

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
April 15, 2008
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 April 15, 2008 at 6:00 p.m.

2. Roll.

Elected Officials Present: Mayor James Worrall, Presiding Officer. Council Members Joe Kusar, Willie King, James Moore, and Riley Hunt

Elected Officials Absent: Mayor Pro-Tempore Phyllis Bynum-Grace, Council Member Brian Bowen

Staff: City Manager Lee Gilmour. City Attorney David Walker. City Departmental Staffing: Brenda King - Director of Administration, Ronnie Jones - Director of Public Works, Deputy Fire Chief Joel Gray - Fire Department, Rick Kilgore – Director of Parks and Recreation, Captain Bill Phelps – Police Department, Barbara Crisler – Planning Technician, Dianne Abney – Secretary Public Works Department, Harold Deal – Assistant City Engineer, Jim Moody, Purchasing Agent, and Joni Ary - Recording Secretary.

Guests/Speakers: None.

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

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

4. Special Announcement: Mayor James Worrall announced that Council Member Brian Bowen has submitted his resignation as Council Member to Post 1- District 3 effective tonight. It is with a great deal of regret that Council accepts Council Member Brian Bowen's resignation.

5. Special Presentation: Ms. Catherine Ann Willis-King-Toomer from the Old Field Foundation, Inc. presented a presentation on the Revitalization 2007 requesting a petition for the Heritage Status of six (6) Indigenous Districts: The Old Field Community, The Hill Top Community, The New Hope Community, The Creek Wood Community, The Sand Hill Community, and The Five Points Community. Ms. Catherine Ann Willis-King-Toomer requested for City Council to vote on making the six communities Heritage Status to protect the communities from demolition. Mayor James Worrall stated that he would like the City Attorney to review all the information that was presented. City Manager Lee Gilmour asked that Ms. Catherine Ann Willis-King-Toomer put together information that she would like to present to Council to consider to bring before the General Assembly for review.

6. Citizens with Input. None.

7. PUBLIC HEARING CALLED TO ORDER AT 6:48 P.M.: Mayor James Worrall called to order of a public hearing at 6:48 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).

7a. **Petition for Rezoning Application No. R-08-004.** Mr. Gary Estvanko – De-Annex 1.857 acres from City of Perry R1, Single Family Residential to Houston County R1, Single-Family Residential District – 109 Hill Road.

*“Re: Petition for Rezoning Application No. R-08-004
Mr. Gary Estvanko
De-Annex 1.857 acres from
City of Perry R1, Single-Family Residential District
to Houston County R1, Single Family Residential District
109 Hill Road
MP – P48 - 43*

Dear Mayor and Council:

On March 24, 2008 Perry Planning Commission reviewed the above referenced Petition De-Annex submitted by owner, Gary A. Estvanko.

This petition requests the de-annexation of 1.857 acres from the City of Perry R1, Single-Family Residential District to Houston County R1, Single-Family Residential District located at 109 Hill Road.

The Perry Planning Commission respectfully submits this letter as our formal recommendation of denial to Mayor and City Council for de-annexing property located at 109 Hill Road.

Sincerely,

*Martin Beeland, Chairman
Perry Planning Commission”.*

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

In Favor: Mr. Gary Estvanko stated that the request for de-annexation is due to wanting to have a foster home at the residence with up to eight (8) people. Foster homes are not allowed in the district where the home is located.

Opposition: Ms. Marsha Christie – Stated that the residence would become a business not a home for family; Mr. Estvanko is asking to rezone a house to make it a business.

Mr. Draper Watson - Stated he is against Mr. Estvanko turning a residence into a business, when all the surrounding residences are family homes.

- 7b. **Petition for Rezoning Application No. R-08-005.** Mr. William Davis, applicant, Mr. Walker Andrew, owner. Rezone 2.93 acres City of Perry R1, Single-Family Residential District to City of Perry OC, Office Commercial – Perry Parkway.

*“Re: Petition for Rezoning Application No. R-08-005
Mr. William Davis, applicant; Walker Andrew, owner
Rezone 2.93 acres
City of Perry R1, Single-Family Residential District
to City of Perry OC, Office Commercial
Perry Parkway
MP – P41A -154*

Dear Mayor and Council:

On March 24, 2008 Perry Planning Commission reviewed the above referenced Petition for Rezoning from William Davis, applicant; and Walker Andrew, owner.

This petition requests the rezoning of 2.93 acres from the City of Perry R1, Single-Family Residential District to City of Perry OC, Office Commercial for property located off Perry Parkway.

The Perry Planning Commission respectfully submits this letter as our formal and favorable recommendation of approval for this petition request for OC zoning.

Sincerely,

*Martin Beeland, Chairman
Perry Planning Commission”.*

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

In Favor: Mr. William Davis stated that he has out grown his office space at his present location and purchased the property on Perry Parkway to relocate his business.

Mr. Kim Mullins stated that he was in favor of the rezoning request.

Opposition: None.

Public Hearing Adjourned at 7:05 p.m. Mayor James Worrall closed the public hearing at 7:05 p.m.

8. **Consent Agenda Items:** Mayor James Worrall.

8a. Council Consideration –

The Minutes of the April 01, 2008 work session and regular meeting. Council Member Riley Hunt motioned to approve. Council Member James Moore seconded the motion and it carried unanimously.

9. Old Business:

9a. Ordinance for Second Reading/Consideration of Adoption.

1. Adoption of Ordinance 2008-06. City Manager Lee Gilmour gave the second reading of an ordinance to amend the City of Perry zoning map to reflect a change in zoning for 22.931 acres located between Gray Road and Keith Drive as submitted in Petition R-08-002 by Mr. Andrew T. McKenzie. Council Member Joe Kusar motioned to approve the ordinance with the condition that a second entrance be provided for the development, and a preserve an undisturbed 20 foot buffer abutting any existing residential property. Council Member Willie King seconded the motion and it carried unanimously. (*Ordinance 2008-06 has been entered in the City's official book of record.*)

10. Any Other Old Business Matters: None.

11. New Business:

11a. Ordinance for First Reading and Introduction: Presented by City Manager Lee Gilmour.

1. **First Reading** of an ordinance to de-annex 1.857 acres located on Hill Road, as submitted in Petition R-08-004 by Mr. Gary Estvanko from City of Perry R1, Single-Family Residential to Houston County R1, Single-Family Residential District. (*No action required by Council.*)
2. **First Reading** of an ordinance to rezone 2.93 acres located on Perry Parkway, as submitted in Petition R-08-005 by Mr. William Davis, applicant; Mr. Walker Andrew, owner from City of Perry R1, Single-Family Residential District to City of Perry OC, Office Commercial. (*No action required by Council.*)

11b. Authorize release of the letter of credit for Danny Carpenter Drive to Three Kings Company, Inc. City Manager Lee Gilmour reviewed with Council the release of the letter of credit for Danny Carpenter Drive to Three Kings Company, Inc. Council Member James Moore motioned to approve the release of the letter of credit for Danny Carpenter Drive. Council Member Willie King seconded the motion and it carried unanimously.

11c. Authorize release of the letter of credit for Pebble Creek Subdivision Phase I. City Manager Lee Gilmour reviewed with Council the release of the letter of credit for Pebble Creek Subdivision Phase I. Council Member Riley Hunt motioned to approve the release of the letter of credit for Pebble Creek Subdivision Phase I. Council Member Willie King seconded the motion and it carried unanimously.

11d. Resolution for consideration. City Manager Lee Gilmour.

1. Adoption of Resolution No. 2008-16 authorizing City to accept certain subdivisions for public maintenance. City Manager Lee Gilmour presented for Council’s consideration a Resolution authorizing the City to accept public maintenance of Alpine Valley Section 2. Council Member Riley Hunt motioned to adopt the Resolution authorizing City to accept public maintenance of Alpine Valley subdivision, Section 2. Council Member Willie King seconded the motion and it carried unanimously. (*Resolution 2008-16 has been entered in the City's official book of record.*)

11e. Authorize request for waiver of fee from the Perry High School for the 5K Run/Walk bicycle ride on May 3, 2008 at 8:00 a.m. City Manager Lee Gilmour presented for Council’s consideration a request for waiver of fee from the Perry High School for the 5K Run/Walk bicycle ride on May 3, 2008 at 8:00 a.m. Council Member Riley Hunt motioned to authorize the request from the Perry High School. Council Member Joe Kusar seconded the motion and it carried unanimously.

12. Award of Bids: Consideration of Award

1. Awarded Bid No. 2008-07 (Rebid) of Kubota M9540 4W/D W/cab and Air Dual Remotes Radio W/12 Speed Transmission.

<u>Vendor</u>	<u>Bid</u>	<u>Total</u>
Walker Rhodes Tractor Company	\$34,015.29	\$34,015.29
Wade Tractor Company	No Bid	No Bid

City Manager Lee Gilmour suggested to Council to accept the recommended bid of \$34,015.29. Council Member Riley Hunt motioned to accept the recommended bid. Council Member James Moore seconded the motion and it carried unanimously.

13. Supplemental Agenda. City Manager Lee Gilmour.

1. Approval of professional service agreement between the City and Delinquent Tax Solutions, Inc. for collecting pass due taxes. City Manager Lee Gilmour reviewed with Council the lease agreement between the City of Perry and Delinquent Tax Solutions, Inc. Council Member Riley Hunt motioned to approve professional service agreement subject to the City Attorney’s review of the agreement. Council Member Willie King seconded the motion and it carried unanimously.

2. Authorize request from the Planning and Zoning Commission seeking legal council in reference to the Walker Farms Subdivision Phase I. City Manager Lee Gilmour stated that this item is deferred due to a change in the situation.

14. Council Reports.

Council Member Willie King – No.

Council Member James Moore – No.

Council Member Riley Hunt –Have received complaints about the meter replacement program, but issue has been resolved.

Council Member Joe Kusar – Asked about the special election qualification process due to Council Member Brian Bowen resignation.

Not Listed on the Agenda:

1st Reading of an Ordinance for Special Election- City Manager Lee Gilmour.

City Manager Lee Gilmour gave the 1st reading of an Ordinance for Special Election. The qualifying dates for the Special Election will be from April 30th to May 2nd. Qualifying fee will be \$126.00. The election date will be July 15th and if there is a run-off that would take place August 5th. The voting will take place at Rozar Park. Council Member Joe Kusar motioned to accept the 1st Reading of an Ordinance for the Special Election. Council Member Riley Hunt seconded the motion and it carried unanimously.

15. Department Reports.

Deputy Fire Chief Joel Gray, Fire Department – No.

Captain Bill Phelps, Police Department – No.

Rick Kilgore, Director of Parks and Recreation – Wanted to thank Council for the flag pole for the Recreation Department. Mayor James Worrall stated that the flag pole was donated by the Class of 1958.

Ronnie Jones, Director of Public Works – The meter replacement program is over 50% complete, the target completion date is at the end of June.

Brenda King, Director of Administration – No.

16. Executive Session entered at 7:45 p.m.: Council Member Willie King motioned to adjourn regular meeting and enter into an Executive Session for the purpose of pending litigation. Council Member James Moore seconded the motion and it carried unanimously.

17. Executive Session adjourned; regular meeting reconvened. Council adjourned the Executive Session held April 15, 2008 and reconvened into the regular meeting.

18. Adopted Resolution No. 2008-17 stating purpose of Executive Session held April 15, 2008 was to discuss pending litigation. Council Member Willie King motioned to adopt a resolution stating the purpose of the Executive Session held on April 15, 2008 was to discuss pending litigation. Council Member Riley Hunt seconded the motion and it carried unanimously. (*Resolution 2008-17 has been entered in the City's official book of record*).

19. Adopted Resolution No. 2008-18 to concur if recommended by the Planning and Zoning Commission to approve a \$17,000 financial instrument for the Walker Farm Subdivision, Phase I. Council Member Willie King motioned to adopt a resolution to concur if recommended by the Planning and Zoning Commission to approve a \$17,000 financial instrument for the Walker

Farm Subdivision, Phase I. Council Member Riley Hunt seconded the motion and it carried unanimously. (*Resolution 2008-18 has been entered in the City's official book of record*)

19. Adjournment: There being no further business to come before the Council in the reconvened meeting held April 15, 2008, Mayor James Worrall, the meeting was adjourned.