

The City of Snellville  
2342 Oak Road  
Snellville, Georgia 30078  
(770) 985-3500 • FAX (770) 985-3525



# AGENDA

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WORK SESSION  
OF MAYOR AND COUNCIL  
CITY OF SNELLVILLE, GEORGIA  
MONDAY, JULY 22, 2024

Publication Date: July 18, 2024

TIME: 6:30 p.m.  
DATE: July 22, 2024  
PLACE: City Hall Conference Room 145

**I. CALL TO ORDER**

**II. REVIEW REGULAR BUSINESS MEETINGS AND PUBLIC HEARING  
AGENDA ITEMS**

**III. REVIEW CORRESPONDENCE**

**IV. CITY ATTORNEY'S REPORT**

**V. DISCUSSION ITEMS**

a) Update of Ongoing Projects [Bender]

**VI. EXECUTIVE SESSION**

An Executive Session may be called:

- To discuss pending and/or potential litigation, settlement claims, administrative proceedings or other judicial actions, which is exempt from the Open Meetings Act pursuant to O.C.G.A. Section 50-14-2(1).
- To authorize negotiations to purchase, dispose of, or lease property; authorize the ordering of an appraisal related to the acquisition or disposal of real estate; enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote; or enter into an option to purchase, dispose of, or lease real estate subject to approval in subsequent public vote, which is excluded from the Open Meetings Act pursuant to Section 50-14-3(b)(1)(C).
- Upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee, which is excluded pursuant to O.C.G.A. Section 50-14-3(b)(2).

**VII. ADJOURNMENT**

The City of Snellville  
2342 Oak Road  
Snellville, Georgia 30078  
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# AGENDA

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PUBLIC HEARING & REGULAR BUSINESS MEETING  
OF MAYOR AND COUNCIL  
CITY OF SNELLVILLE, GEORGIA  
MONDAY, JULY 22, 2024

Publication Date: July 18, 2024

TIME: 7:30 p.m.  
DATE: July 22, 2024  
PLACE: Council Chambers

**I. CALL TO ORDER**

**II. INVOCATION**

**III. PLEDGE TO THE FLAG**

**IV. CEREMONIAL MATTERS**

**V. MINUTES**

Approve the Minutes of the July 8, 2024 Meetings

**VI. INVITED GUESTS**

Gwinnett County Department of Transportation (DOT) – Transit Update

**VII. COMMITTEE / DEPARTMENT REPORTS**

**VIII. APPROVAL OF THE AGENDA**

**IX. PUBLIC HEARING**

- a) 2<sup>nd</sup> Reading - #RZ 24-01 LUP 24-01 SUP 24-01 – Consideration and Action on applications by First Baptist Church of Snellville, Inc. (property owner) and ARRIS Holdings, LLC (applicant) requesting to: amend the Snellville 2045 Future Land Use Map from Residential –Low density to Towne Center; amend the Official Zoning Map from RS-30 (Single-family Residential) District to TC-R (Town Center Residential) District; request for a Special Use Permit; and request for variances from the Snellville Unified Development Ordinance for a multi-family development consisting of 300 Towne Center Flat units on a 16.96± acre tract located at Henry Clower Boulevard, Pine Street, and Church Street, Snellville. Tax Parcels 5027 011, 5027 015, 5027 016, 5027 016A, 5027 020.

REGULAR BUSINESS & PUBLIC HEARING OF MAYOR AND COUNCIL  
MONDAY, JULY 22, 2024  
PAGE TWO

5027 021, 5027 097, 5027 009, 5027 124, 5027 113, 5027 007 and 11,325 sq. ft. of Pine Street right-of-way (to be abandoned)

- b) 2<sup>nd</sup> Reading - UDO 24-01 – Consideration and Action on amendment to the text of the Snellville Unified Development Ordinance (“UDO”) to adopt a local amendment to the Georgia State Minimum Standard Plumbing Code and maintain the Metro Water District-Water Efficiency Code Requirements per Action Item: Water Supply Water Conservation-8 (page 5-55) of the Dec 2022 Water Resources Management Plan
- c) 2<sup>nd</sup> Reading - RZ 24-02 – Consideration and Action on application by Vikram Chaudhary and Grace Ridge Snellville, LLC (property owners) and Parkland Communities, Inc. (applicant) requesting to amend the Official Zoning Map from BG (General Business) District to R-TH (Townhome Residential) District and request for variances from the Snellville Unified Development Ordinance for a 64 unit single-family attached townhome development on a 8.174± acre site located adjacent to the Towne Centre Office Park, 2785 W. Main Street, Snellville. Tax Parcels 5007 165, 5007 282, 5007 283, and 5007 285
- d) 2<sup>nd</sup> Reading - RZ 24-03 SUP 24-02 – Consideration and Action on applications by Shifa Real Estate Investments LLC (property owner) and SPG Planners & Engineers (applicant) requesting to: amend the Official Zoning Map from BG (General Business) District to TC-R (Town Center Residential) District; request for a Special Use Permit for Towne Center Flat residential units; and request for variances from the Snellville Unified Development Ordinance for a proposed 5-story, Towne Center Flat residential building with 171 unit mix of one-, two-, and three- bedroom units on a 2.76± acre site located in the Towne Center Overlay District at 2380 Wisteria Drive, Snellville (Tax Parcel 538 133)

**X. CONSENT AGENDA** (Please see \*Note)

**XI. OLD BUSINESS**

None

**XII. NEW BUSINESS**

- a) 2<sup>nd</sup> Reading – ORD 2024-07 - Consideration and Action on Approval of the Ordinance for the Amendment and Restatement of the Agreement of the Georgia Municipal Employees Benefit System Defined Retirement Plan [Bender]
- b) Consideration and Action on Approval of RES 2024-10 – Adoption of the 2024 Millage Rate [Bender]
- c) Consideration and Action on RES 2024-13 – Adoption of Local Amendment to Plumbing Code for Water Efficiency of Water Ordinance [Bender]
- d) Consideration and Action on Approval of Addition to the Snellville Tourism and Trade Event Schedule [Bender]

- e) 1<sup>st</sup> Reading – ORD 2024-08 – Consideration and Action on an Ordinance to Amend Portions of Chapter 62 of the Code of Ordinances of the City of Snellville to Amend Inconsistencies and Allow Change in Fees by Resolution, to Repeal Conflicting Ordinances, and for Other Purposes [Bender]

### **XIII. COUNCIL REPORTS**

### **XIV. MAYOR'S REPORT**

### **XV. PUBLIC COMMENTS**

- Section 2-53

Each member of the public who wishes to address the Mayor and City Council in public session must submit their name, address and the topic (be as specific as possible) of their comments to the City Clerk prior to making such comments. Individuals will be allotted five minutes to make their comments and such comments must be limited to the chosen topic. Members of the public shall not make inappropriate or offensive comments at a City Council meeting and are expected to comply with our adopted rules of decorum.

- Decorum

You must conduct yourself in a professional and respectful manner. All remarks should be directed to the Chairman and not to individual Council Members, staff or citizens in attendance. Personal remarks are inappropriate.

### **XI. EXECUTIVE SESSION**

An Executive Session may be called:

- To discuss pending and/or potential litigation, settlement claims, administrative proceedings or other judicial actions, which is exempt from the Open Meetings Act pursuant to O.C.G.A. Section 50-14-2(1).
- To authorize negotiations to purchase, dispose of, or lease property; authorize the ordering of an appraisal related to the acquisition or disposal of real estate; enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote; or enter into an option to purchase, dispose of, or lease real estate subject to approval in subsequent public vote, which is excluded from the Open Meetings Act pursuant to Section 50-14-3(b)(1)(C).
- Upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee, which is excluded pursuant to O.C.G.A. Section 50-14-3(b)(2).

### **XII. ADJOURNMENT**

**\*Note: Items on the Consent Agenda may be read by title only. Upon the request of any Council Member, any item may be removed from the Consent Agenda and placed on the Regular Agenda prior to the adoption of the Regular Agenda. The Consent Agenda, or the remainder thereof omitting the challenged items, shall be adopted by unanimous consent.**



CITY OF SNELLVILLE  
MEETINGS AND LOCAL EVENTS  
JULY 22, 2024

July 22

Summer Camp Continues

May 28 – July 26, 2024

Monday – Friday

7:30 am to 5:30 pm - Briscoe Park, 2500 Sawyer Pkwy

July 22

Public Hearings – Millage Rate

11:30 a.m. - Public Hearing on the 2024 Millage Rate – City Hall Council Chambers

6:00 p.m. - Public Hearing on the 2024 Millage Rate – City Hall Council Chambers

July 22

Council Meeting

6:30 pm Work Session – Conference Room 145, City Hall

7:30 pm Meeting - Council Chambers, City Hall

July 23

Planning Commission

Tuesday, July 23, 2024

6:30 pm Work Session – Conference Room 145, City Hall

7:30 pm Meeting - Council Chambers, City Hall

July 27

Farmers' Market

8:30 am to 12:00 pm

Towne Green

July 28

Broadcast of 7/22/2024 Council Meeting

Watch the broadcast on Comcast Channel 25 at 6:30 pm

August 2

Food Truck Friday

Friday, August 2, 2024

4:00 pm to 8:00 pm – Towne Green

August 3

Farmers' Market

8:30 am to 12:00 pm

Towne Green

August 10

Farmers' Market

8:30 am to 12:00 pm

Towne Green



WORK SESSION  
OF MAYOR AND COUNCIL  
CITY OF SNELLVILLE, GEORGIA  
MONDAY, JULY 8, 2024

Present: Mayor Barbara Bender, Mayor Pro Tem Tod Warner, Council Members Norman A. Carter Jr., Kerry Hetherington, Cristy Lenski, and Gretchen Schulz. Also present City Manager Matthew Pepper, Assistant City Manager Mercy Montgomery, Chief Greg Perry, Planning and Development Director Jason Thompson, Public Works Director David Mitchell, and City Clerk Melisa Arnold. (City Attorney Chuck Ross and Public Information Officer Brian Arrington were absent.)

**CALL TO ORDER**

Mayor Bender called the meeting to order at 6:35 p.m.

**REVIEW REGULAR BUSINESS MEETINGS AND PUBLIC HEARING AGENDA ITEMS**

Mayor and Council reviewed the agenda. During the discussion Mayor Bender talked about adding two resolutions to extend the moratoriums on cannabis dispensaries and CBD stores. Consensus was to add RES 2024-11 and RES 2024-12 to the agenda to extend the moratoriums another six months.

**REVIEW CORRESPONDENCE**

None

**CITY ATTORNEY'S REPORT**

None

**DISCUSSION ITEMS**

Update of Ongoing Projects [Bender]

City Manager Pepper gave an update on the Towne Center as well as other projects. He advised Council he is looking at options for height restriction indicators for the parking deck entries.

Discussion about Christmas Decorations for The Grove [Lenski]

Council Member Lenski reviewed options for the purchase of Christmas decorations for The Grove. After discussion, the consensus was to move forward with the option to purchase and install additional pole mounts, as well as the lease of a few small pieces for the Green at a cost of \$38,831.63, with Snellville Tourism and Trade offering to donate \$3000 towards the purchase.

**EXECUTIVE SESSION**

None

**City of Snellville Administration Department**

WORK SESSION OF MAYOR AND COUNCIL  
MONDAY, APRIL 8, 2024  
PAGE TWO

**ADJOURNMENT**

Council Member Carter made a motion to adjourn, 2<sup>nd</sup> by Council Member Hetherington; voted 6 in favor and 0 opposed, motion approved. The meeting adjourned at 7:18 p.m.

Barbara Bender, Mayor

Melisa Arnold, City Clerk



PUBLIC HEARING & REGULAR BUSINESS MEETING  
OF MAYOR AND COUNCIL  
CITY OF SNELLVILLE, GEORGIA  
MONDAY, JULY 8, 2024

Present: Mayor Barbara Bender, Mayor Pro Tem Tod Warner, Council Members Norman A. Carter Jr., Kerry Hetherington, Cristy Lenski, and Gretchen Schulz. Also present City Manager Matthew Pepper, Assistant City Manager Mercy Montgomery, Chief Greg Perry, Planning and Development Director Jason Thompson, City Clerk Melisa Arnold and IT Administrator Erika Fleeman. (City Attorney Chuck Ross and Public Information Officer Brian Arrington were absent.)

**CALL TO ORDER**

Mayor Bender called the meeting to order at 7:32 p.m.

**INVOCATION**

Melvin Everson gave the invocation

**PLEDGE TO THE FLAG**

Mayor Pro Tem Warner led the Pledge of Allegiance.

**CEREMONIAL MATTERS**

Check Presentation from Run the Reagan to South Gwinnett Cluster Foundation

Mr. Ron Weber with Run the Reagan presented Kelly McAloon with the South Gwinnett Cluster Foundation with a check in the amount of \$10,000.

**MINUTES**

Approve the Minutes of the June 10, 2024 Meetings

Council Member Schulz made a motion to approve the minutes of the June 10, 2024 meetings, 2<sup>nd</sup> by Council Member Carter; voted 6 in favor and 0 opposed, motion approved.

**INVITED GUESTS**

None

**COMMITTEE / DEPARTMENT REPORTS**

None

**APPROVAL OF THE AGENDA**

Mayor Pro Tem Warner made a motion to approve the agenda with two additions: New Business item “f” Consideration and Action on RES 2024-11 - Resolution to Provide for an Extension of Time to Update the Unified Development Ordinance of the City of Snellville Related to the Regulation of “CBD Stores” and New Business item “g” Consideration and

**City of Snellville Administration Department**

PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL  
MONDAY, JULY 8, 2024  
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Action on RES 2024-12 Resolution to Provide for an Extension of Time to Study the Changes Necessary to the Unified Development Ordinance of the City of Snellville Related to the Regulation of Medical Cannabis Dispensaries, 2<sup>nd</sup> by Council Member Lenski; voted 6 in favor and 0 opposed, motion approved.

**PUBLIC HEARING**

Provide Citizens the Opportunity to Submit Written and Oral Comments on the Proposed 2024 Millage Rate

Mayor Bender explained that the City is proposing to keep its Millage Rate the same as the last two (2) years, 4.00 mills. She announced that there would be two (2) more public hearings on July 22<sup>nd</sup> at 11:30 a.m. and at 6:00 p.m.

Mayor Bender opened the floor to public comment:

Catherine Hardrick, 2280 Buckley Trail, asked about some relief for people on fixed income.

No one else came forward so Mayor Bender closed public comment.

1<sup>st</sup> Reading - #RZ 24-01 LUP 24-01 SUP 24-01 – Consideration and Action on applications by First Baptist Church of Snellville, Inc. (property owner) and ARRIS Holdings, LLC (applicant) requesting to: amend the Snellville 2045 Future Land Use Map from Residential – Low density to Towne Center; amend the Official Zoning Map from RS-30 (Single-family Residential) District to TC-R (Town Center Residential) District; request for a Special Use Permit; and request for variances from the Snellville Unified Development Ordinance for a multi-family development consisting of 300 Towne Center Flat units on a 16.96± acre tract located at Henry Clower Boulevard, Pine Street, and Church Street, Snellville. Tax Parcels 5027 011, 5027 015, 5027 016, 5027 016A, 5027 020, 5027 021, 5027 097, 5027 009, 5027 124, 5027 113, 5027 007 and 11,325 sq. ft. of Pine Street right-of-way (to be abandoned)

Council Member Lenski made a motion to waive the first reading and place on the July 22, 2024 agenda for the second reading and public hearing, 2<sup>nd</sup> by Council Member Hetherington; voted 6 in favor and 0 opposed, motion approved.

1<sup>st</sup> Reading - UDO 24-01 – Consideration and Action on amendment to the text of the Snellville Unified Development Ordinance (“UDO”) to adopt a local amendment to the Georgia State Minimum Standard Plumbing Code and maintain the Metro Water District-Water Efficiency Code Requirements per Action Item: Water Supply Water Conservation-8 (page 5-55) of the Dec 2022 Water Resources Management Plan

Council Member Schulz made a motion to waive the first reading and place on the July 22, 2024 agenda for the second reading and public hearing, 2<sup>nd</sup> by Council Member Carter; voted 6 in favor and 0 opposed, motion approved.

1<sup>st</sup> Reading - RZ 24-02 – Consideration and Action on application by Vikram Chaudhary and Grace Ridge Snellville, LLC (property owners) and Parkland Communities, Inc. (applicant) requesting to amend the Official Zoning Map from BG (General Business) District to R-TH (Townhome Residential) District and request for variances from the Snellville Unified Development Ordinance for a 64 unit single-family attached townhome

PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL  
MONDAY, JULY 8, 2024  
PAGE THREE

development on a 8.174± acre site located adjacent to the Towne Centre Office Park, 2785 W. Main Street, Snellville. Tax Parcels 5007 165, 5007 282, 5007 283, and 5007 285  
Council Member Schulz recused herself from this item and left the room.

Mayor Pro Tem Warner made a motion to waive the first reading and place on the July 22, 2024 agenda for the second reading and public hearing, 2<sup>nd</sup> by Council Member Hetherington; voted 5 in favor and 0 opposed, motion approved

Council Member Schulz returned to the meeting.

1<sup>st</sup> Reading - RZ 24-03 SUP 24-02 – Consideration and Action on applications by Shifa Real Estate Investments LLC (property owner) and SPG Planners & Engineers (applicant) requesting to: amend the Official Zoning Map from BG (General Business) District to TC-R (Town Center Residential) District; request for a Special Use Permit for Towne Center Flat residential units; and request for variances from the Snellville Unified Development Ordinance for a proposed 5-story, Towne Center Flat residential building with 171 unit mix of one-, two-, and three- bedroom units on a 2.76± acre site located in the Towne Center Overlay District at 2380 Wisteria Drive, Snellville (Tax Parcel 538 133)

Council Member Lenski made a motion to waive the first reading and place on the July 22, 2024 agenda for the second reading and public hearing, 2<sup>nd</sup> by Council Member Carter; voted 6 in favor and 0 opposed, motion approved

**CONSENT AGENDA**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

1<sup>st</sup> Reading – ORD 2024-07 - Consideration and Action on Approval of the Ordinance for the Amendment and Restatement of the Agreement of the Georgia Municipal Employees Benefit System Defined Retirement Plan [Bender]

Mayor Bender explained that this is an update to the City's retirement plan documents that needs to be done from time to time due to the IRS updating the required language in retirement plan documents.

Council Member Schulz made a motion to waive the first reading and place on the July 22, 2024 agenda for the second reading and public hearing; 2<sup>nd</sup> by Council Member Hetherington; voted 6 in favor and 0 opposed, motion approved

Consideration and Action on Approval of an Intergovernmental Cooperation Agreement with Gwinnett County for the U.S. Department of Housing and Urban Development CDBG Program Urban County Qualification and Authorization for the Mayor to Execute the Cooperation Agreements [Bender]



PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL  
MONDAY, JULY 8, 2024  
PAGE FOUR

Mayor Bender explained that Gwinnett County receives grant funds from the U.S. Department of Housing and by executing this agreement, it allows the City to continue to participate in the County program and have access to the grant funds.

Council Member Lenski made a motion to approve the agreement with Gwinnett County and authorize Mayor Bender to execute the contract; 2<sup>nd</sup> by Council Member Carter; voted 6 in favor and 0 opposed, motion approved.

Consideration and Action on Adoption of RES 2024-09 to Include Municipal Boundaries as Part of the Gwinnett County Multi-Jurisdictional Hazard Mitigation Plan [Bender]

Mayor Bender explained the City works within the County's hazard mitigation plan and by adopting this resolution to continue to be a part of the plan we would have access to Federal or State funding should a hazardous situation occur.

Mayor Pro Tem Warner made a motion to adopt RES 2024-09 and authorize Mayor Bender to sign the documents; 2<sup>nd</sup> by Council Member Lenski; voted 6 in favor and 0 opposed, motion approved. (A copy of RES 2024-09 is attached to and made a part of these minutes.)

Consideration and Action on the Purchase of Christmas Decorations for The Grove [Bender]

Council Member Lenski explained that with the opening of The Grove we would like to expand the Christmas decorations in and around that area.

Council Member Lenski made a motion to approve the purchase of Christmas decorations for The Grove in the contract amount of \$38,831.63, the contract is with Christmas Décor and the contract amount includes a reimbursement of \$3,000 from Snellville Tourism and Trade pending approval of the contract by the City Attorney and authorize Mayor Bender to sign, 2<sup>nd</sup> by Council Member Carter; voted 6 in favor and 0 opposed, motion approved.

Authorize Mayor Bender to Enter Into a Pending Settlement Agreement Regarding the National Opioid Settlement [Bender]

Mayor Bender explained that this agreement allows the City to receive funds from the settlement negotiated with Kroger.

Council Member Carter made a motion to authorize Mayor Bender to enter into a pending settlement agreement regarding the national opioid settlement, 2<sup>nd</sup> by Council Member Lenski; voted 6 in favor and 0 opposed, motion approved.

Consideration and Action on RES 2024-11 - Resolution to Provide for an Extension of Time to Update the Unified Development Ordinance of the City of Snellville Related to the Regulation of "CBD Stores" [Bender]

Mayor Pro Tem Warner made a motion to adopt RES 2024-11, 2<sup>nd</sup> by Council Member Hetherington.

Mayor Bender explained that these next two items will extend the moratorium another six months on cannabis dispensaries and CBD stores so that no new applications could be submitted until the City can update ordinances to allow for regulations of these types of businesses.

The motion was voted 6 in favor and 0 opposed, motion approved. (A copy of RES 2024-11 is attached to and made a part of these minutes.)

PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL  
MONDAY, JULY 8, 2024  
PAGE FIVE

Consideration and Action on RES 2024-12 Resolution to Provide for an Extension of Time to Study the Changes Necessary to the Unified Development Ordinance of the City of Snellville Related to the Regulation of Medical Cannabis Dispensaries [Bender]

Council Member Schulz made a motion to adopt RES 2024-12, 2nd by Council Member Lenski; voted 6 in favor and 0 opposed, motion approved. (A copy of RES 2024-12 is attached to and made a part of these minutes.)

**COUNCIL REPORTS**

Council Members Carter, Hetherington, Lenski, Schulz, and Mayor Pro Tem Warner each gave a report.

**MAYOR'S REPORT**

Mayor Bender gave a report.

**PUBLIC COMMENTS**

The following people came forward to speak:

Jennifer Worley, 2608 Poplar Street, Snellville.

Kelly McAloon, 2916 Overwood Lane, Snellville.

Mike Sabbagh, 1600 Summit View Way, Snellville.

Catherine Hardrick, 2280 Buckley Trail, Snellville.

Melvin Everson, 1725 Winding Creek Circle, Snellville.

**EXECUTIVE SESSION**

None

**ADJOURNMENT**

Council Member Carter made a motion to adjourn, 2<sup>nd</sup> by Mayor Pro Tem Warner; voted 6 in favor and 0 opposed, motion approved. The meeting adjourned at 8:46 p.m.

Barbara Bender, Mayor

Melisa Arnold, City Clerk





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## Agenda Item Summary

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**TO:** The Mayor and Council

**FROM:** Jason Thompson, Director  
Department of Planning and Development

**DATE:** July 22, 2024

**CASE:** #RZ 24-01 LUP 24-01 SUP 24-01

**STATUS:** Public Hearing (2<sup>nd</sup> Reading)

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Applications by First Baptist Church, Inc. and ARRIS Holdings, LLC requesting Rezoning, Land Use Plan Amendment, Special Use Permit and Variances from the Unified Development Ordinance for a 300-unit multi-family development on a 16.96± acre site at Henry Clower Boulevard, Pine Street and Church Street, Snellville.

**Financial Impact:** Site Development Permit fees; Building Permit fees; and Real Property Taxes

**Planning Department Recommendation:** Approval with Conditions

**Planning Commission Meeting and Recommendation:** June 25, 2024 (*DENIAL* of #LUP 24-01)

**Mayor and Council Meetings:** July 8, 2024 (1<sup>st</sup> Reading)  
July 22, 2024 (2<sup>nd</sup> Reading and Public Hearing)

**Action Requested:** Table Public Hearing to August 26, 2024

**Draft Ordinance(s):** Attached

**Case Documents (website link):**

- [Letter of Intent \(4-16-2024\)](#)
- [#RZ 24-01 Rezoning Application \(4-16-2024\)](#)
- [#LUP 24-01 Land Use Plan Amendment Application \(4-16-2024\)](#)
- [#SUP 24-01 Special Use Permit Application \(4-16-2024\)](#)

300-Unit Multi-Family Development on 16.96± Acres at Henry Clower Boulevard, Pine Street and Church Street, Snellville  
Case #RZ 24-01 LUP 24-01 SUP 24-01  
July 22, 2024  
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- Application Supplements (4-16-2024)
- Property Boundary Survey (3-25-2024)
- Traffic Impact Analysis (4-12-2024)
- ARRIS Snellville Design Package (4-12-2024)
- Rezoning Site Plan (4-8-2024)
- Pine Street Abandonment Area & Legal Description (5-20-2024)
- REVISED Rezoning Site Plan (5-9-2024)
- May 28 2024 Planning Department Case Summary & Analysis (5-21-2024)
- June 25 2024 Planning Department Case Summary & Analysis (5-31-2024)
- June 25 2024 Planning Commission Case Report (6-26-2024)
- Conditions *Only* Recommendations (6-26-2024)
- Variances *Only* Recommendations (6-26-2024)
- July 8 2024 Planning Department Case Summary & Analysis with Planning Commission Report (6-26-2024)
- *Unofficial* June 25 2024 Planning Commission Regular Meeting Minutes (7-3-2024)
- 6-27-2024 REVISED Rezoning Site Plan (7-1-2024)
- 7-3-2024 Buffer Exhibit (7-9-2024)
- 7-2-2024 REVISED Rezoning Site Plan (7-9-2024)
- 7-7-2024 REVISED Letter of Intent (7-9-2024)
- 7-12-2024 Applicant Request to Table July 22nd Second Reading to Aug 26th

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2024-03**

AN ORDINANCE TO DENY THE REQUEST TO AMEND THE 2045 COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR THE CITY OF SNELLVILLE, GEORGIA, FOR A 13.269± ACRE TRACT OF LAND LOCATED IN LAND LOT 27 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, AT HENRY CLOWER BOULEVARD, PINE STREET, AND CHURCH STREET, SNELLVILLE, GEORGIA; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #LUP 24-01

**SIZE:** 13.11± Acres and 11,325± Sq. Ft. Pine Street Southwest Right-of-Way

**LOCATION:** Henry Clower Boulevard, Pine Street, and Church Street, Snellville, Georgia

**TAX PARCEL(s):** R5027 007, R5027 009, R5027 015, R5027 016, R5027 016A, R5027 020, R5027 021, R5027 097, R5027 113, and R5027 124

**CURRENT FUTURE LAND USE MAP DESIGNATION:** Residential –Low Density

**REQUESTED FUTURE LAND USE MAP AMENDMENT:** Towne Center

**DEVELOPMENT/PROJECT:** 300-Unit Multi-family Development

**PROPERTY OWNER:** First Baptist Church, Inc. (Church on Main)  
Snellville, Georgia 30078

**APPLICANT/CONTACT:** Parke Lammerts, Vice-President  
ARRIS Holdings, LLC  
Brookhave, Georgia 30319  
404-452-9989  
[plammerts@arrisholdings.com](mailto:plammerts@arrisholdings.com)

**WHEREAS**, the governing authority of the City of Snellville, Georgia is the Mayor and Council thereof; and

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to DENY #LUP 24-01, which requested to amend the designated land use as it applies to the 13.269± acre tract of land located at Henry Clower Boulevard, Pine Street, and Church Street, Snellville, Georgia for a multi-family development consisting of 300 Towne Center Flat units; and

**WHEREAS**, the subject property is located across two (2) Character Areas identified on the Snellville 2045 Future Development Map, with seventy-seven percent (77%) of the site area, containing Buildings 3 and 4, large portion of related surface parking and civic and open space, is located at the northern boundary of the No Business Creek Character Area on the Future Development Map and the remaining twenty-three percent (23%) of the site area, containing Buildings 1 and 2, small portion of related surface parking and amenity space, being located at the southern boundary of the Towne Center Character Area on the Future Development Map, and,

**WHEREAS**, the health, safety, and welfare of the citizens of Snellville, Georgia, will be positively impacted by the adoption of this Ordinance; therefore:

**IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA**, and by the authority thereof:

**Section 1.** For reasons stated in the public hearing and upon review of the application submitted by Applicant, the request for a change in the future land use designation of the 13.11± acre tract of land and 11,325± sq. ft. tract of Pine Street Southwest right-of-way, described and shown on the boundary survey entitled “First

Baptist Church of Snellville” sealed and dated 3-25-2024 (stamped received 4-16-2024) in Exhibit “A”, and further described and shown in supplemental Exhibit “B” and Exhibit “C”, a copy of which is attached hereto and incorporated herein by reference is hereby DENIED.

**Section 2.** The Towne Center current future land use map designation for tax parcel R5027 011 shall remain unchanged.

**Section 3.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity,

unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 5.** Penalties in effect for violations of the Unified Development Ordinance of the City of Snellville at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

**Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 7.** This Ordinance was adopted on \_\_\_\_\_, 2024. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

**ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Barbara Bender, Mayor

*ATTEST:*

\_\_\_\_\_  
Tod Warner, Mayor Pro Tem

\_\_\_\_\_  
Melisa Arnold, City Clerk

\_\_\_\_\_  
Norman A. Carter, Council Member

*APPROVED AS TO FORM:*

\_\_\_\_\_  
Kerry Hetherington, Council Member

\_\_\_\_\_  
W. Charles Ross, City Attorney  
Powell & Edwards, P.C.

\_\_\_\_\_  
Cristy Lenski, Council Member

\_\_\_\_\_  
Gretchen Schulz, Council Member

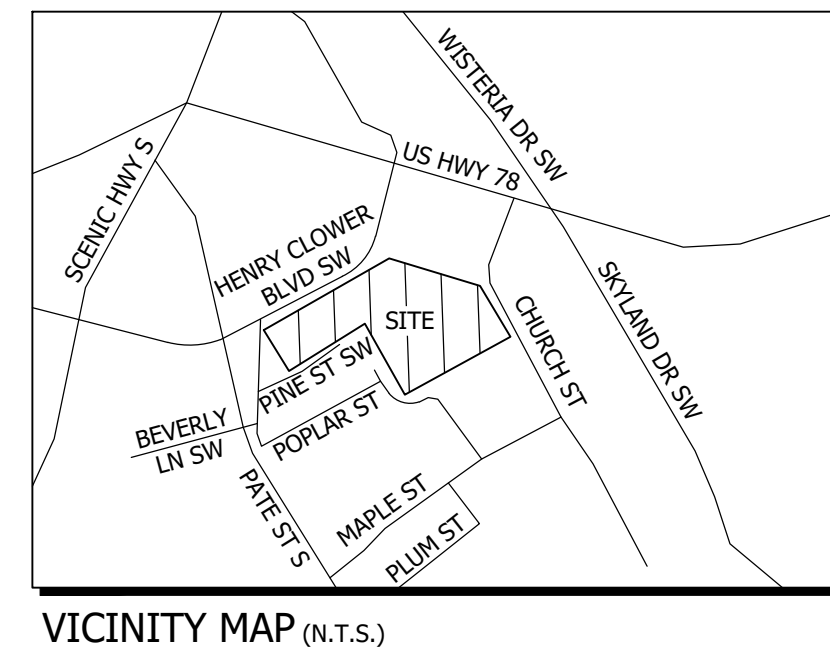
EXHIBIT "A"



**AREA TABLE:**

FOR TAX PARCEL ID R5027 124 IS 0.98 ACRES,  
 FOR TAX PARCEL ID R5207 009 IS 5.70 ACRES,  
 FOR TAX PARCEL ID R5027 113 IS 0.88 ACRES,  
 FOR TAX PARCEL ID R5027 007 IS 1.72 ACRES,  
 FOR TAX PARCEL ID R5027 097 IS 0.57 ACRES,  
 FOR TAX PARCEL ID R5027 020 IS 0.57 ACRES,  
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**OVERALL AREA TOTAL = 16.96 ACRES**

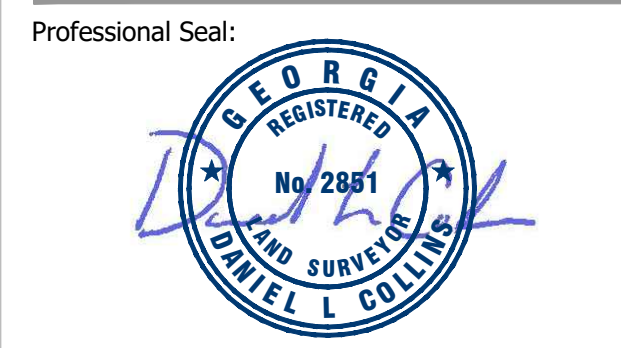
THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.



**LAND ENGINEERING**

1601 S Zack Hinton Parkway  
 McDonough, Georgia 30253  
 T 678.814.4346, F 678.814.4348  
 www.land.engineering  
 GA COA LSF0946 / PEF6180

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811 PROTECTION CENTER  
 DIG SAFELY! 800-282-7411

Notes:

Project Number: 2099-002  
 Drawn By: KLC  
 Date: 3/20/2024

Submittals:

No.	Date	Description

Revisions:

No.	Date	Description
1	3/25/2024	ADD OVERALL LEGAL DESCRIPTION

Client / Prepared for:

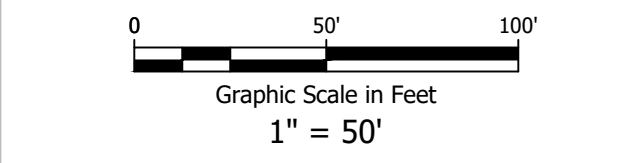
**ARRIS ACQUISITIONS, LLC**  
 2700 APPLE VALLEY ROAD, SUITE 50  
 BROOKHAVEN, GEORGIA 30319

Project Name:

**FIRST BAPTIST CHURCH OF SNELLVILLE, INC.**

Project Location:  
 MAIN STREET E & HENRY CLOVER BLVD  
 Land Lot: 27  
 District: 5TH  
 Section: -  
 City: SNELLVILLE  
 County: GWINNETT  
 State: GEORGIA

Drawing Scale:



Sheet Title:

**BOUNDARY SURVEY**

Drawing Number: Total Sheets: Revision:

1 3 0

- LEGEND**
- IRON PIN FOUND (DESCRIPTION)
  - IRON PIN SET (5/8" REBAR W/ CAP)
  - CALCULATED POINT
  - RIGHT OF WAY MONUMENT
  - SANITARY SEWER MANHOLE
  - STORM DRAIN MANHOLE
  - DROP INLET
  - FLARED END SECTION
  - GAS METER
  - WATER METER
  - WATER VALVE
  - FIRE HYDRANT
  - UTILITY POLE
  - LIGHT POLE
  - ELECTRIC METER
  - AIR CONDITIONER UNIT
  - SIGN (SINGLE POST)
  - MAILBOX
  - UTILITY HANDHOLE

- ABBREVIATIONS**
- BLDG BUILDING
  - C- UNDERGROUND COMMUNICATION LINE
  - CLF CHAIN LINK FENCE
  - CONC. CONCRETE
  - DB DEED BOOK
  - DIST. DISTURBED
  - E.N.F. END NOT FOUND
  - E.N.L. END NOT LOCATED
  - E- OVERHEAD ELECTRIC
  - G- UNDERGROUND GAS LINE
  - L.L. LAND LOT
  - N/F NOW OR FORMERLY
  - N.T.S. NOT TO SCALE
  - O/H OVERHANG
  - OTP OPEN TOP PIPE
  - PB PLAT BOOK
  - PG PAGE
  - P.O.B. POINT OF BEGINNING
  - P.O.C. POINT OF COMMENCEMENT
  - P.I.N. PARCEL IDENTIFICATION NUMBER
  - P/L PROPERTY LINE
  - RB REBAR
  - R/W RIGHT OF WAY
  - S.F. SQUARE FEET
  - W- UNDERGROUND WATER LINE

**SURVEY REFERENCES:**

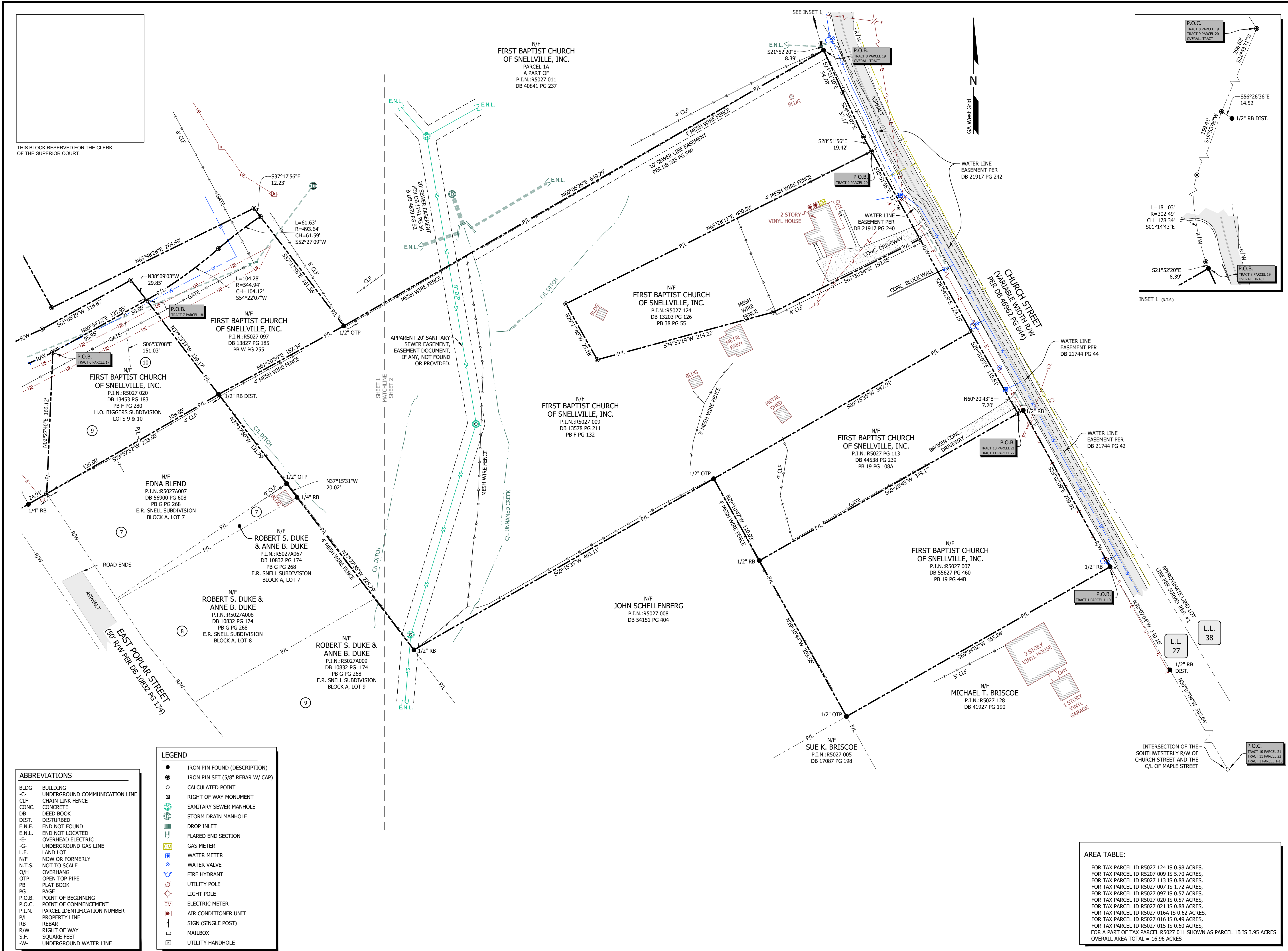
1. SURVEY OF FIRST BAPTIST CHURCH OF SNELLVILLE, PREPARED BY GORDON STORY & ASSOC., BEARING THE SIGNATURE AND SEAL OF GORDON C. STORY, GEORGIA REREGISTERED LAND SURVEYOR NO. 2076, DATED OCTOBER 30, 1997, BEING DESIGNATED AS JOB NO. 97-10-458.
2. DEPARTMENT OF TRANSPORTATION STATE OF GEORGIA RIGHT OF WAY OF PROPOSED SR 10/US 78 AT SR 124 & EASTBOUND ON HENRY CLOVER BOULEVARD GWINNETT COUNTY CSSTP-0006-009 (439) DATED 04/04/14, LAST REVISED 8/18/15

**SURVEYOR'S CERTIFICATION**

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration of Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

*Daniel L. Collins*  
 Daniel L. Collins, GA RLS #2851 3/25/2024





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 Utilities PROTECTION CENTER  
 DIG SAFELY! 800-262-7411

Notes:

Project Number: 2099-002  
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 Date: 3/20/2024

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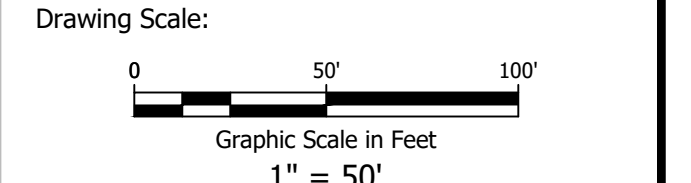
Revisions:

No.	Date	Description
1	3/25/2024	ADD OVERALL LEGAL DESCRIPTION

Client / Prepared for:  
**ARRIS ACQUISITIONS, LLC**  
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 County: GWINNETT  
 State: GEORGIA



Sheet Title:  
**BOUNDARY SURVEY**

Drawing Number: Total Sheets: Revision:  
 2 3 0

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**ABBREVIATIONS**

BLDG	BUILDING
-C-	UNDERGROUND COMMUNICATION LINE
CLF	CHAIN LINK FENCE
CONC.	CONCRETE
DB	DEED BOOK
DIST.	DISTURBED
E.N.F.	END NOT FOUND
E.N.L.	END NOT LOCATED
E	OVERHEAD ELECTRIC
-G-	UNDERGROUND GAS LINE
L.L.	LAND LOT
N/F	NOW OR FORMERLY
N.T.S.	NOT TO SCALE
O/H	OVERHANG
OTP	OPEN TOP PIPE
PB	PLAT BOOK
PG	PAGE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
P.I.N.	PARCEL IDENTIFICATION NUMBER
P/L	PROPERTY LINE
RB	REBAR
R/W	RIGHT OF WAY
S.F.	SQUARE FEET
-W-	UNDERGROUND WATER LINE

**LEGEND**

●	IRON PIN FOUND (DESCRIPTION)
●	IRON PIN SET (5/8" REBAR W/ CAP)
○	CALCULATED POINT
⊗	RIGHT OF WAY MONUMENT
⊙	SANITARY SEWER MANHOLE
⊕	STORM DRAIN MANHOLE
⊖	DROP INLET
⊗	FLARED END SECTION
⊕	GAS METER
⊖	WATER METER
⊗	WATER VALVE
⊕	FIRE HYDRANT
⊖	UTILITY POLE
⊗	LIGHT POLE
⊕	ELECTRIC METER
⊖	AIR CONDITIONER UNIT
⊗	SIGN (SINGLE POST)
⊕	MAILBOX
⊖	UTILITY HANDHOLE

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FOR A PART OF TAX PARCEL R5027 011 SHOWN AS PARCEL 1B IS 3.95 ACRES
OVERALL AREA TOTAL = 16.96 ACRES







EXHIBIT "B"

**Arris Snellville Tax Parcel List (FLU only):**

2535 Pine St - R5027 015

2525 Pine St - R5027 016

2515 Pine St - R5027 016A

2486 Pine St - R5027 020

2529 Pine St - R5027 021

2476 Pine St - R5027 097

2501 Church St - R5027 009

2481 Church St - R5027 124

2551 Church St - R5027 113

R5027 007

~11,212 sf of unbuilt Pine St ROW (to be abandoned)

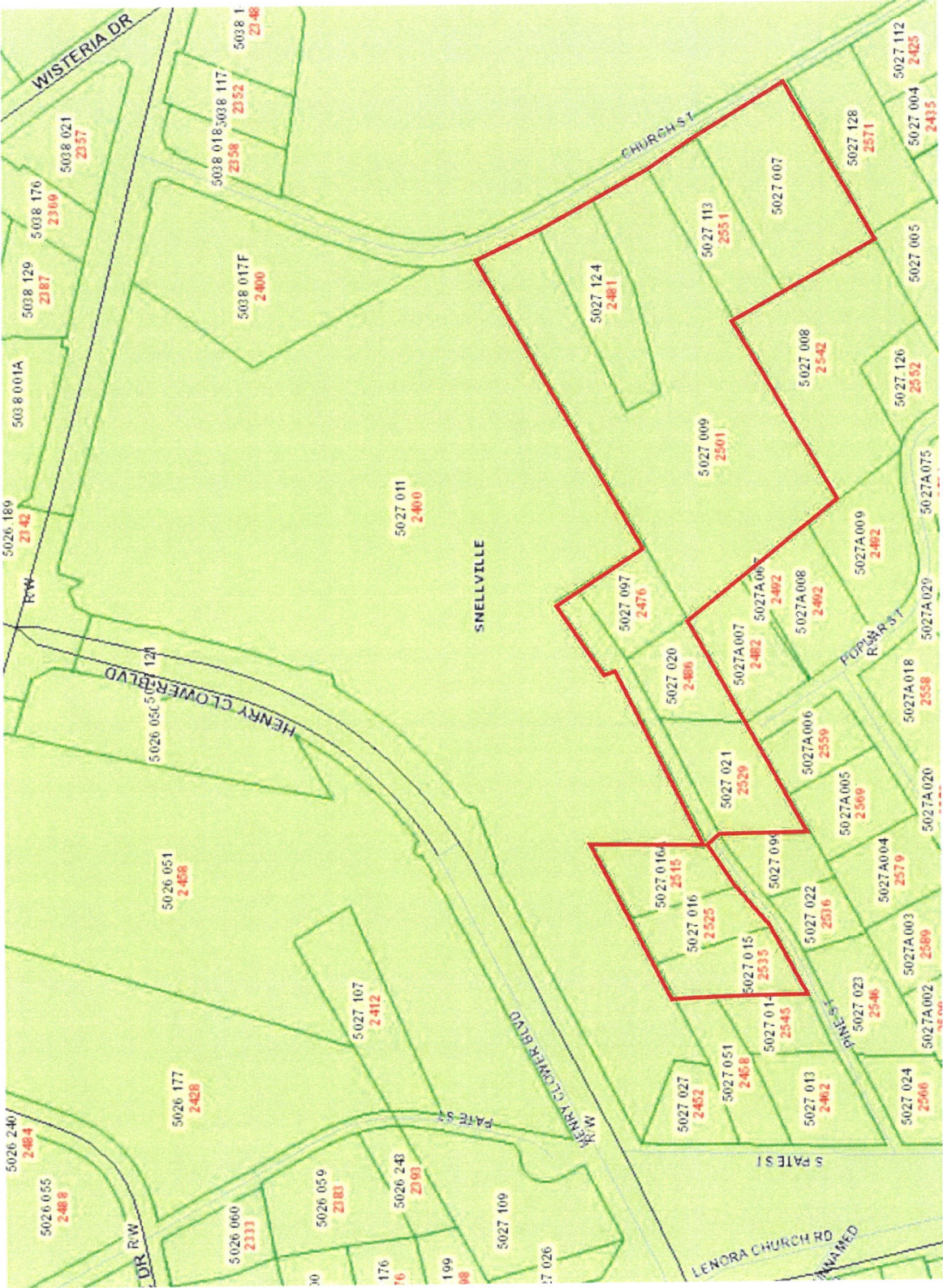
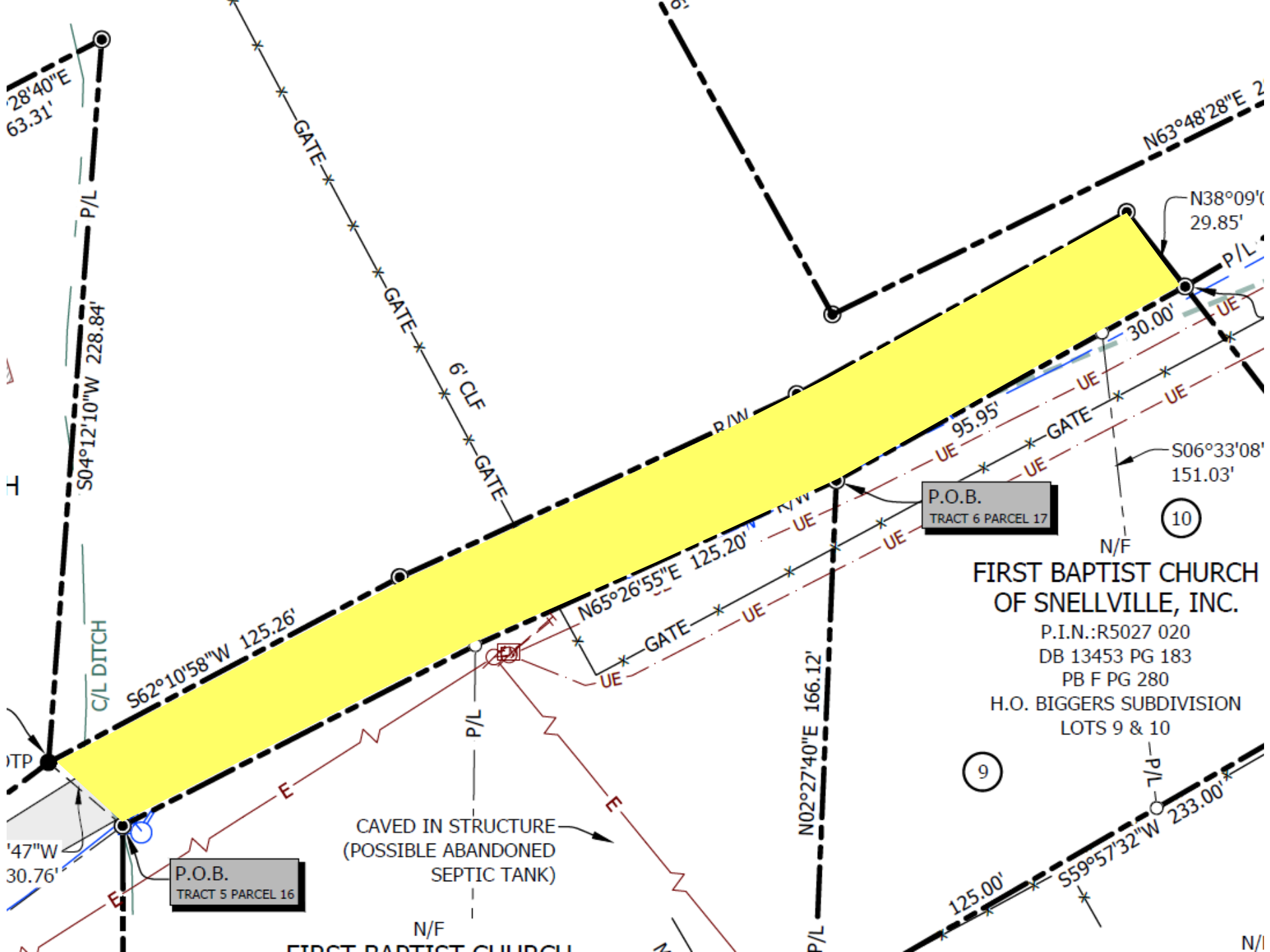


EXHIBIT "C"



28°40'E  
63.31'

P/L  
S04°12'10"W 228.84'

C/L DITCH

47"W  
30.76'

P.O.B.  
TRACT 5 PARCEL 16

CAVED IN STRUCTURE  
(POSSIBLE ABANDONED  
SEPTIC TANK)

N/F  
FIRST BAPTIST CHURCH

GATE  
6' CLF  
GATE

S62°10'58"W 125.26'

N65°26'55"E 125.20'

P/L

N02°27'40"E 166.12'

P/L

P.O.B.  
TRACT 6 PARCEL 17

FIRST BAPTIST CHURCH  
OF SNELLVILLE, INC.

P.I.N.:R5027 020  
DB 13453 PG 183  
PB F PG 280  
H.O. BIGGERS SUBDIVISION  
LOTS 9 & 10

9

10

P/L

N63°48'28"E 2

N38°09'  
29.85'

P/L

95.95'

S06°33'08"  
151.03'

N/F

125.00'

S59°57'32"W 233.00'

N/I



As Surveyed Legal Description  
A part of Pine Street

All that tract or parcel of land lying and being in Land Lot 27, 5<sup>th</sup> District, City of Snellville, Gwinnett County, Georgia and being more particularly described as follows:

Commence at a 1 1/4" open top pipe found at the intersection of the northerly right-of-way line of Pine Street (30' r/w) per PB F, PG 280 and the easterly right-of-way line of South Pate Street (50' r/w) per DB 55627, PG 460;

Thence, leaving said intersection and along the northerly r/w line of Pine Street, the following calls:

Thence, North 64°41'01" East, a distance of 202.69 feet to a point;  
Thence, North 64°41'01" East, a distance of 125.00 feet to a concrete monument found;  
Thence, North 59°34'15" East, a distance of 151.00 feet to a 1" open top pipe found;  
Thence, North 51°44'56" East, a distance of 99.77 feet to a 1" iron rod found;  
Thence, North 53°13'15" East, a distance of 97.50 feet to a 1" open top pipe found;  
at the Point of Beginning of the herein described tract of land.

Thence, North 62°10'58" East, along the northerly r/w line of Pine Street, a distance of 125.26 feet to a 5/8" rebar with cap set (LSF 0946);

Thence, North 65°13'23" East, continuing along the northerly r/w line of Pine Street, a distance of 137.97 feet to a 5/8" rebar with cap set (LSF 0946);

Thence, North 61°06'29" East, continuing along the northerly r/w line of Pine Street, a distance of 118.87 feet to a 5/8" rebar with cap set (LSF 0946);

Thence, South 38°09'03" East, leaving said northerly r/w line of Pine Street, a distance of 29.85 feet to a 5/8" rebar with cap set (LSF 0946) on the southerly r/w line of Pine Street;

Thence, South 60°54'12" West, along the southerly r/w line of Pine Street, a distance of 125.95 feet to a 5/8" rebar with cap set (LSF 0946);

Thence, South 65°26'55" West, continuing along the southerly r/w line of Pine Street, a distance of 125.20 feet to a 5/8" rebar with cap set (LSF 0946);

Thence, South 62°53'22" West, continuing along the southerly r/w line of Pine Street, a distance of 125.00 feet to a 5/8" rebar with cap set (LSF 0946);

Thence, North 49°26'47" West, leaving said southerly r/w line of Pine Street, a distance of 30.76 feet to a 1" open top pipe found on northerly r/w line of Pine Street, at the Point of Beginning of the herein described tract of land.

Said property contains 0.26 acres of land.



---

## **Agenda Item Summary**

---

**TO:** The Mayor and Council

**FROM:** Jason Thompson, Director  
Department of Planning and Development

**DATE:** July 22, 2024

**CASE:** #UDO 24-01 - Local Amendment to Georgia Minimum Standard Plumbing Code – Metro Water District Water Efficiency Code Requirements

**STATUS:** Public Hearing (2<sup>nd</sup> Reading)

---

Text amendment to Article 3 of Chapter 300 of the Snellville Unified Development Ordinance to adopt, as a local amendment the Georgia State Minimum Standard Plumbing Code, the Metro Water District - Water Efficiency Code Requirements per Action Item: Water Supply Water Conservation-8 (page 5-55 of the Plan). Under this Action Item, local governments must adopt and maintain the Metro Water District-Water Efficiency Code Requirements, without modification, as a local amendment to the Georgia State Minimum Standard Plumbing Code.

On January 8, 2024 the Mayor and Council approved Resolution No. 2024-01 and the transmittal of the proposed local amendment to the Georgia State Minimum Standard Plumbing Code (“Plumbing Code”).

**Financial Impact:** None

**Planning Department Recommendation:** Approval

**Planning Commission Meeting and Recommendation:** June 25, 2024 (Approval)

**Mayor and Council Meetings:** July 8, 2024 (1<sup>st</sup> Reading)  
July 22, 2024 (2<sup>nd</sup> Reading and Public Hearing)

**Action Requested:** Consideration, Public Hearing and Action

**Draft Ordinance:** Attached

Local Amendment to Georgia Minimum Standard Plumbing Code – Metro Water  
District Water Efficiency Code Requirements  
Case #UDO 24-01  
July 22, 2024  
Page... 2

**Case Documents (website link):**

- Resolution No. 2024-01 - Findings on Proposed Local Amendment to Plumbing Code for Water Efficiency
- Memo to Planning Commission Members (4-23-2024)
- DRAFT Amendment with MARKUP (V1) 3-12-2024
- DRAFT Amendment NO MARKUP (V1) 3-12-2024
- Metro Water District Efficiency Code Requirements FAQ's
- Small Changes, Big Savings \$\$
- MNGWPD Water Resources Management Plan (Dec 2022)
- June 25 2024 Planning Commission Case Report (6-26-2024)
- *Unofficial* June 25 2024 Planning Commission Regular Meeting Minutes (7-3-2024)

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. UDO 24-01**

**AN ORDINANCE TO AMEND PORTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF SNELLVILLE, GEORGIA; TO ESTABLISH A LOCAL AMENDMENT TO THE TO THE GEORGIA STATE MINIMUM STANDARD PLUMBING CODE FOR WATER EFFICIENCY; TO PROVIDE SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the duly elected governing authority of the City of Snellville, Georgia (the “City”) is the Mayor and Council; and

**WHEREAS**, the Mayor and the Council of the City of Snellville, Georgia, desire to amend portions of the Unified Development Ordinance for the City of Snellville, Georgia; and

**WHEREAS**, the Mayor and the Council of the City of Snellville, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government; and

**WHEREAS**, the Mayor and Council of the City of Snellville, Georgia deem such amendment to be for the betterment and general welfare of the City of Snellville and its inhabitants; and

**WHEREAS**, the current minimum water efficiency requirements for buildings in the City of Snellville’s jurisdiction is the Georgia State Minimum Standard Plumbing Code (“Georgia Plumbing Code”) as approved and adopted by the Georgia Department of Community Affairs (“DCA”) from time to time; and

**WHEREAS**, the City of Snellville, like all local governments in the State of Georgia, is authorized under O.C.G.A. § 8-2-25(c) to adopt local requirements that are more stringent than the

Georgia Plumbing Code based on local climatic, geologic, topographic, or public safety factors;  
and

**WHEREAS**, the City of Snellville has followed the required procedures in O.C.G.A. § 8-2-25(c) for local adoption of the Local Amendments to Plumbing Code for water efficiency, and DCA has made no recommendation as to whether they be adopted; and

**WHEREAS**, the long-term availability, reliability, and resiliency of water supplies is a critical need of the City of Snellville and water efficiency is essential to meeting this need; and

**WHEREAS**, the City of Snellville is adopting the Local Amendments to the Plumbing Code to meet this critical need and to comply the requirements of Metropolitan North Georgia Water Planning District's 2022 Water Resources Plan in the WSWC-8 Action Item on Metro Water District – Water Efficiency Code Requirements; and

**WHEREAS**, the Mayor and Council of the City of Snellville, Georgia finds that, based on local climatic, geographic, topographic, and public safety factors, it is justified in adopting the water efficiency requirements in the Local Amendments to the Plumbing Code that are more stringent than the Georgia Plumbing Code; and

**WHEREAS**, the Mayor and Council of the City of Snellville, Georgia deem such amendment to be for the betterment and general welfare of the City of Snellville and its inhabitants;  
and,

**IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA**, and by the authority thereof:

**Section 1.** Chapter 300, Article 3 of the Unified Development Ordinance of the City of Snellville, Georgia and is hereby amended as follows:

**Chapter 300 Buildings, Article 3 Flow Rate Restrictions on Plumbing Fixtures, is hereby amended by deleting the existing language in its entirety and inserting in its place the following language:**

**Chapter 300. Buildings**

**Article 3. Water Efficiency Code Requirements**

**Sec. 303-1. Purpose**

It is the purpose of this article to:

- A. Codify the adoption of a local amendment to the Georgia State Minimum Standard Plumbing Code (International Plumbing Code with Georgia State Amendments) by adopting the Metro Water District-Water Efficiency Code Requirements per Action Item: Water Supply Water Conservation-8 (page 5-55) of the Water Resources Management Plan (Dec 2022) for the Metropolitan North Georgia Water Planning District for buildings in the City of Snellville, Georgia;
- B. Ensure the long-term availability, reliability, and resiliency of water supplies for the City of Snellville;
- C. Require the certification of plumbing fixtures regarding flow rates and serviceability standards;
- D. Promote compliance with State laws for the purpose of conserving water;
- E. Maintain the integrity of drinking water supplies; and
- F. Reduce wastewater flows.

**Sec. 303-2. Amended Chapters and Sections of the Georgia State Minimum Standard Plumbing Code**

The following chapters and sections of the 2018 International Plumbing Code (IPC) are included in the local amendment:

- 1. Chapter 2 Definitions, Section 202 General Definitions
- 2. Chapter 6 Water Supply and Distribution, Section 604.4 Maximum Flow and Water Conservation
  - a. 604.4.1 Clothes Washers
  - b. 604.4.3 Cooling Tower Water Efficiency
    - i. 604.4.2.2.1 Once-Through Colling
    - ii. 604.4.2.2 Cooling Towers and Evaporative Coolers
    - iii. 604.4.2.3 Cooling Tower Makeup Water
  - c. 604.4.3 Landscape Irrigation System Efficiency Requirements
    - i. 604.4.3.1 Avoiding Water Waste Through Design
    - ii. 604.4.3.2 Landscape Irrigation System Required Components
- 3. Chapter 13, Nonpotable Water Systems, Section 1304 Reclaimed Water Systems, Section 1304.3.2 Connections to Water Supply
- 4. Appendix E Sizing of Water Piping Systems, Section E101.1.2 Scope

### Sec. 303-3. Definitions

Chapter 2, Section 202 General Definitions of the 2018 International Plumbing Code is amended by adding in alphabetical order and revising, as applicable, the following 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:

*Commercial building.* Any type of building other than residential.

*Kitchen Faucet or Kitchen Faucet Replacement Aerator.* Allows a flow of no more than 1.8 gallons of water per minute at a pressure of 60 pounds per square inch and conforms to the applicable requirements in ASME A112.18.1/CSA B125.1.

*Landscape Irrigation:*

*Flow sensor.* An inline device in a landscape irrigation system that produces a repeatable signal proportional to flow rate.

*Lawn or Landscape Irrigation system.* An assembly of component parts that is permanently installed for the controlled distribution of water to irrigate landscapes such as ground cover, trees, shrubs, and other plants. Lawn and Landscape Irrigation System refer to the same system.

*Master shut-off valve.* An automatic valve such as a gate valve, ball valve, or butterfly valve) installed as part of the landscape irrigation system capable of being automatically closed by the WaterSense controller. When this valve is closed water will not be supplied to the landscape irrigation system.

*Pressure regulating device.* A device designed to maintain pressure within the landscape irrigation system at the manufacturer's recommended operating pressure and that protects against sudden spikes or drops from the water source.

*Rain sensor shut-off.* An electric device that detects and measures rainfall amounts and overrides the cycle of a landscape irrigation system so as to turn off such system when a predetermined amount of rain has fallen.

*WaterSense irrigation controller.* Is a weather-based or soil moisture-based irrigation controllers labeled under the U.S. Environmental Protection Agency's WaterSense program, which includes standalone controllers, add-on devices, and plug-in devices that use current weather data as a basis for scheduling irrigation.

*WaterSense spray sprinkler bodies.* A sprinkler body with integral pressure regulation, generating optimal water spray and coverage labeled under the U.S. Environmental Protection Agency's WaterSense program.

*Lavatory Faucet or Lavatory Faucet Replacement Aerator.* Allows a flow of no more than 1.2 gallons of water per minute at a pressure of 60 pounds per square inch and is listed to the WaterSense High Efficiency Lavatory Faucet Specification.

*Residential building.* Any building or unit of a building intended for occupancy as a dwelling but shall not include a hotel or motel.

*Shower head.* A shower head that allows a flow of no more than the average of 2.0 gallons of water per minute at 80 pounds per square inch of pressure, is listed in the WaterSense Specification for Showerheads, and meets the US Department of Energy definition of showerhead.

### **Sec. 303-4. Maximum Flow and Water Consumption**

Chapter 6, Section 604.4 Maximum Flow and Water Consumption of the 2018 International Plumbing Code revised to read as follows:

Consistent with the general approach taken in Georgia, these Maximum Flow and Water Consumption requirements and related definitions in Section 604.4 of the plumbing code shall apply to all plumbing systems, including those in one- and two-family dwellings. The maximum water consumption flow rates and quantities for all plumbing fixtures and fixture fittings shall be in accordance with Table 604.4.

Exceptions:

1. Blowout design water closets having a water consumption not greater than 3-1/2 gallons (13 L) per flushing cycle.
2. Vegetable sprays.
3. Clinical sinks having a water consumption not greater than 4-1/2 gallons (17 L) per flushing cycle.
4. Laundry tray sinks and service sinks.
5. Emergency showers and eye wash stations.

[TABLE 604.4 MAXIMUM FLOW RATES AND CONSUMPTION FOR PLUMBING FIXTURES AND FIXTURE FITTINGS ON THE FOLLOWING PAGE]



TABLE 604-4  
 MAXIMUM FLOW RATES AND CONSUMPTION FOR  
 PLUMBING FIXTURES AND FIXTURE FITTINGS

PLUMBING FIXTURE OR FIXTURE FITTING	MAXIMUM FLOW RATE OR QUANTITY <sup>b</sup>
Lavatory faucet and replacement aerators, private	WaterSense Labeled & 1.2 gpm at 60 psi <sup>f</sup>
Lavatory faucet, public (metering)	0.25 gallon per metering cycle
Lavatory, public (other than metering)	0.5 gpm at 60 psi
Showerhead <sup>a</sup>	WaterSense Labeled & 2.0 gpm at 80 psi <sup>f</sup>
Kitchen faucet and replacement aerators	1.8 gpm at 60 psi <sup>f, g</sup>
Urinal	0.5 gallon per flushing cycle <sup>f</sup>
Water closet	1.28 gallons per flushing cycle <sup>c, d, e, f</sup>

Table footnotes:

For SI: 1 gallon = 3.785 L, 1 gallon per minute = 3.785 L/m,

1 pound per square inch = 6.895 kPa.

- a. A hand-held shower spray is a shower head. As point of clarification, multiple shower heads may be installed in a single shower enclosure so long as each shower head individually meets the maximum flow rate, the WaterSense requirements, and the US Department of Energy definition of showerhead. However, multiple shower heads are not recommended for water efficiency purposes.
- b. Consumption tolerances shall be determined from referenced standards.
- c. For flushometer valves and flushometer tanks, the average flush volume shall not exceed 1.28 gallons.
- d. For single flush water closets, including gravity, pressure assisted and electro-hydraulic tank types, the average flush volume shall not exceed 1.28 gallons.
- e. For dual flush water closets, the average flush volume of two reduced flushes and one full flush shall not exceed 1.28 gallons.

- f. See 2014 GA Amendment to Section 301.1.2 'Waiver from requirements of high efficiency plumbing fixtures'.
- g. Kitchen faucets are permitted to temporarily increase the flow above the maximum rate, but not to exceed 2.2 gpm (8.3 L/m) at 60 psi (414 kPa) and must revert to a maximum flow rate of 1.8 gpm (6.8 L/m) at 60 psi (414 kPa) upon valve closure.

**604.4.1 Clothes Washers.** Residential clothes washers shall be in accordance with the Energy Star program requirements.

**604.4.2 Cooling Tower Water Efficiency.**

**604.4.2.1 Once-Through Cooling.** Once-through cooling using potable water is prohibited.

**604.4.2.2 Cooling Towers and Evaporative Coolers.** Cooling towers and evaporative coolers shall be equipped with makeup water and blow down meters, conductivity controllers and overflow alarms. Cooling towers shall be equipped with efficiency drift eliminators that achieve drift reduction to 0.002 percent of the circulated water volume for counterflow towers and 0.005 percent for crossflow towers.

**604.4.2.3 Cooling Tower Makeup Water.** Water used for air conditioning, cooling towers shall not be discharged where the hardness of the basin water is less than 1500 mg/L.

**Exception:** Where any of the following conditions of the basin water are present: total suspended solids exceed 25 ppm, CaCO<sub>3</sub> exceeds 600 ppm, chlorides exceed 250 ppm, sulfates exceed 250 ppm, or silica exceeds 150 ppm.

**604.4.3 Landscape Irrigation System Efficiency Requirements.** The requirements in Section 604.4.3 apply to all new landscape irrigation systems connected to the public water system except those (a) used for agricultural operations as defined in the Official Code of Georgia Section 1-3-3, (b) used for golf courses, and (c) dependent upon a nonpublic water source. Nothing in this Code or this Section 604.4.3 is intended to require that landscape irrigation systems must be installed at all premises. The landscape irrigation efficiency requirements in this Section 604.4.3 apply only when someone voluntarily chooses, or is otherwise required by some requirement beyond this Code, to install a landscape irrigation system on premises.

**604.4.3.1 Avoiding Water Waste Through Design.** All new landscape irrigation systems shall adhere to the following design standards:

1. Pop-up type sprinkler heads shall pop-up to a height above vegetation level of not less than four (4) inches above the soil level when emitting water.
2. Pop-up spray heads or rotary sprinkler heads must direct flow away from any adjacent surfaces and must not be installed closer than four inches from impervious surfaces.
3. Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or by other means that produces no overspray or runoff.

4. Narrow or irregular shaped landscaped areas, less than four (4) feet in any direction across opposing boundaries shall not be irrigated by any irrigation emission device except sub-surface or low flow emitters with flow rates not to exceed 6.3 gallons per hour.

**604.4.3.2 Landscape Irrigation System Required Components.** All new landscape irrigation systems shall include the following components:

1. A rain sensor shut-off installed in an area that is unobstructed by trees, roof over hangs, or anything else that might block rain from triggering the rain sensor shutoff.
2. A master shut-off valve for each controller installed as close as possible to the point of connection of the water but downstream of the backflow prevention assembly.
3. Pressure-regulating devices such as valve pressure regulators, sprinkler head pressure regulators, inline pressure regulators, WaterSense spray sprinkler bodies, or other devices shall be installed as needed to achieve the manufacturer's recommended pressure range at the emission devices for optimal performance.
4. Except for landscape irrigation systems serving a single-family home, all other systems must also include:
  - (a) a WaterSense irrigation controller; and
  - (b) at least one flow sensor, which must be installed at or near the supply point of the landscape irrigation system and shall interface with the control system, that when connected to the WaterSense controller will detect and report high flow conditions to such controller and automatically shut master valves. The flow sensor serves to aid in detecting leaks or abnormal flow conditions by suspending irrigation. High flow conditions should be consistent with manufacturers' recommendations and specifications.

### **Sec. 303-5. Nonpotable Water Systems**

Chapter 13 Nonpotable Water Systems, Section 1304 Reclaimed Water Systems of the 2018 International Plumbing Code is revised to read as follows:

**1304.3.2 Connections to water supply.** Reclaimed water provided from a reclaimed wastewater treatment system permitted by the Environmental Protection Division may be used to supply water closets, urinals, trap primers for floor drains and floor sinks, water features and other uses approved by the Authority Having Jurisdiction, in motels, hotels, apartment and condominium buildings, and commercial, industrial, and institutional buildings, where the individual guest or occupant does not have access to plumbing. Also, other systems that may use a lesser quality of water than potable water such as water chillers, carwashes or an industrial process may be supplied with reclaimed water provided from a reclaimed wastewater treatment facility permitted by the Environmental Protection Division.

The use of reclaimed water sourced from any new private reclaimed wastewater treatment system for outdoor irrigation shall be limited to golf courses and agriculture operations as

defined in the Official Code of Georgia Section 1-3-3, and such reclaimed water shall not be approved for use for irrigating any other outdoor landscape such as ground cover, tree, shrubs, or other plants. These limitations do not apply to reclaimed water sourced from existing private reclaimed water systems or from existing or new, governmentally-owned reclaimed wastewater treatment systems.

**Appendix E, Section E101.1.2.** Because of the variable conditions encountered in hydraulic design, it is impractical to specify definite and detailed rules for sizing of the water piping system. Accordingly, other sizing or design methods conforming to good engineering practice standards are acceptable alternatives to those presented herein.

Without limiting the foregoing, such acceptable design methods may include for multi-family buildings the Peak Water Demand Calculator from the IAPMO/ANSI 2020 Water Efficiency and Sanitation Standard for the Built Environment, which accounts for the demands of water-conserving plumbing fixtures, fixture fittings, and appliances. If future versions of the Peak Water Demand Calculator including other building types, such as commercial, such updated version shall be an acceptable design method.

### **Sec. 303-6. Violation; Citation, Penalty**

A citation for a violation of this article may be issued by the Building Official or their authorized representative. Any person violating this article will be tried before the municipal court. Upon conviction, such person found guilty of a violation of this article will be punished as provided in Sec. 1-11 of the Snellville Code of Ordinances.

### **Sec. 303-7. Compliance and Enforcement**

- A. In addition to the penalty provided in Sec. 303-6 above, the City may take the following actions to compel compliance with this article and may maintain an action or proceeding in any court of competent jurisdiction to compel compliance with or restrain any violation of this article:
  - 1. Compliance with the requirements for installation and labeling at the time of installation in Sec. 303-3 will be determined by the chief Building Official or their agent in cases of new or replacement plumbing fixture installations, and compliance will be a condition for receipt of any occupancy permit.
  - 2. The appropriate water authority or water service agency may deny any service connection to an establishment which does not comply with the standards set forth in Sec. 303-3.
  
- B. Compliance with the requirements in Sec. 303-4 regarding the labeling of plumbing fixtures offered for retail sale will be determined by the chief Building Official or their agent. The agency will have access to all establishments which offer for sale or sell such plumbing fixtures for purposes of determining compliance with Sec. 303-4.

**Section 2.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 3.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 4.** The City of Snellville, Georgia hereby adopts the Local Amendments to Plumbing Code, which will take effect on August 1, 2024.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

**ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Barbara Bender, Mayor

*ATTEST:*

\_\_\_\_\_  
Tod Warner, Mayor Pro Tem

\_\_\_\_\_  
Melisa Arnold, City Clerk

\_\_\_\_\_  
Norman A. Carter, Council Member

*APPROVED AS TO FORM:*

\_\_\_\_\_  
Kerry Hetherington, Council Member

\_\_\_\_\_  
W. Charles Ross, City Attorney  
Powell & Edwards, P.C.

\_\_\_\_\_  
Cristy Lenski, Council Member

\_\_\_\_\_  
Gretchen Schulz, Council Member



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## Agenda Item Summary

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**TO:** The Mayor and Council

**FROM:** Jason Thompson, Director  
Department of Planning and Development

**DATE:** July 22, 2024

**CASE:** #RZ 24-02

**STATUS:** Public Hearing (2<sup>nd</sup> Reading)

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Applications by Vikram Chaudhary, Grace Ridge Snellville, LLC Parkland Communities, Inc. requesting Rezoning and Variances from the Unified Development Ordinance for a 64-unit single-family attached townhome development on an 8.174± acre site located at 2785-2791 W. Main Street, Snellville.

**Financial Impact:** Site Development Permit fees; Building Permit fees; and Real Property Taxes

**Planning Department Recommendation:** Approval with Conditions

**Planning Commission Meeting and Recommendation:** June 25, 2024 (Approval with Conditions)

**Mayor and Council Meetings:** July 8, 2024 (1<sup>st</sup> Reading)  
July 22, 2024 (2<sup>nd</sup> Reading and Public Hearing)

**Action Requested:** Consideration, Public Hearing and Action

**Draft Ordinance:** Attached

**Case Documents (website link):**

- Letter of Intent (5-14-2024)
- #RZ 24-02 Rezoning Application (5-14-2024)
- 1-16-2024 Property Boundary Survey (5-14-2024)
- Conceptual Building Elevations (5-14-2024)



64-Unit Townhome Development on 8.174± Acres at 2785-2791 W. Main Street,  
Snellville  
Case #RZ 24-02  
July 22, 2024  
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- 5-14-2024 Rezoning Site Plan (5-14-2024)
- June 25 2024 Planning Department Case Summary & Analysis (6-12-2024)
- June 25 2024 Planning Commission Case Report (6-26-2024)
- Conditions *Only* Recommendations (6-26-2024)
- Variances *Only* Recommendations (6-26-2024)
- July 8 2024 Planning Department Case Summary & Analysis with Planning Commission Report (6-26-2024)
- *Unofficial* June 25 2024 Planning Commission Regular Meeting Minutes (7-3-2024)
- July 22, 2024 Planning Department Case Summary & Analysis with Planning Commission Report (7-17-2024)

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2024-04**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 8.197± ACRE TRACT OF LAND LOCATED IN LAND LOT 7 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 2785, 2787, AND 2791 W. MAIN STREET, SNELLVILLE, GEORGIA; TO GRANT VARIANCES; TO ADD CONDITIONS AFFECTING THE PROPERTY; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #RZ 24-02

**LOCATION:** 2785, 2787, and 2791 W. Main Street,  
Snellville, GA

**SIZE:** 8.197± Acres

**TAX PARCEL(s):** R5007 165, R5007 282, R5007 283, and  
R5007 285

**REQUESTED ZONING:** R-TH (Townhome Residential) District

**DEVELOPMENT/PROJECT:** 64-Unit Single Family (Attached)  
Townhome Development

**PROPERTY OWNER(s):** Vikram Chaudhary, Stone Mountain, GA  
Grace Ridge Snellville LLC, Charlotte NC

**APPLICANT:** Tyler Lasser, Business Development Mgr.  
LJA Land Development  
Alpharetta, GA 3009  
470-202-9321  
[TLasser@LJA.com](mailto:TLasser@LJA.com)

**WHEREAS**, the governing authority of the City of Snellville, Georgia is the Mayor and Council thereof; and

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to amend its official zoning map as it applies to the 8.197± acre tract of land located at 2785, 2787, and 2791 W. Main Street, Snellville, Georgia (Tax Parcels R5007 165, R5007 282, R5007 283, and R5007 285) for a 64-unit single-family (attached) townhome development; and

**WHEREAS**, the R-TH (Residential Townhome) District is one of several zoning districts deemed appropriate for the property's *Health Village* future land use map designation on the 2045 Comprehensive Plan Future Land Use Map for the City of Snellville, Georgia; and

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to grant variances from Article 2 of Chapter 200 of the Snellville Unified Development Ordinance; and,

**WHEREAS**, the health, safety, and welfare of the citizens of Snellville, Georgia, will be positively impacted by the adoption of this Ordinance; therefore:

**IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA**, and by the authority thereof:

**Section 1.** The Official Zoning Map for the City of Snellville, Georgia for the 8.197± acre tract of land described and shown on the property survey entitled “Exhibit Survey Vikram Tract, Snellville, Georgia for Parkland Communities, LLC” sealed and stamped received Jun 11, 2024 in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby amended and changed from BG (General

Business) District to R-TH (Townhome Residential) District, subject to the attachment of the following enumerated variances and conditions:

VARIANCES:

- A. UDO Sec. 202-6.6. (Dimensional Standards – Site Setback): to reduce the 40-foot minimum site setback to 19.2 feet along the *western* property line where adjacent to Towne Center Office Park per the site plan.
- B. UDO Sec. 202-6.6. (Dimensional Standards – Site Setback): to reduce the 40-foot minimum site setback to 7.0 feet along the *eastern* property line where adjacent to the Fountain Drive commercial properties.
- C. UDO Sec. 202-6.6. (Dimensional Standards – Site Setback): to reduce the 50-foot minimum site setback (along streets) to 5.0 feet along the *southern* property line where the existing private street is located that serves as sole access to and from the Towne Center Office Park.

CONDITIONS:

- 1. The property shall be developed in general accordance with the conceptual rezoning site plan entitled “Site Zoning Plan for Brookwood Green”, sealed and dated 5-29-2024 (stamped received Jun 11, 2024) in Exhibit “B”, a copy of which is attached hereto and incorporated herein by reference, with modifications permitted to meet conditions of zoning or State, County, and City regulations. Substantial variation from the conceptual rezoning site plan, as determined by the Director of Planning and Development will require Mayor and Council approval, after submitting a Change in Conditions application and receiving recommendations by the Planning Department and Planning Commission.
- 2. All streets and alleys shall be privately owned and maintained by the Property Owners’ Association.
- 3. Uses involving adult entertainment, including the sale or display of adult magazines, books, videos and as further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed, are prohibited.
- 4. Signs higher than 15 feet or larger than 225 square feet are prohibited.
- 5. Developer to provide an emergency access gate at the connection point to Crescent Drive for sole use by emergency first responder vehicles.
- 6. A rental cap of ten-percent (10%) of the total number of townhome units at any given time for rentals greater than thirty (30) consecutive days shall be placed on

the development with such language being included in the Homeowners Association's Declaration of Covenants, Conditions and Restrictions.

**Section 2.** The changes in zoning classification are to be noted on the Official Zoning Map of the City of Snellville, Georgia as approved by the Mayor and Council as soon as reasonably possible following the adoption of this Ordinance. The Official Zoning Map of the City of Snellville, Georgia, shall also be amended with an editorial note specifying the date these Snellville zoning amendments were approved by the Mayor and Council and specifying the parcels affected by this Ordinance. Until the changes are indicated on the Official Zoning Map of the City of Snellville, Georgia, as approved by the Mayor and Council, this Ordinance shall govern over Official Zoning Map of the City of Snellville, Georgia approved by the Mayor and Council to the extent of any discrepancy between this Ordinance and the Official Zoning Map of the City of Snellville, Georgia approved by the Mayor and Council.

**Section 3.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor

and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 5.** Penalties in effect for violations of Chapter 1 of the Code of Ordinances, City of Snellville, Georgia at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

**Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed

**Section 7.** This Ordinance was adopted on \_\_\_\_\_, 2024. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

**ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Barbara Bender, Mayor

*ATTEST:*

\_\_\_\_\_  
Tod Warner, Mayor Pro Tem

\_\_\_\_\_  
Melisa Arnold, City Clerk

\_\_\_\_\_  
Norman A. Carter, Council Member

*APPROVED AS TO FORM:*

\_\_\_\_\_  
Kerry Hetherington, Council Member

\_\_\_\_\_  
W. Charles Ross, City Attorney  
Powell & Edwards, P.C.

\_\_\_\_\_  
Cristy Lenski, Council Member

\_\_\_\_\_  
Gretchen Schulz, Council Member

EXHIBIT "A"





EXHIBIT "B"









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## Agenda Item Summary

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**TO:** The Mayor and Council

**FROM:** Jason Thompson, Director  
Department of Planning and Development

**DATE:** July 22, 2024

**CASE:** #RZ 24-03 SUP 24-02

**STATUS:** Public Hearing (2<sup>nd</sup> Reading)

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Applications by Shifa Real Estate Investments LLC and SPG Planners + Engineers requesting Rezoning, Special Use Permit and Variances from the Unified Development Ordinance for a 171-unit multi-family development on a 2.76± acre site at 2380 Wisteria Drive, Snellville.

**Financial Impact:** Site Development Permit fees; Building Permit fees; and Real Property Taxes

**Planning Department Recommendation:** Approval with Conditions

**Planning Commission Meeting and Recommendation:** June 25, 2024 (Approval with Conditions)

**Mayor and Council Meetings:** July 8, 2024 (1<sup>st</sup> Reading)  
July 22, 2024 (2<sup>nd</sup> Reading and Public Hearing)

**Action Requested:** Consideration, Public Hearing and Action

**Draft Ordinance(s):** Attached

**Case Documents (website link):**

- Letter of Intent (5-14-2024)
- #RZ 24-03 Rezoning Application (5-14-2024)
- #SUP 24-02 Special Use Permit Application (5-14-2024)
- 8-23-2023 Property Survey (5-14-2024)
- Variance Exhibit (5-14-2024)

171-Unit Multi-Family Development on 2.76± Acres at 2380 Wisteria Drive, Snellville  
Case #RZ 24-03 SUP 24-02  
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- Concept Illustrative (5-14-2024)
- 4-30-2024 Traffic Impact Study (5-14-2024)
- Conceptual Building Elevations (5-14-2024)
- Ground Level Parking Layout (5-14-2024)
- Ground Level Floor Plan (5-14-2024)
- Upper Levels Floor Plan (5-14-2024)
- 5-14-2024 Site Plan (5-14-2024)
- 5-30-2024 AMENDED Letter of Intent (5-31-2024)
- June 25 2024 Planning Department Case Summary & Analysis (6-13-2024)
- June 25 2024 Planning Commission Case Report (6-26-2024)
- Conditions *Only* Recommendations (6-26-2024)
- Variances *Only* Recommendations (6-26-2024)
- July 8 2024 Planning Department Case Summary & Analysis with Planning Commission Report (6-26-2024)
- *Unofficial* June 25 2024 Planning Commission Regular Meeting Minutes (7-3-2024)
- July 22 2024 Planning Department Case Summary & Analysis with Planning Commission Report (7-17-2024)

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2024-05**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 2.76± ACRE TRACT OF LAND LOCATED IN LAND LOT 38 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 2380 WISTERIA DRIVE, SNELLVILLE, GEORGIA; TO GRANT VARIANCES; TO ADD CONDITIONS AFFECTING THE PROPERTY; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #RZ 24-03

**LOCATION:** 2380 Wisteria Drive, Snellville, Georgia

**SIZE:** 2.76± Acres

**TAX PARCEL:** R5038 133

**OVERLAY DISTRICT:** Towne Center Overlay

**CURRENT FUTURE LAND USE  
MAP DESIGNATION:** Towne Center

**REQUESTED ZONING:** TC-R (Towne Center Residential) District

**DEVELOPMENT/PROJECT:** 171-Unit Multi-Family Towne Center Flat Development

**PROPERTY OWNER:** Shifa Real Estate Investments, LLC  
Duluth, Georgia

**APPLICANT:** Mick Kittle, RLA, Senior Land Planner  
SPG Planners + Engineers  
Watkinsville, Georgia 30677  
706-714-3443  
[mick@onespg.com](mailto:mick@onespg.com)

**WHEREAS**, the governing authority of the City of Snellville, Georgia is the Mayor and Council thereof; and

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to amend its official zoning map as it applies to the 2.76± acre tract of land located at 2380 Wisteria Drive, Snellville, Georgia (Tax Parcel R5038 133) for a 171-unit multi-family Towne Center Flat development; and

**WHEREAS**, the TC-R (Towne Center Residential) District is one of two zoning districts deemed appropriate for the property's *Town Center* future land use map designation on the 2045 Comprehensive Plan Future Land Use Map for the City of Snellville, Georgia; and

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to grant variances from Article 5 and Article 6 of Chapter 200 of the Snellville Unified Development Ordinance; and,

**WHEREAS**, the health, safety, and welfare of the citizens of Snellville, Georgia, will be positively impacted by the adoption of this Ordinance; therefore:

**IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA**, and by the authority thereof:

**Section 1.** The Official Zoning Map for the City of Snellville, Georgia for the 2.76± acre tract of land described and shown on the property survey entitled “Boundary & Topographic Survey of 2380 Wisteria Dr., Snellville, GA 30078 (City of Snellville) Prepared For: Shifa Real Estate Investments LLC” sealed, signed and dated 8-23-2023 (stamped received May 14, 2024) in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby amended and changed from BG (General

Business) District to TC-R (Towne Center Residential) District, subject to the attachment of the following enumerated variances and conditions:

VARIANCES:

- A. UDO Sec. 206-3.1.F.2.E. (Commercial Floor Area Requirement): to waive the requirement for a minimum of 30,000 sq. ft. onsite commercial floor area for development of 171 Towne Center Flat units (5,000 sq. ft. per 30 units).
- B. UDO Sec. 205-1.14.D. (Storefront Street Requirements): to allow development and use of the Stacked Flat building type for buildings abutting a storefront street.

CONDITIONS:

- 1. The property shall be developed in general accordance with the conceptual rezoning site plan entitled “Wisteria Drive Flats”, dated 5-14-2024 (stamped received 5-14-2024) in Exhibit “B”, a copy of which is attached hereto and incorporated herein by reference, with modifications permitted to meet conditions of zoning or State, County, and City regulations. Substantial variation from the conceptual rezoning site plan, as determined by the Director of Planning and Development will require Mayor and Council approval, after submitting a Change in Conditions application and receiving recommendations by the Planning Department and Planning Commission.
- 2. All variances and conditions approved 2-13-2018 by the Snellville Board of Zoning Appeals for case #BOA 18-01 are repealed.
- 3. Uses involving adult entertainment, including the sale or display of adult magazines, books, videos and as further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed, are prohibited.
- 4. Signs higher than 15 feet or larger than 225 square feet are prohibited.

**Section 2.** The changes in zoning classification are to be noted on the Official Zoning Map of the City of Snellville, Georgia as approved by the Mayor and Council as soon as reasonably possible following the adoption of this Ordinance. The Official Zoning Map of the City of Snellville, Georgia, shall also be amended with an editorial note specifying the date these Snellville zoning amendments were approved by the Mayor and Council and specifying the parcels affected by this Ordinance. Until the changes are



indicated on the Official Zoning Map of the City of Snellville, Georgia, as approved by the Mayor and Council, this Ordinance shall govern over Official Zoning Map of the City of Snellville, Georgia approved by the Mayor and Council to the extent of any discrepancy between this Ordinance and the Official Zoning Map of the City of Snellville, Georgia approved by the Mayor and Council.

**Section 3.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not

render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 5.** Penalties in effect for violations of Chapter 1 of the Code of Ordinances, City of Snellville, Georgia at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

**Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed

**Section 7.** This Ordinance was adopted on \_\_\_\_\_, 2024. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

**ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Barbara Bender, Mayor

*ATTEST:*

\_\_\_\_\_  
Tod Warner, Mayor Pro Tem

\_\_\_\_\_  
Melisa Arnold, City Clerk

\_\_\_\_\_  
Norman A. Carter, Council Member

*APPROVED AS TO FORM:*

\_\_\_\_\_  
Kerry Hetherington, Council Member

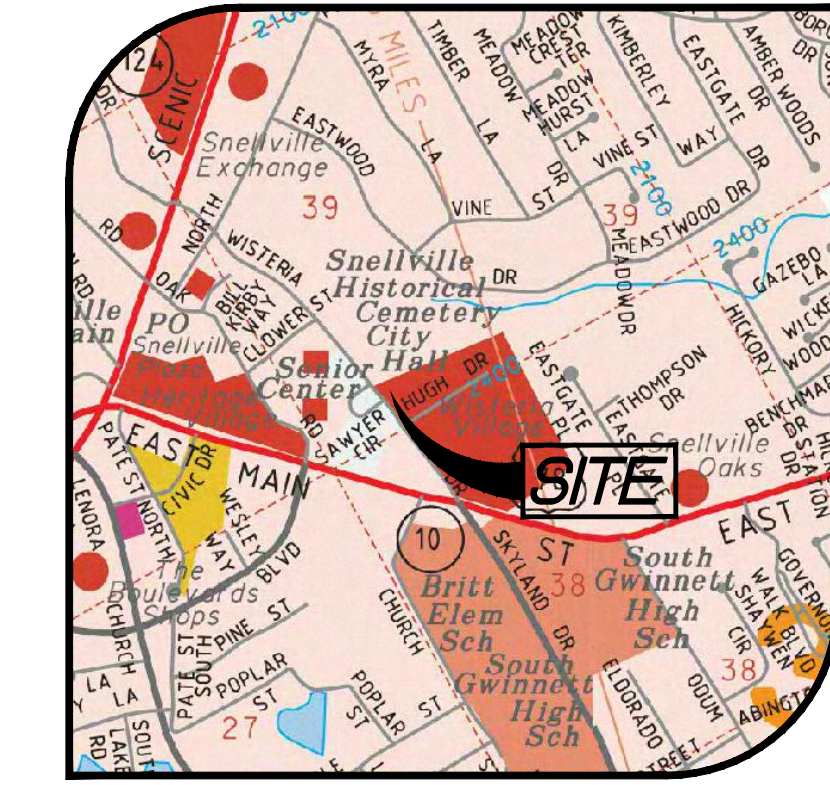
\_\_\_\_\_  
W. Charles Ross, City Attorney  
Powell & Edwards, P.C.

\_\_\_\_\_  
Cristy Lenski, Council Member

\_\_\_\_\_  
Gretchen Schulz, Council Member

EXHIBIT "A"



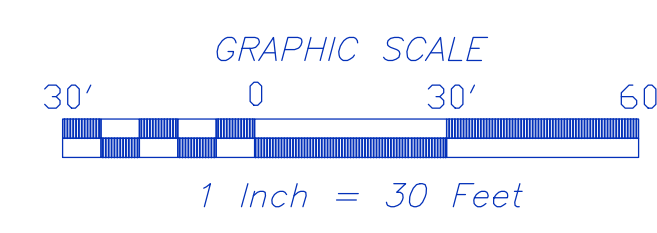
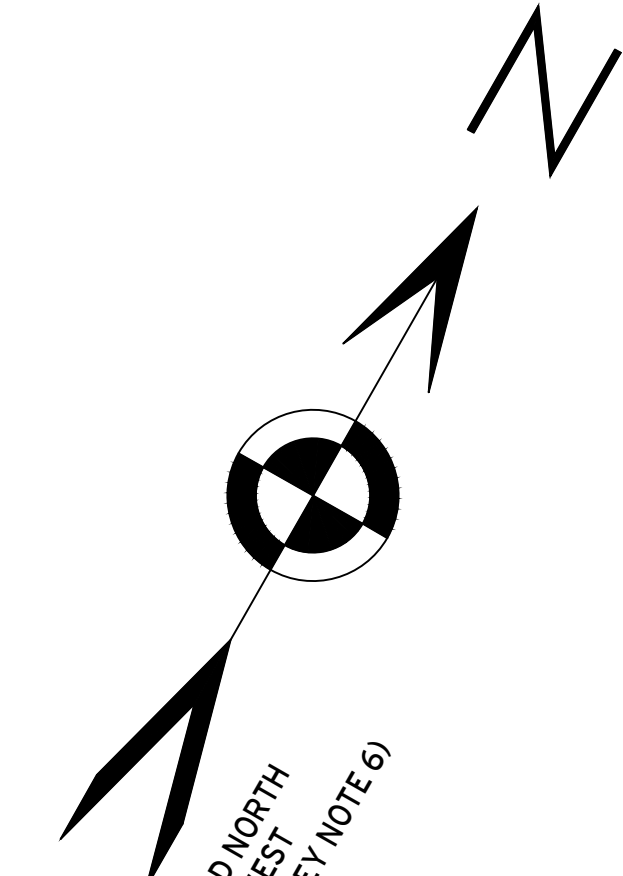


VICINITY MAP  
SURVEY NOTES

- PROPERTY SHOWN HEREON WAS SURVEYED AUGUST 18, 2023.
- THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1" IN 35,954' WITH AN ANGULAR ERROR OF 3.52 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.
- A SOKKIA IX SERIES ROBOTIC TOTAL STATION, CARLSON BRX7 GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTOR WERE USED FOR FIELD SURVEY MEASUREMENTS.
- THIS PLAT HAS A MAP CLOSURE OF 1" IN 327,462'.
- SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X ON FLOOD INSURANCE RATE MAP NO. 13155C0129C, WITH A DATE OF IDENTIFICATION OF SEPTEMBER 29, 2006 FOR COMMUNITY NUMBER 131012, IN GWINNETT COUNTY, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
- CONTROL AND BEARING BASIS FOR THIS SURVEY WERE ESTABLISHED USING A CARLSON BRX7 GPS RECEIVER UTILIZING OPUS-S FOR POST PROCESSING. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS .03 FEET HORIZONTAL AND .06 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.
- UTILITIES SHOWN PER MARKINGS PLACED BY UTILITY-MARKING, L.L.C. UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST. PROFESSIONAL LAND SURVEYORS MAKES NO GUARANTEE AS TO THE EXISTENCE OR NON-EXISTENCE OF SAID UTILITIES.
- NO OBSERVED EVIDENCE OF CEMETERIES, GRAVESITES, AND/OR BURIAL GROUNDS AT TIME OF SURVEY.
- PROPERTY SHOWN HEREON LIES WITHIN THE RECORD DESCRIPTION AS STATED IN GENERAL WARRANTY DEED RECORDED IN DEED BOOK 55380, PAGE 450, GWINNETT COUNTY RECORDS.
- NO ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON WERE OBSERVABLE AT TIME OF SURVEY.
- AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
- AT THE TIME OF THE SURVEY THERE WERE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR OBSERVABLE EVIDENCE OF STREET OR SIDEWALK REPAIRS.
- AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
- SUBJECT PROPERTY HAS DIRECT ACCESS TO WISTERIA DRIVE AND HUGH DRIVE, BOTH HAVING PUBLICLY DEDICATED RIGHTS OF WAY.
- SUBJECT PROPERTY IS CONTIGUOUS TO ALL ADJACENT PROPERTIES AND RIGHTS OF WAY. NO GAPS, GORES, OR OVERLAPS ARE KNOWN TO EXIST.

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	N 35°56'38" W	318.91'
L2	N 36°23'13" W	71.48'
L3	N 60°17'02" E	260.57'
L4	N 29°42'53" W	15.00'
L5	S 29°43'53" E	14.98'
L6	S 60°34'49" W	36.63'
L7	S 54°03'24" W	228.87'



**LEGEND**

Symbol	Description
---	PROPERTY LINE
---	OVERHANG/ANNING
(BEARING/DISTANCE)	RECORD CALLS
---	BUILDING SETBACK LINE
---	BUILDING SETBACK LINE
B.S.L.	BUILDING SETBACK LINE
---	INDEX CONTOUR
---	MINOR CONTOUR
x	SPOT ELEVATION
---	WATER LINE
---	OVERHEAD UTILITY LINE
---	GAS LINE
---	SANITARY SEWER LINE
---	UNDERGROUND ELECTRIC LINE
X X	FENCE LINE
---	STORM DRAIN PIPE
---	WATER VALVE
---	WATER METER
---	FIRE HYDRANT
---	GAS METER
---	GAS VALVE
---	POWER METER
---	SANITARY SEWER MANHOLE
---	DROP INLET
---	SINGLE-WING CATCH BASIN
---	JUNCTION BOX
---	REBAR
---	CAPPED REBAR
---	FOUND
---	LIGHT POLE
---	SIGN
---	TREE
---	HARDWOOD
---	PINE

**LEGAL DESCRIPTION**  
ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING LAND LOT 39 OF THE 5TH DISTRICT, GWINNETT COUNTY, CITY OF SNELLVILLE, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

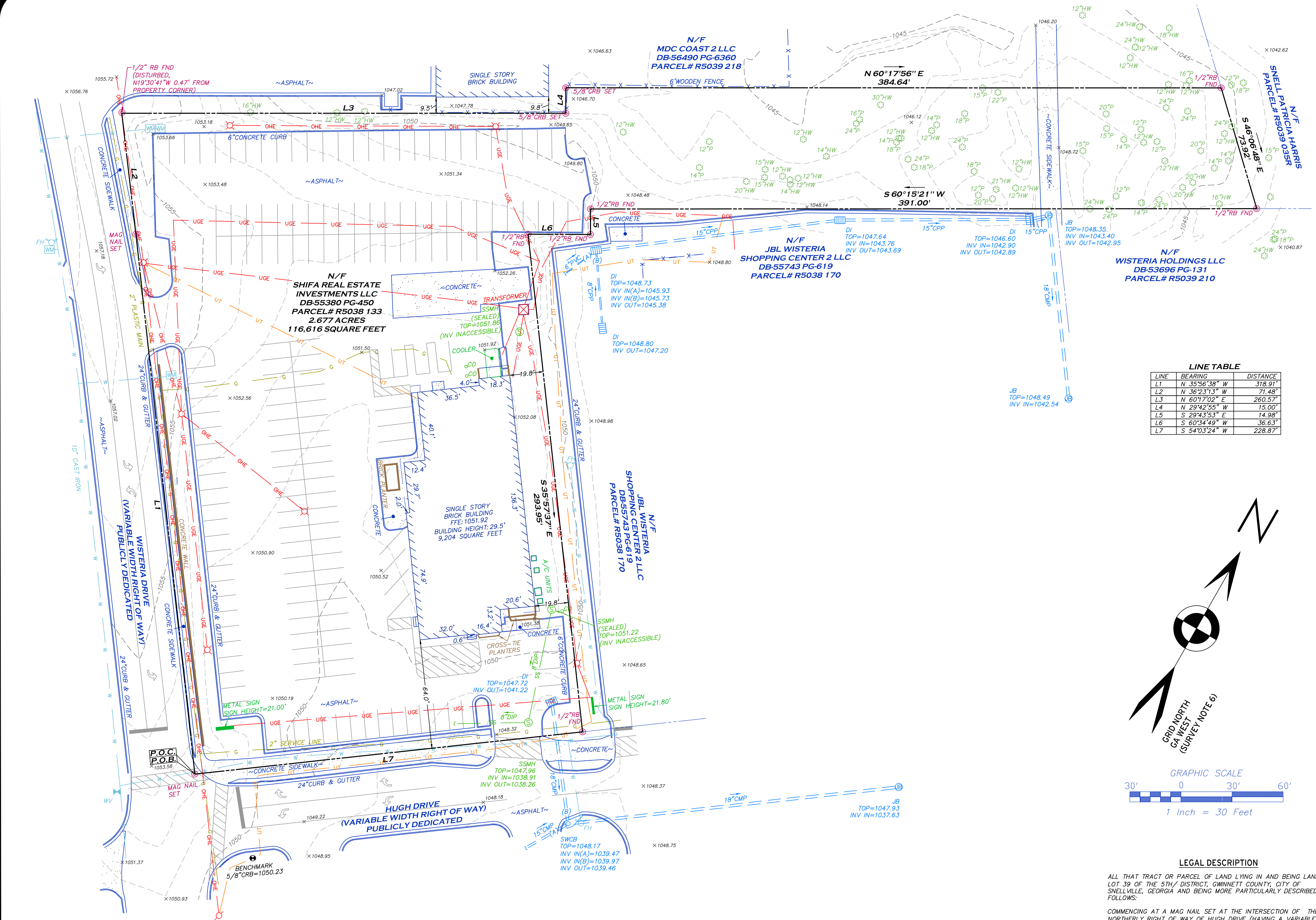
COMMENCING AT A MAG NAIL SET AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF HUGH DRIVE (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE EASTERLY RIGHT OF WAY OF WISTERIA DRIVE (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY), SAID MAG NAIL BEING THE TRUE POINT OF BEGINNING.

THENCE LEAVING SAID RIGHT OF WAY OF HUGH DRIVE AND CONTINUING ALONG SAID RIGHT OF WAY OF WISTERIA DRIVE THE FOLLOWING COURSES AND DISTANCES: NORTH 35 DEGREES 56 MINUTES 38 SECONDS WEST A DISTANCE OF 318.91 FEET TO A MAG NAIL SET; NORTH 36 DEGREES 23 MINUTES 13 SECONDS WEST A DISTANCE OF 71.48 FEET TO A 1/2 INCH DISTURBED REBAR FOUND; THENCE LEAVING SAID RIGHT OF WAY NORTH 60 DEGREES 17 MINUTES 02 SECONDS EAST A DISTANCE OF 260.57 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE NORTH 29 DEGREES 42 MINUTES 53 SECONDS WEST A DISTANCE OF 15.00 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE NORTH 60 DEGREES 17 MINUTES 02 SECONDS EAST A DISTANCE OF 384.64 FEET TO A 1/2 INCH REBAR FOUND; THENCE SOUTH 29 DEGREES 43 MINUTES 53 SECONDS EAST A DISTANCE OF 14.98 FEET TO A 1/2 INCH REBAR FOUND; THENCE SOUTH 60 DEGREES 34 MINUTES 49 SECONDS WEST A DISTANCE OF 36.63 FEET TO A 1/2 INCH REBAR FOUND; THENCE SOUTH 54 DEGREES 03 MINUTES 24 SECONDS EAST A DISTANCE OF 228.87 FEET TO A MAG NAIL FOUND, SAID MAG NAIL BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 2.677 ACRES (116,616 SQUARE FEET).

**UTILITY CONTACTS**

- WATER**  
GWINNETT COUNTY PUBLIC UTILITIES  
678-325-9631
- GAS**  
ATLANTA GAS LIGHT GWINNETT  
470-484-2800
- POWER**  
WALTON EMC  
770-266-2547
- COMMUNICATION**  
AT&T  
305-409-1542
- COMCAST  
678-708-7112
- GWINNETT COUNTY PUBLIC UTILITIES  
678-639-8853
- SEWER**  
GWINNETT COUNTY PUBLIC UTILITIES  
678-325-9631



**SURVEYOR'S CERTIFICATION**

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.



MITCHELL LOWERY GEORGIA RLS# 3109

PROFESSIONAL  
LAND SURVEYORS, LLC  
1020 CHATTAHOOCHEE AVENUE  
DALTON, GA 30720  
770-334-8886  
WWW.PLS.US  
INFO@PLS.US  
GEORGIA C.O.A. - LSFO01380

PREPARED FOR:  
SHIFA REAL ESTATE INVESTMENTS LLC

BOUNDARY & TOPOGRAPHIC SURVEY OF:  
2380 WISTERIA DR.  
SNELLVILLE, GA 30078  
(CITY OF SNELLVILLE)

COUNTY: GWINNETT  
STATE: GEORGIA  
LAND LOT: 39

**REVISIONS**

DATE	DESCRIPTION

PROFESSIONAL  
LAND SURVEYORS

DATE: AUGUST 23, 2023  
JOB #: 234474  
SCALE: 1"=30'  
DRAWN BY: D. HALL



EXHIBIT "B"



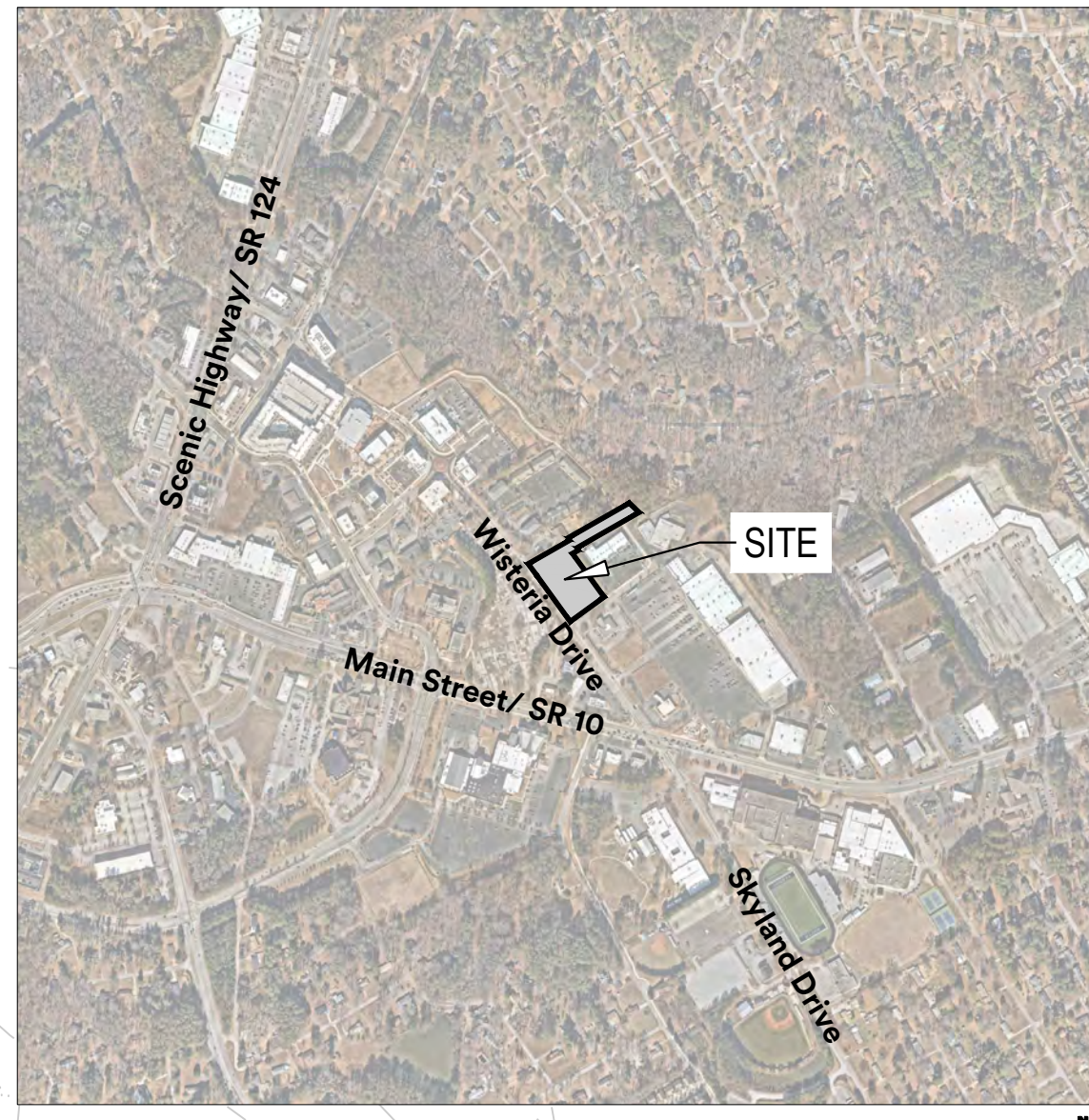
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**PAVING LEGEND**

- VEHICULAR CONCRETE PAVING
- PEDESTRIAN CONCRETE PAVING
- STANDARD DUTY ASPHALT PAVING
- DECORATIVE PAVERS

REFER TO DETAILS FOR SECTION REQUIREMENTS.



**PROJECT INFORMATION**

ADDRESS	2380 WISTERIA DRIVE
PARCEL NUMBER	R5038 133
ACREAGE	2.76 AC
EXISTING ZONING	BG (GENERAL BUSINESS)
PROPOSED ZONING	TC-R (TOWNE CENTER RESIDENTIAL)
EXISTING USE	COMMERCIAL
PROPOSED USE	TOWNE CENTER FLAT
FEMA FLOOD	NO PORTION OF THIS SITE LIES WITHIN A FLOOD PLAIN ACCORDING TO FIRM MAP NUMBERS 13135C0128F, DATED 09/29/2006. THERE ARE NO ENVIRONMENTAL AREAS ON OR ADJACENT TO THIS SITE.
SIGNAGE	NO SIGNS ARE PROPOSED AT THIS TIME. A SEPARATE PERMIT WILL BE FILED FOR SIGN.
SURVEY INFO	BOUNDARY AND INFORMATION FOR SITE TAKEN FROM RECORD PLATS AND A SURVEY PREPARED BY PROFESSIONAL LAND SURVEYORS FOR SHIFA REAL ESTATE INVESTMENTS LLC DATED 08/23/23. TOPOGRAPHIC INFORMATION FROM SURVEY.
LIGHTING	THIS PROJECT SHALL MEET ALL CITY OF SNELLVILLE ORDINANCES PERTAINING TO SIGNS, SIDEWALKS, STREET LIGHTING, STREET TREES, AND SOLID WASTE COLLECTION. ALL LIGHTING FIXTURES MUST BE FULLY-SHIELDED IN ACCORDANCE WITH CITY OF SNELLVILLE STANDARDS TO ENSURE DOWNWARD ILLUMINATION ONLY.
STORMWATER	STORMWATER MANAGEMENT SHALL BE IN ACCORDANCE WITH CITY OF SNELLVILLE ORDINANCES AND REGULATIONS.
PHASING	THIS PROJECT IS TO BE CONSTRUCTED IN A SINGLE PHASE, BEGINNING UPON APPROVAL OF ALL REQUIRED PLANS AND AFTER OBTAINING ALL REQUIRED PERMITS.
DENSITY	61.96 DU/AC

**UNIT MIX**

UNITS	BEDS
1 BEDROOM	39
2 BEDROOM	127
3 BEDROOM	5
<b>TOTAL</b>	<b>171</b>

**PARKING**

REQUIRED	PROVIDED
GARAGE	177
SURFACE	71 (INCL 4 ADA)
<b>TOTAL</b>	<b>248</b>

**UTILITY DATA**

WATER SUPPLY	GWINNETT COUNTY PUBLIC UTILITIES
GAS SUPPLY	ATLANTA GAS LIGHT GWINNETT
POWER SUPPLY	WALTON EMC
COMMUNICATION	AT&T, COMCAST, GWINNETT COUNTY PUBLIC UTILITIES
SEWERAGE DISPOSAL	GWINNETT COUNTY PUBLIC UTILITIES

**SETBACKS**

MINIMUM	
FRONT	5 FT
SIDE	0 FT
REAR	3 FT (30 FT ADJ. TO RS-30)



**Seals:**

**Project Info:** Project No. 23-3398

**Project Name:** Wisteria Drive Flats

**Project Location:** 2380 Wisteria Drive  
 Snellville, Georgia 30078

**Issue:** 05/14/2024

**Firm Info:**

**Planners + Engineers**

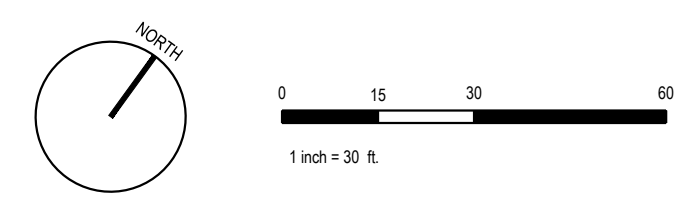
**SPG Planners + Engineers**

1725 Electric Avenue, STE 320  
 Watkinsville, GA 30677

706.769.9515  
 www.onespg.com

**Sheet Title:**

**Site Plan**



**RZ-3**



**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2024-06**

AN ORDINANCE TO GRANT A SPECIAL USE PERMIT ON A 2.76± ACRE TRACT OF LAND LOCATED IN LAND LOT 38 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 2380 WISTERIA DRIVE, SNELLVILLE, GEORGIA FOR A 171-UNIT MULTI-FAMILY TOWNE CENTER STACKED FLAT DEVELOPMENT; TO GRANT VARIANCES; TO ADD CONDITIONS AFFECTING THE PROPERTY; PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #SUP 24-01

**LOCATION:** 2380 Wisteria Drive, Snellville, Georgia

**SIZE:** 2.76± Acres

**TAX PARCEL:** R5038 133

**DEVELOPMENT/PROJECT:** 171-Unit Multi-Family Towne Center Flat Development

**PROPERTY OWNER:** Shifa Real Estate Investments, LLC  
Duluth, Georgia

**APPLICANT:** Mick Kittle, RLA, Senior Land Planner  
SPG Planners + Engineers  
Watkinsville, Georgia 30677  
706-714-3443  
[mick@onespg.com](mailto:mick@onespg.com)

**WHEREAS**, the governing authority of the City of Snellville, Georgia is the Mayor and Council thereof; and



**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to approve and grant the requested special use permit for a 171-unit Multi-Family Towne Center Flat Development on a 2.76± acre tract located in the Towne Center Overlay District at 2380 Wisteria Drive, Snellville, Georgia (Tax Parcel R5038 133); and

**WHEREAS**, the property is zoned TC-R (Towne Center Residential) District where *Towne Center Flat*, defined as three or more dwelling units in a single building that does not meet the definition of single-family attached dwelling within a TC District and where the ground floor of the building contains no nonresidential uses, is allowed as a special use when approved by the City Council; and,

**WHEREAS**, the health, safety, and welfare of the citizens of Snellville, Georgia, will be positively impacted by the adoption of this Ordinance; therefore:

**IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA**, and by the authority thereof:

**Section 1.** For reasons stated in the public hearing and recommendations of the Planning Department and Planning Commission, a special use permit is hereby approved and granted for the development and use of a 171-unit Multi-Family Towne Center Flat Development on a 2.76± acre site located at 2380 Wisteria Drive, Snellville, Georgia (Tax Parcel R5038 133), described and shown on the conceptual rezoning site plan entitled “Wisteria Drive Flats”, dated 5-14-2024 (stamped received 5-14-2024) in Exhibit “A” and shown on the conceptual building elevations entitled “Building Elevations – Wisteria Drive Flats Project”, dated 5-14-2024 (stamped received 5-14-2024) in Exhibit “B”, a copy of which is attached hereto and incorporated herein by reference, subject to the attachment of the following enumerated variances and conditions.

VARIANCES:

- A. UDO Sec. 206-3.1.F.2.E. (Commercial Floor Area Requirement): to waive the requirement for a minimum of 30,000 sq. ft. onsite commercial floor area for development of 171 Towne Center Flat units (5,000 sq. ft. per 30 units).
- B. UDO Sec. 205-1.14.D. (Storefront Street Requirements): to allow development and use of the Stacked Flat building type for buildings abutting a storefront street.

CONDITIONS:

- 1. The property shall be developed in general accordance with the conceptual rezoning site plan entitled “Wisteria Drive Flats”, dated 5-14-2024 (stamped received 5-14-2024) in Exhibit “B”, a copy of which is attached hereto and incorporated herein by reference, with modifications permitted to meet conditions of zoning or State, County, and City regulations. Substantial variation from the conceptual rezoning site plan, as determined by the Director of Planning and Development will require Mayor and Council approval, after submitting a Change in Conditions application and receiving recommendations by the Planning Department and Planning Commission.
- 2. All variances and conditions approved 2-13-2018 by the Snellville Board of Zoning Appeals for case #BOA 18-01 are repealed.
- 3. Uses involving adult entertainment, including the sale or display of adult magazines, books, videos and as further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed, are prohibited.
- 4. Signs higher than 15 feet or larger than 225 square feet are prohibited.

**Section 2.** The special use permit shall expire and become null and void five (5) years from the date of approval unless occupancy of the approved special use has occurred on the premises. The Director of Planning and Development may extend authorization for an additional period of twelve (12) months for reasons such as health, financial, or administrative problems incurred by the applicant during the permit period, provided application for such extension is submitted in writing at least forty-five (45) days prior to the original expiration date. The director must make the finding that the delay is

justified by circumstances beyond the applicant's control, and that the six-month extension can reasonably be expected to remedy the circumstances.

**Section 3.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set forth herein.

**Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent

allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 5.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 6.** This Ordinance was adopted on \_\_\_\_\_, 2024. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

**ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Barbara Bender, Mayor

*ATTEST:*

\_\_\_\_\_  
Tod Warner, Mayor Pro Tem

\_\_\_\_\_  
Melisa Arnold, City Clerk

\_\_\_\_\_  
Norman A. Carter, Council Member

*APPROVED AS TO FORM:*

\_\_\_\_\_  
Kerry Hetherington, Council Member

\_\_\_\_\_  
W. Charles Ross, City Attorney  
Powell & Edwards, P.C.

\_\_\_\_\_  
Cristy Lenski, Council Member

\_\_\_\_\_  
Gretchen Schulz, Council Member

EXHIBIT "A"



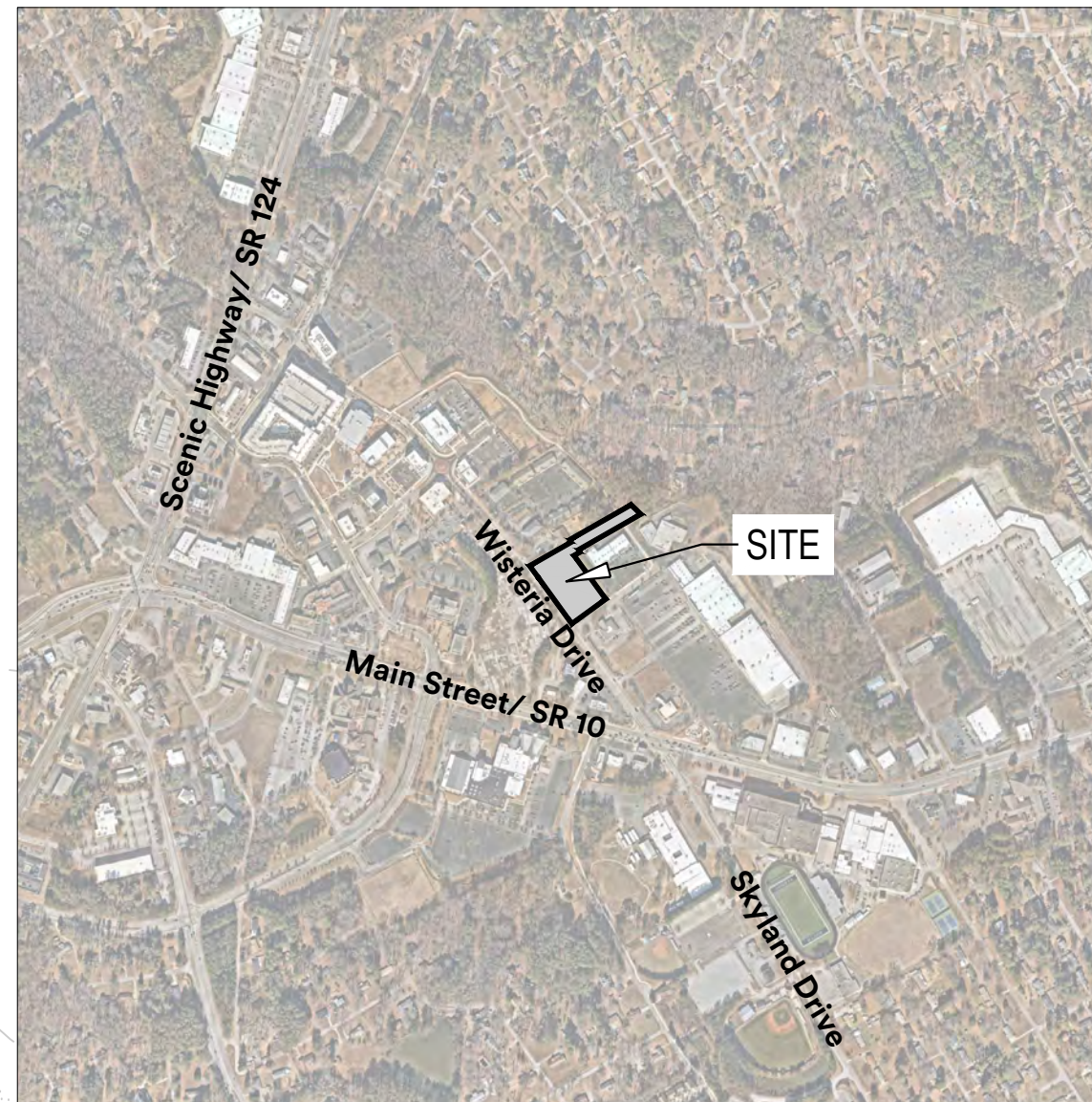
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**PAVING LEGEND**

- VEHICULAR CONCRETE PAVING
- PEDESTRIAN CONCRETE PAVING
- STANDARD DUTY ASPHALT PAVING
- DECORATIVE PAVERS

REFER TO DETAILS FOR SECTION REQUIREMENTS.



**PROJECT INFORMATION**

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PROPOSED ZONING	TC-R (TOWNE CENTER RESIDENTIAL)
EXISTING USE	COMMERCIAL
PROPOSED USE	TOWNE CENTER FLAT
FEMA FLOOD	NO PORTION OF THIS SITE LIES WITHIN A FLOOD PLAIN ACCORDING TO FIRM MAP NUMBERS 13135C0128F, DATED 09/29/2006. THERE ARE NO ENVIRONMENTAL AREAS ON OR ADJACENT TO THIS SITE.
SIGNAGE	NO SIGNS ARE PROPOSED AT THIS TIME. A SEPARATE PERMIT WILL BE FILED FOR SIGN.
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STORMWATER	STORMWATER MANAGEMENT SHALL BE IN ACCORDANCE WITH CITY OF SNELLVILLE ORDINANCES AND REGULATIONS.
PHASING	THIS PROJECT IS TO BE CONSTRUCTED IN A SINGLE PHASE, BEGINNING UPON APPROVAL OF ALL REQUIRED PLANS AND AFTER OBTAINING ALL REQUIRED PERMITS.
DENSITY	61.96 DU/AC

**UNIT MIX**

UNITS	BEDS
1 BEDROOM	39
2 BEDROOM	127
3 BEDROOM	5
<b>TOTAL</b>	<b>171</b>

**PARKING**

REQUIRED	PROVIDED
GARAGE	177
SURFACE	71 (INCL 4 ADA)
<b>TOTAL</b>	<b>248</b>

**UTILITY DATA**

WATER SUPPLY	GWINNETT COUNTY PUBLIC UTILITIES
GAS SUPPLY	ATLANTA GAS LIGHT GWINNETT
POWER SUPPLY	WALTON EMC
COMMUNICATION	AT&T, COMCAST, GWINNETT COUNTY PUBLIC UTILITIES
SEWERAGE DISPOSAL	GWINNETT COUNTY PUBLIC UTILITIES

**SETBACKS**

MINIMUM	
FRONT	5 FT
SIDE	0 FT
REAR	3 FT (30 FT ADJ. TO RS-30)



**Seals:**

**Project Info:** Project No. 23-3398

**Project Name:** Wisteria Drive Flats

**Project Location:** 2380 Wisteria Drive  
 Snellville, Georgia 30078

**Issue:** 05/14/2024

**Firm Info:**

**Planners + Engineers**

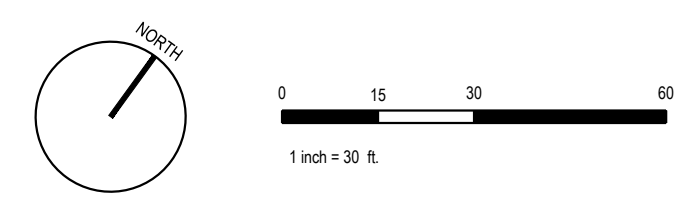
**SPG Planners + Engineers**

1725 Electric Avenue, STE 320  
 Watkinsville, GA 30677

706.769.9515  
 www.onespg.com

**Sheet Title:**

**Site Plan**



**RZ-3**



EXHIBIT "B"





Architect:  
**DESIGN TODAY**  
 2035 Sugar Pike Road  
 Woodstock, GA  
 30188  
 PH. 404-954-0806  
 treinis@gmail.com  
 www.treinis.com



1 BUILDING FRONT ELEVATION VIEW FROM WISTERIA DRIVE

SCALE: NTS



2 BUILDING RIGHT ELEVATION VIEW FROM HUGH DRIVE

SCALE: NTS

FINISH SCHEDULE			
KEY	ITEM	MANUFACTURER	DESCRIPTION
E_SS-1	COMPOSITE CEMENTOUS SIDING	HARDIE, SMOOTH PANELS	COLOR TO MATCH E_PT-1
E_SS-2	COMPOSITE CEMENTOUS SIDING	HARDIE, SMOOTH LAP SIDING	COLOR TO MATCH E_PT-2
E_SS-3	COMPOSITE CEMENTOUS SIDING	HARDIE, SMOOTH LAP SIDING	COLOR TO MATCH E_PT-3
E_PT-1	EXTERIOR PAINT	SHERWIN WILLIAMS	SW 1036 ACCESSIBLE BEIGE
E_PT-2	EXTERIOR PAINT	SHERWIN WILLIAMS	SW 1030 TONY TAUPE
E_PT-3	EXTERIOR PAINT	SHERWIN WILLIAMS	SW 1014 GAUNTLET GRAY
E_BR-1	BRICK VENEER	TRIANGLE BRICK	RIVER STREET, QUEEN SIZE, GROUT: COLOR BOND, COLOR: SOUTHERN FROSTY
E_ST-1	CAST STONE	HORIZON STONE	LEDGE STONE, COLOR: HERMITAGE, DRY STACK
E_SS-1	HARD COAT STUCCO	TBD	COLOR TO MATCH E_PT-3, SMOOTH FINISH
ML-1	METAL CANOPIES & STOREFRONT COLOR	-	DARK BRONZE



Seals:

Project Info: **Project No.** 23-3398  
**Project Name:** Wisteria Drive Flats  
**Project Location:** 2380 Wisteria Drive  
 Snellville, Georgia 30078  
**Issue:** 05/14/2024

Revisions:



4 BUILDING LEFT ELEVATION

SCALE: NTS

3 PROPOSED EXTERIOR FINISHES

SCALE: NTS



6 BUILDING BACK ELEVATION

SCALE: NTS

BACK ELEVATION  
 NOTE: STUCCO IS  
 LESS THAN 30% OF  
 THE BACK FACADE

Firm Info:  
**Planners+Engineers**  
 SPG Planners + Engineers  
 1725 Electric Avenue, STE 320  
 Watkinsville, GA 30677  
 706.769.9515  
 www.onespg.com  
**Sheet Title:**  
**Building Elevations**

Location: 511 Projects/Hanover, Hupson - Wisteria Drive Multifamily 2025-3398/04-CD/1-D/0-CAD/01-WORKING/20-SITE Creation date: Monday, May 13, 2024 1:38:48 AM  
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RISK MANAGEMENT AND  
EMPLOYEE BENEFITS  
SERVICES

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City Manager, Douglasville

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Shelly Berryhill  
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Councilmember, Camilla

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Mayor, Eatonton

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Mayor Pro Tem, Midway

Vince Williams  
Mayor, Union City

EXECUTIVE STAFF

Randy Logan  
Deputy Executive Director

June 11, 2024

**MEMORANDUM VIA E-MAIL**  
([gdowns@snellville.org](mailto:gdowns@snellville.org))

**TO:** Ms. Gabriela Downs  
Personnel Officer

**FROM:** Ms. Gwin Hall  
Senior Associate General Counsel

**SUBJECT: Action Required: Georgia Municipal Employees Benefit System  
Defined Benefit Retirement Plan Restatement**

The City of Snellville previously adopted the Georgia Municipal Employees Benefit System ("GMEBS") Defined Benefit Retirement Plan ("Plan"), which is comprised of the Basic Plan Document, Adoption Agreement, and General Addendum. The Plan is considered a "qualified plan" under the Internal Revenue Code, which is important to ensure the tax-exempt status of the trust fund.

To protect the Plan's tax-qualified status, GMEBS filed draft restated Plan documents, updated to include recent amendments and comply with changes in federal tax law, with the IRS on June 29, 2022. On August 31, 2023, the IRS issued a favorable opinion letter ("IRS opinion letter") for the restated Plan documents. The IRS opinion letter provides assurance to employers providing retirement benefits for their employees through the GMEBS Plan that GMEBS is maintaining a qualified pension benefit program that allows employees to accrue benefits tax-free until retirement benefits are distributed to them.

To ensure continued tax-qualified status for all GMEBS-member retirement plans, all participating employers must readopt their plans using the most recent IRS-approved document templates. To this end, we have completed the attached Adoption Agreement and General Addendum, which include the benefit and eligibility provisions that you currently have in place, for the city's approval.

If the draft documents are acceptable, please have the designated representatives sign and date where indicated (Adoption Agreement, p. 37, and General Addendum, p. 6). Next, please scan and email the documents to Gina Gresham at [rgresham@gacities.com](mailto:rgresham@gacities.com) no later than **August 15, 2024**. We will then countersign the documents and return electronic copies to you. Please note, GMEBS will not execute documents that have been edited by the city. If the documents require revisions, please let us know before adopting them.

Ms. Gabriela Downs  
June 11, 2024  
Page 2

The draft documents will take effect on the date of their approval by the city. **Please note that per O.C.G.A. § 47-5-40, the Adoption Agreement has been drafted in the form of an ordinance.**

Please note the General Addendum contains certain provisions (Section 16) which do not fit squarely within the standard GMEBS General Addendum format. Thus, it will be necessary to file the city's Plan with the IRS for a separate opinion letter. Following the city's approval of the enclosed restated Plan documents, we will work with GMEBS's tax counsel to prepare the IRS filing documents for the city's signature.

We have also attached a copy of the restated Basic Plan Document and Amendment 1, which do not need to be adopted by the city. Finally, we have included a summary of key amendments to the Plan relating to the restatement.

If you have any questions about the contents of this letter or require further information, please contact Gina Gresham.

Encl.

C: Mr. Charles Ross, City Attorney, City of Snellville (w/ encl.)  
Ms. Marinetty Bienvenu, Director, Retirement Quality Assurance (w/o encl.)  
Ms. Michelle Warner, Director, GMEBS Retirement and DC Programs (w/o encl.)  
Mr. Kevin Jeselnik, Assistant General Counsel (w/o encl.)

**GEORGIA MUNICIPAL EMPLOYEES**  
**BENEFIT SYSTEM**

**DEFINED BENEFIT RETIREMENT PLAN**

**AN ORDINANCE**  
**and**  
**ADOPTION AGREEMENT**  
**for**

**City of Snellville**

**Form Pre-approved Plan Adoption Agreement  
Amended and Restated for Third Six-Year Cycle, 2020 Cumulative List**

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**I. AN ORDINANCE**

An Ordinance to amend and restate the Retirement Plan for the Employees of the City of Snellville, 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) Basic 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 Snellville, Georgia, and it is hereby ordained by the authority thereof:

**Section 1.** The Retirement Plan for the Employees of the City of Snellville, 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) Basic Plan Document, and the GMEBS Trust Agreement.

**Ordinance continued on page 37**

**II. GMEBS DEFINED BENEFIT RETIREMENT PLAN**  
**ADOPTION AGREEMENT**

**1. ADMINISTRATOR**

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

**2. ADOPTING EMPLOYER**

Name: **City of Snellville, Georgia**

**3. GOVERNING AUTHORITY**

Name: **Mayor and Council**  
Address: **2342 Oak Rd. Snellville, GA 30078-2361**  
Phone: **(770) 985-3507**  
Facsimile: **(770) 985-3525**

**4. PLAN REPRESENTATIVE**

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

Name: **City Clerk**  
Address: **2342 Oak Rd. Snellville, GA 30078-2361**  
Phone: **(770) 985-3507**  
Facsimile: **(770) 985-3525**

## 5. PENSION COMMITTEE

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

Position:

Position:

Position:

Position:

Position:

Pension Committee Secretary: **Personnel Officer**

Address: **2342 Oak Rd. Snellville, GA 30078-2361**

Phone: **(770) 985-3507**

Facsimile: **(770) 985-3525**

## 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 the PATH Act, and other applicable federal laws and guidance under IRS Notice 2020-14 (the 2020 Cumulative List).
  - To make the following amendments to the Adoption Agreement (must specify below revisions made in this Adoption Agreement; all provisions must be completed in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): \_\_\_\_\_

## 7. EFFECTIVE DATE

NOTE: This Adoption Agreement and any Addendum, with the accompanying Basic 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 Protecting Americans from Tax Hikes Act of 2015 ("PATH Act"); 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 2020-14 (the 2020 Cumulative List) are effective as of the applicable effective dates set forth in the Adoption Agreement and Basic Plan

Document. By adopting this Adoption Agreement, with its accompanying Basic Plan Document, the Adopting Employer is adopting a plan document intended to comply with Internal Revenue Code Section 401(a), as updated by the PATH Act and the 2020 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 but not earlier than the first day of the current Plan Year in which the Plan is adopted).

- (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 Basic Plan Document or in this Adoption Agreement, the effective date of this restatement shall be \_\_\_\_\_ (insert effective date of this Adoption Agreement but not earlier than the first day of the current Plan Year in which the Plan is adopted (unless a retroactive corrective amendment is permitted under EPCRS, Rev. Proc. 2021-30 (or subsequent updated guidance))). 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 Basic Plan Document or in this Adoption Agreement, the effective date of this restatement shall be the date of its approval by the Governing Authority (insert effective date of this Adoption Agreement but not earlier than the first day of the current Plan Year in which the Plan is adopted (unless a retroactive corrective amendment is permitted under EPCRS, Rev. Proc. 2021-30 (or subsequent updated guidance))).

This Plan is adopted as an amendment and restatement of the Employer's preexisting GMEBS Adoption Agreement, which became effective on February 10, 2020 (insert effective date of most recent Adoption Agreement preceding this Adoption Agreement).

The Employer's first Adoption Agreement became effective September 1, 2003 (insert effective date of Employer's first GMEBS Adoption Agreement). The Employer's GMEBS Plan was originally effective January 1, 1973 (insert effective date of Employer's original GMEBS Plan). (If the Employer's Plan was originally a non-GMEBS Plan, then the Employer's non-GMEBS Plan was originally effective \_\_\_\_\_ (if applicable, insert effective date of Employer's original non-GMEBS Plan).)



## 8. PLAN YEAR

Plan Year means (check one):

- Calendar Year
- Employer Fiscal Year commencing \_\_\_\_\_.
- Other (must specify month and day commencing): \_\_\_\_\_.

## 9. CLASSES OF ELIGIBLE EMPLOYEES

Only Employees of the Adopting Employer who meet the Basic Plan Document'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 Basic Plan Document and the Adoption Agreement, the following Regular Employees are eligible to participate in the Plan (check one):

- ALL - All Regular Employees, provided they satisfy the minimum hour and other requirements specified under "Eligibility Conditions" below.
- ALL REGULAR EMPLOYEES EXCEPT for the following employees (must specify; specific positions are permissible; specific individuals may not be named): Employees in Service with the City after February 28, 2002; as of March 1, 2002, only certain former Employees who Terminated employment with the City prior to March 1, 2002, remain Participants under this Plan (see subsection 14(a) and Section 16 of the General Addendum).

### 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 Basic Plan Document'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): Pursuant to the Ordinance that became effective January 1, 2000, elected or appointed members of the Governing Authority are not eligible to participate in this Plan on or after said date. However, if an elected or appointed member of the Governing Authority was a Participant in the Plan on December 31, 1999, and if said Participant was re-elected to office for a term commencing January 2000, said member was permitted to continue participating in this Plan until the earlier of: the date such officer first vacated office or February 28, 2002 (pursuant to the Ordinance that became effective March 1, 2002 (see also subsection 16(d)(ii) of General Addendum)).

(2) Municipal Legal Officers (check one):

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

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

## 10. ELIGIBILITY CONDITIONS

### A. Hours Per Week (Regular Employees)

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

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

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

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

Minimum hour requirement applicable to excepted Regular Employees:

- No minimum
- 20 hours/week (regularly scheduled)

- 30 hours/week (regularly scheduled)
- Other: \_\_\_\_\_ (must not exceed 40 hours/week regularly scheduled)

**B. Months Per Year (Regular Employees)**

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

- No minimum
- At least **Not Applicable** months per year (regularly scheduled)

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

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

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

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

**11. WAITING PERIOD**

Except as otherwise provided in Section 4.02(b) of the Basic Plan Document, 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 Basic Plan Document. 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, the Employee must make a written election to participate within 120 days after employment, election or appointment to office, or if later, the date the Employee first becomes eligible to participate in the Plan. The election is irrevocable, and the failure to make the election within the 120 day time limit shall be deemed an irrevocable election not to participate in the Plan.

Classes for whom participation is optional (**check one**):

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

### 13. CREDITED SERVICE

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

#### A. Credited Past Service with Adopting Employer

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

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

- All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service).
- All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), except for Service rendered prior to \_\_\_\_\_ (insert date).
- All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), except as follows (**must specify other limitation in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i): No Credited Past Service awarded for Service after February 28, 2002. The terms of the Plan in effect as of the former Employee's Termination of employment or vacation of office shall otherwise govern the award of Credited Past Service with respect to former Employees who terminated employment or vacated office before March 1, 2002, and who apply for benefits under this Plan pursuant to the Ordinance which became effective March 1, 2002.**
- 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 returns to Service with the Adopting Employer sometime after the Effective Date, said

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

**Other limitation(s) on Recognition of Credited Past Service (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i): No Credited Past Service awarded for Service after February 28, 2002. The terms of the Plan in effect as of the former Employee's Termination of employment or vacation of office shall otherwise govern the award of Credited Past Service with respect to former Employees who Terminated employment or vacated office before March 1, 2002, and who apply for benefits under this Plan pursuant to the Ordinance which became effective March 1, 2002.**

**(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, said Employee's Credited Past Service shall include only the number of years and complete months of Service from the Employee's initial employment date to the date the Employee 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 Basic Plan Document 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 Basic Plan Document. Except as otherwise required by federal or state law or



under "Other Conditions" below, Military Service shall not include service which is credited under any other local, state, or federal retirement or pension plan.

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

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

**(2) Maximum Credit for Prior Military Service.**

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

**(3) Rate of Accrual for Prior Military Service.**

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

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

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

- Participants shall **not** be required to pay for military service credit.
- Participants shall be required to pay for military service credit as follows:
  - The Participant must pay \_\_\_\_\_% of the actuarial cost of the service credit (as defined below).
  - The Participant must pay an amount equal to (**must specify in a manner that satisfies the definite written program requirement of Treasury**

**Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i): \_\_\_\_\_.**

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

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

**C. Prior Governmental Service**

**Note:** A Participant's prior service with other GMEBS employers shall be credited for purposes of satisfying the minimum service requirements for Vesting and eligibility for Retirement and pre-retirement death benefits as provided under Section 9.05 of the Basic Plan Document, 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 Basic Plan Document.

**(1) Credit for Prior Governmental Service.**

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

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

**(2) Definition of Prior Governmental Service.**

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

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

**(3) Maximum Credit for Prior Governmental Service.**

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

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

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

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

**(5) Payment for Prior Governmental Service Credit.**

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

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

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

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

Subject to the limitations in Section 3.01 of the Basic Plan Document, an Adopting Employer may elect to treat accumulated days of unused paid time off for a terminated Participant, for which the Participant is not paid, as Credited Service. The only type of leave permitted to be credited under this provision is leave from a paid time off plan which qualifies as a bona fide sick and vacation leave plan (which may include sick, vacation or personal leave) and which the

Participant may take as paid leave without regard to whether the leave is due to illness or incapacity. The Credited Service resulting from the conversion of unused paid time off must not be the only Credited Service applied toward the accrual of a normal retirement benefit under the Plan. The Pension Committee shall be responsible to certify to GMEBS the total amount of unused paid time off that is creditable hereunder.

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

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

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

**(2) Minimum Service Requirement.**

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

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

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

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

**(4) Maximum Credit for Unused Paid Time Off.**

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

**(5) Computation of Unused Paid Time Off.**

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

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

**14. RETIREMENT ELIGIBILITY**

**A. Early Retirement Qualifications**

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

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

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

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

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

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

**B. Normal Retirement Qualifications**

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

**(1) Regular Employees**

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

- Attainment of age 65 (insert number)



- Completion of 5 years (insert number) of Total Credited Service
- In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (check one):  all Participants  only the following class(es) of Participants (must specify - specific positions are permissible; specific individuals may not be named): \_\_\_\_\_

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

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

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

- Attainment of age \_\_\_\_\_ (insert number)
- Completion of \_\_\_\_\_ years (insert number) of Total Credited Service
- In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (check one):  all Participants  only the following class(es) of Participants (must specify - specific positions are permissible; specific individuals may not be named): \_\_\_\_\_

(2) **Elected or Appointed Members of Governing Authority**

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

- Attainment of age 65 (insert number)
- Completion of \_\_\_\_\_ years (insert number) of Total Credited Service

- In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**:  all Participants  only the following class(es) of Participants (**must specify - specific positions are permissible; specific individuals may not be named**): \_\_\_\_\_.

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

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

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

- Attainment of age \_\_\_\_\_ (**insert number**)
- Completion of \_\_\_\_\_ years (**insert number**) of Total Credited Service
- In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**:  all Participants  only the following class(es) of Participants (**must specify - specific positions are permissible; specific individuals may not be named**): \_\_\_\_\_.

**C. Alternative Normal Retirement Qualifications**

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

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

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

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

Attainment of age \_\_\_\_\_ (insert number)

Completion of \_\_\_\_\_ years (insert number) of Total Credited Service

In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (check one):  all Participants  only the following class(es) of Participants (must specify - specific positions are permissible; specific individuals may not be named): \_\_\_\_\_.

This alternative normal retirement benefit is available to:

All Participants who qualify.

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

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

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

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

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

Must have attained at least age \_\_\_\_\_ (insert number)

- Must not satisfy any minimum age requirement
- In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets the minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**:  all Participants  only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: \_\_\_\_\_

This alternative normal retirement benefit is available to:

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

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

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

(4)  **Alternative Minimum Service.** A Participant is eligible for an alternative normal retirement benefit if the Participant 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 satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**:  all Participants  only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: \_\_\_\_\_

This alternative normal retirement benefit is available to:



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

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

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

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

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

- In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (**check one**):  all Participants  only the following class(es) of Participants (**must specify - specific positions are permissible; specific individuals may not be named**): \_\_\_\_\_.

This alternative normal retirement benefit is available to:

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

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

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

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

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

- In-Service Distribution to Eligible Employees who are Public Safety Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution Described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (check one):  all Participants  only the following class(es) of Participants (must specify - specific positions are permissible; specific individuals may not be named): \_\_\_\_\_.

This alternative normal retirement benefit is available to:

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

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

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

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

**D. Disability Benefit Qualifications**

Subject to the other terms and conditions of the Basic Plan Document 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 Basic Plan Document. The Disability Retirement benefit shall commence as of the Participant's Disability Retirement Date under Section 2.24 of the Basic Plan Document.

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

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

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

## 15. RETIREMENT BENEFIT COMPUTATION

### A. Maximum Total Credited Service

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

- not limited.
- limited to (see subsection 14(a)(v) of the General Addendum) years for all Participants.
- limited to \_\_\_\_\_ years for the following classes of Eligible Regular Employees:
  - All Eligible Regular Employees.
  - Only the following Eligible Regular Employees: \_\_\_\_\_.
- limited to \_\_\_\_\_ years as an elected or appointed member of the Governing Authority.
- limited to \_\_\_\_\_ years as a Municipal Legal Officer.
- Other (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): \_\_\_\_\_.

### B. Monthly Normal Retirement Benefit Amount

#### (1) Regular Employee Formula

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

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

This formula applies to:

- All Participants who are Regular Employees.
  - Only the following Participants (must specify - specific positions are permissible; specific individuals may not be named): 1) Regular Employees who were hired after August 1, 1980, and who Terminated employment prior to March 1, 2002; and 2) Regular Employees who were hired prior to August 1, 1980, and who Terminated employment prior to March 1, 2002, when application of this formula would result in a higher benefit than the benefit as determined under Section 15(B)(1)(c) below.
- (b) **Alternative Flat Percentage Formula.** \_\_\_\_\_ % (insert percentage) of Final Average Earnings multiplied by years of Total Credited Service as an Eligible Regular Employee. This formula applies to the following Participants (must specify - specific positions are permissible; specific individuals may not be named): \_\_\_\_\_.
- (c) **Split Final Average Earnings Formula.** 1.0% (insert percentage) of Final Average Earnings up to the amount of Covered Compensation (see subsection (2) below for definition of Covered Compensation), plus 1.75% (insert percentage) of Final Average Earnings in excess of said Covered Compensation, multiplied by years of Total Credited Service as an Eligible Regular Employee.

This formula applies to:

- All Participants who are Regular Employees.
  - Only the following Participants (must specify - specific positions are permissible; specific individuals may not be named): Regular Employees who were hired before August 1, 1980, and Terminated employment prior to March 1, 2002, only when application of this formula would result in a higher benefit than the benefit as determined under Section 15(B)(1)(a) above.
- (d) **Alternative Split Final Average Earnings Formula.** \_\_\_\_\_ % (insert percentage) of Final Average Earnings up to the amount of Covered Compensation (see subsection (2) below for definition of Covered Compensation), plus \_\_\_\_\_ % (insert percentage) of Final Average Earnings in excess of said Covered Compensation, multiplied by years of Total Credited Service as an Eligible Regular Employee.

This formula applies to:

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

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

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

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

- (a) **A.I.M.E. Covered Compensation** as defined in Section 2.18 of the Basic Plan Document. This definition of Covered Compensation shall apply to (check one):
- All Participants who are Regular Employees.
  - Only the following Participants (must specify - specific positions are permissible; specific individuals may not be named): \_\_\_\_\_.
- (b) **Dynamic Break Point Covered Compensation** as defined in Section 2.19 of the Basic Plan Document. This definition of Covered Compensation shall apply to (check one):
- All Participants who are Regular Employees.
  - Only the following Participants (must specify - specific positions are permissible; specific individuals may not be named): \_\_\_\_\_.
- (c) **Table Break Point Covered Compensation** as defined in Section 2.20 of the Basic Plan Document. This definition of Covered Compensation shall apply to (check one):
- All Participants who are Regular Employees.
  - Only the following class(es) of Participants (must specify - specific positions are permissible; specific individuals may not be named): Participants to whom the benefit formula under Section 15(B)(1)(c) applies.
- (d) **Covered Compensation** shall mean a Participant's annual Earnings that do not exceed \$ \_\_\_\_\_ (specify amount). This definition shall apply to (check one):
- All Participants who are Regular Employees.
  - Only the following Participants (must specify - specific positions are permissible; specific individuals may not be named): \_\_\_\_\_.

(3) **Final Average Earnings**

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



This definition of Final Average Earnings applies to:

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

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

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

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

- Not applicable (elected or appointed members of the Governing Authority or Municipal Legal Officers are not permitted to participate in the Plan).
- \$30.00 (insert dollar amount)** per month for each year of Total Credited Service as an elected or appointed member of the Governing Authority or Municipal Legal Officer (service of at least 6 months and 1 day is treated as a year of Total Credited Service; provided, however, than an elected or appointed member of the Governing Authority or Municipal Legal Officer may accrue a maximum of one year of Total Credited Service for every 12-month period of Service as an elected or appointed member of the Governing Authority or Municipal Legal Officer).

This formula applies to:

- All elected or appointed members of the Governing Authority or Municipal Legal Officers eligible to participate.
- Only the following elected or appointed members of the Governing Authority or Municipal Legal Officers eligible to participate (**must specify - specific positions are permissible; specific individuals may not be named**): **Former elected or appointed members of the Governing Authority or their beneficiaries, as applicable, who are entitled to receive benefits under the Plan in accordance with the Ordinance that became effective March 1, 2000 (See also subsection 16(d)(ii) of the General Addendum.)**

[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 Basic Plan Document to account for early commencement of benefits. This provision shall apply to:

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

**Alternative Early Retirement Reduction Table**

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

\*Interpolate for whole months .

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

- (1) The monthly Late Retirement benefit shall be computed in the same manner as the Normal Retirement Benefit, based upon the Participant's Accrued Benefit as of the Participant's 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 Basic Plan Document; 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 Basic Plan Document.

**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 the Participant's Disability Retirement Date.

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

- Not applicable (the Adopting Employer does not offer disability retirement benefits under the Plan).
- No minimum is established.
- No less than (**check one**):  20%  10%  \_\_\_\_% (**if other than 20% or 10% insert percentage amount**) of the Participant's average monthly Earnings for the 12 calendar month period (excluding any period of unpaid leave of absence) immediately preceding the Participant's 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 the Participant's 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.)

**F. Minimum/Maximum Benefit For Elected Officials**

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

- Not applicable (elected or appointed members of the Governing Authority do not participate in the Plan).
- No minimum or maximum applies.
- Monthly benefit for Service as an elected or appointed member of the Governing Authority may not exceed 100% of the Participant's final salary as an elected or appointed member of the Governing Authority.

- Other minimum or maximum (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i): The minimum/maximum, if any, in effect as of the date the Participant vacated office (See also subsection 16(d)(ii) of the General Addendum.)

**G. Multiple Plans**

In the event that the Employer maintains multiple plans, the following provisions will apply to the extent necessary to satisfy Code § 415.

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**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 Basic Plan Document Section 6.06(c) Regarding Re-Employment as an Ineligible Employee and Basic Plan Document Section 6.06(e) and (f) Regarding Re-Employment After Disability Retirement)**

(1) **Reemployment After Normal or Alternative Normal Retirement.** In the event that a Retired Participant 1) is reemployed with the Employer as an Eligible Employee (as defined in the Plan) after the Participant's 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 the Participant's 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 Basic Plan Document for as long as the Participant remains employed.
- (b) The Participant may continue to receive retirement benefits in accordance with Section 6.06(b) of the Basic Plan Document. This rule shall apply to (**check one**):  all Retired Participants  only the following classes of Retired Participants (**must specify (specific positions are permissible; specific individuals may not be named) - benefits of those Retired Participants not listed shall be suspended in accordance with Section 6.06(a) of the Basic Plan Document 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 the Participant's 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 the Participant's 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 Basic Plan Document for as long as the Participant remains employed.

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

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- (b)  The Participant's Early Retirement benefit shall be suspended in accordance with Section 6.06(a)(1) of the Basic Plan Document. However, the Participant may begin receiving benefits after satisfying 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 Basic Plan Document, in accordance with Section 6.06(b)(2)(B)(i) of the Basic Plan Document.

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

---

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

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

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**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 Basic Plan Document. The Employer hereby elects the following (**check one**):

- (1) No cost-of-living adjustment.
- (2) Variable Annual cost-of-living adjustment not to exceed 5.0% (**insert percentage**).
- (3) Fixed annual cost-of-living adjustment equal to \_\_\_\_\_% (**insert percentage**).



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

- All Participants (and their Beneficiaries).
- Participants (and their Beneficiaries) who terminate employment on or after July 1, 1981 (insert date).
- Other (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)); specific positions are permissible; specific individuals may not be named): \_\_\_\_\_.

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

**17. TERMINATION OF EMPLOYMENT BEFORE RETIREMENT;  
VESTING**

**A. Eligible Regular Employees**

Subject to the terms and conditions of the Basic Plan Document, 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 the Participant's 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 \_\_\_\_\_ years (insert number not to exceed 10) of Total Credited Service. Benefits remain 0% vested until the Participant satisfies this minimum.
- Graduated Vesting Schedule.** Benefits shall become vested in accordance with the following schedule (insert percentages):

<u>COMPLETED YEARS OF TOTAL CREDITED SERVICE</u>	<u>VESTED PERCENTAGE</u>
1	%
2	%
3	%
4	%
5	50%
6	60%
7	70%
8	80%
9	90%
10	100%

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

Regular Employees to whom exception applies (must specify - specific positions are permissible; specific individuals may not be named): **Regular Employees who Terminated employment prior to September 1, 1990.**

Vesting Schedule for excepted class (Must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i). Must be at least as favorable as one of the following schedules: (i) 15-year cliff vesting, (ii) 20-year graded vesting, or (iii) for qualified public safety employees, 20-year cliff vesting.): **Vesting schedule in effect under this Plan as of Employee's Termination date.**

**B. Elected or Appointed Members of the Governing Authority**

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

- Not applicable (elected or appointed members of the Governing Authority are not permitted to participate in the Plan).
- No vesting schedule (immediate vesting).
- Other vesting schedule (Must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i). Must be at least as favorable as one of the following schedules: (i) 15-year cliff vesting, (ii) 20-year graded vesting, or (iii) for qualified public safety employees, 20-year cliff vesting.): \_\_\_\_\_.

**18. PRE-RETIREMENT DEATH BENEFITS**

**A. In-Service Death Benefit**

Subject to the terms and conditions of the Basic Plan Document, 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 the Participant elected a 100% joint and survivor benefit under Section 7.03 of the Basic Plan Document. In order to be eligible for this benefit, a Participant must meet the following requirements (check one):

- The Participant must be vested in a normal retirement benefit.
  - The Participant must have \_\_\_\_\_ years (**insert number**) of Total Credited Service.
  - The Participant must be eligible for Early or Normal Retirement.
  - Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): \_\_\_\_\_.
- (2)  **Actuarial Reserve Death Benefit.** A monthly benefit payable to the Participant's Pre-Retirement Beneficiary, actuarially equivalent to the reserve required for the Participant's anticipated Normal Retirement benefit, provided the Participant meets the following eligibility conditions (**check one**):
- The Participant shall be eligible upon satisfying the eligibility requirements of Section 8.02(c) of the Basic Plan Document.
  - The Participant must have \_\_\_\_\_ years (**insert number**) of Total Credited Service.
  - Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): \_\_\_\_\_.

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

- Total Credited Service accrued prior to the date of the Participant's death.
- Total Credited Service accrued prior to the date of the Participant's death, plus (**check one**):  one-half (½)  \_\_\_\_\_ (**insert other fraction**) of the Service between such date of death and what would otherwise have been the Participant's Normal Retirement Date. (See **Basic Plan Document Section 8.02(b) regarding 10-year cap on additional Credited Service.**)

Minimum In-Service Death Benefit for Vested Employees Equal to Terminated Vested Death Benefit. Unless otherwise specified under "Exceptions" below, if a Participant's employment is terminated by reason of the Participant's death prior to Retirement, and if as of the date of death the Participant is vested but does not qualify for the in-service death benefit, then the Auto A Death Benefit will be payable, provided the Auto A Death Benefit is made available to terminated vested employees under the Adoption Agreement (see "Terminated Vested Death Benefit" below).

(3) **Exceptions:** If an in-service death benefit other than that specified above applies to one or more classes of Participants, the Employer must specify below the death benefit

payable, the class(es) to whom the different death benefit applies, and the eligibility conditions for said death benefit.

Alternative Death Benefit (must specify formula that satisfies the definite written program and definitely determinable requirements of Treasury Regulations Sections 1.401-1(a)(2) and 1.401-1(b)(1)(i) and does not violate limits applicable to governmental plans under Code Sections 401(a)(17) and 415): No in-service death benefit.

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

Eligibility conditions for alternative death benefit (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): Not applicable.

**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 Basic Plan Document, 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 the Participant elected a 100% joint and survivor benefit under Section 7.03 of the Basic Plan Document.
- Accrued Retirement Benefit.** A monthly benefit payable to the Participant's Pre-Retirement Beneficiary which shall be actuarially equivalent to the Participant's Accrued Normal Retirement Benefit determined as of the date of death.

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

Alternative Death Benefit (must specify formula that satisfies the definite written program and definitely determinable requirements of Treasury Regulations Sections 1.401-1(a)(2) and 1.401-1(b)(1)(i) and does not violate limits applicable to governmental plans under Code Sections 401(a)(17) and 415): No Terminated Vested death benefit.

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

Eligibility conditions for alternative death benefit (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i): Not applicable.

## 19. EMPLOYEE CONTRIBUTIONS

(1) Employee contributions (check one):

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

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

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

The Employer hereby elects (check one):

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

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



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

## **20. MODIFICATION OF THE TERMS OF THE ADOPTION AGREEMENT**

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

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

## **21. TERMINATION OF THE ADOPTION AGREEMENT**

This Adoption Agreement (and any Addendum) may be terminated only in accordance with the Plan. The Administrator will inform the Adopting Employer in the event the Board should decide to discontinue this pre-approved plan 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 pre-approved plan opinion letter if it makes certain elections under the Adoption Agreement or the Addendum, and that the failure to properly complete the Adoption Agreement may result in a failure of the Adopting Employer's Plan to be a qualified plan.

The Adopting Employer hereby agrees to abide by the Basic Plan Document, 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 Basic Defined Benefit Plan Document) and any other applicable provisions of O.C.G.A. Title 47;
- (2) The Basic 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 Basic Defined Benefit Retirement Plan Document approved by the Internal Revenue Service under opinion letter Q705465a dated August 31, 2023. 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), Basic 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 opinion letter should be directed to the Administrator. The Administrator is Georgia Municipal Employees Benefit System, with its primary business offices located at: 201 Pryor Street, SW, Atlanta, Georgia, 30303. The business telephone number is: (404) 688-0472. The primary person to contact is: GMEBS Legal Counsel.

**Authorization for Amendments.** Effective on and after February 17, 2005, the Adopting Employer hereby authorizes the pre-approved plan provider who sponsors the Plan on behalf of GMEBS to prepare amendments to the Plan, for approval by the Board, on its behalf as provided under Revenue Procedure 2005-16, as superseded by Revenue Procedure 2015-36, Revenue Procedure 2011-49, and Announcement 2005-37. Effective January 1, 2013, Georgia Municipal Association, Inc., serves as the pre-approved plan provider for the Plan. Employer notice and signature requirements were met for the Adopting Employer before the effective date of February 17, 2005. The Adopting Employer understands that the implementing amendment reads as follows:

On and after February 17, 2005, the Board delegates to the Provider 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 pre-approved plan as described in Revenue Procedure 2017-41; 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 opinion letter, the Provider'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 pre-approved plan opinion letter.

**Reliance on Opinion Letter.** As provided in Revenue Procedure 2017-41, the Adopting Employer may rely on the Plan's opinion letter, provided that the Adopting Employer's Plan is identical to the GMEBS Plan, and the Adopting Employer has not amended or made any modifications to the Plan other than to choose the options permitted under the Plan, Adoption Agreement, and any Addendum.

**AN ORDINANCE (continued from page 1)**

**Section 2.** Except as otherwise specifically required by law or by the terms of the Basic Plan Document 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 office with the City for any reason whatsoever prior to the effective date of this Ordinance are fixed and shall be governed by such Plan, if any, as it existed and was in effect at the time of such termination.

**Section 3.** The effective date of this Ordinance shall be the date of its approval by the Governing Authority (not earlier than the first day of the current Plan Year in which the Plan is adopted, unless a retroactive corrective amendment is permitted under EPCRS, Rev. Proc. 2021-30 (or subsequent updated guidance)).

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

Approved by the Mayor and Council of the City of Snellville, Georgia, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Attest:

CITY OF SNELLVILLE, 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 Snellville, as follows (complete one or more sections, as applicable):

**\*\*\* Items (1) 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 March 1, 2002 (specify date). The Plan shall be subject to all provisions of the Adoption Agreement and Basic Plan Document, except as otherwise provided herein, and the Employer shall continue to maintain the Plan's qualified status. The Plan shall be frozen, as follows (check as applicable):**

(i) **The Plan shall be frozen with respect to the following class(es) of Eligible Employees (one or more as applicable):**  all Participants;  all Eligible Regular Employees;  Members of the Governing Authority;  Municipal Legal Officers;  other (must specify): \_\_\_\_\_.

(ii) **Active Participants in the affected class(es) of Eligible Employees as of the freeze effective date shall be vested in their normal retirement benefits accrued as of the effective date of the freeze to the extent funded notwithstanding any provision of the Adoption Agreement to the contrary.**

(iii) **Employees who are (check all that apply):**  employed by the Employer or in office as of March 1, 2002 (specify date),  first employed on or after \_\_\_\_\_ (specify date),  first take office on or after \_\_\_\_\_ (specify date),  reemployed on or after \_\_\_\_\_ (specify date),  return to office (following a vacation of office) on or after \_\_\_\_\_, shall not be eligible to participate in the Plan on or after March 1, 2002 (specify date).

(iv) **With respect to Employees designated in paragraph (iii) above, earnings on and after March 1, 2002 (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 and after March 1, 2002 (specify date) for purposes of (check all that apply):  computing the amount of benefits payable;  meeting minimum service requirements for participation and vesting;  meeting minimum service requirements for benefit eligibility under the Plan.
  
- (vi) The following additional provisions shall apply as a result of the freeze (must specify): In accordance with and subject to the terms of the Ordinance which became effective March 1, 2002, the terms of which are incorporated herein by reference, GMEBS shall continue to make monthly retirement and death benefit payments after February 28, 2002, to Retirees and Beneficiaries who were in pay status under this Plan on or before such date. Monthly retirement payments will also be made to Participants (and their post-retirement beneficiaries where applicable) who: (1) Terminated with a Vested Retirement benefit before February 28, 2002, and who apply for a Retirement benefit on or after such date; or (2) Terminated without a Vested Retirement benefit before February 28, 2002, who become Vested based upon service with another GMEBS member under the portability provisions of the GMEBS Plan in effect as of the Participant's Termination date, and who apply for a Retirement benefit on or after such date. Notwithstanding any other provision herein to the contrary, payments shall be made in accordance with the terms of the GMEBS Plan in effect as of the date of the individual's Termination of employment or term of office, except as otherwise required to comply with requirements of federal or state law, including but not limited to the requirements for federal tax qualification set forth in the GMEBS Master Plan. Notwithstanding this limitation, those applying for a retirement benefit on or after September 1, 2003, shall be given the opportunity to elect a retirement benefit payment option in accordance with the provisions of the GMEBS Basic Plan (formerly Master Plan) Document in effect upon their retirement (see also subsection 16 below).

(b) Restoration Following Freeze - The Plan has been "frozen" since \_\_\_\_\_ (specify freeze date). Effective \_\_\_\_\_ (specify date), the Plan shall be reactivated in accordance with and subject to the following provisions (check as applicable):

- (i) The Plan shall cease to be frozen with respect to the following class(es) of Eligible Employees (one or more as applicable):  all Participants;  all Eligible Regular Employees;  Members of the Governing Authority;  Municipal Legal Officers;  other (must specify): \_\_\_\_\_.

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

**\*\*\* Item (15) of Pre-Approved Addendum – Not Applicable \*\*\***

- (16) Other (May include, but shall not be limited to, provisions relating to Basic Plan Document Sections 6.03, 6.06, 8.04, 8.06, 8.08, 8.09, 8.10, 8.12, 9.01, and 9.02) (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and**

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

- (a) **Effect of March 1, 2002, Plan Freeze; DB-DC Plan Conversion.** Pursuant to the Ordinance which became effective March 1, 2002, the terms of which are incorporated herein by reference, GMEBS was authorized and directed to calculate the Accrued Benefit of each Eligible Employee who was actively employed by the City on February 28, 2002, and transfer the assets of the City's GMEBS Trust Fund to a successor trustee to be held in trust for the benefit of City employees under a defined contribution plan that was to succeed this Plan. Pursuant to said Ordinance, after the completion of said transfer, no Employee or other person has any further right or claim to benefits under this Plan, except as otherwise provided in said Ordinance (and this Plan) with respect to continued administration of Retirement and death benefits under this Plan for and on behalf of Retirees and former Employees who Terminated employment before February 28, 2002. Pursuant to said Ordinance, GMEBS was further authorized and directed to retain in the City's GMEBS Trust Fund an amount equal to 110% of the combined present value of Accrued Benefits payable to Retirees, Beneficiaries, and Terminated Vested Participants under this Plan as of February 28, 2002. Pursuant to said Ordinance, GMEBS will complete an annual valuation as of January 2003 and each January thereafter and the City will make an annual contribution to the City's GMEBS Trust Fund equal to 110% of the recommended annual contribution amount necessary to ensure continued payment of Retirement and death benefits to Retirees and Beneficiaries pursuant to subsection 14(a)(vi) above, as reflected in said valuation.
- (b) **Definition of Earnings.** The definition of "Earnings" under the terms of the Plan in effect immediately prior to March 1, 2002, or if earlier the Participant's Termination of employment, shall govern determination of benefits payable under this Plan, subject to the Internal Revenue Code limitations contained in the second paragraph of Section 2.26 of the GMEBS Basic Plan (formerly Master Plan) Document.
- (c) **Portability Service Credit Provisions.** Notwithstanding any provision in the GMEBS Basic Plan Document to the contrary, the portability service credit provisions under the terms of this Plan in effect immediately prior to March 1, 2002, or if earlier the date of the Participant's termination of employment, shall govern determination of benefits payable under this Plan.
- (d) **Monthly Normal Retirement Benefit Amount.**
- (i) **Regular Employees.** The Normal Retirement benefit provision under Section 15(B)(1) of the Adoption Agreement shall apply only for purposes of computing benefits payable to Terminated Employees who are entitled to receive benefits under this Plan in accordance with the Ordinance that became effective March 1, 2002. If a Participant Terminated before the effective date of either of the formulas set forth

in Section 15(B)(1) of the Adoption Agreement, then the formula in effect as of the date of the Participant's Termination shall govern.

- (ii) **Elected or Appointed Members of the Governing Authority.** The Normal Retirement benefit formula for Participants who were elected or appointed members of the Governing Authority and who vacated office prior to March 1, 2002, shall be computed based on the formula in effect upon the member's vacation of office if such formula is less than the benefit calculated under Section 15(B)(4) of the Adoption Agreement. Provided, however, that this provision shall apply only for purposes of computing benefits payable to former elected or appointed members of the Governing Authority or their beneficiaries, as applicable, who are entitled to receive benefits under this Plan in accordance with the Ordinances that became effective January 1, 2000, and March 1, 2002, respectively (see Section 9(B)(1) of the Adoption Agreement concerning discontinuation of participation in the Plan by elected or appointed members of the Governing Authority effective January 1, 2000). If a Participant vacated office before the effective date of the formula in Section 15(B)(4) of the Adoption Agreement, then the formula in effect as of the date of the Participant's vacation of office shall govern.
  
- (e) **Minimum Disability Benefit.** For former Employees entitled to receive benefits under the Plan pursuant to the Ordinance which became effective March 1, 2002, the minimum monthly disability benefit amount shall be 20% of the Participant's average monthly Earnings for the 12 calendar month period immediately preceding his Termination of Employment as a result of a Disability, or if less, the minimum in effect as of the Participant's Termination date.

The terms of the foregoing Addendum to the Adoption Agreement are approved by the Mayor and Council of the City of Snellville, Georgia this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Attest:

CITY OF SNELLVILLE, 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 OF SNELLVILLE

# Resolution

RES 2024-10

## Adoption of the 2024 Millage Rate

**WHEREAS,** Georgia law and the City Code of Ordinances require the City to adopt a balanced budget for its operations; and

**WHEREAS,** through public hearings, the City staff, Mayor and City Council have drafted such a budget to comply with the requirements of State law; and

**WHEREAS,** the adoption of that budget required the passage of a millage rate sufficient to allow for the collection of taxes necessary to cover the cost of operating the City government according to the budget; and

**WHEREAS,** the Mayor and Council find it necessary and desirable to establish certain millage rates for properties in Gwinnett County in fairness to the taxpayers of the City and in compliance with State law; and

**WHEREAS,** the tax rate of 4.00 per \$1,000 of assessed valuation for City of Snellville taxpayers in Gwinnett County is required for the raising of sufficient revenues to support municipal operations and meeting the requirements of State law for establishing rates; and

**WHEREAS,** notices required by law have been published in the legal organ of the City of Snellville; and

**WHEREAS,** the City has conducted public hearings to receive comments from citizens on the proposed budget and rates.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF SNELLVILLE** hereby ordains and resolves that the millage rate of 4.00 per \$1,000 of assessed valuation for City of Snellville taxpayers in Gwinnett County enumerated above is approved and ordained for fiscal year 2024-2025.

**RESOLVED** this 22<sup>nd</sup> day of July 2024.



*ATTEST:*

\_\_\_\_\_  
Melisa Arnold, City Clerk  
*APPROVED AS TO FORM:*

\_\_\_\_\_  
W. Charles Ross, City Attorney  
Powell & Edwards, P.C

\_\_\_\_\_  
Barbara Bender, Mayor

\_\_\_\_\_  
Tod Warner, Mayor Pro Tem

\_\_\_\_\_  
Norman A. Carter, Council Member

\_\_\_\_\_  
Kerry Hetherington, Council Member

\_\_\_\_\_  
Cristy Lenski, Council Member

\_\_\_\_\_  
Gretchen Schulz, Council Member

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## **Agenda Item Summary**

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**TO:** The Mayor and Council

**FROM:** Jason Thompson, Director  
Department of Planning and Development

**DATE:** July 22, 2024

**RE:** #RES 2024-13 – Adoption of Local Amendment to Plumbing Code  
for Water Efficiency

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Adoption Resolution to the Georgia Department of Community Affairs (DCA) to transmit a copy of the local amendment to the Georgia State Minimum Standard Plumbing Code, Water Efficiency Code Requirements.

**Draft Adoption Resolution: Attached**

**RESOLUTION NO. 2024-13**  
**OF**  
**THE CITY OF SNELLVILLE, GEORGIA**  
**ADOPTION OF LOCAL AMENDMENT TO PLUMBING CODE FOR WATER EFFICIENCY**

**WHEREAS**, the current minimum water efficiency requirements for buildings in the City of Snellville, Georgia jurisdiction is the Georgia State Minimum Standard Plumbing Code ("Georgia Plumbing Code") as approved and adopted by the Georgia Department of Community Affairs ("DCA") from time to time;

**WHEREAS**, the City of Snellville, Georgia, like all local governments in the State of Georgia, is authorized under O.C.G.A. § 8-2-25(c) to adopt local requirements when needed that are more stringent than the Georgia Plumbing Code based on local climatic, geologic, topographic, or public safety factors;

**WHEREAS**, the City of Snellville, Georgia has followed the required procedures in O.C.G.A. § 8-2-25(c) for local adoption of the Local Amendments to Plumbing Code for water efficiency, and DCA has no recommendation as to whether they be adopted;

**WHEREAS**, the long-term availability, reliability, and resiliency of water supplies is a critical need of the City of Snellville, Georgia and water efficiency is essential to meeting this need;

**WHEREAS**, the City of Snellville, Georgia is adopting the Local Amendments to Plumbing Code to meet this critical need and to comply with the requirements of Metropolitan North Georgia water Planning District's 2022 Water Resources Plan in the WSWC-8 Action Item on Metro Water District – Water Efficiency Code Requirements;

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The governing body of the City of Snellville, Georgia finds that, based on local climatic, geographic, topographic, and public safety factors included in the Metro Water District's plans, it is justified in adopting local water efficiency requirements more stringent than the Georgia Plumbing Code;
2. The City of Snellville, Georgia has followed the required procedures in O.C.G.A. § 8-2-25(c); and
3. The City of Snellville, Georgia hereby adopts the Local Amendments to Plumbing Code in Attachment "A", a copy of which is attached hereto and incorporated herein by reference which will take effect on August 1, 2024.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

**RESOLVED** this 22<sup>nd</sup> day of July, 2024.

\_\_\_\_\_  
Barbara Bender, Mayor

*ATTEST:*

\_\_\_\_\_  
Tod Warner, Mayor Pro Tem

\_\_\_\_\_  
Melisa Arnold, City Clerk

\_\_\_\_\_  
Norman A. Carter, Jr., Council Member

*APPROVED AS TO FORM:*

\_\_\_\_\_  
Kerry Hetherington, Council Member

\_\_\_\_\_  
W. Charles Ross, City Attorney  
Powell & Edwards, Attorneys At Law, P.C.

\_\_\_\_\_  
Cristy Lenski, Council Member

\_\_\_\_\_  
Gretchen Schulz, Council Member

**Attachment A**  
**LOCAL AMENDMENT TO PLUMBING CODE FOR WATER EFFICIENCY**

Signed ordinance will be included as Attachment A



CITY OF SNELLVILLE

STATE OF GEORGIA

ORDINANCE NO. 2024-08

AN ORDINANCE TO AMEND PORTIONS OF CHAPTER 62 OF THE CODE OF ORDINANCES OF THE CITY OF SNELLVILLE TO AMEND INCONSISTENCIES AND ALLOW CHANGE IN FEES BY RESOLUTION, TO REPEAL CONFLICTING ORDINANCES, AND FOR OTHER PURPOSES

WHEREAS, the City of Snellville is in the process of updating its stormwater user fee schedule; and

WHEREAS, the City of Snellville has found an inconsistency in its ordinance that it would like to clear up; and

WHEREAS, the Mayor and the Council of the City of Snellville, Georgia deems it in the best interest of the safety and welfare for the citizens;

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA, and by the authority thereof:

**Section 1.** Section 62-87, subsection (d) and (e) of the Code of Ordinances is hereby deleted in its entirety and replaced with the following:

“(d) Subject to the exemptions provided for in section 62-92 and the credits provided for in section 62-93, the stormwater user fee, or any changes thereto, shall be established by adoption of a resolution of the mayor and council.”

**Section 2.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 3.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 4.** This Ordinance was adopted \_\_\_\_\_, 2024. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

**ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Barbara Bender, Mayor

*ATTEST:*

\_\_\_\_\_  
Tod Warner, Mayor Pro Tem

\_\_\_\_\_  
Melisa Arnold, City Clerk

\_\_\_\_\_  
Cristy Lenski, Council Member

*APPROVED AS TO FORM:*

\_\_\_\_\_  
Kerry Hetherington, Council Member

\_\_\_\_\_  
W. Charles Ross, City Attorney

\_\_\_\_\_  
Gretchen Schulz, Council Member

\_\_\_\_\_  
Norman Carter, Council Member