

**MINUTES**  
**REGULAR MEETING OF THE PERRY CITY COUNCIL**  
April 7, 2009  
**6:00 P.M.**

1. Call to Order: Mayor James E. Worrall called to order the regular meeting of the Perry City Council held April 7, 2009 at 6:00 p.m.

2. Roll.

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

Elected Officials Absent: None.

Staff/Guests/Press: City Manager Lee Gilmour. City Attorney John Gray Walker. Staff: Brenda King - Director of Administration, Mike Beecham - Director of Community Development, Deputy Chief Joel Gray - Fire Department, George Potter – Director of Public Safety, Capt. Bill Phelps – Police Department, Ronnie Jones – Director of Public Works, Rick Hickman – Code Enforcement Officer, Joni Ary – Secretary, and Annie Warren – Recording Secretary.

Guests: Mr. H.E. Chapman, Mr. Paul Hollar and Mr. Willie Thornton.

Press/Media: Ms. Charlotte Perkins – Houston Home Journal, Ms. Natasha Smith – Macon Telegraph and Ms. Kristen Berryhill – ComSouth.

3. Invocation and Pledge of Allegiance to the Flag: Mayor Pro-Tempore Riley Hunt gave the invocation and led the pledge of allegiance to the flag.

4. Special Guests: Mayor James Worrall.

- Mayor James Worrall welcomed the Adult Leadership Perry Government Day participants to Perry City Council meeting.
- Adopted Resolution No. 2009-14 – Recognizing and honoring Mr. Willie Thornton, Jr. for twenty (20) years of service. Mayor James Worrall presented Mr. Willie Thornton, Jr. with a Resolution that was adopted by Council recognizing his twenty years of service.

5. Citizens with Input.

Mr. Ed Chapman addressed Council about his ongoing concerns relative his utilities billing. Mr. Chapman reviewed the letter sent to him dated April 9, 2009 from the City. Mr. Chapman advised Council that his concerns have not been addressed and he will continue to come to

Council until the issues are addressed. City Manager Lee Gilmour advised Council of his response to Mr. Chapman relative his concerns at the March 17, 2009 Council meeting.

Mr. Paul Hollar addressed Council relative his request for a business license to operate a pool hall. Mr. Hollar advised Council that when he applied for a business license inspection he was not advised of the ordinance pertaining to coin-operated amusement machines; he was only advised of the ordinance when he applied for his business license. Mr. Hollar asked Council if there was an appeal process or if they would amend the ordinance to permit the operation of coin-operated pinball machines, foosball machines, air hockey, dart boards and pool tables. Community Director Mike Beecham stated he was not aware that Mr. Hollar would have coin-operated machines until he fill out his application for a business license and stated on the application the use of coin-operated machines. Council Member Willie King and Council Member Phyllis Bynum-Grace agreed that Mr. Hollar should have been advised of the ordinance prior to applying for the business license. Council Member James Moore asked about an appeal process. City Manager Lee Gilmour advised there is no appeal process but Council could consider amending the ordinance relative to coin-operated amusement machines. Administration will gather information to be presented to Council at the next meeting. Council Member Joe Kusar asked that input from the public safety director be included along with a review from zoning.

6. PUBLIC HEARING CALLED TO ORDER AT 6:39 P.M. Mayor James Worrall called to order of a public hearing at 6:39 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 to Rezone Application No. R-09-002.** – Rezone 0.71 acres from City of Perry R-3 Multi-Family Residential District to City of Perry OC – Office Commercial for property located at 1303 Houston Lake Drive. Mayor James Worrall presented a letter of recommendation from the Perry Planning Commission dated March 10, 2009, as follows:

*“Re: Petition for Rezoning Application No. R-09-002  
Rezone 0.71 – Total Acres  
City of Perry R3-Multi-Family Residential District  
to City of Perry OC– Office Commercial  
1303 Houston Lake Drive  
MP-P0090-01400*

*Dear Mayor and Council:*

*On March 09, 2009 the Perry Planning Commission reviewed the above referenced Petition for Rezoning from Mr. Corey Lumpkin.*

*This petition requests the rezoning of 0.71 acres from City of Perry R-3 – Multi-Family Residential District to City of Perry OC-Office Commercial at 1303 Houston Lake Drive.*

*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 with the condition that any sign used to designate as a business be a wall type sign no larger than 2' x 4'.*

*Sincerely,*

*Martin Beeland, Chairman*

*Perry Planning Commission”.*

Staff Report: Mr. Mike Beecham, Director of Community Development advised the Council that the Planning Commission reviewed the petition on March 9, 2009. The applicant wants to have a doctor’s office in this building. The Planning Commission approved this petition request with the condition that any sign used to designate the business be a wall type no larger than 2’ x 4’.

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

In Favor: None.

In Opposition: None.

Mr. Mike Baker stated that he had a concern relative to if the business is sold then other types of business could come in also he was told the owner of the business would reside at the business.

Mayor Pro-Tempore Riley Hunt asked Mr. Beecham if the owner could live in at the business. Mr. Beecham stated the owner could reside at the business if it was a home occupational business, but if it is zoned for commercial use, then no.

- 6b. **Amendment to Perry Land Development Ordinance Section 147.6 Maintenance of Completed Work.** Mayor James Worrall presented a letter of recommendation from the Perry Planning Commission dated March 10, 2009, as follows:

*“Re: Amendment to Perry Land Development Ordinance  
Section 147.6 Maintenance of Completed Work*

*Dear Mayor and Council:*

*On March 9, 2009 Perry Planning Commission reviewed the above referenced amendment to the Perry Land Development Ordinance..*

*The Perry Planning Commission respectfully submits this letter as our formal and favorable recommendation to the Mayor and City Council for the approval of the amendment to Section 147.6 Maintenance of Completed Work.*

*Sincerely,*

*Martin Beeland, Chairman  
Perry Planning Commission”.*

Staff Report: Mr. Mike Beecham, Director of Community Development reviewed with Council the recommendation of maintenance bonds in addition to the letter of credit for residential plans and projects for which maintenance of the improvements is ultimately taken over by the City.

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

There was no public input for or opposed to the amendment.

Public Hearing Adjourned at 6:50 p.m. Mayor James Worrall closed the public hearing at 6:50 p.m.

7. Consent Agenda Items: Mayor James Worrall.

7a. Council Consideration – Minutes of March 17, 2009 work session and regular meeting. Council Member Willie King motioned to approve the minutes. Council Member Charles Lewis seconded the motion and it carried unanimously.

8. Old Business: Mayor James Worrall.

8a. Alcohol License Second Readings - Applications: Presented by City Manager Lee Gilmour

1. Council approved application for alcohol license for Beer-Packaged-To-Go Alcohol for Discount Tobacco located at 1307 Ball Street, Suite #700 (Ball Street Crossing). City Manager Lee Gilmour gave the second reading of an application for alcohol license for Beer-Packaged-To-Go located at 1307 Ball Street, Suite #700. The license will be in the name Govinder Kaura. Council Member Joe Kusar moved to approve the application request as submitted. Council Member Willie King seconded the motion and it carried unanimously.

8b. Ordinances for Second Reading and Introduction: City Manager Lee Gilmour.

1. Adoption of Ordinance 2009-07. City Manager Lee Gilmour gave the second reading of an ordinance to rezone 0.444 acres, as submitted in Petition R-09-001 by Mr. Kim Mullins - from City of Perry R-3 Multi-Family District to City of Perry IN – Institutional District for property located at 1057 Morningside Drive. Council Member Phyllis Bynum-Grace moved to adopt the ordinance. Council Member Joe Kusar seconded the motion and it carried unanimously. (*Ordinance 2009-07 has been entered in the City's official book of record*).

2. Adoption of Ordinance 2009-08. City Manager Lee Gilmour gave the second reading of an ordinance to amend the Perry Land Development Ordinance by adding language stating which uses are permitted in the C-3, Central Business District and renumbering existing Section 81.3.3 to Section 81.3.4. Council Member Charles Lewis moved to adopt the ordinance. Council Member Willie King seconded the motion and it carried unanimously. (*Ordinance 2009-08 has been entered in the City's official book of record*).

3. Adoption of Ordinance 2009-09. City Manager Lee Gilmour gave the second reading of an ordinance to amend the Perry Land Development Ordinance by deleting Sec. 2.07(1) in its entirety and adding a new Sec. 2.07(1) to state,

“When a sign exists on or before the effective date of these regulation and such sign would not be erected under the provisions of these regulations, said sign shall be deemed to be non-conforming”. Council Member James Moore moved to adopt the ordinance. Council Member Charles Lewis seconded the motion and it carried unanimously. (*Ordinance 2009-09 has been entered in the City’s official book of record*).

4. Adoption of Ordinance 2009-10. City Manager Lee Gilmour gave the second reading an ordinance to amend the Perry Code by deleting Sec. 5-4(f)(1) in its entirety and adding a new Sec. 5-4(f)(1). Mayor Pro-Tempore Riley Hunt motioned to adopt the ordinance. Council Member Joe Kusar seconded the motion and it carried unanimously. (*Ordinance 2009-10 has been entered in the City’s official book of record*).

9. Any Other Old Business Matters: None.

10. New Business: Mayor James Worrall.

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

1. **First Reading** of an Ordinance to rezone 0.71 acres, as submitted in Petition R-09-002 by Mr. Corey D. Lumpkin - from City of Perry R3 – Multi-Family Residential District to City of Perry OC – Office Commercial for property located at 1303 Houston Lake Drive. (*No action required by Council*).

**Mayor Pro-Tempore Riley Hunt stated that Mr. Lumpkin needs to be advised if he wants IN – Institutional District or OC – Office Commercial.**

2. **First Reading** of an Ordinance to amend the Perry Land Development Ordinance Section 147.6 Maintenance of Completed Work by changing the regulations allowing maintenance bonds in addition to letters of credit for maintenance purposes in new developments. (*No action required by Council*).

10b. Authorized agreement with Atlanta Gas Light relative Houston Countywide safety plan and Peach Countywide safety plan. City Manager Lee Gilmour presented for Council’s consideration an agreement with Atlanta Gas Light relative to Houston Countywide safety plan and Peach Countywide safety plan. Council Member Joe Kusar motioned to authorize the agreement with Atlanta Gas Light relative to Houston Countywide safety plan and Peach Countywide safety plan. Mayor Pro-Tempore Riley Hunt seconded the motion and it carried unanimously.

10c. Authorized installation of septic tank and waiver from the City utilities connection policy. City Manager Lee Gilmour presented for Council’s consideration a request for installation of septic tank and waiver from the City utilities connection policy. City Manager Lee Gilmour advised Council of Public Works recommendation to authorize a waiver from City sewer line requirements. The Administration recommended that additional language be added to state, “when in such time City sewer does become cost

effective be provided to the sight”. Council Member Joe Kusar motioned to authorize the installation of septic tank and waiver of the City utilities connection policy with the adoption of the Administration recommended additional language. Mayor Pro-Tempore Riley Hunt seconded the motion and it carried unanimously.

- 10d. Approved Change Order required work for Houston Lake Road widening project. City Manager Lee Gilmour presented for Council’s consideration a Change Order request for the Houston Lake Road widening project. Council Member Joe Kusar motioned to approve the Change Order request for the Houston lake Road widening project. Council Member Phyllis Bynum-Grace seconded the motion and it carried unanimously.
- 10e. Authorized organization special enforcement team. City Manager Lee Gilmour presented for Council’s consideration organization of a special enforcement team. Council Member Joe Kusar motioned to approve organization of a special enforcement team. Council Member Willie King seconded the motion and it carried unanimously.
- 10f. **Deferred to Public Safety Oversight Committee.** Council notice and acceptance of Justice Assistance Program fund.
- 10g. Award of Bids: Consideration of Award -

1. Bid No. 2009-12 award of Big Indian Creek Walking Trail.

<u>Vendor</u>	<u>Basic</u>	<u>Total</u>
Grant Environmental Contractors	\$86,299.00	\$86,299.00
Sacal Environmental & Management	\$97,050.75	\$97,050.75
C. T. Bone Inc.	\$151,521.00	\$151,521.00
Poe Construction	\$159,861.00	\$159,861.00
Greene Concrete Construction Inc.	\$166,123.09	\$166,123.09
Frederica & Company	\$168,831.64	\$168,831.64
Fred White Construction	\$172,699.00	\$172,699.00

City Manager Lee Gilmour suggested to Council to accept the recommended bid from Grant Environmental & Management in the amount of \$86,299.00. Council Member Phyllis Bynum-Grace motioned to accept the recommended bid. Council Member Willie King seconded the motion and it carried unanimously.

2. Bid No. 2009-02 award of mosquito sprayer.

<u>Vendor</u>	<u>Basic</u>	<u>Total</u>
Clark Mosquito Control	\$9,300.00	\$9,300.00
Clark Mosquito Control	\$9,800.00 (w/radar)	\$9,800.00
Adapco	No Response	No Response
Rittenhouse	No Response	No Response
Jasmic	No Response	No Response

City Manager Lee Gilmour suggested to Council to accept the recommended bid from Clark Mosquito Control in the amount of \$9,300.00. Mayor Pro-Tempore Riley Hunt motioned to accept the recommended bid. Council Member Willie King seconded the motion and it carried unanimously.

3. Bid No. 2009-14 award five (5) police cars fully equipped and one (1) administrative car equipped. Family Ford Inc. is the lowest bidder, amount \$180,806.00.

<u>Vendor</u>	<u>Basic</u>	<u>Total</u>
Family Ford Inc. (State Contract)	\$180,806.00	\$180,806.00
Peach County Ford	\$182,200.00	\$182,200.00
Brannen Motor Company	\$185,868.30	\$185,868.30

City Manager Lee Gilmour suggested to Council to accept the recommended bid from Family Ford Inc. in the amount of \$180,806.00. Council Member Phyllis Bynum-Grace motioned to accept the recommended bid. Council Member Willie King seconded the motion. The motion was carried with five in favor and one opposed (Council Member Charles Lewis).

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

1. Approved request from New Perry Hotel to have a section of Main Street ( from Ball Street to Jernigan Street) blocked off on April 17<sup>th</sup> from 6 p.m. – 12 a.m. relative to Perry Dogwood Festival. City Manager Lee Gilmour presented for Council’s consideration a request from New Perry Hotel to have a section of Main Street ( from Ball Street to Jernigan Street) blocked off on April 17<sup>th</sup> from 6 p.m. – 12 a.m. relative to Perry Dogwood Festival. Council Member James Moore motioned to authorize request from New Perry Hotel to have a section of Main Street ( from Ball Street to Jernigan Street) blocked off on April 17<sup>th</sup> from 6 p.m. – 12 a.m. relative to Perry Dogwood Festival. Council Member Willie King seconded the motion and it carried unanimously.

12. Department Head Items.

Director of Public Safety – George Potter: No

Director of Administration – Brenda King: Please turn in your campaign disclosure reports.

Capt. William Phelps – Police Department: No

Director of Community Development – Mike Beecham: No

Deputy Chief Joel Gray – Fire Department: No

Director of Public Works – Ronnie Jones: No.

13. Council Member Items.

Council Member Willie King – No

Council Member James Moore – Need to follow up on the mowing on Sequoya Drive.

Mayor Pro-Tempore Riley Hunt – No

Council Member Charles Lewis – No.

Council Member Joe Kusar – Update on sewer lines

Council Member Phyllis Bynum-Grace – Council needs to revisit how we deal with the public.

14. Executive Session entered at 7:25 p.m.: Mayor Pro-Tempore Riley Hunt motioned to adjourn regular meeting and enter into an Executive Session for the purpose of real estate and personnel Council Member Willie King seconded the motion and it carried unanimously.
16. Executive Session adjourned; regular meeting reconvened. Council adjourned the Executive Session held April 7, 2009 and reconvened into the regular meeting.
17. Adopted Resolution No. 2009-15 stating purpose of Executive Session held April 7, 2009 was to discuss real estate and personnel. Council Member Willie King motioned to adopt a resolution stating the purpose of the Executive Session held on April 7, 2009 was to discuss real estate and personnel. Council Member James Moore seconded the motion and it carried unanimously. (*Resolution 2009-15 has been entered in the City's official book of record*).
18. Adjournment: There being no further business to come before Council in the reconvened meeting held April 7, 2009, Mayor James Worrall adjourned the meeting.