

MINUTES  
REGULAR MEETING OF THE PERRY CITY COUNCIL  
MAY 1, 2007

1. Call to Order: Mayor James Worrall, Presiding Officer called to order the regular meeting of the Perry City Council held May 1, 2007 at 6:00 p.m.

2. Roll:

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

Staff Present: City Manager Lee Gilmour. City Attorney David Walker. Department Staff: Directors: Brenda King - Administration, George Potter - Public Safety, Steve Howard (Interim Community Development), Rick Kilgore - Parks and Recreation. Staff in attendance: Deputy Fire Chief Joel Gray, Captains Heath Dykes and Bill Phelps, James Baker - Water Plant Operator. Recording: Brenda King.

Guests and Press: Ms. Sheila Jones, Executive Director of the Perry Area Convention and Visitors Bureau. Kindle Price, Patten Hawkins, Ed Wolfe, Rosa Wolfe - public input Press: Ms. Charlotte Perkins, Houston Times and Ms. Natasha Smith, Macon Telegraph.

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

4. Introductions/Special Presentations:

4a. James Baker - City of Perry Water Systems - Recognition: Mr. James Baker, Water Plant Operator presented an award to the Council: 1) Gold Award from the Georgia Association of Water Professionals - for having no violations of any time, on the permits or with the EPD - third year in the row they've received this award; and 2) Best Tasting Tap Water in District - beat Houston and Bibb Counties for this award. Mr. Baker gave the credit to the on staff professional operators for the recognition. Council congratulated Mr. Baker and the Water Department.

4b. Proclamation presentation (not listed on meeting Agenda): Mayor James Worrall presented to Ms. Sheila Jones, Executive Director of the Perry Area Convention and Visitors Bureau a Proclamation declaring "*Tourism Week*", May 12-20, 2007. Mayor Worrall reviewed the tourism industry and the impact it has on the community of Perry and Middle Georgia area. Ms. Sheila Jones, Executive Director of the Convention and Visitors Bureau advised that visitors to the local hotels/motels, during this week of recognition, will be given a free gift at check in. The Welcome Center will be serving up to these visitors at the Welcome Center, peach ice cream and Georgia pecan samples and door prizes, a way of thanking the tourists of Perry. Mayor and Council thanked Ms. Jones for all she does.

4c. Mayor appoints Ms. Michelle Lee to the Recreation Commission (not listed on meeting Agenda): Mayor James Worrall stated that he'd like to appoint Ms. Michelle Lee as his appointee to the Recreation Commission to fill the vacancy of his appointee Ms. Judy Turner. Mayor Worrall advised that Ms. Lee would be a good advocate for the Commission.

5. Citizens with Input:

5a. Kindle Price - a young citizen of Perry addressed the Council concerning the issue of skateboarding restrictions in Perry. Mr. Kindle advised that they (skateboarders), would like to have a place in Perry where they can go to skateboard. Council Member Bobby Glover stated that he would be supportive of whatever the Council would like to do.

6. Consent Agenda Items:

6a. Council approved meeting minutes of April 17, 2007 work session and regular meetings with the addition of the education payback formula in the transcribed minutes (to be included in item 7a): Mayor Pro-Tempore Joe Kusar moved to approve the meeting minutes from the Council's April 17, 2007 meetings. Council Member Riley Hunt seconded the motion and it carried unanimously. Council Member Bobby Glover asked that the formula payback percentages be added to the transcribed minute's transcription regarding the employee educational payback. Mayor Worrall clarified that the information is to be added to item 7a. Mayor Pro-Tempore Kusar agreed that the motion is to approve with the inclusion of the formula as requested. Council Member Riley Hunt seconded and it carried unanimously.

7. Old Business:

7a. Alcohol Licensing: City Manager Lee Gilmour.

1. **No action** - Applicant withdrawal at this time. **Second Reading** (*deferred from the April 17, 2007 meeting*) of an application for Beer Packaged to Go Alcohol License for Pervin Food Mart Inc. d/b/a BP Food Mart (old Sing Store), located at 1205 North Main Street - License in the name of Nurul Amin.

7b. Ordinances for Second Reading/Consideration of Adoption: Presented by City Manager - **Second Readings** of:

1. Adopted Ordinance No. 2007-23: City Manager Lee Gilmour gave the second reading of an ordinance to delete Sec. 18-13 in its entirety from the Official Code of Ordinances and add a new Sec. 18-13. Commercial vehicles of eight wheels or greater. The Manager noted that the purpose of this ordinance is to more clearly define "a visit" which resulted in some confusion of length of time a commercial vehicle can be parked at a residence. Council Member Riley Hunt moved to approve. Council Member Bobby Glover seconded the motion and it carried unanimously. (*Ordinance No. 2007-23 has been placed in the City's official book of record.*)

**Note/Deferred:** Second reading of Ordinance to delete/amend XII in Chapter 15: Coin Operated Amusement Machines is being held. More clarification needed with City Attorney.

8. New Business:

8a. Ordinances for First Reading and Introduction: (No action required - for introduction - None.

8b. Award of Bids: Consideration of Awards:

1. **2007-13** Demolition of property at 1416 Swift Street awarded to Level Line, Inc. in amount of \$1,200.00: Lee Gilmour, City Manager presented for Council's review and consideration a Memorandum of Bid No. 2007-13, for the demolition of property at 1416 Swift Street, as follows:

Vendor	Total
Level Line, Inc.	\$ 1,200.00
Warren Construction	\$ 1,350.00

Recommendation from staff is to award to the low bidder Level Line, Inc. Council Member Riley Hunt moved to award to Level Line, Inc. as recommended (\$1,200.00). Council Member Phyllis Bynum-Grace seconded the motion. Council Member James Moore clarified the amount of award is twelve hundred dollars. The motion carried unanimously.

2. **2007-15** Electronic Altitude Valve approved to sole source bidder Calibration and Controls (\$11,643.98): City Manager Lee Gilmour, City Manager presented for Council's review and Consideration a Memorandum of Bid 2007-15, for an electronic altitude valve for the Holiday Inn Water Tank, as follows:

Vendor	Total
Calibration and Controls (sole source)	\$ 11,643.98

The Manager advised this is a needed improvement and will be paid from the Water/Sewer Fund. Council Member Bobby Glover moved to approve award. Council Member Phyllis Bynum-Grace seconded the motion and it carried unanimously.

3. **2007-18** Global Distributors(Sole Source supply) awarded to Global Distributors in the amount of \$16,849.09: Office Furnishings - Public Safety Department. City Manager Lee Gilmour provided a Memorandum of Bid No. 2007-18, as follows:

Vendor	Total
Global Distributors (sole source)	\$ 16,849.09

The Manager noted that the funding will come from the Confiscated Assets Fund. Council Member James Moore moved to approve award to Global Distributors. Mayor Pro-Tempore Joe Kusar seconded the motion and it carried unanimously.

4. **2007-19** Drilling machine for manholes awarded to Ferguson Supply in the amount of \$9,220.00: City Manager presented Memorandum of Bid No. 2007-19 for drilling machine for manholes, as follows:

Vendor Name	Total
Ferguson Supply	\$ 9,220.00
National Water Works	\$ 9,990.00
Macon Supply	\$ 10,376.31

City Manager Lee Gilmour advised that while the City has skilled personnel, the machinery is lacking, recommendation is to award to Ferguson Supply, low bidder. Council Member Riley Hunt moved to award as recommended. Council Member Phyllis Bynum-Grace seconded the motion and it carried unanimously.

5. Bid Award of Septic Tank Removal - 6 septic tanks awarded to Sam Hall and Sons (\$46,800.00): City Manager Lee Gilmour presented a Memorandum from Mr. Harold Deal, Assistant City Engineer dated April 26, 2007 regarding the contractors and responses for this award:

Contractors	Total
Sam Hall and Sons	\$ 46,800.00
Three Kings Company, Inc.	No response
Pyles Plumbing & Utility Contractors	No response

The Manager advised this will shift six (6) residential homes located closest to State waters from the septic tank system to the City's sewer system, part of an agreement with EPD. The recommendation is to award to the sole bidder. Mayor Pro-Tempore Joe Kusar moved to award the bid to Sam Hall and Sons. Council Member Phyllis Bynum-Grace seconded the motion. Council Member Riley Hunt noted the high cost for the award. The motion carried unanimously.

- 8c. Alcohol License Applications - First Readings - none presented at time of preparation.

- 8d. Resolutions for consideration:

1. Adopted Resolution No. 2007-19 Amending the Perry Fee Schedule: Lee Gilmour, City Manager advised that this resolution incorporated the suggested changes in the charges for subdivision reviews. The Manager advised that this fee adjustment off sets the increase passed on to the City from the Engineer for review of the subdivision, those costs were outlined as:

Subdivision Review

1. Residential
  - (a.) Initial Submission
 

\$ 60.00/lot/ Minimum \$2,000
  - (b.) Third and each subsequent review - actual consultant cost plus five percent (5.00%).
2. Commercial/Institutional/Industrial
  - (a.) Initial Submission

1-3 acres           \$ 1,800  
3-1 acres           \$ 1,800 plus

\$ 200 each additional acre or portion thereof.  
Maximum charge \$5,400

(b) Third and each subsequent review -Actual consultant cost plus five percent (5.00%)

B. Charge for Services, 1. General, a. Planning and Zoning ... last section amended to read:

"4. Final Plat Proposal

\$ 21.00/subdivision plan plus recording cost if required."

Mayor Pro-Tempore Joe Kusar moved to approve. Council Member Phyllis Bynum-Grace seconded the motion and it carried unanimously. (*Resolution 2007-19 has been placed in the City's Official book of record.*)

8e. Recommendations from the Public Safety Oversight Committee (met 04.25.07):  
Chairman of Public Safety, James Moore:

- Council authorized actuarial study for early retirement program for hazardous duty personnel: City Manager Lee Gilmour presented a recommendation from the Public Safety Oversight Committee for the Council to authorize an actuarial study of the cost the City would incur if it implemented a early retirement program for hazardous duty personnel. Mayor Pro-Tempore Joe Kusar inquired what the estimated cost of the study is? The Manager reported some where between \$1,200 - \$4,000. Council Member Bobby Glover inquired if at some time in the past those figures were provided? The Manager advised that some studies were performed with different variations, but this request is a more direct request with two parts: (1) early retirement as outlined in the Warner Robins plan (comparison) and; (2) provision of health insurance for those retirees. Mayor Pro-Tempore Joe Kusar advised that while he wasn't opposed to having the study performed, he did not feel the City could afford it and that there is a trend everywhere, federally, state, etc. is to reduce benefits not to increase because the astronomical cost of health care. Mayor Pro-Tempore Kusar noted that the City is still a relative small town and this is not an appropriate time for this to be considered. Council Member James Moore stated that the Committee considered and feels that a study is needed to see what kind of figures we'd be faced with, before being able to give a decision. Council Member Brian Bowen added that he'd like to see us "do something". Mayor Pro-Tempore Joe Kusar asked the Manager to review the retirement eligibility policy with all the employees regarding retirement for employees unable to continue to do their jobs, due to physical reasons. Mayor James Worrall called for the Committee's recommendation in the form of a motion. Council Member James Moore moved to authorized an actuarial study be performed. Council Member Bobby Glover seconded the motion and it carried unanimously.
- Adopt fire station concept plan and adopt Resolution No. 2007-20 to amend the Community Facilities Plan to add two (2) such stations to the Capital Program: Deputy Chief Joel Gray gave an overview of the concept plan for the footprint of the fire station. Chief Gray advised that one side accommodates the living quarters, work area and lobby and also can accommodate the law enforcement presence, and the other side, bays, wash room for bio hazard waste cleaning and a storage area. The plan allows for expansions of bays, a versatile print. Mayor Pro-Tempore inquired about views of façade? It was explained that the façade will be in fitting with the neighborhood/area of the location of the station, the concept plan

will be the footprint of these stations. Also pointed out was that this plan allows for a community meeting place and possible use to house ambulance/emergency response units. Council Member James Moore moved to adopt this plan. Council Member Bobby Glover seconded the motion. Council Member Brian Bowen inquired when the stations would be needed? Staff advised that while they are needed immediately, construction will likely not occur until approximately a year. Mayor Worrall called for a vote to the motion, it carried unanimously. (*Resolution 2007-20 has been placed in the City's official book of record.*)

- Designate the current animal control facility as the site for expansion facing Ball Street: City Manager reviewed the current situation with locations for a new animal control facility. The Manager advised that the options for a location previously considered did not work out, and the Committee recommends the facility at the present location be upgraded, to face Ball Street - with the new Ball Street Extension this would provide buffering, would be visible to the public and is located in a commercial type area. Council Member James Moore moved to designate the present site as the location for the expansion, to have the new entrance facing Ball Street. Mayor Pro-Tempore Joe Kusar seconded the motion. Council Member James Moore advised that in consideration, the present location is a good plan. Mayor Worrall called for a vote to the motion. The motion carried unanimously.

- 8f. Parks and Recreation Advisory Commission gives opinion pertaining to the installation of skateboarding facility in City parks: The Manager reviewed discussions held in a recent meeting of the Public Safety Oversight Committee pertaining to a request to designate a "play street/area" for skateboarding activity. The Manager advised the committee did not feel that a public street was the appropriate use for the skateboarding and therefore, made no decision in that regard, but discussed possible use of City park for a facility. The matter was discussed further in a Recreation Commission meeting, the day after the Public Safety meeting. The item was reviewed and their recommendation for the Council is not to have any skateboards in any of the City parks. Concern was the liability issues with increased cost for liability insurance cost rate will increase; and issue with operations - who would maintain, supervise the area and enforce safety gear/wear. Council Member Brian Bowen inquired what the City is going to do about the problem of their not having a place they are allowed to skate - would like to see what could be done for the young people. Mr. George Potter reviewed the issues with the skateboarding, including prohibited areas and the complaints of damages to infrastructure/property. Mr. Potter advised that they do not wish to arrest, but there is no legal place in Perry they can skate. The issue remains for the law enforcement, they must protect the City's and the public's property and they must respond to the complaints.

Mr. Patten Hawkins - advised the Council that most of them have been skateboarding for several years and they enjoy the sport and they'd like to have a place to enjoy it, like is provided for football and baseball sports. Council Member Riley Hunt inquired of Mr. Hawkins if he wore protective gear. Mr. Hawkins advised he does not.

Mr. Ed Wolfe - Provided information package, pertaining to warning signage that communities can use to protect itself from liability. Mr. Wolfe stated that there can be a successful park created, that doesn't require supervision. Mr. Wolfe asked that the Committee reconsider, and look at the costs and consider if the City can afford it in Perry. Mr. Wolfe advised that there are more skateboarders than are in attendance and would like more consideration given.

Ms. Rose Wolfe - inquired how much extra is the insurance for skateboarders, could the City designate a small area in a City park; parents could sign a waiver for liability to the City. Asked for the City to think of something. The Manager responded that the experience has taught that waivers are not protection to the liability factor, nor that the signs protect the City. The Manager advised that the City is responsible to the public for what is provided for the operations, it is not a private business. The second concern is the manning of the facility, cost for construction, running of the program. If the City has the program, who does it charge for its costs? Private interest is another avenue, other than the City of Perry. Mayor Pro-Tempore Joe Kusar recommended a club or group take this on as their task, and responsibility and liability would be the burden of the group or private facility, not the taxpayers of Perry.

*Unidentified female speaker:* Asked that the City look at other communities that have been successful in provision of an area.

*Unidentified female speaker:* Parent of a youth involved in the skateboarding apologized for any specific group that might have caused any damages to property. Speaker advised that the negative issues do not address the issue of their cause. Speaker advised that if the City can take the risk of football or soccer, why can't a small area be designed for skateboarding?

Mayor James Worrall responded that there was some interest in the private sector at one time and he'd try to make contact with them and get back with Ms. Wolfe. Mayor Worrall thanked the young people in attendance for their understanding of the City's position.

- 8g. Consider authorizing a letter of credit in the amount of \$75,000 for the Pebble Creek S/D - Phase I (condition: road asphalt repaving within 12 months): Lee Gilmour, City Manager introduced a recommendation from the Perry Planning Commission for the final approval of the Pebble Creek Subdivision, Phase I and the matter before the Council to consider is a \$75,000 letter of credit to cover the final resurfacing on the streets. The Manager advised that the base is being installed and they then come back in with final cover coat, staff and engineer recommendation is to approve this letter of credit. Mayor Pro-Tempore Joe Kusar moved to approve the letter of credit. Council Member James Moore seconded the motion. Mayor Pro-Tempore inquired if the amount was sufficient to cover the cost? The Manager affirmed it was sufficient. Mayor Worrall called for a vote to the motion. The motion carried unanimously.
- 8h. Council denied request as presented by the developer for repayment agreement and authorized the Manager to proceed with agreement per the City's standard repayment policy.: Lee Gilmour, City Manager reviewed a request from Buckeye Holding Company, Inc. for a repayment agreement request for water/sewer/building permit fees in the development located off of Langston Road near State Route 127, to allow recouping of costs from some of it's customers. The Manager advised that the recommendation from administration is approval for entering into the agreement, subject to the Council's standard form agreement (i.e.: only the water and sewer connection fee can be recouped, not the building permit fee.) Council Member Riley Hunt moved to approve the request as per the City's policy for repayment agreement. Council Member Bobby Glover seconded the motion. Mayor Pro-Tempore Joe Kusar asked that the City ensure that this

follows the City's standard procedures and not the request of the developer. The Manager affirmed that this is standard procedure. Mayor Pro-Tempore Kusar asked that the minutes reflect that the request as presented by the developer was denied, in lieu of the City's standard procedure for repayment agreements.

9. Other business:

9a. Supplemental Agenda Item:

1. Application for Alcohol License - First Reading:

- 1a. First reading of an application for beer/wine/mixed drinks at The Tavery, Inc. @ The New Perry Hotel, 800 Main Street received a first reading/Council authorized transfer from Cox without additional circumstances or costs. New name for license is Kelly Edward Waters. Contingent on approval from the State of Georgia. (No action required to the first reading). The Manager advised that the staff recommends authorizing transfer of license from Cox Catering to Kelly Edward Waters, subject to the back ground check and no additional circumstances and costs would be incurred in that the license for Cox never went into effect. Council Member Phyllis Bynum-Grace moved to approve the recommendation. Council Member Brian Bowen seconded the motion and it carried unanimously.

10. Department Reports: (listed as item 11. on meeting Agenda)

- 10a. Mr. George Potter: Reported on response to robbery at a convenience store on Macon Road (armed robbery), Detectives have made an arrest.

No other reports given.

11. Council Committee/Mayor Reports (listed as item 10 on the meeting agenda):

*Mayor Announcements:*

- Advised City Council of plight of a City employee - the individual is in need of furnishings, etc.
- Make-A-Wish Motorcycle Ride - departed Perry on Saturday (April 28<sup>th</sup>) from Perry - raised money for a Make-A-Wish Foundation.
- Mayor attended TEE Grant workshop to represent Perry.
- Mayor attend an Economic Workshop for Houston County held in Perry.
- Mayor attended Ethanol fueling demonstration on a newly donated Tahoe at the Chevron station today at Houston Lake and SR 127 intersection.
- National Day of Prayer ceremony - Thursday - May 3, 2007 at noon - Houston County Courthouse in Perry (Jury Assembly Room).
- Extended condolences to the Bowen family for recent loss.
- Card received from member of Quality Growth Resource Team.
- Reminder - Public Works Oversight Committee - May 2, 2007 at 5 p.m.
- Reminder - Parks and Recreation - May 14, 2007 - 5 p.m.

*Council Announcements:*

Council Member Phyllis Bynum-Grace: Shared photos of Paula's Praise Team and sought needed financial support for Camp Can Do - there is a need to raise funds for the event to be held at Matt Arthur Elementary School this summer.

Council Member James Moore: Council Member James Moore stated he sees other communities going hi-tech and would like to see the City look into this. Council Member Moore spoke with the City's IT Director - was told that we are looking into this - would be an improvement in communications going wireless County wide.

Council Member Riley Hunt: Solicited the City's prayers for what he and family are facing.

12. Executive Session called to order at 7:10 p.m. Council Member James Moore moved to adjourn the regular meeting held May 1, 2007 and open into an Executive Session for a personnel matter. Council Member Riley Hunt seconded the motion and it carried unanimously.
13. Executive Session adjourned; reconvened into the regular meeting of May 1, 2007: Council adjourned the Executive Session and reconvened the regular meeting of May 1, 2007 and reconvened the regular meeting of Council.
14. Adopted Resolution No. 2007-21: Council Member Riley Hunt moved to adopt a resolution stating the purpose for the Executive Session held May 1, 2007 was to discuss a personnel matter only. Mayor Pro-Tempore Joe Kusar seconded the motion and it carried unanimously. *(Resolution No. 2007-21 has been placed in the City's official book of record.)*
15. Adopted Resolution No. 2007-22 authorizing filling of position of Public Works Director - Council Member Riley Hunt moved to authorize adoption of a Resolution of recommendation of the City Manager to fill the position of Public Works Superintendent. Council Member Joe Kusar seconded the motion and it carried unanimously. *(Resolution No. 2007-22 has been placed in the City's official book of record.)*

Adjournment: There being no further business to come before the Council the meeting during the reconvened meeting of May 1, 2007, Mayor James Worrall, Presiding Officer, adjourned the meeting at 7:30 p.m.