

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
November 17, 2009
6:00 P.M.

1. Call to Order: Mayor Pro-Tempore Riley Hunt, Presiding Officer, called to order the regular meeting of the Perry City Council held November 17, 2009 at 6:00 p.m.

2. Roll.

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

Elected Official Absent: Mayor James Worrall.

Staff: City Manager Lee Gilmour and City Attorney David 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 Joni Ary - Recording Secretary.

Guests/Speakers: None.

Press/Media: Ms. Charlotte Perkins – Houston Home Journal and 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. Citizens with Input. None.

6. PUBLIC HEARING CALLED TO ORDER AT 6:01 P.M. Mayor Pro-Tempore Riley Hunt called to order a public hearing at 6:01 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 Application No. SE-09-03. Ms. Lora Ennis, applicant; the request to operate a private school for piano lessons in an R-3 District. The property is located at 1401 Swift Street. Note: Special Exception requires a Council decision. Mayor Pro-Tempore Riley Hunt presented a letter of recommendation from the Perry Planning Commission dated October 27, 2009 as follows:

“Re: *Petition for Special Application No. SE-09-03*
1401 Swift Street
MP# P20-1”

Dear Mayor and Council:

On October 26, 2009 the Perry Planning Commission reviewed the above referenced Petition for a rezoning request from Ms. Lora Ennis.

This petition requests a special exception to operate a private school for piano lesson in the R-3 – Multi 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..

Sincerely,

*Martin Beeland, Chairman
Perry Planning Commission”.*

Staff Report: Mike Beecham, Director of Community Development stated that the Planning Commission recommends approving the special exception application request.

Public Input: Mayor Pro-Tempore Riley Hunt called for any public input in favor or opposed to the request.

In Favor: Ms. Lora Ennis, applicant stated that at her old studio at 1019 Ball Street a bar was going in next door. After discovering the bar would be opening, Ms. Ennis decided to search for another location to run her piano lessons. She found the dwelling at 1401 Swift Street and purchased the property. She further stated that her intent is to have private piano lessons at 1401 Swift Street and reside elsewhere. Ms. Ennis stated that her business would be low impact to the surroundings and recommended approving the application.

Mr. Bo Simmons addressed Council and stated he was in favor of the request. Ms. Ennis teaches his daughter and felt there would be little, if any impact on traffic or the surrounding neighborhood.

Opposed: Mr. Mike Baker stated that he was not opposed to the business but felt it should be a home occupation. He is growing frustrated with repeated attempts to rezone the property along Swift Street.

Council Member Joe Kusar made the motion that the City adopt the recommendation from the Perry Planning Commission and approve the special exception request. Council Member Charles Lewis seconded the motion and it carried unanimously.

Public Hearing Adjourned at 6:15 p.m. Mayor Pro-Tempore Riley Hunt closed the public hearing at 6:15 p.m.

6. Consent Agenda Items: Mayor Pro-Tempore Riley Hunt.
 - 6a. Council Consideration – Minutes of November 3, 2009 work session and regular meeting. Council Member Willie King motioned to approve. Council Member James Moore seconded the motion and it carried unanimously.

7. Old Business: Mayor Pro-Tempore Riley Hunt.
8. Any Other Old Business Matters: None.
9. New Business: City Manager Lee Gilmour.
 - 9a. Council consideration of cancellation of December 15, 2009 work session and council meeting. City Manager Lee Gilmour presented for Council's consideration possible cancellation of December 15, 2009 work session and council meeting. Council Member Joe Kusar motioned to cancel the December 15, 2009 work session and council meeting. Council Member Willie King seconded the motion and it carried unanimously.
 - 9b. Resolution for consideration.
 1. Adopt Resolution 2009-49 – Approved local government resolution for emergency management. City Manager Lee Gilmour presented for Council's consideration a request to approve local government resolution for emergency management. Council Member Willie King moved to approve the local government resolution for emergency management. Council Member Phyllis Bynum-Grace seconded the motion and it carried unanimously. (*Resolution 2009-49 has been entered in the City's official book of record*).
10. Other Business/Supplemental Agenda. City Manager Lee Gilmour.
 - 10a. Consideration to proceed with agreement between City of Perry and Perry Area Historical Society. City Manager Lee Gilmour reviewed with Council the request to proceed with agreement between the City of Perry and the Perry Area Historical Society. City Manager Lee Gilmour stated that the proposal is for the Perry Area Historical Society to take over all operations of the building and pay \$1.00 per year for renting the old Warren house. The recommendation of the Administration is to authorize to proceed with draft agreement between City of Perry and Perry Area Historical Society with City attorney review of agreement. Council Member Joe Kusar motioned to authorize to proceed with draft agreement between City of Perry and Perry Historical Society with City attorney review of agreement. Council Member Willie King seconded the motion and it carried unanimously.
 - 10b. Release of financial security for Sutton Place Subdivision, Phase 1. City Manager Lee Gilmour reviewed with Council the request the release of financial security for Sutton Place Subdivision, Phase 1. City Manager Lee Gilmour stated that the emergency generator has been installed and approved by Public Works. Council Member Joe Kusar motioned to authorize the release of financial security for Sutton Place Subdivision, Phase 1. Council Member Phyllis Bynum-Grace seconded the motion and it carried unanimously.
 - 10c. Designation wetlands bank for the Ball Street Extension project. City Manager Lee Gilmour reviewed with Council the request to designate a wetland bank for

the Ball Street Extension project. The recommendation is to designate Wilkinson Oconee, LLC for the wetlands bank for the Ball Street Extension project. Council Member James Moore motioned to designate Wilkinson Oconee, LLC as the wetland bank for the Ball Street Extension project. Council Member Charles Lewis seconded the motion and it carried unanimously.

11. Council Member Items.

City Attorney David Walker: No.

Council Member Willie King – No.

Council Member James Moore – Asked about the businesses going in on Hwy 41 located at the old credit union building. Mr. Mike Beecham – Director of Community Development stated that the business has not submitted anything to his office and that the Downtown Development Authority would have to approve the request due to the location of the business.

Council Member Charles Lewis – No.

Council Member Joe Kusar – No

Council Member Phyllis Bynum-Grace: No.

Mayor Pro-Tempore Riley Hunt – No.

12. Department Head Items.

Director of Public Safety – George Potter: No.

Deputy Chief Joel Gray: No.

Director of Community Development – Mike Beecham: No.

Director of Public Works – Ronnie Jones: No.

Director of Administration – Brenda King: No.

Director of Parks & Recreation – Rick Kilgore: Stated that the 9 & 10 year old football players participated in the Optimist Bowl and won and the 9 & 10 year old All Star Team went to Jones County and won for the 3rd year in a row. Mr. Kilgore stated that the 16 year old youth soccer team won in Houston County and placed 2nd in the tournament in Atlanta.

13. Executive Session entered at 6:30 p.m.: Council Member Willie King moved to adjourn regular meeting and enter into an Executive Session for the purpose of real estate acquisition. Council Member James Moore seconded the motion and it carried unanimously.

14. Executive Session adjourned; regular meeting reconvened. Council adjourned the Executive Session held November 17, 2009 and reconvened into the regular meeting.

15. Adopted Resolution No. 2009-50 stating purpose of Executive Session held November 17, 2009 was to discuss real estate acquisition. Council Member James Moore moved to adopt a resolution stating the purpose of the Executive Session held on November 17, 2009 was to discuss real estate acquisition. Council Member Charles Lewis seconded the motion and it carried unanimously. (*Resolution 2009-50 has been entered in the City's official book of record*).

Approved to pursue real estate acquisition as discussed in executive session. Council Member Joe Kusar moved and Council Member Phyllis Bynum-Grace seconded to authorize to pursue real estate acquisition as discussed in executive session. Unanimously approved.

16. Adjournment: There being no further business to come before the Council in the reconvened meeting held November 17, 2009, Council Member Willie King motioned to adjourn the meeting. Council Member James Moore seconded the motion and it carried unanimously