Joe Lockwood, Mayor

CITY COUNCIL
Karen Thurman
Matt Kunz
Bill Lusk
Burt Hewitt
Joe Longoria
Rick Mohrig

CITY COUNCIL CHAMBERS
City Hall, Suite 107E

Monday, May 2, 2016 Regular Council Meeting Agenda  6:00 PM

INVOCATION - Remco Brommet, Chaplain for the City of Milton Police and Fire.

CALL TO ORDER

1) ROLL CALL

2) PLEDGE OF ALLEGIANCE (Led by Mayor Joe Lockwood)

3) APPROVAL OF MEETING AGENDA (Add or remove items from the agenda) (Agenda Item No. 16-105)
4) **PUBLIC COMMENT**

5) **CONSENT AGENDA**

1. Approval of the April 18, 2016 City Council Work Session Meeting Minutes. 
   *(Agenda Item No. 16-106)*
   (Sudie Gordon, City Clerk)

6) **REPORTS AND PRESENTATIONS**

1. Presentation on TSPLOST Project List.
   *(Carter Lucas, Assistant City Manager)*

7) **FIRST PRESENTATION**

1. Consideration of an Ordinance to Amend Milton City Code, Chapter 18, Emergency Management Services. 
   *(Agenda Item No. 16-107)*
   (Matt Marietta, Emergency Manager/Fire Marshal)

8) **PUBLIC HEARING**

   *(Agenda Item No. 16-108)*
   (Ken Jarrard, City Attorney)

9) **ZONING AGENDA** *(None)*

10) **UNFINISHED BUSINESS**

1. Consideration of an Ordinance to Amend the Defined Benefit Pension Plan to Reduce the Qualifications for Normal Retirement to Attainment of 65 and 5 Years of Total Credited Service. 
   *(Agenda Item No. 16-100)*
   *(First Presentation at April 25, 2016 Regular City Council Meeting)*
   (Sam Trager, Human Resources Director)
2. Consideration of an Amendment of Chapter 56, Article III of the City of Milton Code of Ordinances to Update the Maximum Speed Limit Table.  
(Agenda Item No. 16-101)  
(First Presentation at April 25, 2016 Regular City Council Meeting)  
(Carter Lucas, Assistant City Manager)

3. Consideration to Adopt an Amendment to the Impact Fee Ordinance Fee Schedule.  
(Agenda Item No. 16-102)  
(Discussed at April 18, 2016 City Council Work Session)  
(First Presentation at April 25, 2016 Regular City Council Meeting)  
(Kathleen Field, Community Development Director)

11) NEW BUSINESS

(Agenda Item No. 16-108)  
(Public Hearing Held at May 2, 2016 Regular City Council Meeting)  
(Ken Jarrard, City Attorney)

12) MAYOR AND COUNCIL REPORTS

13) STAFF REPORTS

Department Updates

1. Fire
2. Finance
3. Information Technology
4. Communication & Engagement
5. Human Resources

14) EXECUTIVE SESSION (if needed)

15) ADJOURNMENT  
(Agenda Item No. 16-109)
The minutes were provided electronically.
CITY COUNCIL AGENDA ITEM

TO:        City Council  DATE:  April 27, 2016
FROM:  Steven Kroff, Interim City Manager
AGENDA ITEM:  Consideration of an Ordinance to Amend Milton City Code, Chapter 18, Emergency Management Services.
MEETING DATE:  Monday, May 2, 2016 Regular City Council Meeting

BACKGROUND INFORMATION: (Attach additional pages if necessary)
See attached memorandum

APPROVAL BY CITY MANAGER:  (✓) APPROVED  ( ) NOT APPROVED
CITY ATTORNEY APPROVAL REQUIRED:  (✓) YES  ( ) NO
CITY ATTORNEY REVIEW REQUIRED:  (✓) YES  ( ) NO
APPROVAL BY CITY ATTORNEY  (✓) APPROVED  ( ) NOT APPROVED
PLACED ON AGENDA FOR:  05/02/2016

REMARKS
To: Honorable Mayor and City Council Members
From: Matt Marietta, Emergency Manager / Fire Marshal
Date: Submitted on April 22, 2016 for First Reading on the May 2, 2016 Regular Council Meeting and Hearing on May 16, 2016 at the Regular Council Meeting
Agenda Item: Consideration of an Ordinance to Amend Milton City Code, Chapter 18, Emergency Management Services

Department Recommendation:

It is the recommendation of the Emergency Manager that the city ordinance addressing emergency management services be updated to match current operating systems.

Executive Summary:

The code as it currently exists still contains references to a Public Safety Director and the public safety department. While these references were removed from the fire, law enforcement, and general administration ordinances in 2009 when the departments split, I missed the references in this chapter. The proposed changes will address this problem in accordance with our current operating schema and adopted Emergency Operations Plan.

Funding and Fiscal Impact:

No funding is required for these changes.

Alternatives:

N/A
Legal Review:

Ken Jarrard – Jarrard & Davis (April 25, 2016)

Concurrent Review:

Robert Edgar, Fire Chief
Steve Krokoff, Interim City Manager

Attachment(s):

Chapter 18 with proposed deletions and additions (blue line).
STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO AMEND CHAPTER 18 – EMERGENCY MANAGEMENT SERVICES OF THE MILTON CITY CODE TO ALIGN WITH THE CURRENT MUNICIPAL STRUCTURE

BE IT ORDAINED by the City Council for the City of Milton, Georgia while in regular session on May 16, 2016 at 6:00 p.m. as follows:

SECTION 1. That the City of Milton seeks to provide efficient and professional emergency management and public safety services to its citizens; and

SECTION 2. That, in order to provide those services, organizational structure of the departments providing those services will change to reflect current needs of the City and its citizens, and that the City has changed the composition of public safety services in Milton, and this change impacts the Emergency Management program; and

SECTION 3. That this ordinance recognizes those changes and incorporates them into the City Code; and

SECTION 4. That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

SECTION 5. This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

ORDAINED this 16th day of May, 2016.

Approved:

____________________
Joe Lockwood, Mayor

Attest:

____________________
Sudie Gordon, City Clerk
ARTICLE I. - IN GENERAL

Secs. 18-1—18-19. - Reserved.

ARTICLE II. - EMERGENCY MANAGEMENT AGENCY

Sec. 18-20. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Emergency.

(1) The term "emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the city caused by such conditions as air pollution, disease, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or the imminent threat of war.

(2) The term "emergency" does not include conditions resulting from a labor controversy, which conditions are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of the city, requiring the combined forces of other political subdivisions to combat.
Emergency management means the preparation for the carrying out of all emergency functions other than functions for which military forces are primarily responsible to prevent, minimize, and repair injury and damage resulting from emergencies, energy emergencies, disasters, or the imminent threat thereof, of manmade or natural origin caused by enemy attack, sabotage, acts of domestic or international terrorism, civil disturbance, fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, drought, infestation, explosion, riot or other hostile action, radiological action, or other causes. These emergency services include, without limitation, firefighting services; police services; emergency medical services; rescue; engineering; warning services; communications; defense from radiological, chemical, biological, and other special weapons to include weapons of mass destruction; evacuation of persons from stricken areas; emergency welfare services; consequence management functions to include victim services; emergency transportation; plant protection; temporary restoration of public utility services; and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions.

(Ord. No. 06-11-60, § 1(ch. 15, art. 2, § 2), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 2, § 2), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 2, § 2), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 3, § 2), 8-18-2008)

State Law reference— Similar provisions, O.C.G.A. § 38-3-3.

Sec. 18-21. - Purpose.

The purposes of this article are to:

(1) Reduce the vulnerability of people and the community to damage, injury and loss of life and property resulting from:
   a. Natural or manmade catastrophes;
   b. Riots; or
   c. Hostile military or paramilitary action.

(2) Prepare for the prompt and efficient rescue, care and treatment of persons victimized or threatened by disaster.

(3) Provide a setting conducive to the rapid and orderly start of restoration and rehabilitation of persons and property affected by disasters.

(4) Clarify and strengthen the roles of the mayor, city council, city administrator and city departments in prevention of, preparation for, response to and recovery from disasters.

(5) Authorize and provide for the cooperation of activities relating to disaster:
   a. Prevention;
   b. Preparedness; and
   c. Response and recovery.

(6) Authorize and provide for the coordination of activities relating to disaster prevention, preparedness, response and recovery by departments and officers of the city, agencies of the private sector and similar activities in which the federal government, the state and its political subdivisions may participate.

(7) Provide a disaster management system embodying all aspects of predisaster preparedness and post-disaster response.
State Law reference—Authority for establishment of local emergency management organization, O.C.G.A. § 38-3-27.

Sec. 18-22. - Office of Director of Public Safety created; duties.

(a) The Milton Department of Public Safety shall encompass the primary public safety disciplines, including police services, fire rescue services and emergency management. To this end, the Office of the Director of Public Safety is hereby created.

(b) The director's duties shall be as follows:

(1) To serve in a dual role as the executive for public safety services in the city, incorporating the positions of police chief, fire chief, and director of emergency management.

(2) To appoint any deputy chiefs or other personnel to serve in a subordinate position to carry out the duties entailed by police, fire and emergency management services.

Hereafter, any reference to these positions shall be deemed a reference to the director of public safety.

Sec. 18-23. - Director in charge of emergency management services. - Appointment of Emergency Manager

(a) In accordance with this article, the public safety director shall appoint an individual to serve as the director of emergency management for the city. The duties of the director shall be as follows:

(1) To represent the city on all matters pertaining to emergency management;

(2) To coordinate the development of community-wide emergency preparedness;

(3) To develop an emergency and disaster operations plan for the effective mobilization of all city resources, both private and public;

(4) To prepare and recommend for approval by the city council mutual aid programs and agreements between other local governments and the city;

(5) To prepare and effectuate legal action for the continuity of government in the event of an emergency;

(6) To coordinate and advise government departments in the development and implementation of the emergency and disaster operations plan and other required agencies or groups;

(7) During periods of emergency, to obtain vital supplies and equipment lacking, needed for the protection of life and property of people and bind the city for the value thereof and if required immediately, requisition same; and

(8) To procure federal and state assistance through emergency management channels and through federal assistance programs in such areas as:

a. Law enforcement;

b. Highway safety;

c. Ambulance procurement; or
d. Emergency medical services and others.

(b) In addition to the above duties listed in subsections (a)(1) through (8) of this section, the director of emergency management shall be responsible during an emergency to:

(1) Advise the city manager in operational situations, public information and privileged information implementation of the emergency plan;

(2) Direct and coordinate the activities of the emergency operation center staff; and

(3) Assist the mayor in ensuring the execution of the operations plans and procedures required by the emergency.

(Ord. No. 06-11-60, § 1(ch. 15, art. 2, § 3), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 2, § 3), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 2, § 3), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 3, § 3), 8-18-2008)

State Law reference—Local director required for state financial assistance, O.C.G.A. § 38-3-27; authority for nomination of local director of emergency management, O.C.G.A. § 38-3-27.

Sec. 18-24. - Disaster plan.

(a) The director shall prepare a comprehensive disaster basic plan which shall be adopted and maintained by city council resolution upon the recommendations of the director. Incorporated into such plan and expressly made a part thereof shall be a crisis communications plan.

(b) In the preparation of this plan as it pertains to city organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies be used to the fullest extent.

(c) The disaster plan shall be considered supplementary to this article and have the effect of law whenever emergencies have been proclaimed.

(Ord. No. 06-11-60, § 1(ch. 15, art. 2, § 4), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 2, § 4), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 2, § 4), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 3, § 4), 8-18-2008)

Sec. 18-25. - State of emergency; special powers.

In the event of a manmade or natural disaster, mass electrical failure, rioting, actual enemy attack upon the United States or any other emergency which may affect the lives and property, the mayor may declare that a state of emergency exists by written proclamation setting out the circumstances of the emergency and thereafter the mayor, or in his or her absence the mayor pro tem or city administrator, shall have and may exercise for any period as this state of emergency exists, or continues, the following emergency powers:

(1) To enforce all rules, laws and regulations relating to emergency management and to assume direct operational control over all emergency management resources;

(2) To seize, take for temporary use, or condemn any property for the protection of the public;

(3) To sell, lend, give or distribute all or any property or supplies among the inhabitants of the city; to maintain a strict accounting of property or supplies distributed and for funds received for the property or supplies;

(4) To declare a limited or general curfew as may be needed to restore public order;

(5) To order the closing of any business;
(6) To close to public access any public building, street or other public place;

(7) To prohibit or regulate the possession, sale or use of explosives, gasoline or other flammable liquids, or dangerous weapons of any kind, excluding firearms or components of firearms; and

(8) To perform and exercise any other functions and duties and take any emergency actions as may be necessary to promote and secure the safety, protection and well-being of the inhabitants of the city.

(Ord. No. 06-11-60, § 1(ch. 15, art. 2, § 5), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 2, § 5), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 2, § 5), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 3, § 5), 8-18-2008)

State Law reference— Rules, etc., authorized, O.C.G.A. § 38-3-28; powers of local governing bodies during state of emergency or disaster, O.C.G.A. § 38-3-54.

Sec. 18-26. - Mutual aid.

(a) Providing. In periods of local emergency, the city is granted full power to provide mutual aid to any affected area in accordance with local laws, ordinances, resolutions, emergency plans or agreements therefor.

(b) Requesting. The city may request from state agencies mutual aid, including personnel, equipment and other available resources, to assist the city during the local emergency plans or at the directions of the governor.

(Ord. No. 06-11-60, § 1(ch. 15, art. 2, § 6), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 2, § 6), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 2, § 6), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 3, § 6), 8-18-2008)

Sec. 18-27. - Disclaimer against civil liability.

(a) The city shall not be liable for any claim based upon the exercise or performance, or the failure to exercise or perform, a discretionary function or duty on the part of the city or any employee of the city, excepting willful misconduct, gross negligence or bad faith of any such employee, in carrying out emergency services as defined in the term "emergency management" in section 18-20.

(b) The immunities from liability, exemptions from laws, ordinances and rules, all pensions, relief, disability workers' compensation and other benefits which apply to the activity of officers, agents or employees of the city when performing their respective functions within the territorial city limits shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extraterritorially under the provisions of this chapter, excepting willful misconduct, gross negligence, or bad faith.

(c) Volunteers duly enrolled or registered with the city in a local emergency, a state of emergency or a war emergency, or unregistered persons placed into service during a state of war emergency, in carrying out, complying with, or attempting to comply with any order or regulation issued pursuant to the provisions of this article, or performing any of their authorized functions or duties or training for the performance of their authorized functions or duties, shall have the same degree of responsibility for their actions and enjoy the same immunities as officers and employees of the city performing similar work.
Sec. 18-28. - Adoption of National Incident Management System.

It is the city's policy to adopt the National Incident Management System as promulgated by the Federal Emergency Management Agency under the auspices of the Department of Homeland Security. It is the city's policy to use the National Incident Management System to organize all emergency management activities and to encourage its use by community partners through training and mutual aid exercises that employ this system.

Secs. 18-29—18-47. - Reserved.

ARTICLE III. - 911 EMERGENCY TELEPHONE SERVICE

Sec. 18-48. - Monthly charge imposed.

The mayor and council do hereby resolve and reaffirm the necessity for the monthly 911 charge of $1.50 per telephone line and $1.50 per wireless subscriber, for the months of October 2007 through September 2008, imposed to establish and maintain an emergency 911 fund.

Sec. 18-49. - Prepaid wireless 911 charge.

The mayor and council of the City of Milton, Georgia does hereby levy and impose a prepaid wireless 911 charge in the amount of $0.75 per retail transaction as authorized by O.C.G.A. § 46-5-134.2(b) and (j). Such charge shall be collected by sellers, as defined in O.C.G.A. § 46-5-134.2(a)(8), and remitted to the state revenue commissioner in conformance with O.C.G.A. § 46-5-134.2. Funds received by the city from charges imposed by this resolution [section] shall be deposited in the emergency telephone system fund maintained by the city pursuant to O.C.G.A. § 46-5-134 and kept separate from general revenue of the city, all such funds to be used exclusively for the purposes authorized by O.C.G.A. § 46-5-134(e) and (f).

The city clerk is hereby directed to file with the state revenue commissioner a certified copy of this resolution [section], in accordance with O.C.G.A. § 46-5-134.2(j)(1), within ten days of enactment of this resolution [section]. This resolution [section] shall become effective on January 1, 2012.

Secs. 18-50—18-67. - Reserved.

ARTICLE IV. - MONITORED ALARM SYSTEMS

Footnotes:

--- (2) ---
DIVISION 1. - GENERALLY

Sec. 18-68. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

False alarm means the activation of a signal from a monitored alarm system which elicits a response from the public safety police and/or fire department when there is in fact no emergency or actual or threatened criminal activity necessitating such a response. The term "false alarm" includes, without being limited to, any monitored alarm system signal activated as a result of weather, negligence, accident, mechanical failure, electrical failure, electrical surge, signals activated intentionally in nonemergency situations, and signals activated where the actual cause of such activation is unknown. There is a rebuttable presumption that an activated monitored alarm system signal is a false alarm if the responding personnel, after following normal procedures in their response and investigation, find no evidence of unauthorized entry, criminal activity or other emergency. An activated alarm system signal shall not be considered a false alarm if:

1. The public safety police or fire department is notified to cancel its response by the alarm user or the alarm user's monitoring agent prior to the time emergency personnel arrive at the premises;
2. The monitored system signal was intentionally activated by an individual based upon a reasonable belief that an emergency or actual or threatened criminal activity requiring immediate response existed;
3. The monitored system signal was activated by lightning or other act of nature resulting in an electrical surge which causes physical damage to the alarm system and which damage is evidenced by the written report of a licensed alarm system contractor who conducted an inspection of the system at the premises and personally observed such physical damage.

Monitored alarm system.

1. The term "monitored alarm system" means any assembly of equipment or device, whether mechanical or electrical, arranged or designed to signal by any means the occurrence of an illegal entry into the premises or any other activity requiring urgent police attention or any assembly of equipment or device, whether mechanical or electrical, arranged or designed to signal by any means the occurrence of a fire at the premises and to which the public safety police and/or fire department may reasonably be expected to respond.

2. The term "monitored alarm system" does not include:
   a. Alarm systems installed exclusively for the purpose of signaling an ongoing robbery, fire or medical emergency;
   b. Any alarm system installed in a motor vehicle.

Monitored alarm user means the person or other entity which owns, leases, rents, manages, possesses, or has primary control over the premises in which a monitored alarm system is installed or maintained.

Premises means the building or structure, or any portion of a building or structure, in which there is installed or maintained a monitored alarm system.

Public safety department means the city police or fire personnel.
Sec. 18-69. - Penalty.

Upon conviction, violations of this article shall be punished as follows:

1. For the second and each subsequent false alarm that occurs at the same premises within any 12-month period, a fine shall be assessed in the amount of $150.00; provided, however, that no monitored alarm user shall be assessed fines in excess of $600.00 for false alarms that occur at the same premises in any 24-hour period.

2. For all other violations of this article, not including false alarms, a fine shall be assessed in the amount of $100.00 and, in addition thereto, the violator may be enjoined by the municipal court judge from continuing the violation.

3. Each violation shall constitute a separate offense.

4. False alarms shall not be counted for purposes of assessing the penalties provided for in subsection (1)(a) of this section so long as such false alarms occurred within ten days following the installation of the monitored alarm system.

Sec. 18-70. - Purpose and intent.

Based on the experiences of surrounding municipalities and communities and their law enforcement officers, the council finds that emergency response to false alarms creates additional risks to public safety by diverting limited public safety resources away from both real emergencies and normal patrol activities intended and designed to prevent criminal acts. Therefore, the purpose of this article is to promote public safety by making monitored alarm users in the city directly responsible for preventing false alarms.

Secs. 18-71—18-89. - Reserved.

DIVISION 2. - REGULATIONS

Sec. 18-90. - Registration.

(a) Required; contents. No later than five business days following the installation of any monitored alarm system, the alarm user or monitoring company shall provide the following information to the city treasurer's office using the prescribed registration form:

1. The complete name, address, and phone number of the alarm user;

2. The names of all persons authorized to enter the premises and deactivate the alarm system signal as well as all phone numbers at which such persons can be reached;

3. The name and telephone number of the alarm user's monitoring agent, if any;
If known, the name and telephone number of the person or entity which installed the alarm system; and

An alarm registration fee set by resolution of the city council.

Information changes to be reported. Any changes in the information set forth in subsection (a) of this section must be reported to the city treasurer's office within five business days. Monitored alarm users utilizing alarm systems installed prior to the effective date of the ordinance from which this article is derived shall provide the information set forth in subsection (a) of this section to the city treasurer's office no later than 60 days following such effective date.

Grandfather clause. All alarm systems installed before incorporation of the city shall be registered with the city treasurer's office within six months after the effective date of the ordinance from which this article is derived.

Deactivation mechanism required.

No monitored alarm system installed after the effective date of the ordinance from which this article is derived shall be used unless such system is equipped with a mechanism or device that automatically deactivates the alarm system signal no later than 30 minutes after activation.

Monitoring and enforcement; citation.

The public safety police department or fire department shall be responsible for the enforcement of this article. This article shall be enforced by the issuance of a citation and prosecution in the city municipal court, or other court of competent jurisdiction.

Violations.

(a) Three or more false alarms. It shall be a violation of this article for any monitored alarm user to cause, allow or permit three or more false alarms in any calendar year. It shall also be a violation of this article for any monitored alarm user to fail or otherwise refuse to comply with the registration or equipment requirements set forth in section 18-90.

(b) False requests or reports. No person shall intentionally make, turn in, or report a false alarm of fire or false request for police or ambulance assistance, or aid or abet in the commission of such an act.
CITY COUNCIL AGENDA ITEM

TO: City Council
FROM: Steven Krokoff, Interim City Manager

AGENDA ITEM: Consideration of a Resolution Extending Through August 2, 2016, An Existing Moratorium Barring the Acceptance Of Applications for Permits Authorizing the Use of Community Sewerage Disposal Systems

MEETING DATE: Monday, May 2, 2016 Regular City Council Meeting

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached memorandum

APPROVAL BY CITY MANAGER: (✓) APPROVED  ( ) NOT APPROVED

CITY ATTORNEY APPROVAL REQUIRED: (✓) YES  ( ) NO

CITY ATTORNEY REVIEW REQUIRED: (✓) YES  ( ) NO

APPROVAL BY CITY ATTORNEY (✓) APPROVED  ( ) NOT APPROVED

PLACED ON AGENDA FOR:

REMARKS
A RESOLUTION OF THE CITY OF MILTON, GEORGIA EXTENDING THROUGH AUGUST 2, 2016, AN EXISTING MORATORIUM BARRING THE ACCEPTANCE OF APPLICATIONS FOR PERMITS AUTHORIZING THE USE OF COMMUNITY SEWERAGE DISPOSAL SYSTEMS

WHEREAS, Section 1.12, paragraphs (b)(4), (9), (13) and (15), of the Charter of the City of Milton, Georgia (“City”) empowers the City to regulate sanitary sewerage systems within the City limits; and

WHEREAS, Section 50-184(b) of the Code of the City of Milton authorizes the use, in some cases, of a “community sewerage disposal system” when such systems are in compliance with the standards of Fulton County sewerage regulations; and

WHEREAS, the City has received public comments regarding the potential adverse impacts on the safety, health and general welfare of the City and its inhabitants resulting from the use of community sewerage disposal systems; and

WHEREAS, the City is likewise mindful that there are professionals in the sewerage industry who contend that community sewerage disposal systems are a safe and low cost sewage disposal treatment product; and

WHEREAS, the City rules regarding community sewerage disposal systems are holdover regulations from ordinances implemented by Fulton County; and

WHEREAS, the City of Milton has not prepared regulations or ordinances regarding community sewerage that are tailored to the City of Milton or that capture the unique character of the City; and

WHEREAS, the City intends to consider amendments to Section 50-184 that will address those concerns expressed about community sewerage disposal systems and that otherwise will ensure the City’s community sewerage disposal regulations are in line with the Council’s vision and needs for the City; and

WHEREAS, while the City is undergoing this review and re-drafting process, the City believes it both appropriate and lawful for a moratorium to be placed on any application, request, or proposal to develop, use, or construct a community sewerage disposal system within the jurisdictional boundary of Milton; and

WHEREAS, on April 11, 2016, the City adopted a 30-day moratorium barring, the acceptance of applications for permits, requests, or proposals for the use or construction of community sewerage disposal systems; and
WHEREAS, the City finds extending until August 2, 2016, the moratorium barring the acceptance of applications for permits, requests, or proposals for the use or construction of community sewerage disposal systems to be reasonably necessary, the least restrictive means available, a reasonable exercise of the City’s police power, and in the best interests of the public health, safety, and welfare;

NOW, THEREFORE IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILTON, GEORGIA THAT:

1. The City does hereby extend the existing moratorium barring the acceptance of applications for permits, requests, or proposals for the development, use or construction of community sewerage disposal systems until August 2, 2016, in order to consider the amendment of Section 50-184 of the Code of the City of Milton, Georgia.

2. The moratorium imposed by this Resolution shall terminate on the earliest date of (1) August 2, 2016; (2) approval by the City Council of an additional moratorium after a public hearing; (3) affirmative action of the Council cancelling the moratorium, or (4) the adoption of an amendment to Section 50-184 of the Code of the City of Milton, Georgia.

3. The moratorium imposed herein does not limit the ability of property owners to develop their land as currently zoned or permitted, except that no proposal, request, or application to develop, use, or construct a community sewerage disposal system shall be accepted.

4. This moratorium shall have no effect on any application, request, or proposal already pending with the City regarding a community sewerage disposal system.

This Resolution shall be effective upon a majority vote by the City Council as ratified by the Mayor of the City of Milton, Georgia.

SO RESOLVED, the public’s health, safety, and welfare demanding it, this 2nd day of May, 2016.

______________________________
Joe Lockwood, Mayor

Attest:

______________________________
Sudie Gordon, City Clerk
CITY COUNCIL AGENDA ITEM

TO: City Council

FROM: Steven Krokoff, Interim City Manager

DATE: April 27, 2016

AGENDA ITEM: Consideration of an Ordinance to Amend the Defined Benefit Pension Plan to Reduce the Qualifications for Normal Retirement to Attainment of 65 and 5 Years of Total Credited Service.

MEETING DATE: Monday, May 2, 2016 Regular City Council Meeting

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached memorandum

APPROVAL BY CITY MANAGER: (√) APPROVED ( ) NOT APPROVED

CITY ATTORNEY APPROVAL REQUIRED: (√) YES ( ) NO

CITY ATTORNEY REVIEW REQUIRED: (√) YES ( ) NO

APPROVAL BY CITY ATTORNEY (√) APPROVED ( ) NOT APPROVED

PLACED ON AGENDA FOR: 5/2/2016

REMARKS
To: Honorable Mayor and City Council Members

From: Sam Trager, Director of Human Resources

Date: Submitted on April 1, 2016 for May 2, 2016 Regular Council Meeting (First Presentation at the April 25, 2016 Regular Council Meeting)

Agenda Item: Consideration of an Ordinance to Amend the Defined Benefit Pension Plan to Reduce the Qualifications for Normal Retirement to Attainment of Age 65 and 5 Years of Total Credited Service.

Department Recommendation: Approve the attached ordinance amending the current defined benefit pension plan.

Executive Summary: The attached plan design change would allow employees to reach normal retirement at age 65 with 5 years of credited service. Our current vesting schedule would require 7 years of service.

Funding and Fiscal Impact: This change would have minimal impact on the funding of the defined benefit pension.

Alternatives: Other Council directed action.

Legal Review: Megan Martin, Jarrard & Davis
Steve Cornelison, Stewart, Melvin and Frost April 7, 2016

Concurrent Review: Steven Krokoff, Interim City Manager
Carter Lucas, Assistant City Manager

Attachment(s): Plan Documents
GEORGIA MUNICIPAL EMPLOYEES
BENEFIT SYSTEM

DEFINED BENEFIT RETIREMENT PLAN

AN ORDINANCE
and
ADOPTION AGREEMENT
for

City of Milton

Form Volume Submitter Adoption Agreement
Amended and Restated as of January 1, 2007
(With Amendments Effective Through July 1, 2015)
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I. AN ORDINANCE

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

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

Section 1. The Retirement Plan for the Employees of the City of Milton, 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 35
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 Milton, Georgia

3. GOVERNING AUTHORITY

Name: Mayor and Council
Address: 13000 Deerfield Parkway, Suite 107-A, Milton, Georgia 30004-6119
Phone: (678) 242-2500
Facsimile: (678) 242-2499

4. PLAN REPRESENTATIVE

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

Name: Director of Operations
Address: 13000 Deerfield Parkway, Suite 107-A, Milton, Georgia 30004-6119
Phone: (678) 242-2500
Facsimile: (678) 242-2499
5. PENSION COMMITTEE

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

Position:
Position:
Position:
Position:
Position:
Position:
Position:
Pension Committee Secretary: Director of Human Resources
Address: 13000 Deerfield Parkway, Suite 107-A, Milton, Georgia 30004-6119
Phone: (678) 242-2500
Facsimile: (678) 242-2499

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): This is an amendment to change the qualifications for Normal Retirement from attainment of age 65 and completion of seven (7) years of Total Credited Service to attainment of age 65 and completion of five (5) years of Total Credited Service (see Adoption Agreement, p. 14); provided, however, that this amendments shall not apply with respect to City Managers employed by the City on or after April 1, 2007 and prior to July 1, 2014.

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 ______ (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 May 3, 2016 (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 July 1, 2014 (insert effective date of most recent Adoption Agreement preceding this Adoption Agreement).

The Employer's first Adoption Agreement became effective April 1, 2007 (insert effective date of Employer's first GMEBS Adoption Agreement). The Employer's GMEBS Plan was originally effective April 1, 2007 (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): January 1 – December 31.

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): (1) Employees who are initially employed by the City on or after July 1, 2014; and (2) Employees who are reemployed by the City on or after July 1, 2014 (see General Addendum Sections 2 and 14 for additional provisions concerning effect of reemployment on or after July 1, 2014).

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):  ____________________________________________.

(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):  ____________________________________________.

Please specify any limitations on eligibility to participate here (e.g., service on or after certain date):  ____________________________________________.

### 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: **35 hours/week** (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):  ____________________________

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
- [x] At least 6 months per year (regularly scheduled)
- [ ] Other: ________________________________

**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):** ________________________________

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

- [ ] No minimum
- [ ] At least _______ months per year (regularly scheduled)
- [ ] Other: ________________________________

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):**

- [x] 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; all individuals 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): ____________________________________________

☐ 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): Notwithstanding any provision herein to the contrary, if an Employee who was not employed on the original Effective Date of the City’s GMEBS Plan (April 1, 2007) first becomes reemployed by the City on or after July 1, 2014, the Employee will not be eligible to participate in this Plan and his/her service with the City prior to the original Effective Date of the Plan will not be taken into account under this Plan for any purpose.

(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): ____________________________________________________________

(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): _________

Other Conditions for Award of Prior Military Service Credit (must specify): ____________________________

(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

City of Milton (Amended Effective May 3, 2016)
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):

__________________________________________________________________________.

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): ________________________________.

(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): ________.

Other Conditions for Award of Prior Governmental Service Credit (must specify): ________

__________________________

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

(1) **Credit for Unused Paid Time Off.**

Subject to the limitations in Section 3.01 of the Master Plan, an Adopting Employer may elect to treat accumulated days of unused paid time off for a terminated Participant, for which the Participant is not paid, as Credited Service. The only type of leave permitted to be credited under this provision is leave from a paid time off plan which qualifies as a bona fide sick and vacation leave plan (which may include sick, vacation or personal leave) and which the Participant may take as paid leave without regard to whether the leave is due to illness or incapacity. The Credited Service resulting from the conversion of unused paid time off must not be the only Credited Service applied toward the accrual of a normal retirement benefit under the Plan. The Pension Committee shall be responsible to certify to GMEBS the total amount of unused paid time off that is creditable hereunder.

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

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

- Unused paid time off shall **not** be treated as Credited Service (if checked, skip to Section 14 – Retirement Eligibility).

- The following types of unused paid time off for which the Participant is not paid shall be treated as Credited Service under the Plan (check one or more as applicable):
  - Unused sick leave
  - Unused vacation leave
  - Unused personal leave
(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, subject to limitations in Section 3.01 of Master Plan):

(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).


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):

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): ____________________________

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

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

**B. Normal Retirement Qualifications**

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

(1) **Regular Employees**

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

- ☒ Attainment of age 65 (insert number)
- ☒ Completion of 5 years (insert number) of Total Credited Service
- ☐ In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and is at least age 62 (unless a lower safe-harbor age is permitted under applicable federal law), subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (check one): ☐ all Participants ☐ only the following class(es) of Participants (must specify):

**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): City Managers employed by the City on or after April 1, 2007 and prior to July 1, 2014 (Employees initially employed or reemployed on or after July 1, 2014 are not eligible to participate in the Plan – see Section 9 above and Sections 2 and 13 of General Addendum).

Normal retirement qualifications for excepted class(es) 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):

(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 _________ (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):

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): ________________________________

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):

_________________________________________________________________.

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):

_________________________________________________________________.

This alternative normal retirement benefit is available to:

☑ All Participants who qualify.
☐ Only the following Participants (must specify): ________________________________

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): ________________________________

(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):

__________________________________________________________.

This alternative normal retirement benefit is available to:

☐ All Participants who qualify.

☐ Only the following Participants (must specify): ________________________________

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): ________________________________

(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): ____________________________.

This alternative normal retirement benefit is available to:

☐ All Participants who qualify.

☐ Only the following Participants (must specify): ____________________________.

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): ____________________________.

(5) ☐ Other Alternative Normal Retirement Benefit.

Must specify qualifications: ____________________________.

☐ 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):

This alternative normal retirement benefit is available to:

☐ All Participants who qualify.

☐ Only the following Participants (must specify): ____________________________.
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): ________________________________.

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

Must specify qualifications: ________________________________

☐ 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):

__________________________________________________________.

This alternative normal retirement benefit is available to:

☐ All public safety employee Participants who qualify.

☐ Only the following public safety employee Participants (must specify): __

__________________________________________________________.

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): ________________________________.

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

D. Disability Benefit Qualifications

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

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

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

Other eligibility requirement (must specify): ________________________.

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): ________________________.

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. 2.75% (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):

☐ (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):

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

This formula applies to:

☐ All Participants who are Regular Employees.
☐ Only the following Participants (must specify):

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

This formula applies to:

☐ All Participants.
☐ Only the following Participants (must specify):

☐ (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):

City of Milton (Amended Effective May 3, 2016)
☐ All Participants who are Regular Employees.
☐ Only the following Participants (must specify): ____________.

☐ (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): ____________.

☐ (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): ______

☐ (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): ____________.

(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): ____________________________.

[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).
☐ $\underline{\hphantom{000}000} \ (\text{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): ________________.

[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): ________________.

☒ (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): Those who are employed with the City as of June 30, 2014, provided they do not become reemployed by the City on or after July 1, 2014. The standard early retirement reduction table in Master Plan Section 12.01 will apply to all other Participants.
Alternative Early Retirement Reduction Table

<table>
<thead>
<tr>
<th>Number of Years Before Age 65 (check as applicable)</th>
<th>Percentage of Normal Retirement Benefit* (complete as applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ 0</td>
<td>1.000</td>
</tr>
<tr>
<td>☑ 1</td>
<td>0.97</td>
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<tr>
<td>☑ 2</td>
<td>0.94</td>
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<td>☑ 8</td>
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<tr>
<td>☑ 14</td>
<td>0.__</td>
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<tr>
<td>☑ 15</td>
<td>0.__</td>
</tr>
</tbody>
</table>

*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):

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City of Milton (Amended Effective May 3, 2016)
☐ 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): ____________________________.

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(c) 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 - benefits of those Retired Participants not listed shall be suspended in accordance with Section 6.06(a) of the Master Plan if they return to work with the Employer):

  - [ ]

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

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

  This rule shall apply to (check one): [ ] all Retired Participants; [ ] only the following classes of Retired Participants (must specify):

  - [ ]

- [ ] (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):
___________________________________________________________.

(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):
___________________________________________________________.

B. Cost Of Living Adjustment

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

☐ (1) No cost-of-living adjustment.

☐ (2) Variable Annual cost-of-living adjustment not to exceed _____% (insert percentage).

☐ (3) Fixed annual cost-of-living adjustment equal to _____% (insert percentage).

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

☐ All Participants (and their Beneficiaries).

☐ Participants (and their Beneficiaries) who terminate employment on or after __________________ (insert date).

☐ Other (must specify): ________________________________________

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 7 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):

<table>
<thead>
<tr>
<th>COMPLETED YEARS OF TOTAL CREDITED SERVICE</th>
<th>VESTED PERCENTAGE</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>%</td>
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<td>2</td>
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<td>9</td>
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<td>10</td>
<td>%</td>
</tr>
</tbody>
</table>

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): City Manager.

Vesting Schedule for excepted class (must specify): Immediate Vesting (no vesting requirement).

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): ________________________________ ________________________________.
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): ____________________________

(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): ____________________________

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

☐ Total Credited Service accrued prior to the date of the Participant's death.

☐ Total Credited Service accrued prior to the date of the Participant's death, plus (check one): ☐ one-half (½) ☐ __________ (insert other fraction) of the Service between such date of death and what would
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 complies with definitely determinable requirements of Treasury Regulations Section 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): ________________

Eligibility conditions for alternative death benefit (must specify): ________________.

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 complies with definitely determinable requirements of Treasury Regulations Section 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): ________________

Eligibility conditions for alternative death benefit (must specify): ________________

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 3.0 % (insert percentage) of Earnings for Participants in the following classes (must specify): Eligible Regular Employees employed on or after April 1, 2007, commencing with the first payroll period beginning on or after April 1, 2007.

[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, subject to the provisions of Section 13.06 of the Master Plan Document): ____________________.

### 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 ___________ dated ______________, 20__. 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.

City of Milton (Amended Effective May 3, 2016)
Authorization for Amendments. Effective on and after February 17, 2005, the Adopting Employer hereby authorizes Ice Miller LLP, Legal Counsel, 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 2011-49, and Announcement 2005-37. 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 2011-49; or

- as of the date the Plan is otherwise considered an individually designed plan due to the nature and extent of the amendments.

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

The Adopting Employer further understands that, if it does not give its authorization hereunder or, in the alternative, adopt another pre-approved plan, its Plan will become an individually designed plan and will not be able to rely on the volume submitter advisory letter.
AN ORDINANCE (continued from page 1)

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

Section 3. The effective date of this Ordinance shall be May 3, 2016.

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

Approved by the Mayor and Council of the City of Milton, Georgia this ______ day of ____________________, 20____.

Attest:                      CITY OF MILTON, GEORGIA

City Clerk  Mayor
(SEAL)

Approved:

City Attorney

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

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

Board of Trustees
Georgia Municipal Employees
Benefit System
(SEAL)

Secretary
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 Milton, as follows (complete one or more sections, as applicable):

***Item (1) of Pre –Approved 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) **DB Plan Participation Closed to Employees Initially Employed or Reemployed on or after July 1, 2014** – Any Employee who is initially employed or reemployed by the City of Milton or after July 1, 2014 will not participate in the DB Plan (this Plan) with respect to his/her Service and Earnings on or after the date of such initial employment or reemployment. Eligible Regular Employees who are employed with the City as of June 30, 2014 will remain in the DB Plan (this Plan), subject to the eligibility requirements of this Plan, and except as otherwise provided in subsections 2(b) and Section 14 below concerning the effect of becoming reemployed. An Employee who is employed with the City as of June 30, 2014 but who does not satisfy the eligibility requirements (e.g., hour per week or month per year requirement) to participate in this Plan as of such date, and who, without terminating and becoming reemployed by the City, meets the eligibility requirements to participate in this Plan on or after July 1, 2014 shall become a Participant in this Plan upon satisfying such eligibility requirements, subject to subsection 2(b) and Section 14 below concerning the effect of becoming reemployed.

(b) **Employed as of June 30, 2014; Effect of Termination & Reemployment** – If an Eligible Regular Employee who is employed with the City as of June 30, 2014 terminates employment and becomes reemployed by the City on or after July 1, 2014, said Employee will not be eligible to participate in the DB
Plan (this Plan) with respect to his/her Service and Earnings with the City on or after said reemployment date. In addition, said Eligible Regular Employee’s vested status, the Eligible Regular Employee’s eligibility for retirement and pre-retirement death benefits, and the amount of any benefits payable to or on behalf of the Eligible Regular Employee under the DB Plan (this Plan), if any, with respect to the Eligible Regular Employee’s Service with the City prior to said reemployment date will be determined based upon the Eligible Regular Employee’s Credited Service and his/her Final Average Earnings as of the date of his or her termination of employment preceding the date he/she is first reemployed by the City on or after July 1, 2014. Notwithstanding the provision above concerning determination of vested status, portability service with other GMEBS Retirement Fund member employers will be taken into account as provided under subsection 2(d) below. Service and Earnings on or after said reemployment date will not be taken into account for any purpose under the DB Plan (this Plan) (e.g., for purposes of becoming vested under the DB Plan, meeting benefit eligibility requirements, or computing the amount of benefits payable, if any, under the DB Plan). See also Section 14 of this Addendum regarding Frozen Plan Provisions.

(c) Former Employees Not Employed on June 30, 2014 Who Become Reemployed or after July 1, 2014 – If a former Employee of the City who is not employed with the City as of June 30, 2014 becomes reemployed by the City on or after July 1, 2014, the Employee will not be eligible to participate in the DB Plan (this Plan) with respect to his or her Service and Earnings with the City on or after the date on which he or she is reemployed. The Employee’s vested status, the Employee’s eligibility for retirement and pre-retirement benefits, and the amount of any benefits payable under this Plan, if any, with respect to the Employee’s Service with the City prior to said reemployment date will be determined in accordance with the applicable terms of this Plan, if any, in effect as of the date of the Employee’s most recent termination from the City preceding the date on which he or she is first reemployed by the City on or after July 1, 2014, and the Employee’s Credited Service and Final Average Earnings with the City, if any, as of said termination date. Notwithstanding the
provision above concerning determination of vested status, portability service will be taken into account as provided under subsection 2(d) below. Service and Earnings with the City on or after said reemployment date will not be taken into account for any purpose under this Plan (e.g., for purposes of becoming vested, meeting benefit eligibility requirements, or computing the amount of benefits payable under this Plan). See also Section 14 of this Addendum regarding Frozen Plan Provisions.

(d) **GMEBS Portability Service** – Credited Service under the defined benefit retirement plans of other GMEBS Retirement Fund member employers (portability service) will continue to be taken into account under this Plan in accordance with the GMEBS Master Plan (solely for purposes of determining vested status and eligibility for retirement benefits under this Plan) with respect to:

(1) Eligible Regular Employees who are employed with the City as of June 30, 2014; and (2) former Eligible Regular Employees of the City not employed with the City as of June 30, 2014 who previously participated in the DB Plan (this Plan), provided they do not become reemployed by the City on or after July 1, 2014. If an Employee or former Employee described in this subsection 2(d)(1) – (2) becomes reemployed with the City on or after July 1, 2014, then any portability service on or after said reemployment date will not be taken into account for any purpose under the DB Plan (this Plan), notwithstanding any provision of the Master Plan to the contrary.

***Items (3) through (13) of Pre–Approved 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 July 1, 2014 (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): Employees initially employed or reemployed on or after July 1, 2014.

(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 __________ (specify date), ☐ first employed on or after July 1, 2014 (specify date), □ first take office on or after ___________ (specify date), ☐ reemployed on or after July 1, 2014 (specify date), □ return to office (following a vacation of office) on or after ___________ (specify date), shall not be eligible to participate in the Plan on or after the date on which such Employee is first employed or reemployed on or after July 1, 2014, as applicable (specify date).

(iv) With respect to Employees designated in paragraph (iii) above, Earnings on or after the date on which such Employee is first employed or reemployed on or after July 1, 2014, as applicable (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 the date on which such Employee is first employed or reemployed on or after July 1, 2014, as applicable (specify date) for purposes of (check all that apply): ☐ computing the amount of benefits payable; ☒ meeting minimum service requirements.
(vi) The following additional provisions shall apply as a result of the freeze (must specify): See General Addendum Section 2 for additional provisions concerning Plan freeze.

The terms of the foregoing Addendum to the Adoption Agreement are approved by the Mayor and Council of the City of Milton, Georgia this ______ day of ______________, 2016.

Attest: CITY OF MILTON, 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
CITY COUNCIL AGENDA ITEM

TO: City Council
FROM: Steven Krokoff, Interim City Manager

DATE: April 27, 2016

AGENDA ITEM: Consideration of an Amendment of Chapter 56, Article III of the City of Milton Code of Ordinances to Update the Maximum Speed Limit Table.

MEETING DATE: Monday, May 2, 2016 Regular City Council Meeting

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached memorandum

APPROVAL BY CITY MANAGER: (✓) APPROVED  ( ) NOT APPROVED

CITY ATTORNEY APPROVAL REQUIRED:  (✓) YES  ( ) NO

CITY ATTORNEY REVIEW REQUIRED:  (✓) YES  ( ) NO

APPROVAL BY CITY ATTORNEY  (✓) APPROVED  ( ) NOT APPROVED

PLACED ON AGENDA FOR: 3/07/2016

REMARKS
To: Honorable Mayor and City Council Members

From: Carter Lucas, PE - Public Works Director

Date: Submitted on April 27th, 2016 for the May 2nd, 2016 Regular Council Meeting

Agenda Item: Consideration of an Amendment of Chapter 56 Article III of the City of Milton Code of Ordinances to Update the Maximum Speed Limit Table

Department Recommendation: Approval.

Executive Summary: This is a periodic update the city radar permit to include the following revisions:

1. Update of the speed limit along SR 372 from 0.15 miles south of Green Road to 0.22 miles north of Saddle Creek Drive to allow the use of radar at the posted speed limit of 35 mph.
2. Add Cox Road at a posted speed limit of 40 mph.
3. Add residential streets Hipworth Road, Laconia Lane, McFarlin Lane, Morning Park Circle, Owens Lake Road, Quayside Drive and Waterside Drive at 25 mph.
4. Lower the speed limit on Mayfield Road from 45 mph to 35 mph.
5. Lower the speed limit on Providence Road from SR 372 to Freemanville Road from 45 mph to 40 mph.
6. Delete Creek Club Drive, Copper Creek Circle, Morning Mountain Way and Wolf Willow Close – all located within the Crooked Creek Subdivision from the permit.

Funding and Fiscal Impact: N/A

Alternatives: The council may elect not to accept the modified speed limits. Radar may not be used to enforce speed limits that are not posted at the approved limits.
Legal Review: Sam VanVolkenburgh – Jarrard & Davis (04-08-16)

Concurrent Review: Steve Krokoff, Interim City Manager

Attachment(s): Ordinance and List of Approved Roads
AN ORDINANCE TO REVISE AND UPDATE SPEED ZONES AND REGULATIONS REGARDING VEHICULAR SPEEDS WITHIN THE CITY LIMITS AND TO PROVIDE FOR ENFORCEMENT OF THOSE REGULATIONS

The Council of the City of Milton hereby ordains, while in regularly called Council meeting on the 2nd day of May, 2016 at 6:00 p.m., as follows:

WHEREAS, pursuant to O.C.G.A. § 40-6-183, the City Charter of the City of Milton, and other powers vested in the City, the City is authorized to regulate speed zones and establish speeding regulations within the corporate limits of the City; and,

WHEREAS, a traffic and engineering investigation, required by law, has been completed regarding maximum vehicle speeds on the roads, streets, highways and other public ways within the City described in this ordinance and attached hereto; and,

WHEREAS, the City desires, pursuant to and in compliance with O.C.G.A. § 40-14-1 et seq., to permit the use of speed detection devices, including radar and laser detection devices, on the roads, streets, highways and other public ways within the City; and,

WHEREAS, the City of Milton’s Law Enforcement Department is lawfully authorized to exercise the powers of arrest and to enforce the traffic laws of this State; and,

WHEREAS, pursuant to State Law, it shall be unlawful to use speed detection devices on the roads, streets, highways and other public ways within the City of Milton that are not specifically described within this ordinance; and,

WHEREAS, the City desires for the Milton Police Department and any other sworn law enforcement officers acting within their scope of duty and within their jurisdiction to enforce the speed zone regulations established by state law and this ordinance;

NOW THEREFORE, Chapter 56, Article III “Speed Limits” of The Code of the City of Milton, Georgia, is hereby amended by deleting in their entirety the schedules in Section 56-43 placed after the sentence “The maximum speed limit on the public streets are set forth in the schedules in this section”, and inserting in their place in Section 56-43 new schedules as attached hereto and incorporated herein by reference as Exhibit “A.”

[SIGNATURES ON THE FOLLOWING PAGE]
ORDAINED this 2nd day of May, 2016.

Approved:

_______________________________
Joe Lockwood, Mayor

Attest:

______________________________
Sudie Gordon, City Clerk
The City Council of the City of Milton is hereby requesting that the following roadways be approved for the use of speed detection devices:

**LIST OF ROADWAYS**
for
**CITY OF MILTON**

**ON-SYSTEM**

<table>
<thead>
<tr>
<th>STATE ROUTE</th>
<th>WITHIN THE CITY/TOWN LIMITS OF and/or School Name</th>
<th>FROM</th>
<th>MILE POINT</th>
<th>TO</th>
<th>MILE POINT</th>
<th>LENGTH IN MILES</th>
<th>SPEED LIMIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>MILTON Windward Pkwy. (N. Alpharetta City Limits)</td>
<td>27.04</td>
<td>Forsyth County Line</td>
<td>30.10</td>
<td>3.06</td>
<td>45</td>
<td></td>
</tr>
<tr>
<td>140</td>
<td>MILTON Cherokee County Line</td>
<td>0.00</td>
<td>0.15 mi. south of Green Road</td>
<td>3.01</td>
<td>3.01</td>
<td>45</td>
<td></td>
</tr>
<tr>
<td>372</td>
<td>MILTON 0.03 mi. north of Green Road</td>
<td>0.57</td>
<td>0.11 mi. south of Spring Falls Road</td>
<td>2.08</td>
<td>1.51</td>
<td>35</td>
<td></td>
</tr>
<tr>
<td>372</td>
<td>MILTON Crabapple Crossing Elementary School &amp; Northwestern Middle School</td>
<td>0.39 mi. south of Kensington Farms Drive</td>
<td>1.33</td>
<td>0.18 mi. north of Kensington Farms Drive</td>
<td>1.90</td>
<td>0.57</td>
<td>25</td>
</tr>
<tr>
<td>372</td>
<td>MILTON 0.11 mi. south of Spring Falls Road</td>
<td>2.08</td>
<td>0.47 mi. north of Nix Road</td>
<td>7.02</td>
<td>4.94</td>
<td>45</td>
<td></td>
</tr>
<tr>
<td>372</td>
<td>MILTON Birmingham Falls Elementary School</td>
<td>528 feet north of Wood Road</td>
<td>5.26</td>
<td>0.30 mi. north of Wood Road</td>
<td>5.46</td>
<td>0.20</td>
<td>35</td>
</tr>
<tr>
<td>372</td>
<td>MILTON 0.47 mi. north of Nix Road</td>
<td>7.02</td>
<td>0.10 mi. north of New Bullpen Road</td>
<td>7.49</td>
<td>0.47</td>
<td>45</td>
<td></td>
</tr>
<tr>
<td>372</td>
<td>MILTON 0.10 mi. north of New Bullpen Road</td>
<td>7.49</td>
<td>Cherokee County Line</td>
<td>8.89</td>
<td>1.40</td>
<td>45</td>
<td></td>
</tr>
</tbody>
</table>

****SCHOOL ZONES ARE EFFECTIVE****

**A.M.** from 45 minutes prior to the earliest commencement time to 15 minutes after the latest commencement time – **SCHOOL DAYS ONLY.**

**P.M.** from 15 minutes prior to the earliest dismissal time to 45 minutes after the latest dismissal time – **SCHOOL DAYS ONLY.**
<table>
<thead>
<tr>
<th>ROAD NAME</th>
<th>CITY/TOWN LIMITS OF</th>
<th>FROM</th>
<th>TO</th>
<th>LENGTH IN MILES</th>
<th>SPEED LIMIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affirmend Ct.</td>
<td>MILTON</td>
<td>Triple Crown Drive</td>
<td>Cul-de-sac</td>
<td>0.31</td>
<td>25</td>
</tr>
<tr>
<td>Alpha Woods Drive</td>
<td>MILTON</td>
<td>Thompson Road</td>
<td>Thomas Creek Court</td>
<td>0.28</td>
<td>25</td>
</tr>
<tr>
<td>Arabian Avenue</td>
<td>MILTON</td>
<td>New Providence Road</td>
<td>Dead end</td>
<td>0.66</td>
<td>25</td>
</tr>
<tr>
<td>Avensong Crossing</td>
<td>MILTON</td>
<td>Deerfield Parkway</td>
<td>Dead end</td>
<td>0.29</td>
<td>25</td>
</tr>
<tr>
<td>Avensong Ives Way</td>
<td>MILTON</td>
<td>Serenade Court</td>
<td>Avensong Village Circle</td>
<td>0.27</td>
<td>25</td>
</tr>
<tr>
<td>Avensong Village Circle</td>
<td>MILTON</td>
<td>Avensong Ives Way</td>
<td>Dead end</td>
<td>0.63</td>
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<tr>
<td>Barberry Drive</td>
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<td>The Hermitage Drive</td>
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<td>Batesville Road</td>
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<tr>
<td>Belletre Drive</td>
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<td>Bethany Bend</td>
<td>MILTON</td>
<td>Hopewell Road</td>
<td>SR 9</td>
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</tr>
<tr>
<td><strong>Bethany Bend</strong>*</td>
<td><strong>MILTON</strong>*</td>
<td><strong>0.11 mi. West of</strong></td>
<td><strong>Cogburn Road</strong></td>
<td><strong>0.26 mi. East of</strong></td>
<td><strong>0.37</strong></td>
</tr>
<tr>
<td><strong>SCHOOL ZONE</strong>*</td>
<td><strong>Cambridge High School</strong>*</td>
<td><strong>Cogburn Road</strong></td>
<td><strong>Hopewell Road</strong></td>
<td><strong>0.40</strong></td>
<td><strong>25</strong></td>
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<td>Bethany Bend</td>
<td>MILTON</td>
<td>SR 9</td>
<td>McGinnis Ferry/Morris Rd.</td>
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<td>MILTON</td>
<td>Mayfield Road</td>
<td>Haygood Road / Bethany Bend</td>
<td>2.00</td>
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<td>Bethany Road</td>
<td>MILTON</td>
<td>Haygood Road / Bethany Road</td>
<td>Hopewell Road</td>
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<td><strong>Cogburn Road</strong>*</td>
<td><strong>MILTON</strong>*</td>
<td><strong>343 feet south of</strong></td>
<td><strong>Webb Road</strong></td>
<td><strong>800 feet north of</strong></td>
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</tr>
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<td><strong>SCHOOL ZONE</strong>*</td>
<td><strong>Cogburn Woods Elementary School Hopewell Middle</strong>*</td>
<td><strong>Webb Road</strong></td>
<td><strong>Glaston Way</strong></td>
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<td>Cogburn Road</td>
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<td>0.09 mi. North of Bethany Bend</td>
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<td><strong>Cogburn Road</strong>*</td>
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<td><strong>Hopewell Middle</strong>*</td>
<td><strong>Francis Road</strong></td>
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<td>Double Springs Way</td>
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<tr>
<td>ROAD NAME</td>
<td>WITHIN THE CITY / TOWN LIMITS OF and/or School Name</td>
<td>FROM</td>
<td>TO</td>
<td>LENGTH IN MILES</td>
<td>SPEED LIMIT</td>
</tr>
<tr>
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<td>Drummond Pond Road</td>
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<td>North Valleyfield Road</td>
<td>Dead end</td>
<td>0.38</td>
<td>25</td>
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<tr>
<td>East Bluff Road</td>
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<td></td>
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<td>105 feet North of Mayfield Road</td>
<td>1600 feet North of Mayfield Road</td>
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<td>Freemanwood Lane</td>
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<td>Glen Hampton Drive</td>
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<td>25</td>
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<td>SR372/Crabapple Road</td>
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<td>Hagood Rd.</td>
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<td>Hamby Road</td>
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<tr>
<td>Hampton Bluff Drive</td>
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<td>White Columns Drive</td>
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<tr>
<td>Henderson Heights Drive</td>
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<td>Hopewell Plantation Drive</td>
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<td>Kensington Farms Drive</td>
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<td>Laconia Lane</td>
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<td>Morning Park Circle</td>
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<td>ROAD NAME</td>
<td>WITHIN THE CITY / TOWN LIMITS OF and/or School Name</td>
<td>FROM</td>
<td>TO</td>
<td>LENGTH IN MILES</td>
<td>SPEED LIMIT</td>
</tr>
<tr>
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<td>Birmingham Highway</td>
<td>Arnold Mill Road</td>
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<tr>
<td>New Providence Road ***</td>
<td>MILL SPRINGS ACADEMY</td>
<td>Providence Lake Point</td>
<td>1035 feet east of Providence Lake Point</td>
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<tr>
<td>North Brookshade Parkway</td>
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<tr>
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<td>Oakstone Glen</td>
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<td>Owens Farm Road</td>
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<td>Petersford Way</td>
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<td>Pony Tail Road</td>
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<td>Providence Oaks Street</td>
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<td>Blackmaral Lane</td>
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<td>Freemanville Road</td>
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<td>Providence Road ***</td>
<td>Summit Hill Elementary School</td>
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<tr>
<td>Ranchette Road</td>
<td>MILTON</td>
<td>SR 140 / Arnold Mill Road</td>
<td>New Providence Road</td>
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<td>35</td>
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<tr>
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<td>Hopewell Road</td>
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<td>Francis Road</td>
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<td>ROAD NAME</td>
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<td>FROM</td>
<td>TO</td>
<td>LENGTH IN MILES</td>
<td>SPEED LIMIT</td>
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<td>Tullmore Way</td>
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<td>Treyburn Manor View</td>
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<td>White Columns Drive</td>
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***SCHOOL ZONES ARE EFFECTIVE***

A.M. from 45 minutes prior to commencement time to 15 minutes after commencement time – SCHOOL DAYS ONLY.

P.M. from 15 minutes prior to dismissal time to 45 minutes after dismissal time – SCHOOL DAYS ONLY.

ALL LISTS AND PARTS OF LISTS IN CONFLICT WITH THIS LIST ARE HEREBY REPEALED.

Signature of Governing Authority:

______________________________________  Sworn and Subscribed before me
Mayor                          This_______ day of____________________._____

______________________________________
City Clerk, City of Milton
CITY COUNCIL AGENDA ITEM

TO: City Council
FROM: Steven Krooff, Interim City Manager

AGENDA ITEM: Consideration to Adopt an Amendment to the Impact Fee Ordinance Fee Schedule

MEETING DATE: Monday, May 2, 2016 Regular City Council Meeting

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached memorandum

APPROVAL BY CITY MANAGER: (✓) APPROVED ( ) NOT APPROVED

CITY ATTORNEY APPROVAL REQUIRED: (✓) YES ( ) NO

CITY ATTORNEY REVIEW REQUIRED: (✓) YES ( ) NO

APPROVAL BY CITY ATTORNEY (✓) APPROVED ( ) NOT APPROVED

PLACED ON AGENDA FOR: 05/02/2016

REMARKS
To: Honorable Mayor and City Council Members

From: Michele McIntosh-Ross, Principal Planner

Date: Submitted on April 20, 2016 for the May 2, 2016 Council Regular Council Meeting. (Work Session April 18; First Presentation April 25)

Agenda Item: Consideration to Adopt an Amendment to the Impact Fee Ordinance Fee schedule

**Department Recommendation:**
Approval.

**Executive Summary:**
On October 5, 2015 the Mayor and City Council adopted an impact fee ordinance with an attached fee schedule for each of the four public facility categories (Parks & Recreation, Fire Protection, Law Enforcement, and Roads). The fee schedule that was adopted, discounted the fee that was calculated for the Parks and Recreation category to 50%. It was noted that in six months the Mayor and City Council would discuss possible revisions to the fee schedule.

At the April 18 Council Work Session, the Mayor and City Council directed staff to amend the ordinance to remove the 50% discount on the fees from the Parks and Recreation category, to charge the full 100%.

**Existing fee schedule for new residential permits**

1. 50%, 100%, 100%, 100%

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<th>Fire Protection</th>
<th>Law Enforcement</th>
<th>Roads</th>
<th>Subtotal</th>
<th>Administration (3%)</th>
<th>TOTAL IMPACT FEE</th>
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**Proposed fee schedule for new residential permits**

2. 100%, 100%, 100%, 100%

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AN ORDINANCE TO AMEND CHAPTER 25, “IMPACT FEES”
OF THE CODE OF THE CITY OF MILTON, GEORGIA

The Council of the City of Milton hereby ordains while in a regularly called council meeting on May 2nd, 2016 at 6:00 p.m. as follows:

SECTION 1. That Chapter 25, “Impact Fees” of the Code of the City of Milton, Georgia, originally adopted on October 5, 2015, is hereby amended by deleting the Chapter in its entirety and replacing it with Exhibit “A”, attached hereto as if fully set forth herein

SECTION 2. All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

SECTION 3. That this Ordinance shall become effective upon its adoption.

ORDAINED this the 2nd day of May, 2016.

____________________________________
Joe Lockwood, Mayor

Attest:

____________________________________
Sudie AM Gordon, City Clerk
Funding and Fiscal Impact:
None.

Alternatives:
None.

Legal Review:
Ken Jarrard – Jarrard & Davis 04-21-2016

Concurrent Review:
Steve Krokoff, Interim City Manager

Attachment(s):
Impact Fee Ordinance with amended attached fee schedule
IMPACT FEES

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Chapter 25 - IMPACT FEES

Sec. 25-1. - Short title, authority, and applicability.

(a) Short title.

This ordinance shall be known and may be cited as the “Development Impact Fee Ordinance of Milton, Georgia,” or the “Impact Fee Ordinance.”

(b) Authority.

This ordinance has been prepared and adopted by the City Council of Milton, Georgia, in accordance with the authority provided by Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia, the Georgia Development Impact Fee Act (O.C.G.A. 36-71-1 et seq. as amended), and such other laws as may apply to the provision of public facilities and the power to charge fees for such facilities.

(c) Applicability.

(1) The provisions of this ordinance shall not be construed to limit the power of Milton, Georgia, to use any other legal methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this ordinance.

(2) This ordinance shall apply to all areas under the regulatory control and authority of Milton, Georgia, and such other areas as may be included by intergovernmental agreement.

Sec. 25-2. - Findings, purpose, and intent.

(a) Findings.

The City Council of Milton, Georgia, finds and declares:

(1) That an equitable program for planning and financing public facilities to serve new growth and development is necessary in order to promote and accommodate orderly growth and development and to protect the public health, safety, and general welfare of the citizens of Milton; and

(2) That certain public facilities as herein defined have been and must be further expanded if new growth and development is to be accommodated at the same level of service available to existing development; and

(3) That it is fair and equitable that new growth and development shall bear a proportionate share of the cost of such public facilities necessary to serve new growth and development.
(b) Purpose.

(1) The purpose of this ordinance is to impose impact fees, as hereinafter set forth, for certain public facilities, as hereinafter defined.

(2) It is also the purpose of this ordinance to ensure that adequate public facilities are available to serve new growth and development in Milton and to provide that new growth and development bears a proportionate share of the cost of new public facilities needed to serve them.

(c) Intent.

This ordinance is intended to implement and be consistent with the City of Milton 2030 Comprehensive Plan Community Agenda, as it has been adopted or may be amended in accord with the Georgia Comprehensive Planning Act (O.C.G.A. 50-8-1 et seq.); and the applicable Development Impact Fee Compliance Requirements, as adopted by the Georgia Board of Community Affairs and amended from time to time.

Sec. 25-3. - Rules of construction and definitions.

The provisions of this ordinance shall be construed so as to effectively carry out its purpose in the interest of the public health, safety, and general welfare of the citizens of Milton, Georgia.

(a) Rules of construction.

Unless otherwise stated in this ordinance, the following rules of construction shall apply to the text of this ordinance:

(1) In the case of a conflict between words or phrases as used in this ordinance and as used in other codes, regulations or laws of the City, such difference shall not affect the meaning or implication of such words or phrases as used in this ordinance.

(2) In the case of a conflict between the text of this ordinance and any caption, illustration, summary table or illustrative table, the text shall control.

(3) The word “shall” is always mandatory and not discretionary; the word “may” is permissive.

(4) Words used in the present tense shall include the future and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.

(5) The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other legal or similar entity.

(6) The conjunction “and” indicates that all the connected terms, conditions, provisions, or events shall apply.

(7) The conjunctions “or” and “and/or” indicate that the connected items, conditions, provisions, or events may apply singly or in any combination.
(8) The use of “either ... or” indicates that the connected items, conditions, provisions, or events shall apply singly and not in combination.

(9) The word “includes” or “including” and the phrase “such as” shall not limit a term to the specific example or examples given but are intended to extend its meaning to all other instances or circumstances of like kind or character.

(10) The article, section, and paragraph headings and enumerations used in this ordinance are included solely for convenience and shall not affect the interpretation of this ordinance.

(b) Definitions.

As used in this ordinance, the following terms shall have the meaning set forth below.

Administrator means the director of community development of Milton, Georgia, or the director’s designee, who is hereby charged with implementation and enforcement of this ordinance.

Building permit means the document issued by the city authorizing the construction, repair, alteration of or addition to a structure, or authorizing the installation of a mobile home or recreational vehicle. For the purposes of this article, a building permit also means a change of use permit.

Capital improvement means an improvement with a useful life of ten years or more, by new construction or other action, which increases the service capacity of a public facility.

Capital improvements element means that portion of the Milton comprehensive land use plan that sets out projected needs for system improvements during the planning horizon established therein, which provides a schedule that will meet the anticipated need for system improvements, and which provides a description of anticipated funding sources for each required improvement, as most recently adopted or amended by the City Council.

City means the City of Milton, Georgia, a municipal corporation of the state of Georgia.

City council means the City Council of Milton, Georgia.

Commencement of construction, for private development, means initiation of physical construction activities as authorized by a development or building permit and leading to completion of a foundation inspection or other initial inspection and approval by a public official charged with such duties; and for public projects, means expenditure or encumbrance of any funds, whether they be development impact fee funds or not, for a public facilities project, or advertising of bids to undertake a public facilities project.

Comprehensive plan means the Milton plan or planning elements as adopted or amended in accord with O.C.G.A. 50-8-1 et seq. and the applicable Minimum Standards and Procedures for Local Comprehensive Planning as adopted by the Georgia Board of Community Affairs.

Day means a calendar day, unless otherwise specifically identified as a “work” day or other designation when used in the text.

Developer means any person or legal entity undertaking development.

Development means any action which creates demand on or need for public facilities, as defined herein, and includes any construction or expansion of a building, structure, or use; any
change in use of land, a building, or structure; or the connection of any building or structure to a public utility.

*Development approval* means written authorization, such as issuance of a building permit, land disturbance permit or other approval for grading or site development, or other forms of official action required by local law or regulation prior to commencement of construction.

*Development impact fee* means the payment of money imposed upon and paid by new development as a condition of development approval as its proportionate share of the cost of system improvements needed to serve it.

*Development impact fee assessment* means the determination of the amount of an impact fee due for issuance of a particular building permit.

*Development impact fee collection* means the receipt by the city of the amount due for an impact fee assessed for a particular building permit.

*Dwelling unit* means one or more rooms constructed with cooking, sleeping and sanitary facilities designed for and limited to use as living quarters for one family. A dwelling unit may be a single-family detached home, an apartment or condominium in a multi-family structure, or a manufactured home.

*Encumber* means to legally obligate by contract or otherwise commit to use by appropriation or other official act of the City Council.

*Excess capacity* means that portion of the capacity of a public facility or system of public facilities which is beyond that necessary to provide adequate service to existing development at the adopted level-of-service standard.

*Family* means one or more persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, or up to four unrelated persons, occupying a dwelling unit and living as a single housekeeping unit. The term “family” does not include persons occupying a rooming house, boarding house, lodging house, or a hotel.

*Fee assessment:* see “Development impact fee; assessment”.

*Fee collection:* see “Development impact fee; collection”.

*Feepayer* means that person or entity who pays a development impact fee, or his or her legal successor in interest when the right or entitlement to any refund of previously paid development impact fees that are required by this ordinance has been expressly transferred or assigned to the successor in interest.

*Floor area* means the total number of square feet of heated floor space within the exterior walls of a building. Also referred to as the “gross floor area”.

*Individual assessment determination* means a finding by the administrator that an individual assessment study does or does not meet the requirements for such a study as established by this ordinance or, if the requirements are met, the fee calculated therefrom.
**Individual assessment study** means the engineering, financial, or economic documentation prepared by a fee-payer or applicant to allow individual determination of a development impact fee other than by use of the applicable fee schedule.

*Level of service* means a measure of the relationship between service capacity and service demand for specified public facilities as established by the City in terms of demand to capacity ratios or the comfort and convenience of use or service of such public facilities or both.

*Present value* means the current value of past, present, or future payments, contributions, or dedications of goods, services, materials, construction, or money, as calculated using methods of financial analysis acceptable to the Administrator for determination of “net present value.”

*Project* means a single improvement or set of interrelated improvements undertaken together within a finite time period at a specific location. With regard to land development, a project may be identified as those construction activities authorized collectively by a building permit or other development approval, or for an interrelated collection of buildings and common public facilities such as a residential subdivision or an office park.

*Project improvements* means site specific improvements or facilities that are planned, designed, or built to provide service for a specific development project and that are necessary for the use and convenience of the occupants or users of that project only, and that are not “system” improvements. The character of the improvement shall control a determination of whether an improvement is a “project” improvement or a “system” improvement, and the physical location of the improvement on-site or off-site shall not be considered determinative of whether an improvement is a “project” improvement or a “system” improvement. A project improvement may provide no more than incidental service or facility capacity to persons other than users or occupants of the particular project they serve. No improvement or facility included in a plan for public facilities and approved for public funding by the City shall be considered a project improvement.

*Property owner* means that person or entity that holds legal title to property.

*Proportionate share* means that portion of the cost of system improvements that is reasonably and fairly related to the service demands and needs of a project.

*Public facilities* means: (a) parks, open space, and recreation areas and related facilities; and (b) public safety facilities, including police, fire and emergency medical and communications facilities; and (c) roads, streets, and bridges, including rights of way, traffic signals, landscaping, and any other components of local, state or federal streets or highways.

*Service area* means a geographically defined area as designated in the capital improvements element of the comprehensive plan in which a defined set of public facilities provide or are proposed to provide service to existing or future development.

*System improvement costs* means costs incurred to provide public facilities capacity to serve new growth and development, including the costs of planning, design, engineering, construction, land acquisition, and land improvement for the construction or reconstruction of facility improvements or expansions. System improvement costs include the construction contract price, surveying and engineering fees, related land acquisition costs (including land purchases, court awards and costs, attorneys’ fees, and expert witness fees), and expenses incurred for qualified staff
or any qualified engineer, planner, architect, landscape architect, or financial consultant for preparing or updating the capital improvements element, and administrative costs of up to 3 percent of the total of all other system improvement costs. Projected interest charges and other finance costs may be included if the impact fees are to be used for the payment of principal and interest on bonds, notes, or other financial obligations issued to finance system improvements, but such costs do not include routine and periodic maintenance expenditures, personnel training, and other operating costs.

*System improvements* means capital improvements that are public facilities designed to provide service to more than one project or to the community at large, in contrast to “project” improvements.

*Unit of development* means the standard incremental measure of land development activity for a specific type of land use upon which the rate of demand for public service and facilities is based, such as a dwelling unit, square foot of floor area, motel room, etc.

*Unused or excess impact fee* means any individual impact fee payment from which no amount of money or only a portion thereof has been encumbered or expended according to the requirements of this ordinance.

**Sec. 25-4. - Imposition of development impact fees.**

Any person who after the effective date of this ordinance engages in development shall pay a development impact fee in the manner and amount set forth in this ordinance.

(a) Construction not subject to impact fees.

(1) The following projects and construction activities do not constitute “development” as defined in this ordinance, and are therefore not subject to the imposition of impact fees:

a. Rebuilding no more than the same number of units of development (as defined in this ordinance) that were removed by demolition, or destroyed by fire or other catastrophe, on the same lot or property.

b. Remodeling or repairing a structure that does not result in an increase in the number of units of development.

c. Replacing a residential housing unit with another housing unit on the same lot or property.

d. Placing or replacing a manufactured home in a manufactured home park on a prepared manufactured home pad in existence and operation prior to the effective date of this ordinance.

e. Placing a temporary construction or sales office on a lot during the period of construction or build-out of a development project.

f. Constructing an addition to or expansion of a residential dwelling unit that may increase the floor area or number of rooms but does not increase the number of housing units.
g. Adding uses that are typically accessory to residential uses and intended for the personal use of the residents, such as a deck or patio, detached garage or utility shed, satellite antenna, pet enclosure, or private recreational facilities such as a swimming pool or tennis court.

(2) A person claiming to be not subject to impact fees under Subsection (a)(1) of this Section, above, shall submit to the administrator information and documentation sufficient to permit the administrator to determine whether such claim is correct.

(b) Grandfathered projects.

(1) Notwithstanding any other provision of this ordinance, that portion of a project for which a valid building permit has been issued prior to the effective date of this ordinance shall not be subject to development impact fees so long as the permit remains valid and construction is commenced and is pursued according to the terms of the permit.

(2) Any building for which a valid and complete application for a building permit has been received prior to the effective date of this ordinance may proceed without payment of fees otherwise imposed by this ordinance, provided that:
   a. all fees and development exactions in effect prior to the effective date of this ordinance shall be or have been paid in full; and,
   b. said construction shall be commenced, pursued and completed within the time established by the building permit, or within 180 days, whichever is later.

(c) Method of calculation.

(1) Any development impact fee imposed pursuant to this ordinance shall not exceed a project's proportionate share of the cost of system improvements, and shall be calculated on the basis of levels of service for public facilities that are the same for existing development as for new growth and development.

(2) Notwithstanding anything to the contrary in this ordinance, the calculation of impact fees shall be net of credits for the present value of ad valorem taxes or other revenues as established in the capital improvements element, and which:
   a. are reasonably expected to be generated by new growth and development; and
   b. are reasonably expected on the basis of historical funding patterns to be made available to pay for system improvements of the same category for which an impact fee is imposed.

(3) The method of calculating impact fees for public facilities under this ordinance shall be maintained for public inspection as a part of the official records of the City, and may be amended from time to time by official act.

(4) In addition to the cost of new or expanded system improvements needed to be built to serve new development, the cost basis of a development impact fee may also include the proportionate cost of existing system improvements to the extent that such public
facilities have excess service capacity and new development will be served by such facilities, as established in the capital improvements element.

(5) Development impact fees shall be based on actual system improvement costs or reasonable estimates of such costs, as set forth in the capital improvements element.

(d) Service areas.

The city limits of the City of Milton, Georgia, constitute a single service area for all public facilities subject to impact fees under this ordinance.

Sec. 25-5. - Fee assessment and payment.

(a) Fee schedule.

(1) Payment of a development impact fee pursuant to the fee schedule attached hereto and incorporated herein as Attachment A, shall constitute full and complete payment of the project's proportionate share of system improvements as individually levied by the City, and shall be deemed to be in compliance with the requirements of this ordinance.

(2) When a land development activity for which an application for a building permit has been made includes two or more buildings, structures or other land uses in any combination, including two or more uses within a building or structure other than a shopping center, the total development impact fee shall be the sum of the fees for each and every building, structure, or use, including each and every use within a building or structure. Shopping centers shall be assessed a single impact fee, in accordance with Attachment A, as a single use without regard to its individual tenants.

(3) In the event that an applicant contends that the land use category of the proposed development is not shown on the fee schedule or fits within a different category, then:

a. The administrator in his or her reasonable discretion shall make a determination as to the appropriate land use category and the appropriate development impact fee.

b. In making such determination, the administrator may require such additional information from the applicant as necessary to form a logical fee determination relative to the land use categories shown on the adopted fee schedule.

c. If the land use of the proposed development is not similar to a land use category shown on the adopted fee schedule, then an appropriate fee may be determined by the administrator as an individual assessment in accordance with the individual assessment determinations section of this ordinance.

d. Appeals from the decision of the administrator shall be made to the City Council in accordance with the administrative appeals section of this ordinance.

(b) Timing of assessment and payment.

(1) Development impact fees shall be assessed at the time of application for a building permit.
(2) All development impact fees shall be collected no earlier than at the time of issuance of a building permit, and no later than as a prerequisite to issuance of an interior finishes permit or a certificate of occupancy for the building or building shell.

(3) For projects not involving issuance of a building permit, all development impact fees shall be collected at the time of approval of the development permit or such other authorization to commence construction or to commence use of a property, whichever is earliest.

(4) If the final use of a building cannot be determined at the time of the initial building permit, the administrator shall have the authority to assess a development impact fee based on the most likely use of the building, and shall adjust the fee in accordance with the following:

a. Prior to the completion of the project, and as a condition to the issuance of an interior finishes permit or a certificate of occupancy, as applicable, the developer shall recertify in writing to the administrator the actual land use or uses of the project, and shall present an architect’s certificate of the actual gross square footage of floor area attributable to each use.

b. In the event that the actual land use or uses and/or the actual gross square footage applicable to the actual land use or uses differs from that originally certified, and in the event that the impact fee applicable to the actual land use or uses and/or gross square footage exceeds the impact fee previously paid, the developer shall be required to pay the amount of the excess as a condition to the issuance of an interior finishes permit or a certificate of occupancy.

c. The amount of the excess shall be based upon the impact fee schedule in effect on the date the interior finishes permit or the certificate of occupancy is issued.

d. If the actual gross square footage constructed after the issuance of the building permit is less than the amount originally certified, the developer shall be entitled to a refund of the excess portion of the fee in accordance with this ordinance.

(5) Notwithstanding any other provision of this ordinance to the contrary, any future change in demand for public facilities in excess of the average demand anticipated at the time of issuance of the original building permit shall result in the assessment of such additional fee as would otherwise have been due. Future changes in demand may result from a change in the land use category of the occupant of the building or property, the expansion of a building or use on a property that results in an increase in the units of development (as defined herein), or the subsequent discovery of facts unknown or misrepresented at the time of issuance of the original building permit.

(c) Individual assessment determinations.

An individual assessment of development impact fees for a particular property or proposed use may be established as follows:

(1) At their option, an applicant for development approval may petition the administrator for an individual assessment determination of development impact fees due for their project.
in lieu of the fee established on the fee schedule attached hereto and incorporated herein as Attachment A.

(2) In the event that an applicant elects an individual assessment, the applicant shall submit an individual assessment study. The individual assessment study shall:
   a. be based on relevant and credible information from an accepted standard source of engineering or planning data; or,
   b. be based on actual, relevant, and credible studies or surveys of facility demand conducted in the City or its region, carried out by qualified engineers or planners pursuant to accepted methodology.

(3) The applicant shall provide any other written specifications as may be reasonably required by the administrator to substantiate the individual assessment determination.

(4) The administrator in his or her reasonable discretion shall determine whether the content of an individual assessment study satisfies the requirements of this ordinance. A negative determination by the administrator may be appealed to the City Council in accordance with the administrative appeals section of this ordinance.

(5) Any fee approved as an individual assessment determination shall have standing for 180 days following the date of approval. Payment of such an approved individual assessment determination shall constitute full and complete payment of the project's proportionate share of system improvements as individually levied by the City, and shall be deemed to be in compliance with the requirements of this ordinance.

(d) Fee certification.

Upon application to the administrator, a property owner or developer may receive a certification of the development impact fee schedule attached hereto and incorporated herein as Attachment A or a certified fee for a particular project, as applicable.

(1) The administrator shall provide an applicant with a written certification of the impact fee schedule within 5 working days after the administrator’s receipt of a completed application. The fee schedule certified by the administrator shall establish the impact fee schedule for the proposed development activity for a period of 180 days from the date of certification.

(2) The administrator shall provide the applicant with a written certification of an individual fee determination within 30 days after receipt of a completed application. The individual fee determination certified by the administrator shall establish the total impact fee for the proposed development activity for the 180 day period immediately following the date of such certification.

(3) Notwithstanding the issuance of any certification of an individual fee determination, any additions to the proposed development activity different from the development activity identified in the original application shall negate any such certification.
Sec. 25-6. - Exemptions.

(a) Exemption policy.

The City Council recognizes that some development projects may provide extraordinary benefit in support of the economic and employment advancement of the City and the City’s citizens over and above the access to jobs, goods and services that such uses offer in general. To encourage such development projects, the Mayor and City Council may consider granting a reduction in the impact fee for such a development project upon the determination and relative to the extent that the development project represents extraordinary economic development and employment growth of public benefit to the City, in accordance with exemption criteria as adopted herein.

(b) Process for exemption approval.

An application for exemption shall be considered under the following procedures:

(1) An application for exemption approval must be made to the administrator prior to or along with an application for the first building permit or other qualifying permit. Any exemptions not so applied for shall be deemed waived.

(2) A building permit may be issued upon approval of an exemption, or may be issued without payment of applicable impact fees following receipt of a complete exemption application and pending its approval, but a certificate of occupancy shall not be issued until a decision regarding the exemption has been made, or until such time that the application for exemption is otherwise withdrawn by the applicant and payment of impact fees has been made.

(3) Documentation must be provided to the administrator that demonstrates the applicant’s eligibility for an exemption. This documentation shall address, but need not be limited to, all applicable exemption criteria adopted herein.

(4) The administrator in his or her reasonable discretion shall determine whether an application for exemption addresses the exemption criteria adopted by the City and is complete. A negative determination by the administrator may be appealed to the City Council in accordance with the administrative appeals section of this ordinance.

(5) The City Council shall determine the eligibility for and extent of exemption, in accordance with the exemption criteria adopted herein. The application for exemption shall be placed on the agenda at the next regularly scheduled meeting of the City Council that falls at least two weeks after a complete application for exemption has been received by the administrator.

(c) Exemption criteria.

(1) A new construction or expansion project may be granted an exemption from applicable impact fees, in whole or in part, as deemed appropriate and in the public interest by the City Council.
(2) The extent of the grant of exemption shall be based on the determination by the City Council of the extent to which the development project represents extraordinary economic development and employment growth of public benefit to the City.

(3) In making its determination, the City Council shall consider relevant factors relating to the extraordinary nature of the development’s benefit to the City’s economic and employment advancement, including but not limited to the following:

a. Investment: The total amount of new private capital investment in land, buildings and equipment related to the project; and the total capital investment in current facilities if the project expands an existing business in the City.

b. Annual economic impact: The total annual amount of new wages, purchases and other expenditures that will be generated as a result of the project; and the total annual economic impact of current facilities if the project expands an existing business in the City.

c. Job creation:
   1. The total number of jobs created and/or retained as a result of the project.
   2. The number of jobs created and/or retained paying at least 100% of the average wage for the City as established by the Georgia Department of Labor.
   3. The number of jobs created and/or retained that are exempt managerial, professional or senior executive jobs.

d. Such other factors of economic and employment benefit unique to the particular development project, as deemed relevant by the City Council.

(d) Reimbursement to impact fee fund.

It is recognized that the cost of system improvements otherwise foregone through exemption of any impact fee must be funded through revenue sources other than impact fees. As part of the annual budgeting process, adequate funds shall be identified and transferred to the impact fee fund accounts equal to the amount of all exemptions granted by the City Council during the preceding year.

Sec. 25-7. - Deposit and expenditure of fees.

The City shall comply with all applicable accounting requirements of O.C.G.A. § 36-71-8, which include the following:

(a) Maintenance of funds.

(1) All development impact fee funds collected for future expenditure on construction or expansion of facilities pursuant to this ordinance shall be maintained in one or more interest-bearing accounts until encumbered or expended. Restrictions on the investment of development impact fee funds shall be the same that apply to investment of all such funds generally.
(2) Separate accounting records shall be maintained for each category of system improvements (fire protection, law enforcement, parks and recreation, and road improvements) and for administration fees collected.

(3) Interest earned on development impact fees shall be allocated to each category of system improvements and the administration accounts in proportion to the impact fees collected, shall be considered funds of the account on which it is earned and shall be subject to all restrictions placed on the use of development impact fees under this ordinance.

(b) Expenditures; restrictions.

(1) Expenditures from the system improvements impact fee accounts shall be made only for the category of system improvements for which the development impact fee was assessed and collected.

(2) Expenditures from the administration account may be expended directly for administrative purposes or transferred to the general fund to cover administrative costs.

(3) Except as provided below, development impact fees shall not be expended for any purpose that does not involve building or expanding system improvements that create additional capacity available to serve new growth and development.

(4) Notwithstanding anything to the contrary in this ordinance, the following shall be considered general revenue of the City, and may be expended accordingly:
   a. impact fees collected to recover the present value of excess capacity in existing system improvements;
   b. any portion of an impact fee collected as a repayment for expenditures made by the City for system improvements intended to be funded by such impact fee; and,
   c. any portion of the impact fee (but not to exceed three percent of the total) collected and allocated by the administrator for administration of the impact fee ordinance.

(c) Annual report.

(1) The administrator shall prepare an annual report to the City Council as part of the annual audit describing the amount of any development impact fees collected, encumbered, and used during the preceding fiscal year by category of public facility.

(2) Such annual report shall be prepared following guidelines of the Georgia Department of Community Affairs (DCA), and submitted to DCA in conjunction with the annual update report of the City’s capital improvements element.

Sec. 25-8. - Credits.

When eligible, feepayers shall be entitled to a credit against impact fees otherwise due and owing under the circumstances and in the manner set forth in this Section.
(a) Credits; restrictions.

(1) Except as provided in the following Paragraph (2), no credit shall be given for construction, contribution, or dedication of any system improvement or funds for system improvements made before the effective date of this ordinance.

(2) If the value of any construction, dedication of land, or contribution of money made by a developer (or his or her predecessor in title or interest) prior to the effective date of this ordinance for system improvements that are included for impact fee funding in the capital improvements element, is greater than the impact fee that would otherwise have been paid for the project, then the developer shall be entitled to a credit for such excess construction, dedication, or funding. Notwithstanding anything to the contrary in this ordinance, any credit due under this section shall not constitute a liability of the City, and shall accrue to the developer to the extent of impact fees assessed for new development for the same category of system improvements.

(3) In no event shall credit be given for project improvements as defined in this ordinance.

(b) Granting of credits.

(1) Credit shall be given for the present value of any construction of improvements, contribution or dedication of land, or payment of money by a developer or his or her predecessor in title or interest for system improvements of the same public facilities category for which a development impact fee is imposed, provided that:

a. the system improvement is included for impact fee funding in the capital improvements element;

b. the amount of the credit does not exceed the portion of the system improvement’s cost that is eligible for impact fee funding, as shown in the capital improvements element; and,

c. the City Council shall have explicitly approved said improvement, contribution, dedication, or payment and the value thereof prior to its construction, dedication, or transfer.

(2) The credit allowed pursuant to this section shall not exceed the impact fee due for any particular public facilities category for which a development impact fee is imposed, unless a greater credit is authorized under a private contractual agreement executed under the provisions of this ordinance.

a. Any credit amount in excess of the impact fee due for any particular public facilities category may be carried over and applied to the impact fee due in the same public facilities category for another development by the developer, or to a successor in interest, within the City.

b. To qualify as a “successor in interest” for entitlement to a credit, notice must have been given to the administrator of a legal transfer or assignment of the right of entitlement to the credit, including the name, mailing address and written, notarized authorization of the grantor and the name and mailing address of the grantee.
(c) Guidelines for credit valuation.

Credits under this Section shall be valued using the following guidelines:

1. For the construction of any system improvements by a developer (as defined in this ordinance) or his or her predecessor in title or interest and accepted by the City, the developer must present evidence satisfactory to the administrator of the original cost of the improvement, from which present value may be calculated.

2. For any contribution or dedication of land for system improvements by a developer or his or her predecessor in title or interest and accepted by the City, the original value of the land shall be the same as that attributed to the property by the validated tax appraisal at the time of dedication, from which present value may be calculated.

3. For any contribution of capital equipment that qualifies as a system improvement by a developer or his or her predecessor in title or interest and accepted by the City, the value shall be the original cost to the developer of the capital equipment or the cost that the city would normally pay for such equipment, whichever is less.

4. For any contribution of money for system improvements from a developer or his or her predecessor in title or interest accepted by the City, the original value of the money shall be the same as that at the time of contribution, from which present value may be calculated.

5. In making a present value calculation, the discount rate used shall be the interest rate being earned on the City’s impact fee funds, and the average annual inflation rate shall be that for the Consumer Price Index (the CPI) for the cost of money, or the average rate reported by the Engineering News Record for construction in general (the CCI) or building construction specifically (the BCI), as appropriate.

(d) Credits; application.

1. Credits shall be given only upon written application of the developer to the administrator. A developer must present written evidence satisfactory to the administrator at or before the time of development impact fee assessment.

2. The administrator, in his or her reasonable discretion, shall review all applications for credits and make determinations regarding the allowance of any claimed credit, and the value of any allowed credit.

3. Any credit approved by the administrator shall be acknowledged in writing by the administrator and calculated at the time of impact fee assessment.

4. Appeals from the decision of the administrator shall be made to the City Council in accordance with the Administrative Appeals Section of this ordinance.

(e) Credits; abandoned building permits.

1. In the event that an impact fee is paid but the building permit is abandoned, credit shall be given for the present value of the impact fee against future impact fees for the same parcel of land.
(2) A building permit shall be deemed abandoned if no construction has been commenced prior to the expiration of the building permit.

Sec. 25-9. - Refunds.

(a) Eligibility for a refund.

(1) Upon the written request of a feepayer regarding a property on which a development impact fee has been paid, the development impact fee shall be refunded if:
   a. capacity is available in the public facilities for which the fee was collected but service is permanently denied; or,
   b. the development impact fee has not been encumbered or construction has not been commenced within six years after the date the fee was collected.

(2) In determining whether development impact fees have been encumbered, development impact fees shall be considered encumbered on a first-in, first-out (FIFO) basis.

(b) Notice of entitlement to a refund.

When the right to a refund exists due to a failure to spend or encumber the development impact fees, the administrator shall provide written notice of entitlement to a refund to the feepayer who paid the development impact fee at the address shown on the application for development approval or to a successor in interest who has given adequate notice to the administrator of a legal transfer or assignment of the right to entitlement to a refund and who has provided a mailing address. Such notice shall also be published in a newspaper of general circulation in the City within 30 days after the expiration of the six year period after the date that the development impact fee was collected and shall contain a heading “Notice of Entitlement to Development Impact Fee Refund.” No refund shall be made for a period of 30 days from the date of said publication.

(c) Filing a request for a refund.

A request for a refund shall be made in writing to the administrator within one year of the time the refund becomes payable or within one year of publication of the notice of entitlement to a refund, whichever is later. Failure to make a claim for a refund within said time period shall result in a waiver of all claims to said funds.

(d) Payment of refunds.

(1) All refunds shall be made to the feepayer within 60 days after it is determined by the administrator that a sufficient proof of claim for refund has been made, but no sooner than 30 days after publication of the notice of entitlement to the refund.

(2) A refund shall include a refund of a pro rata share of interest actually earned on the unused or excess impact fee collected.

(3) In no event shall a feepayer be entitled to a refund for impact fees assessed and paid to recover the cost of excess capacity in existing system improvements, for any portion of an impact fee collected as a repayment for expenditures made by the City for system
improvements intended to be funded by such impact fee, or for that portion of the fee payment that was assessed for administration of the impact fee ordinance or for recovery of the cost of preparation of the capital improvements element.

Sec. 25-10. - Private contractual agreements.

(a) Private agreements; authorized.

Nothing in this ordinance shall prohibit the voluntary mutual approval of a private contractual agreement between the City and any developer or property owner or group of developers and/or property owners in regard to the construction or installation of system improvements and providing for credits for such system improvement costs so incurred, provided that:

(1) The system improvements are included for impact fee funding in the capital improvements element; and,

(2) The amount of any credit granted shall not exceed the portion of the system improvement’s cost that is eligible for impact fee funding.

(b) Private agreements; provisions.

A private contractual agreement for system improvements may include, but shall not be limited to, provisions that:

(1) Modify the estimates of impact on public facilities according to the methods and provisions concerning the calculation of impact fees, provided that any such agreement shall allow the city to assess additional development impact fees after the completion of construction according to schedules set forth in this ordinance.

(2) Permit construction of, dedication of property for, or other in-kind contribution for specific public facilities of the type for which development impact fees would be imposed in lieu of or with a credit against applicable development impact fees.

(3) Permit a schedule and method of payment appropriate to particular and unique circumstances of a proposed project in lieu of the requirements for payment under this ordinance, provided that acceptable security is posted ensuring payment of the development impact fees. Forms of security that may be acceptable include a cash bond, irrevocable letter of credit from a bank authorized to do business within the state of Georgia, a surety bond, or lien or mortgage on lands to be covered by the building permit.

(c) Private agreements; procedure.

(1) Any private agreement proposed by an applicant pursuant to this Section shall be submitted to the administrator for review and negotiation, prior to submission to the City Council.

(2) Any private agreement proposed by an applicant pursuant to this Section shall be reviewed and approved by the city attorney as to form and sufficiency prior to consideration by the City Council.
(3) Any such agreement must be presented to and approved by the City Council prior to the issuance of the first building permit or other qualifying permit.

(4) Any such agreement shall be executed or approved by mortgagees, lien holders or contract purchasers in addition to the landowner, and shall require the applicant to submit such agreement to the clerk of superior court for recording on the deed records.

Sec. 25-11. - Periodic review and amendments.

(a) Ordinance amendments.

This ordinance may be amended from time to time as deemed appropriate or desirable.

(b) Capital improvements element periodic review.

(1) Annual update. At least once each year, the City Council shall review and may update the capital improvements element so as to maintain, at a minimum, a schedule of system improvements for each of the subsequent five years. The capital improvements element update may include changes in funding sources or project costs, or changes in the list or scheduling of projects. The capital improvements element Update shall be submitted to the Atlanta Regional Commission for their review, in accordance with the Development Impact Fee Compliance Requirements as adopted by the Board of Community Affairs of the State of Georgia.

(2) Amendment. In conducting a periodic review of the capital improvements element and calculation of development impact fees, the City Council may determine to amend the capital improvements element. Amendments to the capital improvements element shall comply with the procedural requirements of the Development Impact Fee Compliance Requirements as adopted by the Board of Community Affairs of the State of Georgia, and shall be required for any change to the capital improvements element that would:

a. redefine growth projections, land development assumptions, or goals or objectives that would affect system improvements proposed in the capital improvements element;

b. add new public facility categories for impact fee funding, modify impact fee service areas or make changes to system improvement projects;

c. change service levels established for an existing impact fee service area; or

d. make any other revisions needed to keep the capital improvements element up to date.

(c) Continuation of validity.

Failure of the City Council to undertake a periodic review of the capital improvements element shall result in the continued use and application of the latest adopted development impact fee schedule; project listings, including estimated costs and impact eligibility percentages; and data upon which the level of service standards and impact fee calculations are based. The failure to periodically review such data shall not invalidate this ordinance.
Sec. 25-12. - Administrative appeals.

(a) Eligibility to file an appeal.

Only applicants or fee payors who have already been assessed an impact fee by the city or who have already received a written determination of individual assessment, refund or credit amount shall be entitled to an appeal. Such appeals may address:

1. The imposition and/or the amount of an impact fee.
2. The entitlement to and/or the amount of credits applicable to an impact fee.
3. The entitlement to and/or the amount of a refund of an impact fee.

(b) Appeals process.

1. The aggrieved applicant or fee payor (hereinafter, the “appellant”) must file a written appeal with the administrator within 15 days of the decision or written determination from which the appeal is taken.

2. Such written appeal shall constitute an application for relief, shall be of sufficient content to set forth the basis for the appeal and the relief sought, and shall include:
   a. the name and address of the appellant;
   b. the location of the affected property; and,
   c. a copy of any applicable written decision or determination made by the administrator (from which the appeal is taken).

3. Within 15 days after receipt of the appeal, the administrator shall make a written final decision with respect to the appeal, such decision to be of sufficient content to set forth the basis for the determination. The final decision shall be mailed or electronically transferred to the appellant at the address listed in the appeal.

4. Appeals from the final decision of the administrator shall be made to the City Council within 30 days of the administrator’s final decision.

5. The City Council shall thereafter consider the appeal at a regularly scheduled meeting within 30 days provided that at least 2 weeks written notice of the meeting can be given to the appellant. The City Council shall decide the issue within a reasonable time following the meeting, but in no case later than its next regular meeting, unless the appellant agrees to an extension to a later date. Any party making an appeal shall have the right to appear at the meeting to present evidence and may be represented by counsel.

(c) Payment of impact fee during appeal.

1. The filing of an appeal shall not stay the collection of a development impact fee as a condition to the issuance of development approval.
(2) A developer may pay a development impact fee under protest to obtain a development approval, and by making such payment shall not be estopped from exercising this right of appeal or receiving a refund of any amount deemed to have been collected in excess.

Sec. 25-13. - Enforcement and penalties.

(a) Enforcement authority.

(1) The enforcement of this ordinance shall be the responsibility of the administrator and such personnel as the administrator may designate from time to time.

(2) The administrator shall have the right to inspect the lands affected by this ordinance and shall have the right to issue a written notice, a stop work order or citation for violations, as the administrator in his or her reasonable determination may deem appropriate to the circumstances. Refusal of written notice of violation, stop work order or citation under this ordinance shall constitute legal notice of service. The citation shall be in the form of a written official notice issued in person or by certified mail to the owner of the property, or to his or her agent, or to the person performing the work giving rise to such violation. The receipt of a citation shall require that corrective action be taken within 30 days unless otherwise extended at the discretion of the administrator.

(3) The administrator may suspend or revoke any building permit or withhold the issuance of other development approvals if the provisions of this ordinance have been violated by the developer or the owner or their assigns.

(b) Violations.

(1) Knowingly furnishing false information on any matter relating to the administration of this ordinance shall constitute a violation.

(2) Proceeding with construction of a project that is not consistent with the project’s impact fee assessment, such as the use category claimed or units of development indicated, shall constitute a violation.

(3) Failure to take corrective action following the receipt of a citation shall constitute a violation.

(4) A violation of this ordinance shall be a misdemeanor punishable according to law, including the general penalty provisions of the City’s Code of Ordinances. In addition to or in lieu of criminal prosecution, the City Council shall have the power to sue in law or equity for relief in civil court to enforce this ordinance, including recourse to such civil and criminal remedies in law and equity as may be necessary to ensure compliance with the provisions of this ordinance, including but not limited to injunctive relief to enjoin and restrain any person from violating the provisions of this ordinance and to recover such damages as may be incurred by the implementation of specific corrective actions.
Sec. 25-14. - Repealer, severability, and effective date.

(a) Repeal of conflicting laws.

Any and all other ordinances, resolutions or regulations, or parts thereof, in conflict with this ordinance are hereby repealed to the extent of such conflict. Where this ordinance overlaps with other ordinances or regulations adopted by the City Council, whichever imposes the more stringent restrictions shall prevail.

(b) Severability.

If any sentence, clause, part, paragraph, section, or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the validity of the ordinance as a whole or any other part hereof shall not be affected.

(c) Incorporation by reference of Georgia law.

It is the intent of the City Council that this development impact fee ordinance of Milton, Georgia, complies with the terms and provisions of the Georgia Development Impact Fee Act (O.C.G.A. 36-71-1 et seq. as amended). To the extent that any provision of this ordinance is inconsistent with the provisions of said Chapter 36-71, the latter shall control. Furthermore, to the extent that this ordinance is silent as to any provision of said Chapter 36-71 that is otherwise made mandatory by said Chapter 36-71, such provision shall control and shall be binding upon the city.
## Attachment A: Impact Fee Schedule

### Maximum Impact Fee Schedule

<table>
<thead>
<tr>
<th>ITE Code</th>
<th>Land Use Category</th>
<th>Parks &amp; Recreation</th>
<th>Fire Protection</th>
<th>Law Enforcement</th>
<th>Roads</th>
<th>Subtotal</th>
<th>Administra-</th>
<th>TOTAL IMPACT FEE</th>
<th>Unit of Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>210</td>
<td>Single-Family Detached Housing</td>
<td>6,215.10</td>
<td>543.57</td>
<td>94.86</td>
<td>678.36</td>
<td>$ 7,531.89</td>
<td>$ 225.96</td>
<td>$ 7,757.85</td>
<td>per dwelling</td>
</tr>
<tr>
<td>220</td>
<td>Apartment</td>
<td>6,215.10</td>
<td>543.57</td>
<td>94.86</td>
<td>678.36</td>
<td>$ 7,531.89</td>
<td>$ 225.96</td>
<td>$ 7,757.85</td>
<td>per dwelling</td>
</tr>
<tr>
<td>230</td>
<td>Residential Condominium/Townhouse</td>
<td>6,215.10</td>
<td>543.57</td>
<td>94.86</td>
<td>678.36</td>
<td>$ 7,531.89</td>
<td>$ 225.96</td>
<td>$ 7,757.85</td>
<td>per dwelling</td>
</tr>
<tr>
<td>030</td>
<td>Truck Terminal</td>
<td>-</td>
<td>0.29</td>
<td>0.05</td>
<td>0.56</td>
<td>$ 0.90</td>
<td>0.03</td>
<td>$ 0.93</td>
<td>per square foot</td>
</tr>
<tr>
<td>110</td>
<td>General Light Industrial</td>
<td>-</td>
<td>0.47</td>
<td>0.08</td>
<td>0.40</td>
<td>$ 0.95</td>
<td>0.03</td>
<td>$ 0.98</td>
<td>per square foot</td>
</tr>
<tr>
<td>120</td>
<td>General Heavy Industrial</td>
<td>-</td>
<td>0.38</td>
<td>0.07</td>
<td>0.09</td>
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<td>0.02</td>
<td>$ 0.54</td>
<td>per square foot</td>
</tr>
<tr>
<td>140</td>
<td>Manufacturing</td>
<td>-</td>
<td>0.37</td>
<td>0.06</td>
<td>0.22</td>
<td>$ 0.65</td>
<td>0.02</td>
<td>$ 0.67</td>
<td>per square foot</td>
</tr>
<tr>
<td>150</td>
<td>Warehousing</td>
<td>-</td>
<td>0.19</td>
<td>0.03</td>
<td>0.20</td>
<td>$ 0.42</td>
<td>0.01</td>
<td>$ 0.44</td>
<td>per square foot</td>
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<tr>
<td>151</td>
<td>Mini-Warehouse</td>
<td>-</td>
<td>0.02</td>
<td>0.00</td>
<td>0.14</td>
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<td>0.00</td>
<td>$ 0.17</td>
<td>per square foot</td>
</tr>
<tr>
<td>152</td>
<td>High-Cube Warehouse</td>
<td>-</td>
<td>0.02</td>
<td>0.00</td>
<td>0.10</td>
<td>$ 0.11</td>
<td>0.00</td>
<td>$ 0.12</td>
<td>per square foot</td>
</tr>
<tr>
<td>310</td>
<td>Hotel</td>
<td>-</td>
<td>116.89</td>
<td>20.40</td>
<td>506.01</td>
<td>$ 643.29</td>
<td>19.30</td>
<td>$ 662.59</td>
<td>per room</td>
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<tr>
<td>311</td>
<td>All Suites Hotel</td>
<td>-</td>
<td>102.58</td>
<td>17.90</td>
<td>303.48</td>
<td>$ 423.96</td>
<td>12.72</td>
<td>$ 436.68</td>
<td>per room</td>
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<td>320</td>
<td>Motel</td>
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<td>90.17</td>
<td>15.73</td>
<td>348.69</td>
<td>$ 454.60</td>
<td>13.64</td>
<td>$ 468.23</td>
<td>per room</td>
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<tr>
<td>430</td>
<td>Golf Course</td>
<td>-</td>
<td>50.39</td>
<td>8.79</td>
<td>265.33</td>
<td>$ 324.51</td>
<td>9.74</td>
<td>$ 334.25</td>
<td>per acre</td>
</tr>
<tr>
<td>437</td>
<td>Bowling Alley</td>
<td>-</td>
<td>0.21</td>
<td>0.04</td>
<td>1.75</td>
<td>$ 2.00</td>
<td>0.06</td>
<td>$ 2.06</td>
<td>per square foot</td>
</tr>
<tr>
<td>443</td>
<td>Movie Theater</td>
<td>-</td>
<td>0.30</td>
<td>0.05</td>
<td>4.11</td>
<td>$ 4.46</td>
<td>0.13</td>
<td>$ 4.60</td>
<td>per square foot</td>
</tr>
<tr>
<td>460</td>
<td>Arena</td>
<td>-</td>
<td>683.80</td>
<td>119.33</td>
<td>1,754.65</td>
<td>$ 2,557.77</td>
<td>76.73</td>
<td>$ 2,634.50</td>
<td>per acre</td>
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<tr>
<td>480</td>
<td>Amusement Park</td>
<td>-</td>
<td>1,865.90</td>
<td>325.61</td>
<td>3,988.36</td>
<td>$ 6,179.86</td>
<td>185.40</td>
<td>$ 6,365.26</td>
<td>per acre</td>
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<tr>
<td>490</td>
<td>Tennis Courts</td>
<td>-</td>
<td>50.04</td>
<td>8.73</td>
<td>856.00</td>
<td>$ 914.77</td>
<td>27.44</td>
<td>$ 942.21</td>
<td>per acre</td>
</tr>
<tr>
<td>491</td>
<td>Racquet/Tennis Club</td>
<td>-</td>
<td>0.06</td>
<td>0.01</td>
<td>0.74</td>
<td>$ 0.81</td>
<td>0.02</td>
<td>$ 0.84</td>
<td>per square foot</td>
</tr>
<tr>
<td>492</td>
<td>Health/Fitness Center</td>
<td>-</td>
<td>0.14</td>
<td>0.03</td>
<td>1.73</td>
<td>$ 1.90</td>
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<td>$ 1.96</td>
<td>per square foot</td>
</tr>
<tr>
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<td>Recreational Community Center</td>
<td>-</td>
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<td>$ 2.14</td>
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</tr>
<tr>
<td>520</td>
<td>Private Elementary School</td>
<td>-</td>
<td>0.20</td>
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</tr>
<tr>
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<td>-</td>
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<tr>
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<td>565</td>
<td>Day Care Center</td>
<td>-</td>
<td>0.58</td>
<td>0.10</td>
<td>0.49</td>
<td>$ 1.17</td>
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<td>$ 1.20</td>
<td>per square foot</td>
</tr>
<tr>
<td>566</td>
<td>Cemetery</td>
<td>-</td>
<td>16.71</td>
<td>2.92</td>
<td>263.66</td>
<td>$ 283.28</td>
<td>8.50</td>
<td>$ 291.78</td>
<td>per acre</td>
</tr>
<tr>
<td>-----</td>
<td>----------</td>
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<td>-------</td>
<td>------</td>
<td>--------</td>
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<tr>
<td>610</td>
<td>Hospital</td>
<td>-</td>
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<td>Nursing Home</td>
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<td>0.48</td>
<td>0.08</td>
<td>0.35</td>
<td>$ 0.91</td>
<td>0.03</td>
<td>$ 0.94</td>
<td>per square foot</td>
</tr>
<tr>
<td>630</td>
<td>Clinic</td>
<td>-</td>
<td>0.81</td>
<td>0.14</td>
<td>1.50</td>
<td>$ 2.45</td>
<td>0.07</td>
<td>$ 2.52</td>
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<tr>
<td>710</td>
<td>General Office Building</td>
<td>-</td>
<td>0.68</td>
<td>0.12</td>
<td>0.63</td>
<td>$ 1.43</td>
<td>0.04</td>
<td>$ 1.47</td>
<td>per square foot</td>
</tr>
<tr>
<td>714</td>
<td>Corporate Headquarters Building</td>
<td>-</td>
<td>0.70</td>
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<td>0.45</td>
<td>$ 1.28</td>
<td>0.04</td>
<td>$ 1.32</td>
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</tr>
<tr>
<td>715</td>
<td>Single-Tenant Office Building</td>
<td>-</td>
<td>0.65</td>
<td>0.11</td>
<td>0.66</td>
<td>$ 1.42</td>
<td>0.04</td>
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<td>per square foot</td>
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<td>720</td>
<td>Medical-Dental Office Building</td>
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<td>0.83</td>
<td>0.15</td>
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<td>Research and Development Center</td>
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<tr>
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<td>Business Park Building</td>
<td>-</td>
<td>0.63</td>
<td>0.11</td>
<td>0.71</td>
<td>$ 1.45</td>
<td>0.04</td>
<td>$ 1.49</td>
<td>per square foot</td>
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<tr>
<td>812</td>
<td>Building Materials and Lumber Store</td>
<td>-</td>
<td>0.29</td>
<td>0.05</td>
<td>2.27</td>
<td>$ 2.60</td>
<td>0.08</td>
<td>$ 2.68</td>
<td>per square foot</td>
</tr>
<tr>
<td>813</td>
<td>Free-Standing Discount Superstore</td>
<td>-</td>
<td>0.20</td>
<td>0.03</td>
<td>2.36</td>
<td>$ 2.59</td>
<td>0.08</td>
<td>$ 2.67</td>
<td>per square foot</td>
</tr>
<tr>
<td>814</td>
<td>Variety Store</td>
<td>-</td>
<td>0.20</td>
<td>0.03</td>
<td>1.94</td>
<td>$ 2.17</td>
<td>0.07</td>
<td>$ 2.24</td>
<td>per square foot</td>
</tr>
<tr>
<td>815</td>
<td>Free-Standing Discount Store</td>
<td>-</td>
<td>0.41</td>
<td>0.07</td>
<td>2.16</td>
<td>$ 2.64</td>
<td>0.08</td>
<td>$ 2.72</td>
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<td>816</td>
<td>Hardware/Paint Store</td>
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<td>0.20</td>
<td>0.03</td>
<td>1.27</td>
<td>$ 1.50</td>
<td>0.05</td>
<td>$ 1.55</td>
<td>per square foot</td>
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<tr>
<td>817</td>
<td>Nursery (Garden Center)</td>
<td>-</td>
<td>0.64</td>
<td>0.11</td>
<td>3.42</td>
<td>$ 4.17</td>
<td>0.13</td>
<td>$ 4.29</td>
<td>per square foot</td>
</tr>
<tr>
<td>818</td>
<td>Nursery (Wholesale)</td>
<td>-</td>
<td>0.34</td>
<td>0.06</td>
<td>1.96</td>
<td>$ 2.36</td>
<td>0.07</td>
<td>$ 2.43</td>
<td>per square foot</td>
</tr>
<tr>
<td>820</td>
<td>Shopping Center</td>
<td>-</td>
<td>0.34</td>
<td>0.06</td>
<td>1.99</td>
<td>$ 2.40</td>
<td>0.07</td>
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<td>per square foot</td>
</tr>
<tr>
<td>823</td>
<td>Factory Outlet Center</td>
<td>-</td>
<td>0.34</td>
<td>0.06</td>
<td>1.33</td>
<td>$ 1.74</td>
<td>0.05</td>
<td>$ 1.79</td>
<td>per square foot</td>
</tr>
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<td>826</td>
<td>Specialty Retail Center</td>
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<td>0.07</td>
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<td>0.08</td>
<td>$ 2.78</td>
<td>per square foot</td>
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</tr>
<tr>
<td>841</td>
<td>Automobile Sales</td>
<td>-</td>
<td>0.31</td>
<td>0.05</td>
<td>1.58</td>
<td>$ 1.95</td>
<td>0.06</td>
<td>$ 2.01</td>
<td>per square foot</td>
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<td>Auto Parts Store</td>
<td>-</td>
<td>0.20</td>
<td>0.03</td>
<td>1.69</td>
<td>$ 1.92</td>
<td>0.06</td>
<td>$ 1.98</td>
<td>per square foot</td>
</tr>
<tr>
<td>848</td>
<td>Tire Store</td>
<td>-</td>
<td>0.26</td>
<td>0.05</td>
<td>1.03</td>
<td>$ 1.34</td>
<td>0.04</td>
<td>$ 1.38</td>
<td>per square foot</td>
</tr>
<tr>
<td>849</td>
<td>Tire Superstore</td>
<td>-</td>
<td>0.26</td>
<td>0.05</td>
<td>1.05</td>
<td>$ 1.36</td>
<td>0.04</td>
<td>$ 1.40</td>
<td>per square foot</td>
</tr>
<tr>
<td>850</td>
<td>Supermarket</td>
<td>-</td>
<td>0.24</td>
<td>0.04</td>
<td>2.72</td>
<td>$ 3.00</td>
<td>0.09</td>
<td>$ 3.09</td>
<td>per square foot</td>
</tr>
<tr>
<td>851</td>
<td>Convenience Market (Open 24 Hours)</td>
<td>-</td>
<td>0.37</td>
<td>0.06</td>
<td>9.14</td>
<td>$ 9.58</td>
<td>0.29</td>
<td>$ 9.86</td>
<td>per square foot</td>
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<tr>
<td>853</td>
<td>Convenience Market with Gasoline Pumps</td>
<td>-</td>
<td>0.37</td>
<td>0.06</td>
<td>8.38</td>
<td>$ 8.81</td>
<td>0.26</td>
<td>$ 9.08</td>
<td>per square foot</td>
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<tr>
<td>854</td>
<td>Discount Supermarket</td>
<td>0.46</td>
<td>0.08</td>
<td>2.93</td>
<td>$ 3.47</td>
<td>0.10</td>
<td>$ 3.57</td>
<td>per square foot</td>
<td></td>
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<tr>
<td>860</td>
<td>Wholesale Market</td>
<td>-</td>
<td>0.17</td>
<td>0.03</td>
<td>0.25</td>
<td>$ 0.45</td>
<td>0.01</td>
<td>$ 0.47</td>
<td>per square foot</td>
</tr>
<tr>
<td>857</td>
<td>Discount Club</td>
<td>-</td>
<td>0.27</td>
<td>0.05</td>
<td>1.58</td>
<td>$ 1.89</td>
<td>0.06</td>
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<tr>
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<td>0.03</td>
<td>0.59</td>
<td>$ 0.82</td>
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<td>Electronics Superstore</td>
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<td>0.03</td>
<td>0.75</td>
<td>$ 0.98</td>
<td>0.03</td>
<td>$ 1.01</td>
<td>per square foot</td>
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<td>Code</td>
<td>Description</td>
<td>Yr 1 Cost</td>
<td>Yr 2 Cost</td>
<td>Yr 3 Cost</td>
<td>Yr 4 Cost</td>
<td>Yr 5 Cost</td>
<td>Yr 1 Comment</td>
<td>Yr 2 Comment</td>
<td>Yr 3 Comment</td>
</tr>
<tr>
<td>------</td>
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<td>-----------</td>
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<tr>
<td>876</td>
<td>Apparel Store</td>
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<td>$2.42</td>
<td>$2.49</td>
<td>per square foot</td>
<td></td>
<td></td>
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<tr>
<td>875</td>
<td>Department Store</td>
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<td>0.07</td>
<td>0.69</td>
<td>$1.17</td>
<td>$1.21</td>
<td>per square foot</td>
<td></td>
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<tr>
<td>880</td>
<td>Pharmacy/Drugstore</td>
<td>0.34</td>
<td>0.06</td>
<td>2.23</td>
<td>$2.63</td>
<td>$2.71</td>
<td>per square foot</td>
<td></td>
<td></td>
</tr>
<tr>
<td>890</td>
<td>Furniture Store</td>
<td>0.09</td>
<td>0.01</td>
<td>0.06</td>
<td>$0.16</td>
<td>$0.17</td>
<td>per square foot</td>
<td></td>
<td></td>
</tr>
<tr>
<td>912</td>
<td>Drive-in Bank</td>
<td>0.98</td>
<td>0.17</td>
<td>2.02</td>
<td>$3.17</td>
<td>$3.27</td>
<td>per square foot</td>
<td></td>
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</tr>
<tr>
<td>931</td>
<td>Quality Restaurant</td>
<td>1.53</td>
<td>0.27</td>
<td>2.12</td>
<td>$3.91</td>
<td>$4.03</td>
<td>per square foot</td>
<td></td>
<td></td>
</tr>
<tr>
<td>932</td>
<td>High-Turnover (Sit-Down) Restaurant</td>
<td>1.53</td>
<td>0.27</td>
<td>2.99</td>
<td>$4.79</td>
<td>$4.93</td>
<td>per square foot</td>
<td></td>
<td></td>
</tr>
<tr>
<td>934</td>
<td>Fast-Food Restaurant</td>
<td>2.24</td>
<td>0.39</td>
<td>8.30</td>
<td>$10.92</td>
<td>$11.25</td>
<td>per square foot</td>
<td></td>
<td></td>
</tr>
<tr>
<td>941</td>
<td>Quick Lubrication Vehicle Shop</td>
<td>430.84</td>
<td>75.18</td>
<td>2,056.24</td>
<td>$2,562.26</td>
<td>$2,639.12</td>
<td>per service bay</td>
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<tr>
<td>944</td>
<td>Gasoline/Service Station</td>
<td>32.83</td>
<td>5.73</td>
<td>2,087.95</td>
<td>$2,126.50</td>
<td>$2,190.30</td>
<td>per pump</td>
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</tr>
<tr>
<td>945</td>
<td>Gasoline Station w/Convenience Market</td>
<td>0.04</td>
<td>0.01</td>
<td>1,411.45</td>
<td>$1,411.50</td>
<td>$1,453.84</td>
<td>per pump</td>
<td></td>
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<tr>
<td>947</td>
<td>Self-Service Car Wash</td>
<td>41.03</td>
<td>7.16</td>
<td>2,675.59</td>
<td>$2,723.78</td>
<td>$2,805.49</td>
<td>per stall</td>
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CITY COUNCIL AGENDA ITEM

TO: City Council
FROM: Steven Kroff, Interim City Manager
DATE: April 28, 2016

AGENDA ITEM: Consideration of a Resolution Extending Through August 2, 2016, An Existing Moratorium Barring the Acceptance of Applications for Permits Authorizing the Use of Community Sewerage Disposal Systems

MEETING DATE: Monday, May 2, 2016 Regular City Council Meeting

BACKGROUND INFORMATION: (Attach additional pages if necessary)
See attached memorandum

APPROVAL BY CITY MANAGER: (✓) APPROVED ( ) NOT APPROVED
CITY ATTORNEY APPROVAL REQUIRED: (✓) YES ( ) NO
CITY ATTORNEY REVIEW REQUIRED: (✓) YES ( ) NO
APPROVAL BY CITY ATTORNEY (✓) APPROVED ( ) NOT APPROVED
PLACED ON AGENDA FOR: 05/02/2016

REMARKS
A RESOLUTION OF THE CITY OF MILTON, GEORGIA EXTENDING THROUGH AUGUST 2, 2016, AN EXISTING MORATORIUM BARRING THE ACCEPTANCE OF APPLICATIONS FOR PERMITS AUTHORIZING THE USE OF COMMUNITY SEWERAGE DISPOSAL SYSTEMS

WHEREAS, Section 1.12, paragraphs (b)(4), (9), (13) and (15), of the Charter of the City of Milton, Georgia (“City”) empowers the City to regulate sanitary sewerage systems within the City limits; and

WHEREAS, Section 50-184(b) of the Code of the City of Milton authorizes the use, in some cases, of a “community sewerage disposal system” when such systems are in compliance with the standards of Fulton County sewerage regulations; and

WHEREAS, the City has received public comments regarding the potential adverse impacts on the safety, health and general welfare of the City and its inhabitants resulting from the use of community sewerage disposal systems; and

WHEREAS, the City is likewise mindful that there are professionals in the sewerage industry who contend that community sewerage disposal systems are a safe and low cost sewage disposal treatment product; and

WHEREAS, the City rules regarding community sewerage disposal systems are holdover regulations from ordinances implemented by Fulton County; and

WHEREAS, the City of Milton has not prepared regulations or ordinances regarding community sewerage that are tailored to the City of Milton or that capture the unique character of the City; and

WHEREAS, the City intends to consider amendments to Section 50-184 that will address those concerns expressed about community sewerage disposal systems and that otherwise will ensure the City’s community sewerage disposal regulations are in line with the Council’s vision and needs for the City; and

WHEREAS, while the City is undergoing this review and re-drafting process, the City believes it both appropriate and lawful for a moratorium to be placed on any application, request, or proposal to develop, use, or construct a community sewerage disposal system within the jurisdictional boundary of Milton; and

WHEREAS, on April 11, 2016, the City adopted a 30-day moratorium barring, the acceptance of applications for permits, requests, or proposals for the use or construction of community sewerage disposal systems; and
WHEREAS, the City finds extending until August 2, 2016, the moratorium barring the acceptance of applications for permits, requests, or proposals for the use or construction of community sewerage disposal systems to be reasonably necessary, the least restrictive means available, a reasonable exercise of the City’s police power, and in the best interests of the public health, safety, and welfare;

NOW, THEREFORE IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILTON, GEORGIA THAT:

1. The City does hereby extend the existing moratorium barring the acceptance of applications for permits, requests, or proposals for the development, use or construction of community sewerage disposal systems until August 2, 2016, in order to consider the amendment of Section 50-184 of the Code of the City of Milton, Georgia.

2. The moratorium imposed by this Resolution shall terminate on the earliest date of (1) August 2, 2016; (2) approval by the City Council of an additional moratorium after a public hearing; (3) affirmative action of the Council cancelling the moratorium, or (4) the adoption of an amendment to Section 50-184 of the Code of the City of Milton, Georgia.

3. The moratorium imposed herein does not limit the ability of property owners to develop their land as currently zoned or permitted, except that no proposal, request, or application to develop, use, or construct a community sewerage disposal system shall be accepted.

4. This moratorium shall have no effect on any application, request, or proposal already pending with the City regarding a community sewerage disposal system.

This Resolution shall be effective upon a majority vote by the City Council as ratified by the Mayor of the City of Milton, Georgia.

SO RESOLVED, the public’s health, safety, and welfare demanding it, this 2nd day of May, 2016.

______________________________
Joe Lockwood, Mayor

Attest:

______________________________
Sudie Gordon, City Clerk