unanimously.
7. Executive Session adjourned at 5:26 p.m. Council adjourned the executive session held December 3, 2019 and reconvened into the pre council meeting.
8. Adopted Resolution No. 2019-59 stating the purpose of executive session held December 3, 2019 was to discuss personnel. Council Member Jackson moved to adopt a resolution stating the purpose of the Executive Session held on December 3, 2019 was to discuss personnel. Council Member Bynum-Grace seconded the motion and it carried unanimously. No. action was taken. (*Resolution 2019-59 has been entered into the City's official book of record*).
9. Adjournment:
There being no further business to come before Council in the pre-council meeting held December 3, 2019, Council Member Albritton motioned to adjourn the meeting at 5:27p.m. Council Member Albritton seconded the motion and it carried unanimously.

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
December 3, 2019
6:00 P.M.

1. Call to Order: Mayor Walker, Presiding Officer, called to order the regular meeting of the Perry City Council held December 3, 2019 at 6:00 p.m.

2. Roll:

Elected Officials Present: Mayor Randall Walker, Mayor Pro Tempore Willie King, and Council Members Phyllis Bynum-Grace, William Jackson, Riley Hunt, Darryl Albritton and Robert Jones.

Elected Official(s) Absent: None

Staff: City Manager Lee Gilmour, City Attorney Brooke Newby, and Recording Clerk Annie Warren.

Departmental Staffing: Chief Steve Lynn – Perry Police Department, Chief Lee Parker – Fire and Emergency Services Department, Brenda King – Director of Administration, Bryan Wood – Director of Community Development, Mitchell Worthington - Assistant Director of Finance, Ashley Hardin – Economic Development Director, Chad McMurrian – Engineering Services Manager, Haley Bryant – Main Street Coordinator and Tabitha Clark – Communications Manager.

Guest(s): Becky Wilson, Darrien Woolfork, Eli Sebastian, Antoinette Reid-Mericier, Brian Reimers, Carol Harshman, Emory M. Wilson, Sara Jean Simmons, Justin Doss, Penny T. Stapleton, Patti Pryor-Mills, Angie Cline, Kimberly Ann Walsh, Myron Lyman, Na'Tasha Swan, Sedrick Swan, Pollyanna Parker and Tiffany Martens.

Media: Jada Dukes - Houston Home Journal

3. Invocation and Pledge of Allegiance to the Flag:

Council Member King rendered the invocation and Council Member Jones led the pledge of allegiance to the flag.

4. Recognition(s)/Presentation(s):

4a. Recognition of Eli Sebastian, a participant of the 3rd grade Fire Safety Poster Contest. Mayor Walker thanked Mr. Sebastian for his participation and presented him with a certificate of achievement.

4b. Recognition of and Presentation of Certificates for the 2019 Your City Program participants.

Mayor Walker and Ms. Clark presented certificates to the participants of the Class of 2019 *Your City* program.

5. Community Partner(s) Update(s):

- 5a. Ms. Becky Wilson, Perry Area Convention and Visitors Bureau. Ms. Wilson presented a video relative to the importance of tourism to Mayor and Council.

6. Citizens with Input. None

7. Review of Minutes: Mayor Randall Walker

- 7a. Council's Consideration – Minutes of the November 18, 2019 work session, November 19, 2019 pre council meeting, and November 19, 2019 council meeting.

Council Member Bynum-Grace motioned to accept the minutes as submitted; Council Member Jones seconded the motion and it carried unanimously.

8. Old Business:

- 8a. Mayor Randall Walker - none
8b. Council Members – none
8c. City Attorney Brooke Newby – none
8d. City Manager Lee Gilmour - none
8e. Assistant City Manager Robert Smith - none

9. New Business: Mayor Randall Walker

- 9a. Matters referred from December 2, 2019 work session and December 3, 2019 pre council meeting.

1. DDA's pole relocation project:

- (a) Authorize the use of up to \$62,366 (revised amount) from Downtown Improvements Restricted Account for DDA's pole relocation project.
- (b) Authorize the necessary easements through Georgia Power for City property.
- (c) Authorize rebate from Georgia Power for any additional new load as a result of DDA pole relocation to be paid or allocated to DDA.

Ms. Hardin spoke on the DDA's pole relocation project with the revised amount of \$62,366 from the Downtown Improvements Restricted Account. Council Member Jackson motioned to authorize items (a), (b) and (c); Council Member Hunt seconded the motion and it carried unanimously.

2. Authorize UAM to:

- (a) Clean out stormwater pipe on Pebble Beach Drive.
- (b) Based on cleaning results, authorize UAM to complete spincast or half spincast said stormwater pipe pending engineering recommendation.

Mr. McMurrian recommended to Council that UAM: (a) Clean out stormwater pipe on Pebble Beach Drive and (b) based on cleaning results, authorize UAM to complete spincast or half spincast said stormwater pipe pending engineering recommendation.

9b. Ordinance(s) for First Reading(s) and Introduction:

1. **First Reading** of an ordinance adopting the GMEBS Restated Defined Benefit Plan – Ms. B. Newby. *(No action required by Council.)*
2. **First Reading** of an ordinance amending FY 2019 Operating Budget – Mr. L. Gilmour. *(No action required by Council.)*
3. **First Reading** of an ordinance amending the Transient Occupancy Tax – Mr. L. Gilmour. *(No action required by Council.)*

9c. Resolution(s) for Introduction and Adoption:

1. **Adopted Resolution No. 2019-60 amending the City of Perry Fee Schedule.** Administration presented for Council's consideration a resolution to amend the City of Perry's Fee schedule to incorporate the collection/disposal rate increase effective January 1, 2020. Mayor Pro Tempore King motioned to adopt the resolution as submitted; Council Member Jackson seconded the motion and it carried unanimously. *(Resolution 2019-60 has been entered into the City's official book of record.)*

10. Council Members Items:

Council had no reports.

11. Department Heads/Staff Items.

Mr. Gilmour, Ms. Newby, Ms. King, Mr. Wood, Mr. Worthington, Ms. Clark, Mr. Swan, Chief Lynn, Chief Parker and Ms. Hardin had no reports.

Ms. Bryant reminded everyone of the event Holiday on Carroll, December 7.

12. General Public Items:

Ms. Darrien Woolfork, 926 Jeannie Street, thanked the City and State for the housing funding and commended Larry Durham for his work ethics.

13. Mayor Items:

- December 16, work session
- December 17, pre council and council

14. Adjournment: There being no further business to come before Council in the regular council meeting held December 3, 2019, Council Member Hunt motioned to adjourn the meeting at 6:35 p.m. Council Member Jones seconded the motion and it carried unanimously.

GEORGIA MUNICIPAL EMPLOYEES
BENEFIT SYSTEM

DEFINED BENEFIT RETIREMENT PLAN

AN ORDINANCE
and
ADOPTION AGREEMENT
for

City of Perry

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 Perry, 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.

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the Perry Code is amended as follows:

I.

By adding a new Article III(a). Retirement Plan for Employees under Chapter 2-

Administration as follows:

Section 2-80. The Retirement Plan for the Employees of the City of Perry, 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 38

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 Perry, Georgia

3. GOVERNING AUTHORITY

Name: Mayor and Council
Address: P.O. Box 2030, Perry, GA 31069-2030
Phone: (478) 988-2700
Facsimile: (478) 988-2705

4. PLAN REPRESENTATIVE

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

Name: City Manager
Address: P.O. Box 2030, Perry, GA 31069-2030
Phone: (478) 988-2700
Facsimile: (478) 988-2705

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:

Pension Committee Secretary: Personnel Director
Address: P.O. Box 2030, Perry, GA 31069-2030
Phone: (478) 988-2700
Facsimile: (478) 988-2705

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 date of its 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 July 1, 2003 (insert effective date of Employer's first GMEBS Adoption Agreement). The Employer's GMEBS Plan was originally effective January 1, 1969 (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): _____.

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): This Plan is frozen to all Participants, effective January 1, 2012. Notwithstanding any provision in the Master Plan, Adoption Agreement, or General Addendum to the contrary, Regular Employees and former Regular Employees who become reemployed by the Employer on or after January 1, 2012 are not eligible to participate in this Plan with respect to Service and Earnings with the Employer on and after January 1, 2012 except as necessary to meet the minimum eligibility requirements for Disability Retirement benefits (see General Addendum Sections 2 and 14 and subsection 15(e)). Employees who are initially hired on or after January 1, 2012 are not eligible to participate in this Plan for any purpose.

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 January 1, 1973, shall be qualified to apply for participation in the Plan on such date. Each other elected or appointed member of the Governing Authority who holds an office subsequent to such date shall be qualified to apply for participation in the Plan on the first day of the month immediately following or coinciding with the first date after January 1, 1973, that he occupies any elective office of the Governing Authority. Notwithstanding the foregoing or any provision in the Master Plan, Adoption Agreement, or General Addendum to the contrary, this Plan is frozen to all Participants effective January 1, 2012. Elected or appointed members of the Governing Authority, including former members who return to office on or after January 1, 2012, are not eligible to participate in this Plan with respect to Service on and after January 1, 2012 except as necessary to meet the minimum eligibility requirements for Disability Retirement benefits (see General Addendum Sections 2 and 14 and subsection 15(e)). Elected or appointed members of the Governing Authority who first take office on or after January 1, 2012 are not eligible to participate in this Plan for any purpose.

(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): Chief legal officer or any associate legal officer of the City and any municipal officer elected or appointed to preside over the court of the City, provided they are not an active participant in any other GMEBS retirement plan.

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)): Each Municipal Legal Officer who holds an office of the Employer on August 1, 1975, shall be qualified to apply for participation in the Plan on such date. Each other Municipal Legal Officer who holds an office of the Employer subsequent to August 1, 1975 shall be qualified to apply for participation in the Plan on the first day of the month immediately following or coinciding with the first date after August 1, 1975, that he occupies such office. Notwithstanding the foregoing or any provision in the Master Plan, Adoption Agreement, or General Addendum to the contrary, Municipal Legal Officers, including former Municipal Legal Officers who return to office on or after January 1, 2012, are not eligible to participate in this Plan with respect to Service on and after January 1, 2012 except as necessary to meet the minimum eligibility requirements for Disability Retirement benefits (see General Addendum Sections 2 and 14 and subsection 15(e)). Municipal Legal Officers who first take office on or after January 1, 2012 are not eligible to participate in this Plan for any purpose.

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 6 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)): Service for Class 1 Participants shall not include service rendered as an Employee of the City of Perry prior to July 1, 1987. For Class 2 Participants, Credited Past Service shall not include any service not credited under the terms of the superseded plan that extend prior to July 1, 1987. See General Addendum subsections 15(a) and 15(b) for definitions of Class 1 and Class 2 Participants.
- 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 unless the Participant was serving as an elected or appointed member of the Governing Authority or Eligible Regular Employee on January 1, 1973.

Credited Past Service shall not include any tenure of office as a Municipal Legal Officer unless the Participant was serving as a Municipal Legal Officer, elected or appointed member of the Governing Authority, or Eligible Regular Employee on August 1, 1975.

(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)): _____.

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). (See General Addendum Section (2) regarding transferred Water Division employees.)
- 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): Elected or appointed members of the Governing Authority and Municipal Legal Officers.

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

- Attainment of age 55 (insert number)
- Completion of 5 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): Elected or appointed members of the Governing Authority.

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): _____.

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.
- 5 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)): See General Addendum subsections 2(b)(vi) and 15(e).

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 _____ 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.** _____% (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.** 1.25% (insert percentage) of Final Average Earnings up to the amount of Covered Compensation (see subsection (2) below for definition of Covered Compensation), plus 2.0% (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): 1) Eligible Regular Employees initially employed on or after September 1, 1980, and for those employed before such date when application of the formula in this Section 15(B)(1)(c) would result in a higher benefit than the benefit as determined under Section 15(B)(1)(d) below; and 2) Class 1 Participants (see definition in General Addendum subsection 15(a)).
- (d) **Alternative Split Final Average Earnings Formula. 1.0%** (insert percentage) of Final Average Earnings up to the amount of Covered Compensation (see subsection (2) below for definition of Covered Compensation), plus **1.75%** (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): Eligible Regular Employees (other than Class 1 Participants) employed prior to September 1, 1980, when application of the formula in this Section 15(B)(1)(d) would result in a higher benefit than the benefit as determined under Section 15(B)(1)(c) above.

[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): Participants to whom the benefit formula under Section 15(B)(1)(c) applies.
- (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): Participants to whom the benefit formula under Section 15(B)(1)(d) applies.
- (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).

- \$36,00 (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): Retired Participants who return to Service as an elected or appointed member of the Governing Authority.

(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): Retired Participants who return to Service as an elected or appointed member of the Governing Authority.

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 5.0% (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 September 1, 1990 (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):

COMPLETED YEARS OF TOTAL CREDITED SERVICE	VESTED PERCENTAGE
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): Class 1 Participants (see definition in General Addendum subsection 15(a)).

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)): Same as for other Eligible Regular Employees, except that service prior to July 1, 1987 will not be taken into account in determining whether a Class 1 Participant has satisfied the minimum service requirement for Vesting.

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): (See also General Addendum paragraph 2(b)(vii).)

- 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 (½) _____ (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 2-81. 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 2-82. The effective date of this Ordinance shall be the date of its approval by the Governing Authority.

Section 2-83. All Ordinances and parts of ordinances in conflict herewith are expressly repealed.

Approved by the Mayor and Council of the City of Perry, Georgia this 17th day of December, 2019.

Attest:

CITY OF PERRY, GEORGIA

City Clerk

Mayor

(SEAL)

Approved:

1st Reading: December 3, 2019
2nd Reading: December 17, 2019

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

**GENERAL ADDENDUM TO THE
GEORGIA MUNICIPAL EMPLOYEES BENEFIT SYSTEM
DEFINED BENEFIT RETIREMENT PLAN
ADOPTION AGREEMENT**

This is an Addendum to the Adoption Agreement completed by the City of Perry, Georgia, as follows (complete one or more sections, as applicable):

***** Item (1) of General Addendum – Not Applicable *****

- (2) Discontinuance of participation in the Plan by one or more Departments or classes of Employees (for amendment of Adoption Agreement only - see Section 9 of Adoption Agreement):**
- (a) Sick Leave Credit for Transferred Water Division Employees. Subject to the limitations in Section 3.01 of the GMEBS Master Plan, notwithstanding any other provision in the GMEBS Master Plan or Adoption Agreement to the contrary, any Participant who was Vested in a Normal Retirement benefit as of July 23, 2007, who was actively employed as an Eligible Regular Employee in the Water Division of the Perry Department of Public Works as of July 23, 2007, and whose employment with the City of Perry was involuntarily Terminated as of said date due to the privatization of the Water Division is eligible to have unused sick leave for which he or she was not paid treated as Credited Service under the Plan solely for purposes of computing the amount of benefits payable under the Plan. For such purpose, each twenty (20) days of creditable unused sick leave will be equal to one (1) month of Credited Service under the Plan. Partial months will not be credited.**
- (b) Effect of January 1, 2012 Plan Freeze; Treatment of Accrued Benefits of Participants as of December 31, 2011; Treatment of Non-Participants; Treatment of Participants Who Return to Service on or after January 1, 2012**
- (i) Treatment of Accrued Benefits of Eligible Regular Employees as of December 31, 2011 - Eligible Regular Employees who were in Service with the City of Perry as of December 31, 2011 and who had satisfied the one (1) year waiting period for participation or had otherwise satisfied the requirements to become Participants in this Plan on or**

before December 31, 2011 ceased to accrue benefits under the DB Plan (this Plan), effective January 1, 2012. Such a Participant's eligibility for Retirement and pre-retirement death benefits and the amount of any benefits payable under this Plan, if any, with respect to his/her Service with the City prior to January 1, 2012 was determined in accordance with the applicable terms of this Plan as of December 31, 2011, and his/her Credited Service and Final Average Earnings with the City as of such date; provided, however, that said Participants were considered 100% Vested in their Normal Retirement benefit accrued up until December 31, 2011 to the extent funded. See also Section 14 of this Addendum regarding Frozen Plan Provisions and subsection 15(e) of this Addendum regarding counting full-time employment on or after January 1, 2012 to meet the eligibility requirements for Disability Retirement benefits.

- (ii) **Treatment of Accrued Benefits of Elected or Appointed Members of the Governing Authority and Municipal Legal Officers as of December 31, 2011** – Elected or appointed members of the Governing Authority and Municipal Legal Officers who were in Service with the City of Perry as of December 31, 2011 ceased to accrue benefits under this Plan, effective January 1, 2012. Such a Participant's eligibility for Retirement and pre-retirement death benefits and the amount of any benefits payable under this Plan, if any, with respect to his/her Service with the City prior to January 1, 2012 will be determined in accordance with the applicable terms of this Plan as of December 31, 2011, and his/her Credited Service with the City as of such date; provided, however, that said Participants were considered 100% Vested in their Normal Retirement benefit accrued up until December 31, 2011 to the extent funded. See also Section 14 of this Addendum regarding Frozen Plan Provisions and subsection 15(e) of this Addendum regarding counting full-time employment on or after January 1, 2012 to meet the eligibility requirements for Disability Retirement benefits.
- (iii) **Treatment of Eligible Regular Employees Who Were Not Participants in This Plan as of December 31, 2011** – Current and former Eligible Regular Employees who were not Participants in this Plan prior to January 1, 2012 shall not

become Participants in this Plan on or after January 1, 2012, and shall not become eligible for or have any right or interest in any benefit under this Plan.

- (iv) **Former Employees, Elected or Appointed Members of the Governing Authority and Municipal Legal Officers; Effect of Reemployment or Return to Service; No Further Benefits to Accrue under DB Plan** – Notwithstanding any provision to the contrary, if a former Employee, elected or appointed member of the Governing Authority or Municipal Legal Officer becomes reemployed by the City or returns to Service with the City on or after January 1, 2012, such former Employee, elected or appointed member of the Governing Authority or Municipal Legal Officer shall not accrue any benefits under this Plan with respect to his/her Service or Earnings with the City on or after the date of said reemployment or return to Service except as provided in Section 15(e) below relating to the 5-year eligibility requirement for Disability benefits. Such former Employee's, elected or appointed member of the Governing Authority's or Municipal Legal Officer's Vested status, eligibility for Retirement and pre-retirement death benefits, and the amount of any benefits payable under this Plan, if any, with respect to his/her Service with the City prior to said reemployment date will be determined in accordance with the applicable terms of this Plan in effect as of the date of his/her most recent Termination from the City prior to January 1, 2012, and the former Employee's, elected or appointed member of the Governing Authority's or Municipal Legal Officer's Credited Service and Final Average Earnings with the City as of said Termination date, except as otherwise provided in Section 2(b)(v) below with respect to credit for portability service prior to January 1, 2012. Service and Earnings with the City after January 1, 2012 will not be taken into account for any purpose under this Plan (e.g., for purposes of becoming Vested under this Plan, meeting benefit eligibility requirements except as provided in Section 15(e) below relating to the 5-year eligibility requirement for Disability benefits, or computing amount of benefits payable under this Plan). See also

Section 14 of this Addendum regarding Frozen Plan Provisions.

- (v) Treatment of Portability Service - Notwithstanding any provision in the Master Plan to the contrary, Credited Service under the defined benefit retirement plans of other GMEBS Retirement Fund member employers (portability service) on and after January 1, 2012 will not be taken into account under this Plan for any purpose. Credited Service prior to January 1, 2012 under the defined benefit retirement plans of other GMEBS Retirement Fund member employers (portability service) attributable to former Eligible Employees in this Plan shall be counted in accordance with the GMEBS Master Plan.**
- (vi) Disability Retirement Benefits – Notwithstanding any provision in the Adoption Agreement or Section 15(e) below to the contrary, no Employee, elected or appointed member of the Governing Authority or Municipal Legal Officer who is initially hired by the City or who first takes office on or after January 1, 2012 will be eligible to apply for disability Retirement benefits under this Plan. Participants who are in Service as of December 31, 2011 and formerly employed Participants who are not in Service as of December 31, 2011 and who return to service on or after January 1, 2012 may apply for disability Retirement benefits under the Plan on or after January 1, 2012 in accordance with and subject to the provisions of Section 15(e) below. Effective January 1, 2012, the amount of a Participant’s disability Retirement benefit, if any, will be determined based upon the Participant’s Credited Service and Final Average Earnings with the Employer as of December 31, 2011 (or, with respect to formerly employed Participants who are not in Service as of December 31, 2011 and who return to service on or after January 1, 2012, as of the Participant’s latest Termination Date prior to December 31, 2011), and the minimum Disability benefit provided for in Section 15(E) of the Adoption Agreement shall be computed based upon the Participant’s average monthly Earnings for the 12 calendar month period immediately preceding said date.**
- (vii) In-Service Death Benefit; Imputed Service – Notwithstanding any provision in the Adoption Agreement**

to the contrary, for purposes of calculating the Actuarial Reserve In-Service Death Benefit set forth in Section 18(A)(2) of the Adoption Agreement, a Participant's Total Credited Service shall include his/her Total Credited Service accrued prior to January 1, 2012 plus one-half (1/2) of the Participant's imputed Service between the Participant's date of death and the date that otherwise would have been the Participant's Normal Retirement date.

***** Items (3) through (13) of General Addendum – Not Applicable *****

(14) Frozen Plan Provisions (for amendment of Adoption Agreement only – see Section 9 of Adoption Agreement regarding Classes of Eligible Employees):

- (a) **Plan Freeze - The Plan is "frozen" effective as of January 1, 2012 (specify date). The Plan shall be subject to all provisions of the Adoption Agreement and Master Plan, except as otherwise provided herein, and the Employer shall continue to maintain the Plan's qualified status. The Plan shall be frozen, as follows (check as applicable):**
- (i) **The Plan shall be frozen with respect to the following class(es) of Eligible Employees (one or more as applicable):** all Participants; all Eligible Regular Employees; Members of the Governing Authority; Municipal Legal Officers; other (must specify): _____.
- (ii) **Active Participants in the affected class(es) of Eligible Employees as of the freeze effective date shall be vested in their normal retirement benefits accrued as of the effective date of the freeze to the extent funded notwithstanding any provision of the Adoption Agreement to the contrary.**
- (iii) **Employees who are (check all that apply):** employed by the Employer or in office as of January 1, 2012 (specify date), first employed on or after January 1, 2012 (specify date), first take office on or after January 1, 2012 (specify date), reemployed on or after January 1, 2012 (specify date), return

to office (following a vacation of office) on or after January 1, 2012 (specify date), shall not be eligible to participate in the Plan on or after January 1, 2012 (specify date).

- (iv) With respect to Employees designated in paragraph (iii) above, earnings on or after January 1, 2012 (specify date) shall not be taken into account for purposes of the Plan.
- (v) The Employees designated in paragraph (iii) above shall not be credited with Service for the Employer on or after January 1, 2012 (specify date) for purposes of (check all that apply): computing the amount of benefits payable; meeting minimum service requirements for participation and vesting; meeting minimum service requirements for benefit eligibility under the Plan.
- (vi) The following additional provisions shall apply as a result of the freeze (must specify): See General Addendum subsections 2(b) and 15(e).
- (b) Restoration Following Plan Freeze - The Plan has been "frozen" since _____ (specify freeze date). Effective _____ (specify date), the Plan shall be reactivated in accordance with and subject to the following provisions (check as applicable):
- (i) The Plan shall cease to be frozen with respect to the following class(es) of Eligible Employees (one or more as applicable): all Participants; all Eligible Regular Employees; Members of the Governing Authority; Municipal Legal Officers; other (must specify): _____.
- (ii) Employees (check all that apply): employed by the Employer and/or in office as of _____ (specify date), first employed on or after _____ (specify date), first took office on or after _____ (specify date), reemployed on or after _____ (specify date), returned to office (following a vacation of office) on or after _____ (specify date), shall be eligible to

commence or re-commence participation in the Plan (as applicable) with respect to Service on or after _____ (specify date), provided they otherwise meet the eligibility requirements for participation under the Plan.

- (iii) With respect to the Employees designated in paragraph (ii) above, Earnings on or after _____ (specify date) shall be taken into account for purposes of the Plan.
- (iv) The Employees designated in paragraph (ii) above shall receive credit for Service for the Employer on or after _____ (specify date) for purposes of (check all that apply): computing the amount of benefits payable; meeting minimum service requirements for participation and vesting; meeting minimum service requirements for benefit eligibility under the Plan, provided the Employee met the minimum hour requirement and other eligibility requirements for recognition of Credited Service under the Plan.
- (v) Former Employees who are reemployed and/or return to office as Eligible Employees after _____ (specify date) will receive credit for Service with the Employer on or after _____ (specify date) for purposes of (check all that apply): computing the amount of benefits payable; meeting minimum service requirements for participation and vesting; meeting minimum service requirements for benefit eligibility under the Plan, provided the Employee meets the minimum hour requirement and other eligibility requirements for recognition of Credited Service with respect to said period under the Plan, and provided the Employee satisfies any applicable Plan requirements with respect to his break in Service.
- (vi) The following additional provisions shall apply as a result of restoration following the freeze (must specify): _____.

- (15) **Other** (May include, but shall not be limited to, provisions relating to Master Plan Sections 6.03, 6.06, 8.04, 8.06, 8.08, 8.09, 8.10, 8.12, 9.01, and 9.02) (must specify):
- (a) **Class 1 Participants Defined.** The term "Class 1" Participant shall mean an Eligible Regular Employee who, prior to 1987, was ineligible to participate in this Plan because he or she was a participant in the Peace Officers Annuity and Benefit Fund, Ga. L. 1950, as amended.
 - (b) **Class 2 Participants Defined.** The term "Class 2" Participant shall mean an Eligible Regular Employee who, prior to 1987, was not a participant in the Peace Officers Annuity and Benefit Fund, Ga. L. 1950, as amended, and any Eligible Regular Employee hired on and after July 1, 1987.
 - (c) **Class 1 – No Credit for Service Prior to July 1, 1987.** Notwithstanding any provision in the GMEBS Master Plan or the Adoption Agreement to the contrary, Service for Class 1 Participants shall not include service rendered as an Employee of the City of Perry prior to July 1, 1987.
 - (d) **Class 2 – Withdrawal of Employee Contributions.** If upon Termination, a Class 2 Participant chooses to withdraw his or her Employee Contributions, if any, from the Trust Fund, such Participant shall forfeit all credit for all purposes for service prior to January 1, 1973.
 - (e) **Disability Retirement Benefit.**
 - (i) **Eligibility Generally.** In the event of a conflict with the provisions of Section 14 above, the provisions of this subsection 15(e) apply. Effective December 1, 2007, eligibility for Disability Retirement benefits under this Plan shall be determined in accordance with and subject to this subsection 15(e); provided, however, that effective January 1, 2012, no Employee, elected or appointed member of the Governing Authority or Municipal Legal Officer who is initially employed or first takes office on or after January 1, 2012 will be eligible to apply for Disability Retirement benefits under this Plan (see paragraph 2(b)(vi) above). Participants who are in Service as of December 31, 2011, and formerly employed Participants who are not in Service as of December 31, 2011 and who return to service with the City on or after January 1, 2012, may apply for Disability Retirement benefits under the Plan on or after January 1, 2012 in accordance with and subject to the provisions of this subsection 15(e). Notwithstanding any provisions in the GMEBS Master Plan or the

Adoption Agreement to the contrary and subject to the other requirements of this subsection 15(e), if a Participant who is otherwise eligible to apply for Disability Retirement benefits under this subsection 15(e) Terminates employment with the City as a result of a Disability on or after January 1, 2012, and has a minimum of 5 years of Credited Service with the City of Perry upon Termination of employment due to Disability, including full-time employment on or after January 1, 2012 which would count as Credited Service with the City of Perry but for the provisions of subsection 2(b) and Section 14 of this Addendum, he or she may Retire with a Disability Retirement benefit, provided that the Pension Committee determines, based upon the doctors' certificates referred to in subsection 15(e)(ii) below, that: a medically determinable physical or mental impairment renders the individual incapable of further performance of the essential duties, class criteria and job demands (as defined by the City Manager or his designee) of the position held at the time the Disability originated; that no comparable position exists or is otherwise available with the City; that such impairment is expected to be of permanent duration; and, that such inability to perform the essential duties, class criteria and job demands of the position will require a Termination of employment. For this purpose, a comparable position is defined as a position for which the physical or mental requirements are compatible with the member's physical or mental limitations; the annual compensation and possibility for future advancement for such position shall be the same as or greater than that of the current position of the Participant; the duties for such position shall be reasonably compatible with the experience and educational qualifications of the Participant, and the position would entitle the holder thereof to continue as a Participant under the Retirement plan.

(ii) Two Doctors' Certificates Required. Eligibility for Disability Retirement benefits is contingent upon certification being provided to the Pension Committee from a minimum of two medical doctors (one selected and paid for by the Participant, and one selected and paid for by the Employer, or in the event of inconsistent opinions from those medical doctors, a third medical doctor selected by the first two with the cost shared by the Participant and the Employer) that the Disability is likely to be permanent; that the Disability commenced on a specified date during the period of the Participant's employment with the City of Perry; that the Disability renders the individual incapable of performing the essential duties, class criteria and job demands of the position held at the time the Disability occurred; that to the best of the doctor's knowledge, the Disability is not the result of any disqualifying cause described in subsection 15(e)(iii) below; and that the physical or mental requirements of what would otherwise be a comparable position (if any) are not compatible with the Participant's physical or mental limitations.

(iii) Disqualifying Causes. To the extent not otherwise inconsistent with applicable law, any Disability Retirement application or allowance is

otherwise subject to the provisions of the GMEBS Master Plan Section 2.23(b)(3). A Participant will not qualify for disability benefits hereunder if the Pension Committee determines (based upon the doctors' certificates or independently) that the Participant's disability was intentionally self-inflicted, incurred in the commission of a felonious enterprise, or the result of the abuse or illegal use of narcotics or drugs.

- (iv) **Disability Retirement Date.** The Participant's Disability Retirement Date will be the first day of the month following or coinciding with the one month anniversary of the Participant's Termination of employment as a result of Disability.

- (v) **Suspension of Disability Benefits.** Notwithstanding any provisions in the GMEBS Master Plan or the Adoption Agreement to the contrary, any Disability Retirement benefit payable under this subsection 15(e) to any Participant shall be suspended as of the first day of the month coinciding with or following the date the Disability ceases. A Participant's Disability shall be considered to have ceased upon the earliest of the following dates: (1) the date as of which the Pension Committee determines, having received certification from a minimum of two medical doctors, that the Participant is no longer suffering from a medically determinable physical or mental impairment that renders the individual incapable of performing the critical and essential duties of the position held at the time the Disability originated; or (2) the date as of which the Participant resumes employment with the Employer in a position which entitles him to participation in the Retirement plan. The Pension Committee will have the right to require, as a condition for continued receipt of Disability benefits, that the Participant be examined at any time by a medical doctor chosen by the Pension Committee. In the event that any Participant fails or refuses to submit to a physical examination or to obtain and provide other information requested by the Pension Committee to confirm continuation of a Disability, the Participant's Disability benefits shall be suspended as of the first day of the month following expiration of the 90 day period following the Pension Committee's request for such examination or information, unless the Pension Committee determines in its discretion that the failure to comply was due to circumstances beyond the Participant's control. The provisions of the GMEBS Master Plan Section 6.06(f) ("Suspension of Disability Benefit; Right to Other Benefits") shall apply in determining the Participant's entitlement to other benefits in the case of suspension.

The terms of the foregoing Addendum to the Adoption Agreement are approved by the Mayor and Council of the City of Perry, Georgia this _____ day of _____, 20____.

Attest:

CITY OF PERRY, GEORGIA

City Clerk

Mayor

(SEAL)

Approved:

City Attorney

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

IN WITNESS WHEREOF, the Board of Trustees of the 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

ORDINANCE

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the Perry Code is amended as follows:

1.

By deleting the definition of "Tax" in Section 15-51 and adding a new definition as follows:

Tax. The tax on occupants imposed by this ordinance, as provided for by O.C.G.A. § 48-13-50, et seq., specifically O.C.G.A. § 48-13-51(b).

2.

By deleting Section 15-52 in its entirety and adding a new Section 15-52 as follows:

Sec. 15-52. Tax rate.

There shall be paid for every occupancy of a guest room in a hotel in the city a tax at the rate of eight percent (8%) of the amount of rent unless an exemption is provided under section 15-54.

3.

By deleting Section 15-53 in its entirety and adding a new Section 15-53 as follows:

Sec. 15-53. Collection of tax by lodging provider.

Every lodging provider furnishing guest rooms in a hotel in the city shall collect a tax of eight percent (8%) on the amount of rent from the occupant unless an exception is provided under section 15-54. The lodging provider shall provide a receipt to each occupant, which receipt shall reflect both the amount of rent and the amounts of this and other tax applicable. This tax shall be due from the occupant, and shall be collected by the lodging provider at the same time that the rent is collected. The lodging provider shall be liable to the city for the full amount received or collected as tax, whether collected appropriately or inappropriately; and for any amount of tax that should have been collected, but was not.

- (1) Any person who receives or collects the tax or any consideration represented to be the tax from another person holds the amount so collected in trust for the benefit of the city and is liable to the city for the full amount collected, plus penalty and interest.
- (2) An individual who controls or supervises the collection of the tax from another person, or an individual who controls the accounting for or remittance of the tax, and who willfully fails to remit or cause to be remitted the tax is liable as a responsible individual

for an amount equal to the tax not remitted or caused to be remitted, plus penalty and interest. The dissolution of a corporation, partnership or other business or fraternal association does not affect a responsible individual's liability under this subsection. Furthermore, the liability imposed by this subsection shall be in addition to any other penalty provided by law.

4.

By deleting Section 15-62 in its entirety and adding a new section 15-62 as follows:

Sec. 15-62. Effective Date.

This ordinance and the tax levied hereby shall become effective upon its adoption. The city will continue levying the tax at seven percent (7%) until February 29, 2020, and will then begin enforcing the tax rate at eight percent (8%), as provided herein, on March 1, 2020.

SO ENACTED this 17th day of December, 2019.

CITY OF PERRY, GEORGIA

By:

Randall Walker, Mayor

Attest:

Annie Warren, City Clerk

1st Reading: December 3, 2019

2nd Reading: December 17, 2019

**A RESOLUTION APPOINTING
MR. MICHELL WORTHINGTON
FINANCE DIRECTOR**

WHEREAS, the Council has determining a need to establish a Finance Director;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PERRY THAT

Section 1. Per Article III, Section 3.10 (d) Mr. Michell Worthington is appointed Finance Director effective December 17, 2019.

SO RESOLVED THIS _____ DAY OF DECEMBER 2019.

CITY OF PERRY

By: _____
RANDALL WALKER, MAYOR

City Seal

Attest: _____
ANNIE WARREN, CITY CLERK

December 12, 2019

Mayor Randall Walker

City of Perry

1211 Washington Street

Perry, GA 31069

Mayor Walker and Council,

We would like to donate our lot on Cater Circle to the City of Perry to be used as greenspace. We have enclosed a copy of the plat that we had prepared by McLeod Surveying in January 2019. We are donating Tract "B" and would like to stipulate that the lot is maintained as greenspace and is not built upon in the future. If you have any questions or concerns, please give us a call at 478-397-9013.

Thank you for your consideration.

Sincerely,

Ronald C. Kinnas, Jr. and

Mary Jane Kinnas

1213 Cater Circle

Perry, GA 31069