

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
November 18, 2008
4:45 P.M.

1. Call to Order: Mayor Pro-Tempore Phyllis Bynum-Grace, Presiding Officer called to order the regular meeting held November 18, 2008 at 4:45 p.m.

2. Roll.

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

*Council Member Charles Lewis arrived at 4:50 p.m.

* Council Member Joe Kusar arrived at 4:47p.m.

*Council Member Willie King arrived at 5:10p.m.

Elected Official Absent: Mayor James Worrall.

Staff: City Manager Lee Gilmour. City Attorney David Walker. City Departmental Staffing: George Potter – Director of Public Safety, Deputy Fire Chief Joel Gray - Fire Department, Brenda King - Director of Administration, Rick Kilgore – Director of Parks and Recreation, Mike Beecham – Director of Community Development, Dianne Abney – Secretary Public Works Department and Joni Ary Recording Secretary.

Guests/Speakers: Larry Yockachonis - ESG Operations, Inc.

Press: Natasha Smith – Macon Telegraph and Charlotte Perkins – Houston Home Journal.

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

4. Presentation.

- G-Ramp Project. City Manager Lee Gilmour stated that the presentation has to be rescheduled.

Mayor Pro-Tempore Phyllis Bynum-Grace advised Council that the agenda order would be adjusted due to cancellation of presentation.

5. Citizens with Input.

- Council Member Joe Kusar stated that the City are receiving request to fund project and would like to know what boundaries the City have to use the Hotel/Motel tax. Council Member Joe Kusar would also like to notify the City's Boards, Authorities and

Commissions that the money requested for the FY'09 may not be the same as the money they receive. Council Member James Moore concurred.

- Mr. Kim Mullins requested the City change the Alcohol Sale Ordinance to allow for sale of alcohol on Thanksgiving Day. Mr. Mullins stated that Perry is the only City in the surrounding area that does not allow for alcohol sales on Thanksgiving Day. Council Member Joe Kusar motioned to have a 1st Reading of an Ordinance amend the Alcohol Sale Ordinance to be in line with State requirements. Council Member Charles Lewis seconded the motion and it carried unanimously. City Attorney David Walker advised Council that a second reading of the ordinance will have to be held and voted on before Thanksgiving.

7. Consent Agenda Items: Mayor Pro-Tempore Phyllis Bynum-Grace.

7a. Council Consideration –

1. Minutes of November 4, 2008 work session and regular meeting. Council Member Riley Hunt motioned to approve. Council Member Joe Kusar seconded the motion and it carried unanimously.

8. Old Business: Mayor Pro-Tempore Phyllis Bynum-Grace.

9. Any Other Old Business Matters: None.

10. New Business: Mayor Phyllis Bynum-Grace.

10a. Alcohol Licenses – Manager Change: (One reading/Council takes action).

1. Council approved application for Manager Change on beer only alcohol license for Fillers #24, for location at 101 Marshallville Road. Change name to Robert Colton Sexton. City Manager Lee Gilmour gave the reading of the application for Manager Change on beer only alcohol license for Fillers #24, for location at 101 Marshallville Road; name changed to Robert Colton Sexton. Council Member Riley Hunt motioned to approve the application request as submitted. Council Member Charles Lewis seconded the motion and it carried unanimously.

10c. Resolutions for Consideration. City Manager Lee Gilmour.

1. Resolution to amend the City of Perry Community Facilities Plan. City Manager Lee Gilmour requested that Council take no action and look at Perry Community Facilities Plan to update any items. All Council Members concurred to take no action.

10d. Approved City Employee Christmas Holiday Leave Friday, December 26 and New Year Holiday Leave Friday, January 2nd. City Manager Lee Gilmour advised Council that the Christmas Day and New Year Day fall on a Thursday. City Manager Lee Gilmour recommended to Council to authorize the Friday after Christmas and New

Year as full holidays. Council Member Riley Hunt motioned to accept the recommendation of the City Manager. Council Member James Moore seconded the motion and it carried unanimously.

10e. Authorized wavier of parade and procession fee for the community Christmas Parade to be held on Saturday, December 6, 2008. City Manager Lee Gilmour presented for Council's consideration a request to waive the parade and procession fee for the community Christmas Parade to be held on Saturday, December 6, 2008. Council Member Riley Hunt motioned to authorize the waiver of the parade and procession fee. Council Member Joe Kusar seconded the motion and it carried unanimously.

10f. Authorized wavier of parade and procession fee for the 3rd Annual Downtown Perry Jingle Jog 5K Run/Walk to be held on Saturday, December 6, 2008. City Manager Lee Gilmour presented for Council's consideration a request to waive the parade and procession fee for the 3rd Annual Downtown Perry Jingle Jog 5K Run/Walk to be held on Saturday, December 6, 2008 from 5:00p.m. to 6:30p.m. Council Member Riley Hunt motioned to authorize the waiver of the parade and procession fee. Council Member James Moore seconded the motion and it carried unanimously.

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

1. Authorized calling of two Letters of Credit for New Haven Subdivision Phase 1. City Manager Lee Gilmour presented for Council's consideration a request calling two Letters of Credit for New Haven Subdivision. Council Member Joe Kusar motioned to authorize the calling of two Letters of Credit for New Haven Subdivision Phase 1. Council Member Riley Hunt seconded the motion and it carried unanimously.

2. Approved the Christmas gift certificate's to employees. City Manager Lee Gilmour presented for Council's consideration a request to approve a \$25.00 Christmas gift certificates to employees. Council Member Joe Kusar motioned to approve the \$25.00 Christmas gift certificate to employees. Council Member Riley Hunt seconded the motion and it carried unanimously.

3. Award of work to Pyles Plumbing for the collapsed sewer line between Ball Street and Charles Avenue. Public Works Oversight Chairman Riley Hunt presented for Council's consideration a request to award to work Pyles Plumbing for the collapsed sewer line between Ball Street and Charles Avenue. Mr. Larry Yockachonis, ESG Operations, Inc stated that bids were sent out to three vendors and only received two quotes back. Pyles Plumbing came in with the lowest bid of \$24,080. City Manager Lee Gilmour stated that Council could award the bid to Pyles Plumbing or to the City if the City can do the work at a lower price. Council Member Riley Hunt motioned to award work to Pyles Plumbing for the collapsed sewer line between Ball Street and Charles Avenue. Council Member Joe Kusar seconded the motioned and it carried unanimously.

4. Approved unanimously the recommendation of the Public Safety Oversight Committee (from their meeting held November 17, 2008). Chairman of Public Safety Oversight Committee James Moore.

1. Approved to accept conceptional plans for evidence room addition for the Public Safety building. Council Member James Moore made the motion to accept the recommendation of the Committee. Council Member Riley Hunt seconded the motion and it carried unanimously.
2. Authorized proceeding with construction of a portion of the adoption wing of the animal control facility. City Manager Lee Gilmour advised Council that there were two major conditions from the Committee relative to approval – 1. All plans and construction coordinate with overall concept. 2. Costs covered by grant funds and/or private donations. Council Member James Moore made the motion to accept the recommendation of the Committee. Council Member Joe Kusar seconded the motion and it carried unanimously.

13. Department Reports.

George Potter, Director of Public Safety – None.

Deputy Chief Joel Gray, Fire Department – None.

Michael Beecham, Director of Community Development – None.

Brenda King, Director of Administration – None.

Rick Kilgore, Director of Parks and Recreation – On November 18th the Perry Stallions won the Optimus Bowl and are going to compete in the Georgia Bowl. Also the 9 and 10 year old Panthers won the Jones County tournament on November 15th and will be going to the Eastman Dodge County Tournament.

12. Council Committee Reports.

Council Member James Moore – Asked why the utility bills are upside down in the mailing envelopes. Ms. Brenda King, Director of Administration stated that the reason the utility bills are upside down is because of the utility bill stuffer. Utilities currently have to use reverse flap envelopes to mail out utility bills.

Council Member Willie King – No.

Council Member Riley Hunt – No.

Council Member Joe Kusar – Stated that the Administrative and Finance Oversight Committee Meeting will meet on November 20th.

Council Member Charles Lewis – No.

Mayor Pro-Tempore Phyllis Bynum-Grace – Passed out memo from Mayor James Worrall with reminders of upcoming events for Council.

City Manager Lee Gilmour – Passed out the draft utility bill as per requested by Council. The revised utility bill will have usage comparison for water and gas for prior months and 12 month period. With the revised utility bill customers could be given a pin number so in the future if the City goes to online billing, that pin number will allow customers to log into their account. The revised utility bill will also have a bar graph comparison for water only over a 12 month period. City Manager Lee Gilmour stated that on the revised utility bill will have information for customers of frequently asked questions i.e. water restrictions and trash pickup. Ms. Brenda King, Director of Administration stated that if the revised utility bill is approved utilities will no longer need to use reverse flap envelopes. City Manager Lee Gilmour recommendation if Council concurs would be to proceed with the revised utility bill. All Council members concurred to proceed.

Mr. Kim Mullins – Asked when the Hampton Court Extension will be completed. City Manager Lee Gilmour stated that the Hampton Court Extension will be going to bid in late spring and will have a nine month construction time.

- **Mayor Pro-Tempore Phyllis Bynum-Grace stated that the Public Hearing can not start until 6:00 p.m. Council took 15 minute break at 5:45 p.m. and reconvened at 6:00 p.m.**

6. PUBLIC HEARING CALLED TO ORDER AT 6:00 P.M. Mayor Pro-Tempore Phyllis Bynum-Grace called to order of a public hearing at 6:00 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 Rezoning application No R-08-012. – Sandbed Baptist Church – Eugene Mitchell, applicant, Rezone and Annex 25.44 acres, from Houston County R-AG, Residential Agricultural District to City of Perry R-AG, Residential Agricultural District, for property located at 441 Bear Branch Road (MP-18-38). Mayor Pro-Tempore Phyllis Bynum-Grace presented a letter of recommendation from the Perry Planning Commission dated October 28, 2008, as follows:

*“Re: Petition for Rezoning Application No. R-08-012
Sandbed Baptist Church – Eugene Mitchell, applicant
Rezone and Annex 25.44 acres
From Houston County R-AG, Residential Agricultural District
to City of Perry, Residential Agricultural District
441 Bear Branch Road
MP – 18-38*

Dear Mayor and Council:

On October 27, 2008, the Perry Planning Commission reviewed the above referenced Petition for Rezoning submitted by Sandbed Baptist Church – Eugene Mitchell, applicant. This petition requests to rezone & annex 25.44 acres from Houston County R-AG, Residential Agricultural District to City of Perry R-AG, Residential Agricultural District for property located at 441 Bear Branch Road.

The Perry Planning Commission respectfully submits this letter the Mayor and City Council as our formal recommendation of approval for this petition request for R-AG rezoning for annexation.

Sincerely,

Martin Beeland, Chairman

Perry Planning Commission”.

Staff Report: Mr. Mike Beecham, Director of Community Development stated that the Perry Planning Commission recommendation is for approval for this petition.

Public Input: Mayor Pro-Tempore Phyllis Bynum-Grace called for any public input for or opposed to the amendment.

Council Member Joe Kusar asked what the Church plans on selling or developing the land not used by the Church.

In Favor: Pastor Floyd Clarington, Sandbed Baptist Church, stated that the property will strictly be used by the Church and have no plans to sell or develop the unused portion of land.

Opposition: None.

- 6b. Petition for Special Exception Application No. SE-08-003. Ilica Lester, the request is to operate a community transportation and pick-up service at a residential business in an R-2 District. The property is located at 411 Martin Luther King, Jr. Drive. MP – P26-119. Mayor Pro-Tempore Phyllis Bynum-Grace presented a letter of recommendation from the Perry Planning Commission dated October 28, 2008, as follows:

*“Re: Petition for Special Exception Application No. SE-08-003
Ilica Lester
411 Martin Luther King, Jr. Drive
MP – P26-119*

Dear Mayor and Council:

On October 27, 2008 Perry Planning Commission review the above referenced Application for Special Exception submitted by Ilica Lester, applicant. The request is to operate a community transportation and pick-up service as a residential business in an R-2 District. The property is located at 411 Martin Luther King, Jr. Drive.

The Perry Planning Commission respectfully submits this letter as our formal recommendation to the Mayor and City Council of approval for this special exception request with the following conditions 1) allow only one vehicle to operate the residential business;; 2) allow only one driver; and 3) allow only one (1) two (2) square foot hanging or wall sign.

Sincerely,

*Martin Beeland, Chairman
Perry Planning Commission”.*

Staff Report: Mike Beecham, Director of Community Development stated that the Planning Commission recommended approval for the petition with the following conditions 1) allow only one vehicle to operate the residential business; 2) allow only one driver; and 3) allow only one (1) two (2) foot hanging or wall sign.

Public Input: Mayor Pro-Tempore Phyllis Bynum-Grace called for any public input for this particular item.

In Favor: Ms. Ilica Lester, applicant, asked if in case of an emergency if she could use a sub driver for the business. City Manager Lee Gilmour stated that the City can not regulate how many drivers a business has but can regulate how many vehicles are used for the business. Mike Beecham, Director of Community Development stated that Ms. Ilica Lester can have personnel vehicles at the location of the business but personnel vehicles can not be used as a business vehicle. Ms. Ilica Lester asked if instead of using a wall sign if she could use a banner. Mike Beecham, Director of Community Development stated that banners are prohibited.

Opposition: None.

Mayor Pro-Tempore Phyllis Bynum-Grace: Advised the Council that since this is a special exception request it requires a Council decision at this time. Council Member Joe Kusar motioned to approve the Petition for Special Exception Application No. SE-08-003 with elimination of condition two (2). Council Member Willie King seconded the motion and it carried unanimously.

- 6c. Petition for Special Exception Application No. SE-08-004. Carden H. Summers – Prime Locations, Inc., applicant; Clarence Little, owner; the request is to allow the relocation of an outdoor advertising sign approximately 100 feet. The property is located at 523 General Courtney Hodges Blvd. MP – P36-15C. Mayor Pro-Tempore Phyllis Bynum-Grace presented a letter of denial from the Perry Planning Commission dated October 28, 2008, as follows:

*“Re: Petition for Special Exception Application No. SE-08-004
Carden H. Summers – Prime Locations, Inc., applicant; Clarence Little, owner
523 General Courtney Hodges Blvd.
MP – P36-15C*

Dear Mayor and Council:

On October 27, 2008 Perry Planning Commission review the above referenced Application for Special Exception submitted by Carden H. Summers – Prime Locations, Inc., applicant; Clarence Little, owner. The request is to allow the relocation of an outdoor advertising sign approximately 100 feet. The property is located at 523 General Courtney Hodges Boulevard.

The Perry Planning Commission respectfully submits this letter as our formal recommendation to the Mayor and City Council of denial for this special exception request.

Sincerely,

*Martin Beeland, Chairman
Perry Planning Commission”.*

Staff Report: Mike Beecham, Director of Community Development stated that the Planning Commission recommended denial for this request.

Public Input: Mayor Pro-Tempore Phyllis Bynum-Grace called for any public input for this particular item.

In Favor: Mr. Carden Summers – Prime Locations, Inc., applicant, stated that the request is to move the sign 100 feet. The request is to move the billboard sign from Utilities Services Inc. onto Mr. Clarence Little property. Mr. Clarence Little stated that by moving the sign 100 feet would not change the overall appearance of General Courtney Hodges Blvd. Mr. Walter Wood asked Council to give consideration for the request.

Opposition: Council Member Joe Kusar stated that he is opposed to having the billboard sign moved. Mr. Davis Cosey, DDA stated that DDA has passed a sign ordinance that would prohibit billboard signs. General Courtney Hodges Boulevard is not currently part of the DDA area, but DDA is looking to expand.

Mayor Pro-Tempore Phyllis Bynum-Grace: Advised the Council that since this is a special exception request it requires a Council decision at this time. Council Member Joe Kusar motioned to approve the recommendation of the Planning Commission to deny the Petition for Special Exception Application No. SE-08-004. Council Member James Moore seconded the motion for discussion. Council Member James Moore stated that since the billboard sign will be moving away from town, he has no problem with billboard sign being moved as long as the City Ordinance allows it. Council Member Riley Hunt asked how many years the contract is for the property where the billboard sign is located. Mr. Carden Summers stated that the contract is for approximately 40 more years. Mayor Pro-Tempore Phyllis Bynum-Grace called for a vote to approve the recommendation from the Planning Commission to deny the Petition. Council Member Joe Kusar voted to approve recommendation to deny the Petition. Council Members: Willie King, Riley Hunt, James Moore and Charles Lewis voted against motion. Mayor Pro-Tempore Phyllis Bynum-Grace asked Council what they wanted to do. Council Member Riley Hunt motioned to approve the Petition for Special Exception Application No. SE-08-004. Council Member James Moore seconded the motion and it carried 4 to 1. Council Member Joe Kusar opposed.

- 6d. Petition for Special Exception Application No. SE-08-005. Danielle & Ed Bodony, applicant; Edward & Katherine Blount, owner; the request is to allow a residential business for a photography studio in an R-3 District. The property is located at 1207 Swift Street. MP – P2-66. Mayor Pro-Tempore Phyllis Bynum-Grace presented a letter of recommendation from the Perry Planning Commission dated October 28, 2008, as follows:

*“Re: Petition for Special Exception Application No. SE-08-005
Danielle & Ed Bodony, applicant; Edward & Katherine Blount, owner
1207 Swift Street
MP – P2-66*

Dear Mayor and Council:

On October 27, 2008 Perry Planning Commission review the above referenced Application for Special Exception submitted by Danielle & Ed Bodony, applicant; Edward & Katherine Blount, owner. The

request is to allow a residential business for a photography studio in an R-3 District. The property is located at 1207 Swift Street.

The Perry Planning Commission respectfully submits this letter as our formal recommendation to the Mayor and City Council of approval for this special exception request with the following conditions 1) paved parking requirement is waived; 2) parking is limited to the backyard; and 3) allow only one (1) business sign not larger than two (2) square feet hanging or wall sign.

Sincerely,

*Martin Beeland, Chairman
Perry Planning Commission”.*

Staff Report: Mike Beecham, Director of Community Development advised the Council that the Planning Commission recommended approval with the following conditions 1) paved parking requirement is waived; 2) parking is limited to the backyard; and 3) business sign not larger than two (2) square feet hanging or wall sign.

Public Input: Mayor Pro-Tempore Phyllis Bynum-Grace called for any public input for this particular item.

Council Member Riley Hunt asked what a hanging or wall sign was. Mike Beecham, Director of Community Development stated that the hanging or wall sign is basically a plaque.

In Favor: Ms. Danielle Bodony, applicant, stated that due to the economy she has to down size the business and work out of the residence. Council Member Riley Hunt asked how many customer vehicles will be parked at the residence at any given time. Ms. Danielle Bodony stated that she will only have one customer at a time at the residence. Council Member Riley Hunt asked if Ms. Bodony had written permission from the property owners Edward & Katherine Blount to run a residential business. Mike Beecham, Director of Community Development stated that Ms. Danielle Bodony has written permission from the property owners to run a residential business.

Opposition: Ms. Melissa Baker, 1306 Swift Street, stated that she is opposed to request due to applicant not living at the residence on Swift Street or in the City of Perry. Ms. Baker asked if the applicant had to live at the residence at the time of the Special Exception request. Mike Beecham, Director of Community Development stated that the applicant must live at the residence at the time of the Special Exception requests due to a business license being issued.

Council Member Riley Hunt asked Ms. Danielle Bodony if she lived at residence. Ms. Danielle Bodony stated that she did indeed live at the residence.

Mayor Pro-Tempore Phyllis Bynum-Grace: Advised the Council that since this is a special exception request it requires a Council decision at this time. Council Member Joe Kusar motioned to approve the Petition for Special Exception Application No. SE-08-005. Council Member James Moore seconded the motion and it carried unanimously. Council Member Joe Kusar stated that the Special Exception can be rescinded if the applicant does not live at the residence.

- 6e. Perry Redevelopment Plan. City Manager Lee Gilmour presented for Council's consideration the City of Perry Redevelopment Plan. The Plan would allow business regardless of size to apply for the maximum tax credit from the State. Mr. Chan Loyson, Regional Development Center, reviewed with Council the opportunity zones that have been identified based on the housing assessment that was completed. City Manager Lee Gilmour stated that attached is a resolution to adopt the Perry Redevelopment Plan. If adopted the plan would allow businesses after state approval to apply for tax credits for new employees.

Public Hearing Adjourned at 6:40 p.m. Mayor Pro-Tempore Phyllis Bynum-Grace closed the public hearing at 6:40 p.m.

1. Adoption of Resolution No. 2008-56 City of Perry Urban Development Plan. City Manager Lee Gilmour presented for Council's consideration a Resolution adopt the City of Perry Urban Redevelopment Plan. Council Member Riley Hunt moved to adopt the Resolution for the City of Perry Urban Development Plan. Council Member Joe Kusar seconded the motion and it carried unanimously. (*Resolution 2008-56 has been entered in the City's official book of record.*)

- 10b. Ordinances for First Reading and Introduction: Presented by City Manager Lee Gilmour.

1. **First Reading** of an ordinance to rezone 25.44 acres, as submitted in Petition R-08-012 by Sandbed Baptist Church – Eugene Mitchell, applicant, from Houston County R-AG, Residential Agricultural District to City of Perry R-AG, Residential Agricultural District; for property located at 441 Bear Branch Road. (*No action required by Council*).
2. **First Reading** of an ordinance to annex 25.44 acres, as submitted in Petition R-08-012 by Sandbed Baptist Church – Eugene Mitchell, applicant; from Houston County R-AG, Residential Agricultural District to City of Perry R-AG, Residential Agricultural District; for property located at 441 Bear Branch Road. (*No action required by Council*).
3. **First Reading** of an ordinance to amend the Perry Code by deleting Section 19-6 (c) (3) in its entirety and adding a new Section 19-6 (c) (3). (*No action required by Council*).

14. Adjournment: There being no further business to come before Council in the meeting held November 18, 2008, the meeting was adjourned at 6:50 p.m.