

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
September 1, 2009
6:00 P.M.

1. Call to Order: Mayor James Worrall, Presiding Officer, called to order the regular meeting of the Perry City Council held September 1, 2009 at 6:00 p.m.

2. Roll.

Elected Officials Present: Mayor James Worrall, Presiding Officer. Mayor Pro-Tempore Riley Hunt. Council Members Charles Lewis, Joe Kusar, Phyllis Bynum-Grace, James Moore and Willie King.

Elected Official Absent: None.

Staff: City Manager Lee Gilmour and City Attorney John Walker.

City Departmental Staffing: Brenda King – Director of Administration, Ronnie Jones – Director of Public Works, Mike Beecham – Director of Community Development, George Potter – Director of Public Safety, Deputy Chief Joel Gray – Fire Department and Annie Warren - Recording Secretary.

Guests/Speakers: Ms. Becky Wood.

Press/Media: Ms. Kristen Berryhill – ComSouth.

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

4. Special Guests/Presentations: Mayor James Worrall presented a Proclamation, adopted by Council, to the McAfee family recognizing September as Children’s Cancer Awareness Month. The McAfee family presented to Council and guests ribbons in memory of their daughter, Joanna Rae McAfee.

5. Citizens with Input. Ms. Becky Wood – 426 Sanderfur Road. Ms. Wood thanked Council for accepting the nine acres of greenspace.

6. PUBLIC HEARING CALLED TO ORDER AT 6:02 P.M.: Mayor James Worrall called to order a public hearing at 6:02 p.m. to provide any interested parties with an opportunity to express their views and concerns in accordance with O.C.G.A. Sec.36-67A-3 (c).

6a. Petition for Special Exception Application No. SE-09-02. Mrs. Kate Schell, 316 Lee Street. MP-P29-14. Mayor James Worrall read aloud a letter of recommendation from the Perry Planning Commission dated August 12, 2009.

Note: Special Exception requires a Council decision.

*“Re: Petition for Special Exception Application No. SE-09-02
Katherine Schell
316 Lee Street
MP-P29-14*

Dear Mayor and Council:

On August 10, 2009, the Perry Planning Commission reviewed the above referenced Petition for a Special Exception from Ms. Kate Schell.

This petition requests a special exception to operate an animal shelter utilizing pet grooming and training as a residential business in an R-2 Two-Family Residential District.

The Perry Planning Commission respectfully submits this letter to Mayor and City Council as our formal and favorable recommendation of approval for this petition request as submitted, with the condition that it be authorized and monitored for a period of six (6) months and allow up to ten (10) dogs.

Sincerely,

*Martin Beeland, Chairman
Perry Planning Commission”.*

Staff Report: Mike Beecham, Director of Community Development advised Council that Ms. Schell is requesting to operate an animal shelter at 316 Lee Street in an R-2 Two Family residential district; the property behind it is C-2 commercial, the property to the west is C-2 commercial and the remaining surrounding property is R-2, two family. Mr. Beecham advised Council that in 2004, Council granted a special exception for a dog grooming business, between that time and this time the business has become an animal shelter. Mr. Beecham advised Council that his office had received a complaint from a neighbor relative to a business being run out of the house. This is when Community Development went out and investigated and Ms. Schell came in and applied for a special exception. The Perry Planning Commission heard the request and approved the request unanimously with the condition that it be monitored for period of six (6) months and allow up to ten (10) dogs. The Perry Ordinance allows for four (4) dogs and four (4) cats.

Public Input: Mayor Worrall called for any public input for this particular item.

In Favor: Ms. Schell advised Council that she is not sure if animal shelter is the correct term for what she does, she fosters/rehabilitates small breed animals that are not quite ready for adoption. Ms. Schell advised Council that she works with various rescue groups which provide veterinary care and food. Council Member Joe Kusar asked Ms. Schell if she has outside kennels for the animals. Ms. Schell advised that she has small kennels and a large kennel that has a misting system and fans on timers and indoor wire cages. Ms. Schell advised Council that she has had no complaints about noise from her neighbors and the kennels are cleaned twice a day; there is a treadmill that the animals are trained on for twenty minutes a day. Ms. Schell advised that she also transports animals.

Opposition: None.

Mayor Pro-Tempore Riley Hunt asked Ms. Schell how many cats does she have? Ms. Schell advised one kitten. Council Member Riley Hunt asked how many dogs does she have? Ms. Schell advised nine dogs. Council Member Joe Kusar asked how long is the average stay of an animal? Ms. Schell advised that it varies depending on the need of the animal. Mayor Pro-Tempore Riley Hunt stated that the staff recommends we do not to approve, violation of City Code. Ms. Schell advised Council that she was not aware of violation of City Code, over the past seven years she has kept sometimes fifteen to thirty dogs for the Perry Animal Shelter as a foster home. Council Member Charles Lewis motioned to table until the next meeting. Council Member James Moore seconded the motion and it carried unanimously.

- 6b. Setting 2009 ad valorem tax maintenance and operations millage rate. City Manager Lee Gilmour advised Council that the City of Perry current millage rate is 13.01 mills. Council in their budgetary process indicated the millage rate would remain the same. This is how it was advertised. There was one slight adjustment, State law does provide if you have a decrease in your digest, the millage rate can be adjusted to compensate for that, in this case it was .02 mills. Council can levy a millage rate of 13.03 mills. However, Council position is to remain the same 13.01 mills and this has been advertised in accordance with Georgia law on Saturday, July 18, 2009.

Public Input: Mayor James Worrall called for any public input for this particular item.

In Favor: None

Opposition: None.

Public Hearing Adjourned at 6:25 p.m. Mayor James Worrall closed the public hearing at 6:25 p.m.

7. Consent Agenda Items: Mayor James Worrall.
- 7a. Council Consideration – Minutes of August 18, 2009 work session and regular meeting. Minutes of August 25, 2009 special work session. Council Member Phyllis Bynum-Grace motioned to approve. Council Member Willie King seconded the motion and it carried unanimously.
8. Old Business: None.
9. Any Other Old Business Matters: None.
10. New Business: Mayor James Worrall.
- 10a. Ordinances for First Reading and Introduction: City Manager Lee Gilmour.
1. **First Reading** of an Ordinance to amend the Perry Code by deleting Sec. 15-131(1) (*Permitted locations*) in its entirety and adding a new Sec. 15-131(1). (*No Action required by Council - First Reading only*).

10b. Alcohol License First Reading: City Manager Lee Gilmour.

1. **First Reading:** Application for BEER/WINE/MIXED DRINKS consumed on premises for alcohol license for Jalisco Grill located at 273 Perry Parkway, Ste. A. (Paradise Shopping Center). License will be in the name Antonio Macias Leon. *(No Action required by Council - First Reading only).*

10c. Approved application for a Manager Change on alcohol license for the Boarding House located at 922 Carroll Street. City Manager Lee Gilmour introduced an application for a Manager Change on alcohol license for the Boarding House from Marni Echols-Bell to Kristina Lynn Fowler. Council Member Charles Lewis moved to approve the Manager Change as presented in application. Council Member James Moore seconded the motion and it carried unanimously.

10d. Resolutions: City Manager Lee Gilmour

1. Adopted Resolution No. 2009-35 setting the 2009 ad valorem tax maintenance and operations millage rate (13.01 mills). City Manager Lee Gilmour recommended to Council to keep the millage rate where it is currently, 13.01 mills. Mayor Pro-Tempore Riley Hunt motion to keep the millage rate at 13.01 mills for the 2009 ad valorem tax maintenance and operations. Council Member Joe Kusar seconded the motion and it carried unanimously. *(Resolution 2009-35 has been entered in the City's official book of record).*
2. Adopted Resolution No. 2009-36 Amending the City of Perry Fee Schedule. City Manager Lee Gilmour presented for Council's consideration a resolution to amend the City of Perry fee schedule of the special downtown district that comprise of the 800-900 block of Carroll Street for those merchants/businesses who do not use a totter, Council established a charge to be paid to offset the cost of the dumpsters, the estimated cost was \$23.00 per month, a review of the FY 09 budget indicates that is short relative to the cost. City Manager Lee Gilmour recommendation to Council to increase to \$30.00 per month for the affected merchants/businesses. The second area Administration is recommending a change, the City Gate charge, based on the results from FY 09 and projections of FY 10 the .2568/ccf needs to be increased to .3313/ccf to cover the cost of the operations for the Gas Fund. Council Member Willie King motioned to pass the resolution to amend the City of Perry fee schedule. Council Member James Moore seconded the motion and it carried unanimously. Council Member Joe Kusar asked if the increased for the dumpsters is due to having to dump more often and City Manager Lee Gilmour advised yes. *(Resolution 2009-36 has been entered in the City's official book of record).*

Not on agenda: Council Member Charles Lewis advised City Manager Lee Gilmour that the site map for Jalisco Grill is not the correct map. City Manager Lee Gilmour advised he will have this corrected.

10e. Authorized wavier of permit fee for the Kiwanis/Fair parade to be held on October 10, 2009. City Manager Lee Gilmour presented for Council's consideration a request to waive the permit fee for the Kiwanis/Fair parade to be held on October 10, 2009. Mayor Pro-Tempore Riley Hunt motioned to authorize the waiver of the parade fees and the standard support. Council Member Joe Kusar seconded the motion and it carried unanimously.

Mayor Worrall thanked John Gray Walker and John Hulbert for they super job they do putting the parade together.

11. Other Business/Supplemental Agenda. City Manager Lee Gilmour.

11a. Approved appointment of Mr. Ed Beckham Jr. to Housing Authority of the City of Perry. Mayor Worrall advised Council that the City has received a request from the Housing Authority of the City of Perry recommending the appointment of Mr. Ed Beckham Jr. to the board of the Housing Authority of the City of Perry. Council Member Joe Kusar motioned to approve the recommendation of the appointment of Mr. Ed Beckham, Jr. to the board of Housing Authority of City of Perry. Council Member Willie King seconded the motion and it carried unanimously.

Not on agenda: City Manager Lee Gilmour advised Council that the WRATS Citizens Advisory Committee meeting time is coming up. After reviewing the candidates from the Planning Commission meeting, Administration is recommending Mr. Calvin Middlebrooks and Ms. Rosella Cooper be appointed to the WRATS Citizens Advisory Committee. Council Member Joe Kusar moved to approve the recommendation of Mr. Calvin Middlebrooks and Ms. Rosella Cooper to the WRATS Citizens Advisory Committee. Council Member Charles Lewis seconded the motion and it carried unanimously.

12. Department Head Items.

Director of Public Safety – George Potter: No.

Deputy Chief Joel Gray: No.

Director of Community Development – Mike Beecham: Sandbed Baptist Church finally pulled their permit today. The new church will be on Bear Branch Road. Mayor Worrall asked if the backyard is fenced on Lee Street. Mr. Beecham advised he believed it is fenced.

Director of Public Works – Ronnie Jones: No.

Director of Administration – Brenda King: No.

Mayor Worrall thanked Annie Warren for coordinating the retirement reception for Ms. Carol Fudge and Mr. Jim Moody on yesterday.

13. Council Member Items.

Attorney David Walker – No.

Council Member Willie King – No.

Council Member James Moore – No.

Mayor Pro-Tempore Riley Hunt – No.

Council Member Charles Lewis – No.

Council Member Joe Kusar – No.

13. Executive Session entered at 6:37 p.m.: Mayor Pro-Tempore Riley Hunt moved to adjourn regular meeting and enter into an Executive Session for the purpose of real estate and litigation. Council Member James Moore seconded the motion and it carried unanimously.
14. Executive Session adjourned; regular meeting reconvened. Council adjourned the Executive Session held September 1, 2009 and reconvened into the regular meeting.
15. Adopted Resolution No. 2009-37 stating purpose of Executive Session held September 1, 2009 was to discuss real estate and litigation. Council Member Joe Kusar moved to adopt a resolution stating the purpose of the Executive Session held on September 1, 2009 was to discuss real estate and litigation. Mayor Pro-Tempore Riley Hunt seconded the motion and it carried unanimously. (*Resolution 2009-37 has been entered in the City's official book of record*).
16. Adjournment: There being no further business to come before the Council in the reconvened meeting held September 1, 2009, Mayor Pro-Tempore Riley Hunt motioned to adjourn the meeting. Council Member Phyllis Bynum-Grace seconded the motion and it carried unanimously.