

**MINUTES**  
**REGULAR MEETING OF THE PERRY CITY COUNCIL**  
October 20, 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 October 20, 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, James Moore, Willie King and \*Phyllis Bynum-Grace.

\* Council Member Phyllis Bynum-Grace arrived at 6:02 p.m.

Elected Official Absent: None.

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

City Departmental Staffing: Brenda King – Director of Administration, Rick Kilgore – Director of Parks and Recreation, 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: None.

Press/Media: Ms. Charlotte Perkins – Houston Home Journal, Mr. Marlon Walker – Macon Telegraph and Ms. Kristen Berryhill – ComSouth.

3. Invocation and Pledge of Allegiance to the Flag: Mayor Pro-Tempore Riley Hunt gave the invocation and led the pledge of allegiance to the flag.

4. Citizens with Input. None.

5. PUBLIC HEARING CALLED TO ORDER AT 6:04 P.M.: Mayor James Worrall called to order a public hearing at 6:04 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).

5a./b. **Petition for Rezoning Application No. R-09-04**. City of Perry, applicant. Rezone and annex 6.76 acres from Houston County R-AG to GU (Government Use) for property located east of Langston Road. MP – 81-28 and 81-77. Mayor James Worrall presented a letter of recommendation from the Perry Planning Commission dated September 29, 2009 as follows:

*“Re: Petition for Rezoning Application No. R-09-04  
Applicant: City of Perry*

*Rezone 6.76 acres from Houston County R-AG to GU (Government Use)*

*Dear Mayor and Council:*

*On September 28, 2009, the Planning Commission reviewed the above referenced petition for rezoning submitted by the City of Perry.*

*This petition requests the rezoning and annexation of 6.76 acres located east of Langston Road.*

*The Perry Planning Commission respectfully submits this letter to Mayor and Council as our formal and favorable recommendation of approval for this petition request for the rezoning of 6.76 acres from Houston County R-AG to GU (Government Use).*

*Sincerely,*

*Martin Beeland, Chairman  
Perry Planning Commission”.*

Staff Report: Mike Beecham, Director of Community Development – advised everyone this is the proposed site for the second fire station. Mr. Beecham advised Council that per state law we had to notify the County of the annexation request and they have approved it. The Houston County Board of Commissioners approved it at their October 6, 2009 meeting. The Planning Commission recommends approval of the rezoning and annexation. Mr. Beecham shared with Council and the audience pictures of the property. Mayor Pro-Tempore Riley Hunt asked if it was pretty high ground. Mr. Beecham advised yes.

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

In Favor: None.

Opposition: None.

Public Hearing Adjourned at 6:06 p.m. Mayor James Worrall closed the public hearing at 6:06 p.m.

6. Consent Agenda Items: Mayor James Worrall.

6a. Council Consideration – Minutes of October 6, 2009 work session and regular meeting. Council Member Joe Kusar stated he would like item 5c on the work session to reflect his participation in the parade. The minutes will be amended to include Council Member Joe Kusar participation in the parade. Mayor Pro-Tempore Riley Hunt motioned to approve the minutes with the correction. Council Member Willie King seconded the motion and it carried unanimously.

7. Old Business: None.

7a. Ordinances for Second Reading/Consideration of Adoption: City Manager Lee Gilmour.

1. Revised ordinance of PLDO Section 106- Signs sent back to P&Z. City Manager Lee Gilmour reviewed with Council the recommended ordinance to make some corrections on the City sign ordinance affecting all districts in the City based on court action of the Georgia Supreme Court. The Planning Commission had a series of recommendations. The primary concern area is the authorization of signage in residential area beyond real estate signs and political signs. The second concern is billboards that have digital reading about the length of time recommended by the planning commission which is once every six hours on a change if that will be realistic. City Attorney John Walker advised Council that they have the option where they can take action on the recommendation or remand it for further clarification by the Planning Commission. City Attorney John Walker addressed questions that Council had. The question whether the City could place a time frame on residential signs. The short answer is no; if you did place a time frame you have to make an exception for real estate signs and political signs. If you start making exceptions, than you would be regulating sign content. The Supreme Court frowns on any content regulation. We concluded a blanket time limit is not recommended. The question about banning billboards in particular districts. A total ban on billboards in any district would not be prudent. The better approach would be to regulate based on size. Size limitation on billboards is a constitutional regulation. We recommend you refer to the Georgia Municipal Association guides in this regard. The other issue was video billboards. The question was does the term animated as defined in our current ordinance cover the new the video billboards that have come out. The definition of animated could be construed to cover video, light emitting diode (LED) billboards. Based on the information from the Georgia Municipal Association the City may want to clarify the definition of animated sign to be sure it included LED signs. The final issue was portable signs. You can prohibit the time use of portable signs. The Planning Commission wants to keep the current rule to allow portable signs for thirty (30) days provided thereafter they are removed for ninety (90) days, we found that to be constitutional. Council Member Joe Kusar asked Mr. Walker if Council can stated billboards are allowed in the interstate corridor and keep billboards by the interstate rather than stating where you cannot have billboards can we stated where you can have them. Mr. Walker advised if you are trying to say one thing but the effect you cannot have them in certain districts, you cannot do that. Billboard bans in certain districts have been upheld and in certain districts they have not been upheld. It would be looked at on a case by case basis. Mayor Pro-Tempore Riley Hunt motioned to send the sign ordinance back to P&Z. Council Member Joe Kusar seconded the motion and it carried unanimously.

8. Any Other Old Business Matters: None.

9. New Business: Mayor James Worrall.

9a. Ordinances for First Reading and Introduction: Presented by City Manager Lee Gilmour.

1. **First Reading** of an ordinance to rezone 6.76 acres, as submitted in Petition R-09-04 by the City of Perry – from Houston County R-AG to GU (Government Use) for property located east of Langston Road. *(No Action required by Council - First Reading only).*
2. **First Reading** of an ordinance to annex 6.76 acres, as submitted in Petition R-09-04 by the City of Perry – from Houston County R-AG to GU (Government Use) for property located east of Langston Road. *(No Action required by Council - First Reading only).*
- 9b. City Manager Lee Gilmour designated to serve on local government advisory board relative state-wide water management plan. City Manager Lee Gilmour reviewed with Council a request to assign a designee to serve on the local government advisory board relative state-wide water management plan. Mayor Pro-Tempore Riley Hunt asked who can be designated. City Manager Lee Gilmour advised Mayor, council persons and staff. Mayor Pro-Tempore asked if anyone would like to be on the board. Mayor Pro-Tempore Riley Hunt motioned to designate City Manager Lee Gilmour to serve on the local government advisory board relative state-wide water management plan. Council Member Phyllis Bynum-Grace seconded the motion and it carried unanimously.
- 9c. Council authorized increase in purchase order for Constantine Engineering for water withdrawal permit - \$10,000.00. City Manager Lee Gilmour reviewed with Council a request to increase the purchase order for Constantine Engineering for water withdrawal permit -\$10,000.00. Mayor Pro-Tempore Riley Hunt motioned to authorize the request to increase the purchase order for Constantine Engineering for water withdrawal permit - \$10,000.00. Council Member Phyllis Bynum-Grace seconded the motion and it carried unanimously.
- 9d. Council authorized blocking off Whipple Street and Rosewalden Street on October 24, 2009 beginning at 12 noon until 4 p.m. for a neighborhood/gospel block party. City Manager Lee Gilmour reviewed with Council a request to block off Whipple Street and Rosewalden Street on October 24, 2009 beginning at 12 noon until 4 p.m. for a neighborhood/gospel block party. Perry Chapel AME Church will be hosting the neighborhood/gospel block party. City Manager Lee Gilmour advised Council that the request has been reviewed by the public safety department and there are no issues. Council Member Joe Kusar motioned to authorize the blocking off Whipple Street and Rosewalden Street on October 24, 2009 beginning at 12 noon until 4 p.m. for a neighborhood/gospel block party. Council Member Phyllis Bynum-Grace seconded the motion and it carried unanimously.
10. Other Business/Supplemental Agenda. City Manager Lee Gilmour.
  - 10a. Deferred - Consideration of provision of resident assistance.
  - 10b. Adopted Resolution 2009-45 to accept certain infrastructure – streets – Ivy Glen Subdivision, Phase 1. City Manager Lee Gilmour presented for Council’s consideration a resolution to accept certain infrastructure – streets – Ivy Glen Subdivision, Phase 1.

Council Member Charles Lewis motioned to pass the resolution to accept certain infrastructure – streets – Ivy Glenn Subdivision, Phase 1. Council Member Joe Kusar seconded the motion and it carried unanimously. Mayor Pro-Tempore Riley Hunt asked Ronnie Jones, Director of Public Works if all the streets had been checked thoroughly. Mr. Jones advised yes. (*Resolution 2009-45 has been entered in the City's official book of record*).

11. Department Head Items.

Director of Public Safety – George Potter: We had a very safe fair. Absolutely no issues, or problems. Houston Lake Road is open from the parkway to Warner Robins. The speed limit has changed from 55 mph to 45 mph. DOT has designated the street as an urban street. We cannot write any citations for 30 days because the State has a rule you cannot write any citations for 30 days when the speed limit changes on a street. We clocked four cars this afternoon going over 75 mph.

Deputy Chief Joel Gray: All is good.

Director of Community Development – Mike Beecham: No.

Director of Public Works – Ronnie Jones: Meeting with the army corp of engineering on Thursday to go over the no Perry drainage basin.

Director of Administration – Brenda King: No.

Director of Parks and Recreation – Rick Kilgore: No.

12. Council Member Items.

Attorney John Walker – No.

Council Member Willie King – No.

Council Member James Moore – No.

Mayor Pro-Tempore Riley Hunt – I want to commend the Perry Police Department for the find job they did at the fair and commend the fair folks for a fine fair. We had ten thousand more people this year. We are proud of our city and proud of the fair.

Council Member Charles Lewis – No.

Council Member Joe Kusar – No.

Council Member Phyllis Bynum-Grace - I want to thank the Perry PD for helping find a lost child on Saturday night at the fair. Not only did they find him, they rode me around to look for him and I appreciate it.

13. Executive Session entered at 6:25 p.m.: Council Member Willie King moved to adjourn regular meeting and enter into an Executive Session for the purpose of litigation and personnel. Mayor Pro-Tempore Riley Hunt seconded the motion and it carried unanimously.
14. Executive Session adjourned; regular meeting reconvened. Council adjourned the Executive Session held October 20, 2009 and reconvened into the regular meeting.
15. Adopted Resolution No. 2009-46 stating purpose of Executive Session held October 20, 2009 was to discuss litigation and personnel. Council Member Joe Kusar moved to adopt a resolution stating the purpose of the Executive Session held on October 20, 2009 was to discuss litigation and personnel. Council Member James Moore seconded the motion and it carried unanimously. (*Resolution 2009-46 has been entered in the City's official book of record*).

Established a Storm Assistance Loan Program. Mayor Pro-Tempore Riley Hunt moved and Council Member Joe Kusar seconded to establish storm damage assistance loan program through the Hazard Mitigation Fund. Unanimously adopted.

Authorized City participation in Project Darren. Council Member Phyllis Bynum-Grace moved and seconded by Council Member Willie King to provide City assistance for project Darren for the Houston County Development Authority. Unanimously adopted.

16. Adjournment: There being no further business to come before the Council in the reconvened meeting held October 20, 2009 Council Member Charles Lewis motioned to adjourn the meeting. Council Member Phyllis Bynum-Grace seconded the motion and it carried unanimously.