

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
December 01, 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 December 01, 2009 at 6:00 p.m.

2. Roll.

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

Elected Official Absent: Council Member James Moore.

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

City Departmental Staffing: Brenda King – Director of Administration, Rick Kilgore – Director of Parks and Recreation, Ronnie Jones – Director of Public Works, George Potter – Director of Public Safety, Deputy Chief Joel Gray – Fire Department, Steve Howard – Chief Building Inspector Community Development and Joni Ary - Recording Secretary.

Guests/Speakers: Jim Kizer – Constantine Engineering.

Press/Media: Ms. Charlotte Perkins – Houston Home Journal.

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.

Mr. Walton Wood stated that he wanted to thank Mayor and Council for their service and the excellent customer service that they have received over the years from Mayor, Council and the City employees.

Ms. Tiesha Norwood stated that she had an issue with the City's policy change dealing with the reconnection of services after they have been turned off for nonpayment. Ms. Norwood stated that customers should have been notified by a letter or a notice on the utility bill. Ms. Norwood stated that the policy change states that your services will not be cut back on after the City's normal business hours and that services will be reconnected on the following business day. Ms. Norwood stated that the policy change was posted in the newspaper and online, but stated that most customers do not receive the newspaper or have access to the internet.

5. Presentations: Director of Parks and Recreation Rick Kilgore from Georgia Harris Executive Management Institute. Council Member Willie King presented to Director of Parks and

Recreation Rick Kilgore an award from the Georgia Harris Executive Management Institute for completion of training. Mr. Kilgore was nominated by his peers to attend the training.

6. PUBLIC HEARING CALLED TO ORDER AT 6:18 P.M. Mayor James Worrall called to order a public hearing at 6:18 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. Amendment to Perry Land Development Ordinance – Section 106 Signs.

Mayor James Worrall presented a letter of recommendation from the Perry Planning Commission dated November 12, 2009 as follows:

*“Re: Amendment to Perry Land Development Ordinance
Section 106 Signs*

Dear Mayor and Council:

On October 26, 2009 the Perry Planning Commission reviewed the above referenced amendment to the Perry Land Development Ordinance rewriting the regulations governing signage.

The Perry Planning Commission respectfully submits this letter to Mayor and City Council as our formal and favorable recommendation to the Mayor and City Council for the approval of the changes to Section 106 of the Perry Land Development Ordinance.

Sincerely,

*Martin Beeland, Chairman
Perry Planning Commission”.*

Public Input: Mayor James Worrall called for any public input in favor or opposed to the request.

City Manager Lee Gilmour stated that suggestions to Council are to take out the section about signs in residential neighborhoods and that display signs with crawler messages the time limit is recommend to be taken out of the ordinance also.

City Attorney John Walker stated that the City’s current sign ordinance is not in compliance with the law and the amended sign ordinance is in compliance.

In Favor: None.

Opposed: Ms. Annie Haynes stated that the speed for the message board signs should be looked at and that she likes the current sign ordinance and the new proposed sign ordinance should be taken back to the drawing board.

6b. Amendment to Perry Land Development Ordinance – Section 117 – Animals in a Residential District.

Mayor James Worrall presented a letter of recommendation from the Perry Planning Commission dated November 12, 2009 as follows:

*“Re: Amendment to Perry Land Development Ordinance
Section 117 – Animals in a Residential District*

Dear Mayor and Council:

On October 26, 2009 the Perry Planning Commission reviewed the above referenced amendment to the Perry Land Development Ordinance rewriting the regulations governing the number of animals allowed in a residential district.

The Perry Planning Commission respectfully submits this letter to Mayor and City Council as our formal and favorable recommendation to the Mayor and City Council for the approval of the change to Section 117 of the Perry Land Development Ordinance.

Sincerely,

*Martin Beeland, Chairman
Perry Planning Commission”.*

Staff Report: Steve Howard, Chief Building Inspector of Community Development stated that the Planning Commission recommends approving the amendment is relative to bringing the City’s to match the Municipal code ordinance.

Public Input: Mayor James Worrall called for any public input in favor or opposed to the request.

In Favor: None.

Opposed: None.

6c. Amendment to Perry Land Development Ordinance – Article XV – Soil Erosion and Sedimentation Control.

Mayor James Worrall presented a letter of recommendation from the Perry Planning Commission dated November 12, 2009 as follows:

*“Re: Amendment to Perry Land Development Ordinance
Article XV – Soil Erosion and Sedimentation Control*

Dear Mayor and Council:

On October 26, 2009 the Perry Planning Commission reviewed the above referenced amendment to the Perry Land Development Ordinance rewriting the regulations governing soil erosion and sedimentation control procedures, which reflect the changes in state law.

The Perry Planning Commission respectfully submits this letter to Mayor and City Council as our formal and favorable recommendation to the Mayor and City Council for the approval of the change to Article XV of the Perry Land Development Ordinance.

Sincerely,

*Martin Beeland, Chairman
Perry Planning Commission”.*

Staff Report: Steve Howard, Chief Building Inspector of Community Development stated that the Planning Commission recommends approving the amendment request. Mr. Howard stated that this amendment is mandated by EPD to update our ordinance to be in compliance with the State.

Public Input: Mayor James Worrall called for any public input in favor or opposed to the request.

In Favor: None.

Opposed: None.

Public Hearing Adjourned at 6:35 p.m. Mayor James Worrall closed the public hearing at 6:35 p.m.

7. Consent Agenda Items: Mayor James Worrall.

7a. Council Consideration – Minutes of November 17, 2009 work session and regular meeting. Council Member Joe Kusar asked that in the work session minutes of November 17, 2009 be amended to reflect his comment about the economic forecast and how slow the recovery is projected to be in 2010. Council Member Phyllis Bynum-Grace motioned to approve with the amendment to the work session minutes. Council Member Willie King seconded the motion and it carried unanimously.

8. Old Business: Mayor James Worrall.

8a. Ordinance for Second Reading and Introduction: City Manager Lee Gilmour.

1. Ordinance to amend the FY 09 Operating Budget. City Manager Lee Gilmour gave the second reading of the ordinance to amend the FY 09 Operating Budget. Council Member Willie King moved to adopt the ordinance. The motion died due to lack of a second.

9. Any Other Old Business Matters: None.

10. New Business: City Manager Lee Gilmour.

10a. Alcoholic License Applications. City Manager Lee Gilmour.

1. Approved 2010 Alcohol License Renewals for the City of Perry. City Manager Lee Gilmour presented for Council's consideration the request to approve the 2010 Alcohol License renewals for the City of Perry. Mayor Pro-Tempore Riley Hunt motioned to approve the 2010 Alcohol License renewals for the City of Perry. Council Member Willie King seconded the motion and it carried unanimously.

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

1. **Approved:** Application for Beer and Wine Packaged-To-Go Alcohol License for Om Food Mart # 4 located at 1429 Sam Nunn Blvd. in the name of Brijeshbhai A. Patel. Name change will be on 2010 License.

City Manager Lee Gilmour stated that since City Council will not be meeting again until next year, recommend Council approve the application. Mayor Pro-Tempore Riley Hunt motioned to approve the application for Beer and Wine Packaged-To-Go for Om Food Mart # 4 located at 1429 Sam Nunn Blvd in the name of Brijeshbhai A. Patel. Council Member Willie King seconded the motion and it carried unanimously.

2. **Approved:** Application for Beer and Wine Packaged-To-Go Alcohol License for Wal-Mart Stores #2733 located at 1009 St. Patrick's Drive. Name change to Valand Catissa Shipp. Name change will be on 2010 License.

City Manager Lee Gilmour stated that since City Council will not be meeting again until next year, recommend Council approve the application. Mayor Pro-Tempore Riley Hunt motioned to approve the application for Beer and Wine Packaged-To-Go for Wal-Mart #2733 located at 1009 St. Patrick's Drive in the name of Valand Catisa Shipp. Council Member Willie King seconded the motion and it carried unanimously.

10c. **Ordinances for First Reading and Introduction:** City Manager Lee Gilmour.

1. **First Reading** of an ordinance to amend the Perry Land Development Ordinance Section 106 Signs. *(No action required by Council).*
2. **First Reading** of an ordinance to amend the Perry Land Development Ordinance Section 117 – Animals in a Residential District. *(No action required by Council).*
3. **First Reading** of an ordinance to amend the Perry Land Development Ordinance Article XV – Soil Erosion and Sediment Control. *(No action required by Council).*

10d. **Approved to adjust Christmas and New Year holidays.** City Manager Lee Gilmour presented for Council's consideration possible adjustment to the Christmas and New Years holidays to allow a full day off on Christmas Eve and New Years Eve. Council Member Willie King motioned to adjust the City of Perry Christmas and New Years holidays to allow a full day off on Christmas Eve and New Years Eve. Council Member Phyllis Bynum-Grace seconded the motion. Motion carried 4 to 1; Council Member Joe Kusar opposed.

10e. **Discuss options for repair of City dump truck.** City Manager Lee Gilmour asked Mr. Ronnie Jones – Director of Public Work to review with Council the options for repairs of the City dump truck. Mr. Jones reviewed with Council the options for repair of the City dump truck. The options are (1.) replace engine by Lemley's Garage - cost \$ 10,796.95. (2.) Mr. Allen Sinyard replace blown engine with a good used engine with

30 day warranty – cost \$ 4,000. (3.) Mr. Allen Sinyard replace blown engine with a good engine with 30 day warranty in exchange for the surplus equipment that has been abandoned for over five years at the old landfill for the scrap value. Mr. Jones stated that the walker beams and tire replacement would also have to done to the dump truck – cost \$5,096. Council asked Mr. Jones to bring more information about the used engine and on the surplus items before Council votes.

10f. Awarded Saunders Engineering Consultants, Inc engineering services for Big Indian Creek Walking Trail Phase 2, Part 1. City Manager Lee Gilmour presented for Council’s consideration the award of engineering services for Big Indian Creek Walking Trail Phase 2, Part 1. The recommendation is to award Saunders Engineering Consultants, Inc for the engineering services for Big Indian Creek Walking Trail Phase 2, Part 1. Mayor Pro-Tempore Riley Hunt motioned to award Saunders Engineering Consultants, Inc with the engineering services for Big Indian Creek Walking Trail Phase 2, Part 1. Council Member Charles Lewis seconded the motion and it carried unanimously.

10g. Approved unanimously recommendations of the Public Works Oversight Committee from their meeting held on November 30, 2009. Chairman of Public Works Oversight Committee Riley Hunt.

1. Authorized proceeding with preparation for manhole rehabilitation, sewer main lining and customer sewer connection repairs in Tucker Road area.

Mr. Jim Kizer – Constantine Engineering gave Council a brief overview of the findings and recommendations for providing relief for the Perry Branch sewer main.

Mayor Pro-Tempore Riley Hunt made the motion to accept the recommendation of the Committee. Council Member Willie King seconded the motion and it carried unanimously.

2. Authorized Constantine Engineering to conduct capacity study for Parkway Pump Station.

Mayor Pro-Tempore Riley Hunt made the motion to accept the recommendation of the Committee. Council Member Willie King seconded the motion and it carried unanimously.

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

11a. Waiver of review fee and land disturbance fee for the Georgia Ag Center storm project. City Manager Lee Gilmour reviewed with Council the request to waive the review fee and land disturbance fee for the Georgia Ag Center storm water project. Council Member Joe Kusar motioned to authorize the waiver of review fee and land disturbance fee for the Georgia Ag Center storm water project.

Mayor Pro-Tempore Riley Hunt seconded the motion and it carried unanimously.

- 11b. Deferred City's participation in G-Ramp project. City Manager Lee Gilmour reviewed with Council the request to authorize of the City's participation in the G-Ramp project. Council Member Joe Kusar motioned to defer this item to the next City Council meeting. Council Member Willie King seconded the motion and it carried unanimously.

Not on Agenda – Mayor James Worrall presented Ms. Charlotte Perkins with a proclamation of appreciation for all the work she has done. Mayor James Worrall presented Council Member Phyllis Bynum-Grace with a proclamation of appreciation for all of the hard work she has done with the City.

12. Council Member Items.

City Attorney David Walker: No.

Council Member Willie King – Wanted to say that he appreciated and that has been a pleasure working with Council and Mayor Worrall.

Mayor Pro-Tempore Riley Hunt – No.

Council Member Charles Lewis – Stated that it has been a pleasure.

Council Member Joe Kusar – Stated that is has been a wonderful experience and honor and it will not be the same with Mayor Worrall.

Council Member Phyllis Bynum-Grace: Stated that she appreciates the Mayor and all that he has done for the City.

13. Department Head Items.

Director of Public Safety – George Potter: No.

Deputy Chief Joel Gray: No.

Director of Public Works – Ronnie Jones: No.

Chief Building Inspector Community Development – Steve Howard: No.

Director of Parks & Recreation – Rick Kilgore: Stated that the boys basketball team went to Bibb County for Nationals they did not win, but played two games on Friday and Saturday night and had to win four games on Sunday, they only won two games.

Not on Agenda – Mayor James Worrall presented Mayor Elect Jimmy Faircloth, Council Elects Joe Posey, William Jackson and Randall Walker with City of Perry hats.

14. Executive Session entered at 7:15 p.m.: Council Member Willie King moved to adjourn regular meeting and enter into an Executive Session for the purpose of pending litigation. Council Member Phyllis Bynum-Grace seconded the motion and it carried unanimously.
15. Executive Session adjourned; regular meeting reconvened. Council adjourned the Executive Session held December 1, 2009 and reconvened into the regular meeting.
16. Adopted Resolution No. 2009-51 stating purpose of Executive Session held December 1, 2009 was to discuss pending litigation. Council Member Joe Kusar moved to adopt a resolution stating the purpose of the Executive Session held on December 1, 2009 was to discuss pending litigation. Mayor Pro-Tempore Riley Hunt seconded the motion and it carried unanimously. (*Resolution 2009-51 has been entered in the City's official book of record*).
17. Adjournment: There being no further business to come before the Council in the reconvened meeting held December 1, 2009, Council Member Willie King motioned to adjourn the meeting. Council Member Charles Lewis seconded the motion and it carried unanimously.