

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
MARCH 20, 2007
6:00 P.M.

1. Call to Order: Mayor Pro-Tempore Joe Kusar, Presiding Officer called to order the regular meeting of the Perry City Council held March 20, 2007 at 6:00 p.m.

2. Roll

Elected Officials Present: Mayor Pro-Tempore Joe Kusar. Council Members Brian Bowen, Phyllis Bynum-Grace, Bobby Glover, Riley Hunt and James Moore.

Absent: Mayor James Worrall.

Staff/Guests/Press: Staff: Lee Gilmour, City Manager. City Attorney: David Walker. Staff: Directors, Brenda King/Administration, George Potter/Public Safety, Rick Kilgore, Parks/Recreation, Jeff West/Public Works, Steve Howard/Community Development. Press: Natasha Smith, Macon Telegraph and Charlotte Perkins, Houston Journal. Guest Speakers: Rob Tuggle, Attorney. (Brenda King - Recording Clerk).

3. Invocation and Pledge of Allegiance to the Flag: Council Member Bobby Glover gave the invocation and led the pledge of allegiance to the flag.

4. Citizens with Input: There was no citizen input at this portion of the meeting.

5. PUBLIC HEARING CALLED TO ORDER (6:07 P.M.) - DISCLOSURE NOTICE AND CALL TO ORDER: Mayor Pro-Tempore Joe Kusar called to order and read aloud a disclosure notice to those persons addressing the Perry City Council in the Public Hearing forum:

“Any person who wishes to speak for or in opposition to the proposed rezoning application and/or special exception application is advised that, if within the past two years you have made any campaign contribution totaling \$250.00 or more to any local government official considering this application for rezoning/special exception, you must have filed a written disclosure of that campaign contribution in accordance with O.C.G.A. Sec. 36-67A-3 at least five (5) days prior to this hearing. Any person who fails to comply with this disclosure requirement shall be guilty of a misdemeanor as provided by O.C.G.A. Sec. 36-67A-4”.

- 5a. Petition for Rezoning Application R-007-001 - Presiding Officer Kusar introduced a letter of recommendation from the Perry Planning Commission dated February 27, 2007 pertaining to Petition R-007-001, as follows:

"Re: Petition for Rezoning Application No. R-007-001 Talton Family - Richilynn Talton Chapman; Richard C. Talton; Elizabeth P. Talton; Joyce T. Goodwin; and Jean T. Floyd - Rezone/Annex 233.105 acres from Houston Count R-AG to City of Perry PUD, Planned Unit Development Talton Road MP 105-11

Dear Mayor and Council:

On February 26, 2007 Perry Planning Commission reviewed the above referenced Petition for Rezoning submitted by the Talton Family - Richilynn Talton Chapman; Richard C. Talton; Elizabeth P. Talton; Joyce T. Goodwin; and Jean T. Floyd. This petition requests a rezoning and annex of 233.105 acres located on Talton Road from Houston County R-AG, Residential Agricultural District to City of Perry PUD, Planned Unit Development.

The Perry Planning Commission respectfully submits this letter to Mayor and City Council as our formal recommendation of approval for this petition request for PUD rezoning for annexation with the following conditions: 1) incorporate a 200 foot strip for annexation; 2) two additional neighborhood parks; and 3) entrance off Bear Branch Road provided it meets design standards during the review process. A second motion was made to investigate the possibility of annexing Talton Road instead of the 200-foot strip. The Planning Commission concurred annexing Talton Road would be the preferred option.

*Sincerely,
Martin Beeland, Chairman".*

Staff Report: Steve Howard, Director of Community Development provided an overview of the rezoning/annexation request. Mr. Howard advised that the Perry Planning Commission had reviewed and approved/with the conditions, (detailed in the recommendation letter). Mr. Howard advised the Houston County Commissioners wrote a letter stating they'd like to have the property developed as R-2, provided the City of Perry also annexed Talton Road as a part of the annexation. The County has not requested mediation (for the recommended R-2 versus PUD).

Mayor Pro-Tempore Joe Kusar inquired what the Perry Planning Commission recommends as a park in the conditions? Mr. Howard advised that in a PUD when you are over 85.0 acres you have to have a certain amount of park area, the additional two parks referenced are basically passive parks - about the size of a lot in the development /with equipment provided by developer.

Mayor Pro-Tempore Kusar called for any citizens wishing to speak in favor of or opposed to the development:

In favor: Mr. Rob Tuggle, Attorney at Law, 912 Main Street, Perry, addressed the Mayor and Council as representing counsel for the Talton Family. Mr. Tuggle presented a larger view of the development plan, advising the property had been in the Talton family since 1913 and has been farming property since the 50's. Mr. Tuggle gave a history of the development plans - initially submitted in 2006 as an R-3 zoning request/annexation. Mr. Tuggle advised that in September of 2006, they presented to the Perry Planning Commission, at which time they were advised the City prefers that these lot sizes in R-3 is presented as a PUD. The application was re-drawn with basically the same lots, but more amenities than the R-3 to meet the PUD requirements. Mr. Tuggle also advised the County was originally in agreement with a 9.0 acre strip on the other side of Talton Road being annexed and rezoned at the same time, but as stated by Mr. Tuggle: "some where along the line, they have changed their minds and the density is too much"; Mr. Tuggle added that the County's Planning and Zoning office have approved the plat submitted for these two parcels. Subdivision size and densities are similar to surrounding development. The subdivision is comprised of 543 lots, 75 foot buffer around the north and east sides of property & 50-foot greenspace along Bear Branch/Talton Road. Mr. Tuggle reviewed the development plans in detail including greenspace parks, boulevard entrances and two ponds.

Opposition: There was no noted opposition from the public.

Public Hearing Adjourned: 6:19 p.m.

6. Hearing regarding revocation of license: (NOTE: No hearing held, applicant voluntarily turned in license.)

7. Consent Agenda Items:
 - 7a. March 6, 2007 work session meeting minutes approved; March 6, 2007 regular meeting minutes approved with a clarification of verbiage: Mayor Pro-Tempore Joe Kusar requested a change to the regular meeting minutes of March 6, 2007 as transcribed. Mr. Kusar noted that at the March 6, 2007 meeting, when the Council was considering the approval of the amended Tree Ordinance, he'd requested an additional amendment to the Tree Ordinance to exempt homeowners from having to obtain permits for removal of pine trees on their residential properties, however the language is stated "private property owners". Mr. Kusar asked that the minutes read "existing resident owner/homeowner" ...instead of private property or public property owners as stated in the minutes transcribed. There were no other amendments to the minutes as presented. Council Member Phyllis Bynum-Grace moved to approve the minutes with the clarification. Council Member James Moore seconded the motion and it carried unanimously.

8. Old Business:
 - 8a. Manager Change - Alcohol License (*Requires one reading only*): City Manager Lee Gilmour.
 1. No action to manager change request - Applicant is no longer employed with Applebee's.

 - 8b. Ordinances for Second Reading/Consideration of Adoption: Presented by City Manager:
 1. Council unanimously denied request submitted in Petition R-007-002: City Manager brought forth for the Council's consideration an ordinance to amend the official zoning map of the City of Perry to reflect a rezoning of 0.17 acre located at 1519 Houston Lake Road from City of Perry R2 to City of Perry OC, Office Commercial District. Mayor Pro-Tempore Joe Kusar inquired of the applicant of the Petition R-007-002, Ms. Colleen McGhee, if it were her intent that the truck he'd observed parked at her property that displayed a business advertising would be parked at the site? Ms. McGhee affirmed it was her intent to have the vehicle parked at the site. Mayor Pro-Tempore called for Council consideration. Council Member Phyllis Bynum-Grace moved to deny the requested petition for rezoning. Council Member James Moore seconded the motion and it carried unanimously to deny the request.

- 8c. Department head on call is reconsidered and denied with three opposed, two in favor and one abstaining vote: City Manager Lee Gilmour provided to the Council general contact information for departments and supervisors. City Manager Lee Gilmour stated that historically if a person is on call they are restricted in travel, have to be available for immediate access for whatever period of time that you may be on call. The Manager stated the Administration needs the Council's direction, either yes or no to having the department heads on call. Council Member James Moore asked if the alternative to this were in providing cards with phone numbers? The Manager advised yes, that one of the other items discussed by the Council was to provide customer information cards or pamphlets. Mayor Pro-Tempore Joe Kusar stated that in Public Safety, there are officers on duty, a watch commander on duty, and the chain of command can be instituted, and asked for clarification that someone is on call for the Gas Department? The Manager advised there is someone on call for Public Works, Parks and Recreation, as well as with Public Safety - which also has a full time fire department operating that the public can access. Council Member Bobby Glover stated that the Public Safety Department operates differently than the other departments, adding that the regular departments cannot operate in the same way as the Public Safety Department. Council Member Glover advised Council he'd been contacted at home several times by citizens regarding requests for services. Council Member Glover noting one such incident wherein a man contacted him after he had come home from the hospital and found that he had no water - it was a weekend and he was advised they couldn't locate his line. Mr. Glover stated that the system didn't work for him and had he not been there to assist this citizen when contacted, that citizen would have been at his house all weekend without water. Council Member James Moore advised that he had experienced problems, but had made contact with the appropriate person, and did not see a need to go to having a department head on-call 24 hours. Council Member Moore stated his hope that the person in the field is competent enough that is responding to the calls, to know who to get in touch with if there is a problem. Mayor Pro-Tempore Kusar noted the proposal is to provide the citizen with contact information for following up with the chain of command. Council Member Glover stated that if they (Council) were to speak with the persons on call, they would tell them that the department heads do not answer the cell phones in the case of an emergency. Council Member Phyllis Bynum-Grace stated that she felt there needed to be an on-call system because the card does not necessarily guarantee the citizen that they will get what they need. Mayor Pro-Tempore Joe Kusar called for Council motion. Council Member Bobby Glover moved that the City go with the on-call. Council Member Phyllis Bynum-Grace seconded the motion. Mayor Pro-Tempore Joe Kusar called for a vote to the motion. Council Members Bobby Glover and Phyllis Bynum-Grace were in favor of the motion. Council Members James Moore and Riley Hunt were opposed. Council Member Brian Bowen abstained vote. Mayor Pro-Tempore Joe Kusar, in a tie-breaking vote moved to oppose the motion and the motion opposed carried with three votes. The motion to put department heads on call was denied.
- 8d. Consider adoption of guidelines for parade permits fee waiver: City Manager requested Council authorization to adopt the recommended guidelines relative to waiver of the fee for a parade permit. The Manager pointed out this does not effect the permitting for the parade, but if you request a waiver of the fee, the guidelines are applicable. The Manager reviewed the guidelines. Council Member Bobby

Glover moved to adopt the guidelines. Council Member Riley Hunt seconded the motion and it carried unanimously.

- 8e. Consideration of minutes being recorded verbatim to be sent to Administrative and Finance Oversight Committee: City Manager Lee Gilmour reviewed the possibility of having the activity and discussions in meetings of the Council recorded verbatim. The Manager advised the present process is that the work sessions and Council meetings are taped and the minutes provide a summary from the tape, as well as recording the actual motions by a staff person as is recommended in the business. The Manager advised that if the minutes are prepared verbatim the estimated cost for having the minutes transcribed verbatim is approximately \$13,855 annually, if basing on the average 25 regular and special meetings; and, if adding the work sessions would be an additional \$1,200 annually. Council Member Brian Bowen expressed that if he has an issue with anything written he would clarify, but would not see a need in having all conversation recorded. Council Member Riley Hunt made a motion it remain status quo. Council Member James Moore seconded the motion. Council Member Bobby Glover stated he would like to see the matter go back to the proper committee. Mayor Pro-Tempore Joe Kusar called for a vote to the motion on the floor. Council Member Bobby Glover moved that the motion be amended to have this go back to the proper committee for review. Council Member Riley Hunt stated that he did not change his motion. Council Member Bobby Glover stated that following parliamentary procedure, there must be a vote on both motions. David Walker, City Attorney advised the Council that if you have a second to the motion to the amendment, you can vote on that motion. Mayor Pro-Tempore Kusar asked if there were a second to the motion presented by Council Member Glover? The Manager clarified that the motion is to send the matter to committee. Council Member Brian Bowen seconded the motion presented by Council Member Glover to send back to the committee. Mayor Pro-Tempore Kusar then called for a vote to that motion to send back to committee. Council Member Phyllis Bynum-Grace, Council Member Bobby Glover and Council Member Brian Bowen moved in favor of the motion to take back to committee. Council Members Riley Hunt and James Moore opposed the motion presented by Council Member Glover. Mayor Pro-Tempore Joe Kusar advised that the matter will go to the Committee* in a vote of 3 in favor/2 opposed. (*Administrative and Finance Oversight Committee to receive the matter).

9. New Business:

- 9a. Ordinances for First Reading and Introduction: (No action required - for introduction only) Mr. Lee Gilmour, Presenter:
1. First reading of an ordinance to amend the Fiscal Year 07 operating budget: City Manager Lee Gilmour gave the first reading of an Ordinance to amend the FY 07 operating budget. (First reading only for introduction/no action required).
 2. First reading of an ordinance to amend the official zoning map: City Manager Lee Gilmour gave the first reading of an ordinance to amend the City of Perry official zoning map to reflect a zoning change for property consisting of 233.105 acres located on Talton Road as requested in petition R-007-001 submitted by Talton

Family from Houston County R-AG to City of Perry PUD. (First reading only for introduction/no action required).

3. First reading of an ordinance to annex 233.105 acres located on Talton Road: City Manager Lee Gilmour gave the first reading of an ordinance to annex 233.105 acres located on Talton Road as presented in the Petition R-007-001 from the Talton Family. (First reading only for introduction/no action required).
- 9b. Award of Bids: Consideration of Award - None presented at time of preparation.
- 9c. Council authorizing proceeding with engineering review of sewerage grinder on Stanley Street: City Manager Lee Gilmour stated it would be staff recommendation to proceed with the engineering for the sewerage grinder on Stanley Street. Mayor Pro-Tempore Joe Kusar asked for Council's favor as to proceeding with the engineering for this project. Council Member Riley Hunt moved to proceed with the engineering study. Council Member James Moore seconded the motion and it carried unanimously.
- 9d. Consideration of amending the ESG contract to provide for replacement of chlorine scales and regulator per the direction of the GA/DNR/EPD: The City's contracted operator of the wastewater treatment plant, ESG has advised that the City's permitting agency - GA/EPD has stated that the City's chlorine scale and regulator must be replaced at the wastewater treatment plant. Two quotes were provided for companies in the region:

Vendor	Bid
Southern Water Technologies	\$ 10,020.00
McSwain Atlantic Corporation	\$ 12,720.00

The Manager advised that since this is a permit issue, it is recommended the City proceed immediately and the recommendation is to amend the ESG, Inc. contract by adding \$10,020.00 and they will obtain and install the issue. Council Member Riley Hunt moved to approve the contract amendment as recommended. Council Member Phyllis Bynum-Grace seconded the motion and it carried unanimously.

- Council Member James Moore - question regarding items 9a. 2/3 (Talton Family zoning/annexation of 233.105 acres). Council Member James Moore inquired how close the City is on the provision of water, sewer and gas to this location. Mr. West advised sewer is less than 1000 feet, water to be provided by the County, master metered by the City. The Manager noted the policy of the City is that the developer must pay to make the connection.

- 9e. Resolutions for consideration: Introduced by City Manager Lee Gilmour
 1. Adopted Resolution No. 2007-13: City Manager Lee Gilmour requested Council's consideration to authorize adoption of a resolution for the City of Perry submission of a Community Development Block Grant (CDBG) application to the GA/DCA for funding under Title I of the Housing and

Community Development Act of 1974. The local match is being paid for by the applicant. Council Member Brian Bowen moved to authorize the adoption of a Resolution authorizing the submission of a CDBG application. Council Member James Moore seconded the motion and it carried unanimously. (Resolution No. 2007-13 has been placed in the City's official book of record).

- 9f. Council selects Associates in Local Government Assistance, Inc. as the grant administrator for the 2007 Community Development Block Grant Program: City Manager Lee Gilmour stated that the staff recommendation for the grant administrator for the 2007 CDBG application is Associates in Local Government Assistance - noting their experience and success in applications. Council Member Brian Bowen moved to authorize the selection as recommended by staff of Associates in Local Government Assistance, Inc. Council Member James Moore seconded the motion and it carried unanimously.

10. Other business:
 - 10a. Supplemental Agenda:
 1. Authorized request from Middle Georgia Inspectors Association for waiver of fee for use of Rozar Park Community Room: Steve Howard, Director of Community Development: The City Manager presented a letter of request from the Middle Georgia Inspectors Association requesting the use of the Rozar Park Community Room on May 15, 2007 from 8 a.m. - 5 p.m., with no fees incurred. The Manager noted that the City supports its local organizations, and recommends, in that the City is a member in this organization that the Council authorizes the waiver of the fee as requested for the use of the Rozar Park Community Room. Council Member Riley Hunt moved to approve the waiver as requested. Council Member Brian Bowen seconded the motion and it carried unanimously.

 2. Bid Awards:
 1. Consideration of Bid No. 2007-10 award of 300 Sensus Water Meters (Sole Source): The City Manager advised the City needs 300 more water meters and the sole source provider is Kendall Metering at a cost of \$40,920.00 it is recommended that the Council award. The revenue in the water and sewer fund, derived from new customers paying for the cost of the meters. Council Member Riley Hunt moved to authorize the award of these meters as recommended. Council Member Phyllis Bynum-Grace seconded the motion. Mayor Pro-Tempore Joe Kusar inquired how long ago we ordered these meters? The Public Works Director advised about two months ago. Mayor Pro-Tempore Kusar inquired if there were not any other discounts or breaks, for this frequent purchase? The Public Works Director advised we get the same price over 200 that you'd get if you ordered 1000. Call for the vote: Council unanimously approved the motion to award the purchase.

11. Council Committee Reports - none presented at this time.

12. Department Reports - none presented at this time.

13. Council comments (not listed on meeting Agenda):

13a. Mayor Pro-Tempore Joe Kusar inquired of the City Manager the status of the Courtney Hodges Boulevard Improvements grant, (lighting and sidewalk improvements)? City Manager reported the City's Consultant Engineer, Rick Saunders is finishing up the specifications, having gotten the information from Georgia Power's provider of the lights (pedestrian lights), and that package should go out to bid in three or four weeks. Mayor Pro-Tempore Kusar inquired of the size of the grant? The Manager advised \$400,000.00.

Citizens with Input comment (listed earlier in the meeting):

Ms. Catherine Willis-King-Toomer, 1107 Creekwood Drive, Perry, Georgia - Ms. Catherine Willis-King-Toomer requested to give a brief presentation to the Council regarding the citizens report of rebuilding Oldfield Community. Ms. Toomer, noting Oldfield Community's age, asked that under the guidelines of historical landmarks, that the citizens of this community ask that in the future, no one can rezone Oldfield or any of the neighborhoods in this minority grouping, Creekwood, Newhope, etc. Mayor Pro-Tempore Joe Kusar stated that he would have the City's legal counsel review. Ms. Toomer also asked to present a program to rebuild Oldfield/ revitalization. Mayor Pro-Tempore Kusar asked Ms. Toomer to please provide the materials and schedule a presentation.

13b. Continuing Council comments:

Council Member James Moore inquired if the LARP (Local Area Resurfacing Program) listing for this year has been approved. Mr. West advised they (State DOT) have not yet responded, should hear from them in May.

Council Member James Moore inquired of Public Safety Director if there were any progress towards the adequate ambulance service in the Perry Area? Mr. George Potter stated that this has been addressed, but there has not been a response. Council Member Moore inquired if there were an accident, and emergency help were needed ... ? Mr. Potter advised there is a protocol for that response. Council Member James Moore asked the Manager to contact Mr. Dave Brogelli (spelling?) to come before Council and make a presentation regarding this matter. City Manager Lee Gilmour suggested that the City also invite the Hospital Authority officials to come to a meeting.

Adjournment: There being no further business to come before the Council in the regular meeting held March 20, 2007, Mayor Pro-Tempore Kusar adjourned the meeting at 6:55 p.m.

