

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
MARCH 6, 2007
6:05 P.M.

1. Call to Order: Mayor James Worrall, Presiding Officer called to order the regular meeting of the Perry City Council held March 6, 2007 at 6:05 p.m.

2. Roll:

Elected Officials Present: Mayor James Worrall. Mayor Pro-Tempore Joe Kusar. City Council Members: Brian Bowen, Phyllis Bynum-Grace, Bobby Glover and James Moore.

Elected Officials Absent: Council Member Riley Hunt.

Staff Representatives: City Manager Lee Gilmour. City Attorney John G. Walker. Staff: Directors Brenda King - Finance, George Potter - Public Safety, Ricky Kilgore - Recreation/Park and Steve Howard - Community Development. Deputy Fire Chief Joel Gray. Recording Secretary Laura Loewen (Laura Loewen left meeting 6:50 p.m.)

Guests/Press: Representatives from the Houston-County Airport Authority: Billy Jerles, Vice-Chairperson and David Morgan, Secretary/Treasure. Public speakers: Ms. Colleen McGhee - Public Hearing Speaker. Ms. Ann Willis-King-Willis-Toomer. Unidentified female speaker (Johnnie?) regarding airport discussions and an unidentified male speaker regarding airport discussions. Mr. John Shell regarding code enforcement issue. Press: Ms. Natasha Smith - Macon Telegraph and Ms. Charlotte Perkins - Houston 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. Special Guests/Recognitions:

4a. Mr. Billy Jerles, Vice-Chairman/David Morgan, Secretary-Treasurer of the Perry-Houston County Airport Authority - Gave Council an Update on Airport Authority: Representatives of the Perry-Houston County Airport Authority shared with the Mayor and Council and those in attendance the activities of the Airport. Vice Chairman Billy Jerles advised the Authority's goal is for the Airport to become a first class executive airport. Mr. Jerles stated that while they will be spending a great deal of money in these projects, the Airport Authority is not seeking any substantial or significant increase in funding from the City, other than what the Council has already committed to the Airport's budget allocation. Mr. Jerles noted the use of grant funding, FFA and DOT funding are vessels for meeting the financial costs for the improvements. Council was provided a packet of information summarizing the goals of the Airport Authority and ongoing improvements. Mr. Jerles added that the Airport is currently seeking to employ an Airport Manager and there is also information provided detailing the type of

individual they are seeking (job description). Mr. David Morgan provided a very informative presentation of the Airport.

5. Citizens with Business:

Mr. John Shell - issues relative to commercial vehicles in residential neighborhoods ordinance violations: Mr. Shell came before Council speaking he stated to a matter as a spokesperson for the commercial vehicle drivers in the community. Mr. Shell advised he had been cited for violating the City's ordinance pertaining to the parking of commercial vehicles and violating the time frame for parking his commercial vehicle at a residence in Perry. Mr. Shell reviewed a series of encounters involving his vehicle. He stated that following the first citation he parked the vehicle in a commercial abandoned lot and was then "run off" from that location too. After being told that he had to move from that site, he brought the tractor portion of the vehicle to his residence (trailer at another location), but a neighbor still had issue and he was warned by the Code Enforcement Officer again. Mr. Shell advised he then parked his entire vehicle/trailer at a residence in Byron and the truck was stolen from this location (later recovered). Mr. Shell asked for clarification regarding the three day parking at residence allowance, and asked that the City, in spirit of compromise, change the ordinance to read 10 wheels or greater instead of the language 8 wheels or greater. Council Member James Moore made a statement of clarification to the Manager and other members of Council as to the purpose of the ordinance that it was the intent of the language to be (3) three consecutive days only? The Manager advised that was correct in the understanding of the provisions of the ordinance. Mr. Shell thanked the Council for the clarification of that wording.

No other public input given at this portion of the Agenda.

6. PUBLIC HEARING - DISCLOSURE NOTICE AND CALL TO ORDER: Mayor James Worrall called to order a public hearing at and read aloud a disclosure notice to those persons addressing the Perry City Council in the Public Hearing forum:

“Any person who wishes to speak for or in opposition to the proposed rezoning application and/or special exception application is advised that, if within the past two years you have made any campaign contribution totaling \$250.00 or more to any local government official considering this application for rezoning/special exception, you must have filed a written disclosure of that campaign contribution in accordance with O.C.G.A. Sec. 36-67A-3 at least five (5) days prior to this hearing. Any person who fails to comply with this disclosure requirement shall be guilty of a misdemeanor as provided by O.C.G.A. Sec. 36-67A-4”.

6a. Petition for Rezoning Application No. R-007-002: Mayor James Worrall introduced for the public a letter of recommendation from the Perry Planning Commission dated February 13, 2007 regarding Petition R-007-002 as follows:

"Re: Petition for Rezoning Application No. R-007-002
 Colleen McGhee
 Rezone - 0.17 Acres from City of Perry R2 to City of Perry OC
 1519 Houston Lake Road
 MP P 20 -79

Dear Mayor and Council:

On February 12, 2007 Perry Planning Commission reviewed the above referenced Petition for Rezoning from Colleen McGhee. This request is to rezone 0.17 acres from City of Perry R2, Two-Family Residential District to City of Perry OC, Office Commercial District for property located at 1519 Houston Lake Road.

The Perry Planning Commission respectfully submits this letter as our formal and favorable recommendation of approval to Mayor and City Council for the OC rezoning with the condition of the removal of the accessory building.

Sincerely,
Martin Beeland, Chairman
Perry Planning Commission."

Staff Review: Mr. Steve Howard, Building Official reviewed the request for a change to OC, Office Commercial District for her property at 1519 Houston Lake Road, as requested by Petitioner. Mr. Howard advised there are limited uses in that zoning, no retail sales, other uses in the OC zoning require special exception process. Mr. Howard reviewed the transitioning of Houston Lake Road recently and there was no further staff input.

Public Input for or against the petition:

In favor:

Ms. Colleen McGhee, Petitioner advised that she had sought to have the property rezoned to be able to have an office building at the location.

Opposed:

Ms. Ann Catherine Willis-King-Hill-Toomer read aloud a statement regarding the neighborhood where the petitioner requests the rezoning, referencing its history and the negative impact the changing transition to commercial use, if approved, would have on the neighborhood and families that reside there. Ms. Tommer stated that if the City did not stop the rezoning, it will bring about a change in the neighborhood's makeup outlined by Ms. Tommer as follows: 1) citizens would lose their land and homes to outside developers; 2) rezoning would cause residents to be displaced or moved from single dwelling homes that are fully paid for to low-income housing and apartment living that is probably not affordable for them; raising of taxes so high that many in the area would probably lose property because of the cost for taxes; 3) rezoning allows the City to undergo high way construction that would change the single-lane road that presently cuts through the neighborhood to a four lane highway that would cause the citizens to lose their homes and make the highway unsafe for the children crossing to go to school; 4) rezoning would allow the City to destroy one of the two well established historic relevant black neighborhoods in the City. Ms. Toomer advised that she felt the City should seek, if it wishes to support the Oldfield S/D (Oakdale Subdivision listed on plat for petitioner) more positive alternative means for development in the area that enhances, rather than to destroy the neighborhood. Ms. Toomer stated the citizens in the neighborhood have made a great contribution to the local and international communities. Ms. Toomer,

reviewed her own families history in the community. Community/neighborhood suggested improvements: Ms. Toomer advised that many of her former classmates are teachers, that have touched many children's lives, as well as military personnel, noted writer, ministers, activists, Council Members, etc. Ms. Toomer asked that those persons who support the pride of the neighborhood stand up and support the area against obvious destruction of our community. Ms. Toomer added concerning improvements in the lending and construction of affordable homes and improved schools. Ms. Toomer reviewed goals for meeting these improvements.

Ms. Colleen McGhee - Ms. McGhee spoke again and stated "those where not my intentions, to destroy Oldfield and I don't want anyone to get bad vibes from that, but I was only trying to get an office building, and if its gonna cause any kind of confusion I can..(trailed off) .. I am threw with it."

Mayor Pro-Tempore Joe Kusar: Mayor Pro-Tempore Kusar inquired of Ms. McGhee how long she had owned the property? Ms. McGhee advised five or six years.

Public Hearing Adjourned: Mayor James Worrall, receiving no further public input, adjourned the hearing held March 6, 2007 at 6:45 p.m.

7. Consent Agenda Items:

7a. Council approved the meeting minutes of the February 20, 2007 regular meeting: Council Member James Moore moved to approve the meeting minutes. Mayor Pro-Tempore Joe Kusar seconded the motion and it carried unanimously.

8. Old Business:

8a. Ordinances for Second Reading/Consideration of Adoption: Presented by City Manager

1. Adopted Ordinance No. 2007-09 with additional amendments (see detail) of an ordinance to amend the PLDO - #A-057-1206 Tree Preservation and Replacement Ordinance: City Manager Lee Gilmour gave a second reading of an ordinance to amend the PLDO Tree Preservation and Replacement Ordinance. The City Manager reviewed the text change and recommended the Council consider the Tree Preservation and Replacement Ordinance with an additional amendment which was touched upon at the public hearing that would remove the utility service providers from having to obtain a permit. Council Member James Moore moved to approve the amendment as recommended by the City Manager. Mayor Pro-Tempore Joe Kusar moved to add an additional amendment that would exempt private property owners (to be clarified) of getting a permit to remove pine trees from their yards. Council Member Phyllis Bynum-Grace inquired if this were for just pines or all trees? Mr. Kusar stated he was referring to pine trees. Council Member Phyllis Bynum-Grace advised that a tree in her neighbor's yard had caused damage and was not a

pine. Council Member James Moore moved to amend the motion to include, along with the staff recommended amendment, Mr. Kusar's amendment. Mayor Pro-Tempore Joe Kusar seconded the motion. Council Members Brian Bowen, Bobby Glover, Joe Kusar and James Moore voted in favor of the motion that included both amendments added. Council Member Phyllis Bynum-Grace opposed the motion. The motion carried with four in favor and one opposed. (Ordinance No. 2007-09 has been placed in the City's official book of record.)

2. Adopted Ordinance No. 2007-10 of an ordinance to amend the PLDO - #A-058-1206 Section 81.7 - LC, Limited Commercial District: City Manager Lee Gilmour gave the second reading of an ordinance to amend the PLDO Section 81.7, this matter comes before the Council, from the Perry Planning Commission, per the Council's request to have another classification of a commercial district that is more restrictive than a standard C2. Mayor Pro-Tempore Joe Kusar moved to approve the adoption. Council Member James Moore seconded the motion and it carried unanimously. (Ordinance No. 2007-10 has been placed in the City's official book of record.)
3. Adopted Ordinance No. 2007-11 to amend the PLDO - # A-059-0107 Section 127 - Recording of Final Plat: City Manager Lee Gilmour gave the second reading of an ordinance to amend the PLDO Section 127. The Manager advised this is coming to the Council from the Perry Planning Commission to establish a time frame for a developer to get a subdivision plat recorded, and if not recorded in that time frame, that the City can record to have done so in a timely manner. Mayor Pro-Tempore Joe Kusar moved to approve the ordinance. Council Member Phyllis Bynum-Grace seconded the motion and it carried unanimously. (Ordinance No. 2007-11 has been placed in the City's official book of record.)
4. Adopted Ordinance No. 2007-12 to amend the salary for Mayor and Council: City Manager Lee Gilmour gave the second reading of an ordinance to amend the salary of the Mayor and Council. The Manager advised the advertising has been held and the staff recommendation is to adopt the ordinance. Council Member Bobby Glover moved to approve the ordinance. Council Member Phyllis Bynum-Grace seconded the motion. Council Member James Moore reiterated his former opposition to what has been presented stating he is in agreement with the requested increase for the Mayor, but is opposed to the Council's salary increase of \$200.00, which he stated "is a little too much". Mayor Worrall called for a vote to the matter. Council Members Bobby Glover, Brian Bowen and Ms. Phyllis Bynum-Grace voted in favor of the motion by Council Member Glover to approve the ordinance. Mayor Pro-Tempore Joe Kusar and Council Member James Moore were opposed to the motion. The motion carried with a vote of three in favor and two opposed. (Ordinance No. 2007-12 has been placed in the City's official book for record.)

8b. Alcohol License/Second Readings: Presented by City Manager

1. Approved an application for beer and wine packaged to go Alcohol License: City Manager Lee Gilmour gave the second reading of an application for beer and wine packaged to go Alcohol License for Chevron Filler's #28 at 2390 Houston Lake Road in the name of Henry Edward Chapman, Jr. The Manager advised the recommendation of the administration is for the application to proceed. Council Member Bobby Glover moved to approve. Mayor Pro-Tempore Joe Kusar seconded the motion and it carried unanimously.

9. New Business:

9a. Ordinances for First Reading and Introduction: (No action required - for introduction only) Mr. Lee Gilmour, Presenter:

1. First Reading given of an ordinance to amend the official zoning map: City Manager Lee Gilmour presented for a first reading an ordinance to amend the official zoning map of the City of Perry to reflect a rezoning of 0.17 acre located at 1519 Houston Lake Road from City of Perry R2 to City of Perry OC, Office Commercial District. Request submitted by owner Colleen McGhee in petition R-007-002. (First reading only/no action required by the Council). City Manager Lee Gilmour inquired of Ms. McGhee the petitioner if she wished to withdraw or proceed forward with the petition? Ms. McGhee responded to the questions "she wished to pursue."

9b. Award of Bids: Consideration of Award -

1. Awarded Rydings Pump Station at New Middle School on Sandefur Road to Pyles Plumbing and Utility Contractors: The Manager presented Bid No. 2007-02 as follows:

Vendor Name	Bid:
Pyles Plumbing and Utility Contractors	\$ 201,500.00
Sam Hall & Son	\$ 233,950.00
Shockley Plumbing	\$ 308,000.00

Department Recommendation: Accept bid from Pyles Plumbing and Utility Contractors in the amount of \$201,500.00. The Manager advised it will be paid from the SPLOST 06 monies. Mayor Pro-Tempore Joe Kusar moved the City accept the lowest bid. Council Member Brian Bowen seconded the motion and it carried unanimously.

2. Awarded bid for 2007 Ford F-150 4X4 Supercrew for use by GBI - to Wayne Morris Ford: City Manager Lee Gilmour presented Bid No. 2007-07 for the purchase of a 2007 Ford F-150 4X4 as follows.

Vendor Name	Bid:
Wayne Morris Ford	\$ 23,424.63
Carl Gregory Dodge	\$ 23,817.45
Allen Vigil Ford	\$ 23,917.00
Hamby Automotive Group	No response
Jeff Smith Dodge	No response

The Manager advised the staff recommendation is to award to the low bidder Wayne Morris Ford in the amount of \$23,424.63. The Manager reviewed that the recommendation from Public Safety is to award the bid and pay for from the City's Confiscated Assets Funds (aka forfeited funds) and transfer title over to the Georgia Bureau of Investigation for their assistance. Council Member James Moore moved to approve. Council Member Phyllis Bynum-Grace seconded the motion and it carried unanimously.

3. Awarded Bid No. 2007-8 2007 Dodge Durango to the sole bidder Carl Gregory Dodge: City Manager Lee Gilmour presented Bid No. 2007-08 for the purchase of a 2007 Dodge Durango for use by GBI as follows:

Vendor	Bid:
Carl Gregory Dodge	\$ 23,542.00
Allen Vigil Ford	No Bid
Wayne Morris Ford	No Bid
Hamby Automotive Group	No response
Jeff Smith Dodge	No response

The Manager advised the staff recommendation is to award the bid to Carl Gregory Dodge. Council Member James Moore moved to approve. Council Member Bobby Glover seconded the motion and it carried unanimously.

- 9c. Manager Change - Alcohol License (**Requires one reading only**): City Manager Lee Gilmour. Deferred due to Manager not being present.

1. Application for Manager Change at Applebee's deferred: City Manager Lee Gilmour advised that the recommendation is for the Council to hold up on the consideration of the Application for Manager Change until the person requesting change, Mr. Kaplan is present at meeting per the City's policy for Manager Change requests. The application for an Alcohol License for Restaurant Concepts, d/b/a Applebee's, located at 100 Valley

Drive. Change name to Michael I. Kaplan, contingent upon approval by the State was not read. The Council concurred with the matter being deferred.

- 9d. Council denied request for installation of a septic tank in new subdivision: Steve Howard, Director of Community Development gave a brief explanation of the request from DR Horton America's Builder for the City to allow permission for the installation a septic system at a model home in the Ivy Glen Subdivision. Mr. Howard advised the developer is experiencing a long delay in the development of the subdivision and while the developer stated the County would allow them a septic tank, his recommendation is that the City does not approve the installation of a septic tank in that there will be sanitary sewer available in the subdivision. Mayor Pro-Tempore Joe Kusar inquired if there is sanitary sewer in there now? Mr. Howard advised the problem is they are having difficulty getting the design of their lift station approved, causing delays in getting the subdivision completed; and they are not being issued a certificate of occupancy by the City's Department of Community Development. Mayor Pro-Tempore Joe Kusar moved that the City accept the recommendation of Mr. Howard denying the request for an installation of a septic tank. Council Member Phyllis Bynum-Grace seconded the motion and it carried unanimously.
- 9e. Approved Task Order Form - #31 - Lemley's and Hwy 41 N Pump Station Upgrades - authorization to execute: The Manager advised the City needs to have an upgrade on the Macon Road sewer line and there is a proposal from the City's Engineer, Integrated Science and Engineering for an estimated cost of \$41,235.00. The Manager advised the recommendation is to approve Task Order #31 for the upgrade on the Macon Road sewer line. Council Member Phyllis Bynum-Grace moved to approve as recommended. Mayor Pro-Tempore Joe Kusar seconded the motion and it carried unanimously.
- 9f. Removed this item - to be presented at the March 20, 2007 meeting: Consideration of proposed guidelines for parade permit waivers: City Manager Lee Gilmour. (Removed - to come back before Council at the next meeting of Council).
- 9g. Approved request from Troop 96 Pack 419 for the City to waive the fee for use of Rozar Park Pavilion on March 31, 2007 afternoon usage for an activity day: Mayor Pro Tempore Joe Kusar moved to waive the fee for the use of the troop as requested. Council Member Brian Bowen seconded the motion and it carried unanimously.
- 9h. Advertising in Family Motor Coach Rally - Special Edition in the Houston Daily Journal: Mayor James Worrall presented for the Council's consideration and formal vote, participation in the Houston Journal special edition for the Family Motor Coach Rally. Council Member James Moore moved to approve the City's participation. Mayor Pro-Tempore Joe Kusar seconded the motion and it carried unanimously.

9i. Resolutions for consideration: Introduced by City Manager Lee Gilmour

1. Adopted Resolution No. 2007-11: City Manager Lee Gilmour requested Council's consideration and authorization to execute a Resolution adopting the Joint Solid Waste Management Plan for Houston County and the Cities of Centerville, Perry and Warner Robins. The Manager advised this is done in conjunction with the County and other municipalities and the staff recommends approval of this document adopting the plan. Council Member James Moore moved to approve. Council Member Bobby Glover seconded the motion and it carried unanimously. (Resolution No. 2007-11 has been placed in the City's official book of record.)

10. Other business: None at this time.

11. Council Committee Reports:

Mayor James Worrall: Welcomed new reporter with the Macon Telegraph Natasha Smith.

Council Member Bobby Glover: Stated he had some discussion matter, but wished to defer to the next Council meeting.

Council Member James Moore: Requested an update on the traffic light on Perimeter Road. Mayor Worrall advised it was his understanding there had been some delays due to DOT and it was now to be in September. Council Member Moore inquired if this were a cause of a DOT change? Mayor Worrall advised he was not sure if this were the sole reason, but they did request the change on Park Avenue and North Avenue in the water flow and there was work to be done and resurfacing and the proceed forth with the original project for the light. Council Member Moore inquired if the City is in agreement with these changes? The Manager advised that inasmuch as this is a DOT road, the City doesn't have a lot of choice in the matter, and they (DOT) make the determination of what has to be done, and if the City doesn't abide by it, they remove the permit. The Manager advised the design changes have been done and they are back on schedule.

Mayor Pro-Tempore Joe Kusar: Requested an update on the manhole rehab and infiltration. Mayor Pro-Tempore Kusar advised there were problems on Canterbury again after the last rain and asked for a status on that project? The Manager advised the engineering has been completed, the process has been approved, a revised listing has been sent for the first bid for the manhole repairs and the engineer is preparing the documents to go out to bid. The Manager advised on the Canterbury Road problem is to be addressed by a new larger line, to be funded by the revenue bond funding, to be included /tied in with the wastewater plant expansion project. Mayor Pro-Tempore inquired if the engineering work has been done for this for the sewer line improvement? The Manager advised that ISE has been given the approval to proceed, which they are doing.

Council Member Phyllis Bynum-Grace: Council Member Phyllis Bynum-Grace asked for an update on the problem with the lines and repairs on Creekwood Drive in front of

Ms. Simons house and in the area? The Manager advised that his understanding was that the problem on Creekwood Drive was grease in the sewer line and they cleaned out the line and have had a camera image done and are in process of making the repairs to that line.

12. Department Reports.

Ms. Brenda King, Director of Administration: Ms. King reminded the Council she has their financial disclosure forms in their boxes/gave them the date for returning the forms. Those planning to run for re-election, will not be due until 15 days after qualifying.

Mr. Rick Kilgore, Director of Parks and Recreation: Mr. Kilgore thanked the Mayor and Council for allowing Alton Ellis to be promoted to the Recreation Program Supervisor position and also the hire of Mr. James Wheeler to the Recreation Supervisor position, as well - transferring in from the base and doing an outstanding job. Events: March madness tournament in basketball, kickoff March 8 - 10th, 2007 and the Archery program went to the State again, two female athletes finished 1st and three males finished first also. The 2006/2007 basketball program had three champions in three division, 13-14 boys, 11-12 girls and 15-17 senior boys all won a championship. Mayor James Worrall thanked Mr. Kilgore for his assistance in the Hospital's Senior Spring Fling event at the Rozar Park facility.

Mr. Steve Howard: No report.

Mr. George Potter, Director of Public Safety regarding safety/code violations and criminal activity report at N-Styles Bar: Director of Public Safety recommended the Council revoke a business license for an establishment in Perry due to evidence of license violations. Mr. Potter advised that the license issued to N-Styles Bar is strictly to sell alcohol by the drink (beer) and proceeded to share with the Council a detailed power point presentation of the violations. Mr. Potter advised that since its opening the Department of Public Safety has had 26 calls for service (attached report details some of the incidents). Citations have been issued to the owners. Mr. Potter added that Deputy Fire Chief Joel Gray found so many safety code violations, it would pose a safety threat to patrons and had the building closed for these reasons and the power shut off (violations such as: building occupancy exceeded, space heater in a commercial establishment, floor slab unfinished, exposed extension cords and insulation.) Mayor Pro-Tempore Joe Kusar moved to accept the staff recommendation to revoke the license for N-Styles Bar @ 304 Kellwood Drive. Council Member James Moore seconded the motion. Council Member James Moore advised that since the time the City has issued an alcohol license, no matter the proprietor, there has been issues. Mayor Worrall called for a vote to the motion and it carried unanimously.

13. Executive Session called to order at 7:40 p.m. Not listed on the meeting Agenda: Council Member James Moore moved to enter into an Executive Session for the purpose of discussing a personnel issue, pending litigation and also, a real estate matter. Mayor Pro Tempore Joe Kusar seconded the motion and it carried unanimously.

14. Council re-enters regular meeting/adopts Resolution No. 2007-12 stating the purpose of Executive Session: Council re-convened its regular meeting and adopted a Resolution No. 2007-12 stating the purpose for the Executive session was to discuss a personnel matter, a pending litigation and a real estate matter. (*Resolution 2007-12 has been entered in the City's official book of record*).

15. Council

Adjourn.